

SENATE BILL REPORT

SB 5676

As Reported by Senate Committee On:
Governmental Operations, February 18, 2013

Title: An act relating to protecting personal voter signatures.

Brief Description: Protecting personal voter signatures.

Sponsors: Senators Braun, Benton, Holmquist Newbry, Padden, Becker, Honeyford, Rivers and Roach.

Brief History:

Committee Activity: Governmental Operations: 2/14/13, 2/18/13 [DPS].

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: That Substitute Senate Bill No. 5676 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Braun, Conway, Fraser, Hasegawa, Ranking Member; Rivers.

Staff: Samuel Brown (786-7470)

Background: Public Records Act (PRA). The PRA requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain specific statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to favor disclosure. Public record has a three-part definition, which is construed in favor of finding that a document is a public record, and is stated as:

- the record must be a writing, which includes any recording of any communication, image, or sound;
- the writing must relate to the conduct of government or the performance of any governmental function; and
- the writing must be prepared, owned, used, or retained by the agency.

No specific exemption precludes public inspection and copying of any part of ballot measure petitions. The PRA contains no generalized privacy exemption from public inspection and copying.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Initiatives and Referendums. The Legislature adopted processes for initiatives and referendums in 1912. These processes are preserved in Article II, section 1 of the Washington State Constitution. Initiative petitions require certified signatures from 8 percent of the total number of votes cast for the Office of the Governor at the last regular gubernatorial election to be placed on the ballot or submitted to the Legislature. Referendum petitions require certified signatures from 4 percent of the total number of votes cast for the Office of the Governor at the last regular gubernatorial election to be placed on the ballot.

After an initiative or referendum petition is filed, the Secretary of State verifies and canvasses the names of the petitioners to certify that a sufficient amount of signatures has been submitted to place the measure on the ballot or submit the measure to the Legislature. This process may be observed by representatives of the advocates and opponents of the measure, but those observers may not record the names, addresses, or other information about the petitioners without a court order. The Secretary of State may adopt rules to permit the use of various statistical sampling techniques during the verification and canvassing process.

Summary of Bill (Recommended Substitute): Voter signatures on a petition submitted to an agency are exempt from disclosure under the PRA.

EFFECT OF CHANGES MADE BY GOVERNMENTAL OPERATIONS COMMITTEE (Recommended Substitute): The requirement that the Secretary of State produce two scanned copies of ballot measures petitions during the verification process, one of which has voter signatures redacted and is made available for public disclosure, is removed. Voter signatures on a petition submitted to an agency are exempt from disclosure under the PRA.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: There is no good public use for the signatures. In our world, where we deal with identity theft, redacting the signatures seems like reasonable policy. Signatures are a personal identifier and can be used for non-genuine purposes. A scanned file can be readily accessed and a signature taken from a scanned document can appear in pleadings. This provides an opportunity for people to compromise and use those signatures. It would be appropriate to exempt petition signatures from the PRA. This is similar to the vote, which must be kept absolutely secret. This is trying to find a reasonable middle ground. The Secretary of State is the only one who has access to the voter registration database, so there is no chance for people to double-check the Secretary of State's office on signatures.

CON: The Secretary of State recommends that signatures are exempt or redacted. Doing two scans would be quite costly.

Persons Testifying: PRO: Senator Braun, prime sponsor; Edward Agazarm, citizen; Stephen Pidgeon, petition sponsor; Tim Eyman, Initiative 517.

CON: Katie Blinn, Office of the Secretary of State.