

SSB 5397 - S AMD 613  
By Senator Warnick

ADOPTED 02/13/2018

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature recognizes that  
4 forged signatures on petitions is an increasing problem. Initiative  
5 or referendum petitions suspected of containing fabricated names or  
6 forged signatures have been submitted to the office of the secretary  
7 of state.

8 (2) The legislature recognizes that, because of the sensitivity  
9 of data collected by signature gatherers and the need to ensure  
10 public safety, it is important there be a level of accountability for  
11 those employed to collect signatures and those who employ signature  
12 gatherers as required for other employers and employees engaged in  
13 the political process in Washington.

14 (3) The legislature recognizes that the public has a right to  
15 know which entities are compensating individuals to gather signatures  
16 in Washington state, just as the public has a right to know which  
17 entities compensate lobbyists or contribute to political campaigns.

18 (4) The legislature further recognizes that it should be easier  
19 for voters and property owners to contact entities that compensate  
20 signature gatherers when signature gatherers cause problems such as  
21 harassment of customers to mitigate those problems.

22 (5) The legislature recognizes that requiring disclosure by the  
23 entities that compensate for petition signatures is consistent with  
24 Washington's existing disclosure laws, promotes transparency in  
25 government, and will result in more accurate information.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17A  
27 RCW to read as follows:

28 (1) Any ballot measure sponsor or political committee that  
29 employs, or expects to employ, any person for the purpose of  
30 compensating individuals for gathering signatures on a state or local  
31 initiative, referendum, or recall petition in this state must, at the

1 time of registration or within ten days of employing the person,  
2 disclose to the commission:

3 (a) The name of the person employed for the purpose of  
4 compensating individuals to gather signatures;

5 (b) The physical and mailing addresses of the person employed for  
6 the purpose of compensating individuals to gather signatures;

7 (c) The phone number of the person employed for the purpose of  
8 compensating individuals to gather signatures;

9 (d) An email address for the person employed for the purpose of  
10 compensating individuals to gather signatures; and

11 (e) A list of the initiative, referendum, and recall petitions  
12 for which the person employed is compensating individuals to gather  
13 signatures.

14 (2) The commission must make the information disclosed in  
15 subsection (1) of this section available to the public on its web  
16 site within two days of receipt.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17A  
18 RCW to read as follows:

19 (1) The ballot measure sponsor or political committee must ensure  
20 that each person that directly compensates any individual for  
21 gathering signatures is keeping the following information on file  
22 until two years after the certification date of the ballot measures  
23 for which an individual was compensated for gathering signatures, and  
24 provide the information to the commission or any law enforcement  
25 agency if in response to an active investigation:

26 (a) The full name, and any assumed names, of the signature  
27 gatherer;

28 (b) The permanent address of the signature gatherer, and a  
29 Washington address if the signature gatherer is from out of state;

30 (c) The phone number of the signature gatherer;

31 (d) An email address for the signature gatherer;

32 (e) A digital photograph of the signature gatherer taken within  
33 the past twelve months that satisfies the requirements of a photo for  
34 a United States passport;

35 (f) A copy of the signature gatherer's driver's license, state  
36 identification card, or other government-issued photo identification;

37 (g) A list of the initiative, referendum, and recall petitions on  
38 which the signature gatherer will be gathering signatures or has  
39 gathered signatures;

1 (h) Documentation that the signature gatherer has completed a  
2 training program that includes the rights and responsibilities of  
3 voters, signature gatherers, public property owners, and private  
4 property owners in the initiative and referendum process. The  
5 training program must be available in electronic format and easy to  
6 access for the signature gatherer; and

7 (i) Confirmation that a national background check has been  
8 completed on the signature gatherer and that the signature gatherer  
9 has not been convicted of a criminal offense involving fraud,  
10 forgery, or identity theft in any state in the past five years, or  
11 has not been found in violation of any election law under chapter  
12 29A.84 RCW, or its equivalent in another jurisdiction, in the past  
13 five years.

14 (2) A person may not compensate any individual for gathering  
15 signatures on a state or local initiative, referendum, or recall  
16 petition if the individual:

17 (a) Has been convicted of a criminal offense involving fraud,  
18 forgery, or identification theft in any jurisdiction within the past  
19 five years;

20 (b) Has been convicted of a crime under chapter 29A.84 RCW, or  
21 its equivalent in another jurisdiction, in the past five years; or

22 (c) Has been found in violation of elections law under chapter  
23 29A.84 RCW, or its equivalent in another jurisdiction, in the past  
24 five years.

25 (3) A person must, within five days, update his or her disclosure  
26 if he or she agrees to or compensates for signatures on an  
27 initiative, referendum, or recall petition not already disclosed.

28 (4) A person may not condition compensation for petition  
29 signatures based on receiving other petition signatures for free.

30 (5) Any violation of this section is subject to a penalty  
31 pursuant to RCW 42.17A.755.

32 (6) The commission may adopt rules to implement this section.

33 (7) Information disclosed to the commission or a law enforcement  
34 agency under this section is exempt from public inspection and  
35 copying under chapter 42.56 RCW.

36 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.04  
37 RCW to read as follows:

1 (1) The secretary of state shall provide references to applicable  
2 statutes and case law for inclusion in training programs for  
3 signature gatherers as required by section 3(1)(h) of this act.

4 (2) The secretary of state shall post a link to the public  
5 disclosure commission's web site for each corresponding state  
6 initiative, referendum, or recall petition disclosing the information  
7 provided under section 2 of this act.

8 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2020."

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9 On page 1, line 2 of the title, after "petitions;" strike the  
10 remainder of the title and insert "adding new sections to chapter  
11 42.17A RCW; adding a new section to chapter 29A.04 RCW; creating a  
12 new section; prescribing penalties; and providing an effective date."

EFFECT: (1) Limits disclosure of information about individuals  
compensated for signature gathering to situations in response to  
active law enforcement or PDC investigations.

(2) Exempts information about individuals compensated for  
signature gathering from public disclosure requirements.

(3) Requires the PDC post information provided about signature  
gathering firms under the act on its web site, and that the Secretary  
of State link to that information.

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