

SENATE BILL REPORT

SB 6325

AS REPORTED BY COMMITTEE ON GOVERNMENTAL OPERATIONS,  
FEBRUARY 5, 1992

**Brief Description:** Prohibiting piece-work payment for gathering initiative petition signatures.

**SPONSORS:** Senators Madsen, Vognild, McMullen, McCaslin and Rasmussen

**SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS**

**Majority Report:** Do pass as amended.

Signed by Senators McCaslin, Chairman; Roach, Vice Chairman; Madsen, and Sutherland.

**Staff:** Barbara Howard (786-7410)

**Hearing Dates:** February 5, 1992

**BACKGROUND:**

In 1988 the U.S. Supreme Court held that circulation of a petition to amend Colorado's constitution was protected as freedom of speech under the First Amendment. The court further held that refusal to permit payment to circulators of an initiative petition restricted political expression in two ways: (1) it limited the number of persons who could convey their message, the hours they could speak, and the size of the audience; and (2) it decreased the likelihood that proponents would garner the necessary signatures.

Several activities relating to the conduct of campaigns for ballot measures are gross misdemeanors in Washington State. A person may not: (1) advertise as a solicitor for signatures or votes for or against a petition, with or without pay; (2) actually solicit such signatures or votes; or (3) manage contributions from out of state for any service relating to procuring signatures or votes on ballot measures.

Although paying for soliciting signatures cannot be prohibited, basing compensation on the number of signatures obtained could create an incentive to misrepresent the purpose of the petition.

**SUMMARY:**

Paying or receiving compensation for soliciting signatures on initiative or referendum petitions is made a gross misdemeanor if any part of the compensation is based on the number of signatures collected.

Provisions prohibiting advertising as a solicitor of signatures, actually soliciting such signatures or influencing votes, and receipt of out-of-state contributions for soliciting signatures are removed from the list of illegal activities associated with initiative and referendum campaigns.

**SUMMARY OF PROPOSED COMMITTEE AMENDMENT:**

Technical changes are made to make the language gender neutral.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**TESTIMONY FOR:**

Our statutes do need to conform to the Supreme Court holding, and the narrow focus should distinguish our situation from Colorado's.

**TESTIMONY AGAINST:**

The change is not necessary, and will chill the initiative and referendum process. It is already too difficult to get sufficient signatures.

**TESTIFIED:** John Pearson, Secretary of State's Office (pro);  
Richard Shepard, Libertarian Party (con); Bert Mueller (con)