

HOUSE BILL REPORT

2ESHB 1660

As Passed House:

February 12, 2004

Title: An act relating to ballot measure petitions.

Brief Description: Increasing accountability of ballot measure petitions.

Sponsors: By House Committee on State Government (originally sponsored by Representatives McDermott, Armstrong and Dickerson).

Brief History:

Committee Activity:

State Government: 2/25/03, 2/28/03 [DPS].

Floor Activity:

Passed House: 2/12/04, 62-30.

Brief Summary of Second Engrossed Substitute Bill

- Requires ballot measure signature gatherers to swear that, to the best of their knowledge, every person who signed the petition did so without compensation, and provided the correct information.
- Requires ballot measure signature gatherers to acknowledge the criminal penalties for forging signatures and offering payment for signatures.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Katie Blinn (786-7114).

Background:

The number of valid signatures necessary for an initiative to the people or an initiative to the Legislature is 8 percent of the votes cast for Governor at the last gubernatorial election. The number of signatures necessary for a referendum is 4 percent. Once the

text of an initiative is filed with the Secretary of State (Secretary), the Attorney General writes a 75-word summary and the ballot title. The ballot title consists of a subject statement, a 30-word concise description, and a question. The ballot title becomes the title of the measure on all petitions, ballots and other material, and the summary appears after the ballot title on all petitions.

Each petition must have lines for 20 signatures on one side, and the text of the measure printed on the other side. Each person who signs a petition must print his or her name, street address and county, and must acknowledge that he or she is a legal voter and has signed the petition only once. Once the sponsor of the initiative or referendum has enough signatures to exceed the 4 percent or 8 percent requirement, the petitions are filed with the Secretary for certification.

Summary of Second Engrossed Substitute Bill:

The following statement is attached to initiative and referendum petitions, that must be signed by the signature gatherer:

"I, ..., swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29.79 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both."

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect July 1, 2004.

Testimony For: Washington allows signature gatherers to be paid on a per-signature basis, which creates a motivation for forgery and fraud. Forgery is usually very difficult to detect and prosecute because ballot measure petitions do not currently require the signature gatherer to be identified. The bill is modeled after an Idaho law. The Secretary of State supports efforts to make the signature gathering effort more accountable, and is willing to work with the sponsor on amendments. Asking for the signature gatherer's name and address would be a step in the right direction, without requiring the person to attest to something that is beyond his or her knowledge.

Testimony Against: In its current form, the bill requires signature gatherers to swear

under penalty of perjury to the accurateness of items that are beyond the person's knowledge. For example, the signature gatherer cannot know whether the person signing the petition is actually eligible to sign. Some states only require the signature gatherer to attest to items that are within their knowledge, not items that are beyond their knowledge. The bill could be amended to only require signature gatherers to attest that he asked the person if he or she is eligible to sign the petition.

Casual signature gatherers become agents of the state. The bill requires more of petition signature gatherers than is required of organizations that help people to register to vote. The bill is probably unconstitutional. Fraud and forgery are already crimes so the bill does not fill a hole. It is already very difficult to get people to participate in the political process. Intimidating people with the threat of a perjury charge will only make it more difficult to get people involved. This is a piecemeal approach.

Testified: (In support) Representative McDermott, prime sponsor; Pat Thompson, Washington State Council of County & City Employees; Sgt. Jim Dunn, Thurston County Sheriff's Office; and Bill Huennekens, Office of the Secretary of State.

(Opposed) R. George Bakan; and Paul Telford.