

HOUSE BILL REPORT

EHB 2478

As Passed House:
February 8, 2006

Title: An act relating to ballot measures.

Brief Description: Clarifying laws on ballot measures.

Sponsors: By Representatives Green, Nixon, Haigh and Hunt; by request of Secretary of State.

Brief History:

Committee Activity:

State Government Operations & Accountability: 1/13/06, 1/20/06 [DP].

Floor Activity:

Passed House: 2/8/06, 89-6.

Brief Summary of Engrossed Bill

- Changes the number of days in which to appeal an explanatory statement on a constitutional amendment from 10 days to five days, excluding Saturdays, Sundays, and legal holidays;
- Changes the number of days in which to appeal the Secretary of State's decision not to file an initiative or referendum petition from 10 days to five days;
- Requires recall petitions to contain the same circulator declaration that appears on initiative and referendum petitions; and
- Creates the penalty of gross misdemeanor for circulation of a ballot measure petition supporting a measure different from the actual measure attached to the petition.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: Do pass. Signed by 7 members: Representatives Haigh, Chair; Green, Vice Chair; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia and Schindler.

Minority Report: Without recommendation. Signed by 1 member: Representative Sump.

Staff: Marsha Reilly (786-7135).

Background:

Explanatory Statements for the Voters' Pamphlet

Whenever any statewide measure or office is scheduled to appear on the general election ballot, the Secretary of State (Secretary) is required to print and distribute a voters' pamphlet. The voters' pamphlet must contain information about each ballot measure before the voters, including the text of the measure, explanatory statements written by the Attorney General, and arguments for and against the measure composed by separate committees appointed to write these arguments.

Any person not satisfied with the explanatory statement of an initiative or referendum petition may appeal the statement to the Superior Court of Thurston County within five days of the filing date; a person not satisfied with the explanatory statement on a constitutional amendment has 10 days to appeal the statement.

Filing Referendum and Initiative Petitions

The Secretary may refuse to file an initiative or referendum if it is not in the proper form, if it does not have sufficient signatures, or if it is filed after the deadline. If the Secretary refuses to file the measure, the person submitting it has 10 days to appeal the Secretary's decision to the Superior Court of Thurston County.

Signature Petitions

In 2005, the Legislature required initiative and referendum petitions to include a declaration to be signed by the individual circulating the petition that, to the best of the circulator's knowledge, persons who signed the petition did so knowingly and without compensation. The declaration also informs the circulator that forgery is a class B felony and that offering any consideration in exchange for a signature is a gross misdemeanor. This declaration was not required of recall petitions.

Summary of Engrossed Bill:

The number of days to file challenges to explanatory statements for constitutional amendments is changed from 10 days to five days. The statute pertaining to the 10 day appeal period for challenges to explanatory statements for constitutional amendments is repealed and language in the statute providing a five day appeal period for challenges to initiative and referendum explanatory statements is amended to include explanatory statements for constitutional amendments. Saturdays, Sundays, and legal holidays are excluded from the five day appeal period.

Recall petitions must contain the same circulator declaration that appears on initiative and referendum petitions.

Language regarding the Secretary's responsibility to refuse to file initiative or referendum petitions that are not in the form required by law, that clearly bear insufficient signatures, or

that are submitted late is changed from permissive to mandatory. The time period in which to file an appeal on the Secretary's refusal to file an initiative or referendum is changed from 10 days to five days.

A person who knowingly circulates a ballot measure petition that supports a measure that differs from the actual measure attached to the petition is guilty of a gross misdemeanor.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The Secretary of State (Secretary) brings this bill forward primarily as a housekeeping bill. It changes the time periods for challenging explanatory statements for all ballot measures to five days. It requires the Secretary to reject a petition not in proper form, and it extends the signature gatherer declaration requirement to recall petitions. It is a misdemeanor to circulate a ballot measure petition that appears to support a measure that differs from the actual measure attached to the petition.

Testimony Against: In order to maintain consistency, language should be included to exclude Saturdays, Sundays, and holidays from the five day requirement.

Persons Testifying: (In support) Shane Hamlin and Katie Blinn, Office of the Secretary of State; James Zukowski; and Bob Terwilliger, Snohomish County Auditor.

(Opposed) John Gideon, Voters Unite.

Persons Signed In To Testify But Not Testifying: None.