
HOUSE BILL 2255

State of Washington 60th Legislature 2007 Regular Session

By Representatives Chandler and Kretz

Read first time 02/14/2007. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to encouraging initiatives and referendums by
2 extending privacy protections to signatories and assuring accurate
3 verification; amending RCW 29A.72.110, 29A.72.120, 29A.72.130,
4 29A.72.170, and 29A.72.230; adding a new section to chapter 29A.72 RCW;
5 creating a new section; prescribing penalties; providing an effective
6 date; and declaring an emergency.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
9 ensure vibrant initiative and referendum participation by guarding
10 privacy and assuring that all valid signatures are attributed to
11 initiatives and referenda as part of the review process.

12 Washington's laws and Constitution ensure that a voter's decision
13 on who they vote for or against and what measures he or she votes for
14 or against is not publicly revealed. Such a violation of privacy may
15 subject voters to potential harassment, retaliation, and intimidation.
16 Similar chilling of constitutional rights will be avoided by extending
17 privacy protection to those engaged in the right to peacefully petition
18 their government by initiative and referendum.

1 It is also the intent of the legislature to ensure that valid voter
2 signatures on initiative and referendum petitions count and will not be
3 rejected by the secretary of state. If a voter signs an initiative or
4 referendum petition and his or her petition signature matches the
5 signature on their voter registration, then the signature must be
6 accepted by the secretary of state. Valid voter signatures must count,
7 invalid ones should not, and scrutiny to assure this result is
8 preferred to actions and regulations which might chill the exercise of
9 the right to petition.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.72 RCW
11 to read as follows:

12 Initiative and referendum petitions and the names and addresses of
13 citizens contained on them that are submitted to the secretary of state
14 are not public records under chapter 42.56 RCW and shall not be made
15 public beyond the observers as specified in RCW 29A.72.230.

16 **Sec. 3.** RCW 29A.72.110 and 2005 c 239 s 1 are each amended to read
17 as follows:

18 Petitions for proposing measures for submission to the legislature
19 at its next regular session must be substantially in the following
20 form:

21 The warning prescribed by RCW 29A.72.140; followed by:

22 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE
23 To the Honorable, Secretary of State of the State of
24 Washington:

25 We, the undersigned citizens and legal voters of the State of
26 Washington, respectfully direct that this petition and the proposed
27 measure known as Initiative Measure No. . . . and entitled (here set
28 forth the established ballot title of the measure), a full, true, and
29 correct copy of which is printed on the reverse side of this petition,
30 be transmitted to the legislature of the State of Washington at its
31 next ensuing regular session, and we respectfully petition the
32 legislature to enact said proposed measure into law; and each of us for
33 himself or herself says: I have personally signed this petition; I am
34 a legal voter of the State of Washington in the city (or town) and
35 county written after my name, my residence address is correctly stated,

1 ((and)) I have knowingly signed this petition only once, and I have
2 voluntarily signed this petition without any compensation or promise of
3 compensation.

4 ((~~The following declaration must be printed on the reverse side of~~
5 ~~the petition:~~

6 I,, ~~swear or affirm under penalty of law~~
7 ~~that I circulated this sheet of the foregoing petition, and that, to~~
8 ~~the best of my knowledge, every person who signed this sheet of the~~
9 ~~foregoing petition knowingly and without any compensation or promise of~~
10 ~~compensation willingly signed his or her true name and that the~~
11 ~~information provided therewith is true and correct.)) I further
12 acknowledge that under chapter 29A.84 RCW, forgery of signatures on
13 this petition constitutes a class C felony, and that offering any
14 consideration or gratuity to any person to induce them to sign a
15 petition is a gross misdemeanor, such violations being punishable by
16 fine or imprisonment or both.~~

17 RCW 9A.46.020 applies to any conduct constituting harassment
18 against a petition signature gatherer. This penalty does not preclude
19 the victim from seeking any other remedy otherwise available under law.
20 -- END OF WARNING -- (the line "-- END OF WARNING --" does not need to
21 appear on the petition)

22 The petition must include a place for each petitioner to sign and
23 print his or her name, and the address, city, and county at which he or
24 she is registered to vote.

25 **Sec. 4.** RCW 29A.72.120 and 2005 c 239 s 2 are each amended to read
26 as follows:

27 Petitions for proposing measures for submission to the people for
28 their approval or rejection at the next ensuing general election must
29 be substantially in the following form:

30 The warning prescribed by RCW 29A.72.140; followed by:

31 INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE
32 To the Honorable, Secretary of State of the State of
33 Washington:

34 We, the undersigned citizens and legal voters of the State of
35 Washington, respectfully direct that the proposed measure known as
36 Initiative Measure No., entitled (here insert the established

1 ballot title of the measure), a full, true and correct copy of which is
2 printed on the reverse side of this petition, be submitted to the legal
3 voters of the State of Washington for their approval or rejection at
4 the general election to be held on the day of November,
5 (year); and each of us for himself or herself says: I have personally
6 signed this petition; I am a legal voter of the State of Washington, in
7 the city (or town) and county written after my name, my residence
8 address is correctly stated, (~~and~~) I have knowingly signed this
9 petition only once, and I have voluntarily signed this petition without
10 any compensation or promise of compensation.

11 ~~((The following declaration must be printed on the reverse side of~~
12 ~~the petition:~~

13 ~~I,, swear or affirm under penalty of law~~
14 ~~that I circulated this sheet of the foregoing petition, and that, to~~
15 ~~the best of my knowledge, every person who signed this sheet of the~~
16 ~~foregoing petition knowingly and without any compensation or promise of~~
17 ~~compensation willingly signed his or her true name and that the~~
18 ~~information provided therewith is true and correct.)) I further~~
19 acknowledge that under chapter 29A.84 RCW, forgery of signatures on
20 this petition constitutes a class C felony, and that offering any
21 consideration or gratuity to any person to induce them to sign a
22 petition is a gross misdemeanor, such violations being punishable by
23 fine or imprisonment or both.

24 RCW 9A.46.020 applies to any conduct constituting harassment
25 against a petition signature gatherer. This penalty does not preclude
26 the victim from seeking any other remedy otherwise available under law.
27 -- END OF WARNING -- (the line "-- END OF WARNING --" does not need to
28 appear on the petition)

29 The petition must include a place for each petitioner to sign and
30 print his or her name, and the address, city, and county at which he or
31 she is registered to vote.

32 **Sec. 5.** RCW 29A.72.130 and 2005 c 239 s 3 are each amended to read
33 as follows:

34 Petitions ordering that acts or parts of acts passed by the
35 legislature be referred to the people at the next ensuing general
36 election, or special election ordered by the legislature, must be
37 substantially in the following form:

1 The warning prescribed by RCW 29A.72.140; followed by:

2 PETITION FOR REFERENDUM

3 To the Honorable, Secretary of State of the State of
4 Washington:

5 We, the undersigned citizens and legal voters of the State of
6 Washington, respectfully order and direct that Referendum Measure No.
7, filed to revoke a (or part or parts of a) bill that (concise
8 statement required by RCW 29A.36.071) and that was passed by the
9 legislature of the State of Washington at the last regular
10 (special) session of said legislature, shall be referred to the people
11 of the state for their approval or rejection at the regular (special)
12 election to be held on the day of November, (year); and each of
13 us for himself or herself says: I have personally signed this
14 petition; I am a legal voter of the State of Washington, in the city
15 (or town) and county written after my name, my residence address is
16 correctly stated, ((and)) I have knowingly signed this petition only
17 once, and that I have voluntarily signed this petition without any
18 compensation or promise of compensation.

19 ~~((The following declaration must be printed on the reverse side of~~
20 ~~the petition:~~

21 ~~I,, swear or affirm under penalty of law~~
22 ~~that I circulated this sheet of the foregoing petition, and that, to~~
23 ~~the best of my knowledge, every person who signed this sheet of the~~
24 ~~foregoing petition knowingly and without any compensation or promise of~~
25 ~~compensation willingly signed his or her true name and that the~~
26 ~~information provided therewith is true and correct.)) I further~~
27 acknowledge that under chapter 29A.84 RCW, forgery of signatures on
28 this petition constitutes a class C felony, and that offering any
29 consideration or gratuity to any person to induce them to sign a
30 petition is a gross misdemeanor, such violations being punishable by
31 fine or imprisonment or both.

32 RCW 9A.46.020 applies to any conduct constituting harassment
33 against a petition signature gatherer. This penalty does not preclude
34 the victim from seeking any other remedy otherwise available under law.
35 -- END OF WARNING -- (the line "-- END OF WARNING --" does not need to
36 appear on the petition)

1 The petition must include a place for each petitioner to sign and
2 print his or her name, and the address, city, and county at which he or
3 she is registered to vote.

4 **Sec. 6.** RCW 29A.72.170 and 2003 c 111 s 1818 are each amended to
5 read as follows:

6 The secretary of state may refuse to file any initiative or
7 referendum petition being submitted upon any of the following grounds:

8 (1) That the petition does not contain the information required by
9 RCW 29A.72.110, 29A.72.120, or 29A.72.130.

10 (2) That the petition clearly bears insufficient signatures.

11 (3) That the time within which the petition may be filed has
12 expired.

13 In case of such refusal, the secretary of state shall endorse on
14 the petition the word "submitted" and the date, and retain the petition
15 pending appeal.

16 If none of the grounds for refusal exists, the secretary of state
17 must accept and file the petition.

18 Concerning individual voter signatures on an initiative or
19 referendum petition, the secretary of state shall not reject a valid
20 voter signature if the requirements in subsections (1), (2), and (3) of
21 this section are fulfilled. If the voter's signature matches the
22 signature on the voter's registration card, the signature must be
23 accepted.

24 **Sec. 7.** RCW 29A.72.230 and 2003 c 111 s 1823 are each amended to
25 read as follows:

26 Upon the filing of an initiative or referendum petition, the
27 secretary of state shall proceed to verify and canvass the names of the
28 legal voters on the petition((-)) subject to the following:

29 (1) The verification and canvass of signatures on the petition may
30 be observed by persons representing the advocates and opponents of the
31 proposed measure so long as they make no record of the names,
32 addresses, or other information on the petitions or related records
33 during the verification process except upon the order of the superior
34 court of Thurston county. The secretary of state may limit the number
35 of observers to not less than two on each side, if in his or her

1 opinion, a greater number would cause undue delay or disruption of the
2 verification process. Any such limitation shall apply equally to both
3 sides.

4 (2) The secretary of state may use any statistical sampling
5 techniques for this verification and canvass which have been adopted by
6 rule as provided by chapter 34.05 RCW. No petition will be rejected on
7 the basis of any statistical method employed, and no petition will be
8 accepted on the basis of any statistical method employed if such method
9 indicates that the petition contains fewer than the requisite number of
10 signatures of legal voters. If the secretary of state finds the same
11 name signed to more than one petition, he or she shall reject all but
12 the first such valid signature.

13 (3) The secretary of state may use a more thorough review technique
14 adopted by rule as provided by chapter 34.05 RCW and applied uniformly
15 when proponents are unable to file an affidavit affirming that no
16 signatures were collected by any individuals with a financial interest
17 in the proposed policy change, whether those financial interests were
18 resulting from their employment with assigned duties including
19 facilitating the collection of signatures, their membership in a labor
20 organization seeking the financial interests of any employee group
21 affected by the proposed policy change, their employment by a firm with
22 a financial interest in the proposed policy change, their employment by
23 a public entity affected by the proposed policy change, or their past
24 or expected receipt of funds or services as a result of the proposed
25 policy change. The wrongful filing of an affidavit of no financial
26 interest is a class C felony and subject to enforcement by the attorney
27 general.

28 (4) For an initiative to the legislature, the secretary of state
29 shall transmit a certified copy of the proposed measure to the
30 legislature at the opening of its session and, as soon as the
31 signatures on the petition have been verified and canvassed, the
32 secretary of state shall send to the legislature a certificate of the
33 facts relating to the filing, verification, and canvass of the
34 petition.

35 NEW SECTION. Sec. 8. Sections 3, 4, and 5 of this act take effect
36 January 1, 2008. The remaining sections of this act are necessary for

1 the immediate preservation of the public peace, health, or safety, or
2 support of the state government and its existing public institutions,
3 and take effect immediately.

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