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HOUSE BILL 3173

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Condotta, Armstrong, Chandler, Dunn, Kretz,  
Bailey, and McCune

Read first time 01/23/08. Referred to Committee on State Government  
& Tribal Affairs.

1            AN ACT Relating to protection and facilitation of the right to  
2 petition; amending RCW 29A.72.170 and 29A.72.140; adding a new section  
3 to chapter 29A.72 RCW; creating new sections; prescribing penalties;  
4 and providing effective dates.

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

6            NEW SECTION.    **Sec. 1.** The legislature respects our state  
7 Constitution and supports the people's right to initiative and  
8 referendum. Voters' right to have their valid signature count, right  
9 to peacefully petition their government for change, and right to  
10 participate must be facilitated and protected by their elected  
11 representatives and the laws of the state of Washington.

12            It is the intent of the legislature to require that valid voter  
13 signatures on initiative and referendum petitions be counted by the  
14 secretary of state. To disenfranchise a valid voter signature solely  
15 because of a signature gatherer's conduct is inconsistent with our  
16 state Constitution, as expounded by the Washington supreme court in  
17 *Sudduth v. Chapman*, 88 Wn.2d 274, 558 P.2d 806 (1977). If the voter's  
18 signature on a petition matches the signature on the voter's  
19 registration, then the valid voter's signature must be counted.

1 It is also the intent of the legislature to fully inform citizens  
2 about the laws relating to petition signing, petition signature  
3 gathering, and unlawful interference with or harassment of anyone  
4 signing a petition or gathering signatures for a petition.

5 The legislature also intends to ensure the safety of citizens who  
6 gather signatures for initiatives and referenda. In *Washington*  
7 *Initiatives Now v. Rippie*, 213 F.3d 1132 (9th Cir. 2000), the ninth  
8 circuit court of appeals struck down a Washington state law requiring  
9 the disclosure of the names and addresses of signature gatherers. The  
10 court concluded: "There can be no doubt that the compelled disclosure  
11 of this information chills political speech." Compelling testimony by  
12 citizens shows that passions and emotions run high before, during, and  
13 after signature drives for initiatives and referenda. Protection of  
14 peaceful citizen participation is essential for a functioning process.

15 **Sec. 2.** RCW 29A.72.170 and 2003 c 111 s 1818 are each amended to  
16 read as follows:

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

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

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

22 (3) That the time within which the petition may be filed has  
23 expired.

24 In case of such refusal, the secretary of state shall endorse on  
25 the petition the word "submitted" and the date, and retain the petition  
26 pending appeal.

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

29 Concerning individual voter signatures on an initiative or  
30 referendum petition, the secretary of state must accept and may not  
31 reject a valid voter signature if it matches the signature on the  
32 voter's registration as long as the requirements in subsections (1),  
33 (2), and (3) of this section are fulfilled.

34 **Sec. 3.** RCW 29A.72.140 and 2003 c 111 s 1815 are each amended to  
35 read as follows:

36 The word "warning" and the following warning statement regarding

1 signing petitions and gathering signatures for petitions must appear on  
2 petitions as prescribed by this title and must be printed on each  
3 petition sheet such that they occupy not less than (~~four~~) six square  
4 inches of the front of the petition sheet.

5 WARNING

6 Every person who signs this petition with any other than his or her  
7 true name, knowingly signs more than one of these petitions, signs this  
8 petition when he or she is not a legal voter, or makes any false  
9 statement on this petition may be punished by fine or imprisonment or  
10 both. Every person who gathers signatures for this petition is warned  
11 that, under chapter 29A.84 RCW, forgery of signatures on this petition  
12 constitutes a class C felony, and that offering any consideration or  
13 gratuity to any person to induce them to sign a petition is a gross  
14 misdemeanor, such violations being punishable by fine or imprisonment  
15 or both. Every person who interferes with the signature gathering  
16 process is warned that, under RCW 9A.46.020, any conduct constituting  
17 harassment against a petition signature gatherer is a gross  
18 misdemeanor, such violations being punishable by fine or imprisonment  
19 or both. This penalty does not preclude the victim from seeking any  
20 other remedy otherwise available under law.

21 NEW SECTION. Sec. 4. A new section is added to chapter 29A.72 RCW  
22 to read as follows:

23 Initiative and referendum petitions shall not require the signature  
24 gatherer to put their name, address, city, state, and zip code on the  
25 petition to ensure the safety of those individuals and to protect them  
26 from, and make them less susceptible to, intimidation, retaliation, or  
27 harassment.

28 NEW SECTION. Sec. 5. This act shall be known and cited as the  
29 valid voter signature protection act.

30 NEW SECTION. Sec. 6. Section 3 of this act takes effect January  
31 1, 2009. The remaining sections of this act take effect August 1,  
32 2008.

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