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**SENATE BILL 5397**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Warnick, Liias, Walsh, Nelson, O'Ban, Billig, Kuderer, King, Honeyford, Wilson, Pedersen, Hunt, Wellman, Saldaña, and Carlyle

AN ACT Relating to disclosure in initiatives, referenda, and recall petitions; amending RCW 29A.56.160, 29A.72.110, 29A.72.120, 29A.72.130, and 29A.72.170; adding a new section to chapter 29A.72 RCW; adding a new section to chapter 29A.84 RCW; creating a new section; prescribing penalties; and providing an effective date.

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

NEW SECTION. **Sec.**  (1) The legislature recognizes that forged signatures on petitions is an increasing problem. Initiative or referendum petitions suspected of containing fabricated names or forged signatures were submitted to the office of the secretary of state in:

(a) 2008 on Initiative Measure No. 985;

(b) 2010 on Initiative Measure No. 1098;

(c) 2011 on Initiative Measure No. 1163;

(d) 2012 on Referendum 74, Initiative Measure No. 1185, and Initiative Measure No. 1240; and

(e) 2013 on Initiative Measure No. 517 and Initiative Measure No. 522.

(2) The legislature recognizes that the petitions containing suspect names and signatures were circulated by individuals who were compensated based on the number of signatures placed on the petitions. The legislature further recognizes that while some investigations resulted in criminal charges and felony convictions, more recent investigations have been hampered by additional false information provided to the investigating agencies by the entities that compensated the signature gatherers.

(3) The legislature recognizes that, because of the sensitivity of data collected by signature gatherers and the need to ensure public safety, it is important there be a level of accountability for those employed to collect signatures and those who employ signature gatherers as required for other employers and employees engaged in the political process in Washington.

(4) The legislature recognizes that requiring disclosure by the entities that compensate for petition signatures is consistent with Washington's existing disclosure laws, promotes transparency in government, and will result in more accurate information.

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

(1) Any entity that compensates, or expects to compensate, any individual for gathering signatures on a state or local initiative, referendum, or recall petition in this state must, within five days, disclose to the secretary of state:

(a) The name of the entity;

(b) The physical and mailing addresses of the entity;

(c) The phone number of the entity;

(d) An email address for the entity;

(e) The entity's business license number required by chapter 19.02 RCW;

(f) A list of the initiative, referendum, and recall petitions for which the entity is compensating individuals to gather signatures;

(g) For each individual that the entity compensates for gathering signatures:

(i) The full name, and any assumed names, of the signature gatherer;

(ii) The permanent address of the signature gatherer, and a Washington address if the signature gatherer is from out-of-state. The addresses are exempt from public inspection and copying;

(iii) The phone number of the signature gatherer. The phone number is exempt from public inspection and copying;

(iv) An email address for the signature gatherer. The email address is exempt from public inspection and copying;

(v) A digital photograph of the signature gatherer taken within the past twelve months that satisfies the requirements of a photo for a United States passport;

(vi) A copy of the signature gatherer's driver's license, state identification card, or other government-issued photo identification. The driver's license, state identification card, or other government-issued photo identification is exempt from public inspection and copying;

(vii) A list of the initiative, referendum, and recall petitions on which the signature gatherer will be gathering signatures or has gathered signatures;

(viii) Attestation that the signature gatherer has completed a training program administered or outlined by the secretary of state that includes the rights and responsibilities of voters, signature gatherers, public property owners, and private property owners. The training program must be available in electronic formats and easy to access for the signature gatherer; and

(ix) Confirmation that a national background check has been completed on the signature gatherer and that the signature gatherer has not been convicted of a criminal offense involving fraud, forgery, or identity theft in any state in the past five years, or has not been found in violation of any election law under chapter 29A.84 RCW, or its equivalent in another jurisdiction, in the past five years; and

(h) Any other information required by rules adopted by the secretary of state.

(2) An entity may not compensate any individual for gathering signatures on a state or local initiative, referendum, or recall petition if the individual:

(a) Has been convicted of a criminal offense involving fraud, forgery, or identification theft in any jurisdiction within the past five years;

(b) Has been convicted of a crime under chapter 29A.84 RCW, or its equivalent in another jurisdiction, in the past five years; or

(c) Has been found in violation of elections law under chapter 29A.84 RCW, or its equivalent in another jurisdiction, in the past five years.

(3) An entity must, within five days, update its disclosure if it compensates a signature gatherer not already disclosed, or compensates for signatures on an initiative, referendum, and recall petition not already disclosed.

(4) An entity may not condition compensation for petition signatures based on receiving other petition signatures for free.

(5) The secretary of state must adopt rules to implement this section.

NEW SECTION. **Sec.**  A new section is added to chapter 29A.84 RCW to read as follows:

An entity that compensates any individual for gathering signatures on a state or local initiative, referendum, or recall petition in this state not fully disclosed as required by section 2 of this act, or who compensates for gathering signatures on an initiative, referendum, or recall petition in this state not fully disclosed as required by section 2 of this act, is subject to citation and a fine in the amount of five hundred dollars per violation.

**Sec.**  RCW 29A.56.160 and 2003 c 111 s 1412 are each amended to read as follows:

Recall petitions must be printed on single sheets of paper of good writing quality (including but not limited to newsprint) not less than eleven inches in width and not less than fourteen inches in length. No petition may be circulated or signed prior to the first day of the one hundred eighty or two hundred seventy day period established by RCW 29A.56.150 for that recall petition. The petitions must be substantially in the following form:

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

Petition for the recall of (here insert the name of the office and of the person whose recall is petitioned for) to the Honorable (here insert the name and title of the officer with whom the charge is filed).

We, the undersigned citizens and legal voters of (the state of Washington or the political subdivision in which the recall is to be held), respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged and the office which he or she holds) be recalled and discharged from his or her office, for and on account of (his or her having committed the act or acts of malfeasance or misfeasance while in office, or having violated his or her oath of office, as the case may be), in the following particulars: (here insert the synopsis of the charge); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington in the precinct and city (or town) and county written after my name, and my residence address is correctly stated, and to my knowledge, have signed this petition only once.

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

The petition must include the following printed on the reverse side:

I circulated this petition. I did not offer any consideration, gratuity, or other thing of value to induce any person to sign this petition. Forgery of a signature on this petition is a class B felony. Offering consideration, gratuity, or other thing of value to induce any person to sign this petition is a gross misdemeanor.

Print name:

Address:

Address:

Phone:

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

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

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

INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

To the Honorable . . . . . ., Secretary of State of the State of Washington:

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

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

~~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 29A.84 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.~~

~~RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law.~~))

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

The petition must include the following printed on the reverse side:

I circulated this petition. I did not offer any consideration, gratuity, or other thing of value to induce any person to sign this petition. Forgery of a signature on this petition is a class C felony. Offering consideration, gratuity, or other thing of value to induce any person to sign this petition is a gross misdemeanor.

Print name:

Address:

Address:

Phone:

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

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

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

INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

To the Honorable . . . . . ., Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that the proposed measure known as Initiative Measure No. . . . ., entitled (here insert the established ballot title of the measure), a full, true and correct copy of which is printed on the reverse side of this petition, be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the . . . . . day of November, (year); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

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

~~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 29A.84 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.~~

~~RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law.~~))

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

The petition must include the following printed on the reverse side:

I circulated this petition. I did not offer any consideration, gratuity, or other thing of value to induce any person to sign this petition. Forgery of a signature on this petition is a class C felony. Offering consideration, gratuity, or other thing of value to induce any person to sign this petition is a gross misdemeanor.

Print name:

Address:

Address:

Phone:

**Sec.**  RCW 29A.72.130 and 2013 c 11 s 74 are each amended to read as follows:

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

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

PETITION FOR REFERENDUM

To the Honorable . . . . . ., Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully order and direct that Referendum Measure No. . . . . ., filed to revoke a (or part or parts of a) bill that (concise statement required by RCW 29A.72.050) and that was passed by the . . . . . . legislature of the State of Washington at the last regular (special) session of said legislature, shall be referred to the people of the state for their approval or rejection at the regular (special) election to be held on the . . . . day of November, (year); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

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

~~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 29A.84 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.~~

~~RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law.~~))

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

The petition must include the following printed on the reverse side:

I circulated this petition. I did not offer any consideration, gratuity, or other thing of value to induce any person to sign this petition. Forgery of a signature on this petition is a class C felony. Offering consideration, gratuity, or other thing of value to induce any person to sign this petition is a gross misdemeanor.

Print name:

Address:

Address:

Phone:

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

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

(1) That the petition does not contain the information required by RCW 29A.72.110, 29A.72.120, or 29A.72.130. Failure or refusal by the petition circulator to provide information on the reverse side of the petition does not constitute grounds for refusal.

(2) That the petition clearly bears insufficient signatures.

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

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

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

NEW SECTION. **Sec.**  This act takes effect January 4, 2018.

**--- END ---**