
**State Government, Elections &
Information Technology Committee**

HB 2383

Brief Description: Maintaining the current initiative and referendum process while allowing a modern electronic signature gathering process alternative.

Sponsors: Representative Hudgins.

Brief Summary of Bill

- Authorizes the circulation of electronic petitions and the collection of electronic signatures as an alternative method to paper petitions.
- Requires certain qualifications for signature gatherers who circulate electronic petitions and collect electronic signatures.
- Requires businesses that hire paid signature gatherers to report certain information to the Public Disclosure Commission.

Hearing Date: 1/19/18

Staff: Desiree Omli (786-7105).

Background:

Initiative and Referendum.

The Constitution affords the people the power propose or reject laws through the initiative and referendum process. The following initiatives and referendum are authorized:

- Initiatives to the people, where if petitions are certified to have a sufficient number of signatures by registered voters, the issue is submitted for a vote of the people at the next state general election;
- Initiatives to the Legislature, where if petitions are certified to have a sufficient number of signatures by registered voters, the issue is submitted to the Legislature at its next regular session;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Referendum measures, where laws recently passed by the Legislature are placed on the ballot after certification of petitions signed by registered voters; and Referendum Bills, where voters adopt laws proposed by the Legislature.

Any legal voter of the state, either individually or on behalf of an organization, may: (1) petition the Legislature to enact a proposed measure; (2) submit a proposed initiative measure to the people; or (3) order a referendum of all or part of any act, bill, or law passed by the Legislature. The sponsor shall file with the Secretary of State (SOS) a legible copy of the measure proposed, or in the case of a referendum the act or part of an act on which the referendum is desired. This must be accompanied by a filing fee of \$5.00, set by rule, and an affidavit that the sponsor is a registered voter.

Petitions.

The required form of initiative and referendum petitions is set forth in statute. Each petition circulated must be printed on sheets of paper, that is at least 11 inches in wide and 14 inches in length, and contain not more than 20 signatures or less per sheet. The petition must also include a place for each petitioner to sign and print their name, address, city, and county in which they are registered to vote.

The petition must bear a warning statement that signing a petition in a name other than a person's true name, signing a petition more than once, making a false statement, or signing a petition when he or she is not a legal voter is punishable by fine, imprisonment, or both. The petition must also include the signature gatherer's declaration affirming that to the best of the signature gatherer's knowledge, all information provided is true and every person who signed the petition did so knowingly and without compensation. A person who obtains a signature by deception or duress is guilty of a class C felony.

Reporting to the Public Disclosure Commission.

The Public Disclosure Commission (PDC) is responsible for receiving, processing, and auditing filings of political campaigns, lobbying, and the financial affairs of elected officials and candidates. The PDC provides public access to information about the financing or political campaigns, lobbyist expenditures, and the financial affairs of public officials and candidates. The PDC also ensures compliance with an equitable enforcement of disclosure and campaign finances laws.

Summary of Bill:

Petitions.

The Secretary of State (Secretary) is required, by January 1, 2019, to establish an option to use a mobile petition signing application (application) and tablet or other approved device to circulate an electronic petition and gather electronic signatures. An electronic signature is a graphical image created by the voter in affixing their handwritten signature to the electronic petition using a stylus or other specialized marking device. An electronic signature qualifies as a signature for petition signing purposes.

The Secretary must first approve any application and device used for signature gathering. A sponsor who chooses the option of circulating an electronic petition must physically circulate the

petition and collect the signatures in person. The Secretary must establish procedures around electronic petition circulation, which include:

- enabling the application to access voter registration information to verify that a potential signer is eligible to sign the petition,
- providing for the daily periodic update of voter registration information accessed by the application, and
- making the electronic application available in English and other languages.

The application must be substantially in the same form as is required of paper petitions, and must disclose whether a signature gatherer is paid or volunteer. The option to use electronic means to circulate a petition and gather signatures is an authorized alternative method and does not replace or modify the existing paper method.

Signature Gatherers.

A signature gatherer who circulates an electronic application and collects electronic signatures must meet the following qualifications and requirements:

- be a resident of the state;
- register with the Secretary, and pay a fee of \$5.00 and disclose his or her paid or volunteer status upon registration;
- complete the declaration prescribed under statute affirming that to the best of the signature gatherer's knowledge, all information provided is true and every person who signed the petition did so knowingly and without compensation; and
- complete certain training if he or she is a paid signature gatherer.

A violation of the requirements or qualifications is guilty of a gross misdemeanor, punishable by confinement, fine, or both.

A business that operates in the state and hires paid signature gatherers to circulate electronic petitions must:

- provide training to the paid signature gatherers and maintain evidence of training completion; and
- maintain documentation on file, including the name, contact information, and photograph of the paid signature gatherers they hired, and proof of completed background checks for the paid signature gatherers.

A paid signature gatherer is someone who is compensated to obtain signatures on an initiative or referendum petition. The documentation maintained by the business must be provided to the PDC, the Office of the Attorney General (AGO), or law enforcement upon request. The AGO may enforce requirements placed on businesses that hire paid signature gatherers. A violation of these requirements is punishable by a fine of up to \$500.

Reporting to the Public Disclosure Commission.

A person or entity that contracts with a business to hire paid signature gatherers to circulate electronic petitions must report the following information to the PDC:

- name of the business;
- certain contact information for the business; and
- the business' unified business identifier number;

The PDC must report the information provided to the Secretary, and the Secretary must prominently post this information on its website under the relevant measure being proposed.

Appropriation: None.

Fiscal Note: Available.

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