
State Government & Tribal Relations Committee

HB 2259

Brief Description: Protecting the integrity of the state initiative and referendum process by requiring a demonstration of support before issuance of a ballot measure title and authorizing citizen actions for certain signature gatherer compensation violations.

Sponsors: Representatives Mena, Ramel, Ryu, Peterson, Berry, Reed, Cortes, Parshley, Street, Duerr, Scott, Thomas, Stonier, Gregerson, Ormsby, Goodman, Farivar, Macri, Fosse, Hill, Thai, Pollet and Salahuddin.

Brief Summary of Bill

- Prohibits an individual from providing or receiving money or other consideration for signature gathering based on the number of signatures obtained on an initiative or referendum petition.
- Requires that a minimum of 1,000 signatures be submitted as part of the filing of a proposed initiative or referendum.

Hearing Date: 1/21/26

Staff: Desiree Omli (786-7105).

Background:

Initiative and Referenda Filing Process.

The Washington Constitution provides voters with the right to participate in the lawmaking process through the initiative and referendum processes. An initiative is a piece of legislation proposed outside the Legislature and submitted to the Legislature for its consideration or to the people for a vote. A referendum may be ordered by the people or by the Legislature, and it

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permits the people to vote on whether an act passed by the Legislature should become law.

If any legal voter of the state, either individually or on behalf of an organization, desires to petition the Legislature, submit a proposed initiative measure to the people, or order that a referendum be submitted to the people, they must file with the Secretary of State (Secretary):

- a legible copy of the measure proposed, or the act or part of such act on which a referendum is desired;
- a signed affidavit, or electronic submission, that the sponsor is a registered voter; and
- a filing fee.

For initiatives, once the sponsor submits their initial filing with the Secretary and the affidavit and filing fee payment have been confirmed, a copy of the initial text is sent to the Code Reviser's Office (CRO) for review. The CRO then has seven business days to review the draft of text for technical errors and style, advise the sponsor of any potential conflicts between the proposal and existing laws, and return the proposal to the sponsor with recommended changes and the certificate of review. The initiative sponsor in turn has 15 business days from the initial filing date to file the final text of their proposed initiative measure to the Secretary. Once the Secretary receives the final text of the initiative, or, for referenda, when the Secretary receives the initial filing of the proposed referendum, the Secretary will assign a serial number to the initiative or referendum and forward the final text to the Attorney General. Upon receipt of the final text of an initiative or the bill or act the referendum is on, the Attorney General must formulate a ballot title and summary. If no challenge to the ballot title and summary is filed within five days, the initiative or referendum is established and sponsors may begin collecting signatures to qualify the proposed measure for the ballot.

To qualify for the ballot, petitions must be signed by a certain percentage of legal voters. For initiatives, petitions must be signed by at least 8 percent of the number of votes cast for Governor at the last election. A referendum petition requires at least 4 percent of the number of votes at the last gubernatorial election.

Signature Gathering.

Under the First Amendment, a law that severely burdens protected speech is only allowed if the government satisfies the strict scrutiny standard and can show that the law is narrowly tailored to meet a compelling government interest. The United States Supreme Court, in 1988, found that circulating petitions involves core political speech and prohibiting the payment of petition circulators severely burdens this speech. Therefore, states banning any payment to petition circulators are required to show that the law is narrowly tailored to meet a compelling state interest. In Washington, payment to signature gatherers on a per signature basis is authorized after a district court, in 1994, struck down a statute that made it a crime to pay or receive compensation based on the number of signatures obtained on an initiative or referendum petition. The court in that case indicated that the law failed to meet the strict scrutiny standard, citing to the lack of evidence linking fraud with a payment per signature compensation method. In 2006 the 9th Circuit Court of Appeals upheld Oregon's prohibition on the payment or receipt of compensation based on the number of signatures obtained on an initiative or referendum

petition. In upholding the law, the court found that compensation methods that do not bar all forms of compensation for signature gathering create only a "lesser burden" on speech and are subject to a lower level of scrutiny. Particularly, such restrictions on compensation must be reasonably related to an important regulatory interest.

Summary of Bill:

Initiative and Referenda Filing Process.

A sponsor of a proposed ballot measure must include in its initial filing with the Secretary a petition containing the signatures of at least 1,000 registered voters in support of the proposed ballot measure. The signatures must be accompanied by the individual's name, address, city, and county where they are registered to vote. The Secretary may not accept an initial filing that does not include such a petition. Prior to submitting the initial filing with the CRO for a certificate of review, the Secretary must verify and canvass the signatures on the petition submitted with the initial filing using statistical sampling or other techniques to verify whether the petition contains the required 1,000 or more signatures.

Signature Gathering.

A person may not pay or be paid for signature gathering on a pay-per-signature basis, but may provide or receive money or other consideration for signature gathering that is not based directly or indirectly on the number of signatures obtained. A person may bring a cause of action in the name of the state against a petition sponsor for a violation of the pay-per-signature prohibition within two years of the date of the alleged violation. Civil remedies, including penalties not to exceed \$10,000 for each violation, may be awarded. Any judgment award in favor of the plaintiff must escheat to the state, but a prevailing plaintiff may recover attorneys' fees and costs from the defendant.

If a cause of action is dismissed and the court finds that it was brought frivolously or in bad faith, the court may order the person commencing the action to pay all reasonable attorneys' fees incurred by the defendant.

Appropriation: None.

Fiscal Note: Requested on January 19, 2026.

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