

# SENATE BILL REPORT

## SB 5382

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As of February 4, 2025

**Title:** An act relating to requirements pertaining to signatures and addresses of ballot measure petitioners and petition signature gatherers.

**Brief Description:** Concerning requirements pertaining to signatures and addresses of ballot measure petitioners and petition signature gatherers.

**Sponsors:** Senators Valdez, Lias, Nobles, Saldaña and Wilson, C..

**Brief History:**

**Committee Activity:** State Government, Tribal Affairs & Elections: 2/04/25.

**Brief Summary of Bill**

- Requires signature gatherers circulating initiative and referendum petitions to sign declarations, and provides lines on the petition to do so.
- Requires the secretary of state to verify residential addresses when verifying petition signatures.

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**SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL AFFAIRS & ELECTIONS**

**Staff:** William Bridges (786-7312)

**Background:** Initiative and Referendum Petitions. Under Washington's constitution, the people have the right of initiative and referendum. Any registered voter of the state, acting individually or on behalf of an organization, may propose legislation to create a new state law or to amend or repeal an existing state law by first filing a petition with the secretary of state (Secretary) and gathering a sufficient number of valid signatures of registered voters. The Legislature may enact statutes especially to facilitate this constitutional right.

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

In order to qualify for the general election ballot or be referred to the Legislature, an initiative must garner valid signatures of registered voters of at least 8 percent of the votes cast in the last gubernatorial election. In order for a referendum to qualify for the general election ballot, it must garner valid signatures of registered voters of at least 4 percent of the votes cast in the last gubernatorial election.

Verifying Petition Signatures. The Secretary has the responsibility of verifying and canvassing the names of registered voters who have signed an initiative or referendum petition. The Secretary may use statistical sampling to accomplish this task. In 2024, the Washington Supreme Court (Court) concluded in *Defend Washington v. Hobbs*, that the Secretary is not required to verify the addresses of registered voters who have signed initiative and referendum petitions because that is neither a constitutional nor statutory requirement. Whether checking addresses should be required, the Court stated, is a question for the Legislature by statute or the Secretary by rule.

Declarations on Petitions for Signature Gatherers. In 2005, the Legislature specified that a declaration be printed on the reverse side of every petition for an initiative or referendum. Among other things, the declaration requires the signature gatherer swear or affirm, to the best of their knowledge, that persons signed the petition knowingly and without any compensation or promise of compensation. It further requires the signature gatherer to acknowledge that forgery of signatures on the petition is 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. The declaration does not instruct the signature gatherer to sign the declaration nor is there a space to sign the declaration. In a 2006 official opinion, the Washington State attorney general concluded the declaration did not have to be signed by the signature gatherer.

**Summary of Bill:** Requiring Petition Signature Gatherers to Sign Declarations. Petition signature gatherers circulating initiative or referendum petitions must sign a declaration contained on each sheet of the petition affirming, under penalty of false swearing, the following:

- every petitioner signing a sheet correctly provided the accompanying information on the signature sheet;
- the petitioner was eligible to sign the petition and reviewed the sheet; and
- the petitioner was not compensated or given gratuity or promised compensation or gratuity for signing the petition.

Adding a Signature, Date, and Address Lines to Petition Declarations and Making Other Changes. The petition declarations for initiatives and referenda are changed so that the signature gatherer, under the penalty of false swearing, must also swear or affirm, to the best of their knowledge, the following additional elements:

- that the persons signing the petition have reviewed the sheet; and
- that in addition to not receiving compensation or the promise of compensation, the persons signing the petition have not received a gratuity or promise of gratuity.

The following lines are added to petition declarations for the signature gatherer to fill: signature, date, address, and county.

Requiring the Secretary of State to Use Residential Addresses When Verifying Petition Signatures. When verifying a signature on an initiative or referendum petition, the Secretary is required to verify that the residence address on the petition is the same as the residence address on the affidavit of voter registration. The Secretary must reject the signature if:

- the address is different;
- the petition does not specify the residence address, or
- the information required to be provided under the laws governing initiatives and referenda is not contained in the petition.

The Secretary may not invalidate a signature for minor discrepancies, such as an incomplete or inaccurate apartment or unit number in the signer's residence address. An invalidated signature does not affect the validity of another valid signature in the particular petition. The Secretary may still use statistical sampling techniques to verify signatures.

Stating Legislative Findings. In order to guard against fraud and mistake, the Legislature finds that signature gatherers should be required to sign the petition declaration under penalty of false swearing, and that residence addresses of registered voters signing the petition should be verified.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: This bill helps align Washington State law with best practices in two ways. First, it requires petition signature gatherers to sign their declarations—just like in the 22 other states that already require sworn statements to ensure accountability. Second, it ensures that petition signatures include a voter registration address—this gives election officials another key tool to confirm that the people signing are real, eligible Washington voters. Many other states have already implemented these safeguards. SB 5382 is based on language from states like California and Ohio that already require address verification to confirm petition signers are registered voters. This is a basic safeguard to protect against mistakes, reduce errors in signature matching and help to prevent fraud. Implementing this requirement strengthens the process without making it harder for valid signatures to be counted. Most states that have a ballot initiative or referendum process require petition signature gatherers to sign sworn declarations, ensuring accountability for the signatures they collect. Right now, unsigned petition signature

gatherer declarations reduce accountability and makes fraud harder to detect. Washington is one of the few states with an initiative process that lacks both of these protections. Address verification is a key tool to determine eligible voters and petition signers. The bill is a simple solution that addresses the current mistrust of the initiative process and supports integrity in the election process and makes the initiative process fair, not hard. There is a compelling state interest to protect the voting process.

CON: This is a solution in search of a problem. There is no evidence a single invalid signature has been counted. The secretary of state does an excellent job of verifying signatures. When similar changes were enacted in Oregon, the average cost to qualify an initiative nearly tripled, going from \$150,000 to \$500,000. The number of initiatives dropped by two-thirds. The invalid rate went through the roof. The forgery and fraud rate nearly doubled. Do not model yourself on a failure. The affirmation will make it difficult to gather signatures because it creates a high bar for signature gatherers, many of whom are volunteers, to verify information provided by petition signers and creates a criminal penalty for violations of the affirmation. This bill shifts power from people to politicians. The initiative process is the last line of defense against rogue governments. The bill creates a roadblock for marginalized communities. A street address is not necessary to verify a signature.

OTHER: Effective date should be delayed to July 1, 2025. The secretary of state will suggest language on allowing the use of previous addresses for those who have moved.

**Persons Testifying:** PRO: Senator Javier Valdez, Prime Sponsor; Margaret Dreyfus; Arthur West; Hanna Floss; Diane Bedwell; Marrene Franich; Jeff DeBray , testifying on behalf of Spokane resident Ralph Carpenter.

CON: John Morgan; Tim eyman, Initiative activist; Brian Heywood, Let's GO Washington; Eric Pratt, America; Barbara Kuehne; Collin Hathaway; Sharon Damoff; Ashley Butenschoen; Bill Wells; Kan Qiu, Let People Vote; Jie Xie, ACE; Sharon Hanek.

OTHER: Shawn Merchant, Office of the Secretary of State.

**Persons Signed In To Testify But Not Testifying:** No one.