
SUBSTITUTE SENATE BILL 5973

State of Washington

69th Legislature

2026 Regular Session

By Senate State Government, Tribal Affairs & Elections (originally sponsored by Senators Valdez, Alvarado, Chapman, Conway, Frame, Kauffman, Nobles, Pedersen, Stanford, Trudeau, and C. Wilson)

READ FIRST TIME 01/26/26.

1 AN ACT Relating to protecting the integrity of the state
2 initiative and referendum process by requiring a demonstration of
3 support before issuance of a ballot measure title and authorizing
4 citizen actions for certain signature gatherer compensation
5 violations; amending RCW 29A.72.010, 29A.72.020, and 29A.72.030;
6 adding new sections to chapter 29A.72 RCW; and prescribing penalties.

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

8 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.72
9 RCW to read as follows:

10 (1) The legislature recognizes that the people have reserved for
11 themselves the power to enact or reject legislation through the
12 initiative and referendum process, as provided in Article II, section
13 1 of the state Constitution. The legislature determines that this
14 constitutional right must be guarded against fraud and mistake and
15 that reasonable procedural safeguards are necessary to promote the
16 integrity and proper functioning of the initiative and referendum
17 process.

18 (2) The legislature finds that:

19 (a) As stated in RCW 29A.84.280, "paying a worker, whose task it
20 is to secure the signatures of voters on initiative or referendum
21 petitions, on the basis of the number of signatures the worker

1 secures on the petitions encourages the introduction of fraud in the
2 signature gathering process. Such a form of payment may act as an
3 incentive for the worker to encourage a person to sign a petition
4 which the person is not qualified to sign or to sign a petition for a
5 ballot measure even if the person has already signed a petition for
6 the measure." Nevertheless, paying a worker based on the number of
7 signatures that worker secures has proliferated in Washington state
8 and is routinely used by ballot measure proponents to qualify
9 initiatives and referenda.

10 (b) Currently, the law does not effectively deter initiative or
11 referendum sponsors or signature-gathering entities from providing or
12 receiving compensation or gratuity based directly or indirectly on
13 the number of signatures obtained on an initiative or referendum
14 petition. The legislature finds that compensation structures based on
15 signature counts encourage fraud and mistake by incentivizing
16 signature forgery, duplicate signing, or misrepresentation or
17 concealment of the petition's contents.

18 (c) Washington's record shows a recurring pattern of signature
19 fraud associated with per-signature compensation. For example, state
20 investigators uncovered forged petition sheets submitted in support
21 of Initiative Measure No. 985 in 2008, resulting in a criminal
22 conviction. Elections staff reviewing Initiative Measure No. 1163 in
23 2011 found hundreds of fabricated signatures, including entire sheets
24 written in a single hand. During the 2012 reviews of Referendum
25 Measure No. 74 and Initiative Measure No. 1185, the secretary of
26 state identified more than 1,000 forged signatures submitted by a
27 circulator paid per signature, who later pleaded guilty. That same
28 year, Initiative Measure No. 1240 petitions were flagged for
29 fabricated names and forged entries, later memorialized in
30 legislative findings. And in 2013, the random sample checks for
31 Initiative Measure No. 517 and Initiative Measure No. 522 revealed
32 what the secretary of state described as some of the most extensive
33 irregularities the office had seen, including thousands of suspect
34 signatures tied to paid circulators who were paid per signature.

35 (d) The ninth circuit upheld Oregon's restriction on per
36 signature compensation based on evidence from the late 1990s through
37 2002 which showed a direct relationship between volume-based pay and
38 fraud and a pattern of forged signatures, clipboard stacking, and
39 false circulator certifications. Montana's record showed a similar
40 pattern of abuse. In 2006, a state court removed two initiatives from

1 the ballot after investigators documented forged signatures,
2 falsified circulator affidavits, and misrepresentations by out-of-
3 state paid circulators. The legislature responded by prohibiting per
4 signature compensation, and the ninth circuit later upheld that
5 prohibition as constitutionally permissible.

6 (e) More recently, the secretary of state's review of a three
7 percent sample of petition signatures submitted in support of
8 Washington initiatives and referenda has failed to detect additional
9 instances of fraud. However, multistate contractors that operate in
10 Washington have been implicated in petition fraud occurring in other
11 states. In 2023, a professional firm that previously worked in
12 Washington state had six circulators in Colorado charged with
13 felonies for submitting forged congressional candidate petitions.

14 (f) Washington's increasingly active initiative environment also
15 compounds this concern. In recent years, multiple ballot measures
16 have circulated at the same time, including in 2023, when one sponsor
17 sought to qualify six initiatives. To qualify for the ballot, each
18 initiative measure must currently submit at least 308,911 valid
19 signatures within a few months, which in practice means collecting
20 closer to 400,000. These requirements create intense pressure on paid
21 circulators to prioritize speed and volume. Combined with per-
22 signature compensation, this environment rewards high-output tactics
23 and raises the risk of fraud, error, and misrepresentation.

24 (g) To adequately guard the people's initiative and referendum
25 right against fraud and mistake, the legislature determines that
26 prohibiting compensation or gratuity based directly or indirectly on
27 the number of signatures gathered is necessary.

28 (h) Other states, including Oregon, Montana, and Arizona, have
29 adopted comparable restrictions on per-signature compensation to
30 protect the integrity of the initiative and referendum process and
31 continued to see initiatives and referenda qualify for the ballot at
32 stable levels. Restricting per-signature compensation has not reduced
33 access to the ballot.

34 (3) Additionally, the legislature finds that:

35 (a) In recent years, numerous proposed initiatives with minimal
36 or no public support have been repeatedly filed with the secretary of
37 state, including dozens of near-identical versions of the same
38 measure. For example, in 2024, there were 18 versions of the same
39 measure filed as initiatives to the people or legislature, resulting
40 in different ballot titles for substantively identical proposals and

1 increasing the risk of voter confusion and error. And in 2023, one
2 filer submitted 64 measures to the people.

3 (b) These duplicative and low-support versions of proposed
4 measures are often filed in an attempt to obtain a favorable ballot
5 title or to channel judicial review of the ballot title to a specific
6 judge. These tactics undermine the integrity and fairness of the
7 initiative process by encouraging strategic manipulation of filing
8 procedures, increasing the risk of inconsistent ballot titles for
9 substantively identical measures, and increasing the likelihood that
10 voters will be misled or confused about the substance and legal
11 effect of the measures they are asked to sign or vote upon.

12 (c) The legislature further finds that the filing of multiple
13 proposed measures with minimal public support imposes a substantial
14 burden and cost on the secretary of state, the attorney general, and
15 the office of the code reviser. In recent filing cycles, these
16 offices have expended significant staff resources reviewing and
17 processing duplicative proposed measures.

18 (d) Based on these findings, the legislature determines that
19 requiring a legal voter of the state proposing an initiative to
20 gather at least 1,000 signatures prior to filing the proposed measure
21 with the secretary of state will alleviate these burdens by ensuring
22 that only proposals with a minimal threshold of public support
23 proceed through the drafting and ballot title process, reducing the
24 opportunity for bad faith or duplicative filings that create a risk
25 of fraud, voter confusion, and mistake, and facilitate the initiative
26 process by limiting ballot title- and judge-shopping. The legislature
27 notes that other states, including Oregon and Ohio, require
28 preliminary sponsorship signatures before a measure may be filed,
29 demonstrating that such requirements facilitate the initiative
30 process.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.72
32 RCW to read as follows:

33 (1) It shall be unlawful to provide or receive money or other
34 consideration for signature gathering based on the number of
35 signatures obtained on an initiative or referendum petition. Nothing
36 herein prohibits providing or receiving money or other consideration
37 for signature gathering which is not based, either directly or
38 indirectly, on the number of signatures obtained.

1 (2) (a) A person who has reason to believe that this section has
2 been violated may bring a citizen's action in the name of the state
3 for an appropriate civil remedy, including but not limited to civil
4 penalties, against any initiative or referendum measure sponsor or
5 signature-gathering entity that violates this section.

6 (i) If the person who brings the citizen's action prevails, the
7 judgment awarded shall escheat to the state, but he or she shall be
8 entitled to recover reasonable attorneys' fees and costs from the
9 defendant as fixed by the court.

10 (ii) In the case of a citizen's action that is dismissed and that
11 the court also finds was brought frivolously or in bad faith, the
12 court may order the person commencing the action to pay all
13 reasonable attorneys' fees incurred by the defendant.

14 (b) Civil penalties may not exceed \$10,000 for each violation of
15 this section.

16 (c) Any action provided for in this section may be brought in the
17 superior court of the county of residence or principal place of
18 business of the initiative or referendum measure sponsor or
19 signature-gathering entity or the superior court of the county in
20 which a violation occurred.

21 (d) Any action brought under the provisions of this section must
22 be commenced within two years after the date when the violation
23 occurred.

24 (3) For the purposes of this section:

25 (a) "Entity" has the same meaning as in RCW 23B.01.400;

26 (b) "Person" has the same meaning as in RCW 29B.10.400; and

27 (c) "Signature-gathering entity" means a person or entity that is
28 employed, paid, or otherwise receives consideration or gratuity for
29 the purpose of soliciting or procuring signatures of voters on an
30 initiative or referendum petition.

31 **Sec. 3.** RCW 29A.72.010 and 2015 c 72 s 10 are each amended to
32 read as follows:

33 (1) If any legal voter of the state, either individually or on
34 behalf of an organization, desires to petition the legislature to
35 enact a proposed measure, or submit a proposed initiative measure to
36 the people, or order that a referendum of all or part of any act,
37 bill, or law, passed by the legislature be submitted to the people,
38 he or she shall file with the secretary of state:

1 ~~((1))~~ (a) A legible copy of the measure proposed, or the act or
2 part of such act on which a referendum is desired;

3 ~~((2))~~ (b) A signed affidavit, or electronic submission, that
4 the sponsor is a registered voter; ~~(and~~

5 ~~(3))~~ (c) A filing fee prescribed under RCW 43.07.120; and

6 (d) For initiative measures proposed to be submitted to the
7 legislature or the people, a petition, bearing the signatures of at
8 least 1,000 legal voters in support of the proposed measure,
9 including the legal voter's name and the address, city, and county at
10 which he or she is registered to vote. The signature sheets used to
11 collect signatures as required by this subsection must meet the
12 requirements of RCW 29A.72.100, except for the inclusion of the
13 title.

14 (2)(a) The secretary of state shall, prior to submitting a copy
15 of the proposed measure to the office of the code reviser under RCW
16 29A.72.020, verify and canvass the signatures and names of the legal
17 voters submitted pursuant to subsection (1) of this section. The
18 secretary of state shall, by rule, establish procedures to implement
19 this subsection.

20 (b) The secretary of state may use statistical sampling
21 techniques authorized under RCW 29A.72.230 to verify whether a
22 petition contains the required number of signatures of legal voters.

23 (3) The secretary of state may not accept for filing any proposed
24 measure submitted pursuant to this section if:

25 (a) The legal voter failed to submit the documents required under
26 subsection (1)(a) and (b) of this section;

27 (b) The legal voter failed to submit the filing fee required
28 under subsection (1)(c) of this section; or

29 (c) For initiative measures proposed to be submitted to the
30 legislature or the people, the legal voter failed to submit the
31 petition required under subsection (1)(d) of this section or the
32 petition clearly bears insufficient signatures.

33 (4) Signatures collected to meet the requirements of subsection
34 (1)(d) of this section must count toward the total number of
35 signatures required for filing an initiative measure under RCW
36 29A.72.150.

37 **Sec. 4.** RCW 29A.72.020 and 2003 c 111 s 1803 are each amended to
38 read as follows:

1 Upon (~~receipt of a proposed initiative measure~~) verifying that
2 the proposed initiative measure contains the number of signatures
3 required under RCW 29A.72.010(1)(d), and before giving it a serial
4 number, the secretary of state shall submit a copy thereof to the
5 office of the code reviser and give notice to the sponsor of such
6 transmittal. Upon receipt of the measure, the assistant code reviser
7 to whom it has been assigned may confer with the sponsor and shall
8 within seven working days from its receipt, review the proposal and
9 recommend to the sponsor such revision or alteration of the measure
10 as may be deemed necessary and appropriate. The recommendations of
11 the code reviser's office are advisory only, and the sponsor may
12 accept or reject them in whole or in part. The code reviser shall
13 issue a certificate of review certifying that he or she has reviewed
14 the measure and that any recommendations have been communicated to
15 the sponsor. The certificate must be issued whether or not the
16 sponsor accepts such recommendations. Within fifteen working days
17 after notification of submittal of the proposed measure to the code
18 reviser's office, the sponsor, if he or she desires to proceed with
19 sponsorship, shall file the measure together with the certificate of
20 review with the secretary of state for assignment of a serial number,
21 and the secretary of state shall then submit to the code reviser's
22 office a certified copy of the measure filed. Upon submission of the
23 proposal to the secretary of state for assignment of a serial number,
24 the secretary of state shall refuse to make such assignment unless
25 the proposal is accompanied by a certificate of review.

26 **Sec. 5.** RCW 29A.72.030 and 2003 c 111 s 1804 are each amended to
27 read as follows:

28 (1) Initiative measures proposed to be submitted to the people
29 must be filed with the secretary of state within ten months prior to
30 the election at which they are to be submitted, and the signature
31 petitions meeting the requirements under RCW 29A.72.010 and
32 29A.72.150 must be filed with the secretary of state not less than
33 four months before the next general statewide election.

34 (2) Initiative measures proposed to be submitted to the
35 legislature must be filed with the secretary of state within ten
36 months prior to the next regular session of the legislature at which
37 they are to be submitted, and the signature petitions meeting the
38 requirements under RCW 29A.72.010 and 29A.72.150 must be filed with

1 the secretary of state not less than ten days before such regular
2 session of the legislature.

3 (3) A referendum measure petition ordering that any act or part
4 of an act passed by the legislature be referred to the people must
5 meet the requirements under RCW 29A.72.150 and be filed with the
6 secretary of state within ninety days after the final adjournment of
7 the legislative session at which the act was passed. It may be
8 submitted at the next general statewide election or at a special
9 election ordered by the legislature.

10 (4) A proposed initiative or referendum measure may be filed no
11 earlier than the opening of the secretary of state's office for
12 business pursuant to RCW 42.04.060 on the first day filings are
13 permitted, and any initiative or referendum petition must be filed
14 not later than the close of business on the last business day in the
15 specified period for submission of signatures. If a filing deadline
16 falls on a Saturday, the office of the secretary of state must be
17 open for the transaction of business under this section from 8:00
18 a.m. to 5:00 p.m. on that Saturday.

19 NEW SECTION. **Sec. 6.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

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