

# SENATE BILL REPORT

## EHB 2478

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As Reported By Senate Committee On:  
Government Operations & Elections, February 16, 2006

**Title:** An act relating to ballot measures.

**Brief Description:** Clarifying laws on ballot measures.

**Sponsors:** Representatives Green, Nixon, Haigh and Hunt; by request of Secretary of State.

**Brief History:** Passed House: 2/08/06, 89-6.

**Committee Activity:** Government Operations & Elections: 2/16/06 [DP, DNP, w/oRec].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** Do pass.

Signed by Senators Kastama, Chair; Berkey, Vice Chair; Haugen, Kline, McCaslin and Pridemore.

**Minority Report:** Do not pass.

Signed by Senator Roach, Ranking Minority Member.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Benton.

**Staff:** Mac Nicholson (786-7445)

**Background:** Explanatory statements for ballot measures and constitutional amendments are prepared by the Attorney General and appear in the voters' pamphlet. When the explanatory statement is filed, the Secretary of State (SoS) must immediately provide text of the statement to the person proposing the measure and any others who have made written request for notification of the explanatory statement. A person dissatisfied with the explanatory statement on an initiative or referendum can appeal the statement within five days of the filing date. A person dissatisfied with the explanatory statement on a constitutional amendment has ten days to challenge the statement.

If the SoS refuses to file an initiative or referendum petition, the person submitting it may appeal the refusal to Thurston County Superior Court within ten days.

In 2005, the Legislature required initiative and referendum petitions to include a declaration to be signed by the individual circulating the petition that, to the best of the circulator's knowledge, persons who signed the petition did so knowingly and without compensation. The declaration also informs the circulator that forgery is a class B felony and that offering any consideration in exchange for a signature is a gross misdemeanor. This declaration was not required of recall petitions.

**Summary of Bill:** The statute providing a ten day appeal period for challenges to explanatory statements for constitutional amendments is repealed. Language in the statute providing a five day appeal period for challenges to initiative and referendum explanatory statements is amended such that the five day period applies to all explanatory statements (including statements for constitutional amendments). Saturdays, Sundays, and legal holidays are excluded from the five day appeal period.

Recall petitions must contain the same circulator declaration that appears on initiative and referendum petitions.

The SoS must (instead of may) refuse to file initiative or referendum petitions that are not in the form required by law, that clearly bear insufficient signatures, or that are submitted late. The time period in which to file an appeal of SoS refusal to file an initiative or referendum is changed from ten days to five days.

A person who knowingly circulates a ballot measure petition that supports a measure that differs from the actual measure attached to the petition is guilty of a gross misdemeanor.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** The explanatory statement is prepared by the attorney general and can be appealed in court. If the measure was initiated by the people, the appeal period is five days, and if the measure was initiated by the Legislature, the appeal period is ten days. This bill just sets a uniform appeal period for all explanatory statements. Five days was chosen because that is the amount of time allowed for an appeal of a ballot title, and a shorter appeal period helps keep the measure on track and out of the courtroom.

**Testimony Against:** None.

**Who Testified:** PRO: Katie Blinn, Office of the Secretary of State.