

HOUSE BILL REPORT

HB 1645

As Amended by the Senate

Title: An act relating to initiatives and referenda.

Brief Description: Changing provisions relating to initiatives and referenda.

Sponsors: Representatives Anderson, Reams, Veloria, Vance, Campbell, Dyer, Pruitt, Conway, Brough, Wang, Cothorn, Wineberry and J. Kohl.

Brief History:

Reported by House Committee on:
State Government, February 25, 1993, DP;
Passed House, March 16, 1993, 96-1;
Amended by Senate.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 8 members: Representatives Anderson, Chair; Veloria, Vice Chair; Reams, Ranking Minority Member; Vance, Assistant Ranking Minority Member; Campbell; Conway; King; and Pruitt.

Staff: Kenneth Hirst (786-7105).

Background: The state constitution sets forth the initiative and referendum power of the people with regard to state legislation. The constitution permits the Legislature to enact laws facilitating the initiative and referendum process. Under that authority, the Legislature has enacted laws governing the filing of petitions, the preparation of ballot titles and summaries, the content of signature petitions, the verification of signatures, and other related procedures.

The Legislature has also identified activities regarding the initiative and referendum process which are prohibited. One activity so prohibited is soliciting or procuring, for compensation, signatures on an initiative or referendum petition. In a 1988 decision, the U.S. Supreme Court determined that a similar Colorado statute prohibiting the payment of petition circulators imposed a burden on political expression that the state failed to justify. The court found that the statute violated the First and Fourteenth Amendments of the U.S. Constitution.

Summary of Bill: New requirements regarding initiative and referendum petitions and those who collect signatures on such petitions are established.

Certain Forms of Compensation Prohibited. A person who gathers petition signatures is prohibited from being compensated or agreeing to be compensated on a per-signature basis. Offering or providing this form of compensation is also prohibited. Provisions of current law are repealed which prohibit paying persons to solicit signatures on petitions or to attempt to influence persons to sign a petition or to vote for or against an initiative or referendum.

Compensation for Solicitors & PDC Reports. If a candidate or political committee makes an expenditure of any size directly or indirectly to compensate a person for soliciting petition signatures, the expenditure must be reported in the regular contribution and expenditure report filed with the Public Disclosure Commission by the candidate or committee. The total of such expenditures must also be reported and this reporting is in addition to the reporting of expenditures as required by current law.

Warning Statement; Other. The "warning" statement on petitions regarding signing petitions illegally must occupy at least four square inches on the front of the petition. The penalties prescribed under the initiative and referendum laws for categories of crimes are to those prescribed in the Criminal Code for those categories.

EFFECT OF SENATE AMENDMENT(S): The amendment establishes a new format for displaying on a ballot the ballot question for a state or local petition-based referendum. The ballot question is to be displayed as follows:

Referendum Measure No. XX. The (name of legislative body) has passed a law that (concise statement identifying the essential features of the law). Should this law be

Approved ___
or
Rejected ___

The concise statement for a state referendum must not exceed 25 words in length. For a local referendum, it must not exceed 75 words. These concise statements are prepared and subject to appeal in the same manner as provided by current law for ballot titles. The heading to be printed on petition sheets for such a referendum is altered to reflect these changes in the format for the ballot question.

The amendment identifies which county's prosecuting attorney is to prepare the ballot title for a ballot proposition for a special purpose district that lies in more than one county. The amendment also repeals a provision of law which provides a format for ballot titles specifically for elections on proposed ordinances in cities with a commission form of government.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: (1) In California, the ability of initiative committees to compensate those who circulate petitions has led to an initiative industry which buys space on the California ballot. (2) Compensating signature gatherers on a per-signature basis leads to fraudulent petition practices. Persons leaving the King Dome were asked to sign a petition even when they stated that they had already signed the petition. (3) The initiative movement sponsored by the Grange was intended to provide a grass roots means of enacting laws, not a new industry. (4) The ability of environmental groups to conduct successful initiative campaigns without these payments demonstrates that grass roots campaigns with strong public support are successful.

Testimony Against: (1) The bill limits the power of the people and interferes with the democratic process. (2) It is not in the interest of initiative committees to collect invalid signatures on their petitions. (3) Paying signature gatherers on a per-signature basis permits an initiative committee to check the quality of the work of its workers. Paying workers on a piecework basis is time honored in this country. (4) The bill is intended to serve the interests of career politicians. (5) Measures must get to the ballot before voters can demonstrate their choices on issues. Initiative committees need all of the tools they can get. (6) There is no emergency requiring that this bill take effect immediately. The emergency clause simply avoids a referendum campaign.

Witnesses: Representative Anderson (in favor); Gary McIntosh, Office of the Secretary of State (in favor); Joe Daniels, United Food and Commercial Workers (in favor); Jeff Parsons, Audubon Society (in favor); Sherry Bockwinkel, Jack Darragh, and Gene Morain, LIMIT (opposed); and Richard Shepard, Libertarian Party (opposed).

VOTE ON FINAL PASSAGE:

Yeas 96; Nays 1; Excused 1

Nays: Representative Fuhrman

Excused: Representative Thomas