

# FINAL BILL REPORT

## HB 1645

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C 256 L 93  
Synopsis as Enacted

**Brief Description:** Changing provisions relating to initiatives and referenda.

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

House Committee on State Government  
Senate Committee on Government Operations

**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:**

COLLECTING SIGNATURES ON PETITIONS

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

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 Provisions of current law are repealed which prohibit paying persons to solicit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.

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.

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 those prescribed in the Criminal Code for those categories.

#### REFERENDUM BALLOT DISPLAY

A new format is established 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 a referendum is altered to reflect these changes in format.

For a ballot proposition of a special purpose district that lies in more than one county, the concise statement or ballot title is to be prepared by the prosecuting attorney of the county in which "the majority area of the district is located." Repealed is a law prescribing a format for ballot titles for elections on proposed ordinances in cities with a commission form of government.

**Votes on Final Passage:**

House	96	1	
Senate	33	15	(Senate amended)
House	97	0	(House concurred)

**Effective:** May 7, 1993