

SENATE BILL REPORT

HB 1645

AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS, APRIL 1, 1993

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

HOUSE COMMITTEE ON STATE GOVERNMENT

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, and Winsley.

Staff: Rod McAulay (786-7754)

Hearing Dates: March 30, 1993; April 1, 1993

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 prohibited activity 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:

New requirements regarding initiative and referendum petitions and the collection of 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 Provisions of current law are repealed which prohibit paying persons to either solicit signatures on petitions or to attempt to influence persons to sign a petition or vote for or against an initiative or referendum.

Compensation for Solicitors and 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 those prescribed in the criminal code.

Appropriation: none

Revenue: none

Fiscal Note: available

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

TESTIMONY FOR:

Will assure that the initiative and referendum process is a true grass roots movement and prevent out-of-state interest and those with financial resources from manipulating the public. Current practice of paying petition gatherers by signature provides an incentive to misrepresent the initiative and obtain improper signatures. Signature gatherers become "bounty hunters."

TESTIMONY AGAINST:

The provision, even in its limited form, is unconstitutional. Existing laws protect against fraudulent signatures. The incentives to misrepresent the subject of the petitions are present regardless of the method of payment. Petition signature gatherers don't get rich.

TESTIFIED: Representative Anderson; Gary McIntosh, Office of Secretary of State; Jeff Parsons, Audubon Society; Joe Daniels, UFCW; Jack Darragh, LIMIT; Gene Morain, LIMIT; Jerry Sheehan, ACLU