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HOUSE BILL 1645

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State of Washington

53rd Legislature

1993 Regular Session

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

Read first time 02/03/93. Referred to Committee on State Government.

1 AN ACT Relating to initiatives and referenda; amending RCW  
2 29.79.440, 29.79.480, 29.79.490, and 42.17.090; adding new sections to  
3 chapter 29.79 RCW; prescribing penalties; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.79 RCW  
6 to read as follows:

7 The legislature finds that paying a worker, whose task it is to  
8 secure the signatures of voters on initiative or referendum petitions,  
9 on the basis of the number of signatures the worker secures on the  
10 petitions encourages the introduction of fraud in the signature  
11 gathering process. Such a form of payment may act as an incentive for  
12 the worker to encourage a person to sign a petition which the person is  
13 not qualified to sign or to sign a petition for a ballot measure even  
14 if the person has already signed a petition for the measure. Such  
15 payments also threaten the integrity of the initiative and referendum  
16 process by providing an incentive for misrepresenting the nature or  
17 effect of a ballot measure in securing petition signatures for the  
18 measure.

1       **Sec. 2.** RCW 29.79.440 and 1965 c 9 s 29.79.440 are each amended to  
2 read as follows:

3       Every person who signs an initiative or referendum petition with  
4 any other than his or her true name shall be guilty of a class C felony  
5 punishable under RCW 9A.20.021. Every person who knowingly signs more  
6 than one petition for the same initiative or referendum measure or who  
7 signs an initiative or referendum petition knowing that he or she is  
8 not a legal voter or who makes a false statement as to his or her  
9 residence on any initiative or referendum petition, shall be guilty of  
10 a gross misdemeanor punishable to the same extent as a gross  
11 misdemeanor that is punishable under RCW 9A.20.021.

12       **Sec. 3.** RCW 29.79.480 and 1965 c 9 s 29.79.480 are each amended to  
13 read as follows:

14       Every officer who willfully violates any of the provisions of this  
15 chapter or chapter 29.81 RCW, for the violation of which no penalty is  
16 herein prescribed, or who willfully fails to comply with the provisions  
17 of this chapter or chapter 29.81 RCW, shall be guilty of a gross  
18 misdemeanor punishable to the same extent as a gross misdemeanor that  
19 is punishable under RCW 9A.20.021.

20       **Sec. 4.** RCW 29.79.490 and 1975-'76 2nd ex.s. c 112 s 2 are each  
21 amended to read as follows:

22       Every person shall be guilty of a gross misdemeanor who:

23       (1) For any consideration or gratuity or promise thereof, signs or  
24 declines to sign any initiative or referendum petition; or

25       (2) ~~((Advertises in any manner that for or without consideration,~~  
26 ~~he will solicit or procure signatures upon or influence or attempt to~~  
27 ~~influence persons to sign or not to sign, to vote or not to vote upon~~  
28 ~~an initiative or referendum petition, or to vote for or against any~~  
29 ~~initiative or referendum; or~~

30       ~~(3) For any consideration or gratuity or promise thereof solicits~~  
31 ~~or procures signatures upon an initiative or referendum petition))~~  
32 Provides or receives consideration for soliciting or procuring  
33 signatures on an initiative or referendum petition if any part of the  
34 consideration is based upon the number of signatures solicited or  
35 procured, or offers to provide or agrees to receive such consideration  
36 any of which is based on the number of signatures solicited or  
37 procured; or

1       (~~(4)~~) (3) Gives or offers any consideration or gratuity to any  
2 person to induce him or her to sign or not to sign(~~(, or to solicit or~~  
3 ~~procure signatures upon an initiative or referendum petition,~~) or to  
4 vote for or against any initiative or referendum measure; or

5       (~~(5)~~) (4) Interferes with or attempts to interfere with the right  
6 of any voter to sign or not to sign an initiative or referendum  
7 petition or with the right to vote for or against an initiative or  
8 referendum measure by threats, intimidation, or any other corrupt means  
9 or practice; or

10       (~~(6)~~) (5) Receives, handles, distributes, pays out, or gives  
11 away, directly or indirectly, money or any other thing of value  
12 contributed by or received from any person, firm, association, or  
13 corporation whose residence or principal office is, or the majority of  
14 whose members or stockholders have their residence outside, the state  
15 of Washington, for any service rendered for the purpose of aiding in  
16 procuring signatures upon any initiative or referendum petition or for  
17 the purpose of aiding in the adoption or rejection of any initiative or  
18 referendum measure: PROVIDED, That this subsection shall not apply to  
19 or prohibit any activity which is properly reported in accordance with  
20 the applicable provisions of chapter 42.17 RCW.

21       A gross misdemeanor under this section is punishable to the same  
22 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

23       NEW SECTION. Sec. 5. A new section is added to chapter 29.79 RCW  
24 to read as follows:

25       The word "warning" and the warning statement regarding signing  
26 petitions that must appear on petitions as prescribed by RCW 29.79.090,  
27 29.79.100, and 29.79.110 shall be printed on each petition sheet such  
28 that they occupy not less than four square inches of the front of the  
29 petition sheet.

30       **Sec. 6.** RCW 42.17.090 and 1989 c 280 s 9 are each amended to read  
31 as follows:

32       (1) Each report required under RCW 42.17.080 (1) and (2) shall  
33 disclose the following:

34       (a) The funds on hand at the beginning of the period;

35       (b) The name and address of each person who has made one or more  
36 contributions during the period, together with the money value and date  
37 of such contributions and the aggregate value of all contributions

1 received from each such person during the campaign or in the case of a  
2 continuing political committee, the current calendar year: PROVIDED,  
3 That pledges in the aggregate of less than one hundred dollars from any  
4 one person need not be reported: PROVIDED FURTHER, That the income  
5 which results from a fund-raising activity conducted in accordance with  
6 RCW 42.17.067 may be reported as one lump sum, with the exception of  
7 that portion of such income which was received from persons whose names  
8 and addresses are required to be included in the report required by RCW  
9 42.17.067: PROVIDED FURTHER, That contributions of no more than  
10 twenty-five dollars in the aggregate from any one person during the  
11 election campaign may be reported as one lump sum so long as the  
12 campaign treasurer maintains a separate and private list of the name,  
13 address, and amount of each such contributor: PROVIDED FURTHER, That  
14 the money value of contributions of postage shall be the face value of  
15 such postage;

16 (c) Each loan, promissory note, or security instrument to be used  
17 by or for the benefit of the candidate or political committee made by  
18 any person, together with the names and addresses of the lender and  
19 each person liable directly, indirectly or contingently and the date  
20 and amount of each such loan, promissory note, or security instrument;

21 (d) All other contributions not otherwise listed or exempted;

22 (e) The name and address of each candidate or political committee  
23 to which any transfer of funds was made, together with the amounts and  
24 dates of such transfers;

25 (f) The name and address of each person to whom an expenditure was  
26 made in the aggregate amount of more than fifty dollars during the  
27 period covered by this report, and the amount, date, and purpose of  
28 each such expenditure. A candidate for state executive or state  
29 legislative office or the political committee of such a candidate shall  
30 report this information for an expenditure under one of the following  
31 categories, whichever is appropriate: (i) Expenditures for the  
32 election of the candidate; (ii) expenditures for nonreimbursed public  
33 office-related expenses; (iii) expenditures required to be reported  
34 under (e) of this subsection; or (iv) expenditures of surplus funds and  
35 other expenditures. The report of such a candidate or committee shall  
36 contain a separate total of expenditures for each category and a total  
37 sum of all expenditures. Other candidates and political committees  
38 need not report information regarding expenditures under the categories  
39 listed in (i) through (iv) of this subsection or under similar such

1 categories unless required to do so by the commission by rule. The  
2 report of such an other candidate or committee shall also contain the  
3 total sum of all expenditures;

4 (g) The name and address of each person to whom any expenditure was  
5 made directly or indirectly to compensate the person for soliciting or  
6 procuring signatures on an initiative or referendum petition, the  
7 amount of such compensation to each such person, and the total of the  
8 expenditures made for this purpose. Such expenditures shall be  
9 reported under this subsection (1)(g) whether the expenditures are or  
10 are not also required to be reported under (f) of this subsection;

11 (h) The name and address of any person and the amount owed for any  
12 debt, obligation, note, unpaid loan, or other liability in the amount  
13 of more than two hundred fifty dollars or in the amount of more than  
14 fifty dollars that has been outstanding for over thirty days;

15 ~~((h))~~ (i) The surplus or deficit of contributions over  
16 expenditures;

17 ~~((i))~~ (j) The disposition made in accordance with RCW 42.17.095  
18 of any surplus funds;

19 ~~((j))~~ (k) Such other information as shall be required by the  
20 commission by rule in conformance with the policies and purposes of  
21 this chapter; and

22 ~~((k))~~ (l) Funds received from a political committee not otherwise  
23 required to report under this chapter (a "nonreporting committee").  
24 Such funds shall be forfeited to the state of Washington unless the  
25 nonreporting committee has filed or within ten days following such  
26 receipt files with the commission a statement disclosing: (i) its name  
27 and address; (ii) the purposes of the nonreporting committee; (iii) the  
28 names, addresses, and titles of its officers or if it has no officers,  
29 the names, addresses, and titles of its responsible leaders; (iv) the  
30 name, office sought, and party affiliation of each candidate in the  
31 state of Washington whom the nonreporting committee is supporting, and,  
32 if such committee is supporting the entire ticket of any party, the  
33 name of the party; (v) the ballot proposition supported or opposed in  
34 the state of Washington, if any, and whether such committee is in favor  
35 of or opposed to such proposition; (vi) the name and address of each  
36 person residing in the state of Washington or corporation which has a  
37 place of business in the state of Washington who has made one or more  
38 contributions in the aggregate of more than twenty-five dollars to the  
39 nonreporting committee during the current calendar year, together with

1 the money value and date of such contributions; (vii) the name and  
2 address of each person in the state of Washington to whom an  
3 expenditure was made by the nonreporting committee on behalf of a  
4 candidate or political committee in the aggregate amount of more than  
5 fifty dollars, the amount, date, and purpose of such expenditure, and  
6 the total sum of such expenditures; (viii) such other information as  
7 the commission may prescribe by rule, in keeping with the policies and  
8 purposes of this chapter. A nonreporting committee incurring an  
9 obligation to file additional reports in a calendar year may satisfy  
10 the obligation by filing with the commission a letter providing  
11 updating or amending information.

12 (2) The treasurer and the candidate shall certify the correctness  
13 of each report.

14 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
15 preservation of the public peace, health, or safety, or support of the  
16 state government and its existing public institutions, and shall take  
17 effect immediately.

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