

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1645

53rd Legislature
1993 Regular Session

Passed by the House April 20, 1993
Yeas 97 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 14, 1993
Yeas 33 Nays 15

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1645** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1645

AS AMENDED BY THE SENATE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Anderson, Reams, Voloria, 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, 42.17.090, 29.27.060, 29.79.040,
3 29.79.110, 29.27.065, 29.27.067, and 35A.29.120; adding new sections to
4 chapter 29.79 RCW; repealing RCW 35.17.320; prescribing penalties; and
5 declaring an emergency.

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

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

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

1 effect of a ballot measure in securing petition signatures for the
2 measure.

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

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

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

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

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

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

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

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

32 ~~(3) For any consideration or gratuity or promise thereof solicits~~
33 ~~or procures signatures upon an initiative or referendum petition))~~
34 Provides or receives consideration for soliciting or procuring
35 signatures on an initiative or referendum petition if any part of the
36 consideration is based upon the number of signatures solicited or

1 procured, or offers to provide or agrees to receive such consideration
2 any of which is based on the number of signatures solicited or
3 procured; or

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

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

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

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

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

28 The word "warning" and the warning statement regarding signing
29 petitions that must appear on petitions as prescribed by RCW 29.79.090,
30 29.79.100, and 29.79.110 shall be printed on each petition sheet such
31 that they occupy not less than four square inches of the front of the
32 petition sheet.

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

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

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

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

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

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

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

28 (f) The name and address of each person to whom an expenditure was
29 made in the aggregate amount of more than fifty dollars during the
30 period covered by this report, and the amount, date, and purpose of
31 each such expenditure. A candidate for state executive or state
32 legislative office or the political committee of such a candidate shall
33 report this information for an expenditure under one of the following
34 categories, whichever is appropriate: (i) Expenditures for the
35 election of the candidate; (ii) expenditures for nonreimbursed public
36 office-related expenses; (iii) expenditures required to be reported
37 under (e) of this subsection; or (iv) expenditures of surplus funds and
38 other expenditures. The report of such a candidate or committee shall
39 contain a separate total of expenditures for each category and a total

1 sum of all expenditures. Other candidates and political committees
2 need not report information regarding expenditures under the categories
3 listed in (i) through (iv) of this subsection or under similar such
4 categories unless required to do so by the commission by rule. The
5 report of such an other candidate or committee shall also contain the
6 total sum of all expenditures;

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

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

18 ~~((h))~~ (i) The surplus or deficit of contributions over
19 expenditures;

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

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

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

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

15 (2) The treasurer and the candidate shall certify the correctness
16 of each report.

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 29.79 RCW
18 to read as follows:

19 (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,
20 or 82.80.090, the ballot title of any referendum filed on an enactment
21 or portion of an enactment of the state legislature or of the
22 legislative authority of a unit of local government shall be composed
23 of three elements: (a) An identification of the enacting legislative
24 body; (b) a concise statement identifying the essential features of the
25 enactment on which the referendum is filed; and (c) a question asking
26 the voters whether the enactment should be approved or rejected by the
27 people. The ballot issue shall be displayed on the ballot
28 substantially as follows:

29 Referendum Measure No. XX. The (name of legislative body) has passed
30 a law that (concise statement). Should this law be

31 APPROVED

32 OR

33 REJECTED

34 (2) For a referendum measure on a state enactment, the concise
35 statement shall be prepared by the attorney general and shall not
36 exceed twenty-five words.

1 (3) The concise statement for a referendum measure on an enactment
2 of the legislative authority of a unit of local government shall not
3 exceed seventy-five words. If the local governmental unit is a city or
4 a town, the concise statement shall be prepared by the city or town
5 attorney. If the local governmental unit is a county, the concise
6 statement shall be prepared by the prosecuting attorney of the county.
7 If the unit is a unit of local government other than a city, town, or
8 county, the concise statement shall be prepared by the prosecuting
9 attorney of the county within which the majority area of the unit is
10 located.

11 (4) A referendum measure on the enactment of a unit of local
12 government shall be advertised in the manner provided for nominees for
13 elective office.

14 **Sec. 8.** RCW 29.27.060 and 1985 c 252 s 1 are each amended to read
15 as follows:

16 (1) When a proposed constitution or constitutional amendment or
17 other question is to be submitted to the people of the state for state-
18 wide popular vote, the attorney general shall prepare a concise
19 statement posed as a question and not exceeding twenty words containing
20 the essential features thereof expressed in such a manner as to clearly
21 identify the proposition to be voted upon.

22 Questions to be submitted to the people of a county or municipality
23 shall also be advertised as provided for nominees for office, and in
24 such cases there shall also be printed on the ballot a concise
25 statement posed as a question and not exceeding seventy-five words
26 containing the essential features thereof expressed in such a manner as
27 to clearly identify the proposition to be voted upon, which statement
28 shall be prepared by the city or town attorney for the city or town,
29 and by the prosecuting attorney for the county or any other (~~political~~
30 ~~subdivision of the state~~) unit of local government, other than
31 (~~cities~~) a city or town, the majority area of which is situated in
32 the county.

33 The concise statement constitutes the ballot title.

34 (2) The secretary of state shall certify to the county auditors the
35 ballot title for a proposed constitution, constitutional amendment or
36 other state-wide question at the same time and in the same manner as
37 the ballot titles to initiatives and referendums.

1 (3) Subsection (1) of this section does not apply to referendum
2 measures filed on an enactment of the state legislature or on an
3 enactment of the legislative authority of a unit of local government,
4 nor does it apply to the extent that other provisions of state law
5 provide otherwise for a specific type of ballot question or
6 proposition.

7 **Sec. 9.** RCW 29.79.040 and 1982 c 116 s 4 are each amended to read
8 as follows:

9 Within seven calendar days after the receipt of an initiative or
10 referendum measure the attorney general shall formulate and transmit to
11 the secretary of state ((a)) the concise statement ((posed as a
12 question and not to exceed twenty words,)) required by RCW 29.27.060 or
13 section 7 of this act bearing the serial number of the measure and a
14 summary of the measure, not to exceed seventy-five words, to follow the
15 statement. The statement may be distinct from the legislative title of
16 the measure, and shall give a true and impartial statement of the
17 purpose of the measure. Neither the statement nor the summary may
18 intentionally be an argument, nor likely to create prejudice, either
19 for or against the measure. Except as provided for in section 7 of
20 this act, such a concise statement shall constitute the ballot title.
21 The ballot title or, for a referendum on a state enactment, the concise
22 statement formulated by the attorney general shall be the ballot title
23 of or concise statement describing the measure unless changed on
24 appeal. When practicable, the question posed by the ballot title shall
25 be written in such a way that an affirmative answer to such question
26 and an affirmative vote on the measure would result in a change in then
27 current law, and a negative answer to the question and a negative vote
28 on the measure would result in no change to then current law.

29 **Sec. 10.** RCW 29.79.110 and 1982 c 116 s 11 are each amended to
30 read as follows:

31 Petitions ordering that acts or parts of acts passed by the
32 legislature be referred to the people at the next ensuing general
33 election, or special election ordered by the legislature, shall be
34 substantially in the following form:

1

WARNING

2 Every person who signs this petition with any other than his or her
3 true name, knowingly signs more than one of these petitions, signs this
4 petition when he or she is not a legal voter, or makes any false
5 statement on this petition may be punished by fine or imprisonment or
6 both.

7

PETITION FOR REFERENDUM

8 To the Honorable, Secretary of State of the State of
9 Washington:

10 We, the undersigned citizens and legal voters of the State of
11 Washington, respectfully order and direct that Referendum Measure No.
12, (~~entitled (here insert the established ballot title of the~~
13 ~~measure) being~~) filed to revoke a (or part or parts of a) bill that
14 (concise statement required by section 7 of this act) and that was
15 passed by the legislature of the State of Washington at the
16 last regular (special) session of said legislature, shall be referred
17 to the people of the state for their approval or rejection at the
18 regular (special) election to be held on the day of November,
19 19..; and each of us for himself or herself says: I have personally
20 signed this petition; I am a legal voter of the State of Washington, in
21 the city (or town) and county written after my name, my residence
22 address is correctly stated, and I have knowingly signed this petition
23 only once.
24