
HOUSE BILL 1509

State of Washington 55th Legislature 1997 Regular Session

By Representatives D. Schmidt, Scott, Appelwick, Cooper, Thompson, L. Thomas, Dunn, Wensman, Carlson, Honeyford, D. Sommers, Koster, Chopp, Linville, Grant, Hatfield, Doumit, Dickerson, Constantine, Backlund, Kenney, O'Brien, Wolfe, Blalock, Gombosky, Cole, Butler, Tokuda, Gardner, Keiser, Costa, Mulliken, Quall, Morris, Ogden, Cody, Kessler, Anderson and Mason

Read first time 01/29/97. Referred to Committee on Government Administration.

1 AN ACT Relating to petitions to be filed with government; amending
2 RCW 29.79.090, 29.79.100, 29.79.110, 29.82.030, 35.17.270, 35.22.200,
3 35A.11.100, and 35A.29.170; adding a new section to chapter 29.79 RCW;
4 adding a new section to chapter 29.82 RCW; adding a new section to
5 chapter 35.17 RCW; adding a new section to chapter 35.22 RCW; adding a
6 new section to chapter 35A.29 RCW; adding new sections to chapter 36.32
7 RCW; adding a new section to chapter 29.85 RCW; adding a new section to
8 chapter 29.81 RCW; adding a new section to chapter 29.81A RCW; adding
9 a new section to chapter 42.17 RCW; adding a new section to chapter
10 35A.11 RCW; recodifying RCW 35A.29.170; and prescribing penalties.

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

12 **Sec. 1.** RCW 29.79.090 and 1982 c 116 s 9 are each amended to read
13 as follows:

14 (1) Petitions for proposing measures for submission to the
15 legislature at its next regular session, shall be substantially in the
16 following form:

1 We, the undersigned citizens and legal voters of the State of
 2 Washington, respectfully direct that the proposed measure known as
 3 Initiative Measure No. . . . , entitled (here insert the established
 4 ballot title of the measure), a full, true and correct copy of which is
 5 printed on the reverse side of this petition, be submitted to the legal
 6 voters of the State of Washington for their approval or rejection at
 7 the general election to be held on the day of November,
 8 19. . . ; and each of us for himself or herself says: I have personally
 9 signed this petition; I am a legal voter of the State of Washington, in
 10 the city (or town) and county written after my name, my residence
 11 address is correctly stated, and I have knowingly signed this petition
 12 only once.

13

14	Petitioner's	‡ Print name	‡ Residence address,	‡ City	‡
15	signature	‡ for positive	‡ street and number,	‡ or	‡ County
16		‡ identification	‡ if any	‡ Town	‡
17		‡	‡	‡	‡

18 (Here follow 20 numbered lines divided into columns as below.)

20		‡	‡	‡	‡
21		‡	‡	‡	‡
22		‡	‡	‡	‡
23	1	" " " " " ‡	" " " " " ‡	" " " " " ‡	" " " " " ‡
24		‡	‡	‡	‡
26		‡	‡	‡	‡
27	2	" " " " " ‡	" " " " " ‡	" " " " " ‡	" " " " " ‡
29		‡	‡	‡	‡
30		‡	‡	‡	‡
31	3	" " " " " ‡	" " " " " ‡	" " " " " ‡	" " " " " ‡
32		etc. "			
33					

34 (2) In addition, the following must be included and completed on
 35 each initiative petition where compensation, pay, or other
 36 consideration is provided to the person circulating, soliciting, or
 37 procuring signatures on that petition:

38 (a) Space must be provided on each petition for the person or
 39 persons who procured the signatures to certify that, to his or her
 40 knowledge, the signatures on the petition are valid. That person shall
 41 print his or her name and address on the petition and sign the
 42 petition.

43 (b) The following statement must be included in at least twenty-
 44 point, bold-faced type at the top of each petition:

1 A person who provides compensation, pay, or other consideration to
2 another person to circulate, solicit, or procure signatures on an
3 initiative or referendum petition shall keep records of the person who
4 procured the signatures for consideration on each separate petition.
5 Space must be provided on each petition to number the petition to
6 assist in tracking the signature gatherers. These records must be kept
7 current and must be submitted to the secretary of state when the
8 petitions are filed.

9 **Sec. 5.** RCW 29.82.030 and 1984 c 170 s 6 are each amended to read
10 as follows:

11 (1) Recall petitions shall be printed on single sheets of paper of
12 good writing quality (including but not limited to newsprint) not less
13 than eleven inches in width and not less than fourteen inches in
14 length. No petition may be circulated or signed prior to the first day
15 of the one hundred eighty or two hundred seventy day period established
16 by RCW 29.82.025 for that recall petition. Such petitions shall be
17 substantially in the following form:

18 **"WARNING**

19 Every person who signs this petition with any other than his true
20 name, or who knowingly (1) signs more than one of these petitions, (2)
21 signs this petition when he is not a legal voter, or (3) makes herein
22 any false statement, may be fined, or imprisoned, or both.

23 Petition for the recall of (here insert the name of the office and
24 of the person whose recall is petitioned for) to the Honorable (here
25 insert the name and title of the officer with whom the charge is
26 filed).

27 We, the undersigned citizens and legal voters of (the state of
28 Washington or the political subdivision in which the recall is to be
29 held), respectfully direct that a special election be called to
30 determine whether or not (here insert the name of the person charged
31 and the office which he holds) be recalled and discharged from his
32 office, for and on account of (his having committed the act or acts of
33 malfeasance or misfeasance while in office, or having violated his oath
34 of office, as the case may be), in the following particulars: (here
35 insert the synopsis of the charge); and each of us for himself says:
36 I have personally signed this petition; I am a legal voter of the State
37 of Washington in the precinct and city (or town) and county written

1 NEW SECTION. Sec. 6. A new section is added to chapter 29.82 RCW
2 to read as follows:

3 A person who provides compensation, pay, or other consideration to
4 another person to circulate, solicit, or procure signatures on a recall
5 petition shall keep records of the person who procured the signatures
6 for consideration on each separate petition. Space must be provided on
7 each petition to number the petition to assist in tracking the
8 signature gatherers. These records must be kept current and must be
9 submitted to the secretary of state when the petitions are filed.

10 **Sec. 7.** RCW 35.17.270 and 1996 c 286 s 5 are each amended to read
11 as follows:

12 The petitioner preparing an initiative or referendum petition for
13 submission to the commission shall follow the procedures established in
14 RCW 35.21.005.

15 In addition, the following must be included and completed on each
16 initiative or referendum petition where compensation, pay, or other
17 consideration is provided to the person circulating, soliciting, or
18 procuring signatures on that petition:

19 (1) Space must be provided on each petition for the person or
20 persons who procured the signatures to certify that, to his or her
21 knowledge, the signatures on the petition are valid. That person shall
22 print his or her name and address on the petition and sign the
23 petition.

24 (2) The following statement must be included in at least twenty-
25 point, bold-faced type at the top of each petition:

26 "SIGNATURE GATHERERS ARE BEING PAID BY (type or
27 legibly print in ink the name of the group, organization, or
28 person paying for the signature gathering) TO CIRCULATE THIS
29 PETITION."

30 These items are not required on any other petition for the same
31 initiative or referendum measure if compensation, pay, or other
32 consideration is not provided to the person circulating, soliciting, or
33 procuring signatures on that particular petition.

34 NEW SECTION. Sec. 8. A new section is added to chapter 35.17 RCW
35 to read as follows:

1 A person who provides compensation, pay, or other consideration to
2 another person to circulate, solicit, or procure signatures on an
3 initiative or referendum petition shall keep records of the person who
4 procured the signatures for consideration on each separate petition.
5 Space must be provided on each petition to number the petition to
6 assist in tracking the signature gatherers. These records must be kept
7 current and must be submitted to the city clerk when the petitions are
8 filed.

9 **Sec. 9.** RCW 35.22.200 and 1965 ex.s. c 47 s 13 are each amended to
10 read as follows:

11 The legislative powers of a charter city shall be vested in a mayor
12 and a city council, to consist of such number of members and to have
13 such powers as may be provided for in its charter.

14 The charter may provide for direct legislation by the people
15 through the initiative and referendum upon any matter within the scope
16 of the powers, functions, or duties of the city. An initiative or
17 referendum petition must follow the procedures established in RCW
18 35.21.005. In addition, the following must be included and completed
19 on each initiative or referendum petition where compensation, pay, or
20 other consideration is provided to the person circulating, soliciting,
21 or procuring signatures on that petition:

22 (1) Space must be provided on each petition for the person or
23 persons who procured the signatures to certify that, to his or her
24 knowledge, the signatures on the petition are valid. That person shall
25 print his or her name and address on the petition and sign the
26 petition.

27 (2) The following statement must be included in at least twenty-
28 point, bold-faced type at the top of each petition:

29 "SIGNATURE GATHERERS ARE BEING PAID BY(type or
30 legibly print in ink the name of the group, organization, or
31 person paying for the signature gathering) TO CIRCULATE THIS
32 PETITION."

33 These items are not required on any other petition for the same
34 initiative or referendum measure if compensation, pay, or other
35 consideration is not provided to the person circulating, soliciting, or
36 procuring signatures on that particular petition.

1 The mayor and council and such other elective officers as may be
2 provided for in such charter shall be elected at such times and in such
3 manner as provided in Title 29 RCW, and for such terms and shall
4 perform such duties and receive such compensation as may be prescribed
5 in the charter.

6 NEW SECTION. **Sec. 10.** A new section is added to chapter 35.22 RCW
7 to read as follows:

8 A person who provides compensation, pay, or other consideration to
9 another person to circulate, solicit, or procure signatures on an
10 initiative or referendum petition shall keep records of the person who
11 procured the signatures for consideration on each separate petition.
12 Space must be provided on each petition to number the petition to
13 assist in tracking the signature gatherers. These records must be kept
14 current and must be submitted to the city clerk when the petitions are
15 filed.

16 **Sec. 11.** RCW 35A.11.100 and 1973 1st ex.s. c 81 s 3 are each
17 amended to read as follows:

18 Except as provided in ((RCW 35A.11.090)) this chapter, and except
19 that the number of registered voters needed to sign a petition for
20 initiative or referendum shall be fifteen percent of the total number
21 of names of persons listed as registered voters within the city on the
22 day of the last preceding city general election, the powers of
23 initiative and referendum in noncharter code cities shall be exercised
24 in the manner set forth for the commission form of government in RCW
25 35.17.240 through 35.17.360(~~(, as now or hereafter amended)~~)).

26 **Sec. 12.** RCW 35A.29.170 and 1996 c 286 s 8 are each amended to
27 read as follows:

28 (1) Initiative and referendum petitions authorized to be filed
29 under provisions of this title, or authorized by charter, or authorized
30 for code cities having the commission form of government as provided by
31 chapter 35.17 RCW, shall be in substantial compliance with the
32 provisions of RCW 35A.01.040 as to form and content of the petition,
33 insofar as such provisions are applicable; shall contain a true copy of
34 a resolution or ordinance sought to be referred to the voters; and must
35 contain valid signatures of registered voters of the code city in the
36 number required by the applicable provision of this title. The clerk

1 shall transmit the initiative or referendum petition to the county
2 auditor, who shall determine the sufficiency of the petition under the
3 rules set forth in RCW 35A.01.040.

4 In addition, the following must be included and completed on each
5 initiative or referendum petition where compensation, pay, or other
6 consideration is provided to the person circulating, soliciting, or
7 procuring signatures on that petition:

8 (a) Space must be provided on each petition for the person or
9 persons who procured the signatures to certify that, to his or her
10 knowledge, the signatures on the petition are valid. That person shall
11 print his or her name and address on the petition and sign the
12 petition.

13 (b) The following statement must be included in at least twenty-
14 point, bold-faced type at the top of each petition:

15 "SIGNATURE GATHERERS ARE BEING PAID BY(type or
16 legibly print in ink the name of the group, organization, or
17 person paying for the signature gathering) TO CIRCULATE THIS
18 PETITION."

19 These items are not required on any other petition for the same
20 initiative or referendum measure if compensation, pay, or other
21 consideration is not provided to the person circulating, soliciting, or
22 procuring signatures on that particular petition.

23 (2) Except when otherwise provided by statute, referendum petitions
24 must be filed with the clerk of the legislative body of the code city
25 within ninety days after the passage of the resolution or ordinance
26 sought to be referred to the voters, or within such lesser number of
27 days as may be authorized by statute or charter in order to precede the
28 effective date of an ordinance: PROVIDED, That nothing herein shall be
29 construed to abrogate or affect an exemption from initiative and/or
30 referendum provided by a code city charter. ((The clerk shall transmit
31 the petition to the county auditor who shall determine the sufficiency
32 of the petition under the rules set forth in RCW 35A.01.040.)) When a
33 referendum petition is filed with the clerk, the legislative action
34 sought to be referred to the voters shall be suspended from taking
35 effect. Such suspension shall terminate when: ((+1)) (a) There is a
36 final determination of insufficiency or untimeliness of the referendum
37 petition; or ((+2)) (b) the legislative action so referred is approved
38 by the voters at a referendum election.

1 NEW SECTION. **Sec. 13.** A new section is added to chapter 35A.29
2 RCW to read as follows:

3 A person who provides compensation, pay, or other consideration to
4 another person to circulate, solicit, or procure signatures on an
5 initiative or referendum petition shall keep records of the person who
6 procured the signatures for consideration on each separate petition.
7 Space must be provided on each petition to number the petition to
8 assist in tracking the signature gatherers. These records must be kept
9 current and must be submitted to the city clerk when the petitions are
10 filed.

11 NEW SECTION. **Sec. 14.** A new section is added to chapter 36.32 RCW
12 to read as follows:

13 The following must be included and completed on each initiative or
14 referendum petition authorized by a county home rule charter where
15 compensation, pay, or other consideration is provided to the person
16 circulating, soliciting, or procuring signatures on that petition:

17 (1) Space must be provided on each petition for the person or
18 persons who procured the signatures to certify that, to his or her
19 knowledge, the signatures on the petition are valid. That person shall
20 print his or her name and address on the petition and sign the
21 petition.

22 (2) The following statement must be included in at least twenty-
23 point, bold-faced type at the top of each petition:

24 "SIGNATURE GATHERERS ARE BEING PAID BY (type or
25 legibly print in ink the name of the group, organization, or
26 person paying for the signature gathering) TO CIRCULATE THIS
27 PETITION."

28 These items are not required on any other petition for the same
29 initiative or referendum measure if compensation, pay, or other
30 consideration is not provided to the person circulating, soliciting, or
31 procuring signatures on that particular petition.

32 NEW SECTION. **Sec. 15.** A new section is added to chapter 36.32 RCW
33 to read as follows:

34 A person who provides compensation, pay, or other consideration to
35 another person to circulate, solicit, or procure signatures on an
36 initiative or referendum petition shall keep records of the person who

1 procured the signatures for consideration on each separate petition.
2 Space must be provided on each petition to number the petition to
3 assist in tracking the signature gatherers. These records must be kept
4 current and must be submitted to the county auditor when the petitions
5 are filed.

6 NEW SECTION. **Sec. 16.** A new section is added to chapter 29.85 RCW
7 to read as follows:

8 (1) It is unlawful to circulate, solicit, or procure, or attempt to
9 procure, signatures upon an initiative, referendum, or recall petition
10 that fails to meet the requirements of:

11 (a) RCW 29.79.080, 29.79.090, 29.79.100, or 29.79.110, for state
12 initiative or referendum petitions;

13 (b) RCW 29.82.030, for recall petitions;

14 (c) RCW 35.17.270, for initiative or referendum petitions in cities
15 with a commission form of government;

16 (d) RCW 35.22.100, for initiative or referendum petitions in first
17 class cities;

18 (e) RCW 35A.29.170 (as amended and recodified by this act), for
19 initiative or referendum petitions in code cities; or

20 (f) Section 14 of this act, for initiative or referendum petitions
21 in counties operating under a county home rule charter;
22 including, where applicable, the requirements that the statement be
23 included indicating that signature gatherers are being paid or
24 otherwise receiving consideration to gather signatures, and the name of
25 the group, organization, or person paying for signature gathering be
26 specified in that statement.

27 (2) A violation of this section is gross misdemeanor punishable
28 under chapter 9A.20 RCW.

29 NEW SECTION. **Sec. 17.** A new section is added to chapter 29.81 RCW
30 to read as follows:

31 If consideration was provided for soliciting or procuring
32 signatures on a state measure, the voters' pamphlet must disclose the
33 percentage of signatures on the measure that were on petitions where
34 compensation was paid to solicit the signatures. The statement in the
35 voters' pamphlet must be worded substantially as follows:

1 " (insert the percentage) PERCENT OF THE SIGNATURES ON
2 THIS MEASURE WERE ON PETITIONS WHERE PAID SIGNATURE GATHERERS
3 WERE USED TO SOLICIT SIGNATURES."

4 The statement must be included immediately after the legal
5 identification of the measure on the page where the proponents of the
6 measure present their arguments.

7 As used in this section, "state measure" includes an initiative or
8 referendum under chapter 29.79 RCW, as well as a recall under chapter
9 29.82 RCW, that may appear in a state voters' pamphlet.

10 NEW SECTION. **Sec. 18.** A new section is added to chapter 29.81A
11 RCW to read as follows:

12 A local voters' pamphlet that contains material concerning a recall
13 under chapter 29.82 RCW must disclose, in the same manner as required
14 in section 17 of this act, the percentage of signatures on the measure
15 that were on petitions where compensation was paid to solicit the
16 signatures.

17 NEW SECTION. **Sec. 19.** A new section is added to chapter 42.17 RCW
18 to read as follows:

19 In addition to filing periodic reports with the commission that are
20 otherwise required under this chapter, a political committee that pays
21 or provides consideration, compensation, gratuities, rewards, or
22 anything of value to persons for circulating, soliciting, procuring, or
23 obtaining, or attempting to procure, signatures on a state initiative
24 or referendum petition shall also file reports required under RCW
25 42.17.080 on the twenty-first day and seventh day immediately before
26 the date the petitions must be filed and on the tenth day of the first
27 month after the petitions are filed.

28 The requirement under RCW 42.17.080 on keeping books of account
29 current and available for public inspection eight days before the
30 election associated with the political committee's efforts also applies
31 to the eight days immediately before the last date the petitions may be
32 filed for a political committee that pays or provides consideration,
33 compensation, gratuities, rewards, or anything of value to persons for
34 circulating, soliciting, procuring, or obtaining, or attempt to
35 procure, signatures on a state initiative or referendum petition.

1 NEW SECTION. **Sec. 20.** RCW 35A.29.170, as amended by this act, is
2 recodified as a section in chapter 35A.11 RCW.

3 NEW SECTION. **Sec. 21.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

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