

# HOUSE BILL REPORT

## HB 1169

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**As Reported by House Committee On:**  
State Government

**Title:** An act relating to initiative and referendum petitions.

**Brief Description:** Revising the requirements for obtaining signatures on an initiative or referendum petition.

**Sponsors:** Representatives Hunt, Haigh, Tom, McDermott, Romero and Wallace.

**Brief History:**

**Committee Activity:**

State Government: 2/4/03, 2/14/03 [DPS].

**Brief Summary of Substitute Bill**

- Requires signature gatherers to wear a "Paid" or "Volunteer" button.
- Requires signature gatherers, prior to asking for a signature, to accurately describe the measure, give the voter a summary of the measure, ask the person if he or she is registered to vote in Washington, and ask the person if he or she has already signed a petition for the same measure.

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### HOUSE COMMITTEE ON STATE GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Hunt, McDermott, Tom and Wallace.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Shabro, Assistant Ranking Minority Member; and Nixon.

**Staff:** Katie Blinn (786-7114).

**Background:**

The number of valid signatures necessary for an initiative to the people or an initiative to the Legislature is 8 percent of the votes cast for Governor at the last gubernatorial election. The number of signatures necessary for a referendum is 4 percent. Once the

text of an initiative is filed with the Secretary of State (Secretary), the Attorney General (AG) writes a 75-word summary and the ballot title. The ballot title consists of a subject statement, a 30-word concise description, and a question. The ballot title becomes the title of the measure on all petitions, ballots and other material, and the summary appears after the ballot title on all petitions. Each petition must have lines for signatures on one side, and the measure printed on the other side. When the person proposing the measure has enough signatures to exceed the 4 percent requirement, he or she files the petitions with the Secretary for certification.

In 1999 a Colorado law that required signature gatherers to wear badges displaying their names and whether they were paid or volunteer was struck down by the U.S. Supreme Court (Court). Buckley v. American Constitutional Law Foundation, Inc., 525 U.S. 182, 197-200 (1999). The Court only addressed the name disclosure requirement, finding that it discouraged participation in the petition circulation process and thereby burdened political speech. The Court refused to decide the constitutionality of the second requirement, that the badge disclose whether the signature gatherer was paid or volunteer.

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### **Summary of Substitute Bill:**

Any person gathering signatures for an initiative or referendum petition must disclose whether he or she is receiving compensation or other consideration by wearing a visible, two inch button or sticker on the front of the body above the waist that accurately states "Paid" or "Volunteer." Prior to requesting a voter's signature on an initiative or referendum petition, the signature gatherer must:

- accurately describe the effect of the measure;
- give the voter a copy of the 75-word summary written by the Attorney General; and
- ask the person if he or she is registered to vote in Washington, and if he or she has already signed a petition for the same initiative or referendum.

### **Substitute Bill Compared to Original Bill:**

How signature gatherers disclose whether they are paid or volunteer is specified by requiring them to wear a visible "Paid" or "Volunteer" button. The language requiring the Secretary to approve or disapprove a summary of the measure is removed. Instead, the signature gatherer must give the voter a copy of the 75-word summary prepared by the AG. The signature gatherer must also ask the person if he or she is registered to vote in Washington, and if he or she has already signed a petition for the same initiative or referendum.

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**Appropriation:** None.

**Fiscal Note:** Not Requested.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The bill is about truth in packaging. People have a right to know whether the person gathering signatures for an initiative or referendum petition is paid or volunteer. Because times have changed, the people should know whether the campaign is a true grass-roots effort. The person gathering signatures must be able to accurately describe the measure. A comprehensive summary must be provided to each voter. There is currently no requirement about the size or placement of a button.

The Association of General Contractors supports the bill because it supports the intent of providing voters with additional information. Information improves the electoral process and voter education. Providing a copy of the text of the measure will not sufficiently inform the voter of the impact of the measure on the state.

The Washington State Council of County and City Employees supports the bill. The going rate for signature gatherers is \$1 to \$3 per signature. The state needs to address the issue of fraud in the signature gathering process. Signature gatherers should have to ask a signer if he or she is a registered voter and if he or she has already signed a petition for the same measure. The public needs to know when a signature gatherer is being paid, that he or she is not there out of his own goodwill. The bill is not intended to resolve problems of fraud.

**Testimony Against:** The Building Industry Association of Washington is opposed to the bill because it does not accomplish much in terms of voter education. Many sources of information on a ballot proposition already exist in the form of the Secretary and the sponsors. The bill makes the initiative process more costly, time consuming, and complicated. The bill does not facilitate the initiative process but makes it more difficult.

(With concerns only) The Secretary neither supports nor opposes the bill but is concerned about logistics. The bill is not clear who writes the summary, and lacks criteria upon which the Secretary must approve or disapprove the summary. This places the Secretary in the position of preventing the initiative process from moving forward if the summary is disapproved. Many initiative sponsors pay the filing fee, take their idea to the code reviser, and never proceed beyond the code reviser. Consequently, it could be difficult for the Secretary to comply for initiatives that are never actually written.

**Testified:** (In support) Representative Hunt, prime sponsor; Duke Schaub, Association of General Contractors; and Pat Thompson, Washington Council, County & City Employees.

(Opposed) Elliott Swaney, Business Industry Association of Washington.

(With concerns only) David Elliott, Office of the Secretary of State.

