

HOUSE BILL REPORT

HB 2019

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to the accountability of signature gatherers for ballot measure petitions.

Brief Description: Requiring signature gatherers of ballot measure petitions to sign petition declarations under oath.

Sponsors: Representatives McDermott, Ormsby, Appleton, Miloscia, Hunt, Kessler, Hasegawa and Kenney.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/9/07, 2/20/07 [DPS].

Brief Summary of Substitute Bill

- Requires signature-gatherers to sign initiative and referendum petitions.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Hunt, Chair; Appleton, Vice Chair; McDermott, Miloscia and Ormsby.

Minority Report: Do not pass. Signed by 4 members: Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green and Kretz.

Staff: Colleen Kerr (786-7168).

Background:

In 2005, the Legislature passed a law requiring a declaration be printed on the back of initiative and referendum petitions. The declaration states:

I,, swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of

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compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

In 2006, upon request, the Attorney General published an opinion stating that the law as passed does not require a signature gatherer to actually sign the petition.

Summary of Substitute Bill:

Lines for signature, date, name, and address are added to the declaration printed on the back of the petition. Language is added that signing the declaration constitutes an oath and subjects the signatory to the penalty of law. Failure to sign the declaration is grounds for the Secretary of State to refuse to file the declaration.

Substitute Bill Compared to Original Bill:

The substitute removes the emergency clause and changes the effective date to January 1, 2008.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2008.

Staff Summary of Public Testimony:

(In support) The Legislature already passed laws requiring that the declaration be printed on the back of the petitions. This was necessary because there have been instances of fraud and abuse of the initiative process. The declaration provides a degree of accountability and helps to improve the process. Indeed, this was the intent of the bill in 2005; this bill is only a clarification. There is a broad coalition of groups in the community that have come together to support these bills on the initiative and referendum process. Business and labor, builders and environmentalists are testifying together on these bills. It is the objective of these bills to ensure the integrity of the initiative process for the voters of this state. These groups are all very enthusiastic about the initiative process. Every member of the group has used the initiative process and will continue to use it. Because it is a tool of the people, it is very important to protect the process by ensuring its integrity and transparency. This bill is about clarifying existing law. This bill is not intended to chill the spirit of the people in the state who have cherished the right of initiative almost as long as the State Constitution. It is intended to provide a template for accountability. The initiative process is a tool of the people and it is important that it is a fair process. Transparency is essential to business accountability

and this is big business. It is reasonable to assume that the founder of the State Constitution did not anticipate how big a business this would become.

(Opposed) The initiative process is fundamentally important to the state and created as part of the State Constitution. To interfere with the Constitution, there must be a good reason. The reason cited is fraud, but the Secretary of State's office has found no instances of fraud. The other issue is requiring signature-gatherers to provide their addresses. Signature-gatherers are often subjected to harassment and vandalism. If they are required to provide their addresses, they will be subjected to this harassment and vandalism at their homes. There is no need for an emergency clause on this bill as there is no emergency other than preventing a referendum by the people. The Washington Constitution requires that law governing the initiative and referendum process must further the process rather than frustrate it. Prior to the use of paid signature-gatherers in the 1990s, it was incredibly difficult to get initiatives on the ballot. This measure will make it more difficult again. If there is an actual problem with the validity of signatures, then the remedy is for the Secretary of State to conduct actual verifications.

Persons Testifying: (In support) Representative McDermott, prime sponsor; Pat Thompson, Washington Council of County & State Employees; Clifford Traisman, Washington Conservation Voters/Washington Environmental Council; Al Ralston, Washington Business Roundtable; Diane McDaniel, Washington State Labor Council; Katie Blinn, Office of the Secretary of State; and Maudie Jordan, Citizen Solutions.

(Opposed) Mike Dunmire and Tim Eyman, Tax Protection Initiative; Ed Agazarm, Garry Jacobson, and Roy Ruffino, Citizen Solutions; Doug White; and Jaye Anderson.

Persons Signed In To Testify But Not Testifying: None.