

SENATE BILL REPORT

SB 5182

As Reported By Senate Committee On:
Government Operations & Elections, February 6, 2007

Title: An act relating to requiring signature gatherers to sign each initiative or referendum petition they circulate for signatures.

Brief Description: Requiring signature gatherers to sign initiative and referendum petitions.

Sponsors: Senators Kastama, Shin, Tom, Marr, Keiser, Oemig, Rockefeller, Kohl-Welles, Brown, Spanel, Murray, Kline, Regala and Jacobsen.

Brief History:

Committee Activity: Government Operations & Elections: 1/30/07, 2/6/07 [DP, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline and Pridemore.

Minority Report: Do not pass.

Signed by Senators Roach, Ranking Minority Member and Swecker.

Staff: Mac Nicholson (786-7445)

Background: In 2005, the Legislature required a declaration to be printed on the reverse side of initiative and referendum petitions affirming that the individual circulated the particular petition sheet and that to the best of that individual's knowledge, the people who signed the sheet did so knowingly and without compensation or promise of compensation. The declaration also contained a statement that the individual circulating the petition acknowledges that forgery of signatures is a felony and that offering any consideration to any person to sign is a gross misdemeanor.

In a 2006 opinion, the Attorney General interpreted the legislation and found that there was no intent to require that the petition circulator fill in a name or sign the statement, rather the intent of the declaration was an additional warning about the consequences of false signatures.

Summary of Bill: Signature, name, and address lines are added to the declaration printed on the reverse side of initiative and referendum petitions. Petition signature gatherers must complete the declaration. If a signature gatherer fails to complete the declaration, the Secretary of State must refuse to file the petition.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is just a clean up of a bill passed last year. The bill clarifies the intent that the person circulating the petition would have to sign the declaration. This bill will help hold people accountable for fraud. There needs to be a way to find out who circulated the petition, otherwise there will never be a way to track fraud.

CON: Signature gatherers take a lot of abuse. There are internet sites that report the location of petitioning. Requiring disclosure of addresses on petition sheets will chill free speech. The residence location on a public document can be accessed once the petition is filed, and this makes it easier to find the circulators. There is a need to protect the privacy of circulators. This bill will effectively destroy the volunteer process. Its unclear who the circulator is in cases where volunteers are collecting signatures.

Persons Testifying: PRO: Senator Kastama, prime sponsor; Shane Hamlin and Katie Blinn, Office of the Secretary of State.

CON: Edward Agazaram and Roy Ruffino, Citizen Solutions.