

SENATE BILL REPORT

SB 5636

As of February 16, 2007

Title: An act relating to signature gathering by sex offenders.

Brief Description: Prohibiting signature gathering by sex offenders.

Sponsors: Senators Keiser, Oemig, Pridemore and Shin.

Brief History:

Committee Activity: Government Operations & Elections: 2/15/07.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Staff: Sharon Swanson (786-7447)

Background: Any adult or juvenile residing in this state, whether or not the person has a fixed residence, or who is a student that is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, must register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation.

Summary of Bill: Any person with a duty to register as a sex offender is prohibited from gathering signatures for any initiative or referendum measure.

Petitions circulated by a person with a duty to register as a sex offender must not be counted when determining whether the initiative measure contains sufficient signatures.

A valid signatory may recover statutory damages of \$200 and actual damages from the entity or person employing a sex offender with a duty to register as a paid or volunteer signature gatherer.

A valid signatory is a person whose signature on a petition would count as valid but for the fact that the petition was circulated by a person with a duty to register as a sex offender.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

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.

Staff Summary of Public Testimony: PRO: There is a great deal of concern about a sex offender having access to a vulnerable person or their personal information. People who gather signatures for petitions or referendums do so for a living. We are well past the time when volunteers gathered signatures as part of a grass roots effort. The concern comes from the scenario where a mom with young children stops to sign a petition and lists her name and home address. Now the sex offender knows where this person lives and that they have young children. This is a concern. This bill will create an added protection against this type of scenario.

CON: If this bill passes, the Secretary of State will be required to do a criminal background check on every petition that is submitted to check to make sure each and every petition was not submitted by a registered sex offender. This bill does not punish the sex offender but the person who signs the petition. Their signature would not count through no fault of their own. The sex offender doesn't care and is not punished but the voter is. This is an additional effort to terrify people into not signing petitions. The Legislature is trying to create new criteria for the validity of signatures. In reality, this type of legislation will disenfranchise thousands of voters based on nothing the voter did or did not do. As a registered sex offender who was innocent of the charges but completed my sentence and received an order of discharge, I should be able to engage in the political process by gathering signatures. I have had my civil rights restored but this bill would deny me due process. I am a registered voter and I vote in every election and I expect to have respect shown to me. This is just another attempt to kill the initiative and referendum process in any way you can. Now you want to use the fear of sex offenders to try to stop this process. What about the situation where an initiative sign up sheet is passed down a row of people? Every person who handed it on has now "circulated" the petition. If one person in that group happens to be a registered sex offender all other signatures would be thrown out? This makes no sense.

Persons Testifying: PRO: Senator Karen Keiser, prime sponsor.

CON: Tim Eyman, Taxpayer / Protection Initiative; Kathleen Swan, Taxpayer; Merton Cooper, citizen.