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HOUSE BILL 2601

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Hunt, Hasegawa, Hudgins, Ormsby, Chase, and Simpson

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1            AN ACT Relating to signature gatherers; amending RCW 29A.72.110,  
2 29A.72.120, 29A.72.130, and 29A.72.170; reenacting and amending RCW  
3 42.17.020; adding new sections to chapter 42.17 RCW; and providing an  
4 effective date.

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

6            **Sec. 1.** RCW 42.17.020 and 2007 c 358 s 1 and 2007 c 180 s 1 are  
7 each reenacted and amended to read as follows:

8            The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10           (1) "Actual malice" means to act with knowledge of falsity or with  
11 reckless disregard as to truth or falsity.

12           (2) "Agency" includes all state agencies and all local agencies.  
13 "State agency" includes every state office, department, division,  
14 bureau, board, commission, or other state agency. "Local agency"  
15 includes every county, city, town, municipal corporation, quasi-  
16 municipal corporation, or special purpose district, or any office,  
17 department, division, bureau, board, commission, or agency thereof, or  
18 other local public agency.

1 (3) "Authorized committee" means the political committee authorized  
2 by a candidate, or by the public official against whom recall charges  
3 have been filed, to accept contributions or make expenditures on behalf  
4 of the candidate or public official.

5 (4) "Ballot proposition" means any "measure" as defined by RCW  
6 29A.04.091, or any initiative, recall, or referendum proposition  
7 proposed to be submitted to the voters of the state or any municipal  
8 corporation, political subdivision, or other voting constituency from  
9 and after the time when the proposition has been initially filed with  
10 the appropriate election officer of that constituency prior to its  
11 circulation for signatures.

12 (5) "Benefit" means a commercial, proprietary, financial, economic,  
13 or monetary advantage, or the avoidance of a commercial, proprietary,  
14 financial, economic, or monetary disadvantage.

15 (6) "Bona fide political party" means:

16 (a) An organization that has filed a valid certificate of  
17 nomination with the secretary of state under chapter 29A.20 RCW;

18 (b) The governing body of the state organization of a major  
19 political party, as defined in RCW 29A.04.086, that is the body  
20 authorized by the charter or bylaws of the party to exercise authority  
21 on behalf of the state party; or

22 (c) The county central committee or legislative district committee  
23 of a major political party. There may be only one legislative district  
24 committee for each party in each legislative district.

25 (7) "Depository" means a bank designated by a candidate or  
26 political committee pursuant to RCW 42.17.050.

27 (8) "Treasurer" and "deputy treasurer" mean the individuals  
28 appointed by a candidate or political committee, pursuant to RCW  
29 42.17.050, to perform the duties specified in that section.

30 (9) "Candidate" means any individual who seeks nomination for  
31 election or election to public office. An individual seeks nomination  
32 or election when he or she first:

33 (a) Receives contributions or makes expenditures or reserves space  
34 or facilities with intent to promote his or her candidacy for office;

35 (b) Announces publicly or files for office;

36 (c) Purchases commercial advertising space or broadcast time to  
37 promote his or her candidacy; or

1 (d) Gives his or her consent to another person to take on behalf of  
2 the individual any of the actions in (a) or (c) of this subsection.

3 (10) "Caucus political committee" means a political committee  
4 organized and maintained by the members of a major political party in  
5 the state senate or state house of representatives.

6 (11) "Commercial advertiser" means any person who sells the service  
7 of communicating messages or producing printed material for broadcast  
8 or distribution to the general public or segments of the general public  
9 whether through the use of newspapers, magazines, television and radio  
10 stations, billboard companies, direct mail advertising companies,  
11 printing companies, or otherwise.

12 (12) "Commission" means the agency established under RCW 42.17.350.

13 (13) "Compensation" unless the context requires a narrower meaning,  
14 includes payment in any form for real or personal property or services  
15 of any kind: PROVIDED, That for the purpose of compliance with RCW  
16 42.17.241, the term "compensation" shall not include per diem  
17 allowances or other payments made by a governmental entity to reimburse  
18 a public official for expenses incurred while the official is engaged  
19 in the official business of the governmental entity.

20 (14) "Continuing political committee" means a political committee  
21 that is an organization of continuing existence not established in  
22 anticipation of any particular election campaign.

23 (15)(a) "Contribution" includes:

24 (i) A loan, gift, deposit, subscription, forgiveness of  
25 indebtedness, donation, advance, pledge, payment, transfer of funds  
26 between political committees, or anything of value, including personal  
27 and professional services for less than full consideration;

28 (ii) An expenditure made by a person in cooperation, consultation,  
29 or concert with, or at the request or suggestion of, a candidate, a  
30 political committee, the person or persons named on the candidate's or  
31 committee's registration form who direct expenditures on behalf of the  
32 candidate or committee, or their agents;

33 (iii) The financing by a person of the dissemination, distribution,  
34 or republication, in whole or in part, of broadcast, written, graphic,  
35 or other form of political advertising or electioneering communication  
36 prepared by a candidate, a political committee, or its authorized  
37 agent;

1 (iv) Sums paid for tickets to fund-raising events such as dinners  
2 and parties, except for the actual cost of the consumables furnished at  
3 the event.

4 (b) "Contribution" does not include:

5 (i) Standard interest on money deposited in a political committee's  
6 account;

7 (ii) Ordinary home hospitality;

8 (iii) A contribution received by a candidate or political committee  
9 that is returned to the contributor within five business days of the  
10 date on which it is received by the candidate or political committee;

11 (iv) A news item, feature, commentary, or editorial in a regularly  
12 scheduled news medium that is of primary interest to the general  
13 public, that is in a news medium controlled by a person whose business  
14 is that news medium, and that is not controlled by a candidate or a  
15 political committee;

16 (v) An internal political communication primarily limited to the  
17 members of or contributors to a political party organization or  
18 political committee, or to the officers, management staff, or  
19 stockholders of a corporation or similar enterprise, or to the members  
20 of a labor organization or other membership organization;

21 (vi) The rendering of personal services of the sort commonly  
22 performed by volunteer campaign workers, or incidental expenses  
23 personally incurred by volunteer campaign workers not in excess of  
24 fifty dollars personally paid for by the worker. "Volunteer services,"  
25 for the purposes of this section, means services or labor for which the  
26 individual is not compensated by any person;

27 (vii) Messages in the form of reader boards, banners, or yard or  
28 window signs displayed on a person's own property or property occupied  
29 by a person. However, a facility used for such political advertising  
30 for which a rental charge is normally made must be reported as an in-  
31 kind contribution and counts towards any applicable contribution limit  
32 of the person providing the facility;

33 (viii) Legal or accounting services rendered to or on behalf of:

34 (A) A political party or caucus political committee if the person  
35 paying for the services is the regular employer of the person rendering  
36 such services; or

37 (B) A candidate or an authorized committee if the person paying for

1 the services is the regular employer of the individual rendering the  
2 services and if the services are solely for the purpose of ensuring  
3 compliance with state election or public disclosure laws; or

4 (ix) The performance of ministerial functions by a person on behalf  
5 of two or more candidates or political committees either as volunteer  
6 services defined in (b)(vi) of this subsection or for payment by the  
7 candidate or political committee for whom the services are performed as  
8 long as:

9 (A) The person performs solely ministerial functions;

10 (B) A person who is paid by two or more candidates or political  
11 committees is identified by the candidates and political committees on  
12 whose behalf services are performed as part of their respective  
13 statements of organization under RCW 42.17.040; and

14 (C) The person does not disclose, except as required by law, any  
15 information regarding a candidate's or committee's plans, projects,  
16 activities, or needs, or regarding a candidate's or committee's  
17 contributions or expenditures that is not already publicly available  
18 from campaign reports filed with the commission, or otherwise engage in  
19 activity that constitutes a contribution under (a)(ii) of this  
20 subsection.

21 A person who performs ministerial functions under this subsection  
22 (15)(b)(ix) is not considered an agent of the candidate or committee as  
23 long as he or she has no authority to authorize expenditures or make  
24 decisions on behalf of the candidate or committee.

25 (c) Contributions other than money or its equivalent are deemed to  
26 have a monetary value equivalent to the fair market value of the  
27 contribution. Services or property or rights furnished at less than  
28 their fair market value for the purpose of assisting any candidate or  
29 political committee are deemed a contribution. Such a contribution  
30 must be reported as an in-kind contribution at its fair market value  
31 and counts towards any applicable contribution limit of the provider.

32 (16) "Elected official" means any person elected at a general or  
33 special election to any public office, and any person appointed to fill  
34 a vacancy in any such office.

35 (17) "Election" includes any primary, general, or special election  
36 for public office and any election in which a ballot proposition is  
37 submitted to the voters: PROVIDED, That an election in which the  
38 qualifications for voting include other than those requirements set

1 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
2 the state of Washington shall not be considered an election for  
3 purposes of this chapter.

4 (18) "Election campaign" means any campaign in support of or in  
5 opposition to a candidate for election to public office and any  
6 campaign in support of, or in opposition to, a ballot proposition.

7 (19) "Election cycle" means the period beginning on the first day  
8 of January after the date of the last previous general election for the  
9 office that the candidate seeks and ending on December 31st after the  
10 next election for the office. In the case of a special election to  
11 fill a vacancy in an office, "election cycle" means the period  
12 beginning on the day the vacancy occurs and ending on December 31st  
13 after the special election.

14 (20) "Electioneering communication" means any broadcast, cable, or  
15 satellite television or radio transmission, United States postal  
16 service mailing, billboard, newspaper, or periodical that:

17 (a) Clearly identifies a candidate for a state, local, or judicial  
18 office either by specifically naming the candidate, or identifying the  
19 candidate without using the candidate's name;

20 (b) Is broadcast, transmitted, mailed, erected, distributed, or  
21 otherwise published within sixty days before any election for that  
22 office in the jurisdiction in which the candidate is seeking election;  
23 and

24 (c) Either alone, or in combination with one or more communications  
25 identifying the candidate by the same sponsor during the sixty days  
26 before an election, has a fair market value of five thousand dollars or  
27 more.

28 (21) "Electioneering communication" does not include:

29 (a) Usual and customary advertising of a business owned by a  
30 candidate, even if the candidate is mentioned in the advertising when  
31 the candidate has been regularly mentioned in that advertising  
32 appearing at least twelve months preceding his or her becoming a  
33 candidate;

34 (b) Advertising for candidate debates or forums when the  
35 advertising is paid for by or on behalf of the debate or forum sponsor,  
36 so long as two or more candidates for the same position have been  
37 invited to participate in the debate or forum;

1 (c) A news item, feature, commentary, or editorial in a regularly  
2 scheduled news medium that is:

3 (i) Of primary interest to the general public;

4 (ii) In a news medium controlled by a person whose business is that  
5 news medium; and

6 (iii) Not a medium controlled by a candidate or a political  
7 committee;

8 (d) Slate cards and sample ballots;

9 (e) Advertising for books, films, dissertations, or similar works  
10 (i) written by a candidate when the candidate entered into a contract  
11 for such publications or media at least twelve months before becoming  
12 a candidate, or (ii) written about a candidate;

13 (f) Public service announcements;

14 (g) A mailed internal political communication primarily limited to  
15 the members of or contributors to a political party organization or  
16 political committee, or to the officers, management staff, or  
17 stockholders of a corporation or similar enterprise, or to the members  
18 of a labor organization or other membership organization;

19 (h) An expenditure by or contribution to the authorized committee  
20 of a candidate for state, local, or judicial office; or

21 (i) Any other communication exempted by the commission through rule  
22 consistent with the intent of this chapter.

23 (22) "Expenditure" includes a payment, contribution, subscription,  
24 distribution, loan, advance, deposit, or gift of money or anything of  
25 value, and includes a contract, promise, or agreement, whether or not  
26 legally enforceable, to make an expenditure. The term "expenditure"  
27 also includes a promise to pay, a payment, or a transfer of anything of  
28 value in exchange for goods, services, property, facilities, or  
29 anything of value for the purpose of assisting, benefitting, or  
30 honoring any public official or candidate, or assisting in furthering  
31 or opposing any election campaign. For the purposes of this chapter,  
32 agreements to make expenditures, contracts, and promises to pay may be  
33 reported as estimated obligations until actual payment is made. The  
34 term "expenditure" shall not include the partial or complete repayment  
35 by a candidate or political committee of the principal of a loan, the  
36 receipt of which loan has been properly reported.

37 (23) "Final report" means the report described as a final report in  
38 RCW 42.17.080(2).

1 (24) "General election" for the purposes of RCW 42.17.640 means the  
2 election that results in the election of a person to a state office.  
3 It does not include a primary.

4 (25) "Gift," is as defined in RCW 42.52.010.

5 (26) "Immediate family" includes the spouse, dependent children,  
6 and other dependent relatives, if living in the household. For the  
7 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means  
8 an individual's spouse, and child, stepchild, grandchild, parent,  
9 stepparent, grandparent, brother, half brother, sister, or half sister  
10 of the individual and the spouse of any such person and a child,  
11 stepchild, grandchild, parent, stepparent, grandparent, brother, half  
12 brother, sister, or half sister of the individual's spouse and the  
13 spouse of any such person.

14 (27) "Incumbent" means a person who is in present possession of an  
15 elected office.

16 (28) "Independent expenditure" means an expenditure that has each  
17 of the following elements:

18 (a) It is made in support of or in opposition to a candidate for  
19 office by a person who is not (i) a candidate for that office, (ii) an  
20 authorized committee of that candidate for that office, (iii) a person  
21 who has received the candidate's encouragement or approval to make the  
22 expenditure, if the expenditure pays in whole or in part for political  
23 advertising supporting that candidate or promoting the defeat of any  
24 other candidate or candidates for that office, or (iv) a person with  
25 whom the candidate has collaborated for the purpose of making the  
26 expenditure, if the expenditure pays in whole or in part for political  
27 advertising supporting that candidate or promoting the defeat of any  
28 other candidate or candidates for that office;

29 (b) The expenditure pays in whole or in part for political  
30 advertising that either specifically names the candidate supported or  
31 opposed, or clearly and beyond any doubt identifies the candidate  
32 without using the candidate's name; and

33 (c) The expenditure, alone or in conjunction with another  
34 expenditure or other expenditures of the same person in support of or  
35 opposition to that candidate, has a value of five hundred dollars or  
36 more. A series of expenditures, each of which is under five hundred  
37 dollars, constitutes one independent expenditure if their cumulative  
38 value is five hundred dollars or more.



1 (29)(a) "Intermediary" means an individual who transmits a  
2 contribution to a candidate or committee from another person unless the  
3 contribution is from the individual's employer, immediate family as  
4 defined for purposes of RCW 42.17.640 through 42.17.790, or an  
5 association to which the individual belongs.

6 (b) A treasurer or a candidate is not an intermediary for purposes  
7 of the committee that the treasurer or candidate serves.

8 (c) A professional fund-raiser is not an intermediary if the fund-  
9 raiser is compensated for fund-raising services at the usual and  
10 customary rate.

11 (d) A volunteer hosting a fund-raising event at the individual's  
12 home is not an intermediary for purposes of that event.

13 (30) "Legislation" means bills, resolutions, motions, amendments,  
14 nominations, and other matters pending or proposed in either house of  
15 the state legislature, and includes any other matter that may be the  
16 subject of action by either house or any committee of the legislature  
17 and all bills and resolutions that, having passed both houses, are  
18 pending approval by the governor.

19 (31) "Lobby" and "lobbying" each mean attempting to influence the  
20 passage or defeat of any legislation by the legislature of the state of  
21 Washington, or the adoption or rejection of any rule, standard, rate,  
22 or other legislative enactment of any state agency under the state  
23 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor  
24 "lobbying" includes an association's or other organization's act of  
25 communicating with the members of that association or organization.

26 (32) "Lobbyist" includes any person who lobbies either in his or  
27 her own or another's behalf.

28 (33) "Lobbyist's employer" means the person or persons by whom a  
29 lobbyist is employed and all persons by whom he or she is compensated  
30 for acting as a lobbyist.

31 (34) "Ministerial functions" means an act or duty carried out as  
32 part of the duties of an administrative office without exercise of  
33 personal judgment or discretion.

34 (35) "Paid signature gatherer" means a person who is compensated  
35 through payments of money, as an independent contractor, to obtain  
36 signatures on a state or local initiative, referendum, or recall  
37 petition.

1        (36) "Participate" means that, with respect to a particular  
2 election, an entity:

3        (a) Makes either a monetary or in-kind contribution to a candidate;

4        (b) Makes an independent expenditure or electioneering  
5 communication in support of or opposition to a candidate;

6        (c) Endorses a candidate prior to contributions being made by a  
7 subsidiary corporation or local unit with respect to that candidate or  
8 that candidate's opponent;

9        (d) Makes a recommendation regarding whether a candidate should be  
10 supported or opposed prior to a contribution being made by a subsidiary  
11 corporation or local unit with respect to that candidate or that  
12 candidate's opponent; or

13        (e) Directly or indirectly collaborates or consults with a  
14 subsidiary corporation or local unit on matters relating to the support  
15 of or opposition to a candidate, including, but not limited to, the  
16 amount of a contribution, when a contribution should be given, and what  
17 assistance, services or independent expenditures, or electioneering  
18 communications, if any, will be made or should be made in support of or  
19 opposition to a candidate.

20        ~~((36))~~ (37) "Person" includes an individual, partnership, joint  
21 venture, public or private corporation, association, federal, state, or  
22 local governmental entity or agency however constituted, candidate,  
23 committee, political committee, political party, executive committee  
24 thereof, or any other organization or group of persons, however  
25 organized.

26        ~~((37))~~ (38) "Person in interest" means the person who is the  
27 subject of a record or any representative designated by that person,  
28 except that if that person is under a legal disability, the term  
29 "person in interest" means and includes the parent or duly appointed  
30 legal representative.

31        ~~((38))~~ (39) "Political advertising" includes any advertising  
32 displays, newspaper ads, billboards, signs, brochures, articles,  
33 tabloids, flyers, letters, radio or television presentations, or other  
34 means of mass communication, used for the purpose of appealing,  
35 directly or indirectly, for votes or for financial or other support or  
36 opposition in any election campaign.

37        ~~((39))~~ (40) "Political committee" means any person (except a  
38 candidate or an individual dealing with his or her own funds or

1 property) having the expectation of receiving contributions or making  
2 expenditures in support of, or opposition to, any candidate or any  
3 ballot proposition.

4 ~~((40))~~ (41) "Primary" for the purposes of RCW 42.17.640 means the  
5 procedure for nominating a candidate to state office under chapter  
6 29A.52 RCW or any other primary for an election that uses, in large  
7 measure, the procedures established in chapter 29A.52 RCW.

8 ~~((41))~~ (42) "Public office" means any federal, state, judicial,  
9 county, city, town, school district, port district, special district,  
10 or other state political subdivision elective office.

11 ~~((42))~~ (43) "Public record" includes any writing containing  
12 information relating to the conduct of government or the performance of  
13 any governmental or proprietary function prepared, owned, used, or  
14 retained by any state or local agency regardless of physical form or  
15 characteristics. For the office of the secretary of the senate and the  
16 office of the chief clerk of the house of representatives, public  
17 records means legislative records as defined in RCW 40.14.100 and also  
18 means the following: All budget and financial records; personnel  
19 leave, travel, and payroll records; records of legislative sessions;  
20 reports submitted to the legislature; and any other record designated  
21 a public record by any official action of the senate or the house of  
22 representatives.

23 ~~((43))~~ (44) "Recall campaign" means the period of time beginning  
24 on the date of the filing of recall charges under RCW 29A.56.120 and  
25 ending thirty days after the recall election.

26 ~~((44))~~ (45) "Sponsor of an electioneering communications,  
27 independent expenditures, or political advertising" means the person  
28 paying for the electioneering communication, independent expenditure,  
29 or political advertising. If a person acts as an agent for another or  
30 is reimbursed by another for the payment, the original source of the  
31 payment is the sponsor.

32 ~~((45))~~ (46) "State legislative office" means the office of a  
33 member of the state house of representatives or the office of a member  
34 of the state senate.

35 ~~((46))~~ (47) "State office" means state legislative office or the  
36 office of governor, lieutenant governor, secretary of state, attorney  
37 general, commissioner of public lands, insurance commissioner,

1 superintendent of public instruction, state auditor, or state  
2 treasurer.

3 ~~((47))~~ (48) "State official" means a person who holds a state  
4 office.

5 ~~((48))~~ (49) "Surplus funds" mean, in the case of a political  
6 committee or candidate, the balance of contributions that remain in the  
7 possession or control of that committee or candidate subsequent to the  
8 election for which the contributions were received, and that are in  
9 excess of the amount necessary to pay remaining debts incurred by the  
10 committee or candidate prior to that election. In the case of a  
11 continuing political committee, "surplus funds" mean those  
12 contributions remaining in the possession or control of the committee  
13 that are in excess of the amount necessary to pay all remaining debts  
14 when it makes its final report under RCW 42.17.065.

15 ~~((49))~~ (50) "Writing" means handwriting, typewriting, printing,  
16 photostating, photographing, and every other means of recording any  
17 form of communication or representation, including, but not limited to,  
18 letters, words, pictures, sounds, or symbols, or combination thereof,  
19 and all papers, maps, magnetic or paper tapes, photographic films and  
20 prints, motion picture, film and video recordings, magnetic or punched  
21 cards, discs, drums, diskettes, sound recordings, and other documents  
22 including existing data compilations from which information may be  
23 obtained or translated.

24 As used in this chapter, the singular shall take the plural and any  
25 gender, the other, as the context requires.

26 NEW SECTION. **Sec. 2.** (1) All businesses operating in this state  
27 engaged in the activity of collecting signatures for state or local  
28 initiative, referendum, or recall petitions and that are using paid  
29 signature gatherers must register with the commission.

30 (2) All individuals employed by businesses operating in this state  
31 engaged in the activity of collecting signatures for state or local  
32 initiative, referendum, or recall petitions must register with the  
33 commission.

34 (3) Registration is valid for only one state or local initiative,  
35 referendum, or recall petition. In the event an individual is  
36 gathering signatures for more than one state or local initiative,  
37 referendum, or recall petition, registration and a separate

1 registration number is required for each petition. The commission  
2 shall provide each registered signature gatherer with an individual  
3 registration number for each state or local initiative, referendum, or  
4 recall petition on which signatures will be gathered.

5 (4) To register with the commission, an individual must provide:

6 (a) His or her full name or assumed name;

7 (b) Residential street address;

8 (c) A signature;

9 (d) A list of the state or local initiative, referendum, or recall  
10 petitions on which the registrant will gather signatures;

11 (e) A signed statement attesting that the registrant has not been  
12 convicted of a criminal offense involving fraud, forgery, or  
13 identification theft and is not a convicted sex offender;

14 (f) A signed statement acknowledging that the registrant has read  
15 and understands Washington law applicable to the gathering of  
16 signatures on state or local initiative, referendum, or recall  
17 petitions;

18 (g) Evidence indicating that the applicant has completed the  
19 required training;

20 (h) A conventional photograph showing the registrant's head, neck,  
21 and shoulders, and is appropriate for copying and processing by the  
22 commission; and

23 (i) A statement signed by a chief petitioner of each state or local  
24 initiative, referendum, or recall petition upon which the applicant  
25 will gather signatures acknowledging that the chief petitioner is  
26 liable for violations of law or rule committed by the person obtaining  
27 signatures as provided in RCW 29A.84.220 and 29A.84.250.

28 (5) A person who has been convicted for a criminal offense  
29 involving fraud, forgery, or identification theft in any state during  
30 the five-year period prior to the date of the application or who is a  
31 convicted sex offender is not eligible for registration under this  
32 section.

33 (6) If a person receives money or other valuable consideration for  
34 obtaining signatures of electors on a state or local initiative,  
35 referendum, or recall petition and the person was not registered as  
36 required under this section at the time the signatures were obtained,  
37 the signatures shall not be counted for purposes of determining whether

1 the state or local initiative, referendum, or recall petition contains  
2 the required number of signatures of electors.

3 (7) When gathering signatures, a person registered under this  
4 section must display evidence of registration including the  
5 registrant's photograph and registration number.

6 (8) The commission shall adopt rules necessary to implement this  
7 section, including rules:

8 (a) Establishing procedures for registering persons who may be paid  
9 money or other valuable consideration for obtaining signatures of  
10 electors on state or local initiative, referendum, or recall petitions;  
11 and

12 (b) Establishing a training program in consultation with the  
13 secretary of state for persons who may be paid money or other valuable  
14 consideration for obtaining signatures of electors on state or local  
15 initiative, referendum, or recall petitions.

16 NEW SECTION. **Sec. 3.** A registered paid signature gatherer who  
17 submits fraudulent signatures: (1) Will have his or her registration  
18 number revoked; and (2) is prohibited from obtaining future permits.

19 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act do not apply to  
20 individuals who volunteer to engage in the activity of collecting  
21 signatures for state or local initiative, referendum, or recall  
22 petitions.

23 NEW SECTION. **Sec. 5.** The commission is directed to adopt rules to  
24 implement this chapter.

25 **Sec. 6.** RCW 29A.72.110 and 2005 c 239 s 1 are each amended to read  
26 as follows:

27 Petitions for proposing measures for submission to the legislature  
28 at its next regular session must be substantially in the following  
29 form:

30 The warning prescribed by RCW 29A.72.140; followed by:

31 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE  
32 To the Honorable . . . . ., Secretary of State of the State of  
33 Washington:

1 We, the undersigned citizens and legal voters of the State of  
2 Washington, respectfully direct that this petition and the proposed  
3 measure known as Initiative Measure No. . . . and entitled (here set  
4 forth the established ballot title of the measure), a full, true, and  
5 correct copy of which is printed on the reverse side of this petition,  
6 be transmitted to the legislature of the State of Washington at its  
7 next ensuing regular session, and we respectfully petition the  
8 legislature to enact said proposed measure into law; and each of us for  
9 himself or herself says: I have personally signed this petition; I am  
10 a legal voter of the State of Washington in the city (or town) and  
11 county written after my name, my residence address is correctly stated,  
12 and I have knowingly signed this petition only once.

13 The petition must include a place for each petitioner to sign and  
14 print his or her name, and the address, city, and county at which he or  
15 she is registered to vote.

16 The following declaration must be printed on the reverse side of  
17 the petition:

18 I, . . . . ., swear or affirm under penalty of law  
19 that I circulated this sheet of the foregoing petition, and that, to  
20 the best of my knowledge, every person who signed this sheet of the  
21 foregoing petition knowingly and without any compensation or promise of  
22 compensation willingly signed his or her true name and that the  
23 information provided therewith is true and correct. I further  
24 acknowledge that under chapter 29A.84 RCW, forgery of signatures on  
25 this petition constitutes a class C felony, and that offering any  
26 consideration or gratuity to any person to induce them to sign a  
27 petition is a gross misdemeanor, such violations being punishable by  
28 fine or imprisonment or both.

29 Signature \_\_\_\_\_  
30 Date of Signature \_\_\_\_\_  
31 Print Name \_\_\_\_\_  
32 Print Street Address \_\_\_\_\_  
33 Print City, State, Zip Code \_\_\_\_\_

34 Signing this declaration constitutes an oath subjecting the  
35 signatory to the penalty of the law.

1 RCW 9A.46.020 applies to any conduct constituting harassment  
2 against a petition signature gatherer. This penalty does not preclude  
3 the victim from seeking any other remedy otherwise available under law.

4 ~~((The petition must include a place for each petitioner to sign and  
5 print his or her name, and the address, city, and county at which he or  
6 she is registered to vote.))~~

7 **Sec. 7.** RCW 29A.72.120 and 2005 c 239 s 2 are each amended to read  
8 as follows:

9 Petitions for proposing measures for submission to the people for  
10 their approval or rejection at the next ensuing general election must  
11 be substantially in the following form:

12 The warning prescribed by RCW 29A.72.140; followed by:

13 INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

14 To the Honorable . . . . ., Secretary of State of the State of  
15 Washington:

16 We, the undersigned citizens and legal voters of the State of  
17 Washington, respectfully direct that the proposed measure known as  
18 Initiative Measure No. . . . ., entitled (here insert the established  
19 ballot title of the measure), a full, true and correct copy of which is  
20 printed on the reverse side of this petition, be submitted to the legal  
21 voters of the State of Washington for their approval or rejection at  
22 the general election to be held on the . . . . . day of November,  
23 (year); and each of us for himself or herself says: I have personally  
24 signed this petition; I am a legal voter of the State of Washington, in  
25 the city (or town) and county written after my name, my residence  
26 address is correctly stated, and I have knowingly signed this petition  
27 only once.

28 The petition must include a place for each petitioner to sign and  
29 print his or her name, and the address, city, and county at which he or  
30 she is registered to vote.

31 The following declaration must be printed on the reverse side of  
32 the petition:

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



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

8

9 Signature \_\_\_\_\_

10 Date of Signature \_\_\_\_\_

11 Print Name \_\_\_\_\_

12 Print Street Address \_\_\_\_\_

13 Print City, State, Zip Code \_\_\_\_\_

14 Signing this declaration constitutes an oath subjecting the  
15 signatory to the penalty of the law.

16 RCW 9A.46.020 applies to any conduct constituting harassment  
17 against a petition signature gatherer. This penalty does not preclude  
18 the victim from seeking any other remedy otherwise available under law.

19 ~~((The petition must include a place for each petitioner to sign and~~  
20 ~~print his or her name, and the address, city, and county at which he or~~  
21 ~~she is registered to vote.))~~

22 **Sec. 8.** RCW 29A.72.130 and 2005 c 239 s 3 are each amended to read  
23 as follows:

24 Petitions ordering that acts or parts of acts passed by the  
25 legislature be referred to the people at the next ensuing general  
26 election, or special election ordered by the legislature, must be  
27 substantially in the following form:

28 The warning prescribed by RCW 29A.72.140; followed by:

29 PETITION FOR REFERENDUM

30 To the Honorable . . . . ., Secretary of State of the State of  
31 Washington:

32 We, the undersigned citizens and legal voters of the State of  
33 Washington, respectfully order and direct that Referendum Measure No.  
34 . . . . ., filed to revoke a (or part or parts of a) bill that (concise

1 statement required by RCW 29A.36.071) and that was passed by the  
2 . . . . . legislature of the State of Washington at the last regular  
3 (special) session of said legislature, shall be referred to the people  
4 of the state for their approval or rejection at the regular (special)  
5 election to be held on the . . . . day of November, (year); and each of  
6 us for himself or herself says: I have personally signed this  
7 petition; I am a legal voter of the State of Washington, in the city  
8 (or town) and county written after my name, my residence address is  
9 correctly stated, and I have knowingly signed this petition only once.

10 The petition must include a place for each petitioner to sign and  
11 print his or her name, and the address, city, and county at which he or  
12 she is registered to vote.

13 The following declaration must be printed on the reverse side of  
14 the petition:

15 I, . . . . ., swear or affirm under penalty of law  
16 that I circulated this sheet of the foregoing petition, and that, to  
17 the best of my knowledge, every person who signed this sheet of the  
18 foregoing petition knowingly and without any compensation or promise of  
19 compensation willingly signed his or her true name and that the  
20 information provided therewith is true and correct. I further  
21 acknowledge that under chapter 29A.84 RCW, forgery of signatures on  
22 this petition constitutes a class C felony, and that offering any  
23 consideration or gratuity to any person to induce them to sign a  
24 petition is a gross misdemeanor, such violations being punishable by  
25 fine or imprisonment or both.

26 Signature \_\_\_\_\_  
27 Date of Signature \_\_\_\_\_  
28 Print Name \_\_\_\_\_  
29 Print Street Address \_\_\_\_\_  
30 Print City, State, Zip Code \_\_\_\_\_

31 Signing this declaration constitutes an oath subjecting the  
32 signatory to the penalty of the law.

33 RCW 9A.46.020 applies to any conduct constituting harassment  
34 against a petition signature gatherer. This penalty does not preclude  
35 the victim from seeking any other remedy otherwise available under law.

1       (~~The petition must include a place for each petitioner to sign and~~  
2 ~~print his or her name, and the address, city, and county at which he or~~  
3 ~~she is registered to vote.~~)

4       **Sec. 9.** RCW 29A.72.170 and 2003 c 111 s 1818 are each amended to  
5 read as follows:

6       The secretary of state may refuse to file any initiative or  
7 referendum petition being submitted upon any of the following grounds:

8       (1) That the petition does not contain the information required by  
9 RCW 29A.72.110, 29A.72.120, or 29A.72.130.

10       (2) That the petition clearly bears insufficient signatures.

11       (3) That the time within which the petition may be filed has  
12 expired.

13       (4) That the declaration printed on the reverse side of the  
14 petition has not been properly signed and dated with a printed name and  
15 address.

16       In case of such refusal, the secretary of state shall endorse on  
17 the petition the word "submitted" and the date, and retain the petition  
18 pending appeal.

19       If none of the grounds for refusal exists, the secretary of state  
20 must accept and file the petition.

21       NEW SECTION. **Sec. 10.** Sections 3 through 5 of this act are each  
22 added to chapter 42.17 RCW.

23       NEW SECTION. **Sec. 11.** This act takes effect January 1, 2009.

--- END ---