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**State Government & Tribal Affairs  
Committee**

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**HB 2570**

**Brief Description:** Protecting the integrity of the initiative and referendum process.

**Sponsors:** Representatives Simpson and Chase.

**Brief Summary of Bill**

- Requires the prime sponsor or sponsors of a proposed initiative or referendum (prime sponsor) to take and subscribe to an oath or affirmation.
- Requires the prime sponsor to file a statement of financial affairs with the Public Disclosure Commission.
- Prohibits the prime sponsor from accepting financial remuneration from the ballot campaign funds in excess of the annual salary of a legislator.
- Prohibits the prime sponsor from accepting gifts with an aggregate value in excess of \$50 from a single source in a calendar year or a single gift from multiple sources in excess of \$50.

**Hearing Date:** 1/28/10

**Staff:** Tracey O'Brien (786-7196).

**Background:**

Initiative and Referendum in Washington.

The Legislature adopted processes for initiative and referendum in 1912. The law as enacted allows:

- Initiatives to the People, where if petitions are certified to have a sufficient number of signatures by registered voters, the issue is submitted for a vote of the people at the next state general election;

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- Initiatives to the Legislature, where if petitions are certified to have a sufficient number of signatures by registered voters, the issue is submitted to the Legislature at its next regular session;
- Referendum Measures, where laws recently passed by the Legislature are placed on the ballot after certification of petitions signed by registered voters; and
- Referendum Bills, where voters adopt laws proposed by the Legislature.

Any legal voter of the state, either individually or on behalf of an organization, may petition the Legislature to enact a proposed measure, submit a proposed initiative measure to the people or order a referendum of all or part of any act, bill, or law passed by the Legislature. The sponsor shall file with the Secretary of State (SOS) a legible copy of the measure proposed, or in the case of a referendum the act or part of an act on which the referendum is desired. This must be accompanied by a filing fee and an affidavit that the sponsor is a legal voter. The current filing fee, adopted by the SOS by rule, is \$5.00.

Under the state Constitution, initiative petitions require signatures from 8 percent of the total number of votes cast for the Office of Governor at the last regular gubernatorial election; referendum petitions require 4 percent.

#### Reporting to the Public Disclosure Commission.

In Washington, the Public Disclosure Commission (PDC) is responsible for receiving, processing, and auditing filings of political campaigns, lobbying, and the financial affairs of elected officials and candidates. The jurisdiction of the PDC includes providing access to those filings and ensuring compliance with disclosure provisions, contribution limits, campaign practices, and other campaign finance laws.

Candidates running for state office must file personal financial affairs statements and campaign disclosure reports. Local office candidates in jurisdictions of under 1,000 registered voters as of last year's general election have no reporting requirements. Those candidates in jurisdictions of 1,000 or more registered voters as of last year's general election must file financial affairs statements. Local office candidates in jurisdictions of 5,000 or more registered voters, or covering an entire county, must also file campaign disclosure reports.

At certain intervals of a campaign, a candidate or political committee is required to file a report with the PDC and the county auditor or elections officer of the county in which a candidate resides, or the county where the committee maintains its office or headquarters (if a committee has no office or headquarters, then it is the county in which the committee treasurer resides).

In addition, public officials are required to report their financial affairs to the Public Disclosure Commission (PDC). Elected officials and executive state officers are required to file a financial affairs statement for the preceding calendar year with the PDC between January 1 and April 15 of each year. Within two weeks of the appointment, a person appointed to an executive state officer position must file a statement of financial affairs for the preceding 12 months with the PDC.

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

Prior to filing an affidavit for a proposed initiative or referendum, the prime sponsor or sponsors (prime sponsor) of a ballot proposition must take and subscribe an oath or affirmation. The oath or affirmation must in substance be as follows: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the state of Washington."

The prime sponsor of a ballot proposition are required to file with the PDC a statement of financial affairs for the preceding 12 months. This must be done within two weeks of the filing of the affidavit for the proposed initiative or referendum with the SOS.

A prime sponsor of a proposed ballot proposition may not accept financial remuneration from the ballot proposition campaign funds in excess of the annual salary of a legislator.

No prime sponsor of a proposed ballot proposition may accept gifts with an aggregate value in excess of \$50 from a single source in a calendar year or a single gift from multiple sources in excess of \$50. The value of gifts given the prime sponsor's family member or guest shall be attributed to the prime sponsor for the purpose of determining whether the limit has been exceeded, unless an independent business, family or social relationship exists between the donor and the family member or guest. The following items are presumed not to influence and may be accepted without regard to the limit: unsolicited flowers, plants and floral arrangements; unsolicited advertising or promotional items of nominal value; unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item or similar item; informational material, publications, or subscriptions related to the ballot proposition; and food and beverages consumed at hosted receptions where attendance is related to the ballot proposition. The presumption that these items are not influential is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

The "prime sponsor or sponsors of a ballot proposition" is defined as the registered voter or voters who complete the affidavit for a proposed initiative or referendum as well as any person who holds themselves out publicly as the sponsor of an initiative or referendum.

A state severability clause is included in the act.

**Appropriation:** None.

**Fiscal Note:** Available.

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