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**SUBSTITUTE SENATE BILL 6449**

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**State of Washington                      61st Legislature                      2010 Regular Session**

**By** Senate Government Operations & Elections (originally sponsored by Senators McDermott, Fairley, Keiser, Kohl-Welles, and Kline)

READ FIRST TIME 02/04/10.

1            AN ACT Relating to signature gatherers; amending RCW 42.17.020,  
2            29A.72.110, 29A.72.120, 29A.72.130, and 29A.72.170; adding new sections  
3            to chapter 42.17 RCW; adding new sections to chapter 29A.72 RCW;  
4            creating a new section; prescribing penalties; and providing an  
5            effective date.

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

7            **Sec. 1.** RCW 42.17.020 and 2008 c 6 s 201 are each amended to read  
8            as follows:

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

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

13           (2) "Agency" includes all state agencies and all local agencies.  
14           "State agency" includes every state office, department, division,  
15           bureau, board, commission, or other state agency. "Local agency"  
16           includes every county, city, town, municipal corporation, quasi-  
17           municipal corporation, or special purpose district, or any office,  
18           department, division, bureau, board, commission, or agency thereof, or  
19           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, benefiting, or honoring  
30 any public official or candidate, or assisting in furthering or  
31 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 or domestic partner,  
6 dependent children, and other dependent relatives, if living in the  
7 household. For the purposes of RCW 42.17.640 through 42.17.790,  
8 "immediate family" means an individual's spouse or domestic partner,  
9 and child, stepchild, grandchild, parent, stepparent, grandparent,  
10 brother, half brother, sister, or half sister of the individual and the  
11 spouse or the domestic partner of any such person and a child,  
12 stepchild, grandchild, parent, stepparent, grandparent, brother, half  
13 brother, sister, or half sister of the individual's spouse or domestic  
14 partner and the spouse or the domestic partner of any such person.

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

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

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

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

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



1 dollars, constitutes one independent expenditure if their cumulative  
2 value is five hundred dollars or more.

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

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

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

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

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

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

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

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

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

36 (35) "Paid signature gatherer" means an individual who is  
37 compensated through payments of money or other valuable consideration,

1 as an independent contractor, to obtain signatures on a state or local  
2 initiative, referendum, or recall petition.

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

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

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

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

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

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

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

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

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

1           ~~((+39+))~~ (40) "Political committee" means any person (except a  
2 candidate or an individual dealing with his or her own funds or  
3 property) having the expectation of receiving contributions or making  
4 expenditures in support of, or opposition to, any candidate or any  
5 ballot proposition.

6           ~~((+40+))~~ (41) "Primary" for the purposes of RCW 42.17.640 means the  
7 procedure for nominating a candidate to state office under chapter  
8 29A.52 RCW or any other primary for an election that uses, in large  
9 measure, the procedures established in chapter 29A.52 RCW.

10           ~~((+41+))~~ (42) "Prime sponsor or sponsors" means the registered  
11 voter or voters who complete the affidavit for proposed initiative or  
12 referendum or files a recall petition under chapter 29A.56 RCW as well  
13 as any persons who hold themselves out publicly as the sponsor of an  
14 initiative, referendum, or recall petition.

15           (43) "Public office" means any federal, state, judicial, county,  
16 city, town, school district, port district, special district, or other  
17 state political subdivision elective office.

18           ~~((+42+))~~ (44) "Public record" includes any writing containing  
19 information relating to the conduct of government or the performance of  
20 any governmental or proprietary function prepared, owned, used, or  
21 retained by any state or local agency regardless of physical form or  
22 characteristics. For the office of the secretary of the senate and the  
23 office of the chief clerk of the house of representatives, public  
24 records means legislative records as defined in RCW 40.14.100 and also  
25 means the following: All budget and financial records; personnel  
26 leave, travel, and payroll records; records of legislative sessions;  
27 reports submitted to the legislature; and any other record designated  
28 a public record by any official action of the senate or the house of  
29 representatives.

30           ~~((+43+))~~ (45) "Recall campaign" means the period of time beginning  
31 on the date of the filing of recall charges under RCW 29A.56.120 and  
32 ending thirty days after the recall election.

33           ~~((+44+))~~ (46) "Sponsor of an electioneering communications,  
34 independent expenditures, or political advertising" means the person  
35 paying for the electioneering communication, independent expenditure,  
36 or political advertising. If a person acts as an agent for another or  
37 is reimbursed by another for the payment, the original source of the  
38 payment is the sponsor.

1       (~~(45)~~) (47) "State legislative office" means the office of a  
2 member of the state house of representatives or the office of a member  
3 of the state senate.

4       (~~(46)~~) (48) "State office" means state legislative office or the  
5 office of governor, lieutenant governor, secretary of state, attorney  
6 general, commissioner of public lands, insurance commissioner,  
7 superintendent of public instruction, state auditor, or state  
8 treasurer.

9       (~~(47)~~) (49) "State official" means a person who holds a state  
10 office.

11       (~~(48)~~) (50) "Surplus funds" mean, in the case of a political  
12 committee or candidate, the balance of contributions that remain in the  
13 possession or control of that committee or candidate subsequent to the  
14 election for which the contributions were received, and that are in  
15 excess of the amount necessary to pay remaining debts incurred by the  
16 committee or candidate prior to that election. In the case of a  
17 continuing political committee, "surplus funds" mean those  
18 contributions remaining in the possession or control of the committee  
19 that are in excess of the amount necessary to pay all remaining debts  
20 when it makes its final report under RCW 42.17.065.

21       (~~(49)~~) (51) "Writing" means handwriting, typewriting, printing,  
22 photostating, photographing, and every other means of recording any  
23 form of communication or representation, including, but not limited to,  
24 letters, words, pictures, sounds, or symbols, or combination thereof,  
25 and all papers, maps, magnetic or paper tapes, photographic films and  
26 prints, motion picture, film and video recordings, magnetic or punched  
27 cards, discs, drums, diskettes, sound recordings, and other documents  
28 including existing data compilations from which information may be  
29 obtained or translated.

30       (52) "Circulator" means an individual who is a paid or volunteer  
31 signature gatherer who directly obtains the signatures of voters on  
32 petitions. A "circulator" does not include a person or entity who  
33 distributes the petitions to others for the collection of signatures or  
34 the person who submits the signed petitions to the secretary of state.

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

1        NEW SECTION.    **Sec. 2.**    (1) Registration with the commission is  
2 required for:

3        (a) All businesses operating in this state engaged in the activity  
4 of collecting signatures for state or local initiatives, referenda, or  
5 recall petitions and that are using paid signature gatherers; and

6        (b) All paid signature gatherers.

7        (2) Registration is valid for:

8        (a) Only one state or local initiative, referendum, or recall  
9 petition in the case of a paid signature gatherer. In the event a paid  
10 signature gatherer is gathering signatures for more than one state or  
11 local initiative, referendum, or recall petition, registration and a  
12 separate registration number is required for each petition. The  
13 commission shall provide each registered signature gatherer with an  
14 individual registration number for each state or local initiative,  
15 referendum, or recall petition on which signatures will be gathered;  
16 and

17        (b) One calendar year in the case of a business operating in this  
18 state engaged in the activity of collecting signatures for state or  
19 local initiatives, referenda, or recall petitions and that are using  
20 paid signature gatherers. In the event that a business becomes  
21 involved with the collection of signatures for any state or local  
22 initiatives, referenda, or recall petitions that are using paid  
23 signature gatherers that were not listed on their original registration  
24 for that calendar year, the business must notify the commission within  
25 five working days of becoming involved in the new petition.

26        (3) To register with the commission, a paid signature gatherer must  
27 provide:

28        (a) His or her full name and assumed name, if any;

29        (b) The street address of his or her permanent residence;

30        (c) His or her signature;

31        (d) A list of the state or local initiatives, referenda, or recall  
32 petitions on which the paid signature gatherer will gather signatures;

33        (e) A signed statement attesting that the paid signature gatherer:  
34 (i) Has not been convicted of a criminal offense involving fraud,  
35 forgery, or identification theft within the past five years; (ii) has  
36 not been convicted of a crime under chapter 29A.84 RCW, or its  
37 equivalent in another jurisdiction, in the past five years; (iii) has

1 not been found in violation of elections law under chapter 29A.84 RCW,  
2 or its equivalent in another jurisdiction, in the past five years; and  
3 (iv) is not a convicted sex offender;

4 (f) A signed statement acknowledging that the paid signature  
5 gatherer has read and understands Washington law applicable to the  
6 gathering of signatures on state or local initiatives, referenda, or  
7 recall petitions;

8 (g) Evidence indicating that the paid signature gatherer has  
9 completed the training required under section 7 of this act;

10 (h) A conventional photograph showing the paid signature gatherer's  
11 head, neck, and shoulders, and is appropriate for copying and  
12 processing by the commission; and

13 (i) A statement signed by a prime sponsor or sponsors of each state  
14 or local initiative, referendum, or recall petition upon which the paid  
15 signature gatherer will gather signatures acknowledging that the prime  
16 sponsor is liable for violations of law or rule committed by the paid  
17 signature gatherer obtaining signatures as provided in RCW 29A.84.220  
18 and 29A.84.250.

19 (4) To register with the commission, a business operating in this  
20 state engaged in the activity of collecting signatures for state or  
21 local initiatives, referenda, or recall petitions that is using paid  
22 signature gatherers must provide:

23 (a) The name of the business as registered with the applicable  
24 state agency depending on the business structure, which may include the  
25 department of revenue, the secretary of state, or the department of  
26 licensing, as well as any other names under which the business is doing  
27 business or any trade names;

28 (b) The street address of the main office in the state, the mailing  
29 address, if different, the office phone number, and the business e-mail  
30 address, if any. If the business is operated out of a residence, the  
31 residence shall be considered the main office for the purposes of this  
32 subsection;

33 (c) The full name of the business owner or owners and any assumed  
34 names;

35 (d) A signature of the business owner or owners;

36 (e) A signed statement attesting that the business owner or owners:  
37 (i) Have not been convicted of a criminal offense involving fraud,  
38 forgery, or identification theft within the past five years; (ii) have

1 not been convicted of a crime under chapter 29A.84 RCW, or its  
2 equivalent in another jurisdiction, in the past five years; (iii) have  
3 not been found in violation of elections law under chapter 29A.84 RCW,  
4 or its equivalent in another jurisdiction, in the past five years; and  
5 (iv) are not convicted sex offenders;

6 (f) A list of the state or local initiatives, referenda, or recall  
7 petitions on which the business will be involved with the gathering of  
8 signatures;

9 (g) A signed statement acknowledging the business owner or owners  
10 have read and understand Washington law applicable to the gathering of  
11 signatures on state or local initiatives, referenda, or recall  
12 petitions;

13 (h) A statement signed by the prime sponsor or sponsors of each  
14 state or local initiative, referendum, or recall petition for which the  
15 business will be involved with the gathering of signatures that the  
16 prime sponsor will be liable for violations of law or rule committed by  
17 the business owner or owners as provided in RCW 29A.84.220 and  
18 29A.84.250;

19 (i) Evidence indicating that the business owner or owners completed  
20 the training required under section 7 of this act; and

21 (j) A conventional photograph showing the paid signature gatherer's  
22 head, neck, and shoulders, and is appropriate for copying and  
23 processing by the commission.

24 (5) A person, including a business owner, is ineligible for  
25 registration under this section if he or she: (a) Has been convicted  
26 of a criminal offense involving fraud, forgery, or identification theft  
27 in any jurisdiction within the past five years; (b) has been convicted  
28 of a crime under chapter 29A.84 RCW, or its equivalent in another  
29 jurisdiction, in the past five years; (c) has been found in violation  
30 of elections law under chapter 29A.84 RCW, or its equivalent in another  
31 jurisdiction, in the past five years; or (d) is a convicted sex  
32 offender.

33 (6) When gathering signatures, a paid signature gatherer must carry  
34 on his or her person evidence of registration including the paid  
35 signature gatherer's photograph and registration number. If requested,  
36 the paid signature gatherer shall produce the evidence of registration.

1        NEW SECTION.    **Sec. 3.**    The commission shall adopt rules necessary  
2 to implement sections 2 and 5 of this act, including rules establishing  
3 procedures for registering persons who may be paid money or other  
4 valuable consideration for obtaining signatures of electors on state or  
5 local initiatives, referenda, or recall petitions.

6        NEW SECTION.    **Sec. 4.**    If a person receives money or other valuable  
7 consideration for obtaining signatures of electors on a state or local  
8 initiative, referendum, or recall petition, and the paid signature  
9 gatherer was not registered as required by section 2 of this act at the  
10 time the signatures were obtained, the signatures shall not be  
11 invalidated because of the failure of the signature gatherer. Any  
12 unsigned declaration or declaration that is circulated by an  
13 unregistered signature gatherer is subject to a full signature check by  
14 the secretary of state.

15        NEW SECTION.    **Sec. 5.**    (1) A registered paid signature gatherer who  
16 knowingly submits an invalid signature will have his or her  
17 registration number revoked and he or she is prohibited from  
18 registering for five years from the date of the commission's revocation  
19 order. This subsection applies when:

20        (a) The paid signature gatherer provides a petition that contains  
21 an invalid signature as determined by the secretary of state; and

22        (b) The commission determines that the signature was obtained by  
23 that paid signature gatherer and the paid signature gatherer knew or  
24 should have known the signature was invalid. However, this subsection  
25 does not apply when the paid signature gatherer had no knowledge or  
26 reason to know that the signature was invalid including, but not  
27 limited to, the paid signature gatherer did not know and had no reason  
28 to know the signature was a duplicate, that the person's signature had  
29 changed over time and no longer matched the signature on file with the  
30 relevant election official, that the person had moved to a new  
31 residence but failed to update his or her voter registration form  
32 before signing the petition, and the signature did not match a valid  
33 registered voter in Washington.

34        (2) When the commission is informed that a registered paid  
35 signature gatherer has been convicted of any of the crimes described in  
36 (a) through (d) of this subsection, or the commission makes a finding



1 under (e) of this subsection, the paid signature gatherer will have his  
2 or her registration number revoked and he or she is prohibited from  
3 applying for future registrations for five years from the date of the  
4 commission's revocation order. This subsection applies to a paid  
5 signature gatherer who:

6 (a) Has been convicted of violating RCW 9.44.080 or 9A.46.020;

7 (b) Has been convicted of violating a provision of chapter 29A.84  
8 RCW or the felonies or misdemeanors referenced therein;

9 (c) Has been convicted of any other election-related crime in any  
10 state or federal court;

11 (d) Has been convicted in any state or federal court of a criminal  
12 offense involving fraud, forgery, or identification theft; or

13 (e) Has been determined by the commission to have submitted false  
14 information on his or her registration application.

15 (3) When the commission is informed that a paid signature gatherer  
16 has been convicted of any sex offense, he or she will have his or her  
17 registration number permanently revoked and he or she is prohibited  
18 from applying for or obtaining future registrations.

19 NEW SECTION. **Sec. 6.** The failure to register under section 2 of  
20 this act by a business operating in this state engaged in the activity  
21 of collecting signatures for state or local initiatives, referenda, or  
22 recall petitions using paid signature gatherers does not invalidate any  
23 signatures gathered by the business and its paid signature gatherers.  
24 Any business that fails to register under section 2 of this act and  
25 submits petitions will be subject to a full signature check on those  
26 petitions by the secretary of state.

27 NEW SECTION. **Sec. 7.** The secretary of state shall provide the  
28 required training for paid signature gatherers and the businesses  
29 operating in this state engaged in the activity of collecting  
30 signatures for state or local initiatives, referenda, or recall  
31 petitions and that are using paid signature gatherers. The training  
32 shall be provided via the internet.

33 NEW SECTION. **Sec. 8.** The definitions in this section apply to  
34 sections 4, 6, and 7 of this act:

1 (1) "Circulator" means an individual who is a paid or volunteer  
2 signature gatherer who directly obtains the signatures of voters on  
3 petitions. A "circulator" does not include a person or entity who  
4 distributes the petitions to others for the collection of signatures or  
5 the person who submits the signed petitions to the secretary of state.

6 (2) "Paid signature gatherer" means an individual who is  
7 compensated through payments of money or other valuable consideration,  
8 as an independent contractor, to obtain signatures on a state or local  
9 initiative, referendum, or recall petition.

10 (3) "Prime sponsor or sponsors" means the registered voter or  
11 voters who complete the affidavit for proposed initiative or referendum  
12 or files a recall petition under chapter 29A.56 RCW as well as any  
13 persons who hold themselves out publicly as the sponsor of an  
14 initiative, referendum, or recall petition.

15 (4) "Volunteer signature gatherer" means an individual who is not  
16 compensated through payments of money or other valuable consideration  
17 to obtain signatures on a state or local initiative, referendum, or  
18 recall petition and is not required to register under sections 2  
19 through 7 of this act.

20 NEW SECTION. **Sec. 9.** Sections 2 through 7 of this act do not  
21 apply to individuals who volunteer to engage in the activity of  
22 collecting signatures for state or local initiatives, referenda, or  
23 recall petitions.

24 **Sec. 10.** RCW 29A.72.110 and 2005 c 239 s 1 are each amended to  
25 read as follows:

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

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

30 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

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

33 We, the undersigned citizens and legal voters of the State of  
34 Washington, respectfully direct that this petition and the proposed  
35 measure known as Initiative Measure No. . . . . and entitled (here set

1 forth the established ballot title of the measure), a full, true, and  
2 correct copy of which is printed on the reverse side of this petition,  
3 be transmitted to the legislature of the State of Washington at its  
4 next ensuing regular session, and we respectfully petition the  
5 legislature to enact said proposed measure into law; and each of us for  
6 himself or herself says: I have personally signed this petition; I am  
7 a legal voter of the State of Washington in the city (or town) and  
8 county written after my name, my residence address is correctly stated,  
9 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, and must be signed by the signature gatherer who  
15 circulated the petition sheet after the sheet has been signed by  
16 petitioners but before the petition is submitted to the secretary of  
17 state:

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

1 signatory to the penalty of the law. The declaration must be  
2 individually signed by the signature gatherer. Stamps or other  
3 signature reproductions may not be used.

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

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

10 **Sec. 11.** RCW 29A.72.120 and 2005 c 239 s 2 are each amended to  
11 read as follows:

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

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

16 INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

17 To the Honorable . . . . ., Secretary of State of the State of  
18 Washington:

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

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

34 The following declaration must be printed on the reverse side of  
35 the petition, and must be signed by the signature gatherer who

1 circulated the petition sheet after the sheet has been signed by  
2 petitioners but before the petition is submitted to the secretary of  
3 state:

4 I, . . . . ., swear or affirm under penalty of law  
5 that I circulated this sheet of the foregoing petition, and that, to  
6 the best of my knowledge, every person who signed this sheet of the  
7 foregoing petition knowingly and without any compensation or promise of  
8 compensation willingly signed his or her true name and that the  
9 information provided therewith is true and correct. I further  
10 acknowledge that under chapter 29A.84 RCW, forgery of signatures on  
11 this petition constitutes a class C felony, and that offering any  
12 consideration or gratuity to any person to induce them to sign a  
13 petition is a gross misdemeanor, such violations being punishable by  
14 fine or imprisonment or both.

15  
16 Signature \_\_\_\_\_  
17 Date of Signature \_\_\_\_\_  
18 Print Name \_\_\_\_\_  
19 Print Street Address \_\_\_\_\_  
20 Print City, State, Zip Code \_\_\_\_\_

21 Signing this declaration constitutes an oath subjecting the  
22 signatory to the penalty of the law. The declaration must be  
23 individually signed by the signature gatherer. Stamps or other  
24 signature reproductions may not be used.

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

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 **Sec. 12.** RCW 29A.72.130 and 2005 c 239 s 3 are each amended to  
32 read as follows:

33 Petitions ordering that acts or parts of acts passed by the

1 legislature be referred to the people at the next ensuing general  
2 election, or special election ordered by the legislature, must be  
3 substantially in the following form:

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

5 PETITION FOR REFERENDUM

6 To the Honorable . . . . ., Secretary of State of the State of  
7 Washington:

8 We, the undersigned citizens and legal voters of the State of  
9 Washington, respectfully order and direct that Referendum Measure No.  
10 . . . . ., filed to revoke a (or part or parts of a) bill that (concise  
11 statement required by RCW 29A.36.071) and that was passed by the  
12 . . . . . legislature of the State of Washington at the last regular  
13 (special) session of said legislature, shall be referred to the people  
14 of the state for their approval or rejection at the regular (special)  
15 election to be held on the . . . . day of November, (year); and each of  
16 us for himself or herself says: I have personally signed this  
17 petition; I am a legal voter of the State of Washington, in the city  
18 (or town) and county written after my name, my residence address is  
19 correctly stated, and I have knowingly signed this petition only once.

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

23 The following declaration must be printed on the reverse side of  
24 the petition, and must be signed by the signature gatherer who  
25 circulated the petition sheet after the sheet has been signed by  
26 petitioners but before the petition is submitted to the secretary of  
27 state:

28 I, . . . . ., swear or affirm under penalty of law  
29 that I circulated this sheet of the foregoing petition, and that, to  
30 the best of my knowledge, every person who signed this sheet of the  
31 foregoing petition knowingly and without any compensation or promise of  
32 compensation willingly signed his or her true name and that the  
33 information provided therewith is true and correct. I further  
34 acknowledge that under chapter 29A.84 RCW, forgery of signatures on  
35 this petition constitutes a class C felony, and that offering any  
36 consideration or gratuity to any person to induce them to sign a

1 petition is a gross misdemeanor, such violations being punishable by  
2 fine or imprisonment or both.

3 Signature  
4 Date of Signature  
5 Print Name  
6 Print Street Address  
7 Print City, State, Zip Code

8 Signing this declaration constitutes an oath subjecting the  
9 signatory to the penalty of the law. The declaration must be  
10 individually signed by the signature gatherer. Stamps or other  
11 signature reproductions may not be used.

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

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

18 NEW SECTION. Sec. 13. A prime sponsor or sponsors of an  
19 initiative or referendum petition must check each petition sheet to  
20 ensure the declaration required in RCW 29A.72.110, 29A.72.120, or  
21 29A.72.130 is signed by the signature gatherer and must sign an  
22 affidavit attesting he or she verified that the declaration on each  
23 petition sheet submitted to the secretary of state has been completed  
24 and signed. The affidavit must accompany the petition at the time of  
25 filing with the secretary of state.

26 **Sec. 14.** RCW 29A.72.170 and 2003 c 111 s 1818 are each amended to  
27 read as follows:

28 The secretary of state ~~((may))~~ shall refuse to file any initiative  
29 or referendum petition being submitted upon any of the following  
30 grounds:

- 31 (1) That the petition does not contain the information required by  
32 RCW 29A.72.110, 29A.72.120, or 29A.72.130.
- 33 (2) That the petition clearly bears insufficient signatures.

1 (3) That the time within which the petition may be filed has  
2 expired.

3 In case of such refusal, the secretary of state shall endorse on  
4 the petition the word "submitted" and the date, and retain the petition  
5 pending appeal.

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

8 NEW SECTION. **Sec. 15.** Sections 2, 3, 5, and 9 of this act are  
9 each added to chapter 42.17 RCW.

10 NEW SECTION. **Sec. 16.** Sections 4, 6 through 8, and 13 of this act  
11 are each added to chapter 29A.72 RCW.

12 NEW SECTION. **Sec. 17.** If any provision of this act or its  
13 application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 18.** This act takes effect January 1, 2011.

17 NEW SECTION. **Sec. 19.** If specific funding for the purposes of  
18 this act, referencing this act by bill or chapter number, is not  
19 provided by June 30, 2010, in the omnibus appropriations act, this act  
20 is null and void.

--- END ---