

2SSB 5297 - S AMD 122  
By Senator Nelson

NOT CONSIDERED 05/25/2011

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that two of the  
4 greatest strengths of our state's democratic structure are the  
5 citizens' initiative and referenda processes. Indeed, our state  
6 Constitution firmly establishes this right of direct democracy as being  
7 vested in the people.

8 (2) The legislature further finds there has been a significant  
9 increase in the number of initiatives and referenda filed in Washington  
10 in recent years, resulting in a corresponding increase in the time and  
11 resources required for processing and managing by the secretary of  
12 state's office and the attorney general's office. The legislature also  
13 finds that the current filing fee for initiatives and referenda was set  
14 in 1893 and that this fee falls far short of addressing the cost to  
15 taxpayers, particularly when individuals file multiple duplicate  
16 initiatives or file initiatives for which no signatures are ever  
17 gathered or submitted. The legislature intends, therefore, to adopt an  
18 updated filing fee structure that preserves the ability for all  
19 citizens to access the initiative and referendum processes while also  
20 promoting the taxpayers' interests by diminishing the misuse of state  
21 resources for personal gain.

22 (3) The legislature further finds that over the last three election  
23 cycles, there has been a dramatic increase across the country in the  
24 incidence of signature fraud and voter deception to qualify initiatives  
25 for the ballot. Because the initiative and referenda processes serve  
26 a vital civic engagement function in our state, the legislature finds  
27 it is in the state's best interest to take a proactive approach to  
28 preventing the spread of fraud, abuse, and deception in Washington's  
29 initiative and referenda processes. The legislature further finds that

1 proactive steps are necessary to promote integrity and accountability  
2 so that Washington's ballot measure processes are free of abuse, fraud,  
3 and deception and that they work for voters and not against them.

4 NEW SECTION. **Sec. 2.** (1) All signature gatherers must complete  
5 and sign the declaration on the petition according to the requirements  
6 of RCW 29A.72.110, 29A.72.120, and 29A.72.130.

7 (2) Any petition submitted without a completed and signed  
8 declaration will be subject to a full signature check by the office of  
9 the secretary of state.

10 **Sec. 3.** RCW 29A.72.010 and 2003 c 111 s 1802 are each amended to  
11 read as follows:

12 (1) If any legal voter of the state, either individually or on  
13 behalf of an organization, desires to petition the legislature to enact  
14 a proposed measure, or submit a proposed initiative measure to the  
15 people, or order that a referendum of all or part of any act, bill, or  
16 law, passed by the legislature be submitted to the people, he or she  
17 shall file with the secretary of state a legible copy of the measure  
18 proposed, or the act or part of such act on which a referendum is  
19 desired, accompanied by an affidavit that the sponsor is a legal voter  
20 and a filing fee (~~(prescribed under RCW 43.07.120)~~) in an amount to be  
21 set by the secretary of state.

22 (2) The secretary of state may establish an electronic system for  
23 a legal voter to pay the filing fee, file the proposed measure, or act  
24 or part of such act on which a referendum is desired, and provide  
25 sufficient information in lieu of an affidavit to establish that he or  
26 she is a legal voter in the state.

27 NEW SECTION. **Sec. 4.** (1) Except as provided in subsection (2) of  
28 this section, any person who is gathering signatures for an initiative,  
29 referendum, or recall petition is prohibited from soliciting signatures  
30 within the presumptively reasonable minimum distance of fifteen feet  
31 from entrances and exits serving stand-alone stores or retail stores  
32 located in commercial retail complexes.

33 (2) The property owner of a stand-alone store or retail store  
34 located in a commercial retail complex may grant persons who are  
35 gathering signatures for an initiative, referendum, or recall petition

1 permission to be closer than fifteen feet from entrances and exits, so  
2 long as any permission is granted equally to all signature gatherers  
3 without respect to the initiative, referendum, or recall petition for  
4 which signatures are being gathered.

5 **Sec. 5.** RCW 29A.72.110 and 2005 c 239 s 1 are each amended to read  
6 as follows:

7 Petitions for proposing measures for submission to the legislature  
8 at its next regular session must be substantially in the following  
9 form:

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

11 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

12 To the Honorable . . . . ., Secretary of State of the State of  
13 Washington:

14 We, the undersigned citizens and legal voters of the State of  
15 Washington, respectfully direct that this petition and the proposed  
16 measure known as Initiative Measure No. . . . . and entitled (here set  
17 forth the established ballot title of the measure), a full, true, and  
18 correct copy of which is printed on the reverse side of this petition,  
19 be transmitted to the legislature of the State of Washington at its  
20 next ensuing regular session, and we respectfully petition the  
21 legislature to enact said proposed measure into law; and each of us for  
22 himself or herself says: I have personally signed this petition; I am  
23 a legal voter of the State of Washington in the city (or town) and  
24 county written after my name, my residence address is correctly stated,  
25 and I have knowingly signed this petition only once.

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

29 The following declaration must be printed on the reverse side of  
30 the petition, and must be signed by the signature gatherer who  
31 circulated the petition sheet after the sheet has been signed by  
32 petitioners but before the petition is submitted to the secretary of  
33 state:

34 I, . . . . ., swear or affirm under penalty of law  
35 that I circulated this sheet of the foregoing petition, and that, to  
36 the best of my knowledge, every person who signed this sheet of the

1 foregoing petition knowingly and without any compensation or promise of  
2 compensation willingly signed his or her true name and that the  
3 information provided therewith is true and correct. I further  
4 acknowledge that under chapter 29A.84 RCW, forgery of signatures on  
5 this petition constitutes a class C felony, and that offering any  
6 consideration or gratuity to any person to induce them to sign a  
7 petition is a gross misdemeanor, such violations being punishable by  
8 fine or imprisonment or both.

9 Signature  
10 Date of Signature  
11 Print Name  
12 Print Street Address  
13 Print City, State, Zip Code  
14 Compensated by the following signature gathering businesses

15 Signing this declaration constitutes an oath subjecting the  
16 signatory to the penalty of the law. The declaration must be  
17 individually signed by the signature gatherer. Stamps or other  
18 signature reproductions may not be used.

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

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

25 **Sec. 6.** RCW 29A.72.120 and 2005 c 239 s 2 are each amended to read  
26 as follows:

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

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

31 INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

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 the proposed measure known as  
3 Initiative Measure No. . . . ., entitled (here insert the established  
4 ballot title of the measure), a full, true and correct copy of which is  
5 printed on the reverse side of this petition, be submitted to the legal  
6 voters of the State of Washington for their approval or rejection at  
7 the general election to be held on the . . . . day of November,  
8 (year); and each of us for himself or herself says: I have personally  
9 signed this petition; I am a legal voter of the State of Washington, in  
10 the city (or town) and county written after my name, my residence  
11 address is correctly stated, and I have knowingly signed this petition  
12 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, and must be signed by the signature gatherer who  
18 circulated the petition sheet after the sheet has been signed by  
19 petitioners but before the petition is submitted to the secretary of  
20 state:

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

32 Signature \_\_\_\_\_  
33 Date of Signature \_\_\_\_\_  
34 Print Name \_\_\_\_\_  
35 Print Street Address \_\_\_\_\_  
36 Print City, State, Zip Code \_\_\_\_\_

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

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

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

**Sec. 7.** RCW 29A.72.130 and 2005 c 239 s 3 are each amended to read as follows:

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

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

PETITION FOR REFERENDUM

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

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



1        NEW SECTION.    **Sec. 8.**    Sections 2 and 4 of this act are each added  
2 to chapter 29A.72 RCW.

3        NEW SECTION.    **Sec. 9.**    If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

7        NEW SECTION.    **Sec. 10.**    This act takes effect January 1, 2012."

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**NOT CONSIDERED 05/25/2011**

8        On page 1, line 1 of the title, after "gathering;" strike the  
9 remainder of the title and insert "amending RCW 29A.72.010, 29A.72.110,  
10 29A.72.120, and 29A.72.130; adding new sections to chapter 29A.72 RCW;  
11 creating a new section; and providing an effective date."

EFFECT:    Removes references distinguishing paid signature gatherers  
from volunteer signature gatherers and requires all signature gatherers  
to sign the declaration before submitting a petition to the Secretary  
of State.    Preserves the status quo regarding the location of the  
declaration and directs it be printed on the back of the petition.  
Revises the provision granting retail property owners discretion to  
allow signature gatherers to be closer than 15 feet from the  
entrance/exit and requires that any permission to be closer be applied  
equally to all signature gatherers without respect to the initiative,  
referendum, or recall petition for which signatures are being gathered.

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