
SUBSTITUTE SENATE BILL 5297

State of Washington

62nd Legislature

2011 Regular Session

By Senate Government Operations, Tribal Relations & Elections
(originally sponsored by Senators Nelson, Conway, Harper, Chase,
White, Kohl-Welles, Kline, Keiser, Prentice, and Shin)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to signature gathering; amending RCW 29A.72.010,
2 29A.72.110, 29A.72.120, and 29A.72.130; adding new sections to chapter
3 29A.72 RCW; creating a new section; prescribing penalties; and
4 providing an effective date.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that two of the
7 greatest strengths of our state's democratic structure are the
8 citizens' initiative and referenda processes. Indeed, our state
9 Constitution establishes this right of direct democracy as being on par
10 with the powers vested in the legislature.

11 (2) The legislature further finds there has been a significant
12 increase in the number of initiatives and referenda filed in Washington
13 in recent years, resulting in a corresponding increase in the time and
14 resources required for processing and managing by the secretary of
15 state's office. The legislature also finds that the current filing fee
16 for initiatives and referenda was set in 1893 and that this fee falls
17 far short of addressing the cost to taxpayers, particularly when
18 individuals file multiple duplicate initiatives or file initiatives
19 they have no honest intention of pursuing. The legislature intends,

1 therefore, to adopt an updated filing fee structure that preserves the
2 ability for all citizens to access the initiative and referenda
3 processes while also promoting the taxpayers' interests by diminishing
4 the misuse of state resources for personal or frivolous gain.

5 (3) The legislature further finds that as the number of initiatives
6 and referenda has increased, there has been a corresponding rise in the
7 use of paid signature gathering companies both in Washington and
8 nationally. The legislature also finds that over the last three
9 election cycles, there has been a dramatic increase across the country
10 in the use of signature fraud and voter deception to qualify
11 initiatives for the ballot. Because the initiative and referenda
12 processes serve a vital civic engagement function in our state, the
13 legislature finds it is in the state's best interest to take a
14 proactive approach to preventing the spread of fraud, abuse, and
15 deception in Washington's initiative and referenda processes. The
16 legislature further finds that proactive steps are necessary to promote
17 integrity and accountability so that Washington's ballot measure
18 processes are free of abuse, fraud, and deception and that they work
19 for voters and not against them.

20 NEW SECTION. **Sec. 2.** (1) Registration with the secretary of state
21 is required for all businesses operating in this state engaged in the
22 activity of collecting signatures for state initiatives, referenda, or
23 recall petitions and that are using paid signature gatherers.

24 (2) Registration is valid for one calendar year for businesses
25 operating in this state engaged in the activity of collecting
26 signatures for state initiatives, referenda, or recall petitions. In
27 the event that a business becomes involved with the collection of
28 signatures for any state initiatives, referenda, or recall petitions
29 that were not listed on their original registration for that calendar
30 year, the business must notify the secretary of state within five
31 working days of becoming involved in the new petition.

32 (3) To register with the secretary of state, a business operating
33 in this state engaged in the activity of collecting signatures for
34 state initiatives, referenda, or recall petitions that is using paid
35 signature gatherers must provide:

36 (a) The name of the business as registered with the applicable
37 state agency depending on the business structure, which may include the

1 department of revenue or the department of licensing, as well as any
2 other names under which the business is doing business or any trade
3 names;

4 (b) The street address of the main office in the state, the mailing
5 address, if different, the office phone number, and the business e-mail
6 address, if any. If the business is operated out of a residence, the
7 residence shall be considered the main office for the purposes of this
8 subsection;

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

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

12 (e) A signed statement attesting that the business owner or owners:

13 (i) Have not been convicted of a criminal offense involving fraud,
14 forgery, or identification theft within the past five years; (ii) have
15 not been convicted of a crime under chapter 29A.84 RCW, or its
16 equivalent in another jurisdiction, in the past five years; (iii) have
17 not been found in violation of elections law under chapter 29A.84 RCW,
18 or its equivalent in another jurisdiction, in the past five years; and
19 (iv) attesting that the business owner or owners have conducted a
20 criminal background check on each paid signature gatherer that the
21 business employs;

22 (f) A list of the state initiatives, referenda, or recall petitions
23 on which the business will be involved with the gathering of
24 signatures; and

25 (g) A signed statement acknowledging the business owner or owners
26 have read and understand Washington law applicable to the gathering of
27 signatures on state initiatives, referenda, or recall petitions.

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

36 NEW SECTION. **Sec. 3.** The failure to register under section 2 of
37 this act by a business operating in this state engaged in the activity

1 of collecting signatures for state initiatives, referenda, or recall
2 petitions using paid signature gatherers does not invalidate any
3 signatures gathered by the business and its paid signature gatherers.
4 Any business that fails to register under section 2 of this act and
5 submits petitions will be subject to a fine of not less than five
6 hundred dollars per petition page that has been submitted.
7 Additionally, any business operating in this state engaged in the
8 activity of collecting signatures for state initiatives, referenda, or
9 recall petitions found to have not registered within seventy-two hours
10 of collecting their first signatures shall be subject to a fine of not
11 less than ten thousand dollars. Fines collected are expressly
12 designated for deposit into the secretary of state's revolving fund.

13 NEW SECTION. **Sec. 4.** The definitions in this section apply
14 throughout this chapter unless the context clearly require otherwise.

15 (1) "Circulator" means an individual who is a paid or volunteer
16 signature gatherer who obtains the signatures of voters on petitions.
17 A "circulator" does not include a person who only submits the signed
18 petitions to the secretary of state.

19 (2) "Political committee" means any person (except a candidate or
20 an individual dealing with his or her own funds or property) having the
21 expectation of receiving contributions or making expenditures in
22 support of, or opposition to, any candidate or any ballot proposition.

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

28 (4) "Signature gathering business" means a business whose primary
29 activity or primary source of revenue is gathering signatures for
30 ballot measures, initiatives, or recall petitions.

31 (5) "Volunteer signature gatherer" means an individual who is not
32 compensated through payments of money to obtain signatures on a state
33 initiative, referendum, or recall petition and is not required to
34 register under sections 2 and 3 of this act.

35 NEW SECTION. **Sec. 5.** (1) The secretary of state, by rule, may
36 collect a fee for businesses operating in the state engaged in the

1 activity of paid signature gathering to cover the costs of registration
2 incurred by the secretary of state, and to cover the costs associated
3 with conducting a full signature check on any petition that is not
4 signed by a signature gatherer. Additionally, a signature gathering
5 business is responsible for paying the costs of a full signature check
6 when that business fails to register within seventy-two hours of
7 collecting the first signature. Otherwise, a political committee of a
8 ballot measure, initiative, or recall petition is responsible for
9 covering the costs of a full signature check on petitions with unsigned
10 declarations.

11 (2) The fees collected under this section must be deposited into
12 the secretary of state's revolving fund established under RCW
13 43.07.130.

14 NEW SECTION. Sec. 6. Sections 2 and 3 of this act do not apply to
15 individuals who volunteer to engage in the activity of collecting
16 signatures for state initiatives, referenda, or recall petitions.

17 **Sec. 7.** RCW 29A.72.010 and 2003 c 111 s 1802 are each amended to
18 read as follows:

19 (1) If any legal voter of the state, either individually or on
20 behalf of an organization, desires to petition the legislature to enact
21 a proposed measure, or submit a proposed initiative measure to the
22 people, or order that a referendum of all or part of any act, bill, or
23 law, passed by the legislature be submitted to the people, he or she
24 shall file with the secretary of state a legible copy of the measure
25 proposed, or the act or part of such act on which a referendum is
26 desired, accompanied by an affidavit that the sponsor is a legal voter
27 and a filing fee (~~((prescribed under RCW 43.07.120))~~) of five hundred
28 dollars. If the measure is certified by the secretary of state for the
29 general election ballot, the sponsor shall receive a refund of four
30 hundred fifty dollars. Any sponsor who lacks sufficient assets or
31 income at the time of filing to pay the filing fee required by this
32 section shall submit at least five hundred valid signatures of
33 registered voters in order to be exempt from the filing fee.

34 (2) The secretary of state may establish an electronic system for
35 a legal voter to pay the filing fee, file the proposed measure, or act

1 or part of such act on which a referendum is desired, and provide
2 sufficient information in lieu of an affidavit to establish that he or
3 she is a legal voter in the state.

4 NEW SECTION. Sec. 8. (1) Except as provided in subsection (2) of
5 this section, any person who is gathering signatures for an initiative
6 measure or referendum filed with the secretary of state is prohibited
7 within a presumptively reasonable minimum distance of fifteen feet from
8 entrances and exits that serve stand-alone stores or retail stores that
9 are located in commercial retail complexes.

10 (2) The property owner of a stand-alone store or retail store
11 located in a commercial retail complex may grant a person who is
12 gathering signatures for an initiative measure or referendum filed with
13 the secretary of state permission to be closer than fifteen feet from
14 entrances and exits.

15 **Sec. 9.** RCW 29A.72.110 and 2005 c 239 s 1 are each amended to read
16 as follows:

17 Petitions for proposing measures for submission to the legislature
18 at its next regular session must be substantially in the following
19 form:

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

21 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE
22 To the Honorable, Secretary of State of the State of
23 Washington:

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

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 The following declaration must be printed on the ((reverse)) front
5 side of the petition, and must be signed by the signature gatherer who
6 circulated the petition sheet after the sheet has been signed by
7 petitioners but before the petition is submitted to the secretary of
8 state:

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

20 Signature _____
21 Date of Signature _____
22 Print Name _____
23 Print Street Address _____
24 Print City, State, Zip Code _____
25 Compensated by the following signature gathering businesses _____

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

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

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

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

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

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

7 INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

8 To the Honorable, Secretary of State of the State of
9 Washington:

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

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

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

1 consideration or gratuity to any person to induce them to sign a
2 petition is a gross misdemeanor, such violations being punishable by
3 fine or imprisonment or both.

4 Signature
5 Date of Signature
6 Print Name
7 Print Street Address
8 Print City, State, Zip Code
9 Compensated by the following signature gathering businesses

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

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

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

20 **Sec. 11.** RCW 29A.72.130 and 2005 c 239 s 3 are each amended to
21 read as follows:

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

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

27 PETITION FOR REFERENDUM

28 To the Honorable, Secretary of State of the State of
29 Washington:

30 We, the undersigned citizens and legal voters of the State of
31 Washington, respectfully order and direct that Referendum Measure No.
32, filed to revoke a (or part or parts of a) bill that (concise
33 statement required by RCW 29A.36.071) and that was passed by the

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

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

12 The following declaration must be printed on the ((reverse)) front
13 side of the petition, and must be signed by the signature gatherer who
14 circulated the petition sheet after the sheet has been signed by
15 petitioners but before the petition is submitted to the secretary of
16 state:

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

28 Signature _____
29 Date of Signature _____
30 Print Name _____
31 Print Street Address _____
32 Print City, State, Zip Code _____
33 Compensated by the following signature gathering businesses _____

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 NEW SECTION. Sec. 12. A political committee of an initiative or
11 referendum petition must check each petition sheet to ensure the
12 declaration required in RCW 29A.72.110, 29A.72.120, or 29A.72.130 is
13 signed by the signature gatherer and must sign an affidavit attesting
14 the representative of the political committee verified that the
15 declaration on each petition sheet submitted to the secretary of state
16 has been completed and signed. The affidavit must accompany the
17 petition at the time of filing with the secretary of state.

18 NEW SECTION. Sec. 13. Sections 2 through 6, 8, and 12 of this act
19 are each added to chapter 29A.72 RCW.

20 NEW SECTION. Sec. 14. If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

24 NEW SECTION. Sec. 15. This act takes effect January 1, 2012.

--- END ---