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## Government Operations & Elections Committee

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### SSB 5676

**Brief Description:** Protecting personal voter signatures.

**Sponsors:** Senate Committee on Governmental Operations (originally sponsored by Senators Braun, Benton, Holmquist Newbry, Padden, Becker, Honeyford, Rivers and Roach).

<p style="text-align: center;"><b>Brief Summary of Substitute Bill</b></p> <ul style="list-style-type: none"><li>• Exempts from public disclosure the signature of a voter who signs a petition that has been submitted to an agency.</li></ul>
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**Hearing Date:** 2/26/14

**Staff:** Amanda Ondrick (786-7296) and Jasmine Vasavada (786-7301).

**Background:**

Initiatives, Referendums, and Recall Petitions.

Article II of the Washington Constitution reserves the right of initiative and referendum to the people. Initiative petitions require signatures from 8 percent of the total number of votes cast for the Office of the Governor at the last regular gubernatorial election; referendum petitions require 4 percent. Any legal voter may file with the Secretary of State (Secretary) an initiative to the people, an initiative to the Legislature, or a referendum.

The state Constitution provides that every elective public officer of the state, except judges of courts of record, is subject to recall and discharge by the legal voters of the state. Any legal voter of the state, or political subdivision, may petition the recall and discharge of an elected public officer for acts of malfeasance or misfeasance while in office, or for violation of the oath of office. If the recall petition is against a state officer, an officer of a first class city, a member of a school board in a first class city, or a county officer in a county with over 40,000 people, enough signatures must be gathered to equal 25 percent of the total votes cast for that office at the last

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election. For all other recall petitions, including those for a state senator or representative, the signature requirement is 35 percent of the total votes cast for that office at the last election. Once the county auditor or the Secretary verifies and canvasses the signatures, he or she certifies the petition and fixes a date for a special election.

After an initiative, referendum, or recall petition is filed, the election officer verifies and canvasses the names of the petitioners to certify that a sufficient amount of signatures has been submitted. This process may be observed by representatives of the advocates and opponents of the measure, but those observers may not record the names, addresses, or other information about the petitioners without a court order. The Secretary may adopt rules to permit the use of various statistical sampling techniques during the verification and canvassing process.

#### Public Records Act.

The Public Records Act was approved by voters in 1972 as part of Initiative 276. All state and local government agencies must make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exemptions narrowly in order to effectuate a general policy favoring disclosure.

A "public record" is defined as "any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." "Agency" includes all state and local agencies. "State agency" includes every state office, department, division, bureau, board, commission, or other state agency. "Local agency" includes every county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district, or any office, department, division, bureau, board, commission, or agency thereof, or other local public agency.

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

The signature of a voter who signs a petition that has been submitted to an agency is exempt from public inspection and copying.

**Appropriation:** None.

**Fiscal Note:** Requested on February 19, 2014.

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