

SENATE BILL REPORT

SB 6139

As of January 21, 2016

Title: An act relating to electronic signatures for initiative and referendum petitions.

Brief Description: Concerning electronic signatures for initiative and referendum petitions.

Sponsors: Senators Miloscia and Roach.

Brief History:

Committee Activity: Government Operations & Security: 1/21/16.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Staff: Samuel Brown (786-7470)

Background: Initiative and Referendum. The Legislature adopted processes for initiatives and referendums in 1912. The law as enacted allows the following:

- initiatives to the people, where if petitions have a sufficient number of signatures by registered voters, the issue is submitted for a vote of the people;
- initiatives to the Legislature, where if petitions have a sufficient number of signatures by registered voters, the issue is submitted to the Legislature;
- referendum measures, where laws recently passed by the Legislature are placed on the ballot after certification of petitions signed by registered voters; and
- referendum bills, where voters adopt or reject laws proposed by the Legislature.

Under the State Constitution, 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 signatures from 4 percent of the number of votes cast.

Petitions. The required form of initiative and referendum petitions is set forth in statute. A petition for an initiative or referendum must be on paper, at least 11 inches by 14 inches, and include a place for each petitioner to sign and print the petitioner's name, and the address, city, and county at which the petitioner is registered to vote. It also must include a warning; as well as language that each petition signer has personally signed the petition, is a legal voter in Washington, has verified that the residence address of the petitioner is correctly stated, and has knowingly only signed the petition once.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Electronic Signatures. On January 1, 1998, the Washington Electronic Authentication Act became effective, allowing the use of digital signature technology in electronic transactions and creating a process for licensing certification authorities. Last year, ESSB 5810 was signed into law, authorizing state agencies to accept electronic signatures with the same force and effect as that of a signature affixed by hand. Each state agency may determine whether and to what extent it will create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures. A state agency is not required to send or accept electronic records or electronic signatures for an agency transaction.

The state Chief Information Officer (CIO) establishes standards, policies, and guidance for state agencies to follow regarding electronic submissions and signatures. A state agency's policy or rule on electronic submissions and signatures must be consistent with policies established by the CIO.

Summary of Bill: The Secretary of State is directed to consult with the CIO to develop standards, procedures, and policies allowing for electronic signatures on initiative and referendum petitions. Electronic signatures collected on initiatives and referendums pursuant to the standards, procedures, and policies developed have the same force and effect as physical signatures.

Appropriation: None.

Fiscal Note: Requested on January 18, 2016.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Times are changing and technology is changing. This bill is intended to start the discussion about how we increase citizen participation. There's an error rate in any voting system, we need to determine what the acceptable rate is. The required number of signatures always goes up, making it difficult for grass roots initiatives to make their case. This would give grass roots initiatives a greater chance of getting on the ballot.

CON: It would be preferable to amend the language to direct starting the discussion rather than to start having electronic signatures. Signatures on electronic devices are often not legible, which could lead to otherwise valid signatures being rejected. There's also a security problem with the electronic data. It would be difficult for campaigns to pay for electronic signature equipment.

OTHER: There are two different types of electronic signatures that would require different rules and processes. If not done carefully, this could open systems up to fraud. Electronic signatures could be taken for one initiative and applied to another. The voter has the right to examine the entire issue and we do not want to lose that connection. Denver has a system using city-owned tablets for petition signatures.

Persons Testifying: PRO: Senator Miloscia, prime sponsor; Kirk Ludden, The Viper's Club.

CON: Sharon Hanek, citizen.

OTHER: Toni McKinley-Camp, David Elliott, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: No one.