
**State Government, Elections &
Information Technology Committee**

HB 1537

Brief Description: Requiring disclosure by entities that compensate for petition signatures.

Sponsors: Representatives Haler, Springer, Tarleton, Nealey, Goodman, Sawyer, Pollet and Fey.

Brief Summary of Bill

- Requires entities that compensate, or expects to compensate, signature gatherers for state or local initiative, referendum, or recall petitions to disclose certain information about the entity and the individuals compensated for gathering signatures.
- Prohibits compensation for any signature gatherer circulating a petition who has been convicted of election law violations, fraud, forgery, or identity theft in the last five years.
- Modifies the signature gatherer declaration on initiative and referendum petitions, and adds a signature gatherer declaration to the recall petition.

Hearing Date: 1/31/18

Staff: Desiree Omlie (786-7105).

Background:

Initiative, Referendum, and Recall.

The Constitution affords the people the power propose or reject laws through the initiative and referendum process. The following initiatives and referendum are authorized:

- initiatives to the people, where if petitions are certified to have a sufficient number of signatures by registered voters, the issue is submitted for a vote of the people at the next state general election;
- initiatives to the Legislature, where if petitions are certified to have a sufficient number of signatures by registered voters, the issue is submitted to the Legislature at its next regular session; and

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.

- referendum measures, where laws recently passed by the Legislature are placed on the ballot after certification of petitions signed by registered voters.

The Constitution also subjects certain elective public officers to recall and discharge upon filing of a charge by a legal voter. The sponsor of a recall must circulate a petition and obtain a certain number of signatures.

Petition.

The required form of initiative, referendum, and recall petitions is set forth in statute. The petition for initiative, referendum, and recall must bear a warning statement that signing a petition in a name other than a person's true name, signing a petition more than once, making a false statement, or signing a petition when he or she is not a legal voter is punishable by fine, imprisonment, or both.

The petition for initiative and referendum must also include the signature gatherer's declaration affirming under penalty of law that the signature gatherer circulated the petition and that, to the best of the signature gatherer's knowledge, all information provided is true and every person who signed the petition did so knowingly and without compensation. The declaration also includes language that the signature gatherer acknowledges that forgery constitutes a class C felony, and offering consideration or gratuity to any person to induce them to sign the petition is a gross misdemeanor punishable by a fine, imprisonment, or both. In addition, the declaration includes language stating that penalties for harassment under the criminal statute applies to conduct constituting harassment against a petition signature gatherer. In 2006 the Attorney General issued an opinion that the signature gatherer is not required to sign the declaration, but if the declaration is not printed on the reverse side of the petition, the Secretary may refuse to file the petition or accept the signatures on the petition.

Summary of Bill:

Disclosure Requirements.

An entity that uses, or expects to use, paid signature gatherers for state or local initiative, referendum, or recall petitions must within five days disclose to the Secretary of State (Secretary) the following:

- the name, physical and mailing addresses, phone number, and email address of the entity;
- the business license number of the entity;
- a list of the measures for which the entity is paying individuals to gather signatures;
- an affirmation signed by the sponsor of the signature-gathering business that the business operates in compliance with the law; and any other information the Secretary of State may require by rule; and
- information for each paid signature gatherer.

The information for each paid signature gatherer provided to the Secretary by the entity compensating the signature gatherer must include:

- the name, permanent address and a Washington address if the signature gatherer is from out-of-state, phone number, and email address of the individual;
- a digital photograph of the individual taken within the past 12 months;
- a copy of the individual's driver's license or other government-issued photo identification;

- a list of measures for which they are gathering signatures;
- an attestation that the individual completed a training program administered or outlined by the Secretary;
- confirmation of a completed national background check and that the individual has not been convicted of a crime involving fraud, forgery, or identity theft and has not violated election laws in the past five years, and
- any other information required by rule adopted by the Secretary.

The address, phone number, email address, and copy of the paid signature gatherer's government-issued photo identification submitted to the Secretary as part of the disclosure statement are exempt from public disclosure. The training program describing the rights and responsibilities of voters, signature gatherers, and property owners must be available electronically.

Compensating Signature Gatherers.

An individual may not be compensated for gathering signatures on state or local petitions if the individual has been:

- convicted of a criminal offense involving an elections violation, fraud, forgery, or identification theft in any jurisdiction in the past five years; or
- found in violation of an election law in any jurisdiction in the past five years.

Any entity compensating individuals for gathering petition signatures must update its disclosure statement within five days if it is compensating an individual for gathering petition signatures that the business has not previously disclosed, or compensating individuals for gathering signatures on a ballot measure not previously disclosed. Compensation for gathering signatures may not be conditioned on gathering other signatures for free. The Secretary must adopt rules to implement these provisions.

Failure to fully disclose all individuals compensated for signature gathering or all ballot measures for which signature gatherers are compensated is a \$500 fine per violation.

Signature Gatherer Declaration.

The declaration on petitions for initiative and referendum is modified to remove language that states to the best of the signature gatherer's knowledge, every person who signed the petition did so knowingly and willingly without any compensation or promise of compensation, and that each person signed his or her true name and that the information provided is true and correct. A signature gatherer declaration is added to the recall petition that mirrors the modified declaration on initiative and referendum petitions.

The declaration includes a place for the signature gatherer to print his or her name, address, and phone number after the declaration on all types of petitions. Failure or refusal by the petition circulator to print his or her name, address, and phone number after the declaration is not grounds for the Secretary to refuse to accept the petition.

Appropriation: None.

Fiscal Note: Requested on January 25, 2018.

Effective Date: The bill takes effect on January 4, 2018.