
HOUSE BILL 2383

State of Washington

65th Legislature

2018 Regular Session

By Representative Hudgins

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1 AN ACT Relating to maintaining the current initiative and
2 referendum process while allowing a modern electronic signature
3 gathering process alternative; amending RCW 29A.72.100, 29A.72.110,
4 29A.72.120, 29A.72.130, 29A.72.210, and 29A.72.140; reenacting and
5 amending RCW 29A.84.230; adding new sections to chapter 29A.72 RCW;
6 creating a new section; and prescribing penalties.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that new technology
9 has the potential to modernize our elections system in ways that
10 encourage and facilitate greater citizen involvement while increasing
11 transparency and ensuring security. The initiative process is one of
12 the most direct ways in which citizens participate democratically in
13 Washington. Offering a modern alternative to the current method of
14 paper signatures increases the efficiency of this essential form of
15 civic engagement, allowing more people to participate in a meaningful
16 way.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.72
18 RCW to read as follows:

19 (1) By January 1, 2019, the secretary of state shall establish a
20 procedure that allows a person proposing a ballot measure the option

1 to use a mobile petition signing application, approved by the
2 secretary of state, to circulate an electronic petition and procure
3 electronic signatures using a tablet or other approved device. An
4 "electronic signature" is a graphical image created by the voter in
5 affixing their handwritten signature to the electronic petition using
6 a stylus or other specialized marking device. An electronic signature
7 is treated as a "signature" required in RCW 29A.72.150.

8 (2) The procedure established must:

9 (a) Require that signature gatherers who use the mobile petition
10 signing application physically circulate the electronic petition and
11 procure electronic signatures in person;

12 (b) Allow the mobile petition signing application to access voter
13 registration information to verify that a potential signer is a
14 registered voter and eligible to sign the petition;

15 (c) Provide for the daily periodic update of voter registration
16 information accessed by the mobile petition signing application
17 pursuant to (b) of this subsection;

18 (d) Make the electronic petition available in English and other
19 languages; and

20 (e) Follow other requirements established by the secretary of
21 state by rule that will facilitate the implementation of this act.

22 (3) At the time of circulating the electronic petition, the
23 mobile petition signing application must:

24 (a) Display a readable, full, true, and correct copy of the
25 proposed measure;

26 (b) Be substantially in the form required by RCW 29A.72.110,
27 29A.72.120, or 29A.72.130; and

28 (c) Disclose a signature gatherer's paid status if he or she is
29 receiving compensation for procuring signatures.

30 (4) A signature gatherer of an electronic petition who is
31 procuring electronic signatures must:

32 (a) Be a resident of Washington;

33 (b) Register with the secretary of state;

34 (c) Disclose his or her paid or volunteer status to the secretary
35 of state upon registration;

36 (d) Pay a fee of five dollars to the secretary of state upon
37 registration;

38 (e) Complete training as required under section 3(3)(a) of this
39 act for paid signature gatherers; and

1 (f) Complete his or her declaration pursuant to RCW 29A.72.110,
2 29A.72.120, and 29A.72.130.

3 (5) A violation of subsection (4) of this section is a gross
4 misdemeanor punishable under RCW 9A.20.021.

5 (6) When the person proposing a measure has obtained the required
6 signatures pursuant to RCW 29A.72.150, that person may file a copy of
7 the petition with the secretary of state using the mobile petition
8 signing application.

9 (7) The procedure established in this section is an alternative
10 method for the collection of signatures from registered voters for an
11 initiative or referendum petition and does not replace or modify the
12 existing method set forth in RCW 29A.72.100.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.72
14 RCW to read as follows:

15 (1) A person or entity that contracts with a business to hire
16 paid signature gatherers to circulate electronic petitions pursuant
17 to section 2 of this act must report the following information to the
18 public disclosure commission:

19 (a) Name of the business;

20 (b) Contact information for the business including: Phone number,
21 email, and names of designated points of contact for the business;
22 and

23 (c) Unified business identifier number assigned to the business.

24 (2) The public disclosure commission shall report the information
25 required under subsection (1) of this section to the secretary of
26 state. The secretary of state shall post this information on its web
27 site prominently under the relevant measure being proposed.

28 (3) Any business operating in this state and engaged in the
29 activity of hiring paid signature gatherers that circulate electronic
30 petitions shall:

31 (a) Provide training to paid signature gatherers that includes
32 information of the rights and responsibilities of voters, signature
33 gatherers, and public and private property owners. The training must
34 be available electronically and easily accessible to the signature
35 gatherers; and

36 (b) Maintain the following documentation on file:

37 (i) Name, contact information, and photograph of the paid
38 signature gatherers they hire;

1 (ii) Proof of completed background checks for the paid signature
2 gatherers showing no prior convictions relating to fraud under
3 chapter 9A.60 RCW, election misconduct under chapter 29A.84 RCW, or
4 identify theft under RCW 9.35.020;

5 (iii) Evidence indicating that the paid signature gatherers have
6 completed training pursuant to (a) of this subsection; and

7 (iv) Proof that the business is registered in this state.

8 (4) A business under subsection (3) of this section shall provide
9 the information listed under subsection (3)(b) of this section to the
10 public disclosure commission, attorney general, or law enforcement
11 upon request.

12 (5) Each violation of this section is punishable by a fine of up
13 to five hundred dollars. The attorney general may bring actions to
14 enforce compliance with this section.

15 (6) A "paid signature gatherer" means an individual who is
16 compensated through payments of money or other valuable consideration
17 to obtain signatures on an initiative or referendum petition.

18 **Sec. 4.** RCW 29A.72.100 and 2003 c 111 s 1811 are each amended to
19 read as follows:

20 (1) The person proposing the measure shall print blank petitions
21 upon single sheets of paper of good writing quality (including but
22 not limited to newsprint) not less than eleven inches in width and
23 not less than fourteen inches in length. Each petition at the time of
24 circulating, signing, and filing with the secretary of state must
25 consist of not more than one sheet with numbered lines for not more
26 than twenty signatures, with the prescribed warning and title, be in
27 the form required by RCW 29A.72.110, 29A.72.120, or 29A.72.130, and
28 have a readable, full, true, and correct copy of the proposed measure
29 printed on the reverse side of the petition.

30 (2) As an alternative to subsection (1) of this section, a person
31 proposing the measure who chooses to procure electronic signatures
32 must follow the requirements set forth in section 2 of this act.

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

35 (1) Paper petitions for proposing measures for submission to the
36 legislature at its next regular session must be substantially in the
37 following form:

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

2 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

3 To the Honorable, Secretary of State of the State of
4 Washington:

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

18 (2) Electronic petitions for proposing measures for submission to
19 the legislature at its next regular session must be substantially in
20 the following form:

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

22 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

23 To the Honorable, Secretary of State of the State of
24 Washington:

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

37 (3)(a) On paper petitions, the following declaration must be
38 printed on the reverse side of the petition:

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

12 (b) For electronic petitions, the circulator must complete the
13 declaration in (a) of this subsection on the mobile petition signing
14 application prior to filing the petition with the secretary of state.

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

19 (5) The paper petition must include a place for each petitioner
20 to sign and print his or her name, and the address, city, and county
21 at which he or she is registered to vote. Electronic petitions must
22 include a place for each petitioner to sign and include or confirm
23 his or her name, and the address, city, and county at which he or she
24 is registered to vote.

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

27 (1) Paper petitions for proposing measures for submission to the
28 people for their approval or rejection at the next ensuing general
29 election must 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:

34 We, the undersigned citizens and legal voters of the State of
35 Washington, respectfully direct that the proposed measure known as
36 Initiative Measure No., entitled (here insert the established
37 ballot title of the measure), a full, true and correct copy of which

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

9 (2) Electronic petitions for proposing measures for submission to
10 the people for their approval or rejection at the next ensuing
11 general election must be substantially in the following form:

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

13 INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

14 To the Honorable, Secretary of State of the State of
15 Washington:

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

28 (3)(a) On paper petitions, the following declaration must be
29 printed on the reverse side of the petition:

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
34 of 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
38 consideration or gratuity to any person to induce them to sign a

1 petition is a gross misdemeanor, such violations being punishable by
2 fine or imprisonment or both.

3 (b) For electronic petitions, the circulator must complete the
4 declaration in (a) of this subsection on the mobile petition signing
5 application prior to filing the petition with the secretary of state.

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

10 (5) The paper petition must include a place for each petitioner
11 to sign and print his or her name, and the address, city, and county
12 at which he or she is registered to vote. Electronic petitions must
13 include a place for each petitioner to sign and include or confirm
14 his or her name, and the address, city, and county at which he or she
15 is registered to vote.

16 **Sec. 7.** RCW 29A.72.130 and 2013 c 11 s 74 are each amended to
17 read as follows:

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

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

23 PETITION FOR REFERENDUM

24 To the Honorable, Secretary of State of the State of
25 Washington:

26 We, the undersigned citizens and legal voters of the State of
27 Washington, respectfully order and direct that Referendum Measure
28 No., filed to revoke a (or part or parts of a) bill that
29 (concise statement required by RCW 29A.72.050) and that was passed by
30 the legislature of the State of Washington at the last
31 regular (special) session of said legislature, shall be referred to
32 the people of the state for their approval or rejection at the
33 regular (special) election to be held on the day of November,
34 (year); and each of us for himself or herself says: I have personally
35 signed this petition; I am a legal voter of the State of Washington,
36 in the city (or town) and county written after my name, my residence

1 address is correctly stated, and I have knowingly signed this
2 petition only once.

3 (2)(a) On paper petitions, the following declaration must be
4 printed on the reverse side of the petition:

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

16 (b) For electronic petitions, the circulator must complete the
17 declaration in (a) of this subsection on the mobile petition signing
18 application prior to filing the petition with the secretary of state.

19 (3) 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
22 law.

23 (4) The paper petition must include a place for each petitioner
24 to sign and print his or her name, and the address, city, and county
25 at which he or she is registered to vote. Electronic petitions must
26 include a place for each petitioner to sign and include or confirm
27 his or her name, and the address, city, and county at which he or she
28 is registered to vote.

29 **Sec. 8.** RCW 29A.72.210 and 2003 c 111 s 1822 are each amended to
30 read as follows:

31 If the secretary of state accepts and files an initiative or
32 referendum petition upon its being submitted for filing or if he or
33 she is required to file it by the court, he or she shall, in the
34 presence of the person submitting such petition for filing if he or
35 she desires to be present((τ)):

36 (1) For paper petitions, arrange and assemble the sheets
37 containing the signatures into such volumes as will be most

1 convenient for verification and canvassing and shall consecutively
2 number the volumes and stamp the date of filing on each volume; or
3 (2) For electronic petitions, arrange the electronic signatures
4 in a way that will be most convenient for verification and canvassing
5 and shall record the date of filing.

6 **Sec. 9.** RCW 29A.72.140 and 2003 c 111 s 1815 are each amended to
7 read as follows:

8 The word "warning" and the following warning statement regarding
9 signing petitions must appear on petitions as prescribed by this
10 title (~~and~~). On paper petitions, this must be printed on each
11 petition sheet such that they occupy not less than four square inches
12 of the front of the petition sheet. If a mobile petition signing
13 application is being used to circulate an electronic petition and
14 procure electronic signatures pursuant to section 2 of this act, the
15 word "warning" and the following warning statement must appear
16 prominently on the signature screen.

17 WARNING

18 Every person who signs this petition with any other than his or
19 her true name, knowingly signs more than one of these petitions,
20 signs this petition when he or she is not a legal voter, or makes any
21 false statement on this petition may be punished by fine or
22 imprisonment or both.

23 **Sec. 10.** RCW 29A.84.230 and 2003 c 111 s 2111 and 2003 c 53 s
24 182 are each reenacted and amended to read as follows:

25 (1) Every person who signs an initiative or referendum petition
26 with any other than his or her true name is guilty of a class C
27 felony punishable under RCW 9A.20.021.

28 (2) Every person who knowingly signs more than one petition for
29 the same initiative or referendum measure or who signs an initiative
30 or referendum petition knowing that he or she is not a legal voter or
31 who makes a false statement as to his or her residence on any
32 initiative or referendum petition, is guilty of a gross misdemeanor.

33 (3) Consistent with RCW 9A.60.030, every person who obtains a
34 signature by deception or duress is guilty of a class C felony.

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