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**SECOND SUBSTITUTE SENATE BILL 5297**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Nelson, Conway, Harper, Chase, White, Kohl-Welles, Kline, Keiser, Prentice, and Shin)

READ FIRST TIME 02/25/11.

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; and providing an effective date.

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

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

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

1 updated filing fee structure that preserves the ability for all  
2 citizens to access the initiative and referendum processes while also  
3 promoting the taxpayers' interests by diminishing the misuse of state  
4 resources for personal 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 incidence 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.** The definitions in this section apply  
21 throughout this chapter unless the context clearly require otherwise.

22 (1) "Paid signature gatherer" means an individual who is  
23 compensated through payments of money or other valuable consideration,  
24 by a signature gathering business, to obtain signatures on a state or  
25 local initiative, referendum, or recall petition.

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

29 (3) "Volunteer signature gatherer" means an individual who is not  
30 compensated by a signature gathering business through payments of money  
31 or other valuable consideration to obtain signatures on a state  
32 initiative, referendum, or recall petition.

33 NEW SECTION. **Sec. 3.** (1) A paid signature gatherer must complete  
34 and sign the declaration on the petition according to the requirements  
35 of RCW 29A.72.110, 29A.72.120, and 29A.72.130.

36 (2) A volunteer signature gatherer:

1 (a) Must either sign the declaration on the petition or check the  
2 box adjacent to the declaration indicating all the signatures on the  
3 petition were obtained by one or more volunteer signature gatherers;  
4 and

5 (b) Is encouraged to sign the declaration on the petition whenever  
6 the volunteer has been personally responsible for gathering all  
7 signatures on the petition.

8 (3) The secretary of state shall include a checkbox immediately  
9 adjacent to the declaration for volunteer signature gatherers to check  
10 in lieu of completing and signing the declaration.

11 (4) Any petition submitted without a completed and signed  
12 declaration or a checkbox checked by a volunteer signature gatherer  
13 will be subject to a full signature check by the office of the  
14 secretary of state.

15 **Sec. 4.** RCW 29A.72.010 and 2003 c 111 s 1802 are each amended to  
16 read as follows:

17 (1) If any legal voter of the state, either individually or on  
18 behalf of an organization, desires to petition the legislature to enact  
19 a proposed measure, or submit a proposed initiative measure to the  
20 people, or order that a referendum of all or part of any act, bill, or  
21 law, passed by the legislature be submitted to the people, he or she  
22 shall file with the secretary of state a legible copy of the measure  
23 proposed, or the act or part of such act on which a referendum is  
24 desired, accompanied by an affidavit that the sponsor is a legal voter  
25 and a filing fee (~~(prescribed under RCW 43.07.120)~~) in an amount to be  
26 set by the secretary of state.

27 (2) The secretary of state may establish an electronic system for  
28 a legal voter to pay the filing fee, file the proposed measure, or act  
29 or part of such act on which a referendum is desired, and provide  
30 sufficient information in lieu of an affidavit to establish that he or  
31 she is a legal voter in the state.

32 NEW SECTION. **Sec. 5.** (1) Except as provided in subsection (2) of  
33 this section, any person who is gathering signatures for an initiative,  
34 referendum, or recall petition is prohibited from soliciting signatures  
35 within the presumptively reasonable minimum distance of fifteen feet

1 from entrances and exits serving stand-alone stores or retail stores  
2 located in commercial retail complexes.

3 (2) The property owner of a stand-alone store or retail store  
4 located in a commercial retail complex may grant a person who is  
5 gathering signatures for an initiative, referendum, or recall petition  
6 permission to be closer than fifteen feet from entrances and exits.

7 **Sec. 6.** RCW 29A.72.110 and 2005 c 239 s 1 are each amended to read  
8 as follows:

9 Petitions for proposing measures for submission to the legislature  
10 at its next regular session must be substantially in the following  
11 form:

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

13 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

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

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

31 The following declaration must be printed on the ((reverse)) front  
32 side of the petition, and must be signed by the paid signature gatherer  
33 who circulated the petition sheet after the sheet has been signed by  
34 petitioners but before the petition is submitted to the secretary of  
35 state:

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 of  
5 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 Signature  
13 Date of Signature  
14 Print Name  
15 Print Street Address  
16 Print City, State, Zip Code  
17 Compensated by the following signature gathering businesses

18 Signing this declaration constitutes an oath subjecting the  
19 signatory to the penalty of the law. The declaration must be  
20 individually signed by the paid signature gatherer. Stamps or other  
21 signature reproductions may not be used.

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

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

28 **Sec. 7.** RCW 29A.72.120 and 2005 c 239 s 2 are each amended to read  
29 as follows:

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

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

INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

To the Honorable . . . . ., Secretary of State of the State of Washington:

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

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

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

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

Signature \_\_\_\_\_

1 Date of Signature \_\_\_\_\_

2 Print Name \_\_\_\_\_

3 Print Street Address \_\_\_\_\_

4 Print City, State, Zip Code \_\_\_\_\_

5 Compensated by the following signature gathering businesses \_\_\_\_\_

6 Signing this declaration constitutes an oath subjecting the  
7 signatory to the penalty of the law. The declaration must be  
8 individually signed by the paid signature gatherer. Stamps or other  
9 signature reproductions may not be used.

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

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

16 **Sec. 8.** RCW 29A.72.130 and 2005 c 239 s 3 are each amended to read  
17 as follows:

18 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 No.  
28 . . . . ., filed to revoke a (or part or parts of a) bill that (concise  
29 statement required by RCW 29A.36.071) and that was passed by the  
30 . . . . . legislature of the State of Washington at the last regular  
31 (special) session of said legislature, shall be referred to the people  
32 of the state for their approval or rejection at the regular (special)  
33 election to be held on the . . . . day of November, (year); and each of  
34 us for himself or herself says: I have personally signed this

1 petition; I am a legal voter of the State of Washington, in the city  
2 (or town) and county written after my name, my residence address is  
3 correctly stated, and I have knowingly signed this petition only once.

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

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

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

23 Signature  
24 Date of Signature  
25 Print Name  
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29 Signing this declaration constitutes an oath subjecting the  
30 signatory to the penalty of the law. The declaration must be  
31 individually signed by the paid signature gatherer. Stamps or other  
32 signature reproductions may not be used.

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



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           NEW SECTION.   **Sec. 9.**   Sections 2, 3, and 5 of this act are each  
5 added to chapter 29A.72 RCW.

6           NEW SECTION.   **Sec. 10.**   If any provision of this act or its  
7 application to any person or circumstance is held invalid, the  
8 remainder of the act or the application of the provision to other  
9 persons or circumstances is not affected.

10           NEW SECTION.   **Sec. 11.**   This act takes effect January 1, 2012.

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