
HOUSE BILL 2552

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Reykdal, Appleton, Sawyer, Kirby, Smith, Ormsby, Buys, Vick, S. Hunt, Fey, and Tarleton

Read first time 01/21/14. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to signature gathering for initiatives, referenda,
2 and recall petitions; amending RCW 29A.56.160, 29A.72.110, 29A.72.120,
3 and 29A.72.130; adding new sections to chapter 29A.72 RCW; prescribing
4 penalties; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.72 RCW
7 to read as follows:

8 (1) A person paid to gather signatures of electors on a state or
9 local initiative, referendum, or recall petition must register with the
10 secretary of state and complete a training program prescribed by the
11 secretary before collecting signatures. The registration application
12 must include the following:

- 13 (a) The full name and any assumed name of the applicant;
14 (b) The permanent address of the applicant, as well as a local
15 address if the applicant is from out-of-state;
16 (c) The applicant's e-mail address and phone number;
17 (d) A list of the initiatives, referenda, and recall petitions on
18 which the applicant will gather signatures;

1 (e) Evidence that the applicant has completed the training program
2 required by this section;

3 (f) A recent digital photograph of the applicant showing the face
4 or the face, neck, and shoulders of the applicant;

5 (g) A statement signed by the prime sponsor or sponsors of the
6 initiative, referendum, or recall petition or the signature gathering
7 business certifying that a national background check has been completed
8 for the applicant and the applicant has not been convicted for a
9 criminal offense involving fraud, forgery, or identity theft in any
10 state in the past five years and has not been found in violation of
11 elections law under chapter 29A.84 RCW, or its equivalent in another
12 jurisdiction, in the past five years;

13 (h) A statement signed by the applicant acknowledging that the
14 applicant has read and understands Washington law applicable to the
15 gathering of signatures on state initiative, referenda, and recall
16 petitions as the law is summarized in the training program established
17 by the secretary of state;

18 (i) A statement signed by the prime sponsor or sponsors of the
19 initiative, referendum, or recall petition or the signature gathering
20 business paying the signature gatherer acknowledging that the sponsors
21 or the business or entity is liable for violations of the law or rule
22 committed by the signature gatherer; and

23 (j) Any other information required by the secretary.

24 (2) The secretary of state must register each applicant who has
25 completed the registration process outlined in subsection (1) of this
26 section within five business days of completing the process.

27 (3) An individual is ineligible for registration under this section
28 if he or she:

29 (a) Has been convicted of a criminal offense involving fraud,
30 forgery, or identification theft in any jurisdiction within the past
31 five years;

32 (b) Has been convicted of a crime under chapter 29A.84 RCW, or its
33 equivalent in another jurisdiction, in the past five years;

34 (c) Has been found in violation of elections law under chapter
35 29A.84 RCW, or its equivalent in another jurisdiction, in the past five
36 years; or

37 (d) Has submitted an incomplete application.

1 (4) The secretary of state must assign each registered signature
2 gatherer a registration number.

3 (5) An individual registered under this section must carry on his
4 or her person evidence of registration including the paid signature
5 gatherer's photograph and registration number. If requested, the paid
6 signature gatherer must produce the evidence of registration.

7 (6) An individual registered under this section may not obtain
8 signatures on a petition or prospective petition for which the
9 individual is being paid and, at the same time, obtain signatures on a
10 petition or prospective petition for which the individual is not being
11 paid.

12 (7) A paid signature gatherer must reregister with the secretary of
13 state before the second Monday in January of each odd-numbered year.
14 Failure to do so terminates the registration.

15 (8) A fine of five hundred dollars shall be issued to the prime
16 sponsor or sponsors of the initiative, referendum, or recall petition
17 or the signature gathering business for each of its paid signature
18 gatherers who are not registered under this section, and for each
19 signature gatherer who violates subsection (6) of this section. Fines
20 collected shall be deposited into the secretary of state's revolving
21 fund.

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

24 (1) A signature gathering business operating in this state engaged
25 in the activity of collecting signatures for state or local
26 initiatives, referenda, or recall petitions and that are using paid
27 signature gatherers must register with the secretary of state. The
28 registration application must include:

29 (a) The name and physical address of the business;

30 (b) An e-mail address and phone number for the business;

31 (c) The name of the individual representing the organization or
32 entity to complete the training program prescribed by the secretary of
33 state;

34 (d) The business license number required by chapter 19.02 RCW;

35 (e) A list of individuals being paid to collect signatures for the
36 signature gathering business;

1 (f) A list of the initiatives, referenda, and recall petitions for
2 which the signature gathering business is paying individuals to gather
3 signatures; and

4 (g) An affirmation signed by the sponsor or sponsors of the
5 signature gathering business that the organization or entity operates
6 in compliance with the law.

7 (2) The secretary of state must register each signature gathering
8 business that has completed the registration process outlined in
9 subsection (1) of this section within five business days of completing
10 the process.

11 (3) A signature gathering business engaged in the activity of
12 collecting signatures for state or local initiatives, referenda, or
13 recall petitions in this state and that uses paid signature gatherers
14 must notify the secretary of state if that business is using paid
15 signature gatherers who were not listed on the original registration
16 for that election cycle and if the business becomes involved in
17 gathering signatures on a new petition within five business days of
18 hiring new signature gatherers or becoming involved in the new
19 petition.

20 (4) A signature gathering business must reregister with the
21 secretary of state before the second Monday in January of each odd-
22 numbered year. Failure to do so terminates the registration.

23 (5) A signature gathering business that uses paid signature
24 gatherers not registered under section 1 of this act or who obtain
25 signatures in violation of section 1 of this act shall be issued a five
26 hundred dollar fine for each violation. Fines shall be deposited into
27 the secretary of state's revolving fund.

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

30 The definitions in this section apply to sections 1 and 2 of this
31 act unless the context clearly requires otherwise.

32 (1) "Paid signature gatherer" means an individual who is
33 compensated through payments of money or other valuable consideration
34 to obtain signatures on a state or local initiative, referendum, or
35 recall petition.

36 (2) "Prime sponsor or sponsors" means the registered voter or
37 voters who complete the affidavit for proposed initiative or referendum

1 or files a recall petition under chapter 29A.56 RCW as well as any
2 persons who hold themselves out publicly as the sponsor of an
3 initiative, referendum, or recall petition.

4 (3) "Signature gathering business" means a business that
5 compensates individuals for gathering signatures for initiatives,
6 referenda, or recall petitions.

7 **Sec. 4.** RCW 29A.56.160 and 2003 c 111 s 1412 are each amended to
8 read as follows:

9 Recall petitions must be printed on single sheets of paper of good
10 writing quality (including but not limited to newsprint) not less than
11 eleven inches in width and not less than fourteen inches in length. No
12 petition may be circulated or signed prior to the first day of the one
13 hundred eighty or two hundred seventy day period established by RCW
14 29A.56.150 for that recall petition. The petitions must be
15 substantially in the following form:

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

17 Petition for the recall of (here insert the name of the office and
18 of the person whose recall is petitioned for) to the Honorable (here
19 insert the name and title of the officer with whom the charge is
20 filed).

21 We, the undersigned citizens and legal voters of (the state of
22 Washington or the political subdivision in which the recall is to be
23 held), respectfully direct that a special election be called to
24 determine whether or not (here insert the name of the person charged
25 and the office which he or she holds) be recalled and discharged from
26 his or her office, for and on account of (his or her having committed
27 the act or acts of malfeasance or misfeasance while in office, or
28 having violated his or her oath of office, as the case may be), in the
29 following particulars: (here insert the synopsis of the charge); and
30 each of us for himself or herself says: I have personally signed this
31 petition; I am a legal voter of the State of Washington in the precinct
32 and city (or town) and county written after my name, and my residence
33 address is correctly stated, and to my knowledge, have signed this
34 petition only once.

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

1 To the Honorable, Secretary of State of the State of
2 Washington:

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

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

18 The following declaration must be printed on the reverse side of
19 the petition, and must be signed by the signature gatherer who
20 circulated the petition sheet after the sheet has been signed by
21 petitioners but before the petition is submitted to the secretary of
22 state:

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

34 Signature.....
35 Date of Signature.....
36 Print Name.....

1 Print Street Address.....

2 Print City, State, Zip Code.....

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

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

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

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

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

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

19 INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

20 To the Honorable, Secretary of State of the State of
21 Washington:

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

1 this petition constitutes a class C felony, and that offering any
2 consideration or gratuity to any person to induce them to sign a
3 petition is a gross misdemeanor, such violations being punishable by
4 fine or imprisonment or both.

5 Signature.....
6 Date of Signature.....
7 Print Name.....
8 Print Street Address.....
9 Print City, State, Zip Code.....

10 Signing this declaration constitutes an oath subjecting the
11 signatory to the penalty of the law. The declaration must be
12 individually signed by the signature gatherer. Stamps or other
13 signature reproductions may not be used.

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

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

20 NEW SECTION. Sec. 8. A new section is added to chapter 29A.72 RCW
21 to read as follows:

22 The secretary of state shall adopt rules necessary to implement
23 chapter . . . , Laws of 2014 (this act).

24 NEW SECTION. Sec. 9. This act takes effect December 1, 2014.

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