
SENATE BILL 5397

State of Washington

65th Legislature

2017 Regular Session

By Senators Warnick, Lias, Walsh, Nelson, O'Ban, Billig, Kuderer, King, Honeyford, and Wilson

1 AN ACT Relating to disclosure in initiatives, referenda, and
2 recall petitions; amending RCW 29A.56.160, 29A.72.110, 29A.72.120,
3 29A.72.130, and 29A.72.170; adding a new section to chapter 29A.72
4 RCW; adding a new section to chapter 29A.84 RCW; creating a new
5 section; prescribing penalties; and providing an effective date.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that forged
8 signatures on petitions is an increasing problem. Initiative or
9 referendum petitions suspected of containing fabricated names or
10 forged signatures were submitted to the office of the secretary of
11 state in:

12 (a) 2008 on Initiative Measure No. 985;

13 (b) 2010 on Initiative Measure No. 1098;

14 (c) 2011 on Initiative Measure No. 1163;

15 (d) 2012 on Referendum 74, Initiative Measure No. 1185, and
16 Initiative Measure No. 1240; and

17 (e) 2013 on Initiative Measure No. 517 and Initiative Measure No.
18 522.

19 (2) The legislature recognizes that the petitions containing
20 suspect names and signatures were circulated by individuals who were
21 compensated based on the number of signatures placed on the

1 petitions. The legislature further recognizes that while some
2 investigations resulted in criminal charges and felony convictions,
3 more recent investigations have been hampered by additional false
4 information provided to the investigating agencies by the entities
5 that compensated the signature gatherers.

6 (3) The legislature recognizes that, because of the sensitivity
7 of data collected by signature gatherers and the need to ensure
8 public safety, it is important there be a level of accountability for
9 those employed to collect signatures and those who employ signature
10 gatherers as required for other employers and employees engaged in
11 the political process in Washington.

12 (4) The legislature recognizes that requiring disclosure by the
13 entities that compensate for petition signatures is consistent with
14 Washington's existing disclosure laws, promotes transparency in
15 government, and will result in more accurate information.

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

18 (1) Any entity that compensates, or expects to compensate, any
19 individual for gathering signatures on a state or local initiative,
20 referendum, or recall petition in this state must, within five days,
21 disclose to the secretary of state:

22 (a) The name of the entity;

23 (b) The physical and mailing addresses of the entity;

24 (c) The phone number of the entity;

25 (d) An email address for the entity;

26 (e) The entity's business license number required by chapter
27 19.02 RCW;

28 (f) A list of the initiative, referendum, and recall petitions
29 for which the entity is compensating individuals to gather
30 signatures;

31 (g) For each individual that the entity compensates for gathering
32 signatures:

33 (i) The full name, and any assumed names, of the signature
34 gatherer;

35 (ii) The permanent address of the signature gatherer, and a
36 Washington address if the signature gatherer is from out-of-state.
37 The addresses are exempt from public inspection and copying;

38 (iii) The phone number of the signature gatherer. The phone
39 number is exempt from public inspection and copying;

1 (iv) An email address for the signature gatherer. The email
2 address is exempt from public inspection and copying;

3 (v) A digital photograph of the signature gatherer taken within
4 the past twelve months that satisfies the requirements of a photo for
5 a United States passport;

6 (vi) A copy of the signature gatherer's driver's license, state
7 identification card, or other government-issued photo identification.
8 The driver's license, state identification card, or other government-
9 issued photo identification is exempt from public inspection and
10 copying;

11 (vii) A list of the initiative, referendum, and recall petitions
12 on which the signature gatherer will be gathering signatures or has
13 gathered signatures;

14 (viii) Attestation that the signature gatherer has completed a
15 training program administered or outlined by the secretary of state
16 that includes the rights and responsibilities of voters, signature
17 gatherers, public property owners, and private property owners. The
18 training program must be available in electronic formats and easy to
19 access for the signature gatherer; and

20 (ix) Confirmation that a national background check has been
21 completed on the signature gatherer and that the signature gatherer
22 has not been convicted of a criminal offense involving fraud,
23 forgery, or identity theft in any state in the past five years, or
24 has not been found in violation of any election law under chapter
25 29A.84 RCW, or its equivalent in another jurisdiction, in the past
26 five years; and

27 (h) Any other information required by rules adopted by the
28 secretary of state.

29 (2) An entity may not compensate any individual for gathering
30 signatures on a state or local initiative, referendum, or recall
31 petition if the individual:

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

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

37 (c) Has been found in violation of elections law under chapter
38 29A.84 RCW, or its equivalent in another jurisdiction, in the past
39 five years.

1 (3) An entity must, within five days, update its disclosure if it
2 compensates a signature gatherer not already disclosed, or
3 compensates for signatures on an initiative, referendum, and recall
4 petition not already disclosed.

5 (4) An entity may not condition compensation for petition
6 signatures based on receiving other petition signatures for free.

7 (5) The secretary of state must adopt rules to implement this
8 section.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.84
10 RCW to read as follows:

11 An entity that compensates any individual for gathering
12 signatures on a state or local initiative, referendum, or recall
13 petition in this state not fully disclosed as required by section 2
14 of this act, or who compensates for gathering signatures on an
15 initiative, referendum, or recall petition in this state not fully
16 disclosed as required by section 2 of this act, is subject to
17 citation and a fine in the amount of five hundred dollars per
18 violation.

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

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

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

29 Petition for the recall of (here insert the name of the office
30 and of the person whose recall is petitioned for) to the Honorable
31 (here insert the name and title of the officer with whom the charge
32 is filed).

33 We, the undersigned citizens and legal voters of (the state of
34 Washington or the political subdivision in which the recall is to be
35 held), respectfully direct that a special election be called to
36 determine whether or not (here insert the name of the person charged
37 and the office which he or she holds) be recalled and discharged from

1 his or her office, for and on account of (his or her having committed
2 the act or acts of malfeasance or misfeasance while in office, or
3 having violated his or her oath of office, as the case may be), in
4 the following particulars: (here insert the synopsis of the charge);
5 and each of us for himself or herself says: I have personally signed
6 this petition; I am a legal voter of the State of Washington in the
7 precinct and city (or town) and county written after my name, and my
8 residence address is correctly stated, and to my knowledge, have
9 signed this petition only once.

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
12 or she is registered to vote.

13 The petition must include the following printed on the reverse
14 side:

15 I circulated this petition. I did not offer any consideration,
16 gratuity, or other thing of value to induce any person to sign this
17 petition. Forgery of a signature on this petition is a class B
18 felony. Offering consideration, gratuity, or other thing of value to
19 induce any person to sign this petition is a gross misdemeanor.

20 Print name:

21 Address:

22 Address:

23 Phone:

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

26 Petitions for proposing measures for submission to the
27 legislature at its next regular session must be substantially in the
28 following form:

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

30 INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

31 To the Honorable, Secretary of State of the State of
32 Washington:

33 We, the undersigned citizens and legal voters of the State of
34 Washington, respectfully direct that this petition and the proposed
35 measure known as Initiative Measure No. . . . and entitled (here
36 set forth the established ballot title of the measure), a full, true,
37 and correct copy of which is printed on the reverse side of this

1 petition, be transmitted to the legislature of the State of
2 Washington at its next ensuing regular session, and we respectfully
3 petition the legislature to enact said proposed measure into law; and
4 each of us for himself or herself says: I have personally signed this
5 petition; I am a legal voter of the State of Washington in the city
6 (or town) and county written after my name, my residence address is
7 correctly stated, and I have knowingly signed this petition only
8 once.

9 ~~((The following declaration must be printed on the reverse side
10 of the petition:~~

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

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
25 law.))~~

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

29 The petition must include the following printed on the reverse
30 side:

31 I circulated this petition. I did not offer any consideration,
32 gratuity, or other thing of value to induce any person to sign this
33 petition. Forgery of a signature on this petition is a class C
34 felony. Offering consideration, gratuity, or other thing of value to
35 induce any person to sign this petition is a gross misdemeanor.

36 Print name:

37 Address:

38 Address:

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

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

8 The petition must include the following printed on the reverse
9 side:

10 I circulated this petition. I did not offer any consideration,
11 gratuity, or other thing of value to induce any person to sign this
12 petition. Forgery of a signature on this petition is a class C
13 felony. Offering consideration, gratuity, or other thing of value to
14 induce any person to sign this petition is a gross misdemeanor.

15 Print name:

16 Address:

17 Address:

18 Phone:

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

21 Petitions ordering that acts or parts of acts passed by the
22 legislature be referred to the people at the next ensuing general
23 election, or special election ordered by the legislature, must be
24 substantially in the following form:

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

26 PETITION FOR REFERENDUM

27 To the Honorable, Secretary of State of the State of
28 Washington:

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

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

5 ~~((The following declaration must be printed on the reverse side
6 of the petition:~~

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

18 ~~RCW 9A.46.020 applies to any conduct constituting harassment
19 against a petition signature gatherer. This penalty does not preclude
20 the victim from seeking any other remedy otherwise available under
21 law.))~~

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

25 The petition must include the following printed on the reverse
26 side:

27 I circulated this petition. I did not offer any consideration,
28 gratuity, or other thing of value to induce any person to sign this
29 petition. Forgery of a signature on this petition is a class C
30 felony. Offering consideration, gratuity, or other thing of value to
31 induce any person to sign this petition is a gross misdemeanor.

32 Print name:

33 Address:

34 Address:

35 Phone:

36 **Sec. 8.** RCW 29A.72.170 and 2003 c 111 s 1818 are each amended to
37 read as follows:

1 The secretary of state may refuse to file any initiative or
2 referendum petition being submitted upon any of the following
3 grounds:

4 (1) That the petition does not contain the information required
5 by RCW 29A.72.110, 29A.72.120, or 29A.72.130. Failure or refusal by
6 the petition circulator to provide information on the reverse side of
7 the petition does not constitute grounds for refusal.

8 (2) That the petition clearly bears insufficient signatures.

9 (3) That the time within which the petition may be filed has
10 expired.

11 In case of such refusal, the secretary of state shall endorse on
12 the petition the word "submitted" and the date, and retain the
13 petition pending appeal.

14 If none of the grounds for refusal exists, the secretary of state
15 must accept and file the petition.

16 NEW SECTION. **Sec. 9.** This act takes effect January 4, 2018.

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