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ENGROSSED SUBSTITUTE SENATE BILL 5397

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State of Washington

65th Legislature

2018 Regular Session

By Senate State Government, Tribal Relations & Elections (originally sponsored by Senators Warnick, Llias, Walsh, Nelson, O'Ban, Billig, Kuderer, King, Honeyford, Wilson, Pedersen, Hunt, Wellman, Saldaña, and Carlyle)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to disclosure in initiatives, referenda, and  
2 recall petitions; adding new sections to chapter 42.17A RCW; adding a  
3 new section to chapter 29A.04 RCW; creating a new section;  
4 prescribing penalties; and providing an effective date.

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

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

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

17 (3) The legislature recognizes that the public has a right to  
18 know which entities are compensating individuals to gather signatures  
19 in Washington state, just as the public has a right to know which  
20 entities compensate lobbyists or contribute to political campaigns.

1 (4) The legislature further recognizes that it should be easier  
2 for voters and property owners to contact entities that compensate  
3 signature gatherers when signature gatherers cause problems such as  
4 harassment of customers to mitigate those problems.

5 (5) The legislature recognizes that requiring disclosure by the  
6 entities that compensate for petition signatures is consistent with  
7 Washington's existing disclosure laws, promotes transparency in  
8 government, and will result in more accurate information.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 42.17A  
10 RCW to read as follows:

11 (1) Any ballot measure sponsor or political committee that  
12 employs, or expects to employ, any person for the purpose of  
13 compensating individuals for gathering signatures on a state or local  
14 initiative, referendum, or recall petition in this state must, at the  
15 time of registration or within ten days of employing the person,  
16 disclose to the commission:

17 (a) The name of the person employed for the purpose of  
18 compensating individuals to gather signatures;

19 (b) The physical and mailing addresses of the person employed for  
20 the purpose of compensating individuals to gather signatures;

21 (c) The phone number of the person employed for the purpose of  
22 compensating individuals to gather signatures;

23 (d) An email address for the person employed for the purpose of  
24 compensating individuals to gather signatures; and

25 (e) A list of the initiative, referendum, and recall petitions  
26 for which the person employed is compensating individuals to gather  
27 signatures.

28 (2) The commission must make the information disclosed in  
29 subsection (1) of this section available to the public on its web  
30 site within two days of receipt.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17A  
32 RCW to read as follows:

33 (1) The ballot measure sponsor or political committee must ensure  
34 that each person that directly compensates any individual for  
35 gathering signatures is keeping the following information on file  
36 until two years after the certification date of the ballot measures  
37 for which an individual was compensated for gathering signatures, and

1 provide the information to the commission or any law enforcement  
2 agency if in response to an active investigation:

3 (a) The full name, and any assumed names, of the signature  
4 gatherer;

5 (b) The permanent address of the signature gatherer, and a  
6 Washington address if the signature gatherer is from out of state;

7 (c) The phone number of the signature gatherer;

8 (d) An email address for the signature gatherer;

9 (e) A digital photograph of the signature gatherer taken within  
10 the past twelve months that satisfies the requirements of a photo for  
11 a United States passport;

12 (f) A copy of the signature gatherer's driver's license, state  
13 identification card, or other government-issued photo identification;

14 (g) A list of the initiative, referendum, and recall petitions on  
15 which the signature gatherer will be gathering signatures or has  
16 gathered signatures;

17 (h) Documentation that the signature gatherer has completed a  
18 training program that includes the rights and responsibilities of  
19 voters, signature gatherers, public property owners, and private  
20 property owners in the initiative and referendum process. The  
21 training program must be available in electronic format and easy to  
22 access for the signature gatherer; and

23 (i) Confirmation that a national background check has been  
24 completed on the signature gatherer and that the signature gatherer  
25 has not been convicted of a criminal offense involving fraud,  
26 forgery, or identity theft in any state in the past five years, or  
27 has not been found in violation of any election law under chapter  
28 29A.84 RCW, or its equivalent in another jurisdiction, in the past  
29 five years.

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

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

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

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

1 (3) A person must, within five days, update his or her disclosure  
2 if he or she agrees to or compensates for signatures on an  
3 initiative, referendum, or recall petition not already disclosed.

4 (4) A person may not condition compensation for petition  
5 signatures based on receiving other petition signatures for free.

6 (5) Any violation of this section is subject to a penalty  
7 pursuant to RCW 42.17A.755.

8 (6) The commission may adopt rules to implement this section.

9 (7) Information disclosed to the commission or a law enforcement  
10 agency under this section is exempt from public inspection and  
11 copying under chapter 42.56 RCW.

12 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.04  
13 RCW to read as follows:

14 (1) The secretary of state shall provide references to applicable  
15 statutes and case law for inclusion in training programs for  
16 signature gatherers as required by section 3(1)(h) of this act.

17 (2) The secretary of state shall post a link to the public  
18 disclosure commission's web site for each corresponding state  
19 initiative, referendum, or recall petition disclosing the information  
20 provided under section 2 of this act.

21 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2020.

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