
**State Government Operations &
Accountability Committee**

HB 1105

Brief Description: Regulating petition signature gatherers.

Sponsors: Representatives Appleton, Jarrett, Moeller, Sells, Fromhold, Conway, Grant, Hunt, Haigh, Pettigrew, Morris, Tom, Santos, Ormsby, Williams, Linville, Kilmer, Roberts, Cody, Flannigan, Wallace, Darneille, Kagi, Chase, Dickerson and Upthegrove.

Brief Summary of Bill

- Requires a person who solicits or collects signatures on a statewide initiative or referendum petition to be a Washington resident and be at least eighteen years of age.
- Requires a person who pays another person to solicit or collect signatures on an initiative or referendum petition to pay wages at an hourly rate or salary equal to or more than the minimum wage established under Washington law.

Hearing Date: 1/26/05

Staff: James Allen (786-7114).

Background:

In *Limit v. Maleng*, 874 F. Supp. 1138 (W.D. WA 1994), a U.S. District Court judge invalidated Washington's 1993 ban on paying signature gatherers on a per-signature basis. The court invalidated the statute on political speech grounds: "Unless there is some proof of fraud or actual threat to citizens' confidence in government which would provide a compelling justification, the right of public discussion of issues may not be infringed by laws restricting expenditures on referenda and initiative campaigns."

In *Meyer v. Grant*, 486 U.S. 414, the U.S. Supreme Court ruled in 1988 that a Colorado law banning the payment of signature gatherers was unconstitutional. Under *Meyer*, it appears that a state may not prohibit signature gatherers from being paid at all; in other words, a state cannot require that signature gatherers be volunteers. In *Buckley v. American Constitutional Law Foundation*, 525 U.S. 182, the U.S. Supreme Court ruled in 1999 that Colorado could not require signature gatherers to be registered voters.

In 2002, Oregon voters approved State Measure No. 26, which amended the Oregon Constitution to prohibit payment of signature gatherers based on the number of signatures collected.

Washington law does not currently regulate the residency, age, or payment of signature gatherers, though it requires that a sponsor of a new measure filed with the Secretary of State be a legal Washington voter and that those who sign a petition must be registered to vote in Washington. Each petition sheet is currently required by law to bear a warning that a fine or imprisonment, or both, may be imposed if a person signs a name that is not his or her true name, signs the petition more than once, is not a legal Washington voter, or makes a false statement on a petition.

Summary of Bill:

A person who solicits or collects signatures on a statewide initiative or referendum petition must be a Washington resident and be at least eighteen years of age. A person who pays others to solicit or collect signatures on an initiative or referendum petition must pay wages at an hourly rate or salary equal to or more than the minimum wage established under Washington law. The Secretary of State may adopt rules to implement the age and residency requirements, and the Department of Labor and Industries is given enforcement power consistent with its existing authority under Washington law to enforce the minimum wage statutes.

The bill includes a savings clause, that if any provision is held invalid, the remainder would not be affected.

Appropriation: None.

Fiscal Note: Requested on January 24, 2005.

Effective Date: The bill contains an emergency clause and takes effect immediately.