House Bill 120

CHAPTER 54.

[H. B. 120.]

TO FACILITATE THE OPERATION OF THE INITIATIVE AND REFERENDUM.

AN ACT to facilitate the operation of the provisions of section 1 of article XI of the constitution relating to the initiative and referendum, to prevent fraud, and amending sections 4971-1, 4971-5, 4971-6, 4971-7, 4971-9, 4971-10, 4971-15, 4971-16, 4971-17, 4971-31 and 4971-32 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and repealing section 4971-8 of Remington & Ballinger's Annotated Codes and Statutes of Washington, and declaring this act shall take effect January 1st, 1916.

Be it enacted by the Legislature of the State of Washington:

Amends Rem.-Bal. § 4971-1, by making duty of attorney general to advise proponents.

SECTION 1. That section 4971-1 of Rem. & Bal. Code be amended to read as follows:

Section 4971-1. It shall be the duty of the attorney general whenever requested so to do by any legal voter or committee or organization of legal voters of the state who shall desire to propose any measure to be submitted to the legislature or to the people by initiative petition, to advise the proponents of such measure as to its form and phraseology, but nothing herein contained shall be construed as requiring the proponents of such measure to consult the attorney general before filing any such measure with the secretary of state. Whenever any legal voter or committee or organization of legal voters of the state shall desire to propose any measure to be submitted to the legislature, or to the people upon initiative petition or shall desire to order by petition the referendum of any act, bill or law, or any part thereof, passed by the legislature, he or they shall file in the office of the secretary of state five printed or typewritten copies of the proposed initiative measure or of the act or part thereof on which a referendum is desired, accompanied by the name and post office address of the person, committee, or organization proposing the same, and the affidavit of such person or the affidavit of some member of such committee or organization,

Filing proposals for laws.

Names of proponents.

that such person is, or the members of such committee or organization are, legal voters. Measures to be submitted upon initiative petition shall be filed within ten months prior to the election or the session of the legislature at which they are to be submitted. The secretary of state shall give to each such measure a serial number, using a separate series for initiative and referendum measures, respectively, and forthwith transmit to the attorney general a copy of such measure bearing its serial number, and thereafter such measure shall be known and designated on all petitions, ballots and proceedings as "Initiative Measure No. .....," or "Referendum Measure No. .....," as the case may be.

Time of filing.

Numbering.

Amends Rem.-Bal. § 4971-5, by adding registration requirement.

SEC. 2. That section 4971-5 of Rem. & Bal. Code be amended to read as follows:

Section 4971-5. Petitions for proposing measures for submission to the legislature at its next regular session, to be filed with the secretary of state not less than ten days before such regular session, shall be substantially in the following form:

Petitions to legislature.

WARNING.

Every person who shall sign this petition with any other than his true name, or who shall knowingly sign more than one of these petitions, or who shall sign this petition when he is not a legal voter, or who shall falsely represent to any registration officer that he is a certain person whose name appears upon the registration books, or who shall make any false statement, to a registration officer as to his identity or place of residence, shall be punished by fine or imprisonment or both.

Form.

INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE:

To the Honorable....., secretary of state of the State of Washington:

We, the undersigned citizens of the State of Washington and duly registered legal voters of the respective precincts set opposite our names, respectfully direct that this petition and that certain proposed measure known as Initiative Measure No...., and entitled (here set forth the

established ballot title of the measure), a full, true and correct copy of which is hereto attached, shall be transmitted to the legislature of the State of Washington at its next ensuing regular session, and we hereby respectfully petition the legislature to enact said proposed measure into law; and each of us for himself says: I have personally signed this petition; I am a duly registered legal voter of the precinct and city (or town), written after my name, and my residence address is correctly stated.

Initials of Registration Officer.	Petitioner's Signature.	Residence Address, Street and Number, if any.	Precinct Name or Number.	Ward Number, if any.	City or Town.
(Here follow 20 numbered lines divided into columns as below)					
.....	1	.....	.....	.....	.....
.....	2	.....	.....	.....	.....
.....	3	.....	.....	.....	.....
.....	etc.	.....	.....	.....	.....

I, the undersigned, hereby certify that I am the officer of the city (town or precinct) of ....., county of ....., State of Washington, having the custody of the registration books containing the signatures, addresses and precincts of the registered legal voters of said city (town or precinct); that the signatures on the foregoing petition were signed in my office; that the initials opposite said signatures respectively are my initials, or the initials of a duly authorized deputy in my office; that before any such signatures opposite which initials are written, was signed upon said petition the person proposing to sign the same was required to identify himself as a duly registered legal voter or to establish his right to and register as a legal voter in the registration books in my office: that after said petition was signed the signature thereon was carefully compared with the signature of such voter in the registration books and found to apparently have been written by the same hand, and that thereupon the officer making the comparison placed his initials opposite such signature and entered the residence address, precinct, ward

and city or town shown upon the registration book opposite said signature; and that when the foregoing petition was taken from my office it contained.....initialed signatures and no more and that before surrendering said petition I caused the red ink perpendicular line thereon to be drawn through the blank spaces for signatures.

Dated the.....day of....., 19..

.....

Registration officer of city (town or precinct)

of.....

By.....

Deputy.

SEC. 3. That section 4971-6 of Rem. & Bal. Code be amended to read as follows: Amends Rem.-Bal. § 4971-6, by registration requirement.

Section 4971-6. Petitions for proposing measures for submission to the people for their approval or rejection at the next ensuing general election, to be filed with the secretary of state not less than four months before such general election, shall be substantially in the following form: Petitions proposing measures for popular vote.

WARNING.

(Same form as in section 2.)

INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE.

To the Honorable....., secretary of state of the State of Washington:

We the undersigned citizens of the State of Washington and duly registered legal voters of the respective precincts set opposite our names, respectively direct that that certain 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 hereto attached shall 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 ....., A. D. 19....; and each of us for himself says: I have personally signed this petition; I am a duly registered legal voter of the precinct, and city Form.

(or town), written after my name, and my residence address is correctly stated.

(Followed by the same form of blanks and certificates as in section 2.)

Amends Rem.-Bal. § 4971-7, by registration requirement.

SEC. 4. That section 4971-7 of Rem. & Bal. Code be amended to read as follows:

Section 4971-7. Petitions ordering that bills or parts of bills passed by the legislature be referred to the people at the next ensuing general election, or special election ordered by the legislature, to be filed with the secretary of state within ninety days after the final adjournment of the session of the legislature at which such bill was passed, shall be substantially in the following form:

Referendum petitions.

WARNING.

(Same form as in section 2.)

PETITION FOR REFERENDUM.

To the Honorable ....., secretary of state of the State of Washington:

Form.

We, the undersigned citizens of the State of Washington and duly registered legal voters of the respective precincts set opposite our names, respectfully order and direct that Referendum Measure No.....entitled (here insert the established ballot title of the measure) being a (or part or parts of a) bill passed by the .....th legislature of the State of Washington at the last regular (special) session of said legislature, shall be referred to the people of the state for their approval or rejection at the regular (special) election to be held on the..... day of..... A. D. 19....; and each for himself says I have personally signed this petition; I am a duly registered legal voter of the precinct, and city (or town), written after my name, and my residence is correctly stated.

(Followed by the same form of blanks and certificate as in section 2.)

Repeals Rem.-Bal. § 4971-8.

SEC. 5. That section 4971-8 of Rem. & Bal. Code be and the same is hereby repealed.

Amends Rem.-Bal. § 4971-9, by provision for certifying each sheet.

SEC. 6. That section 4971-9 of Rem. & Bal. Code be amended to read as follows:

Section 4971-9. Each initiative or referendum petition shall at the times of signing, certifying and filing with the secretary of state, as hereinafter in this act provided, consist of not more than five sheets with numbered lines for not more than twenty signatures on each sheet, with the prescribed warning, title and form of petition and certificate on each sheet, and a full, true and correct copy of the proposed measure referred to therein printed on sheets of paper of like size and quality as the petition, firmly fastened together.

Size and style of petitions.

Amends Rem.-Bal. § 4971-10.

SEC. 7. That section 4971-10 of Rem. & Bal. Code be amended to read as follows:

Section 4971-10. Upon the ballot title of any initiative or referendum measure being established as hereinabove provided, and from time to time thereafter the proponents of such measure may deposit such number of blank petitions, in the proper form hereinabove in this act prescribed, as they may deem expedient with the registration officer of any city, town or precinct, and take his receipt therefor, and it shall be the duty of each such registration officer with whom blank petitions are deposited to, at all times, display in a conspicuous place or places in his office and in each branch office under his charge, signs or placards bearing the words "Initiative or Referendum petitions may be signed here," which words shall be in letters of sufficient size to be easily read, and it shall be the duty of every registration officer, whenever any initiative or referendum petition shall be filed in his office for signing, to keep the office or offices under his charge open, for the purpose of permitting voters who desire so to do to sign the same, on each Friday and Saturday evening from six o'clock until nine o'clock, and to supply sufficient deputies to facilitate such signing, during the ninety (90) days immediately following the adjournment of any session of the legislature, in the case of referendum petitions, and during the ninety (90) days immediately preceding the time they

Signing petitions in registration offices.

must be filed with the secretary of state, in the case of initiative petitions, and it shall be the duty of each such registration officer to, at all times when his office is open for the registration of voters, permit any duly registered voter whose registration appears upon the books of such office, and who has not theretofore signed the particular initiative or referendum petition which he desires to sign, to sign any such initiative or referendum petition deposited in his office, provided that he shall not permit more than twenty registered voters to sign on any one sheet of such petition, and shall require the voters who sign the same to sign upon the blank lines for that purpose. Whenever any person shall apply to the registration officer for permission to sign any initiative or referendum petition, the registration officer or his deputy to whom the application is made shall if such person has not registered, require such person to register in the manner provided by law before permitting him to sign any initiative or referendum petition. If such person states that he is a registered voter, the officer shall ask such questions concerning his place of birth, age, occupation and place of residence as will identify the person with the name upon the registration book, and if the answers to such questions correspond with the information upon the registration book, shall ascertain whether the registration book shows that the registered voter has previously signed such petition, and if it appears that he has not previously signed, the officer shall permit such person to sign such petition with pen and ink. In either case the officer shall carefully compare the signature on the petition with the signature on the registration book and if such signature shall appear to the officer to have been written by the same hand, the officer shall enter upon the petition opposite the signature the residence address, the precinct name or number, the ward number if any, and the name of the city or town of such voter as shown by the registration book, and shall write the initials of his given name or names and of his surname, with pen and ink, on the petition opposite and at the left of the signa-

Checking signatures.

ture, and shall write on the registration book in the column headed "remarks" the letter "I" or "R," followed by the number of the initiative or referendum petition, as the case may be, so signed. If the signature upon the petition appears to the officer to have been written by a different hand than that on the registration book the officer shall refuse to initial and certify the signature. Whenever the proponents of any initiative or referendum measure shall demand the return of any petition deposited with any registration officer as hereinabove provided, and shall return the receipt therefor, the officer shall cause a red ink perpendicular line to be drawn through the blank spaces for signatures on any such petition and shall fill out the certificate and certify the number of initialed signatures on each sheet of such petition and date and sign such certificate.

Return of petitions to proponents.

Certified signatures.

SEC. 8. That section 4971-15 of Rem. & Bal Code be amended to read as follows:

Amends Rem.-Bal. § 4971-15.

Section 4971-15. Upon the filing of such volumes of an initiative petition proposing a measure for submission to the legislature at its next regular session, the secretary of state shall forthwith in the presence of at least one person representing the proponents and one person representing the opponents of the proposed measure, should either desire to be present, proceed to canvass the petition and to count the names of duly initialed and certified registered legal voters thereon. If, at the conclusion of the canvass and count, it shall appear that such petition bears the requisite number of names of duly certified registered legal voters, the secretary of state shall transmit a certified copy of such proposed measure to the legislature at the opening of its session together with a certificate of the facts relating to the filing of such petition and the canvass and count thereof.

Canvass of initiative petition.

Certifying to legislature.

SEC. 9. That section 4971-16 of Rem. & Bal. Code be amended to read as follows:

Amends Rem.-Bal. § 4971-16.

Section 4971-16. The secretary of state shall, while making said count, keep a record of all names appearing

Fraudulent signers.

on said petition which are not certified to be registered legal voters, and shall report the same to the prosecuting attorneys of the respective counties where such names were signed to the end that prosecutions may be had for violations of this act.

Amends Rem.-Bal. § 4971-17.

SEC. 10. That section 4971-17 of Rem. & Bal. Code be amended to read as follows:

Section 4971-17. Any citizen who shall be dissatisfied with the determination of the secretary of state that the petition contains or does not contain the requisite number of duly certified signatures of registered legal voters or who has reasonable ground to believe that any such petition determined by the secretary of state to have the requisite number of signatures contains a sufficient number of fraudulent signatures or certificates to affect the result, or that a sufficient number of valid signatures to affect the result have been rejected by the secretary of state from the count on any petition which he has determined not to have the requisite number, may, within five days after such determination, apply to the superior court of Thurston county for a citation requiring the secretary of state to submit said petition to said superior court for examination, and for a writ of mandate compelling the certification of the measure and petition, or for an injunction to prevent the certification thereof to the legislature, as the case may be, which application shall be made by petition and [shall be made by petition and] shall set forth the grounds therefor, and shall be verified under oath by or on behalf of the petitioner or petitioners and such application and all proceedings had thereunder shall take precedence over all other cases and shall be speedily heard and determined. If said petition for a citation shall state facts sufficient to warrant the issuance of said citation, the same shall issue and be served upon the secretary of state, and the court at the hearing upon the return of such citation shall have jurisdiction to hear *de novo* and determine all matters presented by said petition and by any petition in intervention that may be filed in said proceeding and hear the

Rulings of secretary of state subject to mandamus or injunction.

testimony of witnesses and receive documentary or other evidence offered on behalf of the secretary of state, the petitioners or any petitioner in intervention and shall decide all questions of law and of fact with all convenient speed and shall dismiss the proceedings or enter a writ of mandate or injunction in accordance with its determination, as the case may be. No appeal shall be allowed from the decision of the superior court granting or refusing to grant a writ of mandate or injunction, but such decision may be reviewed by the supreme court on a writ of certiorari sued out within five days after the decision of the superior court, and if the supreme court shall decide that the writ of mandate or injunction, as the case may be, should issue, it shall issue such writ direct to the secretary of state; otherwise, it shall dismiss the proceedings, and the clerk of the supreme court shall forthwith notify the secretary of state of the decision of the supreme court.

Certiorari to review decision of superior court.

Amends Rem.-Bal. § 4971-31.

SEC. 11. That section 4971-31 of Rem. & Bal. Code be amended to read as follows:

Section 4971-31. Every person who shall sign any initiative or referendum petition provided for in this act with any other than his true name shall be guilty of a felony. Every person who shall knowingly sign more than one of such petitions for the same measure or who shall sign any such petition knowing that he is not a registered legal voter, or who shall falsely represent to any registration officer that he is a certain person whose name appears upon the registration books, or who shall make to such registration officer any false statement as to his identity or place of residence, and every registration officer who shall knowingly permit any person other than a duly registered voter to sign any such petition or who shall knowingly initial any signature which he does not believe to be the signature of a duly registered legal voter or who shall knowingly make any false report or certificate on any such petition shall be guilty of a gross misdemeanor.

Fraudulent signing or certifying.

Penalties.

SEC. 12. That section 4971-32 of Rem. & Bal. Code be amended to read as follows:

Amends Rem.-Bal. § 4971-32, by provision against soliciting near registration office.

Section 4971-32. Every officer who shall wilfully violate any of the provisions of this act, for the violation of which no penalty is herein prescribed, or shall wilfully fail to comply with the provisions of this act; and every person who shall for any consideration, compensation, gratuity, reward or thing of value or promise thereof sign or decline to sign any initiative or referendum petition; or who shall advertise in any newspaper, magazine or other periodical publication or in any book, pamphlet, circular or letter or by means of any sign, signboard, bill, poster, handbill or card or in any manner whatsoever, that he will either for or without compensation or consideration solicit, procure or obtain signatures upon, or influence or induce or attempt to influence or induce persons to sign or not to sign any initiative or referendum petition or vote for or against any initiative or referendum measure; or who shall for pay or any consideration, compensation, gratuity, reward or thing of value or promise thereof, solicit, procure or obtain or attempt to procure or obtain signatures upon any initiative or referendum petition; or who shall pay or offer or promise to pay, or give or offer or promise to give any consideration, compensation, gratuity, reward or thing of value to any person to induce him to sign or not to sign, or to solicit, procure or attempt to procure or obtain signatures upon any initiative or referendum petition, or to vote for or against any initiative or referendum measure; or who shall by any other corrupt means or practice or by threats or intimidation interfere with or attempt to interfere with the right of any legal voter to sign or not to sign any initiative or referendum petition to vote for or against any initiative or referendum measure; or who shall receive, accept, handle, distribute, pay out or give away either directly or indirectly any money, consideration, compensation, gratuity, reward or thing of value contributed by or received from any person, firm, association or corporation having his, their or its residence or principal office outside of the State of Washington, or corporation the majority of whose stockholders are non-residents of the

Soliciting signers.

Corrupt practices in general.

State of Washington, for any service, work or assistance of any kind done or rendered for the purpose of aiding in procuring signatures upon any initiative or referendum petition or the adoption or rejection of any initiative or referendum measure, or who shall in, or within one hundred feet of the entrance to, any registration office solicit or attempt to induce any person to sign or not to sign any initiative or referendum petition shall be guilty of a gross misdemeanor.

Penalty.

SEC. 13. This act shall take effect January 1st, 1916.

Passed the House March 2, 1915.

Passed the Senate March 4, 1915.

Vetoed by the Governor March 9, 1915.

Passed over the Governor's veto March 11, 1915.