

Initiative Measure No.

517

concerns initiative and referendum measures.

This measure would set penalties for interfering with or retaliating against signature-gatherers and petition-signers; require that all measures receiving sufficient signatures appear on the ballot; and extend time for gathering initiative petition signatures.

Should this measure be enacted into law?

Yes

No

The Secretary of State is not responsible for the content of statements or arguments (WAC 434-381-180).

Explanatory Statement

Written by the Office of the Attorney General

The Law as it Presently Exists

Under current law, anyone wishing to propose an initiative measure for a statewide vote of the people can file it with the Secretary of State starting ten months before the election at which the voters will consider the measure. Initiative measures petitioning the legislature to enact a proposed measure can be filed with the Secretary of State starting ten months before the legislature's next regular session. After the Secretary of State accepts the initial filing of the measure, initiative supporters may begin collecting petition signatures.

To have an initiative submitted for a statewide vote of the people or to the legislature, the initiative sponsor must submit petitions to the Secretary of State containing the number of valid signatures required by the Washington State Constitution. Washington law provides that petitions must state the initiative measure in full and contain a place for each petitioner to sign and print their name and the address at which they are registered to vote. Petitions must contain a statement affirming that each person signing does so personally as a Washington voter, is providing correct information, has signed only once, and does so truthfully. The law also

requires petitions to contain the signature of the petition circulator, swearing or acknowledging that to the best of his or her knowledge, voters signed the petition freely and without compensation, that to the best of his or her knowledge the information provided by the signors is true and correct, and acknowledging that forging a signature or providing compensation to induce people to sign is illegal. The Secretary of State must reject a signed initiative petition if it does not have the required information, has insufficient signatures, or is filed too late.

In addition to statewide initiatives to the people and initiatives to the legislature, Washington law allows some types of local governments to allow for the filing of local initiatives and to set the requirements for submitting such initiatives.

Under current law, those gathering signatures for petitions and those signing petitions receive the same protection from harassment or assault as anyone else, but no further protection. Washington law provides that a person is guilty of harassment if they threaten to: cause bodily injury to another person, damage another person's property, restrain any person, or do any other act intended to substantially harm the threatened person's physical or mental health or safety. Washington's statutes and common law also prohibit assaulting another person with unlawful force and the intent to inflict bodily harm, regardless of whether bodily harm occurs. Assault also includes an act, done with unlawful force, with the intent of causing another person to fear bodily injury, if the act actually does create reasonable apprehension and imminent fear of bodily injury. The crime of stalking is committed if a person intentionally and repeatedly harasses or repeatedly follows a person with intent to frighten, intimidate, or harass the person, or with knowledge that the person is afraid, intimidated, or harassed. A person is guilty of disorderly conduct if the person uses abusive language and thereby creates a risk of assault, intentionally disrupts any lawful assembly, or obstructs vehicular or pedestrian traffic without lawful authority.

The Effect of the Proposed Measure, if Approved

This measure would increase the time for gathering petition signatures by up to six months. Proposed initiative measures for a statewide vote of the people could be filed with the Secretary of State starting sixteen months before the election at which the voters would consider the measure. Proposed initiative measures petitioning the legislature to enact a measure could be filed starting sixteen months prior to the legislature's next regular session at which the measure would be considered.

Any statewide initiative to the people or local initiative that received the required number of petition signatures in the required timeframe would have to be submitted to a vote of the people at the next election. Local government officials would be required to submit the initiative to a vote regardless of the subject matter of the initiative measure.

The measure would provide that interfering with signature gathering for a state or local initiative or referendum is illegal. Interfering with a person trying to sign a petition, stalking a person who signs a petition, or stalking or retaliating against a person who gathers petition signatures would constitute the misdemeanor of disorderly conduct. Such conduct would be subject to the civil anti-harassment procedures available under RCW 10.14, and civil penalties. Interfering with petition signing and signature gathering would be defined to include, but not limited to, pushing, shoving, touching, spitting, throwing objects, yelling, screaming, being verbally abusive, or other tumultuous conduct, blocking or intimidating, or maintaining an intimidating presence within twenty-five feet of a petition signer or signature gatherer. Initiative or referendum petition signing and signature gathering would be legally protected on public sidewalks and walkways and all sidewalks and walkways that carry pedestrians, including those in front of entrances and exits to stores, and inside or outside public buildings.

Fiscal Impact Statement

Written by the Office of Financial Management
For more information visit www.ofm.wa.gov/ballot

Initiative 517 (I-517) makes changes to the state and local government initiative process. I-517 also provides that interfering with signature gathering for state or local initiatives or referenda is illegal. I-517 has no revenue, expenditure or cost impact on state government. There is no revenue impact on local governments from I-517. However, the expenditure and cost impacts to local governments are indeterminate.

General Assumptions

- The fiscal estimates contained in this fiscal impact statement are based, in part, on assumptions about the scope and legal effect of the ballot measure should it be enacted by the voters. Such assumptions are not intended to represent legal interpretation or conclusions of law.
- I-517 is effective Dec. 5, 2013.

- The term “next election” is assumed to mean the next general election as provided in RCW 29A.04.043.
- No state or local government revenue impact is assumed if the initiative measure is approved.

State Expenditure and Cost Assumptions

I-517 would increase the time for gathering initiative petition signatures by up to six months. The Secretary of State will need to reprogram the online filing system to require sponsors to indicate the year for which each initiative filing applies. No state expenditure or costs would be required for this task.

Local Expenditure and Cost Assumptions

The initiative power is not available to all local governments. Only counties that have adopted a charter form of government have the power of the initiative. The initiative power is also available only to first-class cities, commission cities and code cities (code cities must formally adopt these powers). Based on research by the Municipal Research and Service Center of Washington, an estimated six counties and 59 cities have initiative power.

If I-517 is approved by the voters, counties and cities with initiative power would be required to submit to a vote any initiative, regardless of its subject matter, that obtains the required number of valid voter signatures within the required timeframe. Counties and cities are required to pay for their proportionate share of costs in a general election. The cost to a county or city to certify a local initiative and place it on the ballot in a general election varies significantly. Costs vary by jurisdiction and election based on the number of registered voters in the jurisdiction, the number of measures and offices on the ballot and the methodology used by the county to apportion costs. Based on information provided by counties and cities, an average cost to verify an initiative signature is estimated at \$0.80 per signature and an average general election cost is estimated at \$1 per registered voter. However, there are no data to estimate the quantity or location of additional initiatives that may qualify for local elections if I-517 is approved, and therefore, the expenditure and cost impact on counties and cities is indeterminate.

Local governments may experience increased expenditures and costs related to the provision in I-517 that interfering with signature gathering for state or local initiatives or referenda is illegal. There are no data to estimate the annual number of law enforcement actions that may occur from this portion of the initiative, and therefore, the fiscal impact on counties and cities is indeterminate.

Argument For Initiative Measure 517

Opponents of Initiatives too often use Bullying to Prevent Citizens from Signing Initiatives They Support

Voters who want to sign a petition – liberal or conservative – deserve protection from bullying and retaliation. I-517 establishes penalties to discourage such bad behavior. Peaceful discussion is legal under I-517; bullying is not. Pictures, videos, and sworn affidavits here:

www.YesOn517.com/Safety

I-517 “Protect Your Right To Vote On Initiatives” is about Letting the People Vote on ...

... qualified initiatives. In recent years, 16+ citizen-sponsored initiatives – liberal and conservative – were blocked from a public vote by powerful special interests even though local citizens followed all the rules. I-517 establishes a new state law that prevents interference by special interests, guaranteeing the people’s right to vote. If the initiative qualifies, let the voters decide.

I-517 Puts the Citizen Back in the Citizen Initiative. Increasingly, Initiatives Sponsored by Big Business, ...

... Big Labor, and the Rich are the only ones qualifying for the ballot. Why? Since 1912, the number of signatures has *skyrocketed* while the timeframe for collecting signatures has stayed *exactly the same*. Almost all other initiative states allow a year or more to collect signatures; I-517 matches the national average. More time means more grassroots groups can compete.

I-517 Makes Citizen Participation Safer and Guarantees the People’s Right to Vote on Initiatives

Without I-517, entrenched politicians and special interests will continue bullying citizens from expressing their free speech rights and blocking voters from exercising their initiative rights. Please vote *yes*. Thank you.

Rebuttal of Argument Against

Even our opponents agree I-517 protects free speech and encourages more grassroots participation by making the initiative process more affordable. Regarding petitioning, I-517 simply reinforces what the courts have already said: petitioning at places open to the public is guaranteed under the First Amendment. Without I-517, initiative opponents will continue bullying, preventing citizens from expressing themselves and voting on issues they care about. Protect your right to speak out and vote on initiatives – vote *yes*!

Argument Prepared by

Shawn Newman, Washington Director of Initiative and Referendum Institute, attorney; **Erma Turner**, testified in Olympia against bullying of petition-signers; **Nick Sherwood**, numerous red-light camera initiatives blocked from votes; **Stonewall Jackson Bird**, city blocked public vote on his Bellingham initiative; **Eddie Agazarm**, veteran petitioner, initiative organizer, and civic activist; **Paul Jacob**, president of Citizens In Charge, longtime initiative activist.

Contact: YesOn517@gmail.com; www.YesOn517.com

Argument Against Initiative Measure 517

I-517 violates Washingtonians’ property rights

Courts have ruled that petitioners must respect private property rights when collecting signatures, but I-517 prevents property owners from having control over signature gathering on their property, infringing upon their constitutionally-guaranteed property rights. Under I-517, law enforcement would be directed to vigorously protect petitioners collecting within a twenty-five foot zone. Business owners would not be able to stop aggressive petitioners from blocking and harassing customers who are trying to enter or exit a store. Instead, their property rights would be disregarded.

I-517 benefits Tim Eyman

Sponsor Tim Eyman is a full-time initiative proponent who makes money off the measures he promotes. Under I-517, it would be easier and cheaper for Eyman to qualify future initiatives to the ballot, meaning he could double his output and increase his profits.

I-517 would make petitioning more intrusive

I-517 allows out of state petitioners to be active in Washington year-round – both inside and outside public buildings. Petitioners could go inside sports stadiums like Safeco Field or Comcast Arena, public libraries, and even public school events like high school football games to ask Washingtonians to sign stacks of petitions.

I-517 would increase elections costs

A provision tucked away in I-517 forces cities and counties to put local initiatives on the ballot even if they’re illegal or invalid, wasting taxpayer dollars on unnecessary elections.

Join former Secretaries of State Ralph Munro and Sam Reed in voting *no* on I-517.

Rebuttal of Argument For

Former Secretary of State Sam Reed said that most complaints received in his office were from citizens and businesses who were being harassed by signature gatherers and that laws already exist to protect signature gatherers’ safety. Local governments should not be forced into costly legal battles when an initiative is found to be unconstitutional. Former Supreme Court Justice Phil Talmadge says I-517 is *unconstitutional* as it takes away private property rights of others. Vote No.

Argument Prepared by

Rob McKenna, former Washington State Attorney General; **Brian Sonntag**, former Washington State Auditor; **Jan Gee**, Washington Food Industry Association (independent/family-owned grocers); **Frank Ordway**, League of Education Voters; **Andrew Villeneuve**, activist and founder of the Northwest Progressive Institute.

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Complete Text

Initiative Measure 517

AN ACT Relating to establishing protections for citizens exercising their First Amendment rights by participating in the initiative and referendum process; amending RCW 9A.84.030 and 29A.72.030; adding new sections to chapter 29A.72 RCW; creating new sections; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

POLICIES AND PURPOSES

NEW SECTION. Sec. 1. The people want to ensure their right to participate in the initiative and referendum process is protected. Citizens' participation in the legislative process by initiative and referendum has been subjected to hostility, interference and threats of interference and retaliation by private and governmental actions. As promised by the Washington state Constitution: "The first power reserved by the people is the initiative."

Article I, section 4 of the Washington state Constitution and the First Amendment to the United States Constitution recognizes the right of the people to petition the government. This act is intended to protect the rights provided by these constitutional provisions. This measure would establish protections for citizens exercising their First Amendment rights by participating in the initiative and referendum process. The people find that citizens' right to participate in the initiative and referendum process needs to be protected.

ESTABLISHING PROTECTIONS FOR CITIZENS EXERCISING THEIR FIRST AMENDMENT RIGHTS BY PARTICIPATING IN THE INITIATIVE AND REFERENDUM PROCESS

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

This section establishes protections for signature gathering for any state or local initiative or referendum. Interfering with signature gathering shall be illegal. Any person who is gathering signatures for an officially filed and processed initiative or referendum shall not have his or her right to petition deterred or infringed upon. Any person who is trying to sign a petition for an officially filed and processed initiative or referendum shall not have his or her right to sign a petition deterred or infringed upon. Any person who interferes with any person gathering signatures or interferes with any person trying to sign a petition or retaliates against or stalks any person who signed a petition or retaliates against or stalks any person who gathered signatures for a petition shall be subject to the anti-harassment procedures in chapter 10.14 RCW and civil penalties and shall be guilty of disorderly conduct under RCW 9A.84.030. For purposes of this section, "interfering with" includes, but is not limited to, pushing, shoving, touching, spitting,

throwing objects, yelling, screaming, or being verbally abusive, or other tumultuous conduct, blocking or intimidating, or maintaining an intimidating presence within twenty-five feet of any person gathering signatures and any person trying to sign a petition. As the courts have consistently ruled, the signing of a petition and the collection of voter signatures is core political speech, which is deserving of the highest levels of protection. Signature gathering and petition signing for an officially filed and processed initiative or referendum shall be a legally protected activity on public sidewalks and walkways and all sidewalks and walkways that carry pedestrian traffic, including those in front of the entrances and exits of any store, and inside or outside public buildings such as public sports stadiums, convention/exhibition centers, and public fairs. Law enforcement must vigorously protect the rights of the people who want to sign initiative and referendum petitions, and the people who collect voter signatures on initiative and referendum petitions, to ensure they are not inhibited or restricted in any way.

The people find that they must be able to safely, freely, and peacefully petition their government for change without fear of intimidation or retaliation. Without the right to petition and the right to sign petitions, there is no functioning initiative and referendum process. Maximum legal protections must be afforded persons gathering signatures and persons trying to sign petitions to protect them from interference, harassment, threat, or retaliation. Maximum penalties must be imposed against persons who interfere with the constitutionally protected right to initiative and referendum.

Sec. 3. RCW 9A.84.030 and 2007 c 2 s 1 are each amended to read as follows:

(1) A person is guilty of disorderly conduct if the person:

(a) Uses abusive language and thereby intentionally creates a risk of assault;

(b) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority;

(c) Intentionally obstructs vehicular or pedestrian traffic without lawful authority; ((or))

(d)(i) Intentionally engages in fighting or in tumultuous conduct or makes unreasonable noise, within five hundred feet of:

(A) The location where a funeral or burial is being performed;

(B) A funeral home during the viewing of a deceased person;

(C) A funeral procession, if the person described in this subsection (1)(d) knows that the funeral procession is taking place; or

(D) A building in which a funeral or memorial service is being conducted; and

(ii) Knows that the activity adversely affects the funeral, burial, viewing, funeral procession, or memorial service; or

(e) Interferes with or retaliates against a person collecting signatures or signing any initiative or referendum petition by pushing, shoving, touching, spitting, throwing objects, yelling, screaming, being verbally abusive, blocking or intimidating, or other tumultuous conduct or maintaining an intimidating presence within twenty-five feet of any person gathering signatures or any person trying to sign any initiative or referendum petition.

(2) Disorderly conduct is a misdemeanor.

GUARANTEEING THE PEOPLE'S RIGHT TO VOTE ON INITIATIVES THAT SUBMIT SUFFICIENT VALID VOTER SIGNATURES

NEW SECTION. Sec. 4. A new section is added to chapter 29A.72 RCW to read as follows:

Any state or local initiative for which sufficient valid voter signatures are submitted within the time period required must be submitted to a vote of the people at the next election date. The people are guaranteed the right to vote on any initiative that obtains the required number of valid voter signatures in the required time frame. Government officials, both elected and unelected, must facilitate and cannot obstruct the processing of any initiative



How do I read measure text?

Any language in double parentheses with a line through it is existing state law and will be taken out of the law if this measure is approved by voters.

~~((sample of text to be deleted))~~

Any underlined language does not appear in current state law but will be added to the law if this measure is approved by voters.

sample of text to be added

petition and must facilitate and cannot obstruct the public vote of any initiative. For local initiatives, government officials must, in all circumstances, strictly comply with the requirements of this act for any initiative regardless of its subject matter. The term "local legislative authority" must be construed to include the people via local initiative regardless of the subject matter of the ballot measure. Citizens have just as much right to decide issues with local initiatives as governments do. This section may not be construed in any way to impede the right to legal review of the sufficiency of valid voter signatures or post-election legal review; however, under no circumstances may an initiative be prohibited from submission to the people for a vote if sufficient valid voter signatures are submitted.

PROTECTING CITIZENS' RIGHT TO PARTICIPATE BY EXTENDING THE TIME FOR SIGNATURE GATHERING ON INITIATIVES, DETERMINING INTERFERENCE IN THE SIGNATURE GATHERING PROCESS

Sec. 5. RCW 29A.72.030 and 2003 c 111 s 1804 are each amended to read as follows:

Initiative measures proposed to be submitted to the people must be filed with the secretary of state within ~~(ten)~~ sixteen months prior to the election at which they are to be submitted (this act's amended change from ten months to sixteen months for filing an initiative provides up to six more months for initiative signature gathering), and the signature petitions must be filed with the secretary of state not less than four months before the next general statewide election.

Initiative measures proposed to be submitted to the legislature must be filed with the secretary of state within ~~(ten)~~ sixteen months prior to the next regular session of the legislature at which they are to be submitted (this act's amended change from ten months to sixteen months for filing an initiative provides up to six more months for initiative signature gathering), and the signature petitions must be filed with the secretary of state not less than ten days before such regular session of the legislature.

A referendum measure petition ordering that any act or part of an act passed by the legislature be referred to the people must be filed with the secretary of state within ninety days after the final adjournment of the legislative session at which the act was passed. It may be submitted at the next general statewide election or at a special election ordered by the legislature.

A proposed initiative or referendum measure may be filed no earlier than the opening of the secretary of state's office for business pursuant to RCW 42.04.060 on the first day filings are permitted, and any initiative or referendum petition must be filed not later than the close of business on the last business day in the specified period for submission of signatures. If a filing deadline falls on a Saturday, the office of the secretary of state must be open for the transaction of business under this section from 8:00 a.m. to 5:00 p.m. on that Saturday.

Opponents of ballot measures sometimes try to interfere with the signature gathering process in the final months of the campaign, taking advantage of the limited time for the collection of signatures. The people find that allowing more time for citizens to participate in the signature gathering process will deter such despicable tactics.

NEW SECTION. Sec. 6. The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. Sec. 7. This act shall be self-executing. If any part or parts of this act are found to be in conflict with federal law, the United States Constitution, or the Washington state Constitution, the act shall be implemented to the maximum extent that federal law, the United States Constitution, and the Washington state Constitution permit. Any provision held invalid shall be severable from the remaining portions of this act.

NEW SECTION. Sec. 8. This act is called "Protect the Initiative Act."

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Complete Text Initiative Measure 522

AN ACT Relating to disclosure of foods produced through genetic engineering; adding a new chapter to Title 70 RCW; and prescribing penalties.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The people find that:

(1) Polls consistently show that the vast majority of the public, typically more than ninety percent, wants to know if their food was produced using genetic engineering. Without disclosure, consumers of genetically engineered food unknowingly may violate their own dietary and religious restrictions.

(2) Currently, there is no federal or state law that requires food producers to identify whether foods were produced using genetic engineering. At the same time, the United States food and drug administration does not require safety studies of such foods. Unless these foods contain a known allergen, the United States food and drug administration does not require the developers of genetically engineered crops to consult with the agency. Consultations with the United States food and drug administration are entirely voluntary and the developers themselves may decide what information they may wish to provide.

(3) Mandatory identification of foods produced with genetic engineering can provide a critical method for tracking the potential health effects of consuming foods produced through genetic engineering.

(4) Consumers have the right to know whether the foods they purchase were produced with genetic engineering. The genetic engineering of plants and animals is an imprecise process and often causes unintended consequences. Mixing plant, animal, bacterial, and viral genes in combinations that cannot occur in nature produces results that are not always predictable or controllable, and can lead to adverse health or environmental consequences.

(5) United States government scientists have stated that the artificial insertion of genetic material into plants, a technique unique to genetic engineering, can cause a variety of significant problems with plant foods. Such genetic engineering can increase the levels of known toxicants in foods and introduce new toxicants and health concerns.

(6) Forty-nine countries, including Japan, South Korea, China, Australia, New Zealand, Thailand, Russia, the European Union member states, and other key United States trading partners, have laws mandating disclosure of genetically engineered foods on food labels. Many countries have restrictions or bans against foods produced with genetic engineering.

(7) No international agreements prohibit the mandatory identification of foods produced through genetic engineering.

(8) Numerous foreign markets with restrictions against foods produced through genetic engineering have restricted imports of United States crops due to concerns about genetic engineering. Some foreign markets are choosing to purchase agricultural products from countries other than the United States because genetically engineered crops are not identified in the United States, making it impossible for buyers to distinguish what does or does not meet their national labeling laws or restrictions, rendering United States' products less desirable. Trade losses are estimated at billions of dollars. Mandatory identification of foods produced with genetic engineering can be a critical method for preserving the economic value of exports to markets with restrictions and prohibitions against genetic engineering.

(9) Industry data shows foods identified as produced without genetic engineering, including conventional foods identified this