

MESSAGE TO OLYMPIA: Hands off the people's initiative

It's ours, not yours – HANDS OFF!

TO: Governor Christine Gregoire

TO: State House & State Senate legislators (up for re-election in 2010)

I don't support the anti-initiative bills being pushed in Olympia. They take away the people's right to vote and endanger people who ask fellow citizens to sign initiative petitions. I'm disgusted you're sponsoring these bills. I don't support politicians who back these bills. I don't vote for politicians who refuse to defend the initiative process. It's ours, not yours – HANDS OFF!

Your printed name _____

City, Zip, & County _____

Here's the list of Olympia politicians, led by Gregoire, who are sponsoring and pushing anti-initiative bills – tell them “Hands off the people's initiative”

House of Representatives

Rep. Sherry Appleton (D-Poulsbo), 360-786-7934, appleton.sherry@leg.wa.gov
Rep. Mike Armstrong (R-Wenatchee), 360-786-7832, armstrong.mike@leg.wa.gov
Rep. Don Barlow (D-Spokane), 360-786-7922, barlow.don@leg.wa.gov
Rep. Brian Blake (D-Aberdeen), 360-786-7870, blake.brian@leg.wa.gov
Rep. Reuven Carlyle (D-Seattle), 360-786-7814, carlyle.reuven@leg.wa.gov
Rep. Maralyn Chase (D-Shoreline), 360-786-7880, chase.maralyn@leg.wa.gov
Rep. Mary Lou Dickerson (D-Seattle), 360-786-7860, dickerson.marylou@leg.wa.gov
Rep. John Driscoll (D-Spokane), 360-786-7962, driscoll.john@leg.wa.gov
Rep. Hans Dunshee (D-Snohomish), 360-786-7804, dunshee.hans@leg.wa.gov
Rep. Deborah Eddy (D-Kirkland), 360-786-7848, eddy.deb@leg.wa.gov
Rep. Dennis Flannigan (D-Tacoma), 360-786-7930, flannigan.dennis@leg.wa.gov
Rep. Mike Hope (R-Lake Stevens), 360-786-7892, hope.mike@leg.wa.gov
Rep. Zach Hudgins (D-Tukwila), 360-786-7956, hudgins.zach@leg.wa.gov
Rep. Sam Hunt (D-Olympia), 360-786-7992, hunt.sam@leg.wa.gov
Rep. Phyllis Kenney (D-Seattle), 360-786-7818, kenney.phyllis@leg.wa.gov
Rep. Joel Kretz (R-Wauconda), 360-786-7988, kretz.joel@leg.wa.gov
Rep. Dan Kristiansen (R-Snohomish), 360-786-7967, kristiansen.dan@leg.wa.gov
Rep. Marko Liias (D-Mukilteo), 360-786-7972, liias.marko@leg.wa.gov
Rep. Jim Moeller (D-Vancouver), 360-786-7872, moeller.jim@leg.wa.gov
Rep. Jeff Morris (D-Anacortes), 360-786-7970, morris.jeff@leg.wa.gov
Rep. Timm Ormsby (D-Spokane), 360-786-7946, ormsby.timm@leg.wa.gov
Rep. Joe Schmick (R-Colfax), 360-786-7844, schmick.joe@leg.wa.gov
Rep. Geoff Simpson (D-Covington), 360-786-7918, simpson.geoff@leg.wa.gov
Rep. Judy Warnick (R-Moses Lake), 360-786-7932, warnick.judy@leg.wa.gov
Rep. Scott White (D-Seattle), 360-786-7886, white.scott@leg.wa.gov
Rep. Brendan Williams (D-Olympia), 360-786-7940, williams.brendan@leg.wa.gov

Senators

Sen. Darlene Fairley (D-Lake Forest Park), 360-786-7662, fairley.darlene@leg.wa.gov
Sen. Karen Keiser (D-Kent) 360-786-7664, keiser.karen@leg.wa.gov
Sen. Adam Kline (D-Seattle), 360-786-7688, kline.adam@leg.wa.gov
Sen. Jeanne Kohl-Welles (D-Seattle), 360-786-7670, kohl-welles.jeanne@leg.wa.gov
Sen. Joe McDermott (D-Seattle), 360-786-7667, mcdermott.joe@leg.wa.gov
Sen. Ed Murray (D-Seattle), 360-786-7628, murray.edward@leg.wa.gov

Tell Speaker Frank Chopp to kill all these anti-initiative bills: 360-786-7920, chopp.frank@leg.wa.gov

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www.VotersWantMoreChoices.com, jakatak@comcast.net

2010 SESSION: ANTI-INITIATIVE BILLS AND WHY THEY'RE BAD

*** Senate Joint Resolution 8202 - sponsored by Sen. Ken Jacobsen (D-Seattle) -- Amends the Constitution and removes the people's initiative and referendum powers.**

Ken Jacobsen is the most honest elected official on this issue. He's openly pushing to take our rights away from us. The sponsors of the other anti-initiative bills listed below hide their opposition and seek to impose unneeded, costly requirements on citizens so as to effectively repeal the initiative process with a stealth "regulate to death" strategy.

*** House Bill 2614 - Sponsored by Rep. Sam Hunt (D-Olympia) – Citizens who exercise their First Amendment rights BY SIGNING an initiative petition MUST have their signature INVALIDATED if the person who gathered their signature forgets to fill out the back of the petition.**

Why should perfectly valid voter signatures be REJECTED, and thus voters be DISENFRANCHISED, if the person who gathered those signatures forgot to fill out the back of the petition? This bill says that the Secretary of State MUST reject petitions, and thus REJECT valid signatures of interested voters, based on whether the person gathering the signatures publicly identifies himself/herself on the back with their signature, name, address, city, state, zip code, and date. In 2006, the Initiative 917 campaign turned in 17,000 petition sheets and 3000 of them did not have signature gatherers' names on the back; all 3000 came from our volunteers. If HB 2614 had been in effect, tens of thousands of valid voter signatures would be REJECTED, and thus TENS OF THOUSANDS OF VOTERS would be DISENFRANCHISED, because some of our volunteers either forgot or chose not to fill out the back of the petition. The tens of thousands of voters who signed those petitions wanted their signatures to count and they shouldn't be penalized, and thus be DISENFRANCHISED, based on the person who gathered their signatures.

The 9th Circuit struck down a 1993 Washington state law that required the names and addresses of people collecting voter signatures for ballot measures to be publicly reported. They ruled that citizens who ask voters to sign petitions have a right to anonymity (*"There can be no doubt that the compelled disclosure of this information chills political speech."*). People who gather signatures are regularly harassed (<http://www.voterswantmorechoices.com/harassment.asp>) and forcing them to publicly identify themselves will make them even more susceptible to intimidation. Citizens should not be deterred from exercising their free speech rights because of a legitimate fear of retaliation caused by laws like this.

Sponsors of HB 2614 claim they just want to find the people collecting 'bad' signatures. But that's not happening – from 1999 through 2009, 36 ballot measures submitted 10,516,645 voter signatures to the Secretary of State. In response to a public records request, their office confirms that they've had *"no instances of verified forgeries or fraud in the signature gathering process for statewide measures during those years."* 10 years, 10 million signatures, zero instances of verified forgeries or fraud. It's clear that initiative campaigns are doing a very good job (<http://blogs.secstate.wa.gov/FromOurCorner/index.php/2009/07/evman-comes-clean-i-1033-petitions-sport-low-error-rate/>) and the Secretary of State is making sure that only initiatives with enough valid voter signatures qualify for the ballot. This bill is unnecessary.

Under current law, the Secretary of State rejects a voter's signature on a petition if it doesn't exactly match the signature on the voter's registration – valid voter signatures count, 'non-matched' voter signatures don't. Under this bill, PERFECTLY VALID voter signatures MUST BE REJECTED also. With HB 2614, the Secretary of State's top priority will be to take petitions filled with valid voter signatures AND THROW THEM IN THE GARBAGE.

*** House Bill 2613 & Senate Bill 6449 - Rep. Sam Hunt (D-Olympia) & Sen. Joe McDermott (D-Seattle) – “The-gotta-register-and-be-licensed-by-the-government-to-gather-voter-signatures-and-if-you-don't-then-perfectly-valid-voter-signatures-will-be-rejected” bill -- citizens exercising their First Amendment rights who ask voters to sign petitions be subjected to criminal background checks – people collecting signatures must be registered & licensed by the government -- valid voter signatures by unlicensed people MUST BE rejected.**

These bills condition First Amendment rights on receiving government permission – no license, no First Amendment rights. Requiring citizens who collect voter signatures to first register with the government is clearly unconstitutional

and absurd (the state budget office's ten-year cost projection for this new tax on signature gathering: \$66,300 for "PAPER-COPY FINGERPRINT-BASED BACKGROUND CHECKS"). People who collect signatures must give the government "A conventional photograph showing head, neck, and shoulders appropriate for copying and processing." Most disturbingly, the bill says that valid voter signatures **MUST BE REJECTED** if they're collected by non-licensed people. If these bills pass, voters who are given the opportunity to sign a petition will first need to make sure that the person gathering their signature has been found "acceptable" by the government (if they don't, then their signature won't count). It even says that if there's an invalid voter signature found on a petition sheet – *even just one* – then the person who collected that signature is banned from collecting voter signatures for 5 years. HB 2613/SB 6449 also contains the same noxious policies as HB 2614 described above. These bills would stigmatize and deter citizens from exercising their First Amendment rights, require the rejection of perfectly valid voter signatures, and limit and impair the initiative process.

*** House Bill 2397 - Sponsored by Rep. Jim Moeller (D-Vancouver) -- The "Initiative Petitioners Stink Like Smokers" bill – treats people who collect petition signatures like smokers and orders them 25 feet away.**

This is, by far, the stupidest, goofiest anti-initiative bill we've ever seen. It's laughably unconstitutional, under both our state Constitution and the U.S. Constitution. For decades, the Courts have consistently ruled that people who collect signatures for ballot measures are exercising First Amendment rights and their free speech activity is subject to the highest protections. The Courts have also ruled that big box stores are public forums where this right is guaranteed – the rulings say that if these stores allow any First Amendment activity (like Christmas bell ringers, Girl Scouts, etc) that they can't discriminate amongst them (if they allow some, they must allow all). Most importantly, our state Constitution guarantees the right to initiative and referendum and only laws that *facilitate* the process (make it easier) are permissible – laws that make the process tougher are de facto unconstitutional. HB 2397 clearly makes the process tougher – the people's right to initiative, guaranteed by the Constitution, is violated by this.

Absurdly, the bill's sponsors took the language for the state's smoking ban, which keeps smokers 25 feet away from "entrances, exits, & windows," and copied it & applied it to people who ask fellow citizens to sign petitions.

The collection of signatures for ballot measures is protected free speech guaranteed by the First Amendment and our state Constitution – smoking is not. HB 2397 is, again, the stupidest, goofiest anti-initiative bill we've ever seen.

*** House Bill 2615 & Senate Bill 6665 – Sponsored by Rep. Sam Hunt (D-Olympia) & Sen. Jeanne Kohl-Welles (D-Seattle) – a 5000% increase in the filing fee for initiatives.**

The Code Revisor's office drafts over 12,000 bills for legislators every session (the politicians pushing this bill are sponsoring 1216 bills in 2010). Legislators are not required to pay ANY fees to have their bills drafted and reviewed; instead, the Code Revisor's office is funded with a fixed yearly budget of \$4.6 million per year. They don't work on commission – they aren't paid on a per-bill basis – it's a fixed cost regardless of the number of bills introduced by legislators. The Code Revisor's office also reviews the handful of initiatives that are filed each year (23 initiatives to the people were filed in 2009). If there were no initiatives filed, there would be no reduction in the Code Revisor's \$4.6 million budget. It costs taxpayers the same for them to review 50 initiatives or 10 or 1. Same goes for the Secretary of State and Attorney General's offices. This bill radically increases the cost to file an initiative and is clearly intended to deter citizens from petitioning their government for change. The huge number of signatures required to qualify for the ballot already provides a big enough hurdle. Our state Constitution makes clear that only laws that *facilitate* the process are allowed – this bill certainly doesn't make it easier. If legislators are interested in deterring legislation and revenue-generation, why not require legislators to pay \$5 for each bill they introduce? That would put them on par with what citizens pay for initiative filings. The people overwhelmingly support the initiative process and oppose legislative sabotage, like these, imposing additional burdens on the citizens.

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