

Monday, February 24th, 2014

To: Our thousands of supporters throughout the state (cc'd to the media, house & senate members, and Governor)

From: Tim Eyman, Jack & Mike Fagan, initiative co-sponsors, 2/3 Constitutional Amendment, 425-493-9127, tim_eyman@comcast.net,

[Voters Want More Choices](#)

RE: The Democrats' most vile, onerous, unconstitutional anti-initiative bill in state history -- AND THE REPUBLICANS WHO VOTED FOR IT

Crazy liberals repeatedly say that it is too burdensome to require citizens to show photo ID in order to vote. They even say, and some courts have agreed, that it is an unconstitutional burden.

Yet these same crazy liberals are pushing House Bill 2552 which requires citizens exercising their First Amendment rights by petitioning their government (asking fellow citizens to sign initiative petitions) **to first be registered by the government, licensed by the government, trained by the government, be subjected to criminal background checks, and provide a photo headshot, name and home address to the government.**

For many years, the Democrats and their union backers have pushed anti-initiative bills to gut the initiative process. Year after year, a broad coalition of folks have successfully beaten back their legislative efforts to destroy the initiative process by regulating it to death.

1. The Democrats' most vile, onerous, unconstitutional anti-initiative bill in state history -- HB 2552 -- was approved by the House last week: **It will destroy volunteer signature gathering.** Currently, the back of petitions include a space for the person who collected the signatures to put their name -- the courts have interpreted this law and said it is not required to be filled out. HB 2552 makes it mandatory and massively expands the information the person must

supply: HB 2552 requires the person's signature, date of signature, printed name, printed address, printed city, printed state, printed zip code. **And to make it particularly burdensome, the bill mandates that it must be done by hand on every sheet (no stamps allowed).** In 2006, the first year that just the name was asked for, 17000 petition sheets were turned in and 3000 sheets came from our volunteers who didn't include their name on the back. Under HB 2552, even fewer volunteers will collect signatures because each sheet must be individually filled out on the back and a huge amount of personal information must be handwritten on each sheet. What'll happen then? Initiative campaigns will become even more reliant on paid petitioning. And under the bill, the initiative's sponsor is fined \$500 for each sheet not filled out. What will initiative sponsors do? To avoid the fine, they will throw away and never submit all the petition sheets that are not filled out, meaning thousands of valid voter signatures will never be turned in and counted. This will destroy volunteer signature collection, resulting in increased reliance on paid petitioners (the opposite of what we all want).

2. HB 2552 requires citizens who collect signatures to first register with the government, receive a license after completing an as-yet-designed training program, be subjected to criminal background checks, provide their name, home address, and photo headshot to the government. Many won't do all that, limiting the pool of participants. **Those who do go through that gauntlet will be extremely vulnerable to harassment: HB 2552 makes it simple for opponents of initiatives to shut down any signature drive. They'll know exactly who to target and harass.** Union goons have been trying for years to target them: *"If you see a signature gatherer, we suggest you ask signature gatherers if they are being paid, find out their names and take their pictures (alone). We would like to identify as many as possible."* *"Keep an eye out. The best way to beat this is at the signature gathering stage. Please let us know if you see those paid signature hunters in your area and let them know in no uncertain terms what their job will do to your job! Every signature we stop is one more Eyman has to pay for."* *"If you see a signature gatherer, call us. We want to do all we can to stop them."* (from the

website of the Washington State Council of County and City Employees (AFSCME - AFL-CIO)

3. The courts have determined that petitioning is core political speech. To pass the courts, any burden imposed by the government on core political speech requires:
 - a. a substantial problem must be identified.
 - b) if there's a substantial problem identified, then the proposed burdens on the core political speech must be narrowly tailored to serve a compelling governmental interest. **SUBSTANTIAL PROBLEM?** Responding to a public records request, the Secretary of State confirmed that from 1999 through 2009, there were zero instances of verified forgeries or fraud in the signature gathering process.
 - b. **1999 - 2009:** 10.5 million signatures, 36 ballot measures, thousands of petitioners, zero instances of bad signatures.
2010: 2.2 million signatures, 6 ballot measures, thousands of petitioners, the Secretary of State identified 1 SEIU volunteer with bad sigs. None of the SEIU's bad signatures counted.
2011: 1.1 million signatures, 3 ballot measures, thousands of petitioners, the Secretary of State identified 1 SEIU hourly worker with bad sigs. None of the SEIU's bad signatures counted.
2012: 1.3 million signatures, 4 ballot measures, thousands of petitioners, the Secretary of State identified 1 local petitioner with bad sigs. None of the bad signatures counted.
2013: 700,000 signatures, 2 ballot measures, thousands of petitioners, the Secretary of State identified 3 petitioners with bad sigs. None of the bad signatures counted.
2014: 690,000 signatures, 2 ballot measures, thousands of petitioners, the Secretary of State confirms that there were zero instances of bad sigs.
 - c. **1999 - 2014: 16.5 million signatures, 53 ballot measures, thousands of petitioners, no bad signatures counted. NARROWLY TAILORED?** HB 2552 will radically decrease the number of citizens willing to participate in the initiative process by imposing massive burdens. And to accomplish

what? Burdening everyone to find the handful WHO ARE ALREADY BEING CAUGHT UNDER THE CURRENT SYSTEM!

- d. **COMPELLING GOVERNMENTAL INTEREST?** HB 2552 doesn't have one, unless the governmental interest is regulating-to-death the initiative process.
- e. **COST?** \$300,000 for the Secretary of State to create and oversee an as-yet-determined training program. Isn't there a better place to spend \$300,000?
- f. **WHAT DO NEWSPAPERS HAVE TO SAY ABOUT IT?** HB 2552 is a knock-off of 2010's SB 6449:
 - i. **OLYMPIAN EDITORIAL:** *Don't take away citizens' right to petition -- Senate Bill 6449 "goes too far. The Senate bill would intimidate sponsors and businesses from collecting signatures of voters. The legislation is clearly a shot across the bow of initiative sponsor Tim Eyman who has pressed multiple measures to the ballot. As Eyman says, "This is supposed to be a citizen process, not government sanctioned process." Lawmakers should reject Senate Bill 6449. Lawmakers must remember that erecting more barriers to the citizens' power to petition their government chips away at the very foundation of democracy.*
 - ii. **WALLA WALLA UNION BULLETIN EDITORIAL:** *"Legislators are also considering ... imposing new rules - with added paperwork - for those collecting signatures. This is the wrong approach. It has the potential to muffle free speech. Lawmakers shouldn't tinker with the initiative process - it's not broken."*
 - iii. **BELLINGHAM HERALD EDITORIAL BOARD:** *Legislature must not attempt to obstruct initiative process: Every year, it seems, some legislators decide to attack our state's initiative process. As always, we deplore those attacks. The initiative process is a constitutional right in Washington, spelled out very clearly in our state constitution. There really has to be something better for the*

Legislature to spend its time on. This bill, like others suggested in previous years, seems like the Legislature trying to do anything it can to limit the right of citizens to create initiatives. That is a serious mistake, one that we urge legislators to reject.

- iv. **CENTRALIA CHRONICLE EDITORIAL BOARD:** *"Signature Process Isn't Broken, Doesn't Need Democrats' Fix": "Legislative Democrats trying to make it tougher to get initiatives and referendums on the ballot have introduced other measures, as well, including registering signature gatherers. These other measures amount mostly to harassment and to that extent would further impinge on free speech and petition rights."*
- v. **SPOKESMAN REVIEW EDITORIAL BOARD:** *Reject bill imposing rules on signature gatherers: it "unreasonably attempts to avoid the mess by making it harder for citizens to use the initiative and referendum recourse that has been available to them for nearly a century. ... That is cumbersome if not onerous – all to discourage citizens from writing their own laws or repealing those passed by the Legislature. ... Ultimately, individual voters still choose whether to sign a petition and how to vote. The Legislature is facing a plan that would restrict those choices. The plan needs to be rejected."*
- vi. **COLUMBIAN EDITORIAL BOARD:** *Blocking democracy: Two misguided solutions to nonexistent problems are clattering around the Legislature. They should be ignored and discounted for precisely what they are: blatant attempts to obstruct public participation in government. (Legislators) want to erect frivolous hoops through which signature gathers would have to jump. We're more interested in democracy than gymnastics.*
- vii. **TACOMA NEWS TRIBUNE:** *Some legislative Democrats have sought to rein in the initiative process for years ... Eyman testified Thursday, though, that the regulations are so onerous they would shut down the initiative process and silence voters. Rep. Mark*

Miloscia agreed. "I think Tim Eyman was kind of right – it's just going to gum up the works with no benefit," the Federal Way Democrat said. Our state Constitution makes it clear that the Legislature can only pass bills that facilitate the initiative process, they cannot pass bills that frustrate it. HB 2552 certainly does not make the process easier, it makes it radically harder. It should be rejected.

ut here's a list of the House Republicans who VOTED FOR the Democrats' anti-initiative bill last Tuesday:

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Please cut and paste these addresses into the "To" line of your email and send them a message with your thoughts on their vote. *"Why are you helping the Democrats and their union goons strangle the initiative process?"* is a good way to start your message to them.

We're moving full steam ahead on the 2/3 Constitutional Amendment Initiative I-1325. What do we need RIGHT NOW? Your financial support. We need a big war-chest to print up petitions and mail them to hundreds of thousands of voters throughout the state. We need your help.

Please visit our website and click on the DONATE BUTTON – and do a secure by PayPal, VISA, or M/C. Or, you can fill out the [form](#) and send us a check or credit card donation of \$10, \$25, \$50, \$100, \$250, \$500, \$1,000, \$2500, \$5000 or more (there are no limits on the amount

that can be given). Either way, please send in your most generous donation TODAY. And please consider making donation monthly. We need your help to get this initiative on the ballot.

Adding a 2/3-for-taxes amendment to our state Constitution keeps Governor Inslee and the tax-hiking Democrats on a short leash. But more importantly, it means 10/20/50/100 years from now, the taxpayers of Washington will be protected from Olympia's propensity to raise taxes. It will ensure that taking more of the people's money will always be an absolute last resort.

We ask for your support so we can let the voters decide this important issue. Thank you.

Best Regards, Tim Eyman, Jack Fagan, & Mike Fagan, co-sponsors of 2/3 Constitutional Amendment