



KNOW YOUR RIGHTS

COUNTERING BALLOT MEASURE PETITION SIGNATURE GATHERERS

A number of people have asked: “If we see someone soliciting signatures for a ballot measure, such as an initiative, referendum, or charter amendment we strongly oppose, what can we do to discourage people from signing?” This paper provides some guidance.

The Golden Rule:

Everything we need to know about opposing signature gatherers we learned in kindergarten: No touching, no shouting down the other person, be respectful.

Do the gatherers have a right to ask for signatures?

Yes, gathering signatures for petitions is a basic First Amendment right. A property owner can often limit activity on their property, but unless you are that owner, you cannot prevent others from circulating petitions there. If the signature gatherer is on public property, and they are blocking traffic or otherwise interfering with people, there may be local laws that regulate them. But that is a matter for local authorities, not private individuals, to enforce.

What laws control what I can do in opposing signature gatherers?

With initiative and referendum petitions, there is one specific law, RCW 29A.84.250(4), that makes it a gross misdemeanor if a person “[i]nterferes with or attempts to interfere with the right of any voter to sign or not to sign an initiative or referendum petition or with the right to vote for or against an initiative or referendum measure by threats, intimidation, or any other corrupt means or practice.” Basically, the general rule is that all the laws that would govern your conduct if you get into an argument also apply – no disturbing the peace, no unconsented touching, no threatening, etc.

Do the signature gatherers need a permit? Does an opponent?

Generally, initiative and referendum petitioners do not need a permit to gather signatures, pass out literature, or give a speech in public places like sidewalks or city parks. Those places are considered “traditional public forums” where free speech rights are protected the most. Courts consider public places that have historically been open to public expression and assembly to be “traditional public forums.” While cities are allowed to regulate the time,

place, and manner of speech in some ways (such as limiting noise), any such regulations must be reasonable and cannot be based on the content of the speech. You can assume that any place a signature gatherer can be, you can be also, but that you are also subject to the same time, place, and manner regulations. Large actions, such as organized marches or demonstrations will often require permits.

Can I try to speak with people before they get to the signature gatherer?

If you contact the passers-by before they start interacting with the petitioner, it is fine to say “Before you consider signing that petition, please let me tell you the problems it creates” or something similar. You may not, however, block their way or interfere with their approaching the signature gatherer.

What about after the gatherer has started their pitch?

Even then you can probably ask the individual to listen to your side before signing, but you cannot shout down the gatherer or force yourself between the member of the public and the gatherer.