



Know Your Rights Guide: Initiative Petitions

Does the Constitution protect my right to gather signatures on an initiative petition?

Yes. This right is guaranteed by Article II, Section 1(a) of the Washington State Constitution. It is also protected by the First Amendment of the U.S. Constitution.

Can I gather signatures on government property?

Generally, yes. However, different kinds of government property are treated differently. Free speech and petition rights are the greatest in places where the property is owned by the government and is also a type traditionally open to public activities, such as sidewalks, streets, and parks. In other locations, such as inside government buildings or on government property where there is a significant security concern (like a military base), the government can limit or even ban speech and protest rights.

Can I gather signatures on private property?

Generally not, but with one important exception. The Supreme Court of Washington has held that signature gathering in large regional shopping malls is protected by Article II, Section 1(a), Amendment 7 of the state constitution. On the other hand, the Supreme Court of Washington has also held that signature gathering in warehouse-style grocery stores is not protected and may be disallowed. The key factor is whether the private property is analogous to a town square or other popular gathering place.

Large regional shopping malls are examples of private properties that are similar to town squares and therefore you have the right to gather signatures on these properties. Courts have reasoned this way because shopping malls have large common areas in which citizens congregate, they welcome thousands of people every day, and they typically hold themselves out as a public meeting place where people may gather.

On the other hand, some warehouse stores are examples of private properties that are not similar to town squares, and therefore may disallow signature gathering. Courts have reasoned that because these stores do not have large plazas or other common areas, and because their policies often disallow people entering their stores for any purpose other than to shop. The same reasoning holds true for smaller stores.

Can private property owners put restrictions on when and where I can gather signatures?

Yes. Even when a private property is analogous to a public square and the Washington Constitution protects your right to gather signatures there, property owners are permitted to restrict when and where you gather signatures. For example, a regional shopping mall may require that you gather signatures only within plazas or common areas of the mall. You must also ensure that you are gathering signatures in a way that does not interfere with the commercial interests of the property owner, such as avoiding interrupting customers while they shop.