

SENATE BILL REPORT

HB 1072

AS REPORTED BY COMMITTEE ON GOVERNMENTAL OPERATIONS,
APRIL 1, 1991

Brief Description: Changing provisions relating to elections.

SPONSORS: Representatives McLean, Anderson, R. Fisher, Moyer, Sheldon, Chandler, Bowman, Pruitt, Winsley, Broback, Edmondson, Paris, D. Sommers, May, Wynne, Brumsickle, Nealey, Miller, P. Johnson, Casada, Wood, Forner and Mitchell.

HOUSE COMMITTEE ON STATE GOVERNMENT

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.

Signed by Senators McCaslin, Chairman; Madsen, and Sutherland.

Staff: Rod McAulay (786-7754)

Hearing Dates: March 25, 1991; April 1, 1991

BACKGROUND:

The election code provides criminal penalties for corrupting or otherwise interfering with virtually all aspects of the formal election process, from the filing of candidacies to the counting of ballots. The criminal provisions in the election code have not been changed when the criminal code has been amended and terminology and prescribed penalties are inconsistent. The language of some of the criminal provisions in the election code is not consistent with current election technology and procedures and, in some cases, it is believed that penalties should be increased.

The election code provides procedures and requirements for the registration of voters, the maintenance of registration records, the procedure for changing a voter's address, issuance of absentee ballots and the timing of election recounts. Some of these provisions do not allow the full utilization of current technology. It is believed that the code should be amended to allow greater utilization of absentee ballots.

SUMMARY:

General Criminal Provisions. Criminal penalties in the election code are tied directly to the definitions and penalty ranges provided for misdemeanors, gross misdemeanors and felonies provided in the criminal code.

Terminology is changed to be consistent with other changes in the election code, to be gender neutral, or to delete redundant language.

Crimes Repealed. It is not a crime to make or possess a counterfeit ballot.

It is not a crime to conduct an exit poll within 300 feet of a polling place.

Crimes Added. Deception of a voter in recording his or her vote, by providing incorrect or misleading information or by providing faulty election equipment or records is a gross misdemeanor.

Wrongly recording a voter's vote is a gross misdemeanor.

Penalties Increased. The penalty for tampering with election supplies or material used to prepare ballots at a polling place is increased from a misdemeanor to a class C felony.

The penalty for campaigning or interfering with voters within 300 feet of a polling place, obstructing access to a polling place, soliciting a voter to show his or her ballot or removing a ballot from a polling place before the polls close is increased from a misdemeanor to a gross misdemeanor.

Registration and Absentee Ballots. The Secretary of State and county auditors may maintain automated files of registered voters in lieu of the original voter registration card if the automated files include all of the information from the cards including retrievable facsimiles of the voters' signatures. The public may inspect and copy from these records voters' names, gender, voting record, date of registration and registration number. They may also have access to voters' addresses and political jurisdiction if not otherwise prohibited by law.

The exemption of counties with populations over 150,000 from the requirement to maintain computerized data storage of voting records is repealed.

A voter may notify the county auditor of a change of address by telephonic communication. When a voter moves to a different county, he or she may notify county auditors of the address change on forms provided by the Secretary of State.

When a voter changes his or her name, a procedure is provided for amending the registration records.

The Secretary of State may adopt rules with respect to the maintenance of records of canceled registrations.

Absentee ballots may be requested orally in person or by telephone as well as in writing. A member of a voter's immediate family may request an absentee ballot on behalf of the voter. The county auditor may require that a requestor

for a family member identify the voter's date of birth as a means of assuring the request is legitimate.

The requirement that city clerks in code cities prepare statements of cancellations of registrations is repealed.

Recounts. A canvassing board must conduct the recount within five days of (1) the date an application for a recount is filed with the board, (2) the date the request for the recount or the directive issued by the Secretary of State ordering a mandatory recount is received by the board, or (3) the returns are certified which indicate that a mandatory recount is required.

Nonpartisan Primaries. The requirement that a candidate for a nonpartisan office receive at least 5 percent of the vote cast in a primary in order to advance to the general election is repealed. (A different provision in the election code requires the candidate to receive 1 percent of the primary votes.)

General. Terminology is amended to avoid inconsistencies, and phrases and sections are deleted or repealed where redundant.

Appropriation: none

Revenue: none

Fiscal Note: available

Effective Date: July 1, 1992

TESTIMONY FOR:

Makes criminal provisions in election code consistent with criminal code. Updates registration and absentee ballot provisions. May reduce cost of checking absentee ballot requests.

TESTIMONY AGAINST: None

TESTIFIED: Shirley Forslof, Whatcom County Auditor (pro); Karen Flynn, Kitsap County Auditor (pro); John Pearson, Office of Secretary of State (pro)