

HOUSE BILL REPORT

HB 2743

As Passed House:

February 11, 2004

Title: An act relating to election-related crimes.

Brief Description: Consolidating and clarifying election-related crimes.

Sponsors: By Representatives Haigh, Armstrong, McDermott, Miloscia and Upthegrove; by request of Secretary of State.

Brief History:

Committee Activity:

State Government: 1/23/04, 1/27/04 [DP].

Floor Activity:

Passed House: 2/11/04, 95-0.

Brief Summary of Bill

- Organizes election crimes and penalties as a new chapter of Title 29A, makes technical changes, changes some penalties.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Marsha Reilly (786-7135).

Background:

Violations and penalties for violations of election laws are identified in statute. For example, election officials who destroy, mutilate, conceal, change or alter any registration record, other than what is authorized by law, are guilty of a class C felony. Removing or defacing political advertising is a misdemeanor. A person who signs an initiative with other than his or her own name or signs knowing that he or she is not a legal voter is guilty of a gross misdemeanor.

A misdemeanor is punishable by imprisonment in the county jail for a maximum term of not more than 90 days, or by a fine of not more than \$1,000, or both.

A gross misdemeanor is punishable by imprisonment in the county jail for a maximum term of not more than one year, or by a fine of not more than \$5,000, or both.

A class C felony is punishable by confinement in a state correctional institution for five years, or by a fine of \$10,000, or both.

Summary of Bill:

Statutes related to election crimes and penalties are reorganized in Title 29A by eliminating duplicate and contradictory sections, adding penalties for crimes relating to altering equipment or votes electronically, and clarifying language.

Where the same violation is addressed in multiple sections of statute and the penalty associated with that violation conflicts, the stricter penalty is preserved. For example, the penalty for signing a petition with another person's name is listed as a misdemeanor and a class C felony; penalties for violations by elections officers appear as a class C felony and a gross misdemeanor.

The penalty for electioneering at the polling place is changed from misdemeanor to gross misdemeanor. The penalty for crimes relating to ballot interference is changed from gross misdemeanor to class C felony. The penalty of receiving another person's ballot with the intent to destroy or alter is changed from a misdemeanor to a class C felony.

Statutes relating to penalties associated with voters who show their ballot, place an identifying mark on their ballot, fail to return their ballot, or vote a ballot other than the one received are repealed.

Persons who damage, tamper or interfere with a voting system, device, or tallying system by electronic means and changing votes by electronic or any other means are guilty of a class C felony.

In canvassing votes, any person who tampers or impedes the use of any form of electronic voting or tampers or impedes access to a vote reporting or election results reporting system is guilty of a gross misdemeanor.

Technical changes are made to clarify language.

Appropriation: None.

Fiscal Note: Requested on January 20, 2004.

Effective Date: The bill takes effect on July 1, 2004.

Testimony For: The King County Elections Division is supportive of the bill.

Testimony Against: None.

Persons Testifying: Dean Logan, King County Records, Elections and Licensing Services Division.

Persons Signed In To Testify But Not Testifying: None.