
State Government Committee

HB 1160

Brief Description: Harmonizing election crimes and penalties.

Sponsors: Representatives Miloscia, Armstrong, Wallace, Tom, Shabro, Haigh, McDermott and Anderson; by request of Secretary of State.

Brief Summary of Bill

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

Hearing Date: 1/28/03

Staff: Marsha Reilly (786-7135).

Background:

Violations and penalties for violations of elections 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 ninety 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:

Currently, crimes and penalties for election laws appear throughout Title 29 RCW. Statute related to election crimes and penalties are repealed, and codified and recodified in order as

a new chapter of Title 29 or 29A RCW under the following subparts: general provisions; voter registration; petitions and signatures; filing for office, declarations, and nominations; ballots; crimes at the polling place; voting; and canvassing and certifying primaries and elections.

If House Bill 1159, Title 29 re-write and House Bill 1160 both pass, House Bill 1159 supercedes sections 2201 through 2239 of House Bill 1159.

Technical changes are made to clarify language. For example, "willfully neglects or refuses to perform such duty" is changed to "knowingly violates any of the provisions."

Redundancies in listing penalties are removed. For instance, language is changed from "is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021" to "guilty of a gross misdemeanor punishable under RCW 9A.20.021."

Penalties for improperly signing petitions and unqualified registrations appear in multiple sections of statute with conflicting penalties. In one section the penalty is a misdemeanor (29.15.080 RCW) and in the other section it is listed as a class C felony (29.79.440 RCW). Statute 29.15.080 RCW is repealed.

Polling place crimes are changed from "misdemeanor" to "gross misdemeanor." Crimes relating violations by elections officers as well as crimes relating to ballot interference are changed from a gross misdemeanor to a class C felony.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.