

HOUSE BILL REPORT

HB 1160

As Reported by House Committee On:
State Government

Title: An act relating to election crimes and penalties.

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 History:

Committee Activity:

State Government: 1/28/03, 2/6/03 [DPS].

Brief Summary of Substitute Bill

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

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill 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 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 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 Substitute Bill:

Currently, crimes and penalties for election laws appear throughout Title 29 RCW. Statutes related to election crimes and penalties are repealed, and codified and recodified in order as a new chapter of Title 29 or 29A RCW under the following subparts: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.

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."

Where the same violation is addressed in multiple statutes under current law 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 both a misdemeanor (29.15.080 RCW) and a class C felony (29.79.440 RCW) and penalties for violations by elections officers are a class C felony (29.85.170 RCW) and a gross misdemeanor (29.82.210 RCW).

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.

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 (29.51.230 RCW). The penalty for a voter who receives another person's ballot is changed from a misdemeanor to a class C felony, but with the added intent of destroying or altering the ballot.

If either House Bill 1159 or Senate Bill 5221 becomes law, this act supersedes sections 2101 through 2140 of that act.

Substitute Bill Compared to Original Bill:

The substitute bill reinstates RCW 29.79.170, court review of petitions, which addresses provisions unrelated to crimes and penalties.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The Secretary of State supports this bill as an excellent follow-up to the re-write of Title 29. It was not included with the Title 29 re-write because it represents a policy shift.

Testimony Against: None.

Testified: (In support) Dean Logan, Office of the Secretary of State; and Bob Terwilliger, Snohomish County Auditor.