

SENATE BILL REPORT

SB 5222

As Reported By Senate Committee On:
Government Operations & Elections, February 7, 2003

Title: An act relating to election crimes and penalties.

Brief Description: Harmonizing election crimes and penalties.

Sponsors: Senators Roach, Kastama, Fairley, Stevens and Horn; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations & Elections: 2/4/03, 2/7/03 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5222 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Fairley, Kastama, McCaslin and Reardon.

Staff: Ronda Larson (786-7429)

Background: Statutes establishing crimes and penalties for election laws appear in multiple chapters throughout Title 29 RCW. For example, election officials who destroy any registration record other than what is authorized by law are guilty of a class C felony. Defacing political advertising is a misdemeanor. A person who signs an initiative with other than his or her own name 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.

Penalties for improperly signing petitions and unqualified registrations appear in multiple chapters and sections. The penalties conflict among sections. For example, the penalty is a misdemeanor in 29.15.080 RCW while it is a class C felony in 29.79.440 RCW.

Summary of Substitute Bill: Statutes governing election crimes and penalties in the various chapters are repealed and recodified within a single new chapter of Title 29 or 29A RCW. The new chapter contains 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 clarify language. For example, "willfully neglects or refuses to perform such duty" becomes "knowingly violates any of the provisions." Redundancies are removed. For instance, the phrase "is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021" becomes "guilty of a gross misdemeanor punishable under RCW 9A.20.021."

Where the same improper act is addressed in more than one statute under current law and the penalties associated with that act conflict among sections, the stricter penalty is preserved. For example, 29.15.080 RCW is repealed and 29.79.440 is preserved and recodified.

Penalties for polling place crimes are changed from "misdemeanor" to "gross misdemeanor." Penalties for crimes relating to violations of elections officers and ballot interference are changed from a gross misdemeanor to a class C felony.

If either Senate Bill 5221, Title 29 re-write, or House Bill 1159 becomes law, this bill supersedes sections 2101 through 2140 of either of those two bills.

Substitute Bill Compared to Original Bill: The substitute bill corrects two minor technical mistakes. The original bill incorrectly repealed RCW 29.79.170, and in section 31, it incorrectly cited sections of bills to be superseded. The substitute bill restores RCW 29.79.170 to current law and corrects the citations in section 31.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill corrects inconsistencies in current elections law and makes the elections crimes statutes more user-friendly.

Testimony Against: None.

Testified: Dean Logan, Sec. of State, Director of Elections (pro); Karen Flynn, Kitsap County Auditor (pro).