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**HOUSE BILL 1160**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Representatives Miloscia, Armstrong, Wallace, Tom, Shabro, Haigh, McDermott and Anderson; by request of Secretary of State

Read first time 01/20/2003. Referred to Committee on State Government.

1 AN ACT Relating to election crimes and penalties; amending RCW  
2 29.85.170, 29.85.245, 29.85.275, 29.07.400, 29.07.410, 29.79.440,  
3 29.79.490, 29.85.040, 29.85.020, 29.51.020, 29.51.221, 29.85.110,  
4 29.85.260, 29.85.060, 29.85.070, 29.85.090, 29.85.210, 29.85.220,  
5 29.85.240, 29.51.215, 29.36.370, 29.85.100, and 29.85.225; reenacting  
6 RCW 29.79.500; adding a new chapter to Title 29 RCW; recodifying RCW  
7 29.85.170, 29.85.245, 29.85.275, 29.07.400, 29.07.410, 29.79.440,  
8 29.79.490, 29.79.500, 29.85.040, 29.85.020, 29.51.020, 29.51.221,  
9 29.85.110, 29.85.260, 29.85.060, 29.85.070, 29.85.090, 29.85.210,  
10 29.85.220, 29.85.240, 29.51.215, 29.36.370, 29.85.100, and 29.85.225;  
11 repealing RCW 29.07.405, 29.15.080, 29.15.100, 29.15.110, 29.38.070,  
12 29.51.030, 29.51.230, 29.79.170, 29.79.480, 29.82.170, 29.82.210,  
13 29.82.220, 29.85.010, 29.85.051, 29.85.230, and 29.85.249; prescribing  
14 penalties; and providing an effective date.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

16  
17

**Subpart 1**  
**General Provisions**

1       **Sec. 1.** RCW 29.85.170 and 1991 c 81 s 10 are each amended to read  
2 as follows:

3       OFFICERS--VIOLATIONS GENERALLY. Except as otherwise provided by  
4 law, every person charged with the performance of any duty under the  
5 provisions of any law of this state relating to elections, including  
6 primaries, or the provisions of any charter or ordinance of any county,  
7 city, or town of this state relating to elections who (~~(willfully~~  
8 ~~neglects or refuses to perform such duty, or who, in the performance of~~  
9 ~~such duty, or in his or her official capacity,)) knowingly (~~or~~  
10 ~~fraudulently~~) violates any of the provisions of law relating to such  
11 duty, is guilty of a class C felony, punishable under RCW 9A.20.021,  
12 and shall forfeit his or her office.~~

13       **Sec. 2.** RCW 29.85.245 and 2001 c 41 s 12 are each amended to read  
14 as follows:

15       ACTION AGAINST VOTING, REGISTRATION IRREGULARITIES. (1) A county  
16 auditor who suspects a person of fraudulent voter registration, vote  
17 tampering, or irregularities in voting shall transmit his or her  
18 suspicions and observations without delay to the canvassing board.

19       (2) The county auditor shall make a good faith effort to contact  
20 the person in question without delay. If the county auditor is unable  
21 to contact the person, or if, after contacting the person, the auditor  
22 still suspects fraudulent voter registration, vote tampering, or  
23 irregularities in voting, the auditor shall refer the issue to the  
24 county prosecuting attorney to determine if further action is  
25 warranted.

26       (3) When a complaint providing information concerning fraudulent  
27 voter registration, vote tampering, or irregularities in voting (~~are~~  
28 ~~is~~) is presented to the office of the prosecuting attorney, that  
29 office shall file charges in all cases where warranted.

30       **Sec. 3.** RCW 29.85.275 and 1991 c 81 s 19 are each amended to read  
31 as follows:

32       POLITICAL ADVERTISING, REMOVING OR DEFACING. A person who removes  
33 or defaces lawfully placed political advertising including yard signs  
34 or billboards without authorization is guilty of a misdemeanor  
35 (~~(punishable to the same extent as a misdemeanor that is punishable~~

1 under RCW 9A.20.021)). The defacement or removal of each item  
2 constitutes a separate violation.

3 **Subpart 2**  
4 **Voter Registration**

5 **Sec. 4.** RCW 29.07.400 and 1994 c 57 s 24 are each amended to read  
6 as follows:

7 OFFICIALS' VIOLATIONS. ((If any)) A county auditor or registration  
8 assistant who:

9 (1) ~~((Willfully neglects or refuses to perform any duty required by~~  
10 ~~law in connection with the registration of voters))~~ Intentionally fails  
11 to place a voter registration applicant on the voter registration rolls  
12 when required by law; or

13 (2) ~~((Willfully neglects or refuses to perform such duty in the~~  
14 ~~manner required by voter registration law; or~~

15 ~~(3) Enters or causes or permits to be entered on the voter~~  
16 ~~registration records the name of any person in any other manner or at~~  
17 ~~any other time than as prescribed by voter registration law or enters~~  
18 ~~or causes or permits to be entered on such records the name of any~~  
19 ~~person not entitled to be thereon; or~~

20 ~~(4))~~ Places a voter registration applicant on the voter  
21 registration rolls knowing that the rejection of the application for  
22 registration is required by law; or

23 (3) Destroys, mutilates, conceals, changes, or alters any  
24 registration record ~~((in connection therewith))~~ except as authorized by  
25 voter registration law,

26 ~~((he or she))~~ is guilty of a ~~((gross misdemeanor punishable to the same~~  
27 ~~extent as a gross misdemeanor that is))~~ class C felony, punishable  
28 under RCW 9A.20.021.

29 **Sec. 5.** RCW 29.07.410 and 1994 c 57 s 25 are each amended to read  
30 as follows:

31 VOTER VIOLATIONS. Any person who:

32 (1) Knowingly provides false information on an application for  
33 voter registration under any provision of this title;

34 (2) Knowingly makes or attests to a false declaration as to his or  
35 her qualifications as a voter;

1 (3) Knowingly causes or permits himself or herself to be registered  
2 using the name of another person;

3 (4) Knowingly causes himself or herself to be registered under two  
4 or more different names;

5 (~~Knowingly causes himself or herself to be registered in two~~  
6 ~~or more counties~~) Registers to vote without disclosing previous  
7 registration information with the intent of causing himself or herself  
8 to be registered more than once or in more than one location;

9 (6) Offers to pay another person to assist in registering voters,  
10 where payment is based on a fixed amount of money per voter  
11 registration;

12 (7) Accepts payment for assisting in registering voters, where  
13 payment is based on a fixed amount of money per voter registration; or

14 (8) Knowingly causes any person to be registered or causes any  
15 registration to be transferred or canceled except as authorized under  
16 this title,  
17 is guilty of a class C felony, punishable under RCW 9A.20.021.

### 18 Subpart 3

### 19 Petitions and Signatures

20 **Sec. 6.** RCW 29.79.440 and 1993 c 256 s 2 are each amended to read  
21 as follows:

22 VIOLATIONS BY SIGNERS. Every person who knowingly signs an  
23 initiative (~~(or)~~), referendum, recall, or candidate petition with any  
24 other than his or her true name (~~(shall be)~~) is guilty of a class C  
25 felony, punishable under RCW 9A.20.021. Every person who knowingly  
26 signs more than one petition for the same initiative (~~(or)~~), referendum  
27 (measure), recall, or candidate or who signs (~~(an initiative or~~  
28 ~~referendum)~~) any such petition knowing that he or she is not a legal  
29 voter or who makes a false statement as to his or her residence on any  
30 (~~(initiative or referendum)~~) such petition, (~~(shall be)~~) is guilty of  
31 a gross misdemeanor (~~(punishable to the same extent as a gross~~  
32 ~~misdemeanor that is punishable under RCW 9A.20.021)~~).

33 **Sec. 7.** RCW 29.79.490 and 1993 c 256 s 4 are each amended to read  
34 as follows:

1           CORRUPT PRACTICES. Every person (~~shall be~~) is guilty of a gross  
2 misdemeanor who:

3           (1) For any consideration or gratuity or promise thereof, signs or  
4 declines to sign any initiative (~~or~~), referendum, recall, or  
5 candidate petition; or

6           (2) Provides or receives consideration for soliciting or procuring  
7 signatures on an initiative (~~or~~), referendum, recall, or candidate  
8 petition if any part of the consideration is based upon the number of  
9 signatures solicited or procured, or offers to provide or agrees to  
10 receive such consideration any of which is based on the number of  
11 signatures solicited or procured; or

12           (3) Gives or offers any consideration or gratuity to any person to  
13 induce him or her to sign or not to sign (~~or to vote for or against~~  
14 ~~any initiative or referendum measure~~) an initiative, referendum,  
15 recall, or candidate petition; or

16           (4) Interferes with or attempts to interfere with the right of any  
17 voter to sign or not to sign an initiative (~~or~~), referendum, recall,  
18 or candidate petition (~~or with the right to vote for or against an~~  
19 ~~initiative or referendum measure~~) by threats, intimidation, or any  
20 other corrupt means or practice(~~or~~

21           ~~(5) Receives, handles, distributes, pays out, or gives away,~~  
22 ~~directly or indirectly, money or any other thing of value contributed~~  
23 ~~by or received from any person, firm, association, or corporation whose~~  
24 ~~residence or principal office is, or the majority of whose members or~~  
25 ~~stockholders have their residence outside, the state of Washington, for~~  
26 ~~any service rendered for the purpose of aiding in procuring signatures~~  
27 ~~upon any initiative or referendum petition or for the purpose of aiding~~  
28 ~~in the adoption or rejection of any initiative or referendum measure:~~  
29 ~~PROVIDED, That this subsection shall not apply to or prohibit any~~  
30 ~~activity which is properly reported in accordance with the applicable~~  
31 ~~provisions of chapter 42.17 RCW.~~

32           ~~A gross misdemeanor under this section is punishable to the same~~  
33 ~~extent as a gross misdemeanor that is punishable under RCW 9A.20.021).~~

34           **Sec. 8.** RCW 29.79.500 and 1993 c 256 s 1 are each reenacted to  
35 read as follows:

36           PAID PETITION SOLICITORS--FINDING. The legislature finds that  
37 paying a worker, whose task it is to secure the signatures of voters on

1 initiative or referendum petitions, on the basis of the number of  
2 signatures the worker secures on the petitions encourages the  
3 introduction of fraud in the signature gathering process. Such a form  
4 of payment may act as an incentive for the worker to encourage a person  
5 to sign a petition which the person is not qualified to sign or to sign  
6 a petition for a ballot measure even if the person has already signed  
7 a petition for the measure. Such payments also threaten the integrity  
8 of the initiative and referendum process by providing an incentive for  
9 misrepresenting the nature or effect of a ballot measure in securing  
10 petition signatures for the measure.

11 **Subpart 4**

12 **Filing for Office, Declarations, and Nominations**

13 NEW SECTION. **Sec. 9.** FALSE INFORMATION. Every person who:

14 (1) Knowingly provides false information on his or her declaration  
15 of candidacy or petition of nomination;

16 (2) Files a declaration of candidacy or petition of nomination on  
17 behalf of a fictitious person; or

18 (3) Conceals, defaces, or destroys a certificate that has been  
19 filed with an elections officer under chapter 29.24 RCW or a  
20 declaration of candidacy or petition of nomination that has been filed  
21 with an elections officer, or any part of such a certificate,  
22 declaration, or petition with the intent to mislead or provide false  
23 information to others,

24 is guilty of a class C felony, punishable under RCW 9A.20.021.

25 **Subpart 5**

26 **Ballots**

27 **Sec. 10.** RCW 29.85.040 and 1991 c 81 s 3 are each amended to read  
28 as follows:

29 UNLAWFUL APPROPRIATION, PRINTING, OR DISTRIBUTION. Any person who  
30 is retained or employed by any officer authorized by the laws of this  
31 state to procure the printing of any official ballot or who is engaged  
32 in printing official ballots is guilty of a gross misdemeanor if the  
33 person knowingly:

34 (1) Appropriates any official ballot to himself or herself; or

1 (2) Gives or delivers any official ballot to or permits any  
2 official ballot to be taken by any person (~~((other than the))~~) knowing  
3 that the person is not an officer authorized by law to receive it; or

4 (3) Prints or causes to be printed or otherwise prepared any  
5 official ballot: (a) In (~~((any other form than that prescribed by law~~  
6 ~~or as directed by the officer authorized to procure the printing~~  
7 ~~thereof; or (b) with any other names thereon or with the names spelled~~  
8 ~~otherwise than as directed by such officer, or the names or printing~~  
9 ~~thereon arranged in any other way than that authorized and directed by~~  
10 ~~law))~~ which the name of a candidate, ballot title, or instruction to  
11 voters is altered, omitted, supplemented, or otherwise differs from the  
12 manner prescribed by law or as certified; (b) arranged differently than  
13 the manner prescribed by law or as certified; or (c) otherwise altered  
14 in form or substance from the manner prescribed by law or as certified.

15 (~~(A gross misdemeanor under this section is punishable to the same~~  
16 ~~extent as a gross misdemeanor that is punishable under RCW 9A.20.021.))~~)

17 **Sec. 11.** RCW 29.85.020 and 1991 c 81 s 2 are each amended to read  
18 as follows:

19 UNAUTHORIZED EXAMINATIONS OF BALLOTS, ELECTION MATERIALS--REVEALING  
20 INFORMATION. (1) It is a gross misdemeanor for a person to examine, or  
21 assist another to examine, any voter record, ballot, or any other state  
22 or local government official election material if the person, without  
23 lawful authority, conducts the examination:

24 (a) (~~((For the purpose))~~) With the intent of identifying the name of  
25 a voter and how the voter voted; or

26 (b) (~~((For the purpose))~~) With the intent of determining how a voter,  
27 whose name is known to the person, voted; or

28 (c) (~~((For the purpose))~~) With the intent of identifying the name of  
29 the voter who voted in a manner known to the person.

30 (2) Any person who knowingly reveals to another information  
31 (~~((which))~~) that the person ascertained in violation of subsection (1) of  
32 this section is guilty of a gross misdemeanor.

33 (3) (~~(A gross misdemeanor under this section is punishable to the~~  
34 ~~same extent as a gross misdemeanor that is punishable under RCW~~  
35 ~~9A.20.021.))~~ Consent by the voter for that person to see his or her  
36 ballot or know his or her vote is a defense.









1       **Sec. 21.** RCW 29.85.210 and 1991 c 81 s 13 are each amended to read  
2 as follows:

3       REPEATERS. Any person who knowingly votes or attempts to vote more  
4 than once at any primary or general or special election is guilty of a  
5 gross misdemeanor(~~(, punishable to the same extent as a gross~~  
6 ~~misdemeanor that is punishable under RCW 9A.20.021))~~).

7       **Sec. 22.** RCW 29.85.220 and 1991 c 81 s 14 are each amended to read  
8 as follows:

9       REPEATERS--UNQUALIFIED PERSONS--OFFICERS CONNIVING WITH. Any  
10 precinct election officer who knowingly permits any voter to cast a  
11 second vote at any primary or general or special election, or knowingly  
12 permits any person not a qualified voter to vote at any primary or  
13 general or special election, is guilty of a class C felony, punishable  
14 under RCW 9A.20.021.

15       **Sec. 23.** RCW 29.85.240 and 1991 c 81 s 17 are each amended to read  
16 as follows:

17       UNQUALIFIED PERSONS VOTING. Any person who knows that he or she  
18 does not possess the legal qualifications of a voter and who votes at  
19 any primary or special or general election authorized by law to be held  
20 in this state for any office whatever (~~(shall be))~~ is guilty of a class  
21 C felony, punishable under RCW 9A.20.021.

22       **Sec. 24.** RCW 29.51.215 and 1981 c 34 s 2 are each amended to read  
23 as follows:

24       DISABLED VOTERS. Any person violating any provision of RCW  
25 29.51.200(~~(, as now or hereafter amended, shall))~~ will be punished as  
26 for a misdemeanor.

27       **Sec. 25.** RCW 29.36.370 and 2001 c 241 s 14 are each amended to  
28 read as follows:

29       PROVIDING FALSE INFORMATION. A person who (~~(willfully violates any~~  
30 ~~provision of this chapter regarding the assertion or declaration of~~  
31 ~~qualifications to receive or cast an absentee ballot or unlawfully~~  
32 ~~casts a vote by absentee)) knowingly provides false information in  
33 order to obtain or vote a ballot is guilty of a class C felony,~~

1 punishable under RCW 9A.20.021. (~~Except as provided in chapter 29.85~~  
2 ~~RCW a person who willfully violates any other provision of this chapter~~  
3 ~~is guilty of a misdemeanor.~~)

4 **Subpart 8**

5 **Canvassing and Certifying Primaries and Elections**

6 **Sec. 26.** RCW 29.85.100 and 1991 c 81 s 8 are each amended to read  
7 as follows:

8 CERTIFICATES OF NOMINATION AND ELECTION. Every person is guilty of  
9 a class C felony, punishable under RCW 9A.20.021, who:

10 (1) Knowingly and falsely issues a certificate of nomination or  
11 election; or

12 (2) Knowingly provides false information on a certificate (~~which~~)  
13 that must be filed with an elections officer under chapter 29.24 RCW(~~+~~  
14 ~~or~~

15 ~~(3) Knowingly provides false information on his or her declaration~~  
16 ~~of candidacy or petition of nomination; or~~

17 ~~(4) Conceals or fraudulently defaces or destroys a certificate~~  
18 ~~which has been filed with an elections officer under chapter 29.24 RCW~~  
19 ~~or a declaration of candidacy or petition of nomination which has been~~  
20 ~~filed with an elections officer, or any part of such a certificate,~~  
21 ~~declaration, or petition, is guilty of a class C felony punishable~~  
22 ~~under RCW 9A.20.021)).~~

23 **Sec. 27.** RCW 29.85.225 and 1991 c 81 s 15 are each amended to read  
24 as follows:

25 DIVULGING BALLOT COUNT. (1) In any location in which ballots are  
26 counted, no person authorized by law to be present while votes are  
27 being counted may knowingly divulge any results of the count of the  
28 ballots at any time prior to the closing of the polls for that primary  
29 or special or general election.

30 (2) A violation of this section is a gross misdemeanor (~~punishable~~  
31 ~~to the same extent as a gross misdemeanor that is punishable under RCW~~  
32 ~~9A.20.021)).~~

33 NEW SECTION. **Sec. 28.** The following acts or parts of acts are  
34 each repealed:

- 1 (1) RCW 29.07.405 (Disenfranchisement or discrimination--Penalty)
- 2 and 2001 c 41 s 2;
- 3 (2) RCW 29.15.080 (Petitions--Penalties for improperly signing) and
- 4 1984 c 142 s 8;
- 5 (3) RCW 29.15.100 (Duplication of, use of nonexistent or untrue
- 6 names, as felony) and 1965 c 9 s 29.18.070;
- 7 (4) RCW 29.15.110 (Duplication of names--Conspiracy--Criminal and
- 8 civil liability) and 1965 c 9 s 29.18.080;
- 9 (5) RCW 29.38.070 (Penalty) and 2001 c 241 s 21;
- 10 (6) RCW 29.51.030 (Electioneering by election officers forbidden--
- 11 Penalty) and 1965 c 9 s 29.51.030;
- 12 (7) RCW 29.51.230 (Unlawful acts by voters--Penalty) and 1965 c 9
- 13 s 29.51.230;
- 14 (8) RCW 29.79.170 (Petitions--Review--Appellate review of superior
- 15 court's refusal to issue mandate) and 1988 c 202 s 28 & 1965 c 9 s
- 16 29.79.170;
- 17 (9) RCW 29.79.480 (Violations by officers) and 1993 c 256 s 3 &
- 18 1965 c 9 s 29.79.480;
- 19 (10) RCW 29.82.170 (Violations by signers--Officers) and 1984 c 170
- 20 s 11 & 1965 c 9 s 29.82.170;
- 21 (11) RCW 29.82.210 (Violations by officers) and 1965 c 9 s
- 22 29.82.210;
- 23 (12) RCW 29.82.220 (Violations--Corrupt practices) and 1984 c 170
- 24 s 12 & 1965 c 9 s 29.82.220;
- 25 (13) RCW 29.85.010 (Ballots--Removing from polling place) and 1991
- 26 c 81 s 1 & 1965 c 9 s 29.85.010;
- 27 (14) RCW 29.85.051 (Deceptive, incorrect vote recording) and 1991
- 28 c 81 s 4;
- 29 (15) RCW 29.85.230 (Returns and posted copy of results--Tampering
- 30 with) and 1991 c 81 s 16 & 1965 c 9 s 29.85.230; and
- 31 (16) RCW 29.85.249 (Unqualified registration) and 2001 c 41 s 13.

32 NEW SECTION. **Sec. 29.** Subpart headings and section captions used  
33 in this act are not part of the law.

34 NEW SECTION. **Sec. 30.** The following sections are codified or  
35 recodified in the order in which they appear in this act as a new  
36 chapter of Title 29 or 29A RCW, as appropriate: RCW 29.85.170,

1 29.85.245, 29.85.275, 29.07.400, 29.07.410, 29.79.440, 29.79.490,  
2 29.79.500, section 9 of this act, RCW 29.85.040, 29.85.020, section 12  
3 of this act, RCW 29.51.020, 29.51.221, 29.85.110, 29.85.260, section 17  
4 of this act, RCW 29.85.060, 29.85.070, 29.85.090, 29.85.210, 29.85.220,  
5 29.85.240, 29.51.215, 29.36.370, 29.85.100, and 29.85.225.

6 NEW SECTION. **Sec. 31.** If .... Bill No. .... (Z-0168/03) becomes  
7 law, this act supersedes sections 2201 through 2239 of .... Bill No.  
8 .... (Z-0168/03), which sections will become null and void.

9 NEW SECTION. **Sec. 32.** This act takes effect July 1, 2004.

--- END ---