
SENATE BILL 6418

State of Washington

58th Legislature

2004 Regular Session

By Senators Roach and Kastama; by request of Secretary of State

Read first time 01/20/2004. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to election-related crimes; amending RCW
2 29A.84.720, 29A.84.040, 29A.84.110, 29A.84.130, 29A.84.250, 29A.84.310,
3 29A.84.410, 29A.84.420, 29A.84.510, 29A.84.530, 29A.84.550, 29A.84.560,
4 29A.84.620, 29A.84.630, 29A.84.640, 29A.84.650, 29A.84.655, 29A.84.660,
5 29A.84.710, and 29A.84.730; reenacting and amending RCW 29A.84.230 and
6 29A.84.680; adding new sections to chapter 29A.84 RCW; creating a new
7 section; recodifying RCW 29A.84.720; repealing RCW 29A.84.020,
8 29A.84.030, 29A.84.120, 29A.84.140, 29A.84.210, 29A.84.220, 29A.84.240,
9 29A.84.260, 29A.84.270, 29A.84.320, 29A.84.520, 29A.84.540, 29A.84.610,
10 29A.84.670, and 29A.84.740; prescribing penalties; and providing an
11 effective date.

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

13 PART I

14 GENERAL PROVISIONS

15 **Sec. 1.** RCW 29A.84.720 and 2003 c 111 s 2138 are each amended to
16 read as follows:

17 Except as otherwise provided by law, every person charged with the
18 performance of any duty under the provisions of any law of this state

1 relating to elections, including primaries, or the provisions of any
2 charter or ordinance of any county, city, or town of this state
3 relating to elections who (~~((willfully neglects or refuses to perform~~
4 ~~such duty, or who, in the performance of such duty, or in his or her~~
5 ~~official capacity,))~~ knowingly (~~(or fraudulently)~~) violates any of the
6 provisions of law relating to such duty, is guilty of a class C felony,
7 punishable under RCW 9A.20.021, and shall forfeit his or her office.

8 **Sec. 2.** RCW 29A.84.040 and 2003 c 111 s 2104 are each amended to
9 read as follows:

10 A person who removes or defaces lawfully placed political
11 advertising including yard signs or billboards without authorization is
12 guilty of a misdemeanor (~~((punishable to the same extent as a~~
13 ~~misdemeanor that is punishable under RCW 9A.20.021))~~). The defacement
14 or removal of each item constitutes a separate violation.

15 **PART II**
16 **REGISTRATION**

17 **Sec. 3.** RCW 29A.84.110 and 2003 c 111 s 2105 are each amended to
18 read as follows:

- 19 (~~(If any)~~) A county auditor or registration assistant who:
20 (1) (~~((Willfully neglects or refuses to perform any duty required by~~
21 ~~law in connection with the registration of voters))~~) Intentionally fails
22 to place a voter registration applicant on the voter registration rolls
23 when required by law; or
24 (2) (~~((Willfully neglects or refuses to perform such duty in the~~
25 ~~manner required by voter registration law; or~~
26 (3) ~~Enters or causes or permits to be entered on the voter~~
27 ~~registration records the name of any person in any other manner or at~~
28 ~~any other time than as prescribed by voter registration law or enters~~
29 ~~or causes or permits to be entered on such records the name of any~~
30 ~~person not entitled to be thereon; or~~
31 (4)) Places a voter registration applicant on the voter
32 registration rolls knowing that the rejection of the application for
33 registration is required by law; or
34 (3) Destroys, mutilates, conceals, changes, or alters any

1 registration record (~~(in connection therewith)~~) except as authorized by
2 voter registration law,
3 (~~he or she~~) is guilty of a (~~gross misdemeanor punishable to the same~~
4 ~~extent as a gross misdemeanor that is~~) class C felony, punishable
5 under RCW 9A.20.021.

6 **Sec. 4.** RCW 29A.84.130 and 2003 c 111 s 2107 are each amended to
7 read as follows:

8 Any person who:

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

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

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

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

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

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

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

26 (8) Knowingly causes any person to be registered or causes any
27 registration to be transferred or canceled except as authorized under
28 this title,

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

30 PART III

31 PETITIONS AND SIGNATURES

32 **Sec. 5.** RCW 29A.84.230 and 2003 c 111 s 2111 and 2003 c 53 s 182
33 are each reenacted and amended to read as follows:

34 (1) Every person who knowingly signs an initiative (~~or~~),

1 referendum, recall, or candidate petition with any other than his or
2 her true name is guilty of a class C felony, punishable under RCW
3 9A.20.021.

4 (2) Every person who knowingly signs more than one petition for the
5 same initiative (~~((or))~~), referendum ((measure)), recall, or candidate or
6 who signs (~~(an initiative or referendum)~~) any such petition knowing
7 that he or she is not a legal voter or who makes a false statement as
8 to his or her residence on any (~~(initiative or referendum)~~) such
9 petition, is guilty of a gross misdemeanor.

10 **Sec. 6.** RCW 29A.84.250 and 2003 c 111 s 2113 are each amended to
11 read as follows:

12 Every person is guilty of a gross misdemeanor who:

13 (1) For any consideration or gratuity or promise thereof, signs or
14 declines to sign any initiative (~~((or))~~), referendum, recall, or
15 candidate petition; or

16 (2) Provides or receives consideration for soliciting or procuring
17 signatures on an initiative (~~((or))~~), referendum, recall, or candidate
18 petition if any part of the consideration is based upon the number of
19 signatures solicited or procured, or offers to provide or agrees to
20 receive such consideration any of which is based on the number of
21 signatures solicited or procured; or

22 (3) Gives or offers any consideration or gratuity to any person to
23 induce him or her to sign or not to sign (~~((or to vote for or against~~
24 ~~any initiative or referendum measure))~~) an initiative, referendum,
25 recall, or candidate petition; or

26 (4) Interferes with or attempts to interfere with the right of any
27 voter to sign or not to sign an initiative (~~((or))~~), referendum, recall,
28 or candidate petition (~~((or with the right to vote for or against an~~
29 ~~initiative or referendum measure))~~) by threats, intimidation, or any
30 other corrupt means or practice(~~((or~~

31 ~~(5) Receives, handles, distributes, pays out, or gives away,~~
32 ~~directly or indirectly, money or any other thing of value contributed~~
33 ~~by or received from any person, firm, association, or corporation whose~~
34 ~~residence or principal office is, or the majority of whose members or~~
35 ~~stockholders have their residence outside, the state of Washington, for~~
36 ~~any service rendered for the purpose of aiding in procuring signatures~~
37 ~~upon any initiative or referendum petition or for the purpose of aiding~~

1 ~~in the adoption or rejection of any initiative or referendum measure.~~
2 ~~This subsection does not apply to or prohibit any activity that is~~
3 ~~properly reported in accordance with the applicable provisions of~~
4 ~~chapter 42.17 RCW.~~

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

7 **PART IV**
8 **FILING FOR OFFICE, DECLARATIONS, AND NOMINATIONS**

9 **Sec. 7.** RCW 29A.84.310 and 2003 c 111 s 2117 are each amended to
10 read as follows:

- 11 Every person who:
- 12 (1) Knowingly provides false information on his or her declaration
 - 13 of candidacy or petition of nomination; or
 - 14 (2) Files a declaration of candidacy or petition of nomination on
 - 15 behalf of a fictitious person; or
 - 16 (3) Conceals or fraudulently defaces or destroys a certificate that
 - 17 has been filed with an elections officer under RCW 29A.20.110 through
 - 18 29A.20.200 or a declaration of candidacy or petition of nomination that
 - 19 has been filed with an elections officer, or any part of such a
 - 20 certificate, declaration, or petition, is guilty of a class C felony,
 - 21 punishable under RCW 9A.20.021.

22 **PART V**
23 **BALLOTS**

24 **Sec. 8.** RCW 29A.84.410 and 2003 c 111 s 2119 are each amended to
25 read as follows:

- 26 Any person who is retained or employed by any officer authorized by
27 the laws of this state to procure the printing of any official ballot
28 or who is engaged in printing official ballots is guilty of a gross
29 misdemeanor if the person knowingly:
- 30 (1) Appropriates any official ballot to himself or herself; or
 - 31 (2) Gives or delivers any official ballot to or permits any
 - 32 official ballot to be taken by any person (~~other than the~~), knowing
 - 33 that the person is not an officer authorized by law to receive it; or

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

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

14 **Sec. 9.** RCW 29A.84.420 and 2003 c 111 s 2120 are each amended to
15 read as follows:

16 (1) It is a gross misdemeanor for a person to examine, or assist
17 another to examine, any voter record, ballot, or any other state or
18 local government official election material if the person, without
19 lawful authority, conducts the examination:

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

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

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

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

29 (3) (~~A gross misdemeanor under this section is punishable to the~~
30 ~~same extent as a gross misdemeanor that is punishable under RCW~~
31 ~~9A.20.021~~) Consent by the voter for that person to see his or her
32 ballot or know his or her vote is a defense.

33 NEW SECTION. **Sec. 10.** A new section is added to chapter 29A.84
34 RCW to read as follows:

35 **BALLOT INTERFERENCE.** A person who receives possession of a voted
36 ballot with the intent to destroy or alter the ballot, prevent its

1 delivery to a proper election official, or deliver it to a person other
2 than a proper election official is guilty of a class C felony,
3 punishable under RCW 9A.20.021.

4 **PART VI**
5 **POLLING PLACE**

6 **Sec. 11.** RCW 29A.84.510 and 2003 c 111 s 2121 are each amended to
7 read as follows:

8 (1) On the day of any primary or general or special election, (~~no~~
9 ~~person may,~~) a person who knowingly commits any of the following acts
10 within a polling place(,) or in any public area within three hundred
11 feet of any entrance to such polling place is guilty of a gross
12 misdemeanor:

13 (a) Suggests or persuades (~~(or attempt to suggest or persuade)~~) any
14 voter to vote for or against any candidate or ballot measure, whether
15 verbally or through the use of printed material or other medium;

16 (b) (~~Circulate cards or handbills of any kind;~~
17 ~~(c)~~) Solicits signatures to any kind of petition; or

18 (~~(d)~~) (c) Engages in any practice (~~(which)~~) that interferes with
19 the freedom of voters to exercise their franchise or disrupts the
20 administration of the polling place.

21 (2) (~~No~~) A person (~~(may)~~) who knowingly obstructs the doors or
22 entries to a building in which a polling place is located or prevent
23 free access to and from any polling place is guilty of a gross
24 misdemeanor. (~~(Any sheriff, deputy sheriff, or municipal law~~
25 ~~enforcement officer shall prevent such obstruction, and may arrest any~~
26 ~~person creating such obstruction.~~

27 ~~(3) No person may:~~

28 ~~(a) Except as provided in RCW 29A.44.050, remove any ballot from~~
29 ~~the polling place before the closing of the polls; or~~

30 ~~(b) Solicit any voter to show his or her ballot.~~

31 ~~(4) No person other than an inspector or judge of election may~~
32 ~~receive from any voter a voted ballot or deliver a blank ballot to such~~
33 ~~elector.~~

34 ~~(5) Any violation of this section is a gross misdemeanor,~~
35 ~~punishable to the same extent as a gross misdemeanor that is punishable~~

1 under RCW 9A.20.021, and the person convicted may be ordered to pay the
2 costs of prosecution.))

3 **Sec. 12.** RCW 29A.84.530 and 2003 c 111 s 2123 are each amended to
4 read as follows:

5 Deliberately impeding other voters from casting their votes by
6 refusing to leave a voting booth or voting device is a misdemeanor
7 ((and is subject to the penalties provided in chapter 9A.20 RCW)). The
8 precinct election officers may provide assistance in the manner
9 provided by RCW 29A.44.240 to any voter who requests it.

10 **Sec. 13.** RCW 29A.84.550 and 2003 c 111 s 2125 are each amended to
11 read as follows:

12 Any person who willfully defaces, removes, or destroys any of the
13 supplies or materials that the person knows are intended both for use
14 in a polling place and for enabling a voter to prepare his or her
15 ballot is guilty of a class C felony, punishable under RCW 9A.20.021.

16 **Sec. 14.** RCW 29A.84.560 and 2003 c 111 s 2126 are each amended to
17 read as follows:

18 (1) Any person who ((tampers with or)) damages ((or)), attempts to
19 damage, or tampers or interferes with any voting ((machine or device to
20 be used or being used in a primary or special or general election, or
21 who prevents or attempts to prevent the correct operation of such
22 machine or device, or any unauthorized person who makes or has in his
23 or her possession a key to a voting machine or device to be used or
24 being)) system, device, or tallying system by electronic or any other
25 means knowing that it is or will be used in a primary or special or
26 general election((r)) is guilty of a class C felony, punishable under
27 RCW 9A.20.021.

28 (2) Any person who records, or causes to be recorded, the vote of
29 any voter in a manner other than as designated by the voter, by
30 electronic or any other means is guilty of a class C felony, punishable
31 under RCW 9A.20.021.

32 NEW SECTION. **Sec. 15.** A new section is added to chapter 29A.84
33 RCW to read as follows:

34 **PREVENTING VOTING.** A person who knowingly prevents another voter

1 from casting a vote or casting a vote in the manner desired by the
2 voter, whether in the polling place or otherwise, other than as
3 provided in RCW 29A.84.530, is guilty of a class C felony, punishable
4 under RCW 9A.20.021.

5 **Sec. 16.** RCW 29A.84.620 and 2003 c 111 s 2128 are each amended to
6 read as follows:

7 Any person who (~~uses menace, force, threat, or any unlawful means~~
8 ~~towards any voter to hinder or deter such a voter from voting, or~~)
9 directly or indirectly offers any bribe, reward, or any thing of value
10 to a voter in exchange for the voter's vote for or against any person
11 or ballot measure, or (~~authorizes any person to do so~~) in exchange
12 for the voter declining to vote, is guilty of a class C felony,
13 punishable under RCW 9A.20.021.

14 **Sec. 17.** RCW 29A.84.630 and 2003 c 111 s 2129 are each amended to
15 read as follows:

16 Any person who in any way, directly or indirectly, (~~by menace or~~
17 ~~unlawful means, attempts to influence any person in refusing to give~~)
18 persuades or attempts to persuade, other than by offer of a bribe,
19 reward, or thing of value, a voter against casting his or her vote in
20 any primary or special or general election is guilty of a gross
21 misdemeanor (~~punishable to the same extent as a gross misdemeanor that~~
22 ~~is punishable under RCW 9A.20.021~~)).

23 **Sec. 18.** RCW 29A.84.640 and 2003 c 111 s 2130 are each amended to
24 read as follows:

25 Any person who solicits, requests, or demands, directly or
26 indirectly, any reward or thing of value or the promise thereof in
27 exchange for his or her vote or in exchange for the vote of any other
28 person for or against any candidate or for or against any ballot
29 measure to be voted upon at a primary or special or general election is
30 guilty of a gross misdemeanor (~~punishable to the same extent as a~~
31 ~~gross misdemeanor that is punishable under RCW 9A.20.021~~)).

32 **Sec. 19.** RCW 29A.84.650 and 2003 c 111 s 2131 are each amended to
33 read as follows:

34 Any person who knowingly votes or attempts to vote more than once

1 at any primary or general or special election is guilty of a gross
2 misdemeanor(~~(, punishable to the same extent as a gross misdemeanor~~
3 ~~that is punishable under RCW 9A.20.021)~~)).

4 **Sec. 20.** RCW 29A.84.655 and 2003 c 111 s 2132 are each amended to
5 read as follows:

6 Any precinct election officer who knowingly permits any voter to
7 cast a second vote at any primary or general or special election, or
8 knowingly permits any person not a qualified voter to vote at any
9 primary or general or special election, is guilty of a class C felony,
10 punishable under RCW 9A.20.021.

11 **Sec. 21.** RCW 29A.84.660 and 2003 c 111 s 2133 are each amended to
12 read as follows:

13 Any person who knows that he or she does not possess the legal
14 qualifications of a voter and who votes at any primary or special or
15 general election authorized by law to be held in this state for any
16 office whatever is guilty of a class C felony,
17 punishable under RCW 9A.20.021.

18 **Sec. 22.** RCW 29A.84.680 and 2003 c 111 s 2136 and 2003 c 53 s 179
19 are each reenacted and amended to read as follows:

20 (1) A person who (~~willfully violates any provision of chapter~~
21 ~~29A.40 RCW regarding the assertion or declaration of qualifications to~~
22 ~~receive or cast an absentee ballot or unlawfully casts a vote by~~
23 ~~absentee~~) knowingly provides false information in order to obtain or
24 vote a ballot is guilty of a class C felony,
25 punishable under RCW 9A.20.021.

26 (2) Except as provided in this chapter, a person who willfully
27 violates any other provision of chapter 29A.40 RCW is guilty of a
28 misdemeanor.

29 **PART VII**
30 **CANVASSING AND CERTIFYING**

31 **Sec. 23.** RCW 29A.84.710 and 2003 c 111 s 2137 are each amended to
32 read as follows:

1 Every person is guilty of a class C felony, punishable under RCW
2 9A.20.021, who:

3 (1) Knowingly and falsely issues a certificate of nomination or
4 election; or

5 (2) Knowingly provides false information on a certificate (~~(which)~~)
6 that must be filed with an elections officer under RCW 29A.20.110
7 through 29A.20.200(~~(, is guilty of a class C felony punishable under~~
8 ~~RCW 9A.20.021)~~)).

9 **Sec. 24.** RCW 29A.84.730 and 2003 c 111 s 2139 are each amended to
10 read as follows:

11 (1) In any location in which ballots are counted, no person
12 authorized by law to be present while votes are being counted may
13 divulge any results of the count of the ballots at any time prior to
14 the closing of the polls for that primary or special or general
15 election.

16 (2) A violation of this section is a gross misdemeanor (~~(punishable~~
17 ~~to the same extent as a gross misdemeanor that is punishable under RCW~~
18 ~~9A.20.021)~~)).

19 NEW SECTION. **Sec. 25.** A new section is added to chapter 29A.84
20 RCW to read as follows:

21 A person is guilty of a gross misdemeanor who knowingly:

22 (1) Tamper with or impedes the use of any form of electronic
23 voting or vote recording system; or

24 (2) Tamper with or impedes access to a vote reporting or election
25 results reporting system.

26 NEW SECTION. **Sec. 26.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 29A.84.020 (Violations by officers) and 2003 c 111 s 2102
29 & 1965 c 9 s 29.82.210;

30 (2) RCW 29A.84.030 (Penalty) and 2003 c 111 s 2103 & 2001 c 241 s
31 21;

32 (3) RCW 29A.84.120 (Disenfranchisement or discrimination) and 2003
33 c 111 s 2106;

34 (4) RCW 29A.84.140 (Unqualified registration) and 2003 c 111 s
35 2108;

- 1 (5) RCW 29A.84.210 (Violations by officers) and 2003 c 111 s 2109,
2 1993 c 256 s 3, & 1965 c 9 s 29.79.480;
- 3 (6) RCW 29A.84.220 (Violations--Corrupt practices) and 2003 c 111
4 s 2110, 1984 c 170 s 12, & 1965 c 9 s 29.82.220;
- 5 (7) RCW 29A.84.240 (Violations by signers, officers--Penalty) and
6 2003 c 111 s 2112, 2003 c 53 s 183, 1984 c 170 s 11, & 1965 c 9 s
7 29.82.170;
- 8 (8) RCW 29A.84.260 (Petitions--Improperly signing) and 2003 c 111
9 s 2114;
- 10 (9) RCW 29A.84.270 (Duplication of names--Conspiracy--Criminal and
11 civil liability) and 2003 c 111 s 2115, 2003 c 53 s 178, & 1965 c 9 s
12 29.18.080;
- 13 (10) RCW 29A.84.320 (Duplicate, nonexistent, untrue names--Penalty)
14 and 2003 c 111 s 2118, 2003 c 53 s 177, & 1965 c 9 s 29.18.070;
- 15 (11) RCW 29A.84.520 (Electioneering by election officers forbidden)
16 and 2003 c 111 s 2122 & 1965 c 9 s 29.51.030;
- 17 (12) RCW 29A.84.540 (Ballots--Removing from polling place) and 2003
18 c 111 s 2124;
- 19 (13) RCW 29A.84.610 (Deceptive, incorrect vote recording) and 2003
20 c 111 s 2127;
- 21 (14) RCW 29A.84.670 (Unlawful acts by voters--Penalty) and 2003 c
22 111 s 2134, 2003 c 53 s 181, & 1965 c 9 s 29.51.230; and
- 23 (15) RCW 29A.84.740 (Returns and posted copy of results--Tampering
24 with) and 2003 c 111 s 2140.

25 NEW SECTION. **Sec. 27.** RCW 29A.84.720, as amended by section 1 of
26 this act, is recodified as the first section in chapter 29A.84 RCW.

27 NEW SECTION. **Sec. 28.** The current subchapter heading of "VOTING"
28 in chapter 29A.84 RCW is eliminated. Part headings and captions in
29 this act are not part of the law.

30 NEW SECTION. **Sec. 29.** This act takes effect July 1, 2004.

--- END ---