
SENATE BILL 5727

State of Washington

61st Legislature

2009 Regular Session

By Senators McDermott, Oemig, Fairley, Sheldon, Shin, and Roach

Read first time 01/29/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to providing false information to voters; adding a
2 new section to chapter 29A.84 RCW; creating a new section; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the right to vote
6 is part of the foundation of representative democracy. The legislature
7 finds that efforts to mislead voters with false information regarding
8 the date or location of an election have risen in recent years.
9 Practices that were once limited to other states have now begun
10 occurring in Washington. Efforts to disseminate false information are
11 often conducted on a broad scale affecting many voters. When an action
12 to mislead a voter occurs shortly before an election, the likelihood
13 that a voter will fail to vote rises significantly. The legislature
14 finds that persons, entities, organizations, or others who disseminate
15 such false information should be held accountable for their
16 interference with the democratic process.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.84 RCW
18 to read as follows:

1 (1) A person is guilty of a gross misdemeanor who, within the
2 fifteen days preceding any special, primary, or general election,
3 knowingly provides false information to a registered voter regarding
4 the date of an election, the voter's poll site location, or the date by
5 which an absentee ballot must be mailed in order for the ballot to be
6 validly counted.

7 (2) A person who is injured by a violation of this chapter may
8 bring a civil action in the superior court in the county in which the
9 person resides to enjoin further violations, and to seek up to one
10 thousand dollars per violation, or actual damages, whichever is
11 greater.

12 (3) In an action under subsection (2) of this section, a court may
13 increase the damages up to ten times the damages allowed by subsection
14 (2) of this section if the defendant has engaged in a pattern and
15 practice of violating this section. The court shall award costs and
16 reasonable attorneys' fees to a prevailing party.

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