
HOUSE BILL 2563

State of Washington

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By Representatives H. Sommers, Ogden, Valle, Poulsen, Jacobsen, Basich, Grant, Linville, Chappell, Rust, Wolfe, Chopp, Scheuerman, Murray and Quall

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1 AN ACT Relating to voter petition fraud; amending RCW 29.79.440,
2 29.79.490, and 29.82.220; reenacting and amending RCW 9A.82.010; adding
3 a new section to chapter 29.85 RCW; recodifying RCW 29.79.440;
4 repealing RCW 9.44.080 and 29.82.170; and prescribing penalties.

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

6 **Sec. 1.** RCW 29.79.440 and 1993 c 256 s 2 are each amended to read
7 as follows:

8 ~~((Every person who signs an initiative or referendum petition with
9 any other than his or her true name shall be guilty of a class C felony
10 punishable under RCW 9A.20.021. Every person who knowingly signs more
11 than one petition for the same initiative or referendum measure or who
12 signs an initiative or referendum petition knowing that he or she is
13 not a legal voter or who makes a false statement as to his or her
14 residence on any initiative or referendum petition, shall be guilty of
15 a gross misdemeanor punishable to the same extent as a gross
16 misdemeanor that is punishable under RCW 9A.20.021.)) (1) A person is
17 guilty of voter petition fraud in the first degree if he or she:~~

1 (a) Signs a voters' petition with any other than his or her true
2 name or with knowledge that he or she is not eligible to sign the
3 voters' petition;

4 (b) Knowingly signs a voters' petition or petitions for the same
5 measure more than once;

6 (c) Solicits signatures, or aids in the solicitation of signatures,
7 on voters' petitions that are filed, with knowledge that the petitions
8 contain one or more false or wrongful signatures; or

9 (d) Files voters' petitions with knowledge that the petitions
10 contain one or more false or wrongful signatures.

11 Voter petition fraud in the first degree is a class C felony
12 punishable under RCW 9A.20.021.

13 (2) A person is guilty of voter petition fraud in the second degree
14 if he or she:

15 (a) Signs or refuses to sign his or her own name or withdraws his
16 or her own name for any consideration, gratuity, or reward; or

17 (b) Makes a false statement as to his or her residence, age,
18 citizenship, or other qualifications on any voters' petition.

19 Voters' signature fraud in the second degree is a gross misdemeanor
20 punishable under RCW 9A.20.021.

21 (3) As used in this section, "voters' petition" means:

22 (a) A state initiative or referendum petition under chapter 29.79
23 RCW;

24 (b) A city or county initiative petition under chapter 35.17,
25 35.22, or 35A.11 RCW, a city or county charter, or other provision of
26 law;

27 (c) A recall petition under chapter 29.82 RCW; or

28 (d) Any other petition circulated for voter signature in pursuance
29 of any constitutional provision, statute, charter, or ordinance.

30 **Sec. 2.** RCW 29.79.490 and 1993 c 256 s 4 are each amended to read
31 as follows:

32 Every person shall be guilty of a gross misdemeanor who:

33 (1) (~~For any consideration or gratuity or promise thereof, signs~~
34 ~~or declines to sign any initiative or referendum petition; or~~

35 (2)) Provides or receives consideration for soliciting or
36 procuring signatures on an initiative or referendum petition if any
37 part of the consideration is based upon the number of signatures
38 solicited or procured, or offers to provide or agrees to receive such

1 consideration any of which is based on the number of signatures
2 solicited or procured; or

3 ~~((+3))~~ (2) Gives or offers any consideration or gratuity to any
4 person to induce him or her to sign or not to sign or to vote for or
5 against any initiative or referendum measure; or

6 ~~((+4))~~ (3) Interferes with or attempts to interfere with the right
7 of any voter to sign or not to sign an initiative or referendum
8 petition or with the right to vote for or against an initiative or
9 referendum measure by threats, intimidation, or any other corrupt means
10 or practice; or

11 ~~((+5))~~ (4) Receives, handles, distributes, pays out, or gives
12 away, directly or indirectly, money or any other thing of value
13 contributed by or received from any person, firm, association, or
14 corporation whose residence or principal office is, or the majority of
15 whose members or stockholders have their residence outside, the state
16 of Washington, for any service rendered for the purpose of aiding in
17 procuring signatures upon any initiative or referendum petition or for
18 the purpose of aiding in the adoption or rejection of any initiative or
19 referendum measure: PROVIDED, That this subsection shall not apply to
20 or prohibit any activity which is properly reported in accordance with
21 the applicable provisions of chapter 42.17 RCW.

22 A gross misdemeanor under this section is punishable to the same
23 extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

24 **Sec. 3.** RCW 29.82.220 and 1984 c 170 s 12 are each amended to read
25 as follows:

26 Every person is guilty of a gross misdemeanor, who:

27 (1) ~~((For any consideration, compensation, gratuity, reward, or
28 thing of value or promise thereof, signs or declines to sign any recall
29 petition; or~~

30 ~~(+2))~~ Advertises in any newspaper, magazine or other periodical
31 publication, or in any book, pamphlet, circular, or letter, or by means
32 of any sign, signboard, bill, poster, handbill, or card, or in any
33 manner whatsoever, that he will either for or without compensation or
34 consideration circulate, solicit, procure, or obtain signatures upon,
35 or influence or induce or attempt to influence or induce persons to
36 sign or not to sign any recall petition or vote for or against any
37 recall; or

1 (~~(3)~~) (2) For pay or any consideration, compensation, gratuity,
2 reward, or thing of value or promise thereof, circulates, or solicits,
3 procures, or obtains or attempts to procure or obtain signatures upon
4 any recall petition; or

5 (~~(4)~~) (3) Pays or offers or promises to pay, or gives or offers
6 or promises to give any consideration, compensation, gratuity, reward,
7 or thing of value to any person to induce him to sign or not to sign,
8 or to circulate or solicit, procure, or attempt to procure or obtain
9 signatures upon any recall petition, or to vote for or against any
10 recall; or

11 (~~(5)~~) (4) By any other corrupt means or practice or by threats or
12 intimidation interferes with or attempts to interfere with the right of
13 any legal voter to sign or not to sign any recall petition or to vote
14 for or against any recall; or

15 (~~(6)~~) (5) Receives, accepts, handles, distributes, pays out, or
16 gives away, directly or indirectly, any money, consideration,
17 compensation, gratuity, reward, or thing of value contributed by or
18 received from any person, firm, association, or corporation whose
19 residence or principal office is, or the majority of whose stockholders
20 are nonresidents of the state of Washington, for any service, work, or
21 assistance of any kind done or rendered for the purpose of aiding in
22 procuring signatures upon any recall petition or the adoption or
23 rejection of any recall.

24 **Sec. 4.** RCW 9A.82.010 and 1995 c 285 s 34 and 1995 c 92 s 5 are
25 each reenacted and amended to read as follows:

26 Unless the context requires the contrary, the definitions in this
27 section apply throughout this chapter.

28 (1) "Creditor" means a person making an extension of credit or a
29 person claiming by, under, or through a person making an extension of
30 credit.

31 (2) "Debtor" means a person to whom an extension of credit is made
32 or a person who guarantees the repayment of an extension of credit or
33 in any manner undertakes to indemnify the creditor against loss
34 resulting from the failure of a person to whom an extension is made to
35 repay the same.

36 (3) "Extortionate extension of credit" means an extension of credit
37 with respect to which it is the understanding of the creditor and the
38 debtor at the time the extension is made that delay in making repayment

1 or failure to make repayment could result in the use of violence or
2 other criminal means to cause harm to the person, reputation, or
3 property of any person.

4 (4) "Extortionate means" means the use, or an express or implicit
5 threat of use, of violence or other criminal means to cause harm to the
6 person, reputation, or property of any person.

7 (5) "To collect an extension of credit" means to induce in any way
8 a person to make repayment thereof.

9 (6) "To extend credit" means to make or renew a loan or to enter
10 into an agreement, tacit or express, whereby the repayment or
11 satisfaction of a debt or claim, whether acknowledged or disputed,
12 valid or invalid, and however arising, may or shall be deferred.

13 (7) "Repayment of an extension of credit" means the repayment,
14 satisfaction, or discharge in whole or in part of a debt or claim,
15 acknowledged or disputed, valid or invalid, resulting from or in
16 connection with that extension of credit.

17 (8) "Dealer in property" means a person who buys and sells property
18 as a business.

19 (9) "Stolen property" means property that has been obtained by
20 theft, robbery, or extortion.

21 (10) "Traffic" means to sell, transfer, distribute, dispense, or
22 otherwise dispose of stolen property to another person, or to buy,
23 receive, possess, or obtain control of stolen property, with intent to
24 sell, transfer, distribute, dispense, or otherwise dispose of the
25 property to another person.

26 (11) "Control" means the possession of a sufficient interest to
27 permit substantial direction over the affairs of an enterprise.

28 (12) "Enterprise" includes any individual, sole proprietorship,
29 partnership, corporation, business trust, or other profit or nonprofit
30 legal entity, and includes any union, association, or group of
31 individuals associated in fact although not a legal entity, and both
32 illicit and licit enterprises and governmental and nongovernmental
33 entities.

34 (13) "Financial institution" means any bank, trust company, savings
35 and loan association, savings bank, mutual savings bank, credit union,
36 or loan company under the jurisdiction of the state or an agency of the
37 United States.

38 (14) "Criminal profiteering" means any act, including any
39 anticipatory or completed offense, committed for financial gain, that

1 is chargeable or indictable under the laws of the state in which the
2 act occurred and, if the act occurred in a state other than this state,
3 would be chargeable or indictable under the laws of this state had the
4 act occurred in this state and punishable as a felony and by
5 imprisonment for more than one year, regardless of whether the act is
6 charged or indicted, as any of the following:

- 7 (a) Murder, as defined in RCW 9A.32.030 and 9A.32.050;
- 8 (b) Robbery, as defined in RCW 9A.56.200 and 9A.56.210;
- 9 (c) Kidnapping, as defined in RCW 9A.40.020 and 9A.40.030;
- 10 (d) Forgery, as defined in RCW 9A.60.020 and 9A.60.030;
- 11 (e) Theft, as defined in RCW 9A.56.030, 9A.56.040, 9A.56.060, and
12 9A.56.080;
- 13 (f) Unlawful sale of subscription television services, as defined
14 in RCW 9A.56.230;
- 15 (g) Theft of telecommunication services or unlawful manufacture of
16 a telecommunication device, as defined in RCW 9A.56.262 and 9A.56.264;
- 17 (h) Child selling or child buying, as defined in RCW 9A.64.030;
- 18 (i) Bribery, as defined in RCW 9A.68.010, 9A.68.020, 9A.68.040, and
19 9A.68.050;
- 20 (j) Gambling, as defined in RCW 9.46.220 and 9.46.215 and 9.46.217;
- 21 (k) Extortion, as defined in RCW 9A.56.120 and 9A.56.130;
- 22 (l) Extortionate extension of credit, as defined in RCW 9A.82.020;
- 23 (m) Advancing money for use in an extortionate extension of credit,
24 as defined in RCW 9A.82.030;
- 25 (n) Collection of an extortionate extension of credit, as defined
26 in RCW 9A.82.040;
- 27 (o) Collection of an unlawful debt, as defined in RCW 9A.82.045;
- 28 (p) Delivery or manufacture of controlled substances or possession
29 with intent to deliver or manufacture controlled substances under
30 chapter 69.50 RCW;
- 31 (q) Trafficking in stolen property, as defined in RCW 9A.82.050;
- 32 (r) Leading organized crime, as defined in RCW 9A.82.060;
- 33 (s) Money laundering, as defined in RCW 9A.83.020;
- 34 (t) Obstructing criminal investigations or prosecutions in
35 violation of RCW 9A.72.090, 9A.72.100, 9A.72.110, 9A.72.120, 9A.72.130,
36 9A.76.070, or 9A.76.180;
- 37 (u) Fraud in the purchase or sale of securities, as defined in RCW
38 21.20.010;
- 39 (v) Promoting pornography, as defined in RCW 9.68.140;

- 1 (w) Sexual exploitation of children, as defined in RCW 9.68A.040,
2 9.68A.050, and 9.68A.060;
- 3 (x) Promoting prostitution, as defined in RCW 9A.88.070 and
4 9A.88.080;
- 5 (y) Arson, as defined in RCW 9A.48.020 and 9A.48.030;
- 6 (z) Assault, as defined in RCW 9A.36.011 and 9A.36.021;
- 7 (aa) Assault of a child, as defined in RCW 9A.36.120 and 9A.36.130;
- 8 (bb) A pattern of equity skimming, as defined in RCW 61.34.020;
- 9 (cc) Commercial telephone solicitation in violation of RCW
10 19.158.040(1);
- 11 (dd) Trafficking in insurance claims, as defined in RCW 48.30A.015;
- 12 (ee) Unlawful practice of law, as defined in RCW 2.48.180;
- 13 (ff) Commercial bribery, as defined in RCW 9A.68.060;
- 14 (gg) Health care false claims, as defined in RCW 48.80.030; (~~or~~)
- 15 (hh) Unlicensed practice of a profession or business, as defined in
16 RCW 18.130.190(7); or
- 17 (ii) Voter petition fraud in the first degree, as defined in RCW
18 29.79.440.

19 (15) "Pattern of criminal profiteering activity" means engaging in
20 at least three acts of criminal profiteering, one of which occurred
21 after July 1, 1985, and the last of which occurred within five years,
22 excluding any period of imprisonment, after the commission of the
23 earliest act of criminal profiteering. In order to constitute a
24 pattern, the three acts must have the same or similar intent, results,
25 accomplices, principals, victims, or methods of commission, or be
26 otherwise interrelated by distinguishing characteristics including a
27 nexus to the same enterprise, and must not be isolated events.
28 However, in any civil proceedings brought pursuant to RCW 9A.82.100 by
29 any person other than the attorney general or county prosecuting
30 attorney in which one or more acts of fraud in the purchase or sale of
31 securities are asserted as acts of criminal profiteering activity, it
32 is a condition to civil liability under RCW 9A.82.100 that the
33 defendant has been convicted in a criminal proceeding of fraud in the
34 purchase or sale of securities under RCW 21.20.400 or under the laws of
35 another state or of the United States requiring the same elements of
36 proof, but such conviction need not relate to any act or acts asserted
37 as acts of criminal profiteering activity in such civil action under
38 RCW 9A.82.100.

1 (16) "Records" means any book, paper, writing, record, computer
2 program, or other material.

3 (17) "Documentary material" means any book, paper, document,
4 writing, drawing, graph, chart, photograph, phonograph record, magnetic
5 tape, computer printout, other data compilation from which information
6 can be obtained or from which information can be translated into usable
7 form, or other tangible item.

8 (18) "Unlawful debt" means any money or other thing of value
9 constituting principal or interest of a debt that is legally
10 unenforceable in the state in full or in part because the debt was
11 incurred or contracted:

12 (a) In violation of any one of the following:

13 (i) Chapter 67.16 RCW relating to horse racing;

14 (ii) Chapter 9.46 RCW relating to gambling;

15 (b) In a gambling activity in violation of federal law; or

16 (c) In connection with the business of lending money or a thing of
17 value at a rate that is at least twice the permitted rate under the
18 applicable state or federal law relating to usury.

19 (19)(a) "Beneficial interest" means:

20 (i) The interest of a person as a beneficiary under a trust
21 established under Title 11 RCW in which the trustee for the trust holds
22 legal or record title to real property;

23 (ii) The interest of a person as a beneficiary under any other
24 trust arrangement under which a trustee holds legal or record title to
25 real property for the benefit of the beneficiary; or

26 (iii) The interest of a person under any other form of express
27 fiduciary arrangement under which one person holds legal or record
28 title to real property for the benefit of the other person.

29 (b) "Beneficial interest" does not include the interest of a
30 stockholder in a corporation or the interest of a partner in a general
31 partnership or limited partnership.

32 (c) A beneficial interest shall be considered to be located where
33 the real property owned by the trustee is located.

34 (20) "Real property" means any real property or interest in real
35 property, including but not limited to a land sale contract, lease, or
36 mortgage of real property.

37 (21)(a) "Trustee" means:

1 (i) A person acting as a trustee under a trust established under
2 Title 11 RCW in which the trustee holds legal or record title to real
3 property;

4 (ii) A person who holds legal or record title to real property in
5 which another person has a beneficial interest; or

6 (iii) A successor trustee to a person who is a trustee under
7 subsection (21)(a) (i) or (ii) of this section.

8 (b) "Trustee" does not mean a person appointed or acting as:

9 (i) A personal representative under Title 11 RCW;

10 (ii) A trustee of any testamentary trust;

11 (iii) A trustee of any indenture of trust under which a bond is
12 issued; or

13 (iv) A trustee under a deed of trust.

14 NEW SECTION. **Sec. 5.** RCW 29.79.440 is recodified as a section in
15 chapter 29.85 RCW.

16 NEW SECTION. **Sec. 6.** The following acts or parts of acts are each
17 repealed:

18 (1) RCW 9.44.080 and 1909 c 249 s 337; and

19 (2) RCW 29.82.170 and 1984 c 170 s 11 & 1965 c 9 s 29.82.170.

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