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**State Government & Tribal Affairs**  
**Committee**

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**SSB 5727**

**Brief Description:** Prohibiting the providing of false information to voters.

**Sponsors:** Senate Committee on Government Operations & Elections (originally sponsored by Senators McDermott, Oemig, Fairley, Sheldon, Shin and Roach).

**Brief Summary of Substitute Bill**

- Establishes that a person providing false information regarding voter registration requirements, the date of an election, a poll site location, or the date that an absentee ballot must be mailed is guilty of a gross misdemeanor.

**Hearing Date:** 3/19/09

**Staff:** Marsha Reilly (786-7135)

**Background:**

Various penalties are established for violations of elections law. A person who willfully violates the provisions related to conducting mail ballot primaries or elections is guilty of a class C felony. A person who deceives any voter by providing incorrect or misleading recording information or by providing faulty election equipment or records, or who records another voter's vote inconsistent with the voter's intent, is guilty of a gross misdemeanor. An election officer or a person who intentionally disenfranchises an eligible citizen or discriminates against a person eligible to vote by denying voter registration is guilty of a misdemeanor.

A class C felony is punishable by confinement in a state correctional institution for up to five years, or by a fine of up to \$10,000, or by both confinement and fine. A gross misdemeanor is punishable by imprisonment in the county jail for up to one year or by a fine of not more than \$5,000 or by both imprisonment and fine. A misdemeanor is punishable by imprisonment in the county jail for up to 90 days, or by a fine of up to \$1,000, or by both imprisonment and fine.

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**Summary of Bill:**

A person is guilty of a gross misdemeanor who, in the 15 days preceding any special, primary, or general election, knowingly provides false information to a registered voter regarding:

- the date of an election;
- the voter's poll site location; or
- the date an absentee ballot must be mailed in order for the ballot to be validly counted.

A person is guilty of a gross misdemeanor if he or she knowingly provides false information regarding any voter registration requirement.

A person injured by a violation may bring a civil action in the superior court to enjoin further violations. The injured person may seek up to \$1,000 per violation. Upon receipt of false information by any person, damages are presumed and do not need to be proven. A court has the discretion to increase damages up to 10 times if the defendant has engaged in a pattern and practice of providing false information. The court must award costs and reasonable attorney's fees to a prevailing party.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.