

HOUSE BILL REPORT

SSB 5727

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to providing false information to voters.

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 History:

Committee Activity:

State Government & Tribal Affairs: 3/19/09, 3/26/09 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House)**

- 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.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass as amended. Signed by 5 members: Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan, Hurst and Miloscia.

Minority Report: Do not pass. Signed by 2 members: Representatives Armstrong, Ranking Minority Member; Alexander.

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

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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.

Summary of Amended 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.

Amended Bill Compared to Original Bill:

Technical corrections were made to indicate that a person is guilty of a gross misdemeanor if he or she provides false information regarding voter registration requirements or provides other false information, and that a person injured by a violation of the act may bring a civil action.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This issue comes about because of text messages received by voters concerning false dates for voting. The Secretary of State has been contacted regarding misinformation about voting at the last general election. In King and Pierce counties, the misinformation pertained to poll sites being open on Tuesday for voters of one political party, and on Wednesday for voters of another political party. Other information given to voters indicated that ballots could be postmarked anytime during the week of the election. A text message was received on election day from a person in Florida that gave false information regarding the days the poll sites were open.

(Opposed) None.

Persons Testifying: Senator McDermott, prime sponsor; Joanie Deutsch, Office of the Secretary of State; and Amy Crewdson.

Persons Signed In To Testify But Not Testifying: None.