

SENATE BILL REPORT

SB 6418

As Reported By Senate Committee On:
Government Operations & Elections, February 3, 2004

Title: An act relating to election-related crimes.

Brief Description: Consolidating and clarifying election-related crimes.

Sponsors: Senators Roach and Kastama; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations & Elections: 1/30/04, 2/3/04 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Fairley, Horn and McCaslin.

Staff: Mac Nicholson (786-7445)

Background: Violations and penalties for violations of elections laws are identified in statute. There are multiple statutes that address the same violation and in some cases provide conflicting penalties. For example, RCW 29A.84.020 provides that election officials who violate recall provisions are guilty of a gross misdemeanor, while RCW 29A.84.720 provides that officials who violate laws relating to their duty are guilty of a class C felony. Similarly, the penalty for signing a petition with another's name is a misdemeanor under RCW 29A.24.100 and a class C felony under RCW 29A.84.230.

A misdemeanor is punishable by imprisonment in the county jail for a maximum term of not more than 90 days, or by a fine of not more than \$1,000, or both.

A gross misdemeanor is punishable by imprisonment in the county jail for a maximum term of not more than one year, or by a fine of not more than \$5,000, or both.

A class C felony is punishable by confinement in a state correctional institution for five years, or by a fine of \$10,000, or both.

Summary of Bill: Statutes related to election crimes and penalties are reorganized in Title 29A and duplicate and contradictory sections are eliminated. Where the same violation is addressed in multiple sections of statute and the penalty associated with that violation conflicts, the stricter penalty is preserved.

The penalty for electioneering at the polling place is changed from misdemeanor to gross misdemeanor. The penalties for crimes relating to ballot interference are changed from gross misdemeanors to class C felonies. The penalty of receiving another person's ballot with the intent to destroy or alter is changed from a misdemeanor to a class C felony.

Persons who damage, tamper or interfere with a voting system, device, or tallying system by electronic means and changing votes by electronic or any other means are guilty of a class C felony.

In canvassing votes, any person who tampers or impedes the use of any form of electronic voting or tampers or impedes access to a vote reporting or election results reporting system is guilty of a gross misdemeanor.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2004.

Testimony For: This bill clarifies election crime statutes and eliminates duplicate and sometimes contradictory penalties.

Testimony Against: None.

Testified: PRO: Senator Roach, prime sponsor.