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HOUSE BILL 2809

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State of Washington

59th Legislature

2006 Regular Session

By Representative Nixon

Read first time 01/13/2006. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to creating multiple degrees of illegal voting;  
2 amending RCW 29A.84.010, 29A.84.130, 29A.84.140, 29A.84.610,  
3 29A.84.650, and 29A.84.660; reenacting and amending RCW 29A.84.670 and  
4 29A.84.680; and prescribing penalties.

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

6 **Sec. 1.** RCW 29A.84.010 and 2003 c 111 s 2101 are each amended to  
7 read as follows:

8 (1) A county auditor who suspects a person of fraudulent voter  
9 registration, vote tampering, or irregularities in voting shall  
10 transmit his or her suspicions and observations without delay to the  
11 canvassing board.

12 (2) The county auditor shall make a good faith effort to contact  
13 the person in question without delay. If the county auditor is unable  
14 to contact the person, or if, after contacting the person, the auditor  
15 still suspects fraudulent voter registration, vote tampering, or  
16 irregularities in voting, the auditor shall refer the issue to the  
17 county prosecuting attorney to determine if further action is  
18 warranted.

1 (3) When a complaint providing information concerning fraudulent  
2 voter registration, vote tampering, or irregularities in voting is  
3 presented to the office of the prosecuting attorney, that office shall  
4 file charges, or issue a notice of civil infraction as provided in  
5 chapter 7.80 RCW, in all cases where warranted.

6 **Sec. 2.** RCW 29A.84.130 and 2003 c 111 s 2107 are each amended to  
7 read as follows:

8 (1) Any person ((who+  
9 (1) ~~Knowingly~~)) is guilty of a class C felony if he or she  
10 knowingly:

11 (a) Provides false information on an application for voter  
12 registration under any provision of this title;

13 ((+2) ~~Knowingly~~) (b) Makes or attests to a false declaration as to  
14 his or her qualifications as a voter;

15 ((+3) ~~Knowingly~~) (c) Causes or permits himself or herself to be  
16 registered using the name of another person;

17 ((+4) ~~Knowingly~~) (d) Causes himself or herself to be registered  
18 under two or more different names;

19 ((+5) ~~Knowingly~~) (e) Causes himself or herself to be registered in  
20 two or more counties;

21 ((+6)) (f) Offers to pay another person to assist in registering  
22 voters, where payment is based on a fixed amount of money per voter  
23 registration;

24 ((+7)) (g) Accepts payment for assisting in registering voters,  
25 where payment is based on a fixed amount of money per voter  
26 registration; ((or

27 +8) ~~Knowingly~~) (h) Causes any person to be registered or causes  
28 any registration to be transferred or canceled except as authorized  
29 under this title((+  
30 is guilty of a class C felony punishable under RCW 9A.20.021)); or

31 (i) Induces another to violate this section.

32 (2) Any person who recklessly violates this section is guilty of a  
33 gross misdemeanor.

34 (3) Any person who negligently violates this section commits a  
35 class 1 civil infraction, as provided in RCW 7.80.120.



1       **Sec. 6.** RCW 29A.84.660 and 2003 c 111 s 2133 are each amended to  
2 read as follows:

3       (1) Any person who:

4       (a) Knows that he or she does not possess the legal qualifications  
5 of a voter and who votes at any primary ((~~or~~))<sub>1</sub> special<sub>1</sub> or general  
6 election authorized by law to be held in this state for any office  
7 whatever; or

8       (b) Induces another to violate this section,  
9 is guilty of a class C felony punishable under RCW 9A.20.021.

10       (2) Any person who negligently violates this section commits a  
11 class 1 civil infraction, as provided in RCW 7.80.120.

12       **Sec. 7.** RCW 29A.84.670 and 2003 c 111 s 2134 and 2003 c 53 s 181  
13 are each reenacted and amended to read as follows:

14       (1) It is unlawful for a voter to:

15       (a) Show his or her ballot after it is marked to any person in such  
16 a way as to reveal the contents thereof or the name of any candidate  
17 for whom he or she has marked his or her vote;

18       (b) Receive a ballot from any person other than the election  
19 officer having charge of the ballots;

20       (c) Vote or offer to vote any ballot except one that he or she has  
21 received from the election officer having charge of the ballots;

22       (d) Place any mark upon his or her ballot by which it may afterward  
23 be identified as the one voted by him or her;

24       (e) Fail to return to the election officers any ballot he or she  
25 received from an election officer; or

26       (f) Induce another to violate this section.

27       (2) A violation of this section is a misdemeanor, punishable by a  
28 fine not exceeding one hundred dollars, plus costs of prosecution.

29       **Sec. 8.** RCW 29A.84.680 and 2003 c 111 s 2136 and 2003 c 53 s 179  
30 are each reenacted and amended to read as follows:

31       (1) A person who:

32       (a) Willfully violates any provision of chapter 29A.40 RCW  
33 regarding the assertion or declaration of qualifications to receive or  
34 cast an absentee ballot ((~~or~~));

35       (b) Unlawfully casts a vote by absentee ballot; or

36       (c) Induces another to violate this section,

1 is guilty of a class C felony punishable under RCW 9A.20.021.

2 (2) A person who recklessly violates this section is guilty of a  
3 gross misdemeanor.

4 (3) A person who negligently violates this section commits a class  
5 1 civil infraction, as provided in RCW 7.80.120.

6 (4) Except as provided in this chapter, a person who willfully  
7 violates any other provision of chapter 29A.40 RCW, or who induces  
8 another to do so, is guilty of a misdemeanor.

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