
SUBSTITUTE SENATE BILL 5727

State of Washington

61st Legislature

2009 Regular Session

By Senate Government Operations & Elections (originally sponsored by Senators McDermott, Oemig, Fairley, Sheldon, Shin, and Roach)

READ FIRST TIME 02/23/09.

1 AN ACT Relating to providing false information to voters; adding a
2 new section to chapter 29A.84 RCW; creating a new section; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the right to vote
6 is part of the foundation of representative democracy. The legislature
7 finds that efforts to mislead voters with false information regarding
8 the date or location of an election have risen in recent years.
9 Practices that were once limited to other states have now begun
10 occurring in Washington. Efforts to disseminate false information are
11 often conducted on a broad scale affecting many voters. When an action
12 to mislead a voter occurs shortly before an election, the likelihood
13 that a voter will fail to vote rises significantly. The legislature
14 finds that persons, entities, organizations, or others who disseminate
15 such false information should be held accountable for their
16 interference with the democratic process.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.84 RCW
18 to read as follows:

1 (1) A person is guilty of a gross misdemeanor if he or she:

2 (a) Knowingly provides false information regarding any voter
3 registration requirements;

4 (b) Within the fifteen days preceding any special, primary, or
5 general election, knowingly provides false information to a registered
6 voter regarding the date of an election, the voter's poll site
7 location, or the date by which an absentee ballot must be mailed in
8 order for the ballot to be validly counted.

9 (2) A person who is injured by a violation of this chapter may
10 bring a civil action in the superior court in the county in which the
11 person resides to enjoin further violations, and to seek up to one
12 thousand dollars per violation.

13 (3) Upon the receipt of false information by any person, damages
14 are presumed and do not need to be proven. In an action under
15 subsection (2) of this section, a court may increase the damages up to
16 ten times the damages allowed by subsection (2) of this section if the
17 defendant has engaged in a pattern and practice of violating this
18 section. The court shall award costs and reasonable attorneys' fees to
19 a prevailing party.

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