SSB 5499 - S AMD TO S AMD (KAST HESS 012)100
    By   Senator Morton

1   On page 1, after line 3, insert the following:

2   "NEW SECTION. **Sec. 1.** The legislature finds that a person's right
3   to privacy with respect to his or her vote for an elective office is of
4   the highest importance, and it is the duty of the legislature to do
5   everything within the constitutional limitations of its power to
6   protect that privacy. It is the intent of the legislature to protect
7   each person's vote by disallowing the practice of altering, defacing,
8   removing, covering, or destroying by any means a vote of a citizen.

9   NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.04 RCW
10   to read as follows:
11   "Mark of identification" means any mark, symbol, sign, spot, dot,
12   or speck placed on a ballot that either does not follow the rules of
13   the voting procedure provided for in the voting directions or has the
14   potential to link a ballot to a particular voter. A vote for a
15   candidate on a ballot that fully adheres to the rules of the voting
16   procedure provided for in the voting directions is not a mark of
17   identification.

18   NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.04 RCW
19   to read as follows:
20   "Ballot enhancement" is the process of adding, modifying, or
21   covering marks of identification on a ballot to ensure that the
22   electronic voting equipment will tally the votes on the ballot in the
23   manner intended by the voter, or as directed by the canvassing board."

24   Renumber the sections following consecutively and correct internal
25   references accordingly.

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3   On page 11, beginning on line 9, strike all of section 10 and
4   insert the following:

5   "<u>NEW SECTION.</u> **Sec. 10** A new section is added to chapter 29A.60
6   RCW to read as follows:

7   (1) Ballots may not be enhanced, as that term is defined in section
8   3 of this act. If a ballot is rejected by a tabulating machine during
9   the tallying or machine recount process, the ballot must be separated
10   from all other validly tabulated ballots and later considered by the
11   canvassing board. If the voter did not follow the rules of the voting
12   procedure provided for in the voting directions, the canvassing board
13   is prohibited from inferring intent or enhancing or duplicating a
14   ballot and must reject the ballot as invalid. Any marks of
15   identification, as that term is defined in section 2 of this act, on a
16   ballot, invalidate the ballot.

17   (2) A ballot may not be enhanced or duplicated for any reason."

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21   On page 20, line 23 of the title amendment, after "29A.84.650;"
22   insert "adding new sections to chapter 29A.04 RCW;" and on page 20,
23   line 26 of the title amendment, after "RCW;" insert "creating a new
24   section;"

« END ---

    <u>EFFECT:</u>   (1) Defines "mark of identification;"
    (2) Defines "ballot enhancement;"
    (3) Prohibits ballot enhancement and duplication;
    (4) Prohibits inference of intent by canvassing boards;
    (5) Requires that canvassing board reject ballots if voter did not
follow voting directions.