
SUBSTITUTE HOUSE BILL 2796

State of Washington

60th Legislature

2008 Regular Session

By House State Government & Tribal Affairs (originally sponsored by Representatives Loomis, Chandler, Miloscia, Hunt, Llias, and Armstrong; by request of Secretary of State)

READ FIRST TIME 02/06/08.

1 AN ACT Relating to identifying marks on ballots; and amending RCW
2 29A.36.111 and 29A.60.040.

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

4 **Sec. 1.** RCW 29A.36.111 and 2004 c 271 s 128 are each amended to
5 read as follows:

6 (1) Every ballot for a single combination of issues, offices, and
7 candidates shall be uniform within a precinct and shall identify the
8 type of primary or election, the county, and the date of the primary or
9 election, and the ballot or voting device shall contain instructions on
10 the proper method of recording a vote, including write-in votes. Each
11 position, together with the names of the candidates for that office,
12 shall be clearly separated from other offices or positions in the same
13 jurisdiction. The offices in each jurisdiction shall be clearly
14 separated from each other. (~~No paper ballot or ballot card may be~~
15 ~~marked in any way that would permit the identification of the person~~
16 ~~who voted that ballot.~~)

17 (2) No paper ballot or ballot card may contain any encrypted or
18 unencrypted bar code or other unique identifying mark, except as
19 specifically authorized by this subsection. A ballot may contain a

1 randomly assigned unique identifying mark solely for auditing and vote
2 reconciliation purposes, or to determine if a particular ballot has
3 been previously counted. The unique identifying mark shall not be
4 associated at any time with an individual voter, a voter's address, or
5 a voter's registration number.

6 **Sec. 2.** RCW 29A.60.040 and 2003 c 111 s 1504 are each amended to
7 read as follows:

8 A ballot is invalid and no votes on that ballot may be counted if
9 it is found folded together with another ballot (~~or it is marked so as~~
10 ~~to identify the voter~~)).

11 Those parts of a ballot are invalid and no votes may be counted for
12 those issues or offices where more votes are cast for the office or
13 issue than are permitted by law; write-in votes do not contain all of
14 the information required under RCW (~~29A.60.020~~) 29A.60.021; or that
15 issue or office is not marked with sufficient definiteness to determine
16 the voter's choice or intention. No write-in vote may be rejected due
17 to a variation in the form of the name if the election board or the
18 canvassing board can determine the issue for or against which or the
19 person and the office for which the voter intended to vote.

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