SENATE BILL REPORT
SB 5359

As of February 2, 2009

Title: An act relating to identifying marks on ballots.

Brief Description: Preventing rejection of ballots that have voter identifying marks.

Sponsors: Senators Oemig, Pridemore, Kline and McDermott.

Brief History:
  Committee Activity: Government Operations & Elections: 1/29/09.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

  Staff: Sharon Swanson (786-7447)

  Background: Every ballot must be uniform within a precinct.   Ballots must identify the type of primary or election and its date, the county, and contain instructions for recording a vote. Paper ballots and ballot cards may not be marked in a way that could identify a voter.

  Summary of Bill: A ballot may be issued with a non-sequential, anonymously assigned unique identifying mark solely for auditing and vote reconciliation purposes, or to determine if a particular ballot has been previously counted, as long as it is not associated with an individual voter, a voter's address, or a voter's registration number.

An elections official may not use any unique identifying mark to associate a specific ballot with a voter or determine or seek to determine whether any specific voter's ballot has been counted, or whether the ballots of a group of voters have been counted.

The determination by an elections official using a unique identifying mark that the ballots of any specific voter or group of voters have been counted constitutes a separate violation for each such voter and each individual in the group of voters.

It is not a violation if a ballot is returned by or on behalf of a voter containing a unique identifying mark that was not placed on the ballot by or at the direction of an elections official.

  Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a compromise bill. Bar codes seem to be necessary to track ballot information but not voter information. A bar code can be used to track ballots but never to track voter information. The section of the bill that allows a voter to mark their ballot and not have the ballot rejected is very important to allow their votes to be counted. King county rejected over 1,000 ballots because voters marked their ballots.

Voters are provided an opportunity to vote in secrecy but voters can choose to waive that secrecy but marking their ballot. It is important to distinguish what an election official issues versus what a voter returns on their ballot. Voters are trying to verify the intent of the vote by initialing or signing a section if they made a mistake. The voter doesn't realize their ballot is then not counted because of this mark.

Persons Testifying: PRO: Senator Eric Oemig, prime sponsor; Katie Blinn, Office of the Secretary of State; Kim Wyman, Thurston County Auditor.