
SENATE BILL 5359

State of Washington 61st Legislature 2009 Regular Session

By Senators Oemig, Pridemore, Kline, and McDermott

Read first time 01/20/09. Referred to Committee on Government Operations & Elections.

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) An election official may not issue any ballot with a unique
18 identifying mark, except as specifically authorized by this subsection.
19 A ballot may be issued with a nonsequential, anonymously assigned

1 unique identifying mark solely for auditing and vote reconciliation
2 purposes, or to determine if a particular ballot has been previously
3 counted, as long as it is not associated with an individual voter, a
4 voter's address, or a voter's registration number.

5 (3) An elections official may not use any unique identifying mark
6 to associate a specific ballot with a voter or determine or seek to
7 determine whether any specific voter's ballot has been counted, or
8 whether the ballots of a group of voters have been counted. The
9 determination by an elections official using a unique identifying mark
10 that the ballots of any specific voter or group of voters have been
11 counted constitutes a separate violation of RCW 29A.84.720 for each
12 such voter and each individual in the group of voters. This subsection
13 shall not apply to a ballot returned by or on behalf of a voter
14 containing a unique identifying mark that was not placed on the ballot
15 by or at the direction of an elections official.

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

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

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

--- END ---