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HOUSE BILL 2796

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State of Washington

60th Legislature

2008 Regular Session

By Representatives Loomis, Chandler, Miloscia, Hunt, Lias, and Armstrong; by request of Secretary of State

Read first time 01/16/08. Referred to Committee on State Government & Tribal Affairs.

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 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.~~) An election official may not mark a ballot in  
17 any manner that allows for identification of the voter.

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

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

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

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