State Government & Tribal Affairs Committee

SB 5359

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

Sponsors: Senators Oemig, Pridemore, Kline and McDermott.

Brief Summary of Bill

- Permits ballots signed by voters to be counted.

- Allows for ballots to have a unique identifying mark for auditing, vote reconciliation, or for certain counting purposes.

- Establishes a separate violation for each voter in the event ballots are marked in a way that identifies a voter.

Hearing Date: 3/19/09

Staff: Marsha Reilly (786-7135)

Background:

The Help America Vote Act mandated that states adopt uniform standards that define what constitutes a vote and what will be counted as a vote for each voting system in the state. These standards were deemed necessary to ensure consistency across the state and prevent equal protection violations.

Washington, being a voter intent state, does not disenfranchise voters merely because they marked a ballot differently than directed. State law provides that when voter intent can be discerned, the votes will be counted. Therefore, if a voter signs his or her name illegibly, and the name is not discernible, or merely initials the ballot, the ballot is counted. However, if the voter signs his or her name on the ballot, thereby revealing his or her identity, by law, the ballot is rejected.

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.

Summary of Bill:

A ballot may no longer be rejected if a voter signs the ballot. Ballots may be issued with a nonsequential, anonymously assigned, unique identifying mark only for purposes of auditing and vote reconciliation, or to determine if a particular ballot has been counted. The unique identifying mark may not be associated with an individual voter, a voter's address, or a voter's registration number.

An elections official may not use the mark to associate a specific ballot with a voter or to determine whether a specific voter's or group of voters' ballots have been counted. Using the unique identifying mark to determine that a specific voter or group of voters' ballots have been counted will constitute a separate violation for each such voter and each individual in the group of voters.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.