

SSB 5499 - S AMD TO S AMD (KAST HESS 016) 213
By Senator Morton

NOT ADOPTED 03/11/2005

1 On page 1, after line 2 of the amendment, insert the following:

2 NEW SECTION. **Sec. 1.** The legislature finds that a person's right
3 to privacy with respect to his or her vote for an elective office is of
4 the highest importance, and it is the duty of the legislature to do
5 everything within the constitutional limitations of its power to
6 protect that privacy. It is the intent of the legislature to protect
7 each person's vote by disallowing the practice of altering, defacing,
8 removing, covering, or destroying by any means a vote of a citizen.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.04 RCW
10 to read as follows:

11 "Mark of identification" means any mark, symbol, sign, spot, dot,
12 or speck placed on a ballot that either does not follow the rules of
13 the voting procedure provided for in the voting directions or has the
14 potential to link a ballot to a particular voter. A vote for a
15 candidate on a ballot that fully adheres to the rules of the voting
16 procedure provided for in the voting directions is not a mark of
17 identification.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.04 RCW
19 to read as follows:

20 "Ballot enhancement" is the process of adding, modifying, or
21 covering marks of identification on a ballot to ensure that the
22 electronic voting equipment will tally the votes on the ballot in the
23 manner intended by the voter, or as directed by the canvassing board."

24 Renumber the remaining sections consecutively and correct any
25 internal references accordingly.

NOT ADOPTED 03/11/2005

1 On page 12, beginning on line 31 of the amendment, strike all of
2 section 11 and insert the following:

3 "NEW SECTION. **Sec. 11.** A new section is added to chapter 29A.60
4 RCW to read as follows:

5 (1) Ballots may not be enhanced, as defined in section 3 of this
6 act. If a ballot is rejected by a tabulating machine during the
7 tallying or machine recount process, the ballot must be separated from
8 all other validly tabulated ballots and later considered by the
9 canvassing board. If the voter did not follow the rules of the voting
10 procedure provided for in the voting directions, the canvassing board
11 is prohibited from inferring intent or enhancing or duplicating a
12 ballot and must reject the ballot as invalid. Any mark of
13 identification, as defined in section 2 of this act, on a ballot,
14 invalidate the ballot.

15 (2) A ballot may not be enhanced or duplicated for any reason."

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16 On page 22, line 12 of the title amendment, after "29A.84.650;"
17 insert "adding new sections to chapter 29A.04 RCW;" and on line 15 of
18 the title amendment, after "RCW;" insert "creating a new section;"

EFFECT: (1) Defines "mark of identification";
(2) Defines "ballot enhancement";

- (3) Prohibits ballot enhancement and duplication;
- (4) Prohibits inference of intent by canvassing boards; and
- (5) Requires that canvassing boards reject ballots if the voter did not follow voting directions.

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