
SENATE BILL 5689

State of Washington

59th Legislature

2005 Regular Session

By Senators Morton, Oke and Mulliken

Read first time 02/02/2005. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to ballot enhancement and duplication; adding new
2 sections to chapter 29A.04 RCW; adding a new section to chapter 29A.60
3 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

1 candidate on a ballot that fully adheres to the rules of the voting
2 procedure provided for in the voting directions is not a mark of
3 identification.

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

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

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

12 (1) Ballots may not be enhanced, as that term is defined in section
13 3 of this act. If a ballot is rejected by a tabulating machine during
14 the tallying or machine recount process, the ballot must be separated
15 from all other validly tabulated ballots and later considered by the
16 canvassing board. If the voter did not follow the rules of the voting
17 procedure provided for in the voting directions, the canvassing board
18 is prohibited from inferring intent or enhancing or duplicating a
19 ballot and must reject the ballot as invalid. Any marks of
20 identification, as that term is defined in section 2 of this act, on a
21 ballot, invalidate the ballot.

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

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