SENATE BILL 5840

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State of Washington   **59th Legislature**   **2005 Regular Session**

By Senators Morton, Mulliken and Stevens

Read first time 02/09/2005.   Referred to Committee on Government Operations & Elections.

1   AN ACT Relating to ballot enhancement and duplication; adding a new
2   section 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. A person's vote is a mark of identification that
10   shall not be altered, defaced, removed, covered, or destroyed by any
11   means.

12   NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.04 RCW
13   to read as follows:
14   "Ballot enhancement" is the process of adding or covering marks or
15   punches on an optical scan ballot to ensure that the electronic voting
16   equipment will tally the votes on the ballot in the manner intended by
17   the voter, or as directed by the canvassing board.

1   NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.60 RCW
 2   to read as follows:
 3   (1) Ballots may not be enhanced, as that term is defined in section
 4   2 of this act. If a ballot is rejected by a tabulating machine during
 5   the tallying or machine recount process, the ballot must be separated
 6   from all other validly tabulated ballots and later considered by the
 7   canvassing board. If the voter did not follow the rules of the voting
 8   procedure provided for in the voting directions, the canvassing board
 9   is prohibited from inferring intent and must reject the ballot as
10   invalid.
11   (2) A ballot may not be duplicated for any reason.

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