

SENATE BILL REPORT

SB 6312

As Reported By Senate Committee On:
Government Operations & Elections, January 22, 2008

Title: An act relating to identifying marks on ballots.

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

Sponsors: Senators Roach, Pridemore, Oemig and Benton; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations & Elections: 1/21/08, 1/22/08 [DPS].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6312 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Kline, McDermott, Pridemore and Swecker.

Staff: Cindy Calderon (786-7784)

Background: Ballots must be uniform within a precinct. A ballot must identify the type of primary or election and its date, the county, and must contain instructions for recording a vote. An entire ballot may be invalidated if it is folded together with another ballot and is marked so as to identify the voter. Parts of a ballot may be invalidated where more votes are cast than authorized, when write-in votes lack required information, and when a voter's choice or intent with respect to an issue or office can not be determined. An invalidated ballot or an invalidated part will not be counted.

Summary of Bill (Recommended Substitute): A paper ballot or ballot card may not contain any encrypted or unencrypted bar code or other unique identifying mark except for auditing and vote reconciliation; and to determine if a ballot has already been counted. Unique identifying marks may not be associated with an individual voter, a voter's address, or a voter's registration number.

The requirement that a ballot is invalid if it is marked so as to identify the voter is removed.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute): Prohibits ballots from containing encrypted and unencrypted bar codes or other unique identifying marks, except for randomly assigned

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unique marks used for auditing and vote reconciliation, or for determining if a vote has been previously counted. Unique identifying marks will not be associated with a voter.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: An individual who votes should have their vote count regardless of marks the voter may place on his or her ballot. Ballots that have voters' markings are currently being rejected. There is a difference between an elections official violating the secrecy of a ballot and a voter choosing to do so. Current law abridges freedom of speech as a result of ballots being rejected when a voter signs it. Rejecting ballots containing voter marks results in an uneven counting of the ballots and that can throw an election.

Persons Testifying: PRO: Senator Roach, prime sponsor; Sam Reed, Secretary of State; Greg Kimsey, Kim Wyman, Washington State Association of County Auditors; Rick DeWitt, citizen.