

CERTIFICATION OF ENROLLMENT

SENATE BILL 5359

Chapter 414, Laws of 2009

61st Legislature
2009 Regular Session

BALLOTS--IDENTIFYING MARKS

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 24, 2009
YEAS 43 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 22, 2009
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 8, 2009, 10:45 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5359** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 11, 2009

**Secretary of State
State of Washington**

SENATE BILL 5359

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senators Oemig, Pridemore, Kline, and McDermott

Read first time 01/20/09. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to identifying marks on ballots; and amending RCW
2 29A.36.111 and 29A.60.040.

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

4 **Sec. 1.** RCW 29A.36.111 and 2004 c 271 s 128 are each amended to
5 read as follows:

6 (1) Every ballot for a single combination of issues, offices, and
7 candidates shall be uniform within a precinct and shall identify the
8 type of primary or election, the county, and the date of the primary or
9 election, and the ballot or voting device shall contain instructions on
10 the proper method of recording a vote, including write-in votes. Each
11 position, together with the names of the candidates for that office,
12 shall be clearly separated from other offices or positions in the same
13 jurisdiction. The offices in each jurisdiction shall be clearly
14 separated from each other. No paper ballot or ballot card may be
15 marked by or at the direction of an election official in any way that
16 would permit the identification of the person who voted that ballot.

17 (2) An elections official may not enter into or extend any contract
18 with a vendor if such contract may allow the vendor to acquire an

1 ownership interest in any data pertaining to any voter, any voter's
2 address, registration number, or history, or any ballot.

3 **Sec. 2.** RCW 29A.60.040 and 2003 c 111 s 1504 are each amended to
4 read as follows:

5 A ballot is invalid and no votes on that ballot may be counted if
6 it is found folded together with another ballot (~~or it is marked so as~~
7 ~~to identify the voter~~)).

8 Those parts of a ballot are invalid and no votes may be counted for
9 those issues or offices where more votes are cast for the office or
10 issue than are permitted by law; write-in votes do not contain all of
11 the information required under RCW (~~29A.60.020~~) 29A.60.021; or that
12 issue or office is not marked with sufficient definiteness to determine
13 the voter's choice or intention. No write-in vote may be rejected due
14 to a variation in the form of the name if the election board or the
15 canvassing board can determine the issue for or against which or the
16 person and the office for which the voter intended to vote.

Passed by the Senate April 24, 2009.

Passed by the House April 22, 2009.

Approved by the Governor May 8, 2009.

Filed in Office of Secretary of State May 11, 2009.