### CERTIFICATION OF ENROLLMENT

# ENGROSSED SUBSTITUTE SENATE BILL 5890

Chapter 269, Laws of 2024

68th Legislature 2024 Regular Session

ELECTIONS—BALLOT REJECTION, CURING, AND CANVASSING

EFFECTIVE DATE: June 6, 2024—Except for section 7, which takes effect June 1, 2025; and section 11, which takes effect July 15, 2024.

Passed by the Senate March 4, 2024 Yeas 49 Navs 0	CERTIFICATE
DENNY HECK  President of the Senate  Passed by the House February 22, 2024	I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is <b>ENGROSSED</b> SUBSTITUTE SENATE BILL 5890 as passed by the Senate and the House of Representatives on the dates hereon set forth.
Yeas 93 Nays 0  LAURIE JINKINS  Speaker of the House of	SARAH BANNISTER Secretary
Representatives	
Approved March 26, 2024 9:38 AM	FILED
	March 27, 2024
JAY INSLEE	Secretary of State State of Washington

Governor of the State of Washington

#### ENGROSSED SUBSTITUTE SENATE BILL 5890

#### AS AMENDED BY THE HOUSE

Passed Legislature - 2024 Regular Session

## State of Washington 68th Legislature 2024 Regular Session

By Senate State Government & Elections (originally sponsored by Senators Valdez, Hunt, Dhingra, Kuderer, Nguyen, Nobles, and Pedersen)

READ FIRST TIME 01/15/24.

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- AN ACT Relating to reducing ballot rejection rates through 1 2 updates to ballot curing, canvassing, reporting, and outreach 29A.40.091, 3 amending RCW 29A.60.165, 29A.40.091, 29A.60.140, 29A.08.210, and 29A.08.210; reenacting and amending RCW 4 5 29A.40.110; adding a new section to chapter 29A.08 RCW; adding new 6 sections to chapter 29A.60 RCW; providing effective dates; providing expiration dates.
- 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 9 **Sec. 1.** RCW 29A.60.165 and 2019 c 167 s 1 are each amended to 10 read as follows:
- 11 (1) If the voter neglects to sign the ballot declaration, the auditor shall notify the voter by first-class mail and, if the 12 auditor has a telephone number or email address on file for a voter, 13 14 by telephone, text message, or email, and advise the voter both that 15 their ballot is unsigned and of the correct procedures for completing 16 the unsigned declaration. If the ballot is received within ((three)) 17 five business days of the final meeting of the canvassing board, or 18 the voter has been notified by first-class mail and has not responded 19 at least ((three)) five business days before the final meeting of the
- 21 by telephone, using the voter registration record information.

canvassing board, then the auditor shall attempt to notify the voter

- 1 (2)(a) If the handwriting of the signature on a ballot declaration is not the same as the handwriting of the signature on 2 the registration file, the auditor shall notify the voter by first-3 class mail, and, if the auditor has a telephone number or email 4 address on file for a voter, by telephone, text message, or email, 5 6 enclosing a copy of the declaration if notified by first-class mail or email, and advise the voter both that the signature on the ballot 7 declaration does not match the signature on file and of the correct 8 procedures for updating his or her signature on the voter 9 registration file. If the ballot is received within ((three)) five 10 business days of the final meeting of the canvassing board, or the 11 voter has been notified by first-class mail and has not responded at 12 least ((three)) five business days before the final meeting of the 13 canvassing board, then the auditor shall attempt to notify the voter 14 by telephone, text message, or email, using the voter registration 15 16 record information.
  - (b) If the signature on a ballot declaration is not the same as the signature on the registration file because the <u>voter's</u> name ((<del>is</del> different)) has changed, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

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- (c) If the signature on a ballot declaration is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.
- (3) If the auditor calls a voter who neglected to sign the ballot declaration or whose signature on the ballot declaration does not match the signature in the registration file and the voter does not answer, but voice mail is available, the auditor shall leave a voice mail message.
- (4) An auditor who provides electronic means for submission of a ballot declaration signature shall establish appropriate privacy and security protocols that ensure that the information transmitted is received directly and securely by the auditor and is only used for the stated purposes of verifying the signature on the voter's ballot.
- (5) If a voter's ballot is rejected in two consecutive primary or general elections due to a mismatched signature, the auditor must contact the voter by telephone, text message, or email, if the auditor has a telephone number or email address on file for the

voter, and request that the voter update their signature for the voter's registration file.

- (6) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.
- ((4))) (7) A record must be kept of all ballots with missing and 5 6 mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on 7 which the voter submitted updated information. The record must be 8 updated each day that ballots are processed under RCW 29A.60.160, 9 each time a voter was contacted or the notice was mailed, and when 10 11 the voter submitted updated information. The auditor shall send the 12 record, and any updated records, to the secretary of state no later than forty-eight hours after the record is created or updated. The 13 secretary of state shall make all records publicly available no later 14 15 than twenty-four hours after receiving the record.
- NEW SECTION. Sec. 2. A new section is added to chapter 29A.08 RCW to read as follows:
  - After certification of general, primary, and presidential primary election results, county auditors are encouraged to contact each registered voter to obtain an updated signature for the voter's registration file. Failure to respond to contact from the county auditor under this section shall not impact the voter's registration status. Any contact from a county auditor under this section must clearly state that the voter is not required to provide an updated signature and that providing an updated signature is not a requirement to vote in any future election.
- NEW SECTION. Sec. 3. A new section is added to chapter 29A.60 RCW to read as follows:
  - (1) The secretary of state shall:

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- 30 (a) Adopt and regularly review statewide standards for determining whether the voter's signature on the ballot declaration 32 is the same as the signature of that voter in the county's registration files as required by RCW 29A.40.110(3);
- 34 (b) Adopt, publish, and regularly update a training manual, 35 reviewed by appropriate experts, for the use of local election 36 personnel in implementing the standards adopted under (a) of this 37 subsection; and

(c) Design and implement tools intended to confirm compliance with these standards. These tools shall be available to county auditors for compliance, and may include comparisons, at random intervals, of whether rejections of signatures on ballot declarations for failure to match the voter's signature in the county's registration files comply with the standards adopted under (a) of this subsection.

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- 8 (2) All training materials for canvassing review board members 9 and election personnel on the statewide standards for signature 10 verification established in this section must be open to the public 11 for observation.
- NEW SECTION. Sec. 4. A new section is added to chapter 29A.60
  RCW to read as follows:

The secretary of state shall design forms for voters to use in completing incomplete ballot declarations and forms to be used by voters in updating a voter's signature in the county's registration files in the various languages required of state agencies. The forms must include the oath and warning language used on voter registration forms. Each county auditor shall provide these forms on the auditor's website and in the auditor's office.

- NEW SECTION. Sec. 5. A new section is added to chapter 29A.60 22 RCW to read as follows:
- 23 (1) Each county auditor shall develop a community outreach plan 24 to educate voters about signature verification requirements and the importance of ballot signatures matching signatures in voter 25 26 registration files. The outreach plan shall include materials for publication on the county auditor's website and distribution in 27 communities throughout the county that clearly explain signature 28 29 verification requirements and the process of updating signatures in 30 voter registration files or curing challenged ballots under RCW 29A.60.165. Materials prepared under the outreach plan should be 31 written clearly and in plain language. Materials must be produced in 32 English, Spanish, and any other language required by the federal 33 voting rights act. Materials prepared as part of the outreach plan 34 should be informed by the data collected in the survey required by 35 RCW 29A.60.300 and should target groups with higher rates of ballot 36 37 rejection. The secretary of state may assist in preparation of 38 materials for a county's outreach plan, including coordinating

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- between multiple counties and providing information about statewide
  requirements.
- 3 (2) County auditors are encouraged to establish partnerships with 4 trusted community organizations as part of the community outreach 5 plan to maximize resources.
- **Sec. 6.** RCW 29A.40.091 and 2021 c 10 s 3 are each amended to read as follows:
  - (1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. The calendar date of the election must be prominently displayed in bold type, twenty-point font or larger, on the envelope sent to the voter containing the ballot and other materials listed in this subsection((÷
  - (a) For all general elections in 2020 and after;
  - (b) For all primary elections in 2021 and after; and
- (c) For all elections in 2022 and after)).

- (2) (a) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she is serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction or is currently incarcerated for a federal or out-of-state felony conviction; and it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.
- (b) By June 1, 2025, the declaration in (a) of this subsection must also clearly inform the voter that the signature on the declaration will be compared to the signature in the voter's registration file.
- (3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service,

1 United States armed forces postal service, or the postal service of a 2 United States foreign embassy under 39 U.S.C. 3406.

- (4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.
- (5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.
- 16 (6) For purposes of this section, "prepaid postage" means any 17 method of return postage paid by the county or state.
- **Sec. 7.** RCW 29A.40.091 and 2021 c 10 s 3 are each amended to 19 read as follows:
  - (1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. The calendar date of the election must be prominently displayed in bold type, twenty-point font or larger, on the envelope sent to the voter containing the ballot and other materials listed in this subsection((÷
    - (a) For all general elections in 2020 and after;
  - (b) For all primary elections in 2021 and after; and
    - (c) For all elections in 2022 and after)).
  - (2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she is serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction or is currently incarcerated for a federal or out-of-state felony conviction; ((and))

it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter; and that the signature on the declaration will be compared to the signature in the voter's registration file. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.

- (3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.
- (4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.
- (5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.
- 26 (6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.
- **Sec. 8.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and 29 2011 c 10 s 41 are each reenacted and amended to read as follows:
  - (1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.
  - (2) All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until processing. Ballots may be taken from the inner envelopes and

all the normal procedural steps may be performed to prepare these ballots for tabulation.

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- (3) The canvassing board, or its designated representatives, 3 shall examine the postmark on the return envelope and signature on 4 the declaration before processing the ballot. The ballot must either 5 6 be received no later than 8:00 p.m. on the day of the primary or 7 election, or must be postmarked no later than the day of the primary or election. All personnel assigned to verify signatures must receive 8 training on statewide standards for signature verification. The 9 county auditor shall publish on its website the names of all 10 canvassing board members who received training on statewide standards 11 12 for signature verification and the dates on which the training was completed. Personnel shall verify that the voter's signature on the 13 ballot declaration is the same as the signature of that voter in the 14 registration files of the county. Verification may be conducted by an 15 16 automated verification system approved by the secretary of state. A 17 variation between the signature of the voter on 18 declaration and the signature of that voter in the registration files 19 due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the 20 21 same.
  - (4) If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. Any overseas voter or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot.
  - Sec. 9. RCW 29A.60.140 and 2008 c 308 s 1 are each amended to read as follows:
  - (1) Members of the county canvassing board are the county auditor, who is the chair, the county prosecuting attorney, and the chair of the county legislative body. If a member of the board is not available to carry out the duties of the board, then the auditor may designate a deputy auditor, the prosecutor may designate a deputy prosecuting attorney, and the chair of the county legislative body may designate another member of the county legislative body or, in a

1 county with a population over one million, an employee of the legislative body who reports directly to the chair. An "employee of 2 the legislative body" means an individual who serves in any of the 3 following positions: Chief of staff; legal counsel; clerk of the 4 council; policy staff director; and any successor positions to these 5 6 positions should these original positions be changed. Any such designation may be made on an election-by-election basis or may be on 7 a permanent basis until revoked by the designating authority. Any 8 such designation must be in writing, and if for a specific election, 9 must be filed with the county auditor not later than the day before 10 11 the first day duties are to be undertaken by the canvassing board. If 12 the designation is permanent until revoked by the designating authority, then the designation must be on file in the county 13 auditor's office no later than the day before the first day the 14 designee is to undertake the duties of the canvassing board. Members 15 16 of the county canvassing board designated by the county auditor, 17 county prosecuting attorney, or chair of the county legislative body 18 shall complete training as provided in RCW 29A.04.540 and shall take 19 an oath of office similar to that taken by county auditors and deputy auditors in the performance of their duties. 20

(2) The county canvassing board may adopt rules that delegate in writing to the county auditor or the county auditor's staff the performance of any task assigned by law to the canvassing board.

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- (3) The county canvassing board may not delegate the responsibility of certifying the returns of a primary or election, of determining the validity of challenged ballots, or of determining the validity of provisional ballots referred to the board by the county auditor.
- (4) The county canvassing board shall adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction.
- under chapter 42.30 RCW. Meetings must be conducted at times and locations that are accessible to the public to ensure that the public is informed and able to attend or observe. The time and location of county canvassing board meetings must be published in accordance with chapter 42.30 RCW. All rules adopted by the county canvassing board must be adopted in a public meeting under chapter 42.30 RCW, and once adopted must be available to the public to review and copy under chapter 42.56 RCW.

- 1 **Sec. 10.** RCW 29A.08.210 and 2020 c 208 s 3 are each amended to read as follows:
  - An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:
- 6 (1) The former address of the applicant if previously registered 7 to vote;
  - (2) The applicant's full name;

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- (3) The applicant's date of birth;
  - (4) The address of the applicant's residence for voting purposes;
- 11 (5) The mailing address of the applicant if that address is not 12 the same as the address in subsection (4) of this section;
  - (6) The sex of the applicant;
- 14 (7) The applicant's Washington state driver's license number,
  15 Washington state identification card number, or the last four digits
  16 of the applicant's social security number if he or she does not have
  17 a Washington state driver's license or Washington state
  18 identification card;
- 19 (8) A check box allowing the applicant to indicate that he or she 20 is a member of the armed forces, national guard, or reserves, or that 21 he or she is an overseas voter;
- 22 (9) A check box allowing the applicant to acknowledge that he or 23 she is at least sixteen years old;
- 24 (10) Clear and conspicuous language, designed to draw the 25 applicant's attention, stating that:
- 26 (a) The applicant must be a United States citizen in order to 27 register to vote; and
  - (b) The applicant may register to vote if the applicant is at least sixteen years old and may vote if the applicant will be at least eighteen years old by the next general election, or is at least eighteen years old for special elections;
- 32 (11) A check box and declaration confirming that the applicant is a citizen of the United States;
  - (12) The following warning:
- "If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."

- 1 (13) The oath required by RCW 29A.08.230 and a space for the 2 applicant's signatures. The secretary of state is encouraged to 3 provide applications for voter registration with multiple signature 4 blocks to assist in comparing signatures on ballot declarations; and
- 5 (14) Any other information that the secretary of state determines 6 is necessary to establish the identity of the applicant and prevent 7 duplicate or fraudulent voter registrations.
- 8 This information shall be recorded on a single registration form 9 to be prescribed by the secretary of state.
- 10 **Sec. 11.** RCW 29A.08.210 and 2023 c 466 s 6 are each amended to 11 read as follows:

An applicant for voter registration shall complete an application providing the following information concerning the applicant's qualifications as a voter in this state:

(1) The applicant's full name;

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- (2) The applicant's date of birth;
- (3) The address of the applicant's residence for voting purposes;
- 18 (4) The mailing address of the applicant if that address is not 19 the same as the address in subsection (3) of this section;
- 20 (5) The gender of the applicant;
- 21 (6) The former address of the applicant if previously registered 22 to vote;
  - (7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if the applicant does not have a Washington state driver's license or Washington state identification card;
- 28 (8) A check box allowing the applicant to indicate membership in 29 the armed forces, national guard, or reserves, or overseas voter 30 status;
- 31 (9) Clear and conspicuous language, designed to draw the 32 applicant's attention, stating that:
- 33 (a) The applicant must be a United States citizen in order to 34 register to vote; and
- 35 (b) The applicant may register to vote if the applicant is at 36 least sixteen years old and may vote if the applicant will be at 37 least eighteen years old by the next general election, or is at least 38 eighteen years old for special elections;

- 1 (10) A check box and declaration confirming that the applicant is a citizen of the United States;
  - (11) The following warning:

- "If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."
- 9 (12) The oath required by RCW 29A.08.230 and a space for the 10 applicant's signatures. The secretary of state is encouraged to 11 provide applications for voter registration with multiple signature 12 blocks to assist in comparing signatures on ballot declarations; and
- 13 (13) Any other information that the secretary of state determines 14 is necessary to establish the identity of the applicant and prevent 15 duplicate or fraudulent voter registrations.
- This information shall be recorded on a single registration form to be prescribed by the secretary of state.
- NEW SECTION. Sec. 12. A new section is added to chapter 29A.60
  RCW to read as follows:
- 20 (1) A work group is established to approve a uniform ballot envelope design to be used by all counties in each election beginning with the 2026 primary election.
- 23 (2) The work group must be chaired by the secretary of state, or 24 the secretary's designee, and include at a minimum the following 25 members, appointed by the secretary of state:
- 26 (a) Two county auditors or their designees, with one auditor residing in western Washington and one auditor residing in eastern Washington;
- 29 (b) A representative from the University of Washington Evans 30 school of public policy and governance;
- 31 (c) A representative from a nonprofit educational research 32 organization with expertise in designing voting materials; and
- 33 (d) Other recognized experts and staff as deemed necessary by the 34 work group's chair.
- 35 (3) This section expires January 1, 2027.
- NEW SECTION. Sec. 13. Section 6 of this act expires June 1, 2025.

- 1 <u>NEW SECTION.</u> **Sec. 14.** Section 7 of this act takes effect June
- 2 1, 2025.
- 3 <u>NEW SECTION.</u> **Sec. 15.** Section 10 of this act expires July 15,
- 4 2024.
- 5 <u>NEW SECTION.</u> **Sec. 16.** Section 11 of this act takes effect July
- 6 15, 2024.

Passed by the Senate March 4, 2024. Passed by the House February 22, 2024. Approved by the Governor March 26, 2024. Filed in Office of Secretary of State March 27, 2024.

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