

WAC 434-262-031 Rejection of ballots or parts of ballots. (1)

The disposition of provisional ballots is governed by WAC 434-262-032. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

(2) Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(a) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086;

(b) Where the voter has voted for candidates or issues for whom the voter is not entitled to vote;

(c) Where the voter has overvoted;

(d) Where the ballot was created for a prior election;

(e) Where a ballot was submitted with a fraudulent signature; and

(f) Where the ballot declaration signature did not match the signature(s) in the voter registration record, or the signature was missing and the voter did not cure the signature by close of business the day before the election was certified.

(3) If a voter's ballot is rejected in two consecutive primaries, presidential primaries, special elections, or elections due to a mismatched signature, the auditor must contact the voter by:

(a) A notice sent by first class mail with a signature update form and request that the voter update the signature for their voter registration record. The form must include the voter declaration required by RCW 29A.08.230 (subject to the March 15, 2024, Consent Decree entered in *Washington State Alliance for Retired Americans v. Hobbs, et al.*, W.D.WA. Case No. 3-23-CV-06014-TMC). The package must include a prepaid envelope in which to return a completed signature update form. The notice letter must:

(i) Be in substantially the same form as the sample notice letter created by the secretary of state; and

(ii) Be available in all languages required by the Department of Justice.

(b) Telephone, leaving a voicemail if the voter does not answer and voicemail is available (if the voter provided a phone number);

(c) Text message (if the voter has opted into text message notifications); and

(d) Email, enclosing a copy of the signature update form (if the voter has provided an email address).

[Statutory Authority: RCW 29A.04.611. WSR 24-12-087, § 434-262-031, filed 6/5/24, effective 7/6/24; WSR 24-07-018, § 434-262-031, filed 3/8/24, effective 5/4/24; WSR 20-13-043, § 434-262-031, filed 6/10/20, effective 7/11/20; WSR 19-12-115, § 434-262-031, filed 6/5/19, effective 7/6/19. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-262-031, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-262-031, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-031, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-262-031, filed 5/29/09, effective 6/29/09; WSR 08-15-052, § 434-262-031, filed 7/11/08, effective 8/11/08; WSR 07-20-074, § 434-262-031, filed 10/1/07, effective 11/1/07; WSR 07-02-100, § 434-262-031, filed 1/3/07, effective 2/3/07; WSR

06-14-049, § 434-262-031, filed 6/28/06, effective 7/29/06; WSR
05-17-145, § 434-262-031, filed 8/19/05, effective 9/19/05.]