

SENATE BILL REPORT

ESSB 5890

As Passed Senate, January 24, 2024

Title: An act relating to reducing ballot rejection rates through updates to ballot curing, canvassing, reporting, and outreach processes.

Brief Description: Reducing ballot rejection rates through updates to ballot curing, canvassing, reporting, and outreach processes.

Sponsors: Senate Committee on State Government & Elections (originally sponsored by Senators Valdez, Hunt, Dhingra, Kuderer, Nguyen, Nobles and Pedersen).

Brief History:

Committee Activity: State Government & Elections: 1/09/24, 1/12/24 [DPS].

Floor Activity: Passed Senate: 1/24/24, 49-0.

Brief Summary of Engrossed First Substitute Bill

- Requires county auditors to contact voters by phone or email when notifying voters their ballot is unsigned or the signature does not match the one on file, if the voter's contact information is available.
- Directs the Secretary of State to adopt statewide standards for signature verification, a training manual for implementing the standards, and tools to confirm compliance with the standards.
- Requires county auditors to develop a community outreach plan to educate voters about signature verification requirements.
- Creates a work group to approve a uniform ballot envelope design to be used by all counties in each election beginning with the 2026 primary election.
- Establishes other measures to assist voters and election officials with signature verification requirements.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5890 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Valdez, Vice Chair; Wilson, J., Ranking Member; Dozier, Fortunato, Hasegawa and Kuderer.

Staff: Greg Vogel (786-7413)

Background: Ballot Signature Verification. Before processing an election ballot, a county canvassing board, or its designated representatives, must examine the signature on the ballot declaration. All election workers assigned to verify signatures must receive training on statewide standards for signature verification. Election workers must verify the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the Secretary of State.

If a signature on a ballot declaration is not the same as the signature on the registration file because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor must send the voter a change-of-name form and direct the voter to complete the form.

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.

Ballot Curing. If a voter neglects to sign a ballot declaration or the voter's signature does not match the signature on their registration file the county auditor must notify the voter by first-class mail and advise the voter of the correct procedures for completing the unsigned declaration or updating their signature on the voter registration file.

If the ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least three business days before the meeting, then the auditor must attempt to notify the voter by telephone.

A record must be kept of all ballots with missing and mismatched signatures, containing the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter submitted updated information.

Survey of Ballot Rejection Rates. Every odd-numbered year the Secretary of State must conduct and publish a statewide survey of voted ballot rejection rates and the reasons for those rejections by county auditors and canvassing boards. The survey must include an analysis of current practices by county auditors and canvassing boards in the acceptance and

rejection of ballots, and include recommendations for improvements to minimize rejections, with a goal of statewide standardization.

Ballot Declarations. Ballot declarations must clearly inform the voter it is illegal to vote if they are not a United States citizen, serving a prison sentence for a felony conviction, or casting a ballot or signing a ballot declaration on behalf of another voter. Voters must swear under penalty of perjury they meet the qualifications to vote and have not voted in any other jurisdiction for that election. 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.

Summary of Engrossed First Substitute Bill: Ballot Curing Procedures. If a voter neglects to sign a ballot declaration, or the voter's signature does not match the signature on the registration file, the county auditor must notify the voter by first-class mail and, if the auditor has a telephone number or email address on file for a voter, by phone, text message, or email, and notify the voter their ballot is unsigned or the signature does not match and advise them of the correct procedures for completing the unsigned declaration or updating their signature on the voter registration file.

If the voter has been notified by first-class mail and has not responded at least five business days before the final meeting of the canvassing board or if the voter's ballot with a missing or mismatched signature is received within five business days of the final meeting of the canvassing board, then the county auditor must attempt to notify the voter by phone, text, or email.

If the auditor calls a voter and the voter does not answer, the auditor must leave a voice mail message, if voice mail is available.

Electronic Signature Verification. A county auditor who provides electronic means for submission of a ballot declaration signature must establish appropriate privacy and security protocols that ensure the information transmitted is received directly and securely by the auditor and is only used for verifying the signature on the voter's ballot.

Updated Signatures. 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 auditor does not impact the voter's registration status and any contact must clearly state 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.

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.

Signature Verification Standards. The Secretary of State must:

- adopt and regularly review standards for determining whether a voter's signature on a ballot declaration is the same as the signature of that voter in the county's registration files;
- adopt, publish, and regularly update a training manual for the use of local election staff in implementing the standards; and
- design and implement tools intended to confirm compliance with these standards.

All training materials for canvassing review board members and election staff on the statewide standards for signature verification must be available to the public.

The county auditor must publish on its website the names of all canvassing board members who received training on statewide standards for signature verification and the dates on which the training was completed.

Ballot Curing Forms. The Secretary of State must 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 must provide these forms on the auditor's website and in the auditor's office.

Community Outreach Plans. Each county auditor must develop a community outreach plan to educate voters about signature verification requirements and the importance of ballot signatures matching signatures in voter registration files. The outreach plan must include materials for publication on the county auditor's website and distribution in communities throughout the county that clearly explain signature verification requirements and the process of updating signatures in voter registration files or curing challenged ballots.

Materials prepared under the outreach plan should be written clearly and in plain language. Materials must be produced in English, Spanish, and any other language required by the federal Voting Rights Act. Materials prepared as part of the outreach plan should be informed by the data collected in the Secretary of State's survey of ballot rejection rates and should target groups with higher rates of ballot rejection. The Secretary of State may assist the preparation of materials for a county's outreach plan, including coordinating between multiple counties and providing information about state requirements.

County auditors are encouraged to establish partnerships with trusted community organizations as part of the community outreach plan to maximize resources.

Ballot Declarations. Ballot declarations must clearly inform the voter the signature on the declaration will be compared to the signature in the voter's registration file.

Canvassing Board Meetings. County canvassing board meetings must be conducted at times and locations accessible to the public to ensure the public is informed and able to attend or observe. The time and location of meetings must be published in accordance with the Open Public Meetings Act.

Voter Registration Applications. The Secretary of State is encouraged to provide applications for voter registration with multiple signature blocks to assist in comparing signatures on ballot declarations.

Ballot Envelope Design Work Group. 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.

The work group must be chaired by the Secretary of State, or the secretary's designee, and include, at a minimum, the following members appointed by the Secretary of State:

- two county auditors, or their designees, with one auditor residing in western Washington and one auditor residing in eastern Washington;
- a representative from the University of Washington Evans School of Public Policy and Governance;
- a representative from a nonprofit educational research organization with expertise in designing voting materials; and
- other recognized experts and staff as deemed necessary by the work group's chair.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: It is distressing that younger voters and people of color are more likely to experience higher rates of ballot rejection. The goal of this bill is to reduce ballot rejection. The bill creates opportunity for voter education and provides support and guidance for county election offices and workers. Registering and encouraging voters is highly important and each rejected ballot is a voice going unheard. The bill provides more accessibility and community education, particularly for those with high rates of rejection. Allowing voters to rectify issues with their ballot is good policy. This bill paves the way for a more inclusive and effective election system.

OTHER: This bill seems reasonable and it's good that it makes elections more accessible but it feels like this is moving away from voter education and instead reducing the standards in place to reject bad ballots.

Persons Testifying: PRO: Senator Javier Valdez, Prime Sponsor; Cindy Madigan, League of Women Voters of Washington; Jazmine Smith, The Washington Bus; Mary Hall, Washington State Association of County Auditors (WSACA); Scott Allard; Calista Jahn, Evans School of Public Policy & Governance, University of Washington.

OTHER: eric pratt.

Persons Signed In To Testify But Not Testifying: No one.