

SHB 2612 - H AMD TO H AMD (H-4265.4/12) **1143**
By Representative Shea

1 Beginning on page 1, line 3 of the amendment, strike all of
2 sections 1 through 12 and insert the following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that there are
4 citizens with non-English derived names whose ballots or petition
5 signatures have not been counted because the signature on the ballot
6 envelope is not the exact spelling of the name in the voter database.
7 The legislature finds that with many names, especially those of foreign
8 origin, there are multiple possible spellings, and transposing letters
9 and other errors occur when the information is entered into computer
10 systems. There are innocent reasons for misspellings to occur that
11 should not cause a ballot or petition signature to be disqualified if
12 the signature on the ballot envelope and voter can be correctly
13 validated.

14 Therefore, it is the intent of the legislature to provide
15 sufficient flexibility to the county auditors to accept ballots where
16 misspellings are present, yet the registered voter is clearly the same
17 person.

18 **Sec. 2.** RCW 29A.60.165 and 2011 c 10 s 54 are each amended to read
19 as follows:

20 (1) If the voter neglects to sign the ballot declaration, the
21 auditor shall notify the voter by first-class mail and advise the voter
22 of the correct procedures for completing the unsigned declaration. If
23 the ballot is received within three business days of the final meeting
24 of the canvassing board, or the voter has been notified by first-class
25 mail and has not responded at least three business days before the
26 final meeting of the canvassing board, then the auditor shall attempt
27 to notify the voter by telephone, using the voter registration record
28 information.

1 **Sec. 3.** RCW 29A.72.230 and 2003 c 111 s 1823 are each amended to
2 read as follows:

3 (1)(a) Upon the filing of an initiative or referendum petition, the
4 secretary of state shall proceed to verify and canvass the names of the
5 legal voters on the petition.

6 (b) If the signature on the petition is not the same as the
7 signature on the registration file because the spelling of the name as
8 signed by the voter is not identical to the spelling of the name on the
9 registration file, the signature may be counted as long as the
10 handwriting is clearly the same. The auditor shall contact the voter
11 to verify the correct spelling of the voter's name.

12 (2) The verification and canvass of signatures on the petition may
13 be observed by persons representing the advocates and opponents of the
14 proposed measure so long as they make no record of the names,
15 addresses, or other information on the petitions or related records
16 during the verification process except upon the order of the superior
17 court of Thurston county. The secretary of state may limit the number
18 of observers to not less than two on each side, if in his or her
19 opinion, a greater number would cause undue delay or disruption of the
20 verification process. Any such limitation shall apply equally to both
21 sides.

22 (3) The secretary of state may use any statistical sampling
23 techniques for this verification and canvass which have been adopted by
24 rule as provided by chapter 34.05 RCW. No petition will be rejected on
25 the basis of any statistical method employed, and no petition will be
26 accepted on the basis of any statistical method employed if such method
27 indicates that the petition contains fewer than the requisite number of
28 signatures of legal voters.

29 (4) If the secretary of state finds the same name signed to more
30 than one petition, he or she shall reject all but the first such valid
31 signature.

32 (5) For an initiative to the legislature, the secretary of state
33 shall transmit a certified copy of the proposed measure to the
34 legislature at the opening of its session and, as soon as the
35 signatures on the petition have been verified and canvassed, the
36 secretary of state shall send to the legislature a certificate of the
37 facts relating to the filing, verification, and canvass of the
38 petition."

EFFECT: Strikes all sections and provides that if the signature on an absentee or provisional ballot or initiative or referendum petition is not exactly the same as the signature on the registration file because the spelling is not identical, the ballot or petition signature may still be counted as long as the handwriting is clearly the same. Requires the auditor to contact the voter to verify the correct spelling.

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