CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE SENATE BILL 5890**

68th Legislature

2024 Regular Session

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| Passed by the Senate March 4, 2024Yeas 49 Nays 0**President of the Senate**Passed by the House February 22, 2024Yeas 93 Nays 0**Speaker of the House of Representatives** | CERTIFICATEI, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5890** as passed by the Senate and the House of Representatives on the dates hereon set forth.Secretary |
| Approved  |  |
| **Governor of the State of Washington** | **Secretary of State** **State of Washington** |

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**ENGROSSED SUBSTITUTE SENATE BILL 5890**

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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)

AN ACT Relating to reducing ballot rejection rates through updates to ballot curing, canvassing, reporting, and outreach processes; amending RCW 29A.60.165, 29A.40.091, 29A.40.091, 29A.60.140, 29A.08.210, and 29A.08.210; reenacting and amending RCW 29A.40.110; adding a new section to chapter 29A.08 RCW; adding new sections to chapter 29A.60 RCW; providing effective dates; and providing expiration dates.

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

**Sec.**  RCW 29A.60.165 and 2019 c 167 s 1 are each amended to read as follows:

(1) If the voter neglects to sign the ballot declaration, the auditor shall notify the voter by first-class mail and, if the auditor has a telephone number or email address on file for a voter, by telephone, text message, or email, and advise the voter both that their ballot is unsigned and of the correct procedures for completing the unsigned declaration. If the ballot is received within ((~~three~~)) five 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~~)) five business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information.

(2)(a) If the handwriting of the signature on a ballot declaration is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by first-class mail, and, if the auditor has a telephone number or email address on file for a voter, by telephone, text message, or email, 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 declaration does not match the signature on file and of the correct procedures for updating his or her signature on the voter registration file. If the ballot is received within ((~~three~~)) five 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~~)) five business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, text message, or email, using the voter registration record information.

(b) If the signature on a ballot declaration is not the same as the signature on the registration file because the voter's name ((~~is 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.

(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 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 which the voter submitted updated information. The record must be updated each day that ballots are processed under RCW 29A.60.160, each time a voter was contacted or the notice was mailed, and when the voter submitted updated information. The auditor shall send the record, and any updated records, to the secretary of state no later than forty-eight hours after the record is created or updated. The secretary of state shall make all records publicly available no later than twenty-four hours after receiving the record.

NEW SECTION. **Sec.**  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.**  A new section is added to chapter 29A.60 RCW to read as follows:

(1) The secretary of state shall:

(a) Adopt and regularly review statewide standards for determining whether the voter's signature on the ballot declaration is the same as the signature of that voter in the county's registration files as required by RCW 29A.40.110(3);

(b) Adopt, publish, and regularly update a training manual, reviewed by appropriate experts, for the use of local election personnel in implementing the standards adopted under (a) of this 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.

(2) All training materials for canvassing review board members and election personnel on the statewide standards for signature verification established in this section must be open to the public for observation.

NEW SECTION. **Sec.**  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.**  A new section is added to chapter 29A.60 RCW to read as follows:

(1) Each county auditor shall 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 shall 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 under RCW 29A.60.165. 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 survey required by RCW 29A.60.300 and should target groups with higher rates of ballot rejection. The secretary of state may assist in preparation of materials for a county's outreach plan, including coordinating between multiple counties and providing information about statewide requirements.

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

**Sec.**  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, 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.

(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.

**Sec.**  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) 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.

(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.

**Sec.**  RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and 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.

(3) The canvassing board, or its designated representatives, shall examine the postmark on the return envelope and signature on the declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary or election, or must be postmarked no later than the day of the primary or election. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. The county auditor shall 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. Personnel shall verify that 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. A variation between the signature of the voter on the ballot declaration and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the 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.**  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 county with a population over one million, an employee of the legislative body who reports directly to the chair. An "employee of the legislative body" means an individual who serves in any of the following positions: Chief of staff; legal counsel; clerk of the council; policy staff director; and any successor positions to these positions should these original positions be changed. Any such designation may be made on an election-by-election basis or may be on a permanent basis until revoked by the designating authority. Any such designation must be in writing, and if for a specific election, must be filed with the county auditor not later than the day before the first day duties are to be undertaken by the canvassing board. If the designation is permanent until revoked by the designating authority, then the designation must be on file in the county auditor's office no later than the day before the first day the designee is to undertake the duties of the canvassing board. Members of the county canvassing board designated by the county auditor, county prosecuting attorney, or chair of the county legislative body shall complete training as provided in RCW 29A.04.540 and shall take an oath of office similar to that taken by county auditors and deputy auditors in the performance of their duties.

(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.

(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.

(5) Meetings of the county canvassing board are public meetings 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.

**Sec.**  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:

(1) The former address of the applicant if previously registered to vote;

(2) The applicant's full name;

(3) The applicant's date of birth;

(4) The address of the applicant's residence for voting purposes;

(5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;

(6) The sex of the applicant;

(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 he or she does not have a Washington state driver's license or Washington state identification card;

(8) A check box allowing the applicant to indicate that he or she is a member of the armed forces, national guard, or reserves, or that he or she is an overseas voter;

(9) A check box allowing the applicant to acknowledge that he or she is at least sixteen years old;

(10) Clear and conspicuous language, designed to draw the applicant's attention, stating that:

(a) The applicant must be a United States citizen in order to 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;

(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."

(13) The oath required by RCW 29A.08.230 and a space for the applicant's signatures. The secretary of state is encouraged to provide applications for voter registration with multiple signature blocks to assist in comparing signatures on ballot declarations; and

(14) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

**Sec.**  RCW 29A.08.210 and 2023 c 466 s 6 are each amended to 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;

(2) The applicant's date of birth;

(3) The address of the applicant's residence for voting purposes;

(4) The mailing address of the applicant if that address is not the same as the address in subsection (3) of this section;

(5) The gender of the applicant;

(6) The former address of the applicant if previously registered 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;

(8) A check box allowing the applicant to indicate membership in the armed forces, national guard, or reserves, or overseas voter status;

(9) Clear and conspicuous language, designed to draw the applicant's attention, stating that:

(a) The applicant must be a United States citizen in order to 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;

(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."

(12) The oath required by RCW 29A.08.230 and a space for the applicant's signatures. The secretary of state is encouraged to provide applications for voter registration with multiple signature blocks to assist in comparing signatures on ballot declarations; and

(13) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent 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.**  A new section is added to chapter 29A.60 RCW to read as follows:

(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.

(2) 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:

(a) Two county auditors or their designees, with one auditor residing in western Washington and one auditor residing in eastern Washington;

(b) A representative from the University of Washington Evans school of public policy and governance;

(c) A representative from a nonprofit educational research organization with expertise in designing voting materials; and

(d) Other recognized experts and staff as deemed necessary by the work group's chair.

(3) This section expires January 1, 2027.

NEW SECTION. **Sec.**  Section 6 of this act expires June 1, 2025.

NEW SECTION. **Sec.**  Section 7 of this act takes effect June 1, 2025.

NEW SECTION. **Sec.**  Section 10 of this act expires July 15, 2024.

NEW SECTION. **Sec.**  Section 11 of this act takes effect July 15, 2024.

**--- END ---**