

ESSB 5890 - H COMM AMD

By Committee on State Government & Tribal Relations

ADOPTED 02/22/2024

1 Strike everything after the enacting clause and insert the
2 following:

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

5 (1) If the voter neglects to sign the ballot declaration, the
6 auditor shall notify the voter by first-class mail and, if the
7 auditor has a telephone number or email address on file for a voter,
8 by telephone, text message, or email, and advise the voter both that
9 their ballot is unsigned and of the correct procedures for completing
10 the unsigned declaration. If the ballot is received within (~~three~~)
11 five business days of the final meeting of the canvassing board, or
12 the voter has been notified by first-class mail and has not responded
13 at least (~~three~~) five business days before the final meeting of the
14 canvassing board, then the auditor shall attempt to notify the voter
15 by telephone, using the voter registration record information.

16 (2)(a) If the handwriting of the signature on a ballot
17 declaration is not the same as the handwriting of the signature on
18 the registration file, the auditor shall notify the voter by first-
19 class mail, and, if the auditor has a telephone number or email
20 address on file for a voter, by telephone, text message, or email,
21 enclosing a copy of the declaration if notified by first-class mail
22 or email, and advise the voter both that the signature on the ballot
23 declaration does not match the signature on file and of the correct
24 procedures for updating his or her signature on the voter
25 registration file. If the ballot is received within (~~three~~) five
26 business days of the final meeting of the canvassing board, or the
27 voter has been notified by first-class mail and has not responded at
28 least (~~three~~) five business days before the final meeting of the
29 canvassing board, then the auditor shall attempt to notify the voter
30 by telephone, text message, or email, using the voter registration
31 record information.

1 (b) If the signature on a ballot declaration is not the same as
2 the signature on the registration file because the voter's name (~~is~~
3 ~~different~~) has changed, the ballot may be counted as long as the
4 handwriting is clearly the same. The auditor shall send the voter a
5 change-of-name form under RCW 29A.08.440 and direct the voter to
6 complete the form.

7 (c) If the signature on a ballot declaration is not the same as
8 the signature on the registration file because the voter used
9 initials or a common nickname, the ballot may be counted as long as
10 the surname and handwriting are clearly the same.

11 (3) If the auditor calls a voter who neglected to sign the ballot
12 declaration or whose signature on the ballot declaration does not
13 match the signature in the registration file and the voter does not
14 answer, but voice mail is available, the auditor shall leave a voice
15 mail message.

16 (4) An auditor who provides electronic means for submission of a
17 ballot declaration signature shall establish appropriate privacy and
18 security protocols that ensure that the information transmitted is
19 received directly and securely by the auditor and is only used for
20 the stated purposes of verifying the signature on the voter's ballot.

21 (5) If a voter's ballot is rejected in two consecutive primary or
22 general elections due to a mismatched signature, the auditor must
23 contact the voter by telephone, text message, or email, if the
24 auditor has a telephone number or email address on file for the
25 voter, and request that the voter update their signature for the
26 voter's registration file.

27 (6) A voter may not cure a missing or mismatched signature for
28 purposes of counting the ballot in a recount.

29 ~~((4))~~ (7) A record must be kept of all ballots with missing and
30 mismatched signatures. The record must contain the date on which the
31 voter was contacted or the notice was mailed, as well as the date on
32 which the voter submitted updated information. The record must be
33 updated each day that ballots are processed under RCW 29A.60.160,
34 each time a voter was contacted or the notice was mailed, and when
35 the voter submitted updated information. The auditor shall send the
36 record, and any updated records, to the secretary of state no later
37 than forty-eight hours after the record is created or updated. The
38 secretary of state shall make all records publicly available no later
39 than twenty-four hours after receiving the record.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.08
2 RCW to read as follows:

3 After certification of general, primary, and presidential primary
4 election results, county auditors are encouraged to contact each
5 registered voter to obtain an updated signature for the voter's
6 registration file. Failure to respond to contact from the county
7 auditor under this section shall not impact the voter's registration
8 status. Any contact from a county auditor under this section must
9 clearly state that the voter is not required to provide an updated
10 signature and that providing an updated signature is not a
11 requirement to vote in any future election.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.60
13 RCW to read as follows:

14 (1) The secretary of state shall:

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

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

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

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

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.60
35 RCW to read as follows:

36 The secretary of state shall design forms for voters to use in
37 completing incomplete ballot declarations and forms to be used by
38 voters in updating a voter's signature in the county's registration

1 files in the various languages required of state agencies. The forms
2 must include the oath and warning language used on voter registration
3 forms. Each county auditor shall provide these forms on the auditor's
4 website and in the auditor's office.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 29A.60
6 RCW to read as follows:

7 (1) Each county auditor shall develop a community outreach plan
8 to educate voters about signature verification requirements and the
9 importance of ballot signatures matching signatures in voter
10 registration files. The outreach plan shall include materials for
11 publication on the county auditor's website and distribution in
12 communities throughout the county that clearly explain signature
13 verification requirements and the process of updating signatures in
14 voter registration files or curing challenged ballots under RCW
15 29A.60.165. Materials prepared under the outreach plan should be
16 written clearly and in plain language. Materials must be produced in
17 English, Spanish, and any other language required by the federal
18 voting rights act. Materials prepared as part of the outreach plan
19 should be informed by the data collected in the survey required by
20 RCW 29A.60.300 and should target groups with higher rates of ballot
21 rejection. The secretary of state may assist in preparation of
22 materials for a county's outreach plan, including coordinating
23 between multiple counties and providing information about statewide
24 requirements.

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

28 **Sec. 6.** RCW 29A.40.091 and 2021 c 10 s 3 are each amended to
29 read as follows:

30 (1) The county auditor shall send each voter a ballot, a security
31 envelope in which to conceal the ballot after voting, a larger
32 envelope in which to return the security envelope, a declaration that
33 the voter must sign, and instructions on how to obtain information
34 about the election, how to mark the ballot, and how to return the
35 ballot to the county auditor. The calendar date of the election must
36 be prominently displayed in bold type, twenty-point font or larger,
37 on the envelope sent to the voter containing the ballot and other
38 materials listed in this subsection((÷

1 ~~(a) For all general elections in 2020 and after;~~
2 ~~(b) For all primary elections in 2021 and after; and~~
3 ~~(c) For all elections in 2022 and after).~~

4 (2) (a) The voter must swear under penalty of perjury that he or
5 she meets the qualifications to vote, and has not voted in any other
6 jurisdiction at this election. The declaration must clearly inform
7 the voter that it is illegal to vote if he or she is not a United
8 States citizen; it is illegal to vote if he or she is serving a
9 sentence of total confinement under the jurisdiction of the
10 department of corrections for a felony conviction or is currently
11 incarcerated for a federal or out-of-state felony conviction; and it
12 is illegal to cast a ballot or sign a ballot declaration on behalf of
13 another voter. The ballot materials must provide space for the voter
14 to sign the declaration, indicate the date on which the ballot was
15 voted, and include a telephone number.

16 (b) By June 1, 2025, the declaration in (a) of this subsection
17 must also clearly inform the voter that the signature on the
18 declaration will be compared to the signature in the voter's
19 registration file.

20 (3) For overseas and service voters, the signed declaration
21 constitutes the equivalent of a voter registration. Return envelopes
22 for overseas and service voters must enable the ballot to be returned
23 postage free if mailed through the United States postal service,
24 United States armed forces postal service, or the postal service of a
25 United States foreign embassy under 39 U.S.C. 3406.

26 (4) The voter must be instructed to either return the ballot to
27 the county auditor no later than 8:00 p.m. the day of the election or
28 primary, or mail the ballot to the county auditor with a postmark no
29 later than the day of the election or primary. Return envelopes for
30 all election ballots must include prepaid postage. Service and
31 overseas voters must be provided with instructions and a privacy
32 sheet for returning the ballot and signed declaration by fax or
33 email. A voted ballot and signed declaration returned by fax or email
34 must be received by 8:00 p.m. on the day of the election or primary.

35 (5) The county auditor's name may not appear on the security
36 envelope, the return envelope, or on any voting instructions or
37 materials included with the ballot if he or she is a candidate for
38 office during the same year.

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

1 **Sec. 7.** RCW 29A.40.091 and 2021 c 10 s 3 are each amended to
2 read as follows:

3 (1) The county auditor shall send each voter a ballot, a security
4 envelope in which to conceal the ballot after voting, a larger
5 envelope in which to return the security envelope, a declaration that
6 the voter must sign, and instructions on how to obtain information
7 about the election, how to mark the ballot, and how to return the
8 ballot to the county auditor. The calendar date of the election must
9 be prominently displayed in bold type, twenty-point font or larger,
10 on the envelope sent to the voter containing the ballot and other
11 materials listed in this subsection((÷

12 ~~(a) For all general elections in 2020 and after;~~

13 ~~(b) For all primary elections in 2021 and after; and~~

14 ~~(c) For all elections in 2022 and after)).~~

15 (2) The voter must swear under penalty of perjury that he or she
16 meets the qualifications to vote, and has not voted in any other
17 jurisdiction at this election. The declaration must clearly inform
18 the voter that it is illegal to vote if he or she is not a United
19 States citizen; it is illegal to vote if he or she is serving a
20 sentence of total confinement under the jurisdiction of the
21 department of corrections for a felony conviction or is currently
22 incarcerated for a federal or out-of-state felony conviction; ~~((and))~~
23 it is illegal to cast a ballot or sign a ballot declaration on behalf
24 of another voter; and that the signature on the declaration will be
25 compared to the signature in the voter's registration file. The
26 ballot materials must provide space for the voter to sign the
27 declaration, indicate the date on which the ballot was voted, and
28 include a telephone number.

29 (3) For overseas and service voters, the signed declaration
30 constitutes the equivalent of a voter registration. Return envelopes
31 for overseas and service voters must enable the ballot to be returned
32 postage free if mailed through the United States postal service,
33 United States armed forces postal service, or the postal service of a
34 United States foreign embassy under 39 U.S.C. 3406.

35 (4) The voter must be instructed to either return the ballot to
36 the county auditor no later than 8:00 p.m. the day of the election or
37 primary, or mail the ballot to the county auditor with a postmark no
38 later than the day of the election or primary. Return envelopes for
39 all election ballots must include prepaid postage. Service and
40 overseas voters must be provided with instructions and a privacy

1 sheet for returning the ballot and signed declaration by fax or
2 email. A voted ballot and signed declaration returned by fax or email
3 must be received by 8:00 p.m. on the day of the election or primary.

4 (5) The county auditor's name may not appear on the security
5 envelope, the return envelope, or on any voting instructions or
6 materials included with the ballot if he or she is a candidate for
7 office during the same year.

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

10 **Sec. 8.** RCW 29A.40.110 and 2011 c 349 s 18, 2011 c 348 s 4, and
11 2011 c 10 s 41 are each reenacted and amended to read as follows:

12 (1) The opening and subsequent processing of return envelopes for
13 any primary or election may begin upon receipt. The tabulation of
14 absentee ballots must not commence until after 8:00 p.m. on the day
15 of the primary or election.

16 (2) All received return envelopes must be placed in secure
17 locations from the time of delivery to the county auditor until their
18 subsequent opening. After opening the return envelopes, the county
19 canvassing board shall place all of the ballots in secure storage
20 until processing. Ballots may be taken from the inner envelopes and
21 all the normal procedural steps may be performed to prepare these
22 ballots for tabulation.

23 (3) The canvassing board, or its designated representatives,
24 shall examine the postmark on the return envelope and signature on
25 the declaration before processing the ballot. The ballot must either
26 be received no later than 8:00 p.m. on the day of the primary or
27 election, or must be postmarked no later than the day of the primary
28 or election. All personnel assigned to verify signatures must receive
29 training on statewide standards for signature verification. The
30 county auditor shall publish on its website the names of all
31 canvassing board members who received training on statewide standards
32 for signature verification and the dates on which the training was
33 completed. Personnel shall verify that the voter's signature on the
34 ballot declaration is the same as the signature of that voter in the
35 registration files of the county. Verification may be conducted by an
36 automated verification system approved by the secretary of state. A
37 variation between the signature of the voter on the ballot
38 declaration and the signature of that voter in the registration files
39 due to the substitution of initials or the use of common nicknames is

1 permitted so long as the surname and handwriting are clearly the
2 same.

3 (4) If the postmark is missing or illegible, the date on the
4 ballot declaration to which the voter has attested determines the
5 validity, as to the time of voting, for that ballot. For overseas
6 voters and service voters, the date on the declaration to which the
7 voter has attested determines the validity, as to the time of voting,
8 for that ballot. Any overseas voter or service voter may return the
9 signed declaration and voted ballot by fax or email by 8:00 p.m. on
10 the day of the primary or election, and the county auditor must use
11 established procedures to maintain the secrecy of the ballot.

12 **Sec. 9.** RCW 29A.60.140 and 2008 c 308 s 1 are each amended to
13 read as follows:

14 (1) Members of the county canvassing board are the county
15 auditor, who is the chair, the county prosecuting attorney, and the
16 chair of the county legislative body. If a member of the board is not
17 available to carry out the duties of the board, then the auditor may
18 designate a deputy auditor, the prosecutor may designate a deputy
19 prosecuting attorney, and the chair of the county legislative body
20 may designate another member of the county legislative body or, in a
21 county with a population over one million, an employee of the
22 legislative body who reports directly to the chair. An "employee of
23 the legislative body" means an individual who serves in any of the
24 following positions: Chief of staff; legal counsel; clerk of the
25 council; policy staff director; and any successor positions to these
26 positions should these original positions be changed. Any such
27 designation may be made on an election-by-election basis or may be on
28 a permanent basis until revoked by the designating authority. Any
29 such designation must be in writing, and if for a specific election,
30 must be filed with the county auditor not later than the day before
31 the first day duties are to be undertaken by the canvassing board. If
32 the designation is permanent until revoked by the designating
33 authority, then the designation must be on file in the county
34 auditor's office no later than the day before the first day the
35 designee is to undertake the duties of the canvassing board. Members
36 of the county canvassing board designated by the county auditor,
37 county prosecuting attorney, or chair of the county legislative body
38 shall complete training as provided in RCW 29A.04.540 and shall take

1 an oath of office similar to that taken by county auditors and deputy
2 auditors in the performance of their duties.

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

6 (3) The county canvassing board may not delegate the
7 responsibility of certifying the returns of a primary or election, of
8 determining the validity of challenged ballots, or of determining the
9 validity of provisional ballots referred to the board by the county
10 auditor.

11 (4) The county canvassing board shall adopt administrative rules
12 to facilitate and govern the canvassing process in that jurisdiction.

13 (5) Meetings of the county canvassing board are public meetings
14 under chapter 42.30 RCW. Meetings must be conducted at times and
15 locations that are accessible to the public to ensure that the public
16 is informed and able to attend or observe. The time and location of
17 county canvassing board meetings must be published in accordance with
18 chapter 42.30 RCW. All rules adopted by the county canvassing board
19 must be adopted in a public meeting under chapter 42.30 RCW, and once
20 adopted must be available to the public to review and copy under
21 chapter 42.56 RCW.

22 **Sec. 10.** RCW 29A.08.210 and 2020 c 208 s 3 are each amended to
23 read as follows:

24 An applicant for voter registration shall complete an application
25 providing the following information concerning his or her
26 qualifications as a voter in this state:

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

29 (2) The applicant's full name;

30 (3) The applicant's date of birth;

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

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

34 (6) The sex of the applicant;

35 (7) The applicant's Washington state driver's license number,
36 Washington state identification card number, or the last four digits
37 of the applicant's social security number if he or she does not have
38 a Washington state driver's license or Washington state
39 identification card;

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

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

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

8 (a) The applicant must be a United States citizen in order to
9 register to vote; and

10 (b) The applicant may register to vote if the applicant is at
11 least sixteen years old and may vote if the applicant will be at
12 least eighteen years old by the next general election, or is at least
13 eighteen years old for special elections;

14 (11) A check box and declaration confirming that the applicant is
15 a citizen of the United States;

16 (12) The following warning:

17 "If you knowingly provide false information on this voter
18 registration form or knowingly make a false declaration about your
19 qualifications for voter registration you will have committed a class
20 C felony that is punishable by imprisonment for up to five years, a
21 fine of up to ten thousand dollars, or both."

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

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

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

31 **Sec. 11.** RCW 29A.08.210 and 2023 c 466 s 6 are each amended to
32 read as follows:

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

36 (1) The applicant's full name;

37 (2) The applicant's date of birth;

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

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

3 (5) The gender of the applicant;

4 (6) The former address of the applicant if previously registered
5 to vote;

6 (7) The applicant's Washington state driver's license number,
7 Washington state identification card number, or the last four digits
8 of the applicant's social security number if the applicant does not
9 have a Washington state driver's license or Washington state
10 identification card;

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

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

16 (a) The applicant must be a United States citizen in order to
17 register to vote; and

18 (b) The applicant may register to vote if the applicant is at
19 least sixteen years old and may vote if the applicant will be at
20 least eighteen years old by the next general election, or is at least
21 eighteen years old for special elections;

22 (10) A check box and declaration confirming that the applicant is
23 a citizen of the United States;

24 (11) The following warning:

25 "If you knowingly provide false information on this voter
26 registration form or knowingly make a false declaration about your
27 qualifications for voter registration you will have committed a class
28 C felony that is punishable by imprisonment for up to five years, a
29 fine of up to ten thousand dollars, or both."

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

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

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

1 NEW SECTION. **Sec. 12.** A new section is added to chapter 29A.60
2 RCW to read as follows:

3 (1) A work group is established to approve a uniform ballot
4 envelope design to be used by all counties in each election beginning
5 with the 2026 primary election.

6 (2) The work group must be chaired by the secretary of state, or
7 the secretary's designee, and include at a minimum the following
8 members, appointed by the secretary of state:

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

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

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

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

18 (3) This section expires January 1, 2027.

19 NEW SECTION. **Sec. 13.** Section 6 of this act expires June 1,
20 2025.

21 NEW SECTION. **Sec. 14.** Section 7 of this act takes effect June
22 1, 2025.

23 NEW SECTION. **Sec. 15.** Section 10 of this act expires July 15,
24 2024.

25 NEW SECTION. **Sec. 16.** Section 11 of this act takes effect July
26 15, 2024."

27 Correct the title.

EFFECT: Requires ballot declarations to inform the voter that the signature on the declaration will be compared to the signature in the voter's registration file by June 1, 2025, and permits ballot declarations to inform the voter that the signature on the declaration will be compared to the signature in the voter's registration file before June 1, 2025.

--- END ---