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**SUBSTITUTE SENATE BILL 5890**

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**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)

READ FIRST TIME 01/15/24.

1 AN ACT Relating to reducing ballot rejection rates through  
2 updates to ballot curing, canvassing, reporting, and outreach  
3 processes; amending RCW 29A.60.165, 29A.40.091, 29A.60.140,  
4 29A.08.210, and 29A.08.210; reenacting and amending RCW 29A.40.110;  
5 adding a new section to chapter 29A.08 RCW; adding new sections to  
6 chapter 29A.60 RCW; providing an effective date; and providing  
7 expiration dates.

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

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

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

1           (2) (a) If the handwriting of the signature on a ballot  
2 declaration is not the same as the handwriting of the signature on  
3 the registration file, the auditor shall notify the voter by first-  
4 class mail, and, if the auditor has a telephone number or email  
5 address on file for a voter, by telephone, text message, or email,  
6 enclosing a copy of the declaration if notified by first-class mail  
7 or email, and advise the voter both that the signature on the ballot  
8 declaration does not match the signature on file and of the correct  
9 procedures for updating his or her signature on the voter  
10 registration file. If the ballot is received within (~~three~~) five  
11 business days of the final meeting of the canvassing board, or the  
12 voter has been notified by first-class mail and has not responded at  
13 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, text message, or email, using the voter registration  
16 record information.

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

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

27           (3) If the auditor calls a voter who neglected to sign the ballot  
28 declaration or whose signature on the ballot declaration does not  
29 match the signature in the registration file and the voter does not  
30 answer, but voice mail is available, the auditor shall leave a voice  
31 mail message.

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

37           (5) A voter may not cure a missing or mismatched signature for  
38 purposes of counting the ballot in a recount.

39           (~~4~~) (6) A record must be kept of all ballots with missing and  
40 mismatched signatures. The record must contain the date on which the

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

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

12 After certification of general, primary, and presidential primary  
13 election results, county auditors are encouraged to contact each  
14 registered voter to obtain an updated signature for the voter's  
15 registration file. Failure to respond to contact from the county  
16 auditor under this section shall not impact the voter's registration  
17 status. Any contact from a county auditor under this section must  
18 clearly state that the voter is not required to provide an updated  
19 signature and that providing an updated signature is not a  
20 requirement to vote in any future election.

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

23 (1) The secretary of state shall:

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

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

32 (c) Design and implement tools intended to confirm compliance  
33 with these standards. These tools shall be available to county  
34 auditors for compliance, and may include comparisons, at random  
35 intervals, of whether rejections of signatures on ballot declarations  
36 for failure to match the voter's signature in the county's  
37 registration files comply with the standards adopted under (a) of  
38 this subsection.

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

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

7 The secretary of state shall design forms for voters to use in  
8 completing incomplete ballot declarations and forms to be used by  
9 voters in updating a voter's signature in the county's registration  
10 files in the various languages required of state agencies. The forms  
11 must include the oath and warning language used on voter registration  
12 forms. Each county auditor shall provide these forms on the auditor's  
13 website and in the auditor's office.

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

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

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

1       **Sec. 6.** 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. 7.** 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. 8.** 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. 9.** 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. 10.** 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. 11.**    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. 12.**    Section 9 of this act expires July 15,  
20    2024.

21        NEW SECTION.    **Sec. 13.**    Section 10 of this act takes effect July  
22    15, 2024.

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