
ENGROSSED SUBSTITUTE SENATE BILL 5890

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)

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.40.091,
4 29A.60.140, 29A.08.210, and 29A.08.210; reenacting and amending RCW
5 29A.40.110; adding a new section to chapter 29A.08 RCW; adding new
6 sections to chapter 29A.60 RCW; providing effective dates; and
7 providing 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) If a voter's ballot is rejected in two consecutive primary or
38 general elections due to a mismatched signature, the auditor must
39 contact the voter by telephone, text message, or email, if the
40 auditor has a telephone number or email address on file for the

1 voter, and request that the voter update their signature for the
2 voter's registration file.

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

5 ~~((4))~~ (7) A record must be kept of all ballots with missing and
6 mismatched signatures. The record must contain the date on which the
7 voter was contacted or the notice was mailed, as well as the date on
8 which the voter submitted updated information. The record must be
9 updated each day that ballots are processed under RCW 29A.60.160,
10 each time a voter was contacted or the notice was mailed, and when
11 the voter submitted updated information. The auditor shall send the
12 record, and any updated records, to the secretary of state no later
13 than forty-eight hours after the record is created or updated. The
14 secretary of state shall make all records publicly available no later
15 than twenty-four hours after receiving the record.

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

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

27 NEW SECTION. Sec. 3. A new section is added to chapter 29A.60
28 RCW to read as follows:

29 (1) The secretary of state shall:

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

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

1 (c) Design and implement tools intended to confirm compliance
2 with these standards. These tools shall be available to county
3 auditors for compliance, and may include comparisons, at random
4 intervals, of whether rejections of signatures on ballot declarations
5 for failure to match the voter's signature in the county's
6 registration files comply with the standards adopted under (a) of
7 this subsection.

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

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

14 The secretary of state shall design forms for voters to use in
15 completing incomplete ballot declarations and forms to be used by
16 voters in updating a voter's signature in the county's registration
17 files in the various languages required of state agencies. The forms
18 must include the oath and warning language used on voter registration
19 forms. Each county auditor shall provide these forms on the auditor's
20 website and in the auditor's office.

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

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

1 between multiple counties and providing information about statewide
2 requirements.

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

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

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

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

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

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

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

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

36 (3) For overseas and service voters, the signed declaration
37 constitutes the equivalent of a voter registration. Return envelopes
38 for overseas and service voters must enable the ballot to be returned
39 postage free if mailed through the United States postal service,

1 United States armed forces postal service, or the postal service of a
2 United States foreign embassy under 39 U.S.C. 3406.

3 (4) The voter must be instructed to either return the ballot to
4 the county auditor no later than 8:00 p.m. the day of the election or
5 primary, or mail the ballot to the county auditor with a postmark no
6 later than the day of the election or primary. Return envelopes for
7 all election ballots must include prepaid postage. Service and
8 overseas voters must be provided with instructions and a privacy
9 sheet for returning the ballot and signed declaration by fax or
10 email. A voted ballot and signed declaration returned by fax or email
11 must be received by 8:00 p.m. on the day of the election or primary.

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

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

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

20 (1) The county auditor shall send each voter a ballot, a security
21 envelope in which to conceal the ballot after voting, a larger
22 envelope in which to return the security envelope, a declaration that
23 the voter must sign, and instructions on how to obtain information
24 about the election, how to mark the ballot, and how to return the
25 ballot to the county auditor. The calendar date of the election must
26 be prominently displayed in bold type, twenty-point font or larger,
27 on the envelope sent to the voter containing the ballot and other
28 materials listed in this subsection((÷

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

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

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

32 (2) The voter must swear under penalty of perjury that he or she
33 meets the qualifications to vote, and has not voted in any other
34 jurisdiction at this election. The declaration must clearly inform
35 the voter that it is illegal to vote if he or she is not a United
36 States citizen; it is illegal to vote if he or she is serving a
37 sentence of total confinement under the jurisdiction of the
38 department of corrections for a felony conviction or is currently
39 incarcerated for a federal or out-of-state felony conviction; ((and))

1 it is illegal to cast a ballot or sign a ballot declaration on behalf
2 of another voter; and that the signature on the declaration will be
3 compared to the signature in the voter's registration file. The
4 ballot materials must provide space for the voter to sign the
5 declaration, indicate the date on which the ballot was voted, and
6 include a telephone number.

7 (3) For overseas and service voters, the signed declaration
8 constitutes the equivalent of a voter registration. Return envelopes
9 for overseas and service voters must enable the ballot to be returned
10 postage free if mailed through the United States postal service,
11 United States armed forces postal service, or the postal service of a
12 United States foreign embassy under 39 U.S.C. 3406.

13 (4) The voter must be instructed to either return the ballot to
14 the county auditor no later than 8:00 p.m. the day of the election or
15 primary, or mail the ballot to the county auditor with a postmark no
16 later than the day of the election or primary. Return envelopes for
17 all election ballots must include prepaid postage. Service and
18 overseas voters must be provided with instructions and a privacy
19 sheet for returning the ballot and signed declaration by fax or
20 email. A voted ballot and signed declaration returned by fax or email
21 must be received by 8:00 p.m. on the day of the election or primary.

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

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

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

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

34 (2) All received return envelopes must be placed in secure
35 locations from the time of delivery to the county auditor until their
36 subsequent opening. After opening the return envelopes, the county
37 canvassing board shall place all of the ballots in secure storage
38 until processing. Ballots may be taken from the inner envelopes and

1 all the normal procedural steps may be performed to prepare these
2 ballots for tabulation.

3 (3) The canvassing board, or its designated representatives,
4 shall examine the postmark on the return envelope and signature on
5 the declaration before processing the ballot. The ballot must either
6 be received no later than 8:00 p.m. on the day of the primary or
7 election, or must be postmarked no later than the day of the primary
8 or election. All personnel assigned to verify signatures must receive
9 training on statewide standards for signature verification. The
10 county auditor shall publish on its website the names of all
11 canvassing board members who received training on statewide standards
12 for signature verification and the dates on which the training was
13 completed. Personnel shall verify that the voter's signature on the
14 ballot declaration is the same as the signature of that voter in the
15 registration files of the county. Verification may be conducted by an
16 automated verification system approved by the secretary of state. A
17 variation between the signature of the voter on the ballot
18 declaration and the signature of that voter in the registration files
19 due to the substitution of initials or the use of common nicknames is
20 permitted so long as the surname and handwriting are clearly the
21 same.

22 (4) If the postmark is missing or illegible, the date on the
23 ballot declaration to which the voter has attested determines the
24 validity, as to the time of voting, for that ballot. For overseas
25 voters and service voters, the date on the declaration to which the
26 voter has attested determines the validity, as to the time of voting,
27 for that ballot. Any overseas voter or service voter may return the
28 signed declaration and voted ballot by fax or email by 8:00 p.m. on
29 the day of the primary or election, and the county auditor must use
30 established procedures to maintain the secrecy of the ballot.

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

33 (1) Members of the county canvassing board are the county
34 auditor, who is the chair, the county prosecuting attorney, and the
35 chair of the county legislative body. If a member of the board is not
36 available to carry out the duties of the board, then the auditor may
37 designate a deputy auditor, the prosecutor may designate a deputy
38 prosecuting attorney, and the chair of the county legislative body
39 may designate another member of the county legislative body or, in a

1 county with a population over one million, an employee of the
2 legislative body who reports directly to the chair. An "employee of
3 the legislative body" means an individual who serves in any of the
4 following positions: Chief of staff; legal counsel; clerk of the
5 council; policy staff director; and any successor positions to these
6 positions should these original positions be changed. Any such
7 designation may be made on an election-by-election basis or may be on
8 a permanent basis until revoked by the designating authority. Any
9 such designation must be in writing, and if for a specific election,
10 must be filed with the county auditor not later than the day before
11 the first day duties are to be undertaken by the canvassing board. If
12 the designation is permanent until revoked by the designating
13 authority, then the designation must be on file in the county
14 auditor's office no later than the day before the first day the
15 designee is to undertake the duties of the canvassing board. Members
16 of the county canvassing board designated by the county auditor,
17 county prosecuting attorney, or chair of the county legislative body
18 shall complete training as provided in RCW 29A.04.540 and shall take
19 an oath of office similar to that taken by county auditors and deputy
20 auditors in the performance of their duties.

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

24 (3) The county canvassing board may not delegate the
25 responsibility of certifying the returns of a primary or election, of
26 determining the validity of challenged ballots, or of determining the
27 validity of provisional ballots referred to the board by the county
28 auditor.

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

31 (5) Meetings of the county canvassing board are public meetings
32 under chapter 42.30 RCW. Meetings must be conducted at times and
33 locations that are accessible to the public to ensure that the public
34 is informed and able to attend or observe. The time and location of
35 county canvassing board meetings must be published in accordance with
36 chapter 42.30 RCW. All rules adopted by the county canvassing board
37 must be adopted in a public meeting under chapter 42.30 RCW, and once
38 adopted must be available to the public to review and copy under
39 chapter 42.56 RCW.

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

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

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

8 (2) The applicant's full name;

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

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

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

13 (6) The sex of the applicant;

14 (7) The applicant's Washington state driver's license number,
15 Washington state identification card number, or the last four digits
16 of the applicant's social security number if he or she does not have
17 a Washington state driver's license or Washington state
18 identification card;

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

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

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

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

28 (b) The applicant may register to vote if the applicant is at
29 least sixteen years old and may vote if the applicant will be at
30 least eighteen years old by the next general election, or is at least
31 eighteen years old for special elections;

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

34 (12) The following warning:

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

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

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

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

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

12 An applicant for voter registration shall complete an application
13 providing the following information concerning the applicant's
14 qualifications as a voter in this state:

15 (1) The applicant's full name;

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

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

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

20 (5) The gender of the applicant;

21 (6) The former address of the applicant if previously registered
22 to vote;

23 (7) The applicant's Washington state driver's license number,
24 Washington state identification card number, or the last four digits
25 of the applicant's social security number if the applicant does not
26 have a Washington state driver's license or Washington state
27 identification card;

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

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

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

35 (b) The applicant may register to vote if the applicant is at
36 least sixteen years old and may vote if the applicant will be at
37 least eighteen years old by the next general election, or is at least
38 eighteen years old for special elections;

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

3 (11) The following warning:

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

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

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

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

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

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

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

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

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

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

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

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

36 NEW SECTION. **Sec. 13.** Section 6 of this act expires June 1,
37 2025.

1 NEW SECTION. **Sec. 14.** Section 7 of this act takes effect June
2 1, 2025.

3 NEW SECTION. **Sec. 15.** Section 10 of this act expires July 15,
4 2024.

5 NEW SECTION. **Sec. 16.** Section 11 of this act takes effect July
6 15, 2024.

--- **END** ---