SHB 2612 - H AMD 1045
    By Representative Shea

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

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

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

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19   Sec. 2. RCW 29A.60.165 and 2006 c 209 s 4 and 2006 c 208 s 1 are
20 each reenacted and amended to read as follows:

21   (1) If the voter neglects to sign the outside envelope of an
22 absentee or provisional ballot, the auditor shall notify the voter by
23 first-class mail and advise the voter of the correct procedures for
24 completing the unsigned affidavit. If the absentee ballot is received
25 within three business days of the final meeting of the canvassing
26 board, or the voter has been notified by first-class mail and has not
27 responded at least three business days before the final meeting of the

1 canvassing board, then the auditor shall attempt to notify the voter
2 by telephone, using the voter registration record information. In
3 order for the ballot to be counted, the voter must either:

4   (a) Appear in person and sign the envelope no later than the day
5 before the certification of the primary or election; or

6   (b) Sign a copy of the envelope provided by the auditor, and
7 return it to the auditor no later than the day before the
8 certification of the primary or election.

9   (2)(a) If the handwriting of the signature on an absentee or
10 provisional ballot envelope is not the same as the handwriting of the
11 signature on the registration file, the auditor shall notify the voter
12 by first-class mail, enclosing a copy of the envelope affidavit, and
13 advise the voter of the correct procedures for updating his or her
14 signature on the voter registration file. If the absentee or
15 provisional ballot is received within three business days of the final
16 meeting of the canvassing board, or the voter has been notified by
17 first-class mail and has not responded at least three business days
18 before the final meeting of the canvassing board, then the auditor
19 shall attempt to notify the voter by telephone, using the voter
20 registration record information. In order for the ballot to be
21 counted, the voter must either:

22   (i) Appear in person and sign a new registration form no later
23 than the day before the certification of the primary or election; or

24   (ii) Sign a copy of the affidavit provided by the auditor and
25 return it to the auditor no later than the day before the
26 certification of the primary or election. The voter may enclose with
27 the affidavit a photocopy of a valid government or tribal issued
28 identification document that includes the voter's current signature.
29 If the signature on the copy of the affidavit does not match the
30 signature on file or the signature on the copy of the identification
31 document, the voter must appear in person and sign a new registration
32 form no later than the day before the certification of the primary or
33 election in order for the ballot to be counted.

34

1   (b) If the signature on an absentee or provisional ballot envelope
2 is not the same as the signature on the registration file because the
3 name is different, 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 an absentee or provisional ballot envelope
8 is not the same as the signature on the registration file because the
9 voter used initials or a common nickname, the ballot may be counted as
10 long as the surname and handwriting are clearly the same.

11   (d) If the signature on an absentee or provisional ballot envelope
12 is not the same as the signature on the registration file because the
13 spelling of the name as signed by the voter is not identical to the
14 spelling of the name on the registration file, the ballot may be
15 counted as long as the handwriting is clearly the same. The auditor
16 shall contact the voter to verify the correct spelling of the voter's
17 name.

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

20   (4) A record must be kept of all ballots with missing and
21 mismatched signatures. The record must contain the date on which the
22 voter was contacted or the notice was mailed, as well as the date on
23 which the voter signed the envelope, a copy of the envelope, a new
24 registration form, or a change-of-name form. That record is a public
25 record under chapter 42.56 RCW and may be disclosed to interested
26 parties on written request.

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

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

33   (b) If the signature on the petition is not the same as the
34 signature on the registration file because the spelling of the name as

1 <u>signed by the voter is not identical to the spelling of the name on</u>
2 <u>the registration file, the signature may be counted as long as the</u>
3 <u>handwriting is clearly the same. The auditor shall contact the voter</u>
4 <u>to verify the correct spelling of the voter's name.</u>

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

15 <u>(3)</u> The secretary of state may use any statistical sampling techniques
16 for this verification and canvass which have been adopted by rule as
17 provided by chapter 34.05 RCW. No petition will be rejected on the
18 basis of any statistical method employed, and no petition will be
19 accepted on the basis of any statistical method employed if such
20 method indicates that the petition contains fewer than the requisite
21 number of signatures of legal voters.

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

25   (5) For an initiative to the legislature, the secretary of state
26 shall transmit a certified copy of the proposed measure to the
27 legislature at the opening of its session and, as soon as the
28 signatures on the petition have been verified and canvassed, the
29 secretary of state shall send to the legislature a certificate of the
30 facts relating to the filing, verification, and canvass of the
31 petition."

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33   Correct the title.

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

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