HOUSE BILL 1987

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State of Washington   **62nd Legislature**   **2011 Regular Session**

By Representatives Shea and Ahern

1   AN ACT Relating to accepting signatures where there are
2 misspellings; amending RCW 29A.72.230; reenacting and amending RCW
3 29A.60.165; and creating a new section.

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

5   NEW SECTION. **Sec. 1.** The legislature finds that there are
6 citizens with non-English derived names whose ballots or petition
7 signatures have not been counted because the signature on the ballot
8 envelope is not the exact spelling of the name in the voter database.
9 The legislature finds that with many names, especially of foreign
10 origin, there are multiple possible spellings, and transposing letters
11 and other errors occur when the information is entered into computer
12 systems. There are innocent reasons for misspellings to occur that
13 should not cause a ballot or petition signature to be disqualified if
14 the signature on the ballot envelope and voter can be correctly
15 validated.
16   Therefore, it is the intent of the legislature to provide
17 sufficient flexibility to the county auditors to accept ballots where
18 misspellings are present, yet the registered voter is clearly the same
19 person.

Sec. 2. RCW 29A.60.165 and 2006 c 209 s 4 and 2006 c 208 s 1 are
each reenacted and amended to read as follows:
     (1) If the voter neglects to sign the outside envelope of an
absentee or provisional ballot, the auditor shall notify the voter by
first-class mail and advise the voter of the correct procedures for
completing the unsigned affidavit. If the absentee ballot is received
within three 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 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. In order
for the ballot to be counted, the voter must either:
     (a) Appear in person and sign the envelope no later than the day
before the certification of the primary or election; or
     (b) Sign a copy of the envelope provided by the auditor, and return
it to the auditor no later than the day before the certification of the
primary or election.
     (2)(a) If the handwriting of the signature on an absentee or
provisional ballot envelope is not the same as the handwriting of the
signature on the registration file, the auditor shall notify the voter
by first-class mail, enclosing a copy of the envelope affidavit, and
advise the voter of the correct procedures for updating his or her
signature on the voter registration file. If the absentee or
provisional ballot is received within three 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 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. In order for the ballot to be
counted, the voter must either:
     (i) Appear in person and sign a new registration form no later than
the day before the certification of the primary or election; or
     (ii) Sign a copy of the affidavit provided by the auditor and
return it to the auditor no later than the day before the certification
of the primary or election. The voter may enclose with the affidavit
a photocopy of a valid government or tribal issued identification
document that includes the voter's current signature. If the signature
on the copy of the affidavit does not match the signature on file or

1 the signature on the copy of the identification document, the voter
2 must appear in person and sign a new registration form no later than
3 the day before the certification of the primary or election in order
4 for the ballot to be counted.

5   (b) If the signature on an absentee or provisional ballot envelope
6 is not the same as the signature on the registration file because the
7 name is different, the ballot may be counted as long as the handwriting
8 is clearly the same. The auditor shall send the voter a change-of-name
9 form under RCW 29A.08.440 and direct the voter to complete the form.

10   (c) If the signature on an absentee or provisional ballot envelope
11 is not the same as the signature on the registration file because the
12 voter used initials or a common nickname, the ballot may be counted as
13 long as the surname and handwriting are clearly the same.

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

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

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

30   **Sec. 3.** RCW 29A.72.230 and 2003 c 111 s 1823 are each amended to
31 read as follows:
32   (1)(a) Upon the filing of an initiative or referendum petition, the
33 secretary of state shall proceed to verify and canvass the names of the
34 legal voters on the petition.
35   (b) If the signature on the petition is not the same as the
36 signature on the registration file because the spelling of the name as
37 signed by the voter is not identical to the spelling of the name on the

1 <u>registration file, the signature may be counted as long as the</u>
2 <u>handwriting is clearly the same. The auditor shall contact the voter</u>
3 <u>to verify the correct spelling of the voter's name.</u>

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

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

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

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

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