

HOUSE BILL REPORT

SSB 6269

As Passed House:
February 27, 2024

Title: An act relating to establishing an alternative voter verification options pilot project.

Brief Description: Establishing an alternative voter verification options pilot project.

Sponsors: Senate Committee on State Government & Elections (originally sponsored by Senators Valdez, Hunt, Kuderer, Nobles and Saldaña).

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/16/24, 2/21/24 [DP].

Floor Activity:

Passed House: 2/27/24, 58-37.

Brief Summary of Substitute Bill

- Requires the Secretary of State to establish an alternative verification options pilot project for the purpose of the development and testing of supplemental methods, other than signature verification, to verify that a ballot was filled out and returned by the intended voter.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 4 members: Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

Minority Report: Without recommendation. Signed by 3 members: Representatives Cheney, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Low.

Staff: Connor Schiff (786-7093).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background:

Voter Registration.

Any citizen who wishes to vote and is eligible to do so must first register. The registration process requires a person to provide their name, residential address, date of birth, affirmation of citizenship, and a signature attesting to the truth of the information provided and the person's eligibility to vote.

Ballot Declaration and Signature.

Washington permits voting by mail. County auditors must send each voter a ballot with instructions about how to mark and return the ballot to the auditor. Ballots delivered to voters must include a space for the voter to include a telephone number and sign a declaration under penalty of perjury recognizing that, among other things, the voter meets the qualifications to vote.

Ballot Signature Verification.

The county auditor or county canvassing board processes returned ballots. When the county processes returned ballots, it is required to verify that the voter's signature on the ballot declaration matches the signature of that voter in the voter's registration file. Canvassing personnel must receive training on standards for signature verification. Verification may be conducted by an automated verification system approved by the Secretary of State (Secretary).

Ballot Curing Procedures.

If the ballot declaration is unsigned or the signature does not match the voter's registration, the county auditor must notify the voter by first-class mail of the correct procedures to cure the defect. If the 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 meeting, then the auditor must attempt to notify the voter by telephone.

Statewide Survey of Ballot Rejections.

Every odd-numbered year, the Secretary must conduct and publish a statewide survey of voted ballot rejection rates and the reasons for those rejections by county auditors and canvassing boards. The survey must include an analysis of current practices by county auditors and canvassing boards in the acceptance and rejection of ballots, and include recommendations for improvements in those practices, with a goal of statewide standardization.

Public Records Act.

The Public Records Act (PRA) requires state and local agencies to make their written records available to the public for inspection and copying upon request, unless the information fits into one of the various specific exemptions in the PRA or is otherwise provided in law. Certain election security information on ballot return envelopes, ballot

declarations, and signature correction forms, including voter signatures, phone numbers, and email addresses, are exempt from disclosure under the PRA.

Summary of Bill:

The Secretary of State (Secretary) must establish an alternative verification options pilot project. The purpose of the pilot project is to allow for the development and testing of supplemental methods, other than signature verification, to verify that a ballot was filled out and returned by the intended voter.

Participation.

Any county may apply to participate in the pilot project by submitting an application to the Office of the Secretary of State (OSOS). The OSOS must approve a county's application before the county may participate in the project.

An application for the pilot program must include:

- a description of the alternative verification method or methods the county auditor plans to utilize and how the methods comply with project requirements;
- details on how the proposed alternative verification method or methods will be implemented; and
- which election the county plans to use the proposed alternative verification method or methods in.

The OSOS must review each application and evaluate the feasibility of the proposed alternative verification method and whether each proposed alternative verification method complies with project requirements. The Secretary may establish additional rules for application content, application submittal, and the application approval process.

Counties may participate in the pilot project during any special election held on the second Tuesday in February or the fourth Tuesday in April. A county may not participate in the pilot project during a special election held in a jurisdiction that is not wholly contained within one county, unless all counties involved in the special election agree to participate jointly in the pilot project. Each application to participate in the pilot project is limited to the special election or elections held on a single date. A county may participate in the pilot project on multiple special election dates, but the county auditor must submit a separate application for each special election date.

If a county's application is approved, the county auditor must notify each city, town, or special taxing district located wholly within that county no later than 90 days before the election that an alternative verification option will be used. Each local government unit may petition the legislative authority of the county for a waiver to opt-out of the pilot project. The legislative authority may provide a waiver not less than 60 days before the election if it finds that the waiver is reasonable. If a waiver is granted, precincts within the local government unit must not use the alternative verification option.

Alternative Verification Requirements.

Proposed alternative verification methods must:

- allow the voter to submit clear evidence that can be used to verify that the intended voter filled out and returned the ballot;
- establish criteria for determining accepted and failed verifications;
- require the voter to attest to the ballot declaration; and
- be compatible with the centralized statewide voter registration list maintained by the Secretary.

The Secretary may establish rules for the standards and procedures for the examination and testing of alternative verification systems.

Implementation.

During the special election in which a county is participating in the pilot project, the county may accept and canvass any ballot that can be verified as being returned by the intended voter through the alternative verification method that was approved by the Secretary, even if a signature that matches a signature in the voter registration files is not included with the ballot declaration.

The county auditor must notify the governing authorities of all jurisdictions with a race or measure on the ballot that the county is participating in the pilot project and provide information on the alternative verification method or methods the county will use as soon as practicable after the Secretary approves the method or methods.

The alternative verification method or methods must not entirely replace signature verification. Under the pilot project, a ballot must still be counted if the voter's ballot declaration signature matches the voter's signature in the voter's registration file.

If a voter attempts to return a ballot using an alternative verification method and the county auditor is unable to verify that the ballot was returned by the voter, the county auditor must follow the ballot curing procedures for unsigned ballot declarations.

Any information provided by the voter to verify the voter's ballot is exempt from the Public Records Act (PRA), consistent with the rules for PRA exemptions for a voter's signature and contact information on voting materials.

Reports.

Each county auditor must provide a report to the Secretary detailing the county's participation in the pilot program no later than 30 days after the certification of the special election. The report must describe:

- the alternative verification method(s) used;
- the number of voters that used each method;
- the ballot rejection rate for the election and a comparison to the ballot rejection rate

- for prior similar elections in the county; and
- any relevant information related to the administration of each method.

The Secretary must provide reports on the progress of the pilot project to the Governor and appropriate legislative committees by the thirty-first of December each year and a final report by December 31, 2028. The reports must describe:

- the alternative verification methods used;
- the number of voters that used each method;
- the impact of alternative verification methods on ballot rejection rates; and
- any other relevant findings.

The pilot project expires January 1, 2029.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Individuals with mobility issues or disabilities may have difficulty with signatures. Historically marginalized communities face higher ballot rejection rates. It is important to reduce ballot rejection rates. Washington can look to other states to determine what alternative methods could work in Washington. The pilot project would provide counties with flexibility to test a variety of methods. The project includes minimum standards to ensure security and equity. King County has done research on potential alternative options.

(Opposed) None.

Persons Testifying: Julie Wise, King County Elections.

Persons Signed In To Testify But Not Testifying: None.