

SENATE BILL REPORT

SSB 6269

As Passed Senate, February 12, 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 & Elections: 1/23/24, 1/30/24 [DPS, w/oRec].

Floor Activity: Passed Senate: 2/12/24, 49-0.

Brief Summary of First Substitute Bill

- Establishes an alternative verification options pilot project 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.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6269 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Valdez, Vice Chair; Wilson, J., Ranking Member; Fortunato, Hasegawa and Kuderer.

Minority Report: That it be referred without recommendation.

Signed by Senator Dozier.

Staff: Greg Vogel (786-7413)

Background: Ballot Signature Verification. Before processing an election ballot, a county

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canvassing board, or its designated representatives, must examine the signature on the ballot declaration. All election workers assigned to verify signatures must receive training on statewide standards for signature verification. Election workers must verify the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the Secretary of State.

If a signature on a ballot declaration is not the same as the signature on the registration file because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor must send the voter a change-of-name form and direct the voter to complete the form.

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

Ballot Curing. If a voter neglects to sign a ballot declaration or the voter's signature does not match the signature on their registration file, the county auditor must notify the voter by first-class mail and advise the voter of the correct procedures for completing the unsigned declaration or updating their signature on the voter registration file.

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.

A record must be kept of all ballots with missing and mismatched signatures, containing the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter submitted updated information.

Survey of Ballot Rejection Rates. Every odd-numbered year the Secretary of State 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 to minimize rejections, with a goal of statewide standardization.

Summary of First Substitute Bill: The Secretary of State must establish the alternative verification options pilot project. The purpose of the 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.

Any county may apply to participate in the alternative verification options pilot project. The county auditor of any county that wishes to participate must submit an application for

approval to the Office of the Secretary of State.

The application must include:

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

Each alternative verification method proposed for use in the pilot project must:

- allow the voter to submit clear evidence which can be verified by the county auditor indicating the intended voter was the one who 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 of State.

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 project during a special election held in a jurisdiction not wholly contained within one county, unless all counties involved in the election agree to participate jointly in the project.

Each application to participate in the pilot project must be limited to the special election or elections held on a single date. A county may participate in the project during multiple special election dates, but the county auditor must submit a separate application for each special election date.

Prior to approval, the Office of the Secretary of State must review the feasibility of each proposed alternative verification method and whether each proposed method complies with project requirements.

The Secretary of State may establish additional rules governing application content, submittal, and the approval process, including deadlines for the submittal and approval of applications before each special election.

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

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

The county auditor must notify the governing authorities of all jurisdictions with a race or measure on the ballot when the county is participating in the pilot project and provide

information on the alternative verification method or methods that have been approved for use as soon as practicable after the method has been approved.

If the application is approved by the Secretary of State, not later than 90 days before the election, the county auditor must notify each city, town, or special taxing district located wholly within the county that an alternative verification option will be used.

Each unit of local government may petition the legislative authority of the county for a waiver to opt out of the pilot. The legislative authority of the county may provide a waiver if it does so not later than 60 days before the election and it finds that the waiver is reasonable. If a waiver is granted, no precincts within the unit of local government can use the alternative verification option.

Any voter in a participating county must still have their ballot counted if the signature on the ballot declaration matches a signature of that voter in the registration files of the county. The alternative verification method or methods may not entirely replace signature verification.

If a voter has returned a ballot attempting to use an alternative verification method, but the county auditor is unable to verify the ballot was returned by that voter, the auditor must follow the same ballot curing procedures as if the voter neglected to sign the ballot declaration.

Any information provided by the voter in order to verify that they voted the ballot as part of the pilot project is exempt from public disclosure following the same rules as pertain to voter signatures on ballot return envelopes.

The county auditor must provide a report to the Secretary of State on their participation in the alternative verification options pilot project no later than 30 days after the certification of each special election in which their county participates in the project. The report must describe the alternative verification method or methods used, the number of voters that used each method, the ballot rejection rate for that election and a comparison to the rejection rate for prior similar elections in that county, and any relevant information related to the administration of each method.

The Secretary of State must provide reports on the progress of the pilot project to the Governor, the Legislature, and county auditors no later than December 31st of each year. The report must describe the alternative verification methods used by each county that year, the number of voters that used each method in each election, the impact of the methods on ballot rejection rates, and any other relevant findings of the project.

The Secretary of State must provide a final report on the pilot project no later than December 31, 2028.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: We are trying to implement a pilot in elections with much smaller turnouts to see how it goes. It could be successful, it could not work, but that's why it's a pilot, to see if there's anything to move forward with. Proactive legislation like this may carry Washington closer to innovative and successful voter verification methods. Democracy works best when all voices are heard, and while signatures work for most voters, they don't work for all of them. As technology and culture continue to evolve, it's important that our tools evolve right along with them. The bill would provide counties flexibility to test methods to see what would work for us in Washington, while maintaining security and equitable access.

CON: The bill doesn't say what the alternative verification methods might be which is a red flag. The bill is very open ended and does not give clear options that the Secretary of State will accept as alternative verification options. Giving discretion to the Secretary of State could allow bias in our voting system. The bill does not say anything about citizens having a voice in what their county decides.

OTHER: The Secretary of State understands certain communities have ballots rejected at higher rates and one of the challenges is signature verification for voters with disabilities. This bill would allow the state to research and develop methods alternative to signatures.

Persons Testifying: PRO: Senator Javier Valdez, Prime Sponsor; William Cavecche, King County Elections; Jake García, Latino Community Fund of Washington State.

CON: Kim Slinger; Sharon Damoff; Leslie Williams, Conservative Ladies of WA; Theresa Schrempp.

OTHER: Brian Hatfield, Office of Secretary of State.

Persons Signed In To Testify But Not Testifying: No one.