



# PROPOSED RULE MAKING

**CR-102 (July 2022)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: July 31, 2023

TIME: 2:12 PM

WSR 23-16-099

Agency: Office of the Secretary of State

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 23-14-009 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
- Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) Ballot Signature Verification

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
December 8, 2023	3:00-4:00 p.m.	Washington Secretary of State, Legislative Building 416 Sid Snyder Ave. SW Olympia, WA 98504-0220	The hearing will be conducted using Microsoft Teams. To join the hearing, a person can call the following telephone number (1-206-899-2560) and enter the conference ID (160 989 358#). People will be able to listen to the hearing and comment.

Date of intended adoption: May 1, 2024 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Sheryl Moss  
 Address: PO Box 40229, Olympia WA 98504  
 Email: Sheryl.moss@sos.wa.gov  
 Fax: 360-664-4619  
 Other: 360-902-4172  
 By (date) September 4, 2023

Assistance for persons with disabilities:

Contact Sheryl Moss  
 Phone: 360-902-4172  
 Fax: 260-664-4619  
 TTY:  
 Email: Sheryl.moss@sos.wa.gov  
 Other:  
 By (date) August 31, 2023

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to update the process and standards for verifying ballot declaration signatures in a manner that reduces and ensures consistency in counties throughout the state. The rule is expected to result in fewer mistaken rejections of valid ballots.

**Reasons supporting proposal:** The signature verification process ensures that only valid ballots are counted in elections. At times, valid ballots are not accepted because the signatures do not appear to match. The reason for the adoption of this rule is to ensure that valid ballots are not mistakenly rejected while also ensuring that the signature verification process prevents the acceptance of invalid ballots.

**Statutory authority for adoption:** RCW 29A.04.525; RCW 29A.04.611

**Statute being implemented:** RCW 29A.40.110; RCW 29A.40.160; RCW 29A.60.165; RCW 29A.60.195

Is rule necessary because of a:

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

**Type of proponent:**  Private  Public  Governmental  
**Name of proponent:** (person or organization) Office of the Secretary of State

Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting:	Stuart Holmes	Olympia	360-902-4151
Implementation:	Stuart Holmes	Olympia	360-902-4151
Enforcement:	Stuart Holmes	Olympia	360-902-4151

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:
- Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:
- No: Please explain:

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.  
Citation and description:
- This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.
- This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:
- |  |  |
|--|--|
| <input checked="" type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)                | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)               | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |
- This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.
- Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Date:** 07/31/2023

**Name:** Randy Bolerjack

**Title:** Deputy Secretary of State

**Signature:**

