



Washington Secretary of State

CLEARINGHOUSE

ELECTIONS NOTICE

Issue #12-05
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Unsigned Ballots and Mismatched Signatures

Recently adopted WACs change the procedures for curing unsigned ballot declarations and mismatched signatures. The new requirements listed in WAC are in effect for the upcoming Primary. Applicable WACs are attached.

A mail ballot is counted if the ballot declaration signature matches the signature in the voter's voter registration file. A ballot declaration signature may not be rejected merely because the signature is not dated, unless—the date is necessary to validate the timeliness of the ballot. WAC 434-250-120(3)

If the signature on the declaration does not match the signature on the registration record because the last name is different, the ballot may be counted as long as the first name and handwriting are clearly the same. WAC 434-261-050(4)

To cure their signatures, voters may **electronically** submit signed ballot declarations, signature update forms, and voter registration forms—hard copies are not required. Effective January 2012, the County Auditor has authority to accept signature cures via fax or email. The signature curing process is not to be confused with requiring hard copies for non-UOCAVA voters who return ballots electronically. WAC 434-208-060(1)(d) and (g)

What are the requirements for curing an unsigned ballot declaration?

If the voter neglects to sign the ballot declaration or signs with a mark and fails to have two witnesses attest to the signature, the voter must either:

- Appear in person and sign the declaration no later than the day before certification of the primary or election; or
- Sign a copy of the declaration, or mark the declaration in front of two witnesses, and return it, by mail or electronically, no later than the day before certification of the primary or election.

What are the requirements for curing a mismatched signature?

New rules eliminate two options for curing a mismatched signature—provide a photocopy of ID or sign in front of two witnesses.

If the signature on the ballot declaration does not match the signature on the voter registration record, the voter must either:

- Appear in person and sign a new registration form no later than the day before certification of the primary or election. The updated signature becomes the signature in the voter registration record for both the current election and future elections; or
- Sign a signature update form that includes **both** the ballot declaration required by WAC 434-230-015 and the voter registration oath required by RCW 29A.08.230. The form must be returned no later than the day before certification of the primary or election. The signature on the update form must match the signature that was returned with the ballot. The new signature on the update form becomes the signature in the voter registration record for both the current election and future elections. While the County Auditor may choose to send two separate forms, the voter may not return both forms, in which case the ballot still cannot be counted. In order to count the ballot, the voter must attest to both the ballot declaration and the voter registration oath; it is more likely that the voter will sign and return one **combination** form. WAC 434-261-050(3)

Witness requirements remain for voters who are unable to sign voter registration forms and ballot declarations.

If the combination ballot declaration/voter registration form is returned electronically can the signature be used to update the registration file?

Yes. The signature on the combination form becomes the signature in the person's voter registration record for both the current and future elections. Again, voters can file voter registration forms electronically. WAC 434-261-050(3)(b) and WAC 434-208-060(1)(f)

If the combination form is used, will the ballot declaration remain open to public disclosure requirements?

Yes. The ballot declaration can be disclosed. It also has different retention requirements than a voter registration form signature. Since the same form is being used for two purposes, it may be necessary to retain two versions, whether they be physical copies or electronic. Then, each document can be disclosed and retained accordingly.

Will the Secretary of State provide generic or template versions of the forms?

Generic versions of the “Missing Signature Form” and the “Signature Update Form” are located in the D4D [Design Center](#) and the Election Administrators tab of our [website](#). As always, we encourage you to contact [Sarah Higgins](#), Design for Democracy Fellow, to collaborate on user-friendly forms for your voters.

Finally, if you have questions about these new requirements, please contact the Certification and Training Program at ctsupport@sos.wa.gov or (360) 902-4180.

WAC 434-208-060

Electronic filings.

(1) In addition to those documents specified by RCW [29A.04.255](#), the secretary of state or the county auditor shall accept and file in his or her office electronic transmissions of the following documents:

- (a) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;
- (b) Any minor party or independent candidate filing material for president and vice-president, except nominating petitions;
- (c) Lists of presidential electors selected by political parties or independent candidates;
- (d) Voted ballots and signed ballot declarations from service and overseas voters received no later than 8:00 p.m. on election day. Voted ballots and signed ballot declarations from voters who are neither service nor overseas voters received no later than 8:00 p.m. on election day, as long as hard copies are received no later than the day before certification of the election. Consistent with WAC [434-250-080](#), it is the first ballot and declaration received that may be processed and counted. Voted ballots received electronically no later than 8:00 p.m. on election day are timely even if the postmark on the return envelope is after election day;
- (e) Resolutions from cities, towns, and other districts calling for a special election;
- (f) Voter registration forms, unless the form is illegible or the signature image is poor quality requiring the county auditor to reject the form;
- (g) Signed ballot declarations, and any accompanying materials, submitted pursuant to WAC [434-261-050](#); and
- (h) Requests to withdraw.

(2) If payment of a fee is required, the electronic filing is not complete until the fee is received.

(3) No initiative, referendum, recall, or other signature petitions may be filed electronically.

WAC 434-250-120

Verification of the signature and return date.

(1) A mail ballot shall be counted (~~only~~) if:

(a) The ballot declaration is signed with a valid signature;

(b) The signature has been verified pursuant to WAC 434-379-020, or if the voter is unable to sign his or her name, two other persons have witnessed the voter's mark; and

(c)(i) The envelope is postmarked not later than the day of the election and received not later than the day before certification of the election;

(ii) The ballot is deposited in a ballot drop box no later than 8:00 p.m. on election day; or

(iii) The ballot of a service or overseas voter received by fax or e-mail is received no later than 8:00 p.m. on election day.

(2) Postage that includes a date, such as meter postage or a dated stamp, does not qualify as a postmark. If an envelope lacks a postmark or if the postmark is unreadable, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.110. If a ballot is from a service or overseas voter, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.100.

(3) The signature on the ballot declaration must be compared with the signature in the voter's voter registration file using the standards established in WAC 434-379-020. The signature on a ballot declaration may not be rejected merely because the signature is not dated, unless the date is necessary to validate the timeliness of the ballot. The signature on a ballot declaration may not be rejected merely because the name in the signature is a variation of the name on the voter registration record. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries.

(4) The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

WAC 434-261-050

Unsigned ballot declaration or mismatched signatures.

(1) If a voter neglects to sign a ballot declaration, signs with a mark and fails to have two witnesses attest to the signature, or signs but the signature on the ballot declaration does not match the signature on the voter registration record, the county auditor shall notify the voter by first class mail of the correct procedures for curing the signature. If the ballot is received during the last three business days before the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded by the last three business days before the final meeting of the canvassing board, the county auditor must attempt to notify the voter by telephone using information in the voter registration record.

(2) If the voter neglects to sign, or signs with a mark and fails to have two witnesses attest to the signature, the voter must either:

- (a) Appear in person and sign the declaration no later than the day before certification of the primary or election; or
- (b) Sign a copy of the declaration (~~((provided by the auditor))~~), or mark the declaration in front of two witnesses, and return it to the county auditor no later than the day before certification of the primary or election.

(3) If the signature on the declaration does not match the signature on the voter registration record, the voter must either:

- (a) Appear in person and sign a new registration form no later than the day before certification of the primary or election. The updated signature provided on the (~~(new)~~) registration form becomes the signature (~~((on))~~) in the voter registration record for the current election and future elections; or
- (b) Sign a (~~((copy of the declaration provided by the auditor, and provide a photocopy of a valid government or tribal identification that includes the voter's current signature. The signature on the copy of the declaration must match the signature on the identification, and both of those signatures must match the signature on the ballot declaration. The voter must return the signed declaration and identification))~~) signature update form that includes both the ballot declaration required by WAC 434-230-015 and the voter registration oath required by RCW 29A.08.230, and return it to the county auditor no later than the day before certification of the primary or election. The (~~(county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections; or~~
- (c) Sign a copy of the declaration provided by the auditor in front of two witnesses who attest to the signature. The signature on the copy of the declaration must match the signature on the ballot declaration. The voter must return the signed declaration to the auditor no later than the day before certification of the primary or election. The county auditor may also send the

~~voter a new registration form to update the signature on the voter registration record for future elections))~~ signature on the signature update form must match the signature on the returned ballot declaration. The signature provided on the signature update form becomes the signature in the voter registration record for the current election and future elections.

(4) (a) If the signature on the declaration does not match the signature on the registration record because the last name is different, the ballot may be counted as long as the first name and handwriting ((is)) are clearly the same. If it appears that the voter has changed his or her name, and the information required under RCW 29A.08.440 to complete a name change is not provided or is illegible, the county auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(b) If the signature on ((a)) the ballot declaration does not match the signature on the registration record because the voter ((used)) signed with a middle name, nickname, or initials ((or a common nickname)), the ballot may be counted as long as the ((surname)) last name and handwriting are clearly the same.

(5) If the name on the signature does not match the printed name, and the signature on the ballot declaration does not match the signature on the voter registration record, because the ballot was signed by another registered voter, the ballot may be counted for the registered voter who actually signed the ballot declaration if:

(a) The voter who signed the declaration can be identified;

(b) The signature on the declaration matches the signature on the voter registration record; and

(c) The voter who signed the declaration has not returned another ballot.

The county auditor may only count the races and measures for which the voter who signed the declaration is eligible to vote.

(6) If it is determined that the signature on a ballot declaration does not match the signature on the registration record and, prior to 8:00 p.m. on election day, the registered voter asserts that the signature on the ballot declaration is not his or her signature, the voter may be provided the opportunity to vote a replacement ballot.

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

(8) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter subsequently submitted a signature to cure the missing or mismatched signature. That record is a public record under chapter 42.56 RCW and may be disclosed to interested parties on written request.