Missing and Mismatched Signatures on Ballot Declarations

Elections Clearinghouse Notice
Issue #24-10
June 5, 2024

This clearinghouse notice is reissued to reflect legislative and WAC amendments as a result of [Engrossed Substitute Senate Bill 5890 (2024)](#) and to clarify language and procedure. It replaces Clearinghouse Notice #21-05, *Missing and Mismatched Signatures on Ballot Declarations*, issued October 22, 2021.

A ballot is counted if the provided ballot declaration signature matches the signature(s) in the voter's registration record. At each stage of the signature verification process, it is presumed that the signature on the ballot declaration is the voter's signature. ([WAC 434-261-051(2)](#))

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(4)](#))

A ballot must be accepted unless the ballot declaration signature has multiple, significant, and obvious discrepancies from all signatures in the voter's registration record. ([WAC 434-261-052(1)(a)](#))

Criteria for reviewing ballot declaration signatures are included in WAC 434-261-051(2). If a ballot is not accepted following an initial review, it must be referred for a second review by a different person who has received signature verification training. ([WAC 434-261-052(2)(a)](#))

Name Variations

If the signature on the declaration does not match the signature on the registration record because the voter's name has changed, the ballot may be counted as long as the handwriting is clearly the same. ([RCW 29A.60.165(2)(b)](#))

The signature may not be rejected solely for being a variation of the voter's name. (WAC [434-250-120(4)](#), [434-261-051(4)(b)](#))

Send the voter a name of change or voter registration form and direct them to complete and return the form with their updated signature. ([RCW 29A.60.165(2)(b-c)](#))

Different Signer

If the signature on the ballot declaration does not match the signature(s) on file because it was signed by another registered voter, the ballot may be counted for the voter who signed the declaration if:

- The signer can be identified (in the voter registration record located in VoteWA),
- The signature on the declaration matches the signature(s) in the voter registration record of the identified signer, and
- The signer does not already have an accepted ballot for that election.

Only count the races and measures for which the voter who signed the ballot declaration is eligible to vote. ([WAC 434-261-051(6)](#))

If the voter who signed the ballot declaration already has an accepted ballot for that election, refer the ballot(s) received after the initially accepted ballot to the county canvassing board. (WAC 434-261-051(7))

If the ballot was identified by staff on or before Election Day, contact the voter to whom the ballot was issued by phone, email, text message, or if time allows, by mail and provide the voter a replacement ballot. ([WAC 434-250-120(3)](#))

Curing Ballot Declaration Signatures

Curing an Unsigned Ballot Declaration (WAC 434-261-053(3-4))
If the voter neglects to sign the ballot declaration or signs with a mark or signature stamp and fails to have two witnesses attest to the mark or signature stamp, the voter must either:
- Appear in person and sign the ballot declaration no later than close of business the day before certification of the primary or election; or
- Sign a copy of the ballot declaration or mark the declaration in front of two witnesses who attest to the mark made by the voter, and return it by mail or electronically no later than close of business the day before certification of the primary or election.

The [Missing Signature Form](#) on the Secretary of State's website is provided for this purpose.

Curing a Mismatched Signature (WAC 434-261-053(5))
If the signature on the ballot declaration does not match the signature on the voter registration record, the voter must:
- Appear in person and sign a new voter registration form no later than close of business the day before certification of the primary or election.
- Sign a signature update form that includes **both** the ballot declaration required by [WAC 434-230-015(3)(c)](#) and the voter registration oath required by [RCW 29A.08.230](#), subject to the March 15, 2024 Consent Decree entered in *Washington State Alliance for Retired Americans v. Hobbs, et al.*, W.D.WA. Case No. 3-23-CV-06014-TMC. The form must be returned by mail, in person, or electronically and received no later than the close of business the day before certification of the primary or election. ([WAC 434-261-053(7)](#)); or
- Providing valid secondary identity verification, as set forth in the Secondary Identity Verification section below.

The signature on the update form must match the signature that was returned with the ballot. (WAC 434-261-053(5)(a)(i))

A ballot must be accepted unless the ballot declaration signature has multiple, significant, and obvious discrepancies from all signatures in the voter's registration record. (WAC 434-261-052(1)(a))

Criteria for reviewing ballot declaration signatures are included in WAC 434-261-051(2). If a ballot is not accepted following an initial review, it must be referred for a second review by a different person who has received signature verification training. (WAC 434-261-052(2)(a))

The new signature on the update form becomes a signature in the voter registration record for the current and future elections. (WAC 434-261-053(5)(a)(ii))

The Signature Update Form on the Secretary of State's website is provided for this purpose. (WAC 434-261-050(3))

Secondary Identity Verification
A voter may cure a mismatched ballot declaration signature by providing valid secondary identity verification to the county auditor no later than the close of business the day before certification of the primary or election. Secondary identity verification may be provided by the voter by email, telephone, in person, or through the multi-factor authentication process set forth below.

Valid secondary identity verification may be:
- Last four digits of the voter's Social Security Number;
- Full driver's license, instruction permit, or state identicard card number;
- Alternate ID other than a voter registration card that shows the name and address of the voter
  - Photo ID;
  - Valid enrollment card of a federally recognized Indian tribe in Washington state;
  - Copy of a current utility bill or bank statement;
  - Copy of a current government check;
  - Copy of a current paycheck; or
  - Another government document.
- A multifactor authentication code the county auditor sent to the voter's phone number or email address on record.

Multifactor Authentication Code
The multifactor authentication code sent from the county auditor to the voter must be from a system approved for use by the Secretary of State.

The code may only be sent to a phone number or email address already on file for the voter at the time the ballot was received. The voter may not add a phone number or email address to their voter registration record for the purpose of receiving a multifactor authentication code, but may add their phone number or email address for future elections.

After providing the multifactor authentication code, the voter must confirm to the county auditor orally or in writing that they were the person to sign their ballot declaration.

If the voter provides the code and confirms that they signed the ballot declaration, the ballot may only be rejected if two trained signature verifiers conclude beyond a reasonable doubt that someone other than the voter signed the ballot declaration.

Electronically Submitted Forms

To cure challenged signatures, voters may electronically submit signed ballot declarations, signature update forms, and voter registration forms – hard copies are not required. (WAC 434-208-060(1)(d), (f), and (g))

Public Disclosure

Signature Update Form
Yes. The ballot declaration cure form can be disclosed; however, the signature(s) on the form are exempt from public disclosure and must be redacted. In-person inspection of unredacted forms may be allowed. (RCW 29A.04.260, 42.56.425(1)(c); WAC 434-250-380)

Cure forms also have 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, for disclosure and retainment.

Signatures
No. Signatures on return envelopes, ballot return declarations, voter registration forms, and cure forms are exempt from public disclosure. In-person inspection may be allowed. (RCW 29A.04.260, 42.56.425(1)(c); WAC 434-250-380)

Ballot Materials and Voted Ballots
No. Observers and requestors may not touch or record any voted ballots or ballot materials.