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THE HONORABLE CATHERINE SHAFFER

SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR KING COUNTY

VET VOICE FOUNDATION, THE  
WASHINGTON BUS, EL CENTRO DE  
LA RAZA, KAELEENE ESCALANTE  
MARTINEZ, BETHAN CANTRELL,  
GABRIEL BERSON, AND MARI  
MATSUMOTO

Plaintiffs,

v.

STEVE HOBBS, in his official capacity as  
Washington State Secretary of State,  
JULIE WISE, in her official capacity as the  
Auditor/Director of Elections in King  
County and a King County Canvassing  
Board Member, SUSAN SLONECKER, in  
her official capacity as a King County  
Canvassing Board Member, AND  
STEPHANIE CIRKOVICH, in her official  
capacity as a King County Canvassing  
Board Member,

Defendants.

No. 22-2-19384-1 SEA

SECOND AMENDED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF

SECOND AMENDED COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF

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## COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs VET VOICE FOUNDATION, THE WASHINGTON BUS, EL CENTRO DE LA RAZA, KAELEENE ESCALANTE MARTINEZ, BETHAN CANTRELL, GABRIEL BERSON, AND MARI MATSUMOTO (collectively, “Plaintiffs”) file this Complaint for Declaratory and Injunctive Relief against Defendants STEVE HOBBS, in his official capacity as the Washington State Secretary of State, JULIE WISE, in her official capacity as the Auditor/Director of Elections in King County and a King County Canvassing Board Member, SUSAN SLONECKER, in her official capacity as a King County Canvassing Board Member, AND STEPHANIE CIRKOVICH, in her official capacity as a King County Canvassing Board Member, and allege as follows:

### NATURE OF THE ACTION

1. “[T]he right to vote is a fundamental right afforded to the citizens of Washington State.” *Madison v. State*, 161 Wn.2d 85, 95, 163 P.3d 757 (2007). “The right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government.” *Gold Bar Citizens for Good Gov’t v. Whalen*, 99 Wn.2d 724, 730, 665 P.2d 393 (1983) (quoting *Reynolds v. Sims*, 377 U.S. 533, 555 (1964)). Further, “[i]t is the policy of the state of Washington to encourage every eligible person to register to vote and to participate fully in all elections.” RCW 29A.04.205 (emphasis added).

2. For every Washington State voter, this fundamental right is contingent on an arbitrary, fundamentally flawed, and unlawful signature verification requirement.

3. Signature verification is touted as a voter verification tool, where an election official (a minimally trained layperson) visually compares the voter’s signature from the

1 ballot envelope to whatever signature is on file. Washington law requires election officials  
2 to verify that a voter’s signature on a ballot declaration is the same as the signature of that  
3 voter in the registration files of the county. RCW 29A.40.110(3) (the “Signature  
4 Verification Requirement”). If the election official determines that a voter’s signature does  
5 not “match” the file signature, the ballot is rejected and will not be counted unless the voter  
6 takes additional burdensome steps to prove the voter’s identity. But unlike DNA markers  
7 that are unique to the individual and constant throughout their life, signatures can and do  
8 vary for many reasons. And unlike the high degree of certainty in DNA analysis, signature  
9 matching is an inherently fraught endeavor. Even highly trained writing analysts who have  
10 at their disposal the latest tools and the luxury of time make mistakes. Washington election  
11 officials tasked with comparing signatures have none of those advantages—they lack  
12 extensive training and proper tools and are hard-pressed for time. And, of course, election  
13 officials are human: they make mistakes, they are rushed to “verify” millions of signatures  
14 in just a few weeks, they are not experts in handwriting analysis, they are not trained as  
15 such, and they may only have old, unrepresentative, or otherwise flawed signatures against  
16 which to compare the signature on the ballot envelope. And if an election official errs by  
17 rejecting a lawfully cast ballot, voters are not always able to take the additional steps  
18 demanded by the state to prove their identity, even if they want to. For those deployed  
19 overseas in the military, citizens traveling abroad, voters temporarily out of state, voters in  
20 remote locations without access to email or phone service, or those with disabilities that  
21 make consistent signatures difficult or impossible, and those without the time or funds to  
22 devote to justifying their right to vote, this requirement strips them of their right to vote, by  
23 the tens of thousands.  
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1           4.       From the 2018 Primary Election through the 2022 Primary Election,  
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3 Washington’s Signature Matching Requirement has actually disenfranchised more than  
4  
5 113,000 Washington voters. King County alone disenfranchised over 42,000 of those  
6  
7 voters. Tens of thousands more have had their ballots initially rejected but then managed to  
8  
9 demonstrate that their signatures were, in fact, genuine—plainly proving that election  
10  
11 officials erred in rejecting them in the first place. As of November 14, 2022, Washington’s  
12  
13 Signature Verification Requirement has rejected over 36,000 ballots in the 2022 General  
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15 Election. But this burden, and outright disenfranchisement, falls with dramatic  
16  
17 disproportional impact on certain groups.

18           5.       While Washington’s Signature Verification Requirement harms voters of all  
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20 stripes, some groups are disproportionately impacted, and others are especially vulnerable to  
21  
22 disenfranchisement. Among those disproportionately impacted by Washington’s Signature  
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24 Verification Requirement are voters under 40: 18 to 21-year-old voters have their votes  
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26 rejected at approximately 10 times the rate of voters over 40, 22 to 30-year-old voters have  
27  
28 their votes rejected over 6 times the rate of voters over 40, and 31 to 40-year-old voters have  
29  
30 their votes rejected at over 3 times the rate of voters over 40. Latino voters, Black voters,  
31  
32 and Asian voters have their votes rejected at approximately double the rate of white voters.  
33  
34 King County’s Signature Verification Requirement disenfranchises these groups with  
35  
36 similar disparity. Active-duty military personnel and their families who are stationed away  
37  
38 from Washington during an election have their votes rejected at approximately twice the rate  
39  
40 of non-military voters. Voters with serious medical conditions that impact muscular control  
41  
42 of hands and arms are especially vulnerable to disenfranchisement under this requirement, as  
43  
44 are non-native English speakers or those who speak no English at all. Indeed, the  
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1 Washington State Auditor made many similar findings in an analysis of rejected ballots after  
2 the 2020 General Election.  
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4  
5 6. And nowhere else in a citizen's life does such a Signature Verification  
6 Requirement exist: Washingtonians do not have their signatures scrutinized to prove their  
7 identity when they sign wills, property deeds, vehicle titles, tax declarations, tax returns,  
8 driver's licenses, gun licenses, contracts, or other legally significant documents. Indeed,  
9 affidavits and declarations offered in Washington (and federal) courts are routinely accepted  
10 without being subject to this faux science signature matching requirement. Lawyers sign  
11 complaints, judgments, and legal liens without such scrutiny. Washington citizens are born,  
12 marry, divorce, adopt children, and die with formal county and state documentation, none of  
13 which is subjected to this requirement.  
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23 7. Washington's Signature Verification Requirement is purportedly designed to  
24 prevent fraudulent votes from being counted. But voter fraud is exceedingly rare in  
25 Washington, and few—if any—cases of voter fraud have been caught and prosecuted  
26 through signature matching. Therefore, Washington's Signature Verification Requirement  
27 has disenfranchised tens of thousands of lawful voters for no discernable benefit.  
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33 8. Plaintiffs challenge the constitutionality of this Signature Verification  
34 Requirement. In particular, Plaintiffs challenge the statutory requirement that election  
35 officials verify that the voter's signature on the ballot declaration is the same as the signature  
36 or signatures on file for that voter before that ballot is counted. RCW 29A.40.110(3).  
37 Plaintiffs do not independently challenge the implementing regulations regarding ballot  
38 declaration signature verification, but the invalidation of the statute would result in the  
39 invalidation or nullification of those regulations.  
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1 of the Bus's core activities is mobilizing young voters through voter registration, voter  
2 education, and voter turnout. To date, Bus has registered nearly 72,000 voters, deployed  
3 thousands of volunteers, and made hundreds of thousands of voter contacts in Washington  
4 State. As part of its voter education and voter turnout programs, the Bus uses funds and  
5 diverts resources to inform voters about the Signature Verification Requirement. The Bus  
6 also devotes resources and volunteers to "curing" ballots that were rejected for non-  
7 matching signatures through phone calls, in-person engagement, and other efforts to reach  
8 affected voters.  
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17 12. Plaintiff El Centro de la Raza ("El Centro") is a non-profit, non-partisan  
18 501(c)(3) organization grounded in the Latino community of Washington State. El Centro's  
19 mission is to unify all racial and economic sectors; to organize, empower, and defend the  
20 basic human rights of our most vulnerable and marginalized populations; and to bring  
21 critical consciousness, justice, dignity, and equity to all the peoples of the world. El Centro  
22 de la Raza means The Center for People of All Races. While El Centro has a wide array of  
23 programs, it is well known for its voter registration and get-out-the-vote efforts. As part of  
24 those get-out-the-vote efforts, El Centro conducts education campaigns to ensure voters  
25 have all the information that they need to vote, including how and where to cast a ballot.  
26 These education campaigns include e-mails to its network, announcements on radio  
27 programming, social media, answering questions from individual voters about their ballots  
28 and voting procedures, and other volunteer efforts to boost civic engagement through voting.  
29 El Centro also recognizes that people of color, especially Latino voters, are  
30 disproportionately impacted by Washington's Signature Verification Requirement. Indeed,  
31 El Centro has participants who have been disenfranchised by Washington's Signature  
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1 Verification Requirement. Election officials even wrongly rejected El Centro’s Executive  
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3 Director’s ballot for non-matching signatures in the 2022 General Election.

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5 13. Plaintiff Kaeleene Escalante Martinez (“Ms. Escalante Martinez”) is a  
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7 resident of King County, Washington. Ms. Escalante Martinez is a young Latina voter who  
8  
9 has had her ballot rejected three times in as many elections because election officials  
10  
11 mistakenly determined that her ballot signature did not match her signature on file. In the  
12  
13 2020 General Election, election officials mistakenly rejected her signature on her ballot.  
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15 When she submitted her ballot in that election, she was a U.S. citizen and a Washington  
16  
17 resident, fully eligible to vote in the election; she selected her preferred candidates and  
18  
19 sealed her ballot in the provided envelope, and signed and dated the ballot declaration. She  
20  
21 then timely returned her ballot. In short, she did everything that was required of her to cast  
22  
23 her ballot and exercise her fundamental right to vote. When notified of the county’s  
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25 erroneous rejection of her signature, Ms. Escalante Martinez went further: she carefully  
26  
27 completed and submitted the required paperwork to prove to election officials that she voted  
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29 her ballot, as she declared in the first instance. None of that mattered. Her vote was not  
30  
31 counted. Ms. Escalante Martinez was stripped of her right to vote by Washington’s  
32  
33 Signature Verification Requirement.

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35 14. Astonishingly, the same thing happened—*again*—during the 2022 Primary  
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37 Election, when election officials mistakenly rejected her signature on her ballot for the  
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39 second time. When she submitted her ballot in that election, she was a U.S. citizen and a  
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41 Washington resident, fully eligible to vote in the election; she selected her preferred  
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43 candidates and sealed her ballot in the provided envelope, and signed and dated the ballot  
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45 declaration. She then timely returned her ballot. In short, she did everything that was  
46  
47 required of her to cast her ballot and exercise her fundamental right to vote. After learning



1 that her signature had been rejected yet again, she was so frustrated that she did not even  
2  
3 bother attempting to prove that election officials made a mistake in rejecting her ballot a  
4  
5 second time.

6  
7 15. Ms. Escalante Martinez recently learned that, remarkably, *for a third time in*  
8  
9 *as many elections*, election officials mistakenly rejected her signature on her ballot.

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11 16. Despite having her ballots rejected by election officials in the 2020 General  
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13 Election, the 2022 Primary Election, and the 2022 General Election, Ms. Escalante Martinez  
14  
15 plans to vote in future elections.

16  
17 17. Plaintiff Bethan Cantrell (“Ms. Cantrell”) is a resident of King County,  
18  
19 Washington. Ms. Cantrell has a chronic condition that makes writing and signing her name  
20  
21 extremely uncomfortable. For this reason, she often signs her name on documents quickly  
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23 and more simply as opposed to using her formal signature, which takes longer and is more  
24  
25 involved. In the 2020 General Election, election officials mistakenly rejected her signature  
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27 on her ballot. When she submitted her ballot in that election, she was a U.S. citizen and a  
28  
29 Washington resident, fully eligible to vote in the election; she selected her preferred  
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31 candidates and sealed her ballot in the provided envelope, and signed and dated the ballot  
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33 declaration. She then timely returned her ballot. In short, she did everything that was  
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35 required of her to cast her ballot and exercise her fundamental right to vote. Despite having  
36  
37 her ballot rejected by election officials in 2020, Ms. Cantrell voted in the 2022 General  
38  
39 Election and plans to vote in future elections.

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41 18. Plaintiff Gabriel Berson, M.D. (“Dr. Berson”) is a resident of King County,  
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43 Washington and has been a pediatrician in the area for over 15 years. As a pediatrician, Dr.  
44  
45 Berson signs many documents every day. Dr. Berson signs his name several different ways  
46  
47 on a regular basis.

1           19.     In the 2020 General Election, election officials mistakenly rejected Dr.  
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3     Berson’s signature on his ballot. When he submitted his ballot in that election, he was a  
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5     U.S. citizen and a Washington resident, fully eligible to vote in the election; he selected his  
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7     preferred candidates and sealed his ballot in the provided envelope, and signed and dated the  
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9     ballot declaration. Dr. Berson returned his ballot before Election Day. In short, he did  
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11    everything that was required of him to cast his ballot and exercise his fundamental right to  
12  
13    vote.

14           20.     Dr. Berson never received any notice that his ballot had been rejected.  
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16     Instead, a vigilant neighbor informed Dr. Berson that his name was on the public list of  
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18     voters who had ballots rejected for signature discrepancies. Dr. Berson submitted an official  
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20     form to election officials to “cure” his ballot. On October 30, 2020, King County Elections  
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22     acknowledged receipt of the “cure” form, but he never received any further information or  
23  
24     communications. Despite submitting the required “cure” form, Dr. Berson’s vote was never  
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26     counted. Despite having his ballot rejected by election officials in 2020, Dr. Berson voted in  
27  
28     the 2022 General Election and plans to vote in future elections.

29           21.     Plaintiff Mari Matsumoto (“Ms. Matsumoto”) is an Asian and White resident  
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31     of King County. Ms. Matsumoto is also an attorney. As an attorney, Ms. Matsumoto signs  
32  
33     many documents every day, and her signature gets progressively fluid throughout the day.  
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36           22.     In the 2022 General Election, election officials mistakenly rejected Ms.  
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38     Matsumoto’s signature on her ballot. When she submitted her ballot in that election, she  
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40     was a U.S. citizen and a Washington resident, fully eligible to vote in the election; she  
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42     selected her preferred candidates and sealed her ballot in the provided envelope, and signed  
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44     and dated the ballot declaration. She then timely returned her ballot. In short, she did  
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1 everything that was required of her to cast her ballot and exercise her fundamental right to  
2 vote.  
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4  
5 23. Ms. Matsumoto received an automated call from King County Elections  
6 requesting she call back. Ms. Matsumoto called King County elections officials for more  
7 information and was informed that the signature on her ballot did not match the signature on  
8 file for her. Ms. Matsumoto was told to fill out and submit a “signature resolution form” to  
9 the King County elections office. Ms. Matsumoto also received additional guidance on how  
10 to properly sign the resolution form so that her ballot would be counted. As instructed, Ms.  
11 Matsumoto filled out and returned the form by mail.  
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19 24. Days later, Ms. Matsumoto received notice that there were still issues with  
20 her signature, and her ballot would not be counted. She called King County elections  
21 officials again and was instructed to again fill out and submit a “signature resolution form.”  
22 This time, Ms. Matsumoto received guidance on how to properly sign the resolution form  
23 that was inconsistent with the previous guidance she had received. On November 9, 2022,  
24 as instructed, Ms. Matsumoto again filled out and returned the form by e-mail. On that  
25 form, she provided her name, date of birth, phone number, e-mail address, and two  
26 signatures. Despite twice attempting to prove her identity to election officials by submitting  
27 the required forms and providing other personal information that would prove her identity  
28 such as her date of birth, Ms. Matsumoto’s ballot was ultimately still rejected for non-  
29 matching signatures.  
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41 25. Despite having her ballot rejected by election officials in 2022, Ms.  
42 Matsumoto plans to vote in future elections.  
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45 26. Defendant Steve Hobbs is the Secretary of State of Washington (“Secretary  
46 Hobbs”) and is sued in his official capacity. Secretary Hobbs is “the chief election officer  
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1 for all federal, state, county, city, town, and district elections.” RCW 29A.04.230. In this  
2  
3 role, Secretary Hobbs is responsible for administrating presidential primary, state primary,  
4  
5 and state general elections and training and certifying state and local elections personnel.  
6  
7 RCW 43.07.310. Secretary Hobbs is further responsible for promulgating rules relating to  
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9 elections, including “standards for the verification of signatures on ballot declarations.”  
10  
11 RCW 29A.04.611(54). Secretary Hobbs, personally and through the conduct of his  
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13 employees, officers, agents, and servants, acted under the color of State law at all times  
14  
15 relevant to this action.

16  
17 27. Defendant Julie Wise is the Auditor/Director of Elections in King County.  
18  
19 Defendant Susan Slonecker is a Supervising Attorney at the King County Prosecuting  
20  
21 Attorney’s Office. Defendant Stephanie Cirkovich is the Chief of Staff at the King County  
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23 Council. Ms. Wise, Ms. Slonecker, and Ms. Cirkovich are sued in their official capacities as  
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25 members of the King County Canvassing Board (“Canvassing Board”). The Canvassing  
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27 Board canvasses returns for all elections. RCW 29A.60.010. Only the Canvassing Board  
28  
29 may reject a ballot for non-matching signatures. *See* RCW 29A.60.050. The Canvassing  
30  
31 Board wrongly rejected Ms. Escalante Martinez’s, Ms. Cantrell’s, Dr. Berson’s, and Ms.  
32  
33 Matsumoto’s ballots, along with thousands of other King County voters. Ms. Wise,  
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35 Ms. Slonecker, and Ms. Cirkovich, personally and through the conduct of their employees,  
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37 officers, agents, and servants, acted under the color of State law at all times relevant to this  
38  
39 action.

#### 40 41 **JURISDICTION AND VENUE**

42  
43 28. This Court has original jurisdiction over the subject matter of this action  
44  
45 pursuant to Article IV, Section 6 of the Washington State Constitution, RCW 2.08.010, and  
46  
47 RCW 7.24.010.



1           35.     In the 2018 General Election, over 17,600 Washington voters had their  
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3 lawfully cast ballots rejected because election officials erroneously concluded that their  
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5 ballot signature did not “match” the signature on file with election officials.  
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7           36.     In the 2022 Primary Election, over 10,000 Washington voters had their  
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9 lawfully cast ballots rejected because election officials erroneously concluded that their  
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11 ballot signature did not “match” the signature on file with election officials.<sup>1</sup>  
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13           37.     King County consistently disenfranchises thousands of voters through the  
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15 Signature Verification Requirement. From the 2018 Primary Election through the 2022  
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17 Primary Election, King County’s Signature Verification Requirement disenfranchised over  
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19 42,000 voters, including Ms. Escalante Martinez, Ms. Cantrell, Dr. Berson, and Ms.  
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21 Matsumoto. While the 2022 General Election has not yet been certified, as of November 14,  
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23 2022, King County is poised to disenfranchise around 14,000 voters for non-matching  
24  
25 signatures.  
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27           38.     These tens of thousands of voters have had their ballots rejected for virtually  
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29 no discernable benefit to the integrity of Washington State elections.  
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31           39.     The Signature Verification Requirement purports to address a problem that,  
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33 by any reasonable measure, is virtually non-existent in Washington. Secretary Hobbs’s  
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35 predecessor, Secretary Kim Wyman, who served as Washington State Secretary of State  
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37 from 2013 to 2021, was only able to identify 11 charged cases of voter fraud (which  
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39 included voter registration fraud) between 2007 and 2017.<sup>2</sup> Of the 3,317,019 ballots cast in  
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42           <sup>1</sup> While the total number of rejected ballots in the 2018 General Election and the 2022 Primary  
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44 Election were lower than in the 2020 General Election, turnout in the 2018 General Election and the 2022  
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46 Primary Election was lower. The rate of rejection across all three elections was nearly the same.

47           <sup>2</sup> Olympian Editorial Board, Editorial, These Voter Fraud Charges Just Might Stick, Olympian (Sept.  
21, 2017), available at <https://advance.lexis.com/api/document?id=urn:contentItem:5PHX-X3Y1-JC3J-X02N-00000-00&idtype=PID&context=1000516>.

1 Washington in the November 2016 General Election for the Office of President of the  
2 United States, prosecutors only initiated *two* criminal prosecutions. In other words,  
3 prosecutors charged with fraud only 0.00006% of voters who cast ballots.  
4  
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6 40. Even the Heritage Foundation could find only six cases of convicted voter  
7 fraud in Washington State between 2004 and 2010.<sup>3</sup> During that period, there were over  
8 10.6 million votes cast in general elections alone. Putting aside primary and special election  
9 votes, the rate of convicted voter fraud in general elections only during that same period was  
10 0.000057%.  
11  
12

13 41. Moreover, the Signature Verification Requirement is not effective at catching  
14 rare instances of potential fraud. In all, after the 2020 General Election, King County  
15 disenfranchised nearly 8,000 voters but only referred 35 *possible* cases of voting fraud to  
16 prosecutors. In other words, of the 8,000 disenfranchised voters, less than half of one  
17 percent of those disenfranchised voters were referred to prosecutors for *possible* voting  
18 fraud.  
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21 42. And of the very few voters who have cast fraudulent ballots in Washington  
22 elections, few, if any, of those voters were caught *because of* Washington's Signature  
23 Verification Requirement.  
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26 43. Washington's Signature Verification Requirement disenfranchises tens of  
27 thousands of voters for no discernable benefit.  
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#### 30 **B. Washington's Electoral Scheme**

31 44. Washington has a long history of voting by mail. In 1915, voters expecting  
32 to be at least 25 miles from their assigned precinct on Election Day could request an  
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46 <sup>3</sup> The Heritage Foundation Database does not include any cases of voter fraud after 2010. Election  
47 Fraud Cases, Heritage Foundation, available at <https://www.heritage.org/voterfraud/search?state=WA>.

1 absentee ballot. By 1974, all voters became eligible to request an absentee ballot without a  
2 reason or excuse. In 2005, the Washington Legislature authorized vote-by-mail as a  
3 permanent option for all elections. In 2011, after 38 of 39 counties switched to vote-by-  
4 mail, the Washington Legislature required vote-by-mail on a statewide basis. Elections  
5 Div., Wash. Sec’y of State, Washington State Vote-By-Mail (VBM) Fact Sheet (2021).  
6  
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9

10 45. Today, every active registered Washington voter receives a mail ballot for  
11 each general election, special election, or primary election, which is mailed by local election  
12 officials at least 18 days before each election. RCW 29A.40.010; 070.  
13  
14

15 46. Washington law requires that on each ballot, the voter must “swear under  
16 penalty of perjury that he or she meets the qualifications to vote and has not voted in any  
17 other jurisdiction at this election.” RCW 29A.40.091(2). Washington law also requires that  
18 the declaration also “clearly inform the voter that it is illegal to vote if he or she is not a  
19 United States citizen; it is illegal to vote if he or she is serving a sentence of total  
20 confinement under the jurisdiction of the department of corrections for a felony conviction  
21 or is currently incarcerated for a federal or out-of-state felony conviction; and it is illegal to  
22 cast a ballot or sign a ballot declaration on behalf of another voter.” *Id.* Each voter must  
23 sign this declaration in order to have their vote counted. *Id.*  
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34 47. Washington law requires election officials to “examine the . . . signature on  
35 the declaration before processing the ballot” and “verify that the voter's signature on the  
36 ballot declaration is the same as the signature of that voter in the registration files of the  
37 county.” RCW 29A.40.110(3).  
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1                   **C. Washington Provides Limited Signature Verification Guidance That**  
2                   **Requires Election Officials to Make Subjective, Arbitrary**  
3                   **Determinations**

4                   48. The only qualifications for those conducting signature verification are that  
5 they take an oath and be “instructed in the signature verification process.” *Id.*  
6

7                   49. Election officials designated to verify ballot declaration signatures are not  
8 handwriting experts and are not recruited based on any experience they have in validating  
9 signatures for any purpose. *See* RCW 29A.40.110(3).  
10

11                   50. Although “personnel assigned to verify signatures must receive training on  
12 statewide standards for signature verification,” RCW 29A.40.110, Washington law does not  
13 prescribe sufficient standards that would allow election officials to distinguish between  
14 authentic and inauthentic signatures, leaving the fate of each voter’s ballot to an election  
15 official’s subjective and arbitrary visual inspection. In fact, the limited guidance that the  
16 State does provide encourages election officials to invalidate signatures on the basis of  
17 minor, easy-to-misinterpret discrepancies.  
18

19                   51. Washington law, for instance, instructs elections officials to determine if  
20 there is “general uniformity and consistency between signatures” and if signatures differ in  
21 slant, scale, size, style, irregular spacing, or the “most distinctive, unusual traits of the  
22 signature.” WAC 434-379-020. As if to highlight the constitutional infirmities of this  
23 requirement, Washington law cautions that “[a] single distinctive trait is insufficient to  
24 conclude that the signatures are by the same writer.” *Id.* Instead, the law says, to conclude a  
25 signature is done by the same writer, “[t]here must be a combination or cluster of shared  
26 characteristics.” *Id.*  
27

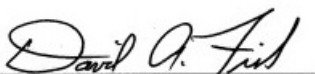
28                   52. The Washington State Patrol offers a single training to election officials on  
29 signature verification. Yet, even after attending this training, election officials must make  
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1 subjective, arbitrary determinations. And the training magnifies the constitutional problems  
2 inherent in the signature verification requirement.  
3

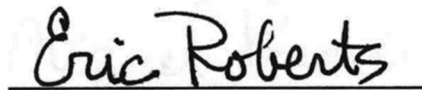
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5 53. At the outset, the training highlights the fundamental flaws inherent to the  
6 signature verification of ballots. The training admits that a layperson, such as election  
7 officials who have only received some minimal training, can only “often” accurately verify  
8 signatures. It takes “the aptitude and years of training and experience of a Forensic  
9 Document Examiner” to “achieve[] greater accuracy.” Moreover, the training acknowledges  
10 that handwriting analysis is much more difficult with signatures than with more text “due to  
11 [the] limited amount of writing in a signature.”  
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18  
19 Moreover, the statewide training encourages reviewers to err on the side of  
20 invalidating signatures, stating that “[i]f a questioned signature is later identified as genuine,  
21 that does not create a significant problem” and that “[i]f there is a single fundamental  
22 difference between the questioned and genuine signatures, then a conclusion of genuineness  
23 is incorrect.” It instructs them to “concentrate[e] on the general characteristics” of  
24 signatures and lists proportions, skill, placement, style, alignment, slope, spacing, speed,  
25 continuity, pressure, construction, proportions, ticks, size, and oddities as things for  
26 reviewers to consider.  
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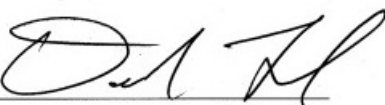
34 The following six examples appear in the statewide training.  
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36

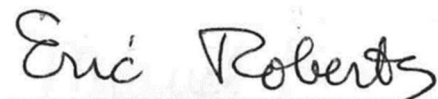
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41 David Fish




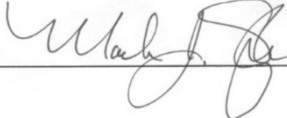
42 Eric Roberts

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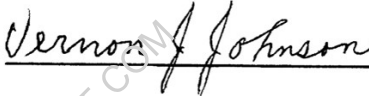
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Jeff Jagmin

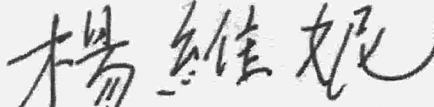
x   
Mark J. Strongman

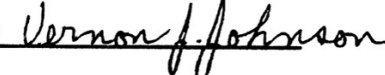
x   
Jeff Jagmin

x   
Mark J. Strongman

  
Yang Wei Ni (楊維妮)

x   
Vernon J. Johnson

  
Yang Wei Ni (楊維妮)

x   
Vernon J. Johnson

54. According to the Washington State Patrol’s training, four out of the six examples listed above were written by the same person (*i.e.*, valid matching signatures). The signatures written by the same people, according to the training, are David Fish, Eric Roberts, Mark Strongman, and Yang Wei Ni. The signatures written by different people (*i.e.*, fraudulent signatures), according to the training, are Jeff Jagmin and Vernon J. Johnson.

55. But even if there were adequate training and election judges had adequate resources, erroneous determinations of voter identity are inevitable because those casting the ballots are human, as, of course, are those who are reviewing the signatures.

1                   **D. Washington’s Signature Verification Requirement Is Highly Error-**  
2                   **Prone and Unduly Burdens the Right to Vote**

3                   56. Because Washington’s Signature Verification Requirement relies on  
4                   determinations made by untrained laypersons, it is highly error-prone. Studies conducted by  
5                   handwriting experts have repeatedly found that signature verification by laypersons is  
6                   inherently unreliable. *See, e.g.,* Rory Conn, Gary Fielding, et al., *Signature Authentication*  
7                   *by Forensic Document Examiners*, 46 J. of Forensic Sci. 884–88 (2001).  
8  
9

10                   57. Critically, for the purposes of voting, errors committed by laypersons skew  
11                   more heavily toward the misidentification of authentic signatures as forgeries. In one study,  
12                   for instance, laypersons falsely declared authentic signatures to be inauthentic at least 26  
13                   percent of the time. *Id.* In that same study, laypersons falsely declared forged signatures to  
14                   be authentic just six percent of the time. *Id.* In other words, lay election officials are much  
15                   more likely to incorrectly *invalidate* genuine signatures than to incorrectly validate non-  
16                   genuine signatures. Washington’s cure numbers bear out the research: tens of thousands of  
17                   voters “cured” ballots rejected for perceived signature matches in the 2020 General Election,  
18                   demonstrating that these voters had their signatures wrongly rejected in the first place.  
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31                   58. This propensity to misidentify authentic signatures as forgeries is due in part  
32                   to lay election officials’ unawareness of the many reasons that a voter might produce two  
33                   signatures that look different. Signatures are the product of a motor program developed in  
34                   the brain after practice and executed with neuromuscular coordination. Many factors  
35                   influence this process, which is why no two complex, skillfully written signatures of one  
36                   writer have ever been found to be alike at the microscopic level. These factors include age,  
37                   illness, injury, medicine, eyesight, alcohol or drugs, pen type, ink, surface—especially if  
38                   signing on an electronic device, like many voters do at the Washington Department of  
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1 Licensing, where many voter registrations occur—position, paper quality, and one’s  
2 psychological state of mind (*i.e.*, distress, anger, fear, depression, happiness, and  
3 nervousness). *See* Roy A. Huber & A.M. Headrick, *Handwriting Identification: Facts and*  
4  
5 *Fundamentals* (CRC Press, Boca Raton, FL, 1999); Tomislav Fotak, et al., *Handwritten*  
6  
7 *signature identification using basic concepts of graph theory*, 7 *WSEAS Transactions on*  
8  
9 *Signal Processing* 145, 145 (2011).  
10  
11

12           59. Another reason for the high rate of error, according to experts, is that  
13  
14 signature reviewers need at least ten comparison signatures, adequate time for review, and  
15  
16 access to magnification and lighting equipment in order to compare signatures accurately.  
17  
18 Yet, Washington election officials (who are largely untrained in signature matching to begin  
19  
20 with) are afforded neither the time nor the resources recommended by experts.  
21

22           60. It is, therefore, inevitable that election officials will erroneously reject  
23  
24 legitimate ballots due to misperceived signature mismatches, resulting in the  
25  
26 disenfranchisement of eligible voters and rejection of properly cast ballots.  
27  
28

29           **E. The Signature Verification Requirement Has Disproportionate Impacts**  
30           **on Certain Populations Statewide**

31           61. The Signature Verification Requirement disproportionately impacts young  
32  
33 voters statewide.  
34

35           62. In the 2020 General Election, approximately 34% of the accepted ballots  
36  
37 were cast by voters under 40, yet those voters made up approximately 75% of the total  
38  
39 ballots rejected under the Signature Verification Requirement.  
40

41           63. The youngest voters were hit the hardest. Voters aged 18 to 21 had their  
42  
43 ballots rejected at ***10 times*** the rate of voters over 40. Despite making up only 4.5% of the  
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1 total voting population in the 2020 election, these voters accounted for almost 19% of the  
2 ballots rejected under the Signature Verification Requirement.

3  
4 64. Slightly older voters were disproportionately affected, too. Voters aged 22 to  
5  
6 30 had their ballots rejected over *6 times* the rate of voters over 40. Despite making up  
7  
8 approximately 13% of the total voters in the 2020 General Election, these voters accounted  
9  
10 for one-third of the ballots rejected under the Signature Verification Requirement.

11  
12 65. The Signature Verification Requirement also disproportionately  
13  
14 disenfranchises voters of color. In the 2020 General Election, Latino, Black, and Asian  
15  
16 voters had their ballots rejected at approximately double the rate of white voters.

17  
18 66. White voters made up approximately 74% of the accepted ballots but  
19  
20 accounted for approximately 62% of ballots rejected under the Signature Verification  
21  
22 Requirement. Latino voters made up approximately 7% of the accepted ballots but  
23  
24 accounted for approximately 10% of ballots rejected under the Signature Verification  
25  
26 Requirement.

27  
28 67. Asian voters made up approximately 7% of the accepted ballots but  
29  
30 accounted for approximately 10% of ballots rejected under the Signature Verification  
31  
32 Requirement. Black voters made up approximately 4% of the accepted ballots but  
33  
34 accounted for approximately 8% of ballots rejected under the Signature Verification  
35  
36 Requirement.

37  
38 68. The Signature Verification Requirement has the most disproportionate  
39  
40 disenfranchising effect on young voters of color. In the 2020 General Election, Latino,  
41  
42 Asian, and Black voters under age 30 had their ballots rejected for signature discrepancies  
43  
44 between approximately 10 and 16 times the rate of white voters over age 40.  
45  
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1           69.     Again, the effects are most pernicious among the youngest voters. Hispanic  
2  
3 and Black voters ages 18 to 21 had their ballots rejected under the Signature Verification  
4  
5 Requirement at approximately *16 times* the rate of white voters over age 40.

6           70.     Asian voters ages 18 to 21 had their ballots rejected under the Signature  
7  
8 Verification Requirement at approximately *12 times* the rate of white voters over age 40.  
9

10           71.     Hispanic, Black, and Asian voters ages 22 to 30 had their ballots rejected  
11  
12 under the Signature Verification Requirement at approximately *10 times* the rate of white  
13  
14 voters over age 40.  
15

16           72.     Non-native English speakers are also disproportionately affected by  
17  
18 Washington’s Signature Verification Requirement. An immigrant who learned to write in a  
19  
20 script other than English, such as Chinese, will show greater natural variation when signing  
21  
22 a document in English than native writers. And where the voter’s native script is written  
23  
24 right to left, the elector’s signature may also be more likely to show variations in letter  
25  
26 slanting. While election officials may be familiar with certain more common, typically  
27  
28 Caucasian nicknames, they are likely to be less familiar with the nicknames of non-native  
29  
30 English speakers and other minorities. For example, an election official might deem “Bob”  
31  
32 and “Dick” to be common nicknames of “Robert” and “Richard” but fail to identify “Lalo”  
33  
34 as a diminutive of “Eduardo” or “Chuy” as a nickname for “Jesús.” Indeed, RCW  
35  
36 29A.60.165(2)(c) compounds this problem by allowing election officials to count ballots  
37  
38 where the voter signed with a “common” nickname, and of course, the handwriting must be  
39  
40 “clearly” the same. As a result, the signature verification requirement results in a disparate  
41  
42 impact on language minority groups.  
43  
44  
45  
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1                   **F.     The Signature Verification Requirement Has Disproportionate Impacts**  
2                   **on the Same Populations in King County**

3                   73.     The Signature Verification Requirement also disproportionately impacts  
4                   young voters in King County.  
5

6                   74.     Again, the youngest voters are harmed the most. In the 2020 General  
7                   Election, King County voters aged 18 to 21 had their ballots rejected at approximately **8**  
8                   **times** the rate of voters over 40. Despite making up less than 4.5% of the total voting  
9                   population, voters aged 18 to 21 accounted for approximately 16% of the ballots rejected  
10                  under the Signature Verification Requirement.  
11

12                  75.     King County Voters aged 22 to 30 had their ballots rejected over 4 times the  
13                  rate of voters over 40. Voters in this age group accounted for approximately 33% of the  
14                  ballots rejected under the Signature Verification Requirement, even though they made up  
15                  approximately 15% of the total voters in the 2020 General Election.  
16

17                  76.     The Signature Verification Requirement also disproportionately impacts King  
18                  County voters of color. In the 2020 General Election, Latino, Black, and Asian voters had  
19                  their ballots rejected twice as often as white voters.  
20

21                  77.     The Signature Verification Requirement has an even greater disproportionate  
22                  disenfranchising impact on young people of color in King County.  
23

24                  78.     In the 2020 General Election, Latino voters ages 18 to 21 had their ballots  
25                  rejected under the Signature Verification Requirement at approximately **16 times** the rate of  
26                  white voters over age 40. Young Black voters had their ballots rejected at approximately **15**  
27                  **times** the rate of white voters over age 40. And young Asian voters had their ballots rejected  
28                  at approximately 10 times the rate of white voters over age 40.  
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1 79. Hispanic and Black voters ages 22 to 30 had their ballots rejected under the  
2 Signature Verification Requirement at approximately *10 times* the rate of white voters over  
3 age 40. Asian voters ages 22 to 30 had their ballots rejected under the Signature Verification  
4 Requirement at approximately *7 times* the rate of white voters over age 40.  
5  
6

7  
8  
9 **G. The Signature Verification Requirement Disproportionately Impacts**  
10 **Active-Duty Military and Overseas Voters**

11 80. Signature matching also disproportionately disenfranchises military and  
12 overseas voters. Members of the United States Army, Navy, Air Force, Marine Corps,  
13 Space Force, and Coast Guard, among others (and their spouses and dependents) who are  
14 residents of Washington and otherwise eligible voters in Washington but are absent from the  
15 state because they are on active duty, may submit ballots under more flexible circumstances  
16 (“Active-Duty Military Voters”), as can certain qualifying overseas voters (“Overseas  
17 Voters”). See WAC 434-235-010; 040.  
18  
19

20 81. Active-Duty Military Voters have their ballots rejected for non-matching  
21 signatures at nearly twice the rate of the rest of the population. According to the Election  
22 Administration and Voting Survey 2020 Comprehensive Report, in the 2020 General and  
23 Primary Election, of those Active-Duty Military Voters who had their ballots rejected, 98%  
24 of them were rejected under the Signature Verification Requirement. These numbers do not  
25 include the Active-Duty Military Voters who initially had their ballots rejected but were able  
26 to prove their identity. In short, if Active-Duty Military Voters had their ballots rejected in  
27 Washington, that rejection was almost certainly a result of Washington’s Signature  
28 Verification Requirement.  
29  
30

31 82. Washington residents living abroad have their ballots rejected at one-and-a-  
32 half the rate of the rest of the population. According to the Election Administration and  
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1 Voting Survey 2020 Comprehensive Report, in the 2020 General Election, of those  
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3 Overseas Voters who had their ballots rejected, 97% were rejected under the Signature  
4  
5 Verification Requirement.

6  
7 **H. Other Groups Are Especially Vulnerable to Disenfranchisement**  
8 **Through the Signature Verification Requirement**  
9

10 83. Washington’s Signature Verification Requirement is especially likely to  
11  
12 disenfranchise groups of voters who are more likely to naturally exhibit wide ranges of  
13  
14 variation in their signatures or those unable to take the time or spend the money to meet the  
15  
16 burdensome “cure” process of proving why the county was wrong to reject their signatures  
17  
18 in the first place.

19  
20 84. Older voters, for example, are more likely to exhibit a greater range of  
21  
22 variation in their signatures. The tendency to stop and start while writing a signature  
23  
24 increases with age. Likewise, the vertical size and velocity of signatures decrease with age.  
25  
26 Signing a second time for such voters hardly addresses the problem: the second signature is  
27  
28 no more likely to match than the first.

29  
30 85. Election officials who are not aware of the potential for wider variations  
31  
32 among elderly writers are likely to misinterpret variations in the signatures as differences,  
33  
34 leading to additional invalidation of bona fide votes.

35  
36 86. Voters with a disability or illness or who are taking certain prescription drugs  
37  
38 that affect neuromuscular control coordination are likely to exhibit a much wider range of  
39  
40 variation in their signatures than might normally occur in individuals without such a  
41  
42 disability, illness, or prescription drug. Voters with Parkinson’s and Alzheimer’s, for  
43  
44 example, tend to write much smaller than the average individual, but that tendency could  
45  
46 change depending on the prescribed medication. Voters who have lost the use of their  
47

1 dominant hand and learned to write with their non-dominant hand will also show a wider  
2 variation in their signatures. The longer a person writes with their non-dominant hand, the  
3 more consistent the signature will become, but that signature will never likely appear  
4 completely normal and natural, especially to a lay observer. This increased variation may  
5 make it nearly impossible for a layperson, or a trained expert, to make a determination of  
6 authenticity or verify the voter's identity. And for these voters, too, the "cure" process  
7 offers cold comfort: the second signature is no more likely to match than the first. The  
8 state's demand that these particularly vulnerable voters provide additional proof of their  
9 identity imposes a uniquely cruel burden on those least able to meet it.  
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19 **I. Whether a Voter's Ballot Will Be Accepted or Rejected Depends in**  
20 **Large Part on What County They Vote In**

21 87. Compounding the risk of erroneous deprivation is the fact that the fate of a  
22 Washingtonian's mail ballot may depend on where they live. Indeed, the widely varying  
23 levels of rejection rates among Washington counties underscore the inherent unreliability of  
24 the Signature Verification Requirement. Franklin County had the highest rate of rejected  
25 ballots for non-matching signatures, with a nearly 1.2 percent rejection rate, and two  
26 counties (Columbia and Clackamas) reported no ballots rejected for non-matching  
27 signatures.  
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35 88. There was also wide variation in rejection rates for the counties with the  
36 greatest number of cast ballots. In the ten counties with the largest number of cast votes,  
37 rejection rates for non-matching signatures ranged from just under one percent in  
38 Snohomish County to .12 percent in Yakima County—a nearly eight-fold difference. The  
39 rate of rejection for King County is over 5 times higher than Yakima County.  
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1                   **J.     The Signature Verification Requirement Imposes an Undue Burden on**  
2                   **the Right to Vote That Is Not Justified by Any Legitimate, Much Less**  
3                   **Compelling, State Interest**

4                   89.     The Signature Verification Requirement purports to serve as a check on both  
5                   systemic and isolated attempts at fraud, but it is unnecessary—both because other safeguards  
6                   against fraud exist and because voter fraud is exceedingly rare.  
7  
8

9  
10                  90.     This disenfranchising scheme cannot be justified by any fraud-prevention  
11                  interest because voter fraud is virtually non-existent in Washington, as discussed in Section  
12                  *A supra.*  
13  
14

15                  91.     The Signature Verification Requirement is also duplicative of multiple other  
16                  safeguards against fraud already in place.  
17  
18

19                  92.     Washington maintains records identifying who was sent a mail ballot and  
20                  when, *see* WAC 434-250-130, and voters can obtain a replacement ballot if they did not  
21                  receive one. *See* RCW 29A.40.070. Thus, access to a voter's ballot is controlled, and any  
22                  third-party attempt to intercept and vote a mailed ballot would likely be uncovered when the  
23                  elector complains that she did not receive her ballot or when she attempts to cast a  
24                  duplicative vote.  
25  
26

27                  93.     Further, each ballot is verified by comparing the information on the return  
28                  envelope to the registration records to ensure that the ballot was submitted by an eligible  
29                  voter who had not yet voted. WAC 434-250-120. Washington law also criminalizes  
30                  making misrepresentations relating to the declaration of qualifications to cast a ballot. RCW  
31                  29A.84.680.  
32  
33

34                  94.     Washington law also requires that all mail ballot envelopes contain a self-  
35                  affirmation stating:  
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1 I do solemnly swear or affirm under penalty of perjury that I  
2 am:

3  
4 A United States citizen;

5  
6 A Washington state resident that meets the requirements for  
7 voting mandated by state law;

8  
9 At least 18 years old on Election Day, or 17 years old at the  
10 primary and 18 years old by the day of the November general  
11 election;

12  
13 Voting only once in this election and not voting in any other  
14 United States jurisdiction;

15  
16 Not serving a sentence of total confinement under the  
17 jurisdiction of the Department of Corrections for a  
18 Washington felony conviction or currently incarcerated for a  
19 federal or out-of-state felony conviction;

20  
21 Not disqualified from voting due to a court order; and

22  
23 Aware that it is illegal to forge a signature or cast another  
24 person's ballot and that attempting to vote when not qualified,  
25 attempting to vote more than once, or falsely signing this  
26 declaration is a felony punishable by a maximum  
27 imprisonment of five years, a maximum fine of \$10,000, or  
28 both.

29  
30 WAC 434-230-015.

31  
32 95. The Secretary of State's website allows a voter to check the status of his or  
33 her mail ballot, including when the ballot was sent and whether it has been accepted. *See*  
34 *VoteWA.gov*, <https://voter.votewa.gov/WhereToVote.aspx>. King County also allows voters  
35 to track their ballot status through text and email alerts. *See Renata Geraldo, King County*  
36 *Adds Email, Text Ballot Tracker Ahead of WA Election*, *Seattle Times* (Oct. 24, 2022),  
37 [https://www.seattletimes.com/seattle-news/politics/king-county-adds-email-text-ballot-](https://www.seattletimes.com/seattle-news/politics/king-county-adds-email-text-ballot-tracker-ahead-of-wa-election/)  
38 [tracker-ahead-of-wa-election/](https://www.seattletimes.com/seattle-news/politics/king-county-adds-email-text-ballot-tracker-ahead-of-wa-election/).  
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1           96.     Washington, along with 30 other states and the District of Columbia, also  
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3 participates in the Electronic Registration Information Center (“ERIC”). ERIC tracks voters  
4  
5 who have moved from one member state to another and receives data on deceased voters  
6  
7 from the Social Security Administration. ERIC then provides that information to the  
8  
9 relevant member states so that the member states can catch voters who try to vote in  
10  
11 multiple states or people who cast ballots on behalf of deceased voters.

12           97.     The Secretary of State also works with the Social Security Administration,  
13  
14 the Washington Department of Licensing, the Washington Department of Health, the  
15  
16 Washington Department of Corrections, and the Office of the Administrator of the Courts to  
17  
18 improve the accuracy of voter registration data and catch potential fraudulently cast ballots  
19  
20 or votes from ineligible voters.

21           98.     Opportunities for fraud are few and far between and, in any event, would be  
22  
23 detected by the redundant verification processes already in place. The Signature  
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25 Verification Requirement provides little, if any, additional benefit but is exercised at a great  
26  
27 cost—the disenfranchisement of tens of thousands of eligible voters.  
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31           **K.     Washington’s Limited Cure Process Places Additional Unnecessary**  
32           **Burdens on Voters**

33           99.     Despite the heightened risk of erroneous rejection inherent in Washington’s  
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35 Signature Verification Requirement, Washington law requires voters who otherwise did  
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37 everything required of them, only to see their ballot rejected because of an election official’s  
38  
39 error in matching the voter’s signature, to take additional steps to get their vote counted.  
40

41           100.    When a mailed ballot is rejected due to an alleged mismatch determination,  
42  
43 the county auditor shall mail a notice to the voter and provide the procedures to fix the  
44  
45 election official’s mistake. WAC 434-261-050(1). If the ballot is not received or the ballot  
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1 has not been “cured” by three business days before certification of the election, the county  
2 auditor must “attempt” to call the voter to provide notice of the rejected ballot. *Id.*  
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5 101. The process to correct the election official’s mistake depends on the alleged  
6 defectiveness of the signature. *See id.* 3, 4(a), 4(b), (5)-(7).  
7

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9 102. In general, to correct the election official’s mistake, the voter must either go,  
10 in person, to the county election official’s office and sign a new voter registration form, *id.*  
11 3(a), or the voter must sign and return a signature update form, the ballot declaration, and  
12 the voter registration oath to the county auditor no later than the day before certification of  
13 the election. *Id.* 3(b). The signature on the ballot declaration and the signature update form  
14 must match. *Id.* In other words, despite this additional effort, the voter may still have their  
15 ballot rejected.  
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18 103. The cure procedure, moreover, imposes additional costs on voters who  
19 already have taken all necessary steps to cast their mail ballot, only to be subjected to the  
20 additional burden of providing evidence to rebut an inherently flawed signature mismatch  
21 determination.  
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31 **L. The Washington State Auditor Confirmed the Numerous Problems with**  
32 **Washington’s Signature Verification Requirement**

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34 104. The Washington State Auditor conducted an audit of ballots cast in nine  
35 counties during the 2020 General Election (the “Audit”). The Audit reached several  
36 startling conclusions.  
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39 105. First, the Audit determined that “the county where a ballot was cast was the  
40 most significant variable related to rejection.” Indeed, the Audit estimated that ballots  
41 submitted to some counties were four to seven times more likely to be rejected than ballots  
42 submitted to other counties.  
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1           106. Second, the Audit recognized that the Signature Verification Requirement is  
2 subject to human judgment and arbitrary determinations that cannot be solved through  
3 standards and trainings. More specifically, the Audit found that “even experienced  
4 reviewers can come to different conclusions” about whether a ballot signature matches the  
5 signature on file. Auditors “observed county officials debate and reverse decisions about  
6 signature matches.” The Audit determined that “employees from the Secretary of State’s  
7 office sometimes disagreed with each other about signature matches.” The auditors  
8 themselves “disagreed on whether many of the signatures matched.”  
9

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12           107. Third, the Audit concluded that election officials employed statewide criteria  
13 differently. For example, the Audit notes that “some signature reviewers said they look for  
14 at least three similarities while others could not articulate or specify how many similarities  
15 they look for.”  
16

17           108. Fourth, the Audit concluded that young voters saw far higher rejection rates  
18 for non-matching signatures than older voters.  
19

20           109. Fifth, Black, Native American, Latino and Hispanic, Asian and Pacific  
21 Islander voters all had their ballots rejected *at least* twice as often as white voters.  
22

23           110. Sixth, the Audit “estimated that non-English speakers were much more likely  
24 to have ballots rejected.” The Audit “estimated that voters in [King County] casting non-  
25 English ballots had a 47 percent greater likelihood of ballot rejection than voters who cast  
26 English-language ballots.”  
27

28           111. Seventh, the Audit concluded that inexperienced voters were significantly  
29 more likely to have their ballots rejected. According to the Audit, “[t]he rejection rate of  
30 ballots cast by first-time voters was more than five times greater than for voters with  
31 previous voting experience.” And “voters who had their 2020 primary election ballot  
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1 rejected were almost four times more likely to have their 2020 General Election ballot  
2 rejected.”  
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5 **FIRST CAUSE OF ACTION**  
6 **VIOLATION OF ARTICLE I SECTION 19 OF THE WASHINGTON STATE**  
7 **CONSTITUTION - ALL DEFENDANTS**  
8 **(UNCONSTITUTIONAL BURDEN ON THE RIGHT TO VOTE)**  
9

10 112. Plaintiffs reallege and incorporate by reference, as if fully set forth herein, the  
11 allegations in paragraphs 1-105 above.  
12

13 113. Article I, Section 19 of the Washington State Constitution provides: “[a]ll  
14 elections shall be free and equal, and no power, civil or military, shall at any time interfere  
15 to prevent the free exercise of the right of suffrage.”  
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18 114. “The Washington Constitution grants the right to vote to all Washington  
19 citizens on equal terms.” *Madison v. State*, 161 Wn. 2d 85, 97, 163 P.3d 757 (2007).  
20  
21

22 115. Because the right to vote is “fundamental for all citizens,” restrictions on that  
23 right are “subject to strict scrutiny, meaning they must be narrowly tailored to further a  
24 compelling state interest.” *Madison*, 161 Wn.2d at 99, 163 P.3d 757.  
25  
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27 116. Washington’s Signature Verification Requirement is plainly a restriction on  
28 the right to vote: it requires that Washington voters produce signatures that satisfy election  
29 officials or face a burdensome process to prove their identity, and it entirely disenfranchises  
30 tens of thousands of fully qualified Washington voters who did *everything* required of them  
31 to cast their vote.  
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34 117. A signature is not a reliable way to determine someone’s identity. Signatures  
35 vary and evolve for innumerable legitimate reasons. It defies common sense and common  
36 experience to assume—as Washington’s signature verification scheme assumes—that  
37 signatures remain static or that election officials with minimal training and enormous  
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1 pressures upon them are able to make meaningful judgments about signatures. Indeed, the  
2 widely varying results of this faux science signature verification scheme among counties and  
3 among different populations within the state dramatically demonstrate its inherent  
4 unreliability.  
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9 118. The Signature Verification Requirement does not further a legitimate, let  
10 alone compelling, state interest, especially in light of the multiple overlapping safeguards in  
11 place to prevent voter fraud and particularly when voter impersonation fraud is exceedingly  
12 rare. Of those rare potential cases of voter fraud, few, if any, of the cases were caught  
13 because of the Signature Verification Requirement. The vast majority of those potential  
14 cases of voter fraud were caught through the various and overlapping safeguards in  
15 Washington State elections. Those safeguards include participation in ERIC, frequent  
16 updates to the voter registration database to remove deceased voters, ballot tracking, and  
17 other mechanisms. Any minimal state interest furthered by the Signature Verification  
18 Requirement is greatly outweighed by its mass disenfranchising effects.  
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29 119. The cumulative disenfranchising effects of the Signature Verification  
30 Requirement demonstrate that, even if it furthered a state interest, it is not narrowly tailored.  
31 From 2018 through the 2022 Primary, over 113,000 fully qualified American citizens and  
32 Washington voters have been stripped of their right to vote as a result of the unconstitutional  
33 Signature Verification Requirement. In that same time period, tens of thousands more  
34 voters initially had their ballots rejected but were able to meet the state's burdensome "cure"  
35 process. The burden on those voters is significant, and it is disproportionately applied to  
36 Hispanic, Black, and Asian Washington citizens and to disabled and younger voters. The  
37 disproportionate disenfranchisement of these voters violates the Washington Constitution's  
38 mandate that the right to vote be equally granted to all citizens.  
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1 upon fundamental rights. Indeed, it strips the most fundamental of all rights—the right to  
2 vote—from tens of thousands of Washington voters every election.  
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5 125. “The Washington Constitution grants the right to vote to all Washington  
6 citizens on equal terms.” *Madison v. State*, 161 Wn. 2d 85, 97, 163 P.3d 757 (2007). But  
7 election officials do not allow the exercise of that right on equal terms. Instead, the  
8 Signature Verification Requirement employs “favoritism and special treatment for a few, to  
9 the disadvantage of others.” *Ockletree v. Franciscan Health Sys.*, 179 Wn. 2d 769, 776, 317  
10 P.3d 1009 (2014).  
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16 126. By Washington State’s own admission, the Signature Verification  
17 Requirement disproportionately impacts Black voters, Latino voters, Asian and Pacific  
18 Islander voters, Native American voters, and young voters. The Signature Verification  
19 Requirement also disproportionately impacts Active-Duty Military Voters, Ethnic  
20 minorities, and non-native English speakers. Voters with certain disabilities, certain  
21 illnesses or that take certain prescription drugs are also especially vulnerable to  
22 disenfranchisement.  
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30 127. The Signature Verification Requirement, therefore, disparately impacts these  
31 groups in the exercise of their fundamental right to vote. This burden is not justified by any  
32 legitimate, much less compelling, state interest. Nor is Washington’s Signature Verification  
33 Requirement narrowly tailored to achieving any such purpose.  
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39 128. Injunctive and declaratory relief is needed to resolve this existing dispute,  
40 which presents an actual controversy between the Defendants and Plaintiffs, who have  
41 adverse legal interests because the Signature Verification Requirement will subject Plaintiffs  
42 to serious, concrete, and irreparable injuries by burdening Plaintiffs’ fundamental right to  
43 vote.  
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**THIRD CAUSE OF ACTION  
VIOLATION OF ARTICLE I SECTIONS 3 AND 12 OF THE WASHINGTON  
STATE CONSTITUTION  
(COUNTY DISPARITY; DUE PROCESS)**

129. Plaintiffs reallege and incorporate by reference, as if fully set forth herein, the allegations in paragraphs 1-122 above.

130. Article I, Section 3 of the Washington State Constitution provides, “[n]o person shall be deprived of life, liberty, or property, without due process of law.”

131. By Washington State’s own admission, “the county where a ballot was cast was the most significant variable related to rejection.” County election officials implement the Signature Verification Requirement with widely different results in rejection rates. Rates of voter disenfranchisement for non-matching signatures ranged from zero to more than one percent, and there was wide variation in rejection rates for the counties with the greatest number of cast ballots. In the ten counties with the largest number of cast votes, rejection rates for non-matching signatures ranged from just under one percent in Snohomish County to .12 percent in Yakima County—a nearly 8-fold difference. The rate of rejection for King County is over 5 times higher than Yakima County.

132. Such widely varying levels of disenfranchisement based solely on a voter’s residence violate the due process clause and the privileges and immunities clause of the Washington Constitution.

133. Injunctive and declaratory relief is needed to resolve this existing dispute, which presents an actual controversy between the Defendants and Plaintiffs, who have adverse legal interests because the Signature Verification Requirement will subject Plaintiffs to serious, concrete, and irreparable injuries by burdening Plaintiffs’ fundamental right to vote.

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**FOURTH CAUSE OF ACTION  
VIOLATION OF ARTICLE I SECTION 3 OF THE WASHINGTON STATE  
CONSTITUTION - ALL DEFENDANTS  
(ARBITRARY AND CAPRICIOUS GOVERNMENT ACTION)**

134. Plaintiffs reallege and incorporate by reference, as if fully set forth herein, the allegations in paragraphs 1-127 above.

135. “Substantive due process protects against arbitrary and capricious government action.” *Carlson v. San Juan Cty.*, 183 Wn. App. 354, 375, 333 P.3d 511 (2014).

136. Under the Signature Verification Requirement, the right to vote turns on a lightly trained election official’s subjective and arbitrary determination of whether a signature matches other signatures on file. Even the limited training that election officials receive as part of the Signature Verification Requirement acknowledges that a layperson, such as election officials who have only received some minimal training, can only “often” accurately verify signatures. Instead, it takes “the aptitude and years of training and experience of a Forensic Document Examiner” to “achieve[] greater accuracy.” Moreover, the training acknowledges that handwriting analysis is much more difficult with signatures “due to [the] limited amount of writing in a signature.”

137. The disparities among county rejection rates, high overall rejection rates in many counties, disparities among rejection rates based on age and race, the thousands of voters who “cure” mistakenly rejected ballots, and the low success rate of catching actual fraudulent ballots highlight the arbitrary and capricious nature of this requirement.

138. Injunctive and declaratory relief is needed to resolve this existing dispute, which presents an actual controversy between the Defendants and Plaintiffs, who have adverse legal interests because the Signature Verification Requirement will subject Plaintiffs

1 to serious, concrete, and irreparable injuries by burdening Plaintiffs' fundamental right to  
2  
3 vote.

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5 **FIFTH CAUSE OF ACTION**  
6 **VIOLATION OF RCW 29A.04.206 - ALL DEFENDANTS**  
7 **(RIGHT TO VOTE)**

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9 139. Plaintiffs reallege and incorporate by reference, as if fully set forth herein, the  
10 allegations in paragraphs 1-132 above.

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12 140. RCW 29A.04.206(1) provides that: "The rights of Washington voters are  
13 protected by its constitution and laws and include the following fundamental rights: (a) The  
14 right of qualified voters to vote at all elections[.]"  
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18 141. To register to vote in Washington, a person must be over eighteen years old,  
19 a citizen of the United States, and have lived in the state, county, and precinct for thirty days  
20 before the election. Wash. Const. Art. VI, sec. 1.  
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24 142. It is not a requirement that a voter consistently produce, or be able to  
25 produce, a signature identical or even similar to that provided on their voter registration.  
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27 Nevertheless, tens of thousands of voters have had their ballots rejected for exactly that  
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29 reason.  
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33 143. Disenfranchising voters for failing to perform an action that is not a  
34 requirement for voter eligibility violates their rights under RCW 29A.04.206.  
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38 144. Injunctive and declaratory relief is needed to resolve this existing dispute,  
39 which presents an actual controversy between the Defendants and Plaintiffs, who have  
40 adverse legal interests because the Signature Verification Requirement subjects Plaintiffs to  
41 serious, concrete, and irreparable injuries due to deprivation of Plaintiffs' rights.  
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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs Vet Voice Foundation, The Washington Bus, El Centro de la Raza, Kaeleene Escalante Martinez, Bethan Cantrell, Gabriel Berson, and Mari Matsumoto pray for the following relief:

A. A declaration that RCW 29A.40.110(3), the statute that requires signature verification in Washington, violates Sections 3, 12, and 19 of Article I of the Washington Constitution and RCW 29A.04.206;

B. A declaration that using signature verification on ballot declarations as a basis to reject or challenge an otherwise lawfully cast ballot violates Sections 3, 12, and 19 of Article I of the Washington Constitution and RCW 29A.04.206;

C. An order preliminarily and permanently enjoining Washington election officials from using signature verification on ballot declarations as a basis to reject or challenge an otherwise lawfully cast ballot;

D. An order preliminarily and permanently enjoining the Defendants, their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them from implementing, enforcing, or giving any effect to the Signature Verification Requirement;

E. An order that, because the statute that requires signature verification is unconstitutional, all rules and regulations that implement the Signature Verification Requirement are void;

F. For Plaintiffs' costs of suit, including Plaintiffs' reasonable attorneys' fees; and

G. For such other relief as the Court may deem just and proper.



DATED this 5th day of April, 2023.

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Kaeleene Escalante Martinez, Bethan Cantrell,  
Gabriel Berson, and Mari Matsumoto

**CERTIFICATE OF SERVICE**

On April 5, 2023, I caused to be served upon the below named counsel of record, at the address stated below, via the method of service indicated, a true and correct copy of the foregoing document.

Karl D. Smith, Deputy Solicitor General	<input type="checkbox"/>	Via hand delivery
Tera M. Heintz, Deputy Solicitor General	<input type="checkbox"/>	Via U.S. Mail, 1st Class, Postage Prepaid
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Susan Slonecker, and Stephanie  
Cirkovich*

**I certify under penalty of perjury under the laws of the  
State of Washington that the foregoing is true and correct.**

EXECUTED at Seattle, Washington, on April 5, 2023.

  
June Starr

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