

**SHB 1916 - H AMD 1500**

By Representative Walsh

**NOT ADOPTED 02/10/2026**

1 Strike everything after the enacting clause and insert the  
2 following:

3 **"Sec. 1.** RCW 29A.08.810 and 2023 c 466 s 28 are each amended to  
4 read as follows:

5 (1) Registration of a person as a voter is presumptive evidence  
6 of his or her right to vote. A challenge to the person's right to  
7 vote must be based on personal knowledge of one of the following:

8 (a) The challenged voter has been convicted of a felony that  
9 includes serving a sentence of total confinement under jurisdiction  
10 of the department of corrections, or a felony conviction in another  
11 state's court or federal court and the voter is serving that sentence  
12 of total confinement and the person's voting rights have not been  
13 restored under RCW 29A.08.520;

14 (b) The challenged voter has been judicially declared ineligible  
15 to vote due to mental incompetency under RCW 29A.08.515;

16 (c) The challenged voter resides at a different address than the  
17 residential address provided, and is not subject to RCW 29A.04.151 or  
18 29A.08.112, in which case the challenger must either:

19 (i) Provide the challenged voter's actual residence on the  
20 challenge form; or

21 (ii) Submit evidence that he or she exercised due diligence to  
22 verify that the challenged voter does not reside at the address  
23 provided. The challenger must, at minimum, provide evidence that the  
24 challenger personally(~~(~~

25 ~~(A) Sent~~) sent a certified letter with return service requested  
26 to the challenged voter's residential address provided, and to the  
27 challenged voter's mailing address, if provided, using a form  
28 provided by the office of the secretary of state outlining the reason  
29 for the challenge;

30 ~~((B) Searched local telephone directories, including online~~  
31 ~~directories, to determine whether the voter maintains a telephone~~  
32 ~~listing at any address in the county;~~

1 ~~(C) Searched county auditor property records to determine whether~~  
2 ~~the challenged voter owns any property in the county;~~

3 ~~(D) Searched the statewide voter registration database to~~  
4 ~~determine if the voter is registered at any other address in the~~  
5 ~~state; and~~

6 ~~(E) Searched the voter registration database of another state to~~  
7 ~~determine if the voter is registered to vote in any other state;))~~

8 (d) The challenged voter will not be eighteen years of age by the  
9 next general election; or

10 (e) The challenged voter is not a citizen of the United States.

11 (2) A person's right to vote may be challenged by another  
12 registered voter or the county prosecuting attorney.

13 (3) (a) (i) The challenger must file a separate voter registration  
14 challenge form or official electronic voter challenge form, as  
15 provided under RCW 29A.08.850, for each voter whose registration is  
16 challenged.

17 (ii) Each form must include:

18 (A) The challenger's name, address, and contact information;

19 (B) The challenged voter's name and registered voting address;

20 (C) A statement of the factual basis for the challenge, including  
21 any information required by subsection (1)(c) of this section.  
22 Challenges must be based on personal knowledge and belief, which for  
23 these purposes is defined as firsthand knowledge through experience  
24 or observation of the facts upon each ground that the challenge is  
25 based, and contain any documentation or evidence supporting the facts  
26 upon which each ground for the challenge is based;

27 (D) The challenger's signature certifying that all information  
28 provided in the form is true and correct; and

29 (E) A clear statement providing that such certification is  
30 subject to penalty of perjury under chapter 9A.72 RCW.

31 (b) The challenger must file a separate signed affidavit subject  
32 to the penalties of perjury under chapter 9A.72 RCW swearing that, to  
33 his or her personal knowledge and belief, having exercised due  
34 diligence to personally verify the evidence presented, the challenged  
35 voter either is not qualified to vote or does not reside at the  
36 address given on his or her voter registration record based on one of  
37 the reasons allowed in subsection (1) of this section. The challenger  
38 must provide the factual basis for the challenge, including any  
39 information required by subsection (1)(c) of this section, in the  
40 signed affidavit. The challenge may not be based on unsupported

1 allegations or allegations by anonymous third parties. All documents  
2 pertaining to the challenge are public records.

3 (4) Challenges based on a felony conviction under RCW 29A.08.520  
4 must be heard according to RCW 29A.08.520 and rules adopted by the  
5 secretary of state.

6 **Sec. 2.** RCW 29A.08.820 and 2023 c 466 s 29 are each amended to  
7 read as follows:

8 (1) Challenges must be filed with the county auditor of the  
9 county in which the challenged voter is registered no later than 45  
10 days before the election. The county auditor or the county auditor's  
11 designee presides over the hearing.

12 (2) Challenges may be filed after 45 days before the election,  
13 only when the challenged voter registered to vote less than 60 days  
14 before the election, or changed residence less than 60 days before  
15 the election without updating the residence address of the voter's  
16 voter registration. A challenge may then be filed not later than 10  
17 days before any primary or election, general or special, or within 10  
18 days of the voter being added to the voter registration database,  
19 whichever is later.

20 (a) If the challenge is filed after 45 days before an election at  
21 which the challenged voter is eligible to vote, a notation of the  
22 challenge must be made immediately to the challenged voter's  
23 registration in the voter registration system, and the county  
24 canvassing board shall preside over the hearing.

25 (b) If the challenge is filed before the challenged voter's  
26 ballot is received, the ballot must be processed as a challenged  
27 ballot, and held until the challenge is resolved.

28 (c) If the challenge is filed after the challenged voter's ballot  
29 is received, the challenge cannot affect the current election.  
30 However, the process shall proceed until the challenge is resolved.

31 **Sec. 3.** RCW 29A.08.835 and 2023 c 466 s 30 are each amended to  
32 read as follows:

33 (1) The county auditor shall, within (~~seventy-two hours~~) five  
34 business days of receipt, publish on the auditor's internet website  
35 the entire content of any voter challenge filed under this chapter  
36 (~~29A.08 RCW~~). Immediately after publishing any voter challenge, the  
37 county auditor shall notify any person who requests to receive such  
38 notifications on an ongoing basis.

1 (2) The information on the website may be removed 45 days  
2 following ~~((certification of an election))~~ the completion or  
3 dismissal of the challenge. Information related to the challenge must  
4 be maintained by the county auditor for the appropriate retention  
5 period, and is subject to disclosure upon request.

6 **Sec. 4.** RCW 29A.08.840 and 2023 c 466 s 31 are each amended to  
7 read as follows:

8 (1) If the challenge is not in proper form or the factual basis  
9 for the challenge does not meet the legal grounds for a challenge,  
10 the county auditor may dismiss the challenge and notify the  
11 challenger of the reasons for the dismissal. A challenge is not in  
12 proper form if it is incomplete on its face or does not substantially  
13 comply with the form issued by the secretary of state.

14 (2) Prior to any hearing the county auditor shall attempt to  
15 informally resolve the challenge through one or more of the following  
16 methods:

17 (a) Contact the challenged voter in order to:

18 (i) Update the voter's residence address for voting within the  
19 county or state;

20 (ii) Confirm that the voter no longer considers themselves a  
21 resident for voting purposes and obtaining a cancellation signed by  
22 the voter; or

23 (iii) Learn whether the voter is currently residing at a  
24 temporary address with the intent to return to the registered  
25 address;

26 (b) Search the statewide voter registration database to determine  
27 if the voter has registered at another address within the state, and  
28 transfer the voter;

29 (c) Determine if the voter is currently qualified under RCW  
30 29A.04.151 or 29A.08.112; or

31 (d) If the challenger provides an out-of-state address for the  
32 challenged voter or provides evidence the challenged voter is  
33 registered to vote or voting more recently in another state, search  
34 the current official voter registration database for the jurisdiction  
35 provided, or contact the office of the election official in that  
36 jurisdiction and determine if the challenged voter has registered to  
37 vote or voted in that jurisdiction more recently than the voter's  
38 Washington state registration of voting.

1 (3) If the county auditor is successful in resolving the  
2 challenge through any of the methods contained in subsection (2) of  
3 this section, the auditor may dismiss the challenge and notify the  
4 challenger of the dismissal.

5 (4) If the challenge is in proper form ((and)), the factual basis  
6 meets the legal grounds for a challenge, and the challenge has not  
7 otherwise been resolved pursuant to subsection (2) or (3) of this  
8 section, the county auditor must formally notify the challenged voter  
9 and provide a copy of the affidavit. The county auditor shall also  
10 provide to any person, upon request, a copy of all materials provided  
11 to the challenged voter.

12 (a) The notice must be in a form provided by the secretary of  
13 state, sent by forwardable certified mail to the address provided in  
14 the voter registration record, and any other addresses at which the  
15 challenged voter is alleged to reside or the county auditor  
16 reasonably expects the voter to receive notice, and by email and  
17 phone, if the county auditor has such information in its records, and  
18 include:

19 (i) A copy of the challenge form and affidavit;

20 (ii) Methods by which the voter can confirm eligibility,  
21 including by mail, online, phone, in person, or at a scheduled  
22 hearing;

23 (iii) Notice of potential consequences for failing to respond to  
24 the challenge; and

25 (iv) For challenges based on a change of address, a clear  
26 statement that the voter remains registered and eligible to vote in  
27 that election.

28 (b) If the challenge is to the residential address provided by  
29 the voter, the challenged voter must be provided notice of the  
30 exceptions allowed in RCW 29A.08.112 and 29A.04.151, and Article VI,  
31 section 4 of the state Constitution, and may update the residence  
32 address on the voter's voter registration, or reregister until 8:00  
33 p.m. the day of the election.

34 ~~((b))~~ (c) The county auditor must schedule a hearing and notify  
35 the challenger and the challenged voter of the time and place for the  
36 hearing.

37 ~~((3) All)~~ (5) The notice must be sent by certified forwardable  
38 mail to the address provided in the voter registration record, and  
39 any other addresses at which the challenged voter is alleged to  
40 reside or the county auditor reasonably expects the voter to receive

1 notice. The county auditor shall also notify the challenged voter by  
2 phone, including leaving a voicemail if possible, or email if the  
3 county auditor has such information in its records. If the county  
4 auditor receives no response from the challenged voter within 10  
5 calendar days, the county auditor must provide the same such notice a  
6 second time. The secretary of state shall create a standard form for  
7 notification by mail and email. The challenger and challenged voter  
8 may either appear in person or submit testimony by affidavit.  
9 Personal appearance may be accomplished using video  
10 telecommunications technology if the auditor or canvassing board  
11 chooses.

12 ~~((4))~~ (6) The challenger has the burden to prove by clear and  
13 convincing evidence that the challenged voter's registration is  
14 improper. The challenged voter must be provided a reasonable  
15 opportunity to respond. If the challenge is to the residential  
16 address provided by the voter, the challenged voter may provide  
17 evidence that he or she resides at the location described in his or  
18 her voter's registration records, or meets one of the exceptions  
19 allowed in RCW 29A.08.112 or 29A.04.151, or Article VI, section 4 of  
20 the state Constitution. If either the challenger or challenged voter  
21 fails to appear at the hearing, the challenge must be resolved based  
22 on the available facts.

23 ~~((5))~~ (7)(a) If the challenge is based on an allegation under  
24 RCW 29A.08.810(1) (a), (b), (d), or (e) and the county auditor,  
25 auditor's designee, or canvassing board sustains the challenge, the  
26 voter registration shall be canceled and any challenged ballot shall  
27 not be counted.

28 (b) If the challenge is based on an allegation under RCW  
29 29A.08.810(1)(c) and the county auditor, auditor's designee, or  
30 canvassing board sustains the challenge, ~~((the board shall permit))~~  
31 the voter shall be permitted to correct the residence address on the  
32 voter registration and any races and ballot measures on any  
33 challenged ballot that the voter would have been qualified to vote  
34 for had the registration been correct shall be counted if the  
35 challenge is sustained prior to certification of the election.

36 ~~((6))~~ (8) If the challenger fails to prove by clear and  
37 convincing evidence that the registration is improper, the challenge  
38 must be dismissed and any pending challenged ballot must be accepted  
39 as valid. All challenged ballots must be resolved before  
40 certification of the election. The decision of the county auditor or

1 canvassing board is final subject only to judicial review by the  
2 superior court under chapter 34.05 RCW.

3 **Sec. 5.** RCW 29A.08.850 and 2006 c 320 s 7 are each amended to  
4 read as follows:

5 (1) The secretary of state must provide forms for voter  
6 registration challenges, and the county auditor must make such forms  
7 available. A challenge is not required to be submitted on the  
8 provided voter challenge form, but may be prepared using an official  
9 electronic voter challenge form template provided by the auditor or  
10 secretary of state that has been printed and signed by the challenger  
11 for submission.

12 (2) Each form must include:

13 (a) The challenger's name, address, and contact information;

14 (b) The challenged voter's name and registered voting address;

15 (c) A statement of the factual basis for the challenge as  
16 required under RCW 29A.08.810, including any information required by  
17 RCW 29A.08.810(1)(c);

18 (d) The challenger's signature certifying that all information  
19 provided in the form is true and correct; and

20 (e) A clear statement providing that such certification is  
21 subject to penalty of perjury under chapter 9A.72 RCW."

22 Correct the title.

EFFECT: • Restores current law that requires a county auditor or the Office of the Secretary of State (OSOS) to cancel a voter's registration upon receipt of a signed statement from another registered voter that the voter is deceased, rather than permitting the county auditor or the OSOS to remove the voter from the state voter registration list only upon confirmation that a voter is deceased after receiving such a signed statement.

• Restores current law that specifies the circumstances for which a county auditor must cancel an inactive voter registration.

• Restores current law allowing a challenger to provide the challenged voter's actual residence or evidence that the challenger exercised due diligence as verification that the challenged voter does not reside at the address provided, rather than requiring both the challenged voter's actual residence and evidence of due diligence.

• Removes the requirement that the person challenging another person's voter registration live in the same county as the challenged voter.

• Restores current law prohibiting challenges to a person's voter registration from being based on allegations by anonymous third parties, rather than on allegations by any third parties.

- Removes the requirements that the challenger must sign each affidavit by hand with ink and that electronically signed affidavits are rejected.
- Removes the specification that voters who do not receive ballots because their registration has been made inactive are not subject to voter registration challenges.
- Reduces the deadline for a county auditor to publish a voter challenge on the auditor's website from within 10 business days of receipt to within 5 business days of receipt.
- Restores current law making it permissive, rather than mandatory, that the county auditor dismiss a voter challenge if the challenge is not in proper form or the factual basis for the challenge does not meet the legal grounds for a challenge.
- Restores current law specifying that a challenge only need to comply substantially with the form issued by the Secretary of State for the challenge to be in proper form.
- Directs a county auditor to informally resolve a voter challenge instead of permitting the auditor to conduct an initial review of the merits of a challenge. Specifies the methods for informally resolving a challenge, which include:
  - o Contacting the challenged voter for an updated address or signed cancellation;
  - o Determining temporary residency or voter eligibility;
  - o Searching the statewide voter registration database to determine if the voter is registered at another address;
  - o Searching the voter records of another state or contacting the applicable election office of another state, if the challenger provides an out-of-state address for the challenged voter.
- Removes the limitation that a hearing may only be scheduled if voter eligibility is not confirmed and there is probable cause that the challenged voter is not qualified to vote.
- Removes the requirement that a county auditor dismiss a challenge without a hearing if the auditor independently verifies voter eligibility at any point, and instead permits a county auditor to dismiss a challenge if the auditor successfully resolves through the informal methods.
- Removes the specifications for the contents of a hearing notice, which include a copy of the challenge form and affidavit, a method to confirm eligibility, notice of consequences for failing to respond, and how responding to the challenge may help the voter remain registered to vote.
- Removes the specification that voters who do not receive ballots because their registration has been made inactive are not subject to voter registration challenges.
- Restores current law that allows the challenger to either appear at the hearing in person or submit testimony by affidavit.
- Removes the requirement that a challenge be dismissed if the challenger fails to appear at the hearing.
- Restores current law requiring that a person challenging another person's voter registration prove that the challenged voter's registration is improper by clear and convincing evidence, rather than beyond a reasonable doubt.
- Removes the specification that a challenged voter is placed on inactive status if the voter does not provide their correct address by the day before the certification of an election.
- Removes the requirement that a challenged voter's registration is canceled and ballot not counted if the voter provides an out-of-state address or the challenge is sustained for registration challenges based on a voter residing at a different address than provided.

- Eliminates the offense and penalty of false swearing for knowingly providing false information as part of a voter registration challenge.
- Eliminates the offense and misdemeanor penalty for knowingly challenging a voter's registration without reasonable cause.

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