

ESHB 1916 - S COMM AMD

By Committee on State Government, Tribal Affairs & Elections

ADOPTED 03/03/2026

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

3 "Sec. 1. RCW 29A.08.510 and 2009 c 369 s 26 are each amended to
4 read as follows:

5 The registrations of deceased voters may be canceled from voter
6 registration lists as follows:

7 (1) Periodically, the registrar of vital statistics of the state
8 shall prepare a list of persons who resided in each county, for whom
9 a death certificate was transmitted to the registrar and was not
10 included on a previous list, and shall supply the list to the
11 secretary of state.

12 The secretary of state shall compare this list with the
13 registration records and cancel the registrations of deceased voters.

14 (2) In addition, each county auditor may also use government
15 agencies and newspaper obituary articles as a source of information
16 for identifying deceased voters and canceling a registration. The
17 auditor must verify the identity of the voter by matching the voter's
18 date of birth or an address. The auditor shall record the date and
19 source of the information in the cancellation records.

20 (3) In addition, any registered voter may sign a statement,
21 subject to the penalties of perjury, to the effect that to his or her
22 personal knowledge or belief another registered voter is deceased.
23 This statement may be filed with the county auditor or the secretary
24 of state. (~~Upon~~) Only upon the receipt of such signed statement,
25 and confirmation by the county auditor or the secretary of state
26 (~~shall cancel the registration~~), may the voter's registration be
27 canceled from the official state voter registration list.

28 **Sec. 2.** RCW 29A.08.630 and 2023 c 466 s 25 are each amended to
29 read as follows:

1 (1) The county auditor shall return an inactive voter to active
2 voter status if, prior to the passage of two federal general
3 elections, the voter:

4 (a) Notifies the auditor of a change of address;

5 (b) Responds to a confirmation notice with information that he or
6 she continues to reside at the registration address; or

7 (c) Votes or attempts to vote in a primary, special election, or
8 general election.

9 (2) If the inactive voter fails to provide a notice or take an
10 action as described in subsection (1) of this section, the auditor
11 shall cancel the person's voter registration.

12 (3) The county auditor must cancel an inactive voter registration
13 when ~~((receiving information indicating that the inactive voter has
14 moved out of state or died))~~;

15 (a) The county auditor receives and confirms information under
16 RCW 29A.08.510 that the voter has died;

17 (b) The county auditor receives information under RCW 29A.08.135
18 that the voter has registered to vote in another state; or

19 (c) The county auditor receives a signed, written notification
20 from the voter that the voter has moved out of the state or that the
21 voter wishes to have their registration canceled. Prior to
22 cancellation of such a registration the auditor shall verify that the
23 signature on the notification matches the signature in the voter
24 registration file.

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

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

30 (a) The challenged voter has been convicted of a felony that
31 includes serving a sentence of total confinement under jurisdiction
32 of the department of corrections, or a felony conviction in another
33 state's court or federal court and the voter is serving that sentence
34 of total confinement and the person's voting rights have not been
35 restored under RCW 29A.08.520;

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

1 (c) The challenged voter resides at a different address than the
2 residential address provided, and is not subject to RCW 29A.04.151 or
3 29A.08.112, in which case the challenger must (~~either~~):

4 (i) Provide the challenged voter's actual residence on the
5 challenge form; (~~or~~) and

6 (ii) Submit evidence that he or she exercised due diligence to
7 verify that the challenged voter does not reside at the address
8 provided. The challenger must, at minimum, provide evidence that the
9 challenger personally(~~+~~

10 ~~(A) Sent~~) sent a certified letter with return service requested
11 to the challenged voter's residential address provided, and to the
12 challenged voter's mailing address, if provided, using a form
13 provided by the office of the secretary of state outlining the reason
14 for the challenge;

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

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

20 ~~(D) Searched the statewide voter registration database to~~
21 ~~determine if the voter is registered at any other address in the~~
22 ~~state; and~~

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

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

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

28 (2) A person's right to vote may be challenged by another
29 registered voter from the same county, or the county prosecuting
30 attorney.

31 (3) (a) (i) The challenger must file a separate voter registration
32 challenge form or official electronic voter challenge form, as
33 provided under RCW 29A.08.850, for each voter whose registration is
34 challenged.

35 (ii) Each form must include:

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

37 (B) The challenged voter's name and address;

38 (C) A statement of the factual basis for the challenge, including
39 any information required by subsection (1)(c) of this section.
40 Challenges must be based on personal knowledge, which for these

1 purposes is defined as firsthand knowledge through experience or
2 observation of the facts upon each ground that the challenge is
3 based, and contain any documentation or evidence supporting the facts
4 upon which each ground for the challenge is based;

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

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

9 (b) The challenger must file a separate signed affidavit for each
10 voter whose registration is challenged, subject to the penalties of
11 perjury under chapter 9A.72 RCW swearing that, to his or her personal
12 knowledge and belief, having exercised due diligence to personally
13 verify the evidence presented, the challenged voter either is not
14 qualified to vote or does not reside at the address given on his or
15 her voter registration record based on one of the reasons allowed in
16 subsection (1) of this section. The challenger must provide the
17 factual basis for the challenge, including any information required
18 by subsection (1)(c) of this section, in the signed affidavit. The
19 challenge may not be based on unsupported allegations or allegations
20 by ((anonymous)) third parties. The challenger shall sign each
21 affidavit by hand, with ink. An affidavit signed electronically shall
22 be rejected. All documents pertaining to the challenge are public
23 records.

24 ~~(4) ((Challenges based on a felony conviction under RCW~~
25 ~~29A.08.520 must be heard according to RCW 29A.08.520 and rules~~
26 ~~adopted by the secretary of state.))~~ Voters who do not receive
27 ballots because their registration has been made inactive pursuant to
28 this chapter are not subject to voter registration challenges.

29 **Sec. 4.** RCW 29A.08.820 and 2023 c 466 s 29 are each amended to
30 read as follows:

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

35 (2) Challenges may be filed after 45 days before the election,
36 only when the challenged voter registered to vote less than 60 days
37 before the election, or changed residence less than 60 days before
38 the election without updating the residence address of the voter's
39 voter registration. A challenge may then be filed not later than 10

1 days before any primary or election, general or special, or within 10
2 days of the voter being added to the voter registration database,
3 whichever is later.

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

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

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

15 **Sec. 5.** RCW 29A.08.835 and 2023 c 466 s 30 are each amended to
16 read as follows:

17 (1) The county auditor shall, within (~~seventy-two hours~~) 10
18 business days of receipt, publish on the auditor's internet website
19 the entire content of any voter challenge filed under this chapter
20 (~~29A.08 RCW~~). Immediately after publishing any voter challenge, the
21 county auditor shall notify any person who requests to receive such
22 notifications on an ongoing basis.

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

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

30 (1) If the challenge is not in proper form or the factual basis
31 for the challenge does not meet the legal grounds for a challenge,
32 the county auditor (~~may~~) must dismiss the challenge and notify the
33 challenger of the reasons for the dismissal. A challenge is not in
34 proper form if it is incomplete on its face or does not
35 (~~substantially~~) comply with the form issued by the secretary of
36 state.

37 (2) Prior to notifying the voter of any challenge, the county
38 auditor may conduct an initial review of the merits of the challenge.

1 In that initial review of the merits, if the county auditor
2 determines that it is more likely than not that the challenge lacks
3 merit, then the county auditor may dismiss the challenge. The
4 challenger may refile the challenge with additional evidence pursuant
5 to the requirements of RCW 29A.08.810.

6 (3) If the challenge is in proper form and the factual basis
7 meets the legal grounds for a challenge, the county auditor must
8 notify the challenged voter and provide a copy of the affidavit. The
9 county auditor shall also provide to any person, upon request, a copy
10 of all materials provided to the challenged voter.

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

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

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

22 (iii) Notice of any consequences for failing to respond to the
23 challenge; and

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

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

33 ((~~(b)~~The)) (c) Subject to (d) of this subsection, and only if
34 after providing notice, eligibility cannot be confirmed and the
35 challenge remains, the county auditor must schedule a hearing and
36 notify the challenger and the challenged voter of the time and place
37 for the hearing.

38 ((~~(3)~~All notice)) (d) A hearing shall only be scheduled if the
39 county auditor is unable to confirm the voter's eligibility and,
40 based on the evidence submitted by the challenger, there is probable

1 cause that the challenged voter is not qualified to vote. Challenges
2 that do not meet the probable cause standard shall be dismissed
3 without a hearing.

4 (e) If, at any point, the county auditor is able to independently
5 verify the eligibility of the challenged voter, the auditor shall
6 dismiss the challenge without a hearing.

7 (4)(a) The hearing notification must be by certified forwardable
8 mail to the address provided in the voter registration record, and
9 any other addresses at which the challenged voter is alleged to
10 reside or the county auditor reasonably expects the voter to receive
11 notice. The county auditor shall also notify the challenged voter by
12 phone, including leaving a voicemail if possible, or email if the
13 county auditor has such information in its records. If the county
14 auditor receives no response from the challenged voter within 10
15 calendar days, the county auditor must provide the same such notice a
16 second time. The secretary of state shall create a standard form for
17 notification by mail and email. The challenger must appear in person
18 at the hearing. The ((challenger and)) challenged voter may either
19 appear in person or submit testimony by affidavit. Personal
20 appearance may be accomplished using video telecommunications
21 technology if the auditor or canvassing board chooses.

22 ((4)) (b) The hearing notice must include:

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

24 (ii) Methods by which the voter can confirm eligibility,
25 including by mail, online, phone, or in person;

26 (iii) Notice of any consequences for failing to respond to the
27 challenge; and

28 (iv) How responding to the challenge may help the voter remain
29 registered to vote.

30 (5) The challenger has the burden to prove ((by clear and
31 convincing evidence)) beyond a reasonable doubt that the challenged
32 voter's registration is improper. The challenged voter must be
33 provided a reasonable opportunity to respond. If the challenge is to
34 the residential address provided by the voter, the challenged voter
35 may provide evidence that he or she resides at the location described
36 in his or her voter's registration records, or meets one of the
37 exceptions allowed in RCW 29A.08.112 or 29A.04.151, or Article VI,
38 section 4 of the state Constitution. If the challenger fails to
39 appear at the hearing, the challenge must be dismissed. If ((either
40 the challenger or)) the challenged voter fails to appear at the

1 hearing or submit an affidavit in lieu of appearing at the hearing,
2 the challenge must be resolved based on the available facts and the
3 challenger still has the burden to prove beyond a reasonable doubt
4 that the challenged voter's registration is improper.

5 ~~((+5))~~ (6) (a) If the challenge is based on an allegation under
6 RCW 29A.08.810(1) (a), (b), (d), or (e) and the auditor, auditor's
7 designee, or canvassing board sustains the challenge, the voter
8 registration shall be canceled and any challenged ballot shall not be
9 counted.

10 (b) (i) If the challenge is based on an allegation under RCW
11 29A.08.810(1)(c) and the auditor, auditor's designee, or canvassing
12 board sustains the challenge, ~~((the board shall permit))~~ the voter
13 shall be permitted to correct the residence address on the voter
14 registration and any races and ballot measures on any challenged
15 ballot that the voter would have been qualified to vote for had the
16 registration been correct shall be counted if the challenge is
17 sustained prior to certification of the election.

18 (ii) If the voter does not provide their correct residence
19 address, the voter shall be placed on inactive status. Any challenged
20 ballot shall not be counted unless the voter provides their corrected
21 residence address by the day before the certification of the
22 election, in which case any races and ballot measures that the voter
23 would have been qualified to vote for had the registration been
24 correct shall be counted.

25 (c) If the challenge is based on an allegation under RCW
26 29A.08.810(1)(c), the auditor, auditor's designee, or canvassing
27 board sustains the challenge, and the voter provides a corrected
28 residence address that is outside of the state, the voter
29 registration shall be canceled, and any challenged ballot shall not
30 be counted.

31 ~~((+6))~~ (7) If the challenger fails to prove ~~((by clear and~~
32 ~~convincing evidence))~~ beyond a reasonable doubt that the registration
33 is improper, the challenge must be dismissed and any pending
34 challenged ballot must be accepted as valid. All challenged ballots
35 must be resolved before certification of the election. The decision
36 of the county auditor or canvassing board is final subject only to
37 judicial review by the superior court under chapter 34.05 RCW.

38 (8) Any challenger that knowingly provides false information as
39 part of a voter registration challenge under this chapter, either
40 before or during an election, is guilty of false swearing under RCW

1 9A.72.040, with a fine in an amount fixed by the court of not more
2 than \$10,000.

3 (9) Any challenger that knowingly challenges a person's voter
4 registration without reasonable cause under this chapter, either
5 before or during an election, is guilty of a misdemeanor. Each
6 instance where a challenger knowingly makes a challenge without
7 reasonable cause constitutes a separate offense.

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

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

17 (2) Each form must include:

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

19 (b) The challenged voter's name and address;

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

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

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

27 **Sec. 8.** RCW 29A.08.135 and 2009 c 369 s 14 are each amended to
28 read as follows:

29 (1) When a person who has previously registered to vote in
30 another state applies for voter registration in Washington, the
31 person shall provide on the registration form all information needed
32 to cancel any previous registration. Notification must be made to the
33 state elections office of the applicant's previous state of
34 registration.

35 (2) A county auditor receiving official information from an
36 elections office in another state that a voter has registered to vote
37 in ((another)) that state more recently than in Washington, which the
38 auditor is able to verify matches the information in a Washington

1 voter registration record, shall immediately cancel that voter's
2 registration on the official state voter registration list."

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3 On page 1, line 2 of the title, after "lists;" strike the
4 remainder of the title and insert "amending RCW 29A.08.510,
5 29A.08.630, 29A.08.810, 29A.08.820, 29A.08.835, 29A.08.840,
6 29A.08.850, and 29A.08.135; and prescribing penalties."

EFFECT: • Requires that a person challenging another person's voter registration must live in the same county as the challenged voter.

• Removes the requirement for the county auditor or secretary of state to, within 30 days of receipt of a statement from a voter that another registered voter is deceased, confirm that the registered voter is deceased using information or data maintained by the Social Security Administration or the registrar of vital statistics.

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