

# SENATE BILL REPORT

## ESHB 1916

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As Passed Senate - Amended, March 3, 2026

**Title:** An act relating to amending voter registration challenges and managing voter registration lists.

**Brief Description:** Amending voter registration challenges and managing voter registration lists.

**Sponsors:** House Committee on State Government & Tribal Relations (originally sponsored by Representatives Doglio and Parshley).

**Brief History:** Passed House: 2/10/26, 58-38.

**Committee Activity:** State Government, Tribal Affairs & Elections: 2/16/26, 2/24/26 [DPA, DNP, w/oRec].

**Floor Activity:** Passed Senate - Amended: 3/3/26, 30-19.

### Brief Summary of Bill (As Amended by Senate)

- Adjusts the process, allowable evidence, and penalties for challenging a voter's registration.
- Clarifies when a voter's registration is canceled from the voter registration list.

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## SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL AFFAIRS & ELECTIONS

**Majority Report:** Do pass as amended.

Signed by Senators Valdez, Chair; Kauffman, Vice Chair; Hasegawa and Riccelli.

**Minority Report:** Do not pass.

Signed by Senators Fortunato and McCune.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** That it be referred without recommendation.

Signed by Senator Wilson, J., Ranking Member.

**Staff:** Danielle Creech (786-7412)

**Background:** Voter Registration. Individuals who are eligible to vote must register prior to voting. To be eligible to vote in Washington, an individual must be:

- a citizen of the United States;
- a legal resident of Washington State;
- at least 18 years old;
- not disqualified from voting due to a court order;
- not currently serving a sentence of total confinement in prison under the jurisdiction of the Department of Corrections for a felony conviction; and
- not currently incarcerated for an out-of-state or federal felony conviction.

Challenges to a Voter's Registration. A registered voter or county prosecuting attorney may challenge a voter's registration for failure to meet the legal qualifications required for voter registration. The Secretary of State's Office must provide forms for voter registration challenges.

If the challenge is because the voter does not live at the address provided, the challenger must provide the challenged voter's actual residence or submit evidence that the challenger exercised due diligence to verify that the address is incorrect. In the latter case, the challenger must personally send a letter with return service requested to the voter's address, search county auditor records to determine whether the voter owns any property in the county, search local telephone directories and property records, search the voter registration database to determine whether the voter is registered at another address in the state, and search the voter registration database of another state to determine whether the voter is registered to vote in a state other than Washington. The challenger must sign an affidavit under penalty of perjury attesting that they exercised due diligence in verifying the evidence.

The county auditor must publish the content of a voter challenge on the auditor's website within 72 hours of receipt. The information may be removed 45 days after the certification of an election.

*Voter Challenge Proceedings.* The county auditor may dismiss a challenge that is not in proper form or if the factual basis does not meet the legal grounds for a challenge. If the challenge meets these requirements, the county auditor must schedule and preside over a hearing and provide notice of the hearing to the challenger and the challenged voter. The challenger must prove that registration is improper by clear and convincing evidence. If either the challenger or the challenged voter fails to appear at the hearing, the challenge is resolved based on the available facts. If the challenger fails to prove that the registration is improper, the challenge is dismissed.

The National Voter Registration Act. The National Voter Registration Act (NVRA) requires states to conduct a general voter registration list maintenance program that makes a reasonable effort to remove ineligible persons from the voter rolls. The NVRA also permits states to remove the name of a person from the voter registration list upon the request of the voter. A voter may request to be removed from the voter rolls by:

- requesting the removal of the voter's name from the voting registration list;
- completing and returning a notice card indicating an address change outside the jurisdiction; or
- submitting a new application registering to vote a second time in a new jurisdiction, and providing information regarding the registrant's prior voter registration address on the new application, which the state may treat as a request to cancel or transfer the voter's prior registration.

Cancellation of a Voter's Registration. A deceased voter's registration may be canceled either by the Secretary of State, using information from the registrar of vital statistics; a county auditor, using certain information to identify and verify the identity of deceased voters; or the Secretary of State or county auditor upon receipt of a statement from a voter that another voter is deceased.

A county auditor must immediately cancel a voter's registration upon receipt of official information that a voter has registered to vote in another state.

**Summary of Amended Bill:** Challenges to a Voter's Registration. A person challenging another person's voter registration must live in the same county as the challenged voter. The types of evidence a challenger must submit when challenging another person's voter registration on the basis that the challenged voter does not reside at the address provided, is reduced. A challenger must no longer provide evidence that they personally searched:

- county auditor records to determine whether the voter owns any property in the county;
- local telephone directories to determine whether the voter maintains a telephone listing at any address in the county;
- the voter registration database to determine whether the voter is registered at another address in the state; or
- the voter registration database of another state to determine if the voter is registered in a state other than Washington.

If the challenger's proof is that the challenger sent a letter with return service to the challenged voter's address, the letter must be certified and sent using a form provided by the Office of the Secretary of State outlining the reason for the challenge.

Challengers must file a separate voter registration challenge form and signed affidavit for each voter whose registration is being challenged. Each form must include certain information, including a statement of the factual basis for the challenge and be signed under

penalty of perjury. Each affidavit must be signed by hand with ink.

The timelines for which a county auditor publishes and removes information about a voter challenge from the auditor's website are amended.

*Voter Challenge Proceedings.* It is mandatory, rather than permissive, that a county auditor dismiss a challenge if the challenge is not in proper form or the factual basis does not meet the legal grounds for a challenge.

Before notifying the voter of a challenge, a county auditor may conduct an initial review of the merits of the challenge. If the county auditor determines that the challenge lacks merit by a preponderance of the evidence, then the county auditor may dismiss the challenge. A county auditor must attempt to reconfirm registration before scheduling a hearing. A hearing may only be scheduled if the county auditor is unable to confirm the voter's eligibility and there is probable cause that the challenged voter is not eligible to vote. If a county auditor independently verifies a voter's eligibility at any point, the county auditor may dismiss a challenge.

In addition to the county auditor, an auditor's designee is permitted to preside over the hearing. If the challenger does not attend the hearing in person, the challenge is dismissed. The challenged voter may appear in person or submit an affidavit. The challenger must prove that the registration is improper beyond a reasonable doubt, rather than by clear and convincing evidence. The notice to the challenged voter of the challenge and the scheduled hearing must provide additional information, including methods to confirm eligibility. Processes for successful voter registration challenges are provided.

*Challenger Penalties.* Penalties are established for knowingly providing false information as part of a challenge and knowingly challenging a voter registration without reasonable cause. A challenger that knowingly provides false information as part of a voter registration challenge is guilty of false swearing, a gross misdemeanor. A challenger that knowingly challenges a voter registration without reasonable cause is guilty of a misdemeanor. Each instance constitutes a separate offense.

*Voter Registration Challenge Forms.* The voter registration challenge form must include additional information, including the factual basis for the challenge.

Voter Registration List. After receiving a signed statement from a voter that another registered voter is deceased, the county auditor must confirm that the voter is deceased before canceling the registration from the official state voter registration list. A county auditor must also cancel an inactive voter registration upon receipt of a signed notification from the voter that the voter wishes to have the voter's registration canceled. The county auditor must verify that the signature on the notification matches the signature in the voter registration file.

A county auditor who verifies that information in a voter's more recent voter registration in another state matches information in a Washington voter registration record must cancel the voter's Washington registration.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Engrossed Substitute House Bill:** *The committee recommended a different version of the bill than what was heard.*

PRO: Washington State has proudly protected voters from most anti-voter tactics that plague people across our nation. Since the 2020 election, we have seen a rise in election conspiracy groups and other bad actors attempting mass voter registration challenges, overwhelming our election officials. A vast majority of these challenges are deemed invalid. Mass challengers often use inaccurate AI tools and data sources that lead to false conclusions. Mass voter challenges create fear, confusion, and unnecessary barriers for eligible voters. These tactics disproportionately affect communities of color including naturalized citizens and can discourage lawful voters from participating, even when the challenges are ultimately found invalid. This bill sets forth reasonable standards to ensure voter challenges are based in credible evidence and brought in good faith. This protects voters by adding common sense requirements for challenges and voter notification, increasing the burden on those bringing the challenges, and giving election officials the tools they need to dismiss frivolous cases.

CON: Section 3 of this bill creates very tedious means of submitting a challenge by submitting certified letters, providing separate affidavits for each ballot, and then specifications about how that affidavit is signed. Section 4 allows an auditor to select a designee to oversee a ballot challenge hearing. This should be one of the most important issues to the auditor and for the official to send someone in proxy really shows a lack of attention to the concerns of the citizens. Section 6 provides very vague language that would allow the county auditor to make assumptions about the challengers credibility and adds layers of intimidation. This bill restricts the voters and puts more power in the hands of state and county officials. There have been claims that mass challenges are occurring and are targeting people of color and disabled people. These are very dangerous and flawed allegations. Race and disability information are not captured in registration. This body granted Washington voters the absolute right to challenge voter registrations almost a half a century ago and the process is very straightforward. This bill is unnecessary.

OTHER: The policy and voter registration challenges are largely taken care of by the county auditors, however, one concern with the bill is that the House stripped out language

that required a challenger to be from the same county as the challenged voter. The concern is because the bill now does not clearly define what a registered voter is, which means that someone from another state could challenge registered voters in Washington. It would be preferable to provide some clarity around which registered voters are able to challenge another voter's registration, whether that be registered voters within the county or state. The county auditors would appreciate if the bill designated someone other than the auditors to handle the challenges in the bill. Second, there is concern about what it means to confirm that a voter is deceased since that is not defined in the bill. There is concern that this may actually have the impact of keeping deceased voters on the rolls.

**Persons Testifying:** PRO: Alison McCaffree, League of Women Voters of Washington; Joseph Lachman, Asian Counseling and Referral Service; Caron Cargill, Responsive Gov Action; Nilu Jenks, FairVote Washington; Lilliane Ballesteros, Latino Community Fund of Washington State.

CON: Eric Lundberg; LORILEE GATES.

OTHER: Shawn Merchant, Office of the Secretary of State; Michael Shaw, Washington State Association of County Officials.

**Persons Signed In To Testify But Not Testifying:** No one.