
ENGROSSED SUBSTITUTE HOUSE BILL 1916

State of Washington

69th Legislature

2025 Regular Session

By House State Government & Tribal Relations (originally sponsored by Representatives Doglio and Parshley)

READ FIRST TIME 02/18/25.

1 AN ACT Relating to amending voter registration challenges and
2 managing voter registration lists; amending RCW 29A.08.510,
3 29A.08.630, 29A.08.810, 29A.08.820, 29A.08.835, 29A.08.840,
4 29A.08.850, and 29A.08.135; and prescribing penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 29A.08.510 and 2009 c 369 s 26 are each amended to
7 read as follows:

8 The registrations of deceased voters may be canceled from voter
9 registration lists as follows:

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

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

17 (2) In addition, each county auditor may also use government
18 agencies and newspaper obituary articles as a source of information
19 for identifying deceased voters and canceling a registration. The
20 auditor must verify the identity of the voter by matching the voter's

1 date of birth or an address. The auditor shall record the date and
2 source of the information in the cancellation records.

3 (3) In addition, any registered voter may sign a statement,
4 subject to the penalties of perjury, to the effect that to his or her
5 personal knowledge or belief another registered voter is deceased.
6 This statement may be filed with the county auditor or the secretary
7 of state. ~~((Upon))~~ Only upon the receipt of such signed statement,
8 and confirmation by the county auditor or the secretary of state
9 ~~((shall cancel the registration)),~~ may the voter's registration be
10 removed from the official state voter registration list.

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

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

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

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

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

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

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

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

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

31 (c) The county auditor receives a signed, written notification
32 from the voter that the voter has moved out of the state or that the
33 voter wishes to have their registration canceled. Prior to
34 cancellation of such a registration the auditor shall verify that the
35 signature on the notification matches the signature in the voter
36 registration file.

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

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

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

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

12 (c) The challenged voter resides at a different address than the
13 residential address provided, and is not subject to RCW 29A.04.151 or
14 29A.08.112, in which case the challenger must ~~((either))~~:

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

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

21 ~~-A) Sent~~) sent a certified letter with return service requested
22 to the challenged voter's residential address provided, and to the
23 challenged voter's mailing address, if provided, using a form
24 provided by the office of the secretary of state outlining the reason
25 for the challenge;

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

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

31 ~~(D) Searched the statewide voter registration database to~~
32 ~~determine if the voter is registered at any other address in the~~
33 ~~state; and~~

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

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

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

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

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

5 (ii) Each form must include:

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

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

8 (C) A statement of the factual basis for the challenge, including
9 any information required by subsection (1)(c) of this section.

10 Challenges must be based on personal knowledge, which for these
11 purposes is defined as firsthand knowledge through experience or
12 observation of the facts upon each ground that the challenge is
13 based, and contain any documentation or evidence supporting the facts
14 upon which each ground for the challenge is based;

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

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

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

34 ~~((Challenges based on a felony conviction under RCW~~
35 ~~29A.08.520 must be heard according to RCW 29A.08.520 and rules~~
36 ~~adopted by the secretary of state.)) Voters who do not receive
37 ballots because their registration has been made inactive pursuant to
38 this chapter are not subject to voter registration challenges.~~

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

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

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

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

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

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

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

28 (1) The county auditor shall, within (~~seventy-two hours~~) 10
29 business days of receipt, publish on the auditor's internet website
30 the entire content of any voter challenge filed under this chapter
31 (~~29A.08 RCW~~). Immediately after publishing any voter challenge, the
32 county auditor shall notify any person who requests to receive such
33 notifications on an ongoing basis.

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

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

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

10 (2) Prior to notifying the voter of any challenge, the county
11 auditor may conduct an initial review of the merits of the challenge.
12 In that initial review of the merits, if the county auditor
13 determines that it is more likely than not that the challenge lacks
14 merit, then the county auditor may dismiss the challenge. The
15 challenger may refile the challenge with additional evidence pursuant
16 to the requirements of RCW 29A.08.810.

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

22 (a) The notice must be in a form provided by the secretary of
23 state, sent by forwardable certified mail to the address provided in
24 the voter registration record, and any other addresses at which the
25 challenged voter is alleged to reside or the county auditor
26 reasonably expects the voter to receive notice, and by email and
27 phone, if the county auditor has such information in its records, and
28 include:

- 29 (i) A copy of the challenge form and affidavit;
30 (ii) Methods by which the voter can confirm eligibility,
31 including by mail, online, phone, in person, or at a scheduled
32 hearing;
33 (iii) Notice of any consequences for failing to respond to the
34 challenge; and
35 (iv) For challenges based on a change of address, a clear
36 statement that the voter remains registered and eligible to vote in
37 that election.

38 (b) If the challenge is to the residential address provided by
39 the voter, the challenged voter must be provided notice of the
40 exceptions allowed in RCW 29A.08.112 and 29A.04.151, and Article VI,

1 section 4 of the state Constitution, and may update the residence
2 address on the voter's voter registration, or reregister until 8:00
3 p.m. the day of the election.

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

9 ~~((3) All notice)~~ (d) A hearing shall only be scheduled if the
10 county auditor is unable to confirm the voter's eligibility and,
11 based on the evidence submitted by the challenger, there is probable
12 cause that the challenged voter is not qualified to vote. Challenges
13 that do not meet the probable cause standard shall be dismissed
14 without a hearing.

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

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

33 ~~((4))~~ (b) The hearing notice must include:

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

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

37 (iii) Notice of any consequences for failing to respond to the
38 challenge; and

39 (iv) How responding to the challenge may help the voter remain
40 registered to vote.

1 (5) The challenger has the burden to prove (~~by clear and~~
2 ~~convincing evidence~~) beyond a reasonable doubt that the challenged
3 voter's registration is improper. The challenged voter must be
4 provided a reasonable opportunity to respond. If the challenge is to
5 the residential address provided by the voter, the challenged voter
6 may provide evidence that he or she resides at the location described
7 in his or her voter's registration records, or meets one of the
8 exceptions allowed in RCW 29A.08.112 or 29A.04.151, or Article VI,
9 section 4 of the state Constitution. If the challenger fails to
10 appear at the hearing, the challenge must be dismissed. If (~~either~~
11 ~~the challenger or~~) the challenged voter fails to appear at the
12 hearing or submit an affidavit in lieu of appearing at the hearing,
13 the challenge must be resolved based on the available facts and the
14 challenger still has the burden to prove beyond a reasonable doubt
15 that the challenged voter's registration is improper.

16 (~~(5)~~) (6) (a) If the challenge is based on an allegation under
17 RCW 29A.08.810(1) (a), (b), (d), or (e) and the auditor, auditor's
18 designee, or canvassing board sustains the challenge, the voter
19 registration shall be canceled and any challenged ballot shall not be
20 counted.

21 (b) (i) If the challenge is based on an allegation under RCW
22 29A.08.810(1)(c) and the auditor, auditor's designee, or canvassing
23 board sustains the challenge, (~~the board shall permit~~) the voter
24 shall be permitted to correct the residence address on the voter
25 registration and any races and ballot measures on any challenged
26 ballot that the voter would have been qualified to vote for had the
27 registration been correct shall be counted if the challenge is
28 sustained prior to certification of the election.

29 (ii) If the voter does not provide their correct residence
30 address, the voter shall be placed on inactive status. Any challenged
31 ballot shall not be counted unless the voter provides their corrected
32 residence address by the day before the certification of the
33 election, in which case any races and ballot measures that the voter
34 would have been qualified to vote for had the registration been
35 correct shall be counted.

36 (c) If the challenge is based on an allegation under RCW
37 29A.08.810(1)(c), the auditor, auditor's designee, or canvassing
38 board sustains the challenge, and the voter provides a corrected
39 residence address that is outside of the state, the voter

1 registration shall be canceled, and any challenged ballot shall not
2 be counted.

3 ~~((+6))~~ (7) If the challenger fails to prove ((by clear and
4 convincing evidence)) beyond a reasonable doubt that the registration
5 is improper, the challenge must be dismissed and any pending
6 challenged ballot must be accepted as valid. All challenged ballots
7 must be resolved before certification of the election. The decision
8 of the county auditor or canvassing board is final subject only to
9 judicial review by the superior court under chapter 34.05 RCW.

10 (8) Any challenger that knowingly provides false information as
11 part of a voter registration challenge under this chapter, either
12 before or during an election, is guilty of false swearing under RCW
13 9A.72.040, with a fine in an amount fixed by the court of not more
14 than \$10,000.

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

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

22 (1) The secretary of state must provide forms for voter
23 registration challenges, and the county auditor must make such forms
24 available. A challenge is not required to be submitted on the
25 provided voter challenge form, but may be prepared using an official
26 electronic voter challenge form template provided by the auditor or
27 secretary of state that has been printed and signed by the challenger
28 for submission.

29 (2) Each form must include:

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

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

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

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

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

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

3 (1) When a person who has previously registered to vote in
4 another state applies for voter registration in Washington, the
5 person shall provide on the registration form all information needed
6 to cancel any previous registration. Notification must be made to the
7 state elections office of the applicant's previous state of
8 registration.

9 (2) A county auditor receiving official information from an
10 elections office in another state that a voter has registered to vote
11 in (~~another~~) that state more recently than in Washington, which the
12 auditor is able to verify matches the information in a Washington
13 voter registration record, shall immediately cancel that voter's
14 registration on the official state voter registration list.

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