Concise Explanatory Statement

Rulemaking: Alternative Identity Verification Pilot Project
Chapter 434-261 WAC

Public Hearing: January 8, 2026
Adoption: January 9, 2026
Effective: February 9, 2026

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Introduction

The Elections Division of the Office of the Secretary of State is establishing rules to clarify and support alternative identity verification pilot projects conducted under RCW 29A.40.111. This document will serve as the Concise Explanatory Statement (CES) for this rulemaking.

Formal comments were accepted November 17, 2025 8:00 AM through January 7, 2026 5:00 PM.

The formal CR-102 public hearing was held January 8, 2026 in person at the Washington State Library – 6880 Capitol Blvd. SE, Tumwater, WA 98501.

Rules Summary and Agency Reasons for Adoption
Rules Text

NEW SECTION

WAC 434-261-046 Alternative identity verification. The county auditor may conduct initial identity verification by using an alternative verification method approved by the office of the secretary of state in accordance with RCW 29A.40.111.

If the voter's identity is not accepted by the alternative verification method, the county auditor must verify the signature on the ballot return envelope using the standards set forth in WAC 434-261-051 through 434-261-053.

NEW SECTION

WAC 434-261-047 Alternative identity verification application deadline. This section addresses the process for submitting an alternative identity verification proposal pursuant to RCW 29A.40.111. An alternative identity verification option may be used only for a special election held on the second Tuesday in February or the fourth Tuesday in April, as provided in RCW 29A.04.321 and 29A.04.330.

(1) The deadline for a county auditor to submit an alternative identity verification proposal is no later than 104 days before the special election at which the alternative identity verification option would be used.

(2) The office of the secretary of state will provide a response to the county auditor no later than 90 days before the election at which the alternative identity verification option would be used.

(3) For a multicounty special election, the county auditor for each county involved must agree to participate. The proposal must be submitted to the office of the secretary of state by the county auditor for the county with the largest number of voters eligible to participate in the election.

NEW SECTION

WAC 434-261-048 Alternative identity verification application contents. In addition to the application requirements in RCW 29A.40.111, the county auditor must include how information about the alternative identity verification method will be targeted to groups

with higher rates of ballot rejection and any other groups included in the county's community outreach plan established in accordance with RCW 29A.60.168.

NEW SECTION

WAC 434-261-049 Alternative identity verification method approval guidelines. Following the approval of an alternative identity verification method, the office of the secretary of state must issue written guidance that specifies the approved use of the method and conditions of its use. Alternative identity verification methods are only approved for use in the election specified in the proposal.

Rules Summary

The rules adopted enhance the requirements established in RCW 29A.40.111 for the alternative identity verification pilot project. They will:

- Require the county auditor to verify the signature on the returned ballot envelope using the standards in Chapter 434-261 WAC if the county auditor using an alternative identity verification method approved by the Office of the Secretary of State receives a ballot from a voter whose identity is not accepted using the alternative method.
- Establish the deadline for the county auditor to submit the alternative identity verification proposal to the Office of the Secretary of State as 104 days before the special election when the alternative identity verification method would be used.
- Establish the deadline for the Office of the Secretary of State to respond to a submitted alternative identity verification method of proposal as 90 days before the special election when the alternative identity verification method would be used.
- Clarify that if the alternative identity verification method is to be used in a multi-county special election, all county auditors in the multi-county election must agree to participate in the alternative method, and the county auditor who represents the largest number of voters eligible to participate in the election will submit the application to the Office of the Secretary of State.
- Require the alternative identity verification method proposal to include information on how the county auditor will target information about the alternative method to groups with higher rates of ballot rejection and any other groups included in the county's community outreach plan established in accordance with RCW 29A.60.168.
- Require the Office of the Secretary of State to issue written guidance for conditions of its use when the Office of the Secretary of State approves an alternative identity verification method for use in a special election.
- Clarify that the approved alternative identity verification method is only approved for use in the election specified in the county auditor's proposal.

Agency Reason for Adoption

Substitute Senate Bill 6269 (2024) established the alternative verification options pilot project, allowing county auditors to test methods other than signature verification to verify that the person who returned a ballot was the intended voter. The proposed rules address verification requirements, deadlines, and public outreach to provide consistency statewide.

Agency Rulemaking Authority

RCW 29A.04.611 grants the Secretary of State rulemaking authority to facilitate execution of Title 29A RCW to ensure uniformity relating to federal, state, county, city, town, and district elections.

RCW 29A.40.111 grants the Secretary of State rulemaking authority related to the approval process, standards, and procedures of the pilot project.

Summary of the Rulemaking Activities

The Elections Division released drafts of the proposed rule language for public comment and the CR-102 on November 16, 2025. Formal comments were accepted November 17, 2025 8:00 AM through January 7, 2026 5:00 PM. The public had the opportunity to provide formal public comment at the public hearing and by email, fax, or mail.

The CR-101 Preproposal Statement of Inquiry was filed March 3, 2025. Informal comments were accepted until November 16, 2025 5:00 PM.

Changes to Rule (Proposed versus Adopted)

None.

Public Comment and Responses

Comment Period

The comment period for this rulemaking was November 17, 2025 8:00 AM through January 7, 2026 5:00 PM. A total of zero (0) comments were received.

Public Hearing

Date: January 8, 2026
Time: 10:00 AM
Location: 6880 Capitol Blvd. SE, Tumwater, WA 98501
Attendance: Zero (0) people
Testified: Zero (0) people

Summary of Comments Received and the Elections Division Responses

No comments were received.