

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

WAC 434-219-060 Designation of candidates by secretary of state.

Not less than ninety days prior to the date set for the presidential primary, the secretary of state shall compile a list of persons whose candidacy for the office of President of the United States is generally advocated or whose candidacy is generally recognized in the national news media. He or she shall promptly notify, in writing, the county auditors, the state and national chairpersons of each major political party, and each of the candidates whose names will be placed on the ballot at the presidential primary unless the candidate withdraws under WAC 434-219-115.

AMENDATORY SECTION (Amending WSR 96-03-141, filed 1/24/96, effective 2/24/96)

WAC 434-219-090 Form of the nominating petition. Nominating petitions shall be addressed to the secretary of state, be uniform in size, and shall contain the following:

(1) The name of the candidate and his or her political party;

(2) A statement that the persons signing the petition are registered voters of the state of Washington, that they are affiliated with the political party of the person on whose behalf the petition is filed, and that they have only signed the petition once;

(3) Numbered lines for no more than twenty signatures;

(4) Space for the signature, printed name, and street address at which each petition signer is registered to vote, including county of residence(+

~~(5) Space for the signer to list the name or number of his or her precinct, if known).~~

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-219-100 Verification of signatures by secretary of state.

Upon receipt of any nominating petition filed pursuant to WAC 434-219-080, the secretary of state shall promptly canvass and verify the signatures in order to determine the validity of the petition. The secretary may reject, without verification of signatures, any petition that clearly bears insufficient signatures, any petition that is not accompanied by a consent to the nomination by the candidate, or any petition that is in a form inconsistent with the provisions of WAC 434-219-090. To the extent that it is not inconsistent with other provisions of these rules, the canvass and verification process may be observed in the same manner as that specified in RCW 29A.72.230 for the observation of the canvass and verification of initiative signatures. The secretary of state shall reject the signature of any person not registered to vote in Washington, and, if the same name is signed more than once, shall reject all but the first valid signature. No

signature may be rejected solely on the basis that it is not accompanied by the street address (~~or precinct name or number~~), printed name, or county of residence of the signer.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-219-115 Withdrawal. Each candidate shall appear on the primary ballot unless, not later than sixty-seven days prior to the primary, the candidate files with the secretary of state a signed, notarized statement that he or she is not now and will not become a candidate for president. (~~The secretary of state shall promptly notify the county auditors, the chairperson of the national political party of that candidate, and all remaining candidates of any names removed from the list of candidates for the presidential primary.~~)

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

WAC 434-219-120 Certification of candidates. Immediately following the last day for candidates to withdraw, the secretary of state shall certify to the county auditors and state and national chairpersons of the major political parties the final list of candidates who will appear on the presidential primary ballot.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-219-155 (~~(Party declaration on)~~) Ballot materials. (1) Each (~~political party declaration shall be printed on the return envelope with the standard ballot declaration required by WAC 434-250-050.~~) county shall print declarations on the return envelopes in the same format and color as prescribed by the secretary of state which must include:

(a) The standard declaration per WAC 434-230-015 printed on the return envelope along with each political party declaration.

(b) Each political party declaration (~~shall be~~) printed with a checkbox for voters to indicate the party declaration to which they subscribe. (~~The county auditor shall provide an instruction for the party declarations substantially similar to the following: "You must mark a party checkbox in order for your presidential primary vote to count. You may only select one party."~~)

~~(2) The date and signature lines for the ballot declaration shall also serve as the date and signature lines for the political party declaration.~~

~~(3) In addition to other instructions normally provided to voters, the county auditor shall ensure that voters are given specific~~

~~instructions on how to mark their ballot so that it will be counted in accordance with the oath they signed on the return envelope.))~~

~~(c) One signature line to serve as both the voter's standard ballot declaration and the signature for the voter's political party declaration.~~

~~(2) In addition to ballot requirements listed in WAC 434-230-015:~~

~~(a) County auditors must issue consolidated ballots that include the political party ballots printed on one side of a single sheet of paper.~~

~~(b) Each ballot must specify the election as "Presidential Primary."~~

~~(c) A political party checkbox must not be printed on the ballot.~~

~~(d) A "Democratic Party" heading within or under a blue shaded bar and a "Republican Party" heading within or under a red shaded bar printed immediately above the associated list of candidates. Other major political parties included in the primary must have similar headings and color.~~

~~(e) The ballot lists of candidates for president for each political party shall be printed in the following order:~~

~~The major political party that received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election must appear first. Other major political parties must follow according to the votes cast for their nominees for president at the last presidential election.~~

~~(f) Candidates shall be listed in alphabetical order within each political party as certified by the secretary of state.~~

~~(g) Following each list of candidates shall be a response position and a space for writing in the name of a candidate.~~

~~(h) Candidate names shall be printed in a type style and point size that can be read easily. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include, but are not limited to, printing a smaller point size or different type style.~~

~~(3) In addition to other instructions normally provided to voters, the county auditor shall include an insert. The insert must provide specific instructions on how to mark the ballot so the ballot will be counted in accordance with the political party declaration signed on the return envelope in substantially the same format as provided by the secretary of state.~~

~~(4) Provisional, service, overseas, special absentee and electronically delivered ballots must include political party declarations. If the political party declarations are not printed on the return envelopes, both the ballot and political party declaration must be printed on a separate sheet of paper. The voter must be instructed to sign and place the declaration sheet into the ballot return envelope, outside the security envelope. Signatures on both the ballot declaration and the political party declaration are required to count a ballot.~~

~~(5) The following WAC sections do not apply to presidential primaries: WAC 434-230-025, 434-230-035, 434-230-045, 434-230-055, 434-230-085, 434-230-090, and 434-230-110.~~

NEW SECTION

WAC 434-219-200 Direct recording electronic voting devices (DRE). Ballots cast on direct recording electronic voting devices must be verified as matching the signed political party declaration.

(1) The voter must sign a standard ballot declaration form and select one political party ballot declaration.

(2) If using DREs, the county auditor must use a method that verifies the voter only casts votes according to the political party declaration marked. DREs may be programmed as separate ballots. For consolidated ballots, the county auditor must use one of the following methods:

(a) Provide a separate DRE designated for each political party.

(i) Verify the corresponding party ballots were cast on each device.

(ii) If all ballots cast are of the corresponding political party, all ballots shall be tabulated.

(iii) If any ballots were cast of the opposite political party, those ballots shall be referred to the canvassing board for rejection. All remaining ballots of the corresponding political party shall be duplicated and tabulated; or

(b) Provide a single DRE programmed with all political party ballots.

(i) Keep signed political party declarations in order of voting.

(ii) Compare the party declaration to the corresponding party vote on the ballot. If all ballots cast are of the corresponding political party, ballots shall be tabulated.

(iii) If any ballot fails to correspond with the declared party:

(A) Separate each ballot record and place each in a security envelope.

(B) Place the associated political party declaration with the security envelope into an outer mailing envelope.

(C) Process the ballots in the same manner as electronically returned ballots;

(c) Any other method approved by the secretary of state.

(3) The number of DRE votes must be reconciled with the number of signed declarations.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-219-230 Processing of ballots. (1) If the voter ((echecked)) selected a political party declaration, a notation of the party ((echecked)) selected must be made in the voter's registration file.

(2) ((If the declaration is not signed or the signature on the declaration does not match the signature on file, the county auditor must attempt to contact the voter as outlined in WAC 434-261-050. If the voter also failed to check a political party declaration, the county auditor must also provide the voter the opportunity to check a party declaration.)) If the voter fails to submit a marked and signed political party declaration on the return ballot envelope, the auditor shall send at least one notice by either mail or e-mail and advise the

voter of the correct procedures for completing the declaration. If a voter submits a marked and signed political party declaration by the day before the primary is certified, the voter's ballot may be counted if all other requirements are met.

Exception: A political party selection on a federal write-in absentee ballot form substitutes for the political party declaration.

(3) The ballot must be sorted according to major party declaration choice before it is removed from the return envelope. Once the ballot is removed from the return envelope and secrecy envelope, it must be inspected and processed consistent with the party declaration.

~~((4) If the voter's signature is verified, the voter may be credited with having participated in the election, even if the voter failed to check a political party declaration.))~~

NEW SECTION

WAC 434-219-235 Statewide standards on what is a vote—Presidential primary. The following standards determine the validity of political party declarations on a presidential primary return envelope and ballot. All standards listed in WAC 434-261-086 apply to ballots.

(1) The first returned marked and signed political party declaration is the determining factor; only a vote on the ballot within the party the voter selected shall be counted. Ballots must be rejected by the county canvassing board for the following reasons:

(a) Political party declarations.

(i) The voter selects both political party declarations.

(ii) The voter fails to provide a marked and signed political party declaration by the day before certification of the primary.

(b) Ballots.

(i) The voter votes for a candidate on the ballot not matching the political party declaration.

(ii) The voter votes for candidates in more than one party.

(2) When the voter modifies a party name or wording of a selected political party declaration, the party checkbox is considered unmarked and the voter must be contacted per WAC 434-219-230. Such alterations may include:

(a) Modification of a party name or wording of a selected political party declaration.

(b) A strike through a party name or wording of a selected party declaration without also making another choice.

(3) When a voter makes a correction to a political party selection, the canvassing board shall consider the voter's intent.

(a) If the voter strikes through a party name or wording of a party declaration, it is considered a correction only when the voter clearly selects another party declaration. Corrections may be resolved in the same manner as marks made on a ballot according to WAC 434-261-086 (1)(c), (d), and (e).

(b) If the voter does not mark inside a party checkbox, a mark or written instruction made outside the party checkbox may still indicate a choice when one declaration is clearly selected. Voter intent issues for marks made outside the party checkbox may be resolved in the same manner as marks made on a ballot according to WAC 434-261-086 (1)(b) and (e).

Exception: One mark that strikes through a party name or wording of the party declaration does not indicate a selection.

AMENDATORY SECTION (Amending WSR 11-24-064, filed 12/6/11, effective 1/6/12)

WAC 434-219-290 Certification of presidential primary by secretary of state. County canvassing boards shall certify the results of the presidential primary (~~fourteen~~) ten days following the primary. The county auditor shall transmit the returns to the secretary of state immediately. Not later than (~~twenty-one~~) seventeen days following the presidential primary, the secretary of state shall certify the results of the presidential primary and notify the candidates and the chairperson of the national and state committees of each major political party of the votes cast for all candidates listed on the ballot.

REPEALER

The following sections of the Washington Administrative Code are repealed:

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| WAC 434-219-240 | Canvassing consolidated ballots that include a party checkbox. |
| WAC 434-219-250 | Canvassing separate party ballots and consolidated ballots that do not include a party checkbox. |