



## 2012 Elections Rulemaking

May 22, 2012

Comments may be directed to:

Katie Blinn, Co-Director of Elections  
P.O. Box 40220, Olympia, WA 98504-0220  
[katie.blinn@sos.wa.gov](mailto:katie.blinn@sos.wa.gov)

### Online Resources:

- The requirements for providing services and information online are updated, and are moved from the chapter on Military & Overseas voters to a more general chapter.

### PCO Elections:

- The PCO Declaration of Candidacy is permanently adopted.
- The specific requirements for when and how PCO races appear on the ballot are permanently adopted.
- These rules were previously adopted by emergency on April 25, 2012.

### Minor party presidential nominees:

- The WAC addresses what should happen if a candidate is nominated by more than one party. The first valid nomination is accepted; subsequent filings are rejected.

### Ballot drop boxes:

- Limitations on campaigning and soliciting signatures within 25 feet of a ballot drop box are adopted.

### DRE voting:

- Procedures are clarified to match RCW 29A.40.160. A voter voting on a direct recording electronic voting device at a voting center must *either* provide photo ID or sign a declaration.

### Ballot processing:

- Initial Processing includes scanning ballots on a digital scan voting system;
- Final Processing includes scanning ballots on an optical scan voting system.

### Mismatched signatures:

- The requirements for curing a mismatched signature are revised. The voter must:
  - Appear in person to sign a voter registration form, which updates the voter registration signature; or

- Mail in a signed signature update form that includes both the ballot declaration and the oath on the voter registration form. The second signature must match the first, and this serves to update the voter registration signature.

#### Certifying the Election:

- The requirements for an auditor's abstract of votes, the certification, and the county canvassing report are consolidated and clarified.

#### Recounts:

- The WACs providing the purpose and scope of recounts are consolidated;
- The protocols for observers during recounts are consolidated.

#### Voter Registration:

- The latest voter registration application is adopted.
- An outdated sentence requiring mental capacity court orders be sent to the SOS is repealed.
- The response form for a confirmation notice must include a space for the voter to sign the voter registration oath, and either the voter's state voter ID number or date of birth.
- If the response to a confirmation notice indicates the voter moved to another county within Washington, the old county must keep the voter on inactive status and:
  - If the response is signed, forward the response to the voter's new county. The new county must register the voter based on the signed response.
  - If the response is not signed, send the voter a voter registration application.
- If the response indicates the voter moved out of state:
  - If the response is signed, the county cancels the voter.
  - If the response is not signed, the county keeps the voter on inactive status.

#### Initiatives & Referenda:

- The requirements for an initiative or referendum petition are listed.
- The general procedures for processing signature petitions are outlined.
- The requirements for accepting a signature are outlined.



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Office of the Secretary of State, Elections Division

- Preproposal Statement of Inquiry was filed as WSR 11-24-058 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** (Describe Subject)

Elections, voter registration, and the initiative & referendum process

**Hearing location(s):**

Office of the Secretary of State  
Elections Division  
520 Union Ave. S.E.  
Olympia, WA

Date: June 26, 2012 Time: 10:00 a.m.

**Submit written comments to:**

Katie Blinn  
P.O. Box 40220  
Olympia, WA 98504-0220  
[katie.blinn@sos.wa.gov](mailto:katie.blinn@sos.wa.gov)  
fax (360) 586-5629 by (date) June 26, 2012

**Assistance for persons with disabilities:** Contact

Katie Blinn by June 26, 2012  
TTY ( ) \_\_\_\_\_ or (360) 902-4180

**Date of intended adoption:** June 27, 2012

(Note: This is NOT the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The proposed rules address the information required to be available online, PCO elections, minor party presidential nominations, ballot drop boxes, voting centers, processing mail-in ballots, certifying elections, voter registration, and initiatives & referenda.

**Reasons supporting proposal:** The proposed rules implement legislation that passed during the 2011 and 2012 legislative sessions, facilitates keeping voter registration information up-to-date, and clarifies the requirements for filing and processing initiatives and referenda.

**Statutory authority for adoption:** RCW 29A.04.611

**Statute being implemented:** RCW 29A.20.121, 29A.84.510, 29A.60.165, 29A.60.230, 29A.08.210, 29A.08.420.

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: May 22, 2012**

**TIME: 4:08 PM**

**WSR 12-11-118**

**DATE**  
May 22, 2012

**NAME** (type or print)  
Steve Excell

**SIGNATURE**

**TITLE** Assistant Secretary of State

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization)

Office of the Secretary of State, Elections Division

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting Katie Blinn	P.O. Box 40220, Olympia, WA 98504-0220	(360) 902-4168
Implementation Katie Blinn	P.O. Box 40220, Olympia, WA 98504-0220	(360) 902-4168
Enforcement Katie Blinn	P.O. Box 40220, Olympia, WA 98504-0220	(360) 902-4168

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

Not applicable.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain:

Not applicable.

NEW SECTION

**WAC 434-208-160 On-line information.** The secretary of state and each county auditor must provide information on-line that includes, at a minimum, how to:

- (1) Register to vote using a paper or on-line application;
- (2) Confirm a registration status;
- (3) Request a ballot or replacement ballot;
- (4) For service and overseas voters, receive a ballot electronically;
- (5) Update a residential address or mailing address;
- (6) Contact the elections office by phone, fax, e-mail, mailing address, and physical address;
- (7) Obtain information about the next election;
- (8) For service or overseas voters, return a signed declaration and voted ballot electronically;
- (9) Confirm that a voted ballot has been received; and
- (10) Obtain election results.

NEW SECTION

**WAC 434-215-021 Declaration of candidacy--Precinct committee officer.** Declarations of candidacy for the office of precinct committee officer shall be in substantially the following form:

# Declaration of Candidacy

## Precinct Committee Officer

### instructions

File this form with your county elections department.  
**Note:** This document becomes public record once filed.

### office information

member of the  Democratic Party  
 Republican Party

precinct representing (name / number)

### personal information *as registered to vote*

first name middle last

date of birth (mm / dd / yyyy) phone number

residential address city / ZIP

### ballot information

exact name I would like printed on the ballot (*only contested races will appear on the ballot*)

### contact information

mailing address (*if different from residential address*) city / ZIP

email address phone number

### oath

I declare that the above information is true, that I am a registered voter residing at the residential address and precinct listed above, and that I am a candidate for Precinct Committee Officer for the party and precinct identified above.

Further, I declare, under penalty of perjury, that I will support the Constitution and laws of the United States, and the Constitution and laws of the State of Washington.

sign here

date here

### for office use only

voter registration number date

precinct verified office code

staff

03/2012

AMENDATORY SECTION (Amending WSR 08-15-052, filed 7/11/08, effective 8/11/08)

**WAC 434-215-130 Minor political party candidates and independent candidates.** (1) In the election system enacted as chapter 2, Laws of 2005, there is no distinction between major party candidates, minor party candidates, or independent candidates filing for partisan congressional, state, or county office. All candidates filing for these partisan offices have the same filing and qualifying requirements. All candidates for partisan office have the option of stating on the ballot their preference for a political party, or stating no party preference. The party preference information plays no role in determining how candidates are elected to public office.

(2) The requirements in RCW 29A.20.111 through 29A.20.201 for minor political party candidates and independent candidates for partisan office to conduct nominating conventions and collect a sufficient number of signatures of registered voters do not apply to candidates filing for partisan congressional, state, or county office. The requirements in RCW 29A.20.111 through 29A.20.201 for minor political party candidates and independent candidates only apply to candidates for president and vice-president of the United States. If two or more certificates of nomination are filed purporting to nominate the same candidates for president and vice-president by two different minor political parties, or both by a party and as an independent candidate, the first valid certificate of nomination filed with the secretary of state shall be accepted and subsequent certificates must be rejected.

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

**WAC 434-230-100 Political party precinct committee officer.**

~~((The method for electing precinct committee officers on party ballots established in chapter 271, Laws of 2004 (the pick-a-party primary), was repealed by chapter 2, Laws of 2005. The method for electing precinct committee officers on a top two primary ballot under chapter 2, Laws of 2005 (the top two primary), was declared unconstitutional by the U.S. District Court for the Western District of Washington in *Washington State Republican Party, et al. v. State of Washington, et al.*, Case No. C05-0927-JCC (January 11, 2011). "The central holding is that the political parties, not the government, are free to define the scope of their membership." Consequently, precinct committee officer elections are no longer conducted by state or county government. As private organizations, the political parties determine how to conduct their internal affairs, including selection of their officers.))~~ (1) The election of major political party precinct committee officers is established in RCW 29A.52.--- (section 3, chapter 89, Laws of 2012) and RCW 29A.80.051.

(2) The election of precinct committee officer is an intraparty election; candidates compete against other candidates in the same political party.

(a) If only one candidate files for a position, that candidate is deemed elected without appearing on the ballot and the county auditor shall issue a certificate of election.

(b) If more than one candidate files for a position, the contested race must appear on the ballot at the primary and the candidate who receives the most votes is declared elected.

(c) If no candidates file during the regular filing period, the race does not appear on the ballot and the position may be filled by appointment pursuant to RCW 29A.28.071.

(d) No write-in line may be printed on the ballot for a contested race, and no write-in votes may be counted.

(3) If both major political parties have contested races on the ballot in the same precinct, the political party that received the highest number of votes from the electors of this state for the office of president at the last presidential election must appear first, with the other political party appearing second. Within each party, candidates shall be listed in the order determined by lot.

(4)(a) The position of political party precinct committee officer must appear following all measures and public offices.

(b) The following explanation must be printed before the list of candidates: "For this office only: In order to vote for precinct committee officer, a partisan office, you must affirm that

you are a Democrat or a Republican and may vote only for one candidate from the party you select. Your vote for a candidate affirms your affiliation with the same party as the candidate. This preference is private and will not be matched to your name or shared."

(c)(i) If all candidates are listed under one heading, the applicable party abbreviation "Dem" or "Rep" must be printed next to each candidate's name, with the first letter of the abbreviation capitalized. For example:

John Smith Dem

Jane Doe Dem

(ii) If candidates are listed under a major political party heading, the applicable heading of either "democratic party candidates" or "republican party candidates" must be printed above each group of candidates. The first letter of each word must be capitalized.

(d) One of the following statements, as applicable, must be printed directly below each candidate's name: "I affirm I am a Democrat." or "I affirm I am a Republican."

(5) A voter may vote for only one candidate, regardless of party, for precinct committee officer. If a voter votes for more than one candidate, the votes must be treated as overvotes.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-235-050

On-line information.

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

**WAC 434-250-100 Ballot deposit sites.** (1) If a location only receives ballots and does not issue any ballots, it is considered a ballot deposit site. Ballot deposit sites may be staffed or unstaffed.

(a) If a ballot deposit site is staffed, it must be staffed by at least two people. Deposit site staff may be employees of the county auditor's office or persons appointed by the auditor. If a deposit site is staffed by two or more persons appointed by the county auditor, the appointees shall be representatives of different major political parties whenever possible. Deposit site staff shall subscribe to an oath regarding the discharge of their duties. Staffed deposit sites open on election day must be open until 8:00 p.m. Staffed deposit sites may be open according to dates and times established by the county auditor. Staffed deposit sites must have a secure ballot box that is constructed in a manner to allow return envelopes, once deposited, to only be removed by the county auditor or by the deposit site staff. If a ballot envelope is returned after 8:00 p.m. on election day, deposit site staff must note the time and place and refer the ballot to the canvassing board.

(b) Unstaffed ballot deposit sites consist of secured ballot boxes that allow return envelopes, once deposited, to only be removed by authorized staff. Ballot boxes located outdoors must be constructed of durable material able to withstand inclement weather, and be sufficiently secured to the ground or another structure to prevent their removal. From eighteen days prior to election day until 8:00 p.m. on election day, two people who are either employees of or appointed by the county auditor must empty each ballot box with sufficient frequency to prevent damage and unauthorized access to the ballots.

(2) Ballot boxes must be secured at all times, with seal logs that document each time the box is opened and by whom. Ballots must be placed into secured transport carriers and returned to the county auditor's office or another designated location. At exactly 8:00 p.m. on election day, all ballot boxes must be emptied or secured to prevent the deposit of additional ballots.

(3) Within twenty-five feet of a ballot deposit site that is not located within a voting center, no person may electioneer, circulate campaign material, solicit petition signatures, or interfere with or impede the voting process. Whenever it is necessary to maintain order around a ballot deposit site, the county auditor may contact a law enforcement agency for assistance.

**WAC 434-250-105 Voting centers.** (1) If a location offers replacement ballots, provisional ballots, or voting on a direct recording electronic device, it is considered a voting center. The requirements for staffed ballot deposit sites apply to voting centers. Each voting center must:

(a) Be an accessible location. "Accessible" means the combination of factors which create an environment free of barriers to the mobility or functioning of voters. The environment consists of the routes of travel to and through the buildings or facilities used for voting. The Americans with Disabilities Act Checklist for Polling Places shall be used when determining the accessibility of a voting center. A voting center is fully accessible if all responses in each category are "Yes";

(b) Be marked with signage outside the building indicating the location as a place for voting;

(c) Issue ballots that include a declaration in the ballot materials;

(d) Offer disability access voting in a location or manner that provides for voter privacy. For each voting center, the county auditor must have a contingency plan to accommodate accessible voting in the event that an accessible voting unit malfunctions or must be removed from service;

(e) Offer provisional ballots, which may be sample ballots that meet provisional ballot requirements;

(f) ~~((For voters voting on a direct recording electronic voting device, require the voter to provide photo identification, consistent with chapter 10, Laws of 2011, section 43(7), and to sign and date the declaration in WAC 434-230-015. The county auditor is not required to compare the signature on the declaration to the signature in the voter registration record if the voter provided identification. To prevent double voting, the voting center must have electronic or telephonic access to the voter registration system, consistent with WAC 434-250-095;))~~ Have electronic or telephonic access to the voter registration system, consistent with WAC 434-250-095, if the voting center offers voting on a direct recording electronic voting device. The voter must either:

(i) Provide photo identification, consistent with RCW 29A.40.160; or

(ii) Sign the ballot declaration required by WAC 434-230-015, and the signature on the declaration must be verified against the signature in the voter registration record before the voter may vote on a direct recording electronic voting device;

(g) Provide either a voters' pamphlet or sample ballots;

(h) Provide voter registration forms;

(i) Display a HAVA voter information poster;

(j) Display the date of that election;

(k) During a primary that includes a partisan office, display the notice provided in WAC 434-230-015 (3)(j), and during a general election that includes a partisan office, display the notice

provided in WAC 434-230-015 (3)(k). The party preference notices may also be posted on-screen in direct recording electronic voting devices;

(1) Provide instructions on how to properly mark the ballot; and

(m) Provide election materials in alternative languages if required by the Voting Rights Act.

(2) Where it appears that a particular voter is having difficulty casting his/her vote, and as a result, is impeding other voters from voting, the staff may provide assistance to that voter in the same manner as provided by law for those voters who request assistance. Where it appears that a voter is impeding other voters from voting to simply cause delay, the staff shall ask the voter to expedite the voting process. In the event the voter refuses to cooperate, the staff shall, whenever practical, contact the county auditor, who may request assistance from the appropriate law enforcement agencies if he or she deems such action necessary.

(3) At exactly 8:00 p.m. on election day, all ballot boxes must be emptied or secured to prevent the deposit of additional ballots. Voted ballots, including provisional, mail-in, and direct recording electronic and paper records, must be placed into secured transport carriers for return to the county auditor's office or another designated location.

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

**WAC 434-250-110 Processing ballots.** (1) "Initial processing" means all steps taken to prepare ballots for tabulation. Initial processing includes, but is not limited to:

(a) Verification of the signature and postmark on the ballot declaration;

(b) Removal of the security envelope from the return envelope;

(c) Removal of the ballot from the security envelope;

(d) Manual inspection for damage, write-in votes, and incorrect or incomplete marks;

(e) Duplication of damaged and write-in ballots;

(f) Scanning and resolution of ballots on a digital scan voting system; and

(g) Other preparation of ballots for final processing.

(2) "Final processing" means the reading of ballots by an (~~electronic vote tallying~~) optical scan voting system for the purpose of producing returns of votes cast, but does not include tabulation.

(3) "Tabulation" means the production of returns of votes cast for candidates or ballot measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

(4) Prior to initial processing of ballots, the county auditor

shall notify the county chair of each major political party of the time and date on which processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of ballots.

(5) Initial processing of voted ballots, which may include scanning and resolving ballots on a digital scan voting system, may begin as soon as voted ballots are received. All ballots must be kept in secure storage until final processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel. The county auditor must ensure that all security envelopes and return envelopes are empty, either by a visual inspection of the punched hole to confirm that no ballots or other materials are still in the envelopes, or by storing the envelopes with a tie, string, or other object through the holes.

(6) Final processing of voted ballots, which may include scanning ballots on an optical scan voting system, may begin after 7:00 a.m. on the day of the election. Final processing may begin after 7:00 a.m. the day before the election if the county auditor has submitted an approved security plan to the secretary of state that prevents tabulation until after 8:00 p.m. on the day of the election.

(7) Tabulation may begin after 8:00 p.m. on the day of the election.

(8) In counties tabulating ballots on an optical scan vote tallying system, the vote tallying system must reject all overvotes and blank ballots.

(a) All rejected ballots shall be outstacked for additional manual inspection.

(b) The outstacked ballots shall be inspected in a manner similar to the original inspection with special attention given to stray marks, erasures, and other conditions that may have caused the vote-tallying device to misread and reject the ballot.

(c) If inspection reveals that a ballot must be duplicated in order to be read correctly by the vote tallying system, the ballot must be duplicated.

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

**WAC 434-250-120 Verification of the signature and return date.** (1) A mail ballot shall be counted ((only)) if:

(a) The ballot declaration is signed with a valid signature;  
(b) The signature has been verified pursuant to WAC 434-379-020, or if the voter is unable to sign his or her name, two other persons have witnessed the voter's mark; and

(c)(i) The envelope is postmarked not later than the day of the election and received not later than the day before certification of the election;

(ii) The ballot is deposited in a ballot drop box no later than 8:00 p.m. on election day; or

(iii) The ballot of a service or overseas voter received by fax or e-mail is received no later than 8:00 p.m. on election day.

(2) Postage that includes a date, such as meter postage or a dated stamp, does not qualify as a postmark. If an envelope lacks a postmark or if the postmark is unreadable, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.110. If a ballot is from a service or overseas voter, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.100.

(3) The signature on the ballot declaration must be compared with the signature in the voter's voter registration file using the standards established in WAC 434-379-020. The signature on a ballot declaration may not be rejected merely because the signature is not dated, unless the date is necessary to validate the timeliness of the ballot. The signature on a ballot declaration may not be rejected merely because the name in the signature is a variation of the name on the voter registration record. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries.

(4) The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

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

**WAC 434-261-050 Unsigned ballot declaration or mismatched signatures.** (1) If a voter neglects to sign a ballot declaration, signs with a mark and fails to have two witnesses attest to the signature, or signs but the signature on the ballot declaration does not match the signature on the voter registration record, the county auditor shall notify the voter by first class mail of the correct procedures for curing the signature. If the ballot is received during the last three business days before the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded by the last three business days before the final meeting of the canvassing board, the county auditor must attempt to notify the voter by telephone using information in the voter registration record.

(2) If the voter neglects to sign, or signs with a mark and fails to have two witnesses attest to the signature, the voter must either:

(a) Appear in person and sign the declaration no later than the day before certification of the primary or election; or

(b) Sign a copy of the declaration (~~((provided by the auditor))~~), or mark the declaration in front of two witnesses, and return it to the county auditor no later than the day before certification of the primary or election.

(3) If the signature on the declaration does not match the signature on the voter registration record, the voter must either:

(a) Appear in person and sign a new registration form no later than the day before certification of the primary or election. The updated signature provided on the (~~(new)~~) registration form becomes the signature (~~(on)~~) in the voter registration record for the current election and future elections; or

(b) Sign a (~~((copy of the declaration provided by the auditor, and provide a photocopy of a valid government or tribal identification that includes the voter's current signature. The signature on the copy of the declaration must match the signature on the identification, and both of those signatures must match the signature on the ballot declaration. The voter must return the signed declaration and identification))~~) signature update form that includes both the ballot declaration required by WAC 434-230-015 and the voter registration oath required by RCW 29A.08.230, and return it to the county auditor no later than the day before certification of the primary or election. The (~~(county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections; or~~

(c) Sign a copy of the declaration provided by the auditor in front of two witnesses who attest to the signature. The signature

~~on the copy of the declaration must match the signature on the ballot declaration. The voter must return the signed declaration to the auditor no later than the day before certification of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections))~~ signature on the signature update form must match the signature on the returned ballot declaration. The signature provided on the signature update form becomes the signature in the voter registration record for the current election and future elections.

(4)(a) If the signature on the declaration does not match the signature on the registration record because the last name is different, the ballot may be counted as long as the first name and handwriting ((is)) are clearly the same. If it appears that the voter has changed his or her name, and the information required under RCW 29A.08.440 to complete a name change is not provided or is illegible, the county auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(b) If the signature on ((~~a~~)) the ballot declaration does not match the signature on the registration record because the voter ((~~used~~)) signed with a middle name, nickname, or initials ((~~or a common nickname~~)), the ballot may be counted as long as the ((~~surname~~)) last name and handwriting are clearly the same.

(5) If the name on the signature does not match the printed name, and the signature on the ballot declaration does not match the signature on the voter registration record, because the ballot was signed by another registered voter, the ballot may be counted for the registered voter who actually signed the ballot declaration if:

- (a) The voter who signed the declaration can be identified;
- (b) The signature on the declaration matches the signature on the voter registration record; and
- (c) The voter who signed the declaration has not returned another ballot.

The county auditor may only count the races and measures for which the voter who signed the declaration is eligible to vote.

(6) If it is determined that the signature on a ballot declaration does not match the signature on the registration record and, prior to 8:00 p.m. on election day, the registered voter asserts that the signature on the ballot declaration is not his or her signature, the voter may be provided the opportunity to vote a replacement ballot.

(7) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(8) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter subsequently submitted a signature to cure the missing or mismatched signature. That record is a public record under chapter 42.56 RCW and may be disclosed to interested parties on written request.

NEW SECTION

**WAC 434-261-140 Precertification procedures.** Prior to certifying the election, the county auditor shall exercise due diligence to confirm that all returned ballots have been received, processed, and reconciled, and that no ballots have been untabulated erroneously. Due diligence may include:

- (1) Rechecking all ballot deposit sites; and
- (2) Rechecking ballot storage containers in the ballot processing area, ballot tabulation area, canvassing board area, and vault.

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

**WAC 434-262-010 Definitions.** As used in these regulations:

(1) "Canvassing" is that process of examining in detail a ballot, groups of ballots, election subtotals, or grand totals, in order to determine the final official returns of a primary, special, or general election, and to safeguard the integrity of the election process.

(2) "County canvassing board" is that body charged by law with the duty of canvassing ballots, ruling on the validity of questioned or challenged ballots, verifying all unofficial returns as listed in the auditor's abstract of votes, and producing the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and ((chairman)) chair of the board of the county legislative authority, or their designated representatives.

~~((3) "Auditor's abstract of votes" is that report prepared by the county auditor which lists the number of registered voters, votes cast, all of the vote totals by precinct, or by combination of precincts if applicable, legislative and congressional district subtotals, if any, and county-wide totals. In a gubernatorial general election, the auditor's abstract of votes must also include the number of write-in votes cast for governor. The auditor's abstract of votes must also include the reconciliation report required by RCW 29A.60.235. Vote totals in the auditor's abstract of votes shall be unofficial until verified and certified by the county canvassing board.~~

~~(4) "County canvass report" is the auditor's abstract of votes after verification by the county canvassing board and shall contain a certificate which shall include the oath as specified in RCW 29A.60.200, the original signatures of each member of the county canvassing board, the county seal, and all other material pertinent to the election.)~~

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

**WAC 434-262-070 Official county canvass report.** (1) Upon completion of the verification of the auditor's abstract of votes and the documentation of any corrective action taken, the county canvassing board shall sign a certification that:

(a) States that the abstract is a full, true, and correct

representation of the votes cast for the issues and offices listed thereon(~~(. The certification shall also state)~~);

(b) Provides the total number of registered voters and votes cast in the county(~~(. The certification shall)~~);

(c) Contains the oath required by RCW 29A.60.200, signed by (~~the county auditor and attested to by the chairman of the board of the county legislative authority, and~~) all members of the board or their designees; and

(d) Shall have a space where the official seal of the county shall be attached.

~~((This))~~ (2) The official county canvass report shall include:

(a) The certification(~~(7)~~);

(b) The auditor's abstract of votes(~~(, the written narrative of errors and discrepancies discovered and corrected, if applicable, and~~) as described in WAC 434-262-030;

(c) The reconciliation report required by RCW 29A.60.235 (~~shall constitute the official county canvass report~~), which must include documentation that the number of ballots counted plus the number of ballots rejected is equal to the number of ballots received, and any additional information necessary to explain variances; and

(d) If applicable, a written narrative of errors and discrepancies discovered and corrected.

(3) The official county canvass report is the cumulative report referenced in RCW 29A.60.230. This report may not be subsequently amended or altered, except in the event a recount conducted pursuant to chapter 29A.64 RCW, or upon order of the superior court(~~(, or by the county canvassing board reconvened specifically for that purpose)~~). The vote totals contained therein shall constitute the official returns of that election.

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

**WAC 434-262-030 County auditor's abstract of votes.** (~~No later than fourteen days following any primary or special election and twenty-one days following any general election~~) The county canvassing board shall meet and canvass all ballots. Upon completion of this canvass fourteen days after a primary or special election and twenty-one days after a general election, ((the board shall direct)) the county auditor ((to prepare)) shall present the auditor's abstract of votes ((as defined by WAC 434-262-010. The reconciliation of ballots must include documentation that the number of ballots counted plus the number of ballots rejected is equal to the number of ballots received. In addition, county auditors must provide any additional information necessary to explain variances between the number of ballots counted compared to the number of ballots received and credited. The certification report required by RCW 29A.60.235 must be included with the abstract of votes and must be submitted at the time of the county certification.)), which must include:

- (1) The number of registered voters eligible to vote in the election;
  - (2) The number of ballots cast in the election, by precinct;
  - (3) The votes cast for each race or issue, including write-ins, undervotes, and overvotes;
  - (4) Legislative and congressional district subtotals, if any;
- and
- (5) The vote totals by county.

AMENDATORY SECTION (Amending WSR 10-03-072, filed 1/18/10, effective 2/18/10)

**WAC 434-264-010 Recount.** (1) A recount is the process for retabulating the votes, including write-ins, for a specific office or issue on all valid ballots(, including write-ins,) cast in a primary or election.

(2) All questions of voter registration, voter qualification, and voter intent previously considered during the original count shall not be reconsidered during a recount. If a ballot has been duplicated in accordance with WAC 434-261-005, the duplicate shall be counted.

(3) Prior to beginning the recount, the county auditor shall exercise due diligence to confirm that all returned ballots have been identified and reconciled, and that no ballots have been erroneously omitted from the original count, which may include:

(a) Recheck all ballot deposit sites;

(b) Contact the local post office to confirm that all returned ballots have been delivered to the elections office;

(c) Recheck ballot storage containers in the ballot processing area, ballot tabulation area, canvassing board area, and vault; and

(d) Recheck that all emptied return envelopes and security envelopes do not contain a ballot.

(4) If any ballots or votes are discovered during the recount process that were not counted or canvassed during the original count or during a previous recount, the ballots shall be presented to the county canvassing board in accordance with RCW 29A.60.050, and the county canvassing board shall determine whether such ballots are to be included in the recount.

AMENDATORY SECTION (Amending WSR 07-12-032, filed 5/30/07, effective 6/30/07)

**WAC 434-264-030 Observers (~~Conduct~~).** (1) Observers must be permitted to witness activities associated with the recount. One observer representing each candidate, or the proponents or opponents of a ballot measure, may be permitted to observe each counting board's process.

(2) In addition to the admittance of two observers for each side of a recount as required by RCW 29A.64.041, a county canvassing board is encouraged to request additional observers from each of the two major political parties, as space allows. If provided, the additional party observers may be stationed to

observe each counting board's process and must be considered official observers of the recount.

(3) Priority for viewing space shall be given in the following order:

(a) Candidates or their designated representative, or the designated representative for the proponents and opponents of a ballot measure;

(b) Counsel for a candidate or ballot measure campaign;

(c) Designated party observers;

(d) Media;

(e) General public.

(4) Any questions or objections by observers must be directed toward the county canvassing board, supervisory personnel or another designated staff person present at the recount. Under no circumstance may an observer interrupt the recount process in objection to the decision to count or not count a ballot.

The county auditor shall provide (~~a copy of~~) any additional guidelines that are established by the county canvassing board to each observer.

The county canvassing board or its designated representative may ask any observer who is causing a disruption to the recount process to leave the area.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-264-020	Recount--Restrictions.
WAC 434-264-040	Observers--Designated.
WAC 434-264-050	Observers--Priority.

AMENDATORY SECTION (Amending WSR 10-03-072, filed 1/18/10,  
effective 2/18/10)

**WAC 434-324-026 Voter registration form.**

**instructions**

You must be a United States citizen to register to vote.

**how to register to vote or update a registration**

Please print all information clearly using black or blue pen.

Mail or deliver this form to your County Elections Office. Addresses are on the next page.

**for more information**

**online** www.vote.wa.gov

**call** 1-800-448-4881

**visit** your County Elections Office

This registration will be in effect for the next election if postmarked or delivered no later than the Monday four weeks before Election Day.

If you miss this deadline, please contact your County Elections Office.

You will receive your ballot by mail. Contact your County Elections Office for in-person voting options.

If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to 5 years, a fine of up to \$10,000, or both.

Your name, address, gender and date of birth are public information.

\*optional information

09/2009

**Washington State Voter Registration Form**

register online at www.vote.wa.gov

**qualifications**

**if you mark no to either of these questions, do not complete this form**

I am a citizen of the United States of America.  yes  no  
I will be at least 18 years old by the next election.  yes  no

**personal information**

last name first name middle

date of birth (mm / dd / yyyy) phone number\*  male  female

residential address (in Washington)

city zip

mailing address (if different than residential address)

city state / zip

email address\*

I am in the Armed Forces (includes National Guard and Reserves)  
 I am a U.S. citizen living outside the U.S.

**Washington driver's license / state ID #**

**if you do not have a Washington driver's license or state ID card, provide the last four digits of your Social Security number**

x x x - x x -

**oath**

I declare that the facts on this voter registration form are true. I am a citizen of the United States, I am not presently denied the right to vote as a result of being convicted of a felony, I will have lived in Washington at this address for thirty days immediately before the next election at which I vote, and I will be at least 18 years old when I vote.

sign here

date here

**former registration**

**if you are already registered and are changing your name or address, fill out this section (this information will be used to update your registration)**

former last name first name middle

former residential address city state / zip

**instructions**

You must be a United States citizen to register to vote.

**how to register to vote or update a registration**

Please print all information clearly using black or blue pen.

Mail or deliver this form to your County Elections Office. Addresses are on the reverse side.

**for more information**

**online** www.vote.wa.gov

**call** 1-800-448-4881

**visit** your County Elections Office

This registration will be in effect for the next election if postmarked or delivered no later than the Monday four weeks before Election Day.

If you miss this deadline, please contact your County Elections Office.

You will receive your ballot by mail. Contact your County Elections Office for in-person voting options.

If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to 5 years, a fine of up to \$10,000, or both.

Your name, address, gender and date of birth are public information.

12/2011

# Washington State Voter Registration Form

register online at [www.myvote.wa.gov](http://www.myvote.wa.gov)

**! qualifications**

**if you mark no to either of these questions, do not complete this form**

yes  no I am a citizen of the United States of America.

yes  no I will be at least 18 years old by the next election.

**personal information**

last name first middle

date of birth (mm / dd / yyyy)  male  female

residential address (in Washington)

city ZIP

mailing address (if different than residential address)

city state / ZIP

email address (optional) phone number (optional)

I am in the Armed Forces (includes National Guard and Reserves).

I am a U.S. citizen living outside the U.S.

**Washington driver license / state ID #**

**if you do not have a Washington driver license or state ID card, provide the last four digits of your Social Security number**

x x x - x x -

**declaration**

I declare that the facts on this voter registration form are true. I am a citizen of the United States, I am not presently denied the right to vote as a result of being convicted of a felony, I will have lived in Washington at this address for 30 days immediately before the next election at which I vote, and I will be at least 18 years old when I vote.

sign here

date here

**former registration**

**if you are already registered and are changing your name or address, fill out this section (this information will be used to update your registration)**

former last name first middle

former residential address city state / ZIP

**WAC 434-324-108 Incapacitated persons lacking voting rights--**  
**Notice from court.** Upon receipt of a court order declaring an incapacitated person does not retain voting rights as outlined in RCW 11.88.010, the auditor must search his or her county election management system to determine whether the person is a registered voter. If the auditor determines the incapacitated person's name and other identifying information match, he or she must cancel the incapacitated person's voter registration and send notification to the secretary through the county election management system. (~~The auditor must also send a copy of the court order to the secretary.~~) After canceling an incapacitated person's registration, the auditor must send a cancellation notice to the incapacitated person using the last known address.

AMENDATORY SECTION (Amending WSR 10-03-072, filed 1/18/10, effective 2/18/10)

**WAC 434-324-036 County-to-county transfers.** (~~Pursuant to RCW 29A.08.420,~~) A registered voter may transfer his or her registration to another county by submitting a new voter registration application. (~~Prior to sending a verification notice, the county auditor shall use the voter registration data base to verify whether the registration is a transfer~~), or returning a signed confirmation notice that provides the new address. The minimum information necessary to complete the transfer to the new county is name, residential address (~~and~~), a signature on the oath in RCW 29A.08.230, and either date of birth or state voter ID number. The new county may request additional information to confirm that the registration application is a transfer.

NEW SECTION

**WAC 434-324-087 Confirmation notice.** (1) A confirmation notice sent to an inactive voter must be sent by first-class forwardable mail, and must include a response form that:

- (a) Is preaddressed and postage prepaid;
- (b) Includes either the voter's date of birth or state voter ID number;
- (c) Asks the voter to verify his or her current address; and
- (d) Asks the voter to sign the oath in RCW 29A.08.230.

(2)(a) If the response indicates that the voter has moved within the county, the auditor must transfer the voter's registration and send the voter an acknowledgment notice.

(b)(i) If the response is signed and indicates that the voter has moved to another county within Washington, the county auditor shall not cancel the voter but must immediately forward the confirmation notice to the county auditor in the voter's new county. The county auditor in the voter's new county must register the voter using the information and signature on the confirmation notice. The new county must transfer the registration from the old county to the new county and send the voter an acknowledgment notice.

(ii) If the response is not signed and indicates that the voter has moved to another county within Washington, the county auditor shall not cancel the voter but must send the voter a registration application.

(c)(i) If the response is signed and indicates that the voter has moved out-of-state, the county auditor must cancel the voter.

(ii) If the response is not signed and indicates that the voter has moved out-of-state, the county auditor shall not cancel the voter.

AMENDATORY SECTION (Amending WSR 11-05-008, filed 2/3/11, effective 3/6/11)

**WAC 434-379-008 ((Signed)) Petition(s) requirements.** ~~((1) To allow for sufficient personnel to accept and process signed petitions, the sponsor of an initiative or referendum must make an appointment with the elections division for submission of the signed petitions to the secretary. Petitions submitted prior to or at the appointment that clearly bear insufficient signatures must be rejected pursuant to RCW 29A.72.160. If the petitions are accepted and filed, additional petitions may be submitted until the applicable deadline established by RCW 29A.72.160. When submitting the petitions, the sponsor must also provide the text of the measure, exactly as it was printed on the circulated petitions, in an electronic Microsoft Word format.~~

~~(2) Signatures on initiative and referendum petitions submitted to the secretary may not be removed from the petition or eliminated from the signature count. Letters submitted to the secretary requesting the removal of one's own signature from a petition must be retained by the secretary as part of the public record for the petition.)~~ (1) Petitions must be at least eleven inches wide by fourteen inches long.

(2) Petitions must include:

(a) The initiative or referendum number;

(b) The ballot title, which must include:

(i) The subject, not more than ten words;

(ii) The concise description, not more than thirty words; and

(iii) The question;

(c) The form and text required by:

(i) RCW 29A.72.110 for an initiative to the legislature;

(ii) RCW 29A.72.120 for an initiative to the people; or

(iii) RCW 29A.72.130 for a referendum measure;

(d) The warning in RCW 29A.72.140, printed on the front to cover at least four square inches;

(e) Numbered lines, not more than twenty, with space for each person to provide his or her:

(i) Signature;

(ii) Printed name; and

(iii) Address, city, and county where registered to vote;

(f) A one-inch margin on the bottom of the front side;

(g) The full text of the measure printed on the back; and

(h) The circulator's declaration printed on the back.

NEW SECTION

**WAC 434-379-009 Processing filed petitions.** (1) To allow for sufficient personnel to accept and process signed petitions, the sponsor of an initiative or referendum must make an appointment with the office of the secretary of state to file the signed petitions. Pursuant to RCW 29A.72.170, the secretary of state must reject petitions until a sufficient number that meet the minimum signature requirement are filed together. If the petitions are accepted and filed, additional petitions may be submitted until the applicable deadline established by RCW 29A.72.160. When submitting the petitions, the sponsor must also provide the text of the measure, exactly as it was printed on the circulated petitions, in electronic Microsoft Word format.

(2) Upon receipt of the petitions, the office of the secretary of state shall count the number of petitions received, and provide that total to the sponsor.

(3) A petition may not be rejected merely because it includes stray marks, scribbles, notes, or highlighting as long as the printed text on the petition is not illegible.

(4) A petition may not be rejected merely because the circulator's declaration on the back side of the petition is unsigned, or is signed with a stamp. AGO 2006 No. 13; *Washington Families Standing Together v. Secretary of State Sam Reed*, Thurston County Superior Court No. 09-2-02145-4, September 8, 2009.

(5) Once a petition is submitted to the office of the secretary of state, a person may not withdraw his or her signature from a petition. Letters submitted to the secretary of state requesting the removal of a signature from a petition must be retained by the secretary as part of the public record for the petition.

(6) Each petition must be reviewed for fraud, such as patterns of similar handwriting indicating forged signatures.

(7) Each signature line must be reviewed to invalidate:

- (a) Obscenities;
- (b) Lines with an out-of-state address;
- (c) Text that is not a name;
- (d) Duplicate names;
- (e) Lines that are crossed out and not readable;
- (f) Lines that include a name and address that both appear to be fictitious; or
- (g) Lines that are blank or unfilled.

(8) The following characteristics of a signature line do not, by themselves, invalidate the signature:

- (a) A name that is fictitious with an address that does not appear to be fictitious. Lines that include a name that appears to not be fictitious but an address that does appear to be fictitious, or vice versa;
- (b) Lines that are crossed out but still readable;
- (c) Lines that are missing a printed name;
- (d) Lines that are missing any portion of the address;
- (e) Multiple lines that have similar handwriting, as long as

the signature handwriting is not similar;

(f) Lines in which the signature, printed name, or address is written in the wrong field; or

(g) Signatures, printed names, or addresses written in the margin.

(9) After each signature line has been reviewed, the remaining signatures must be counted to obtain the total number of signatures submitted. That total must be provided to the sponsor.

(10) The secretary of state must verify either a random sample of the signatures submitted using the statistical formula authorized by RCW 29A.72.230 and established in WAC 434-379-010, or all of the signatures submitted. If the measure does not qualify for the ballot based on a random sample, the secretary of state must proceed to a full check of all signatures submitted. The secretary of state must follow WAC 434-379-020 to verify signatures.

#### NEW SECTION

**WAC 434-379-012 Acceptance of signatures.** (1) The secretary of state must determine if the person who signed a petition is registered to vote. The information may be researched in voter registration records using first name, last name, address, or any combination thereof. A signature may not be rejected merely because:

(a) The person signed with a middle name, nickname, or initials instead of the first name in the voter registration records, as long as the handwriting is clearly the same;

(b) The last name on the petition differs from the last name in the voter registration records, as long as the addresses and the handwriting on the first name are clearly the same;

(c) The last name on the petition or in the voter registration records is hyphenated while the last name in the other source is not;

(d) The first name and last name on the petition are reversed in the voter registration records;

(e) The address on the petition does not match the address in the voter registration records;

(f) The handwriting on the printed name or address does not match the handwriting on the signature; or

(g) The voter is on inactive status.

(2) If the secretary of state is unable to locate the person in the voter registration records, the signature shall be rejected as not registered to vote.

(3) If the person is registered to vote, the signature on the petition sheet must be matched to the signature in the person's voter registration record using the standards in WAC 434-379-020. If the signature on the petition:

(a) Matches the signature in the voter registration record,

the signature must be accepted.

(b) Does not match the signature in the voter registration record, the signature must be rejected.

(c) Matches the signature in the voter registration record but another signature on the petition has already been accepted for that voter, the subsequent signature must be rejected as a duplicate.