

**CERTIFICATION & TRAINING PROGRAM      RCW 29A.04, WAC 434-260****THE CERTIFICATION AND TRAINING PROGRAM STAFF:**

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### ELECTION ADMINISTRATOR CERTIFICATION

State law requires at least two certified election administrators on staff in each county.

For initial certification through 2019, an applicant must:

- Work two years in elections during the three-year period prior to request for certification.
- Complete the Elections 101 course. (does not qualify toward training hours)
- Pass the written examination.
- For certification before January 1, 2020:
  - Complete 40 hours of additional education within the previous five years.
  - 30 hours must be election-specific (by an approved sponsor listed in WAC 434-260-220).
  - A maximum of four hours of visiting other county elections departments is allowed.
  - All other training must be pre-approved by the OSOS to be counted as Election Specific.
- For certification on or after January 1, 2020:
  - Complete 40 hours of additional education within the previous five years, as pre-approved by the Secretary of State.
  - 30 hours must be election-specific. 20 hours of the 30 must specifically address Washington state elections and must include training hours from attending an annual Washington elections conference.
  - A maximum of four hours of visiting other county elections departments is allowed.
  - All other training must be pre-approved by the OSOS to be counted as election-specific.
  - Submit an online application for initial certification.

For maintaining certification, an administrator must:

- For renewal in January 2020 (renewal valid through 2021):
  - Work as an election administrator continuously during the year for which maintenance is required.
  - Complete 18 hours of continuing education in 2019; 6 hours must be election-specific.
  - Submit an online application for maintenance in January 2020.

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- For renewal beginning January 2022:
  - Work as an election administrator continuously during the two years for which maintenance is required.
  - Complete 40 hours of additional education, as pre-approved by the Secretary of State
    - 30 hours must be election-specific. 20 hours of the 30 must specifically address Washington state elections and must include training hours from attending an annual Washington elections conference.
    - A maximum of four hours of visiting other county elections departments is allowed.
    - All other training must be pre-approved by the OSOS to be counted as Election Specific.
  - Submit an application for renewal in January of each even-numbered year.

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### CERTIFIED ASSISTANT ELECTION ADMINISTRATOR

For initial certification through 2019, an applicant must:

- Work one year in elections immediately prior to the request for certification.
- Complete the Elections 101 course.
- Pass the written examination.
- Complete 20 hours of additional education; 15 hours must be election-specific.
- Submit an online application for initial certification.

For maintaining certification, an assistant administrator must:

- Work as an assistant election administrator continuously during the year for which maintenance is requested.
- Receive 6 hours of continuing education; 2 hours must be election-specific.
- Submit an online application for maintenance January of each year.

Counties may not include Assistant Election Administrators to meet the two required certified election administrators.

The Certified Assistant Election Administrator program will be discontinued on January 1, 2020. Certified Assistance Election Administrators who renew in January 2020 may keep their certification through 2021.

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### TRAINING OPPORTUNITIES

Visit the Election Administrators tab on our website for training registration, applications for certification, and tracking your training.

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## CHAPTER 1 – ELECTION ADMINISTRATION TABLE OF CONTENTS

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## 1.1 ELECTION LAWS

### STATE CONSTITUTION

The State Constitution consists of 32 Articles. Each Article is denoted by a Roman numeral.

Example: Article VI

Articles are divided into Sections. When referring to a specific section, you will see either:

- Article VI, Section 4, or
- Art. VI, Sec. 4, or
- Art. VI, § 4

Articles I, II, III, IV, VI, VII, XI, XIV, XXII, and XXIII all contain provisions related to elections.

### STATE STATUTES

The official name is the Revised Code of Washington, commonly known as “RCWs.”

- Numbered Titles divide state statutes by subject.

Example: RCW **29A**

- Titles are divided into chapters and the chapter numbers appear after the title number, separated by a period.

Example: RCW 29A.**24**

- Chapters are divided by sections and the section number is listed after the chapter number, separated by a period. For example, RCW Title 29A, Chapter 24, Section 031 would read as RCW 29A.24.031.

You will find most election laws in Title 29A, however many other chapters associated with specific offices and issues contain such laws. (See the chart found at the end of this chapter.)

### STATE RULES

The official name is Washington Aministrative Code, commonly known as “WACs.” WACs are organized in a manner similar to RCWs.

- Numbered titles divide state rules by subject.
- Example: WAC **434**
- Titles are divided by chapters and the chapter numbers appear after the title number, separated by a dash.
- Example: WAC 434-**250**

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- Chapters are divided by sections and the section number is listed after the chapter number, separated by a dash. For example, Washington Administrative Code Title 434, Chapter 250, Section 030 would read as WAC 434-250-030.

You will find rules for the Secretary of State in Title [434](#). Election rules are found in WAC chapters 434-208 through 434-381.

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### FEDERAL ELECTION LAWS

Federal election laws affect the administration of elections, including:

- MOVE Act—Military and Overseas Voter Empowerment Act of 2009
- HAVA – Help America Vote Act of 2002
- NVRA – National Voter Registration Act of 1993 (Motor Voter)
- UOCAVA – Uniformed and Overseas Citizens Absentee Voting Act of 1986
- Voting Rights Act of 1965

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### CASES AND AG OPINIONS

- An opinion is requested when the interpretation of an existing law is in question. While not as binding as law, Attorney General Opinions affect election administration.
- Supreme Court and Court of Appeals decisions override current law.
- State and federal court cases affect the administration of election law for the jurisdiction in question. Such decisions, while may or may not be binding for the entire state, influence interpretation of state law.

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### SEARCH TOOLS

- The RCWs and WACs may be found on the Secretary of State’s website at [https://www.sos.wa.gov/elections/election\\_laws.aspx](https://www.sos.wa.gov/elections/election_laws.aspx)
- The state also provides a search option for RCWs, WACs, and the State Constitution at <search.leg.wa.gov/search.aspx#document>.
- A list of election related RCWs outside of Title 29A (on the following page) at <http://www.sos.wa.gov/assets/elections/RCW%20Chapters%20Outside%20Title%2029A-09.pdf>.

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## ELECTION RELATED RCW CHAPTERS

<b>Election-Related Topics</b>	
Vacancies in Office	42.12
Eligibility to Hold Office	42.04
Motor Voter	46.20
Mental Competency	11.88
Public Disclosure Commission	42.17
Redistricting	44.05
Legislative Districts	44.07E
<b>General Government</b>	
Public Records	42.56
Records Retention	40.14 & 36.22
Open Public Meetings Act	42.30
Legal Notices & Publications	65.16
Debt Limits for Taxing Districts	39.36
General Obligation Bonds	39.40 & 39.46
Excess Property Tax Levies	84.52
Property Tax Limitations	84.55
Property Tax Exemptions	84.36
Taxing District Boundaries	84.09
<b>Judicial Offices</b>	
Supreme Court	2.04
Court of Appeals	2.06
Superior Court	2.08
District Court	3.34 & 3.38
Municipal Court	3.46 & 3.50
Municipal Court > 400,000	35.20
<b>State Offices</b>	
Governor	43.06
Lieutenant Governor	43.15
Secretary of State	43.07
State Treasurer	43.08
State Auditor	43.09
Attorney General	43.10
Commissioner of Public Lands	43.12
Superintendent of Public Instruction	28A.300
<b>Local Government</b>	
Counties	36.16, 36.22, 36.32 & 36.89

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**1.2 ACCESSIBILITY AWARENESS****WAC 434-250 & RCW 29A.40****HAVA (HELP AMERICA VOTE ACT)****HAVA TITLE 1**

HAVA, the Americans with Disabilities Act of 1990 (ADA) and state law require election officials provide voters with disabilities the same access to voting as other citizens. These laws give voters an equal opportunity to vote privately and independently.

**HOW DO YOU MAKE VOTING BY MAIL ACCESSIBLE?**

Every county must provide:

- An Accessible Voting Unit (AVU) in at least one voting center. The unit must be wheelchair-accessible.
- Election materials in alternate format, e.g. audio, larger fonts, etc.
- Voting centers that meet all requirements of the Americans with Disabilities Act (ADA). The AVU must be positioned in a way to protect voter privacy. The voting screen of the AVU should not be viewable by staff or voters in the center.

The “ADA Checklist for Event Accessibility” provided at the end of this section will assist you in determining the accessibility of any voting location.

**DISABILITY ADVISORY COMMITTEE****RCW 29A.04**

All counties are required to establish and maintain a disability advisory committee. The committee must include persons of ‘diverse’ disabilities and persons with expertise in providing accommodations for persons with disabilities.

Counties may share a committee provided no more than one of the participating counties has a population greater than seventy thousand.

**WHAT DOES THE COMMITTEE DO?**

The Committee must work with the County Auditor to create a plan and implement changes to improve the accessibility of elections for voters with disabilities with regard to:

- The number and location of voting centers and ballot deposit sites and/or ballot drop boxes. (Example: locate drive-up ballot deposit boxes on the driver’s side of a car and pedestrian boxes at wheelchair height.)
- Outreach to voters regarding the availability of accessible voting accommodations.
- Transportation of AVUs to locations convenient to voters with disabilities.
- Implementation of the Help America Vote Act.
- Reviewing and updating the plan on a yearly basis.

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## ACCESSIBILITY AWARENESS

The youtube video, “Disability Sensitivity Training” produced by dcgoverment (<https://www.youtube.com/watch?v=Gv1aDEFIXg8>) addresses communication with members of the disabled community. The “Voting with a Disability in Oregon” video produced by Disability Rights Oregon (<https://www.youtube.com/watch?v=NOuGDrlcdos>) illustrates ways to help people vote privately and independently at home.

## VOTER ASSISTANCE

A voter has the right to request assistance from whomever the voter chooses. Staff members may assist voters upon request or offer assistance when it appears that a voter is having difficulty casting a vote.

 *Maintain voter privacy - always ask the voter if assistance is needed prior to approaching.*

## INTERACTING WITH PEOPLE WITH DISABILITIES

**Be Respectful** A person who has a disability is a person -- like anyone else. Treat people with the same respect and consideration.

**Meeting Someone** Try to avoid actions and words that suggest the person should be treated differently. People who use wheelchairs may have a variety of different disabilities. When you meet someone, extend your hand to shake if that is what you normally do. A person who cannot shake hands will let you know. If you are meeting a blind person, identify yourself. Use a normal tone of voice. Do not raise your voice unless requested.

**Helping** Do not automatically give assistance. Ask first if the person wants help. Offer assistance, quietly and tactfully, but do not overdo it or insist on helping. Respect the person's right to reject help or to indicate the kind of help needed.

If the offer is accepted, listen to instructions. The person may refuse your offer of assistance or may not wish to discuss their disability.

If you cannot assist in the way that is requested, discuss it with the person. You have a right to set limits on what you can and cannot do. Your relationship with a person with a disability should be, like any other relationship, a reciprocal one.

Appreciate what the person can do. Remember that difficulties the person may be facing may stem more from society's attitudes and barriers than from the disability itself.

**Communicating** Talk directly to the person, not to an aide, friend or interpreter. When talking with a person in a wheelchair for more than a few minutes sit down and converse at the same level. Offer to make basic information available in large print, Braille, electronic or audio formats.

Relax. If you do not know what to do or say, allow the person who has a disability to help put you at ease.

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Do not assume anything. If you have a question about what to do, how to do it, what language or terminology to use, what assistance to offer, ask the person with the disability. That person should be your first and best resource.

If there is time and opportunity, explore your mutual interests in a friendly way. The person probably has many interests besides those connected with the disability and the job.

Talk about the disability if it comes up naturally, without prying. Let the person guide you. Be considerate of the extra time a person with a disability may need to say or do things. Let the person set the pace in walking or talking.

Give whole, unhurried attention to the person who has difficulty speaking. Don't talk for the person, but give help when needed. Keep your manner encouraging rather than correcting. When necessary, ask questions that require short answers or a nod or shake of the head.

Don't pretend to understand a person with a speech difference when you do not. Don't be afraid to let the person know that you do not understand. Be patient, not only with the person with the disability but also with yourself.

Speak calmly, slowly, and distinctly to a person with a hearing problem or other difficulty understanding. Stand in front of the person, speak directly to the person, and use natural gestures to aid communication. When full understanding is doubtful, try writing notes.

**Touching** - Do not pat or touch a person with a disability unless there is a good reason (such as shaking hands in greeting or if the person has requested assistance).

Gently touching a deaf person to get their attention is permissible.

Do not touch someone's cane, wheelchair or other device.

**Environments** – Provide wide & clear paths of travel for people who use wheelchairs or are blind. Be alert to architectural barriers. Inadequate lighting is difficult for those with hearing and sight problems.

Be aware that some people may be sensitive to smoke, perfumes, or any other irritants that may be in the air.

**Wheel chairs or mobility aides** - Never push a wheelchair without first asking the occupant if you may do so. Do not move wheelchairs, crutches, or other mobility aids out of the reach of the owners.

Do not invade personal space by leaning on a wheelchair. Do not patronize a person in a wheelchair by patting them on the head.

**Service Animals** - A service animal is NOT required to have any special certification. Federal law protects the civil rights of persons with disabilities who are accompanied by their service animals in all public places.

Do not pet guide dogs. Do not make noises at the Service Animal; it may distract the animal from doing its job. Never touch a service animal, or the person it assists, without permission. Do not pet or otherwise distract dog guides. They are working.

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## ADA CHECKLIST FOR EVENT ACCESSIBILITY

### IS THIS LOCATION/EVENT ACCESSIBLE?

Answer the following questions. If any answer is negative, or needs qualification, select a new location or make accommodations.

A detailed checklist for polling places, voting centers and public access is available from the U.S. Department of Justice website at <http://www.usdoj.gov/crt/ada/votingck.htm>

#### PARKING

- The required number of parking spaces are designated as accessible with signs using the access logo. (See the checklist referenced above to determine requirements.)
- One out of every six accessible parking spaces is designed with an access aisle for van parking.
- The accessible parking is located as close as possible to the entrance.
- If accessible parking is not visible from the street, directional signs with the access logo are pointing the way.
- Voters can be dropped off at a curb cut providing adequate and direct access to the building.

#### PATHWAYS

- Paths are no less than 48 inches wide.
- The slope of the path is no more than one inch of rise for every 20 inches of run.
- There is at least 80 inches of clearance over the pathway at all points.
- All thresholds are no more than one-half inch for interior or three-quarters of an inch for exterior doors.
- Carpets are no thicker than one-half inch.
- If there are gratings in the walking surface, the grating is no more than one-half inch in width.
- Directional signs are visible along the accessible route and at the entrance.
- All doorways are at least 32 inches wide.
- If the location requires movement between floors, an elevator access is in close proximity to the entrance and the training room.
- All stairs are supplemented with ramps of no more than a 1-foot rise for every 20 feet of run.

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**BUILDING/TRAINING ROOM**

- Doors to building and rooms are designed with lever handles, automatic openers and room to move to the side.
- Drinking fountains, telephones and other convenience facilities are designed for wheelchair users or those with mobility issues.
- The restrooms include wide stalls and grab bars, and are in close proximity to the meeting room.
- The room arrangement is such that all persons will be able to participate visually and physically.
- The room can accommodate additional space requirements by those with mobility issues.
- If computers are to be used, computer stations are designed to accommodate wheelchairs.

**MEETING ANNOUNCEMENTS**

- Accommodations such as interpreters, handouts, and presentation copies are available in alternate formats.
- There is a statement regarding availability of accommodations in all publicity for the meeting.
- There is a statement that alternate formats are available upon request.
- Videos/films have closed captions.
- A contact person has been identified for accommodation issues.

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## 1.3 ELECTION ADMINISTRATION TOOL KIT

### TOOLS

Every election administrator should assemble a 'toolkit' consisting of items to keep the office running smoothly, such as:

- Local government retention schedules.
- Written office policies and procedures.
- Election calendar and task specific schedules.
- Contact information for vendors, other counties, and OSOS staff.
- Web links for election departments and political organizations.
- Operation manuals for equipment and software.
- Guidelines for implementing the *Americans with Disabilities Act*.

### OFFICE PROCEDURES

Written procedures ensure consistency in completing a task, provide a timeline for processes, and give direction to new employees or for infrequent activities. Procedures also document compliance with state laws and office policy. Written procedures may include:

- Title with initials of author and date of last review.
- Brief statement of the purpose for the procedure.
- List of controlling statutes, rules, or policies.
- List of forms used in the procedure.
- List of records created during the process.
- Step by step instructions necessary to complete the procedure.
  - Times and deadlines.
  - Actions to take in special circumstances, e.g. lack of compliance or an emergency.
  - Position responsible for the completion of each task or procedure.

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EXAMPLE OF WRITTEN PROCEDURE FORM



Snohomish County  
Elections/Voting Division Procedure

Title Ballot Packing for Storage	Document No. and Revision TB – 002
Written and Last Updated by and Date: D.F. 4/21/2008	Effective Date: 6/30/2008
Approved by and Date: WM 6/30/2008	

**Purpose**

To maintain and track how and where tabulated ballots are packed for storage after tabulation.

**References**

RCW 29A.60.110	Ballot containers, sealing, opening
WAC 434-261-045	Secure Storage

**Forms**

	Batch slips
	Storage box lable

**Records**

Ballot storage location.xls	Batch locations are recorded in each election’s ballot location spreadsheet
Batch Accountability Sheet	Tabulation accountability paperwork completed by machine operator for each batch of ballots

**Procedure**

1.0 Pre-Election storage inventory

Action By	Action
Election Technician	1) Review supply check sheet and order any needed supplies at least 4 weeks before election

2.0 Pre-tabulation packing preparation (prior to Election Day tabulation)

Test procedures with inexperienced staff. Adopt procedures only after testing.

Review and update office procedures annually.

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## ELECTION RESOURCES

No office works independently. With the advent of the internet, the public expects offices to know more and find information faster. Prepare in advance with:

- Schedules and calendars specific to elections and election processes
- Equipment manuals from your vendors (preferably electronic format)
- Website such as:
  - OSOS including Elections & Archives/Records Management.
  - Public Disclosure Commission (PDC).
  - Local government sites e.g. cities, ports, schools.
  - US Post Office.
  - VoteWA.
  - Lexus Nexus and DOL lookup (requires a license).
  - VoteWA Online Help Manual.

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### VOTEWA

VoteWA, the statewide voter registration and election management system, includes:

- Increased access to election results.
- Online voter registration.
- Individual voter information.
- Online ballot access.
- Standardized voter education notices.
- Online voter guides.
- Archived election information.
- Candidate Filing Management

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## ELECTION AND VOTER REGISTRATION COSTS

Elections cost money. Participating minor taxing jurisdictions pay their share of election costs. The state reimburses for its share in odd year elections only. Some examples of recoverable expenditures are:

- Printing costs for ballots and envelopes.
- Postage for mailing outbound ballots and charges for undeliverable ballots.
- Staff time dedicated to the election.
- Annual maintenance for the tabulation system software and hardware.
- A portion of annual maintenance for VoteWA software and hardware.
- Examples of voter registration costs:
  - The voter registration system (VoteWA) maintenance. Printing or postage for required NVRA notices.
  - Staff time dedicated to voter registration.
  - A portion of annual maintenance for election management hardware.
  - Do not include expenses covered by HAVA grants.

Bill voter registration expenses to the county and cities/towns based on voter registration totals.

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### TRACKING EXPENSES

There are several methods for tracking expenditures:

- Using budget line items attached to warrants.
- Retaining copies of all invoices.
- Maintaining an itemized spreadsheet during the election.

You may use any combination of these methods to document your expenses. Track registration expenses separately from election costs.

Billing information and rules for cost recovery are available in the BARS Manual (*Budgeting, Accounting and Reporting System*) available on the [Washington State Auditor's Office website](https://www.sao.wa.gov/bars_cash/accounting/expenditures/voter-registration-and-election-cost-allocation/) at [https://www.sao.wa.gov/bars\\_cash/accounting/expenditures/voter-registration-and-election-cost-allocation/](https://www.sao.wa.gov/bars_cash/accounting/expenditures/voter-registration-and-election-cost-allocation/)

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## WEB RESOURCES

Office of the Secretary of State: [www.sos.wa.gov](http://www.sos.wa.gov)

OSOS Elections home page: [www.vote.wa.gov](http://www.vote.wa.gov).

OSOS Election Administrators webpage tab:  
<http://www.sos.wa.gov/elections/administrators.aspx>

Federal Voting Assistance Program (FVAP): [www.fvap.gov](http://www.fvap.gov)

Public Disclosure Commission: [www.pdc.wa.gov](http://www.pdc.wa.gov)

US Postal Service: [www.usps.com](http://www.usps.com). For specifically election mail <https://www.usps.com/gov-services/election-mail.htm>

Budgeting, Accounting and Reporting System (BARS) for (GAAP)> manual search "elections"  
[https://www.sao.wa.gov/bars\\_cash/accounting/expenditures/voter-registration-and-election-cost-allocation/](https://www.sao.wa.gov/bars_cash/accounting/expenditures/voter-registration-and-election-cost-allocation/)

## WEB RESOURCES FOR ELECTION LAWS

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Department of Justice: <http://www.justice.gov/crt/about/vot/>

NVRA and UOCAVA: <http://www.fvap.gov/info/laws>

## OTHER SUPER SITES

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Free people search: [www.zabasearch.com](http://www.zabasearch.com)

Address Lookup: [www.melissadata.com/lookups/addressverify](http://www.melissadata.com/lookups/addressverify)  
(No charge for the first five daily)

ZIP locator: <https://tools.usps.com/go/zip-code-lookup.htm>

Lexis Nexis: [www.lexis.com](http://www.lexis.com) (Requires licensed login)

Department of Licensing query: <https://secureaccess.wa.gov/>(Requires licensed login)

Obituary Search: <https://www.legacy.com/obituaries/local>

## FORMS AND TEMPLATES

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Voter Registration Challenges: [www.sos.wa.gov/elections/voterregistrationchallenges.aspx](http://www.sos.wa.gov/elections/voterregistrationchallenges.aspx)

Agency Based Registration Forms: <http://www.sos.wa.gov/elections/FormsforVoters.aspx>

Online Voter Registration: [www.olvr.votewa.gov](http://www.olvr.votewa.gov)

Voter Registration Form: <http://www.sos.wa.gov/elections/Print-Voter-Registration-Forms.aspx>

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## 1.4 PUBLIC RECORDS

### PUBLIC INFORMATION AND RECORD REQUESTS

RCW 42.56

The Public Records Act determines if a document is a public record. Upon receipt of a public records request, you must provide any documents not exempted by the Act.

Information may consist of a number of formats including letters or memos, films, videos, photographs, audio recordings, symbols, discs, and emails.

State and local retention schedules determine how long documents and records must be retained. Retention schedules are found on the Secretary of State's website under Archives.

Counties use two schedules:

- Common Records Retention Schedule (CORE) and Local Government General Records Retention Schedule (LGRRS) at <https://www.sos.wa.gov/archives/recordsretentionschedules.aspx>
- Records management assistance, current schedules, and information may be found at [http://www.sos.wa.gov/archives/RecordsManagement/records\\_local.aspx](http://www.sos.wa.gov/archives/RecordsManagement/records_local.aspx).

Keep documents without a prescribed retention period indefinitely.

#### THINGS YOU NEED TO KNOW ABOUT REQUESTS FOR PUBLIC INFORMATION

- Any member of the public may request a document.
- Provide records during normal business hours.
- Do not require a reason for a public records request.
- The law restricts the use of public lists for commercial purposes, but not the release of information.
- An agency must provide the fullest assistance to the requestor.
- Unless exempted, agencies must provide a record if it exists. This includes records held beyond the retention period.
- Fulfill the request in as short a period of time as possible.

Do not charge a fee for viewing or searching for documents. You can charge the actual cost for copying documents up to 15 cents per page or for scanning paper documents into electronic format provided you meet all conditions of [WAC 44-14-070](#).

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**What should you do when you receive a public information or record request?**

Respond no later than five business days after the request by:

- Providing the record,
- Notifying the requester with an estimate of when the document(s) will be provided, or
- Seeking clarification of the request.
- Denying the request with an explanation why you cannot or will not comply

**Are there any exempt records?**

The Public Records Act exempts records disclosure, such as:

- Personnel files that are closed
- Ongoing investigations by law enforcement agencies
- Preliminary drafts or notes expressing opinions or formulating policies
- Create an exemption log that identifies denied records by date, author, title, and exemption statute and reason.

A denial may lead to a lawsuit, so keep good records.

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