

**Title 434 WAC
SECRETARY OF STATE**

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Chapters

434-04 Use of the state seal.
434-12 Trademarks.
434-12A Public records and rules of procedure.
434-55 Limited partnership filings—Centralized system.
434-112 Corporations and charities division program services, procedures and fees.
434-120 Charitable solicitation organizations and charitable trusts.
434-130 Limited liability companies.
434-135 Limited liability partnerships.
434-166 International student exchange agency registration.
434-180 Electronic authentication.
434-208 Elections.
434-209 Citizen's commission on salaries for elected officials.
434-215 Declarations of candidacy and filing procedures.
434-219 Presidential primary.
434-230 Ballots.
434-235 Service and overseas voters.
434-250 Elections by mail.
434-260 Election review process and certification of election administrators.
434-261 Counting center procedures.
434-262 Canvassing and certification.
434-263 Administrative complaint procedure.
434-264 Recounts.
434-291 Special elections for major public energy project bond measures.
434-324 Statewide voter registration data base.
434-335 Voting systems.
434-369 Maps and census correspondence listings.
434-379 Initiatives and referenda.
434-381 State voters' pamphlet.
434-600 Promulgation.
434-610 Definitions.
434-615 Custody of public records.
434-620 Powers and duties of the state archivist.
434-624 Powers and duties of the state records committee.
434-626 Powers and duties of the state agency records officers.
434-630 Powers and duties of the local records committee.
434-635 Local records disposition authorization.
434-640 Methods of records disposal.
434-660 Standards for the accuracy, durability and permanence of public records.
434-661 Real property electronic recording.
434-662 Preservation of electronic public records.
434-663 Imaging systems, standards for accuracy and durability.
434-670 The Washington state archives local records grant program.
434-677 Security microfilm.
434-690 Archives—Access to public records.
434-750 Combined fund drive.
434-840 Address confidentiality program.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

**Chapter 434-08
ELECTIONS**

434-08-010 Advisory election upon contemplation of classification advancement. [Regulation 1, filed 3/24/60.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
434-08-020 Remedial steps—Third class city under mayor-council government. [Regulation 2, filed 3/24/60.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
434-08-030 Determination of original terms of councilmen—Second, third, or fourth class city or town. [Regulation 3, filed 3/24/60.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
434-08-040 Appointment of clerks. [Regulation 4, filed 3/24/60.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

- 434-08-050 Restrictions on write-in or sticker votes. [Regulation 5, filed 3/24/60.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-08-060 Filing of electronic facsimile documents. [Statutory Authority: RCW 29.04.230. WSR 92-18-087, § 434-08-060, filed 9/2/92, effective 10/3/92.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-08-070 Electronic facsimile filings not accepted. [Statutory Authority: RCW 29.04.230. WSR 92-18-087, § 434-08-070, filed 9/2/92, effective 10/3/92.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-08-080 Electronic facsimile filings followed by original document. [Statutory Authority: RCW 29.04.230. WSR 92-18-087, § 434-08-080, filed 9/2/92, effective 10/3/92.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-08-090 Rejection of electronic facsimile filings. [Statutory Authority: RCW 29.04.230. WSR 92-18-087, § 434-08-090, filed 9/2/92, effective 10/3/92.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-208 WAC.

Chapter 434-09

SELECTION AND NOTIFICATION OF PERSONS BY SECRETARY OF STATE FOR CITIZENS' COMMISSION FOR SALARIES OF ELECTED OFFICIALS

- 434-09-010 Statement of purpose. [Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-010, filed 2/19/87.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-09-020 Definitions. [Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-020, filed 2/19/87.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-09-030 Qualification requirements. [Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-030, filed 2/19/87.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-09-040 Transmitting and compiling the data file of records of registered voters. [Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-040, filed 2/19/87.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-09-050 Conducting the selection of names by lot. [Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-050, filed 2/19/87.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-09-060 Notifying persons selected by lot. [Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-060, filed 2/19/87.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-09-070 Determination of commission appointees from congressional districts. [Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-070, filed 2/19/87.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-09-080 Names of selected persons to governor. [Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-080, filed 2/19/87.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-09-090 Vacancy on the commission. [Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-090, filed 2/19/87.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

Reviser's note: Later promulgation, see chapter 434-209 WAC.

Chapter 434-15

PUBLIC RECORDS—ARCHIVES

- 434-15-010 Purpose. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-010, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-020 Definitions. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-020, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-030 Description of central and field organization of the division of archives and records management. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-030, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-040 Operations and procedures. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-040, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-050 Public records available. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-050, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-060 Public records officer. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-060, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.

- 434-15-070 Office hours. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-070, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-080 Requests for public records—Archives—Scheduled. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-080, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-090 Fees. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-090, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-100 Exemptions. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-100, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-110 Review of denials of public records requests. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-110, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-120 Protection of public records. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-120, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-130 Records index. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-130, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-140 Communication with division—Address. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-140, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-150 Adoption of form. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-150, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-990 Appendix A—Management organization chart of state archivist. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-990, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-99001 Appendix B—Form—Request for public records. [Statutory Authority: RCW 42.17.250. WSR 85-13-017 (Order 85-1), § 434-15-99001, filed 6/10/85.] Repealed by WSR 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.

Chapter 434-16 FILING UNDER UNIFORM COMMERCIAL CODE

- 434-16-010 Authority and purpose. [Regulation 1, § 1, filed 5/18/67.] Repealed by WSR 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-010.
- 434-16-020 Applicable statute. [Regulation 1, § 2, filed 5/18/67.] Repealed by WSR 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-020.
- 434-16-030 Definitions. [Regulation 1, § 3, filed 5/18/67.] Repealed by WSR 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-030.
- 434-16-040 Standard forms. [Regulation 1, § 4, filed 5/18/67.] Repealed by WSR 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-040, 308-400-044, 308-400-046, and 308-400-048.
- 434-16-050 Official approval of forms. [Regulation 1, § 5, filed 5/18/67.] Repealed by WSR 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-050.
- 434-16-060 Rejection of filings. [Regulation 1, § 6, filed 5/18/67.] Repealed by WSR 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-060.
- 434-16-070 Prefiled financing statements. [Regulation 1, § 7, filed 5/18/67.] Repealed by WSR 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2.
- 434-16-080 Request for information or copies. [Regulation 1, § 8, filed 5/18/67.] Repealed by WSR 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-070.
- 434-16-090 Amendment fees. [Regulation 1, § 9, filed 5/18/67.] Repealed by WSR 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-090.

Chapter 434-19 CHARITABLE SOLICITATIONS

- 434-19-010 Authority and purpose. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-010, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-010.
- 434-19-012 Official address. [Statutory Authority: RCW 19.09.315. WSR 90-22-021 and 90-23-040, § 434-19-012, filed 10/30/90 and 11/15/90, effective 11/30/90 and 12/16/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-012, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-015.

- 434-19-013 Toll-free telephone number. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-013, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-015.
- 434-19-014 Office hours. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-014, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-020.
- 434-19-015 Public records. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-015, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-030.
- 434-19-016 Public records copying charge—Exemptions. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-016, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-017 Registration applications—Grounds for denial. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-017, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-018 Registration applications—Computation of time. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-018, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-020 Definitions. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-020, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-020, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-025.
- 434-19-050 Charitable organization registration—Financial information consistent with Federal Income Tax Form 990. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-050, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-051 Charitable organization registration—Federal Income Tax Form 990 not acceptable. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-051, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-052 Charitable organization registration—Other financial standards. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-052, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-052, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-053 Charitable organization registration—Treatment of appropriated funds. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-053, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-053, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-054 Charitable organization registration—Financial reporting adjustments. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-054, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-054, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-055 Charitable organization registration—Change in exemption status. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-055, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-056 Charitable organization registration—Combined program and paid fund-raising effort. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-056, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-056, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-059 Charitable organization registration—Voluntary verification information. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-059, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-059, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-060 Charitable organization registration—Out-of-state organizations. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-060, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-060, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective

1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.

- 434-19-061 Charitable organization registration—Federal Income Tax Form 990 conditions not applicable. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-061, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-061, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-075 Charitable organization registration—Nonprofit fund-raiser—Newly formed organization. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-075, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-075, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-077 Charitable organization registration—Nonprofit fund-raiser registration—Combined fee. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-077, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-078 Charitable organization registration—Nonprofit fund-raiser—Registration fee. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-078, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-080 Independent fund-raiser registration—Identification of other independent fund-raisers retained. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-080, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-081 Independent fund-raiser registration—Single business name required. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-081, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-082 Independent fund-raiser registration—Physical address required. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-082, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-083 Independent fund-raiser registration—Registration fee. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-083, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-084 Independent fund-raiser registration—Calculation of percentage waived. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-084, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-084, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-085 Independent fund-raiser registration—Responsibility for reporting finances. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-085, filed 10/30/90, effective 11/30/90.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-086 Independent fund-raiser registration—Newly formed organization. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-086, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-087 Independent fund-raiser reregistration—Change in business structure. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-087, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-088 Independent fund-raiser reregistration—Evidence of continuation of bonding required. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-088, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-090 Charitable organizations and independent fund-raisers—Contract registration form—Timing. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-090, filed 4/14/88.] Repealed by WSR 90-22-021, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.315.
- 434-19-097 Charitable organizations and independent fund-raisers—Contract registration form—Timing. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-097, filed 10/30/90, effective 11/30/90.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-098 Charitable organizations and independent fund-raisers—Contract registration form—Fee waived. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-098, filed 10/30/90, effective 11/30/90.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93,

effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.

- 434-19-100 Conditions applicable to solicitations—Exempt organizations exempted. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-100, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-101 Conditions applicable to solicitations—Multiple contacts deemed single solicitation. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-101, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-101, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-102 Conditions applicable to solicitations—Name of solicitor. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-102, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-110 Conditions applicable to solicitations—Written disclosure—Standard. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-110, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-110, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-113 Conditions applicable to solicitations—New organization. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-113, filed 4/14/88.] Repealed by WSR 90-22-021, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.315.
- 434-19-114 Conditions applicable to solicitations—Solicitation conducted. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-114, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-114, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-115 Conditions applicable to solicitations—Responsibility for content of solicitation. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-115, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-115, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-118 Conditions applicable to solicitations—Solicitation conducted via electronic media. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-118, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-118, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-190 Surety bond—Bond extended to other independent fund-raiser. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-190, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-191 Surety bond—Notice of exemption from bond requirement. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-191, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-191, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-192 Surety bond—Reduction in bond amount. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-192, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-192, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-193 Surety bond—Reinstatement of bond amount. [Statutory Authority: RCW 19.09.315. WSR 90-22-021, § 434-19-193, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-193, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-194 Surety bond—Impairment of bond. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-194, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-195 Surety bond—Conditions defined. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-195, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-230 Using the name of another entity—Reference to unnamed beneficiary. [Statutory Authority: RCW 19.09.190 and 19.09.315. WSR 88-09-028 (Order 88-02), § 434-19-230, filed 4/14/88.] Repealed by WSR 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.

Chapter 434-20

VOTER REGISTRATION FORMS—MANUAL VOTER REGISTRATION

- 434-20-010 Permanent registration Form 1. [Order 74-4, § 434-20-010, filed 6/3/74; Order 8, § 434-20-010, filed 6/15/72; Order 4 and Emergency Order 3, § 434-20-010, filed 8/10/71.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-20-020 Registrar's certificate of registered voters. [Order 74-4, § 434-20-020, filed 6/3/74; Order 4 and Emergency Order 3, § 434-20-020, filed 8/10/71.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-20-030 Certificate of transfer of registrations. [Order 74-4, § 434-20-030, filed 6/3/74; Order 4 and Emergency Order 3, § 434-20-030, filed 8/10/71.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-20-040 Certificate of cancellation of registrations. [Order 74-4, § 434-20-040, filed 6/3/74.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-20-050 Use of forms previously prescribed. [Order 74-4, § 434-20-050, filed 6/3/74.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

Chapter 434-24

MAINTENANCE OF VOTER REGISTRATION RECORDS ON ELECTRONIC DATA PROCESSING SYSTEMS

- 434-24-010 Contents of computer file of registered voters. [Order 74-4, § 434-24-010, filed 6/3/74; Order 6, § 434-24-010, filed 3/3/72.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-015 Uniform control number. [Order 74-4, § 434-24-015, filed 6/3/74.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-020 County codes. [Order 74-4, § 434-24-020, filed 6/3/74; Order 6, § 434-24-020, filed 3/3/72.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-025 Precinct codes. [Order 74-4, § 434-24-025, filed 6/3/74. Formerly WAC 434-24-030, Order 6, filed 3/3/72.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-030 Taxing district codes. [Order 74-4, § 434-24-030, filed 6/3/74. Formerly WAC 434-24-040, Order 6, filed 3/3/72.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-035 Maintenance of recent voting record. [Order 74-4, § 434-24-035, filed 6/3/74.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-040 Oath of deputy registrars. [Order 74-4, § 434-24-040, filed 6/3/74; Order 6, § 434-24-040, filed 3/3/72.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-050 Basic voter registration form. [Order 74-4, § 434-24-050, filed 6/3/74; Order 8, § 434-24-050, filed 6/15/72; Order 6, § 434-24-050, filed 3/3/72.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-055 Voter registration worksheet. [Order 74-4, § 434-24-055, filed 6/3/74.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-060 Transmittal of signature cards to the secretary of state. [Order 74-4, § 434-24-060, filed 6/3/74; Order 6, filed 3/3/72.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-065 Exemption of transmittal of signature cards to the secretary of state. [Statutory Authority: RCW 20.04.080 and 29.07.120. WSR 97-18-014, § 434-24-065, filed 8/25/97, effective 9/25/97.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-24-070 Voters' request for transfer. [Order 74-4, § 434-24-070, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-080 Transmittal of transfers to the secretary of state. [Order 74-4, § 434-24-080, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-085 Notice of new registration or transfer. [Order 74-4, § 434-24-085, filed 6/3/74.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-090 Voters' authorization to cancel registration. [Order 74-4, § 434-24-090, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-095 Cancellation due to death. [Order 74-4, § 434-24-095, filed 6/3/74.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-100 Cancellation for failure to vote. [Order 74-4, § 434-24-100, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

- 434-24-105 Notification of cancellation for failure to vote. [Order 74-4, § 434-24-105, filed 6/3/74.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-110 Transmittal of cancellations to the secretary of state. [Order 74-4, § 434-24-110, filed 6/3/74; Order 6, filed 3/3/72.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-115 Challenge of voter's registration. [Order 74-4, § 434-24-115, filed 6/3/74.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-120 Contents of precinct list of registered voters. [Order 74-4, § 434-24-120, filed 6/3/74; Order 6, filed 3/3/72.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-130 Contents of list of registered voters for the public. [Order 74-4, § 434-24-130, filed 6/3/74; Order 6, filed 3/3/72.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-140 Requests for list of registered voters. [Order 74-4, § 434-24-140, filed 6/3/74. Formerly WAC 434-24-130.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-150 Subsidies for establishment of automated voter registration systems. [Order 74-4, § 434-24-150, filed 6/3/74.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-155 Subsidies for maintenance of records on automated voter registration systems. [Order 74-4, § 434-24-155, filed 6/3/74.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-160 Approval of automated voter registration systems. [Order 74-4, § 434-24-160, filed 6/3/74.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-170 Continuing review of automated voter registration systems. [Order 74-4, § 434-24-170, filed 6/3/74.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

Reviser's note: Later promulgation, see chapter 434-324 WAC.

Chapter 434-26 MOTOR VOTER

- 434-26-005 Authority and purpose. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-005, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-010 Definitions. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-010, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-015 Voter registration at driver license facilities. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-015, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-020 Registration procedure. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-020, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-025 Obtaining additional information from the applicant. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-025, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-030 Oaths and warnings. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-030, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-035 Cancellation of previous name registration. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-035, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-040 Transfer of information from the department of licensing to the secretary of state. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-040, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-045 Weekly transmittal of data from the department of licensing to the secretary of state. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-045, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-050 Transfer of data, and reports from the secretary of state to the county auditors. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-050, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-055 Transfer of voter registration forms to counties. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-055, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-060 Processing records received from the secretary of state. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-060, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-065 Reimbursement of county auditors and the department of licensing for routine transaction costs. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-065, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-900 Reimbursement of county auditors and the department of licensing for costs associated with implementation of this chapter. [Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-900, filed 8/26/91, effective 9/26/91.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-326 WAC.

Chapter 434-28 DECLARATIONS OF CANDIDACY AND FILING PROCEDURES

- 434-28-010 Declaration of candidacy—Partisan offices other than precinct committeeman. [Order 75-1, § 434-28-010, filed 6/26/75.] Repealed by WSR 80-05-014 (Order 80-1), filed 4/8/80. Statutory Authority: RCW 29.04.080.
- 434-28-012 Declaration of candidacy—Offices subject to a primary. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-012, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. WSR 84-15-050 (Order 84-2), § 434-28-012, filed 7/16/84; WSR 80-05-014 (Order 80-1), § 434-28-012, filed 4/8/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-28-020 Declaration of candidacy—Precinct committee officer. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-020, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. WSR 84-15-050 (Order 84-2), § 434-28-020, filed 7/16/84; Order 75-1, § 434-28-020, filed 6/26/75.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-28-030 Declaration of candidacy—Nonpartisan offices subject to a primary. [Order 75-1, § 434-28-030, filed 6/26/75.] Repealed by WSR 80-05-014 (Order 80-1), filed 4/8/80. Statutory Authority: RCW 29.04.080.
- 434-28-040 Declaration of candidacy—Nonpartisan offices not subject to a primary. [Order 75-1, § 434-28-040, filed 6/26/75.] Repealed by WSR 84-15-050 (Order 84-2), filed 7/16/84. Statutory Authority: RCW 29.04.080.
- 434-28-050 Use of title or rank prohibited. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-050, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-28-060 Duplication of names. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-060, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

Reviser's note: Later promulgation, see chapter 434-228 WAC.

Chapter 434-30 BALLOTS

- 434-30-010 Sample ballots. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-010, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-020 Placement of state ballot measures. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-020, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-030 Placement of ballot measures for local units of government. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-030, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-040 Candidate's political party designation—Primary to general. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-040, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-050 Candidate nominated by two or more political parties or for two or more offices. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-050, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-060 Primary votes required for appearance on general election ballot. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-060, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-070 Method for billing expense for printing and distributing ballot materials. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-070, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-080 Judicial ballots—Form. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-080, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-090 Determining nominees for multiple positions. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-090, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-100 Mechanical voting device ballot label uniformity. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-100, filed 5/4/92, effective 6/4/92.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-110 Mechanical voting device instructions. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-110, filed 5/4/92, effective 6/4/92.] Repealed by WSR 97-21-045,

- filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-120 Mechanical voting devices—Office title label. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-120, filed 5/4/92, effective 6/4/92.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-130 Mechanical voting devices—Ballot form. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-130, filed 5/4/92, effective 6/4/92.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-140 Mechanical voting device diagrams. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-140, filed 5/4/92, effective 6/4/92.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-150 Electronic voting device ballot uniformity. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-150, filed 5/4/92, effective 6/4/92.] Decodified by WSR 98-03-033, filed 1/13/98, effective 2/13/98. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-160 Electronic voting device instructions. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-160, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-170 Electronic voting devices—Ballot form. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-170, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-180 Ballot cards—Numbering. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-180, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-190 Paper ballot uniformity. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-190, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-200 Paper ballot instructions. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-200, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-210 Paper ballots—Ballot form. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-210, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-220 Paper ballots—Numbering. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-220, filed 5/4/92, effective 6/4/92.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

Reviser's note: Later promulgation, see chapter 434-230 WAC.

Chapter 434-32 NEW RESIDENT VOTERS

- 434-32-010 Definition of new resident voter extended. [Order 8, § 434-32-010, filed 6/15/72.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-332 WAC.

Chapter 434-34 ELECTRONIC VOTING REQUIREMENTS

- 434-34-010 Certification of vote tallying equipment. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-010, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-015 Application for certification. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-015, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-020 Additional information and equipment required. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-020, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-025 Vendor deposit for examination expenses. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-025, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-030 Examination of equipment. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-030, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

- 434-34-035 Public hearing. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-035, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-040 Issuance of certification. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-040, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-045 Modification of certified equipment, guidelines for re-examination. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-045, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-050 Application for certification or examination of modified voting systems or devices. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-050, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-055 Acceptance testing of voting systems and equipment. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-055, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-060 Inclusion of the federal election commission standards for voting equipment. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-060, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-065 Logic and accuracy test conduct. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-065, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-070 Logic and accuracy test observers. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-070, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-075 Logic and accuracy testing of voting systems and equipment—State primary and general election. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-075, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-080 Logic and accuracy test deck preparation—State primary and general election. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-080, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-085 Logic and accuracy test scheduling and preparation—State primary and general election. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-085, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-090 Logic and accuracy test certification—State primary and general election. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-090, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-095 Logic and accuracy testing of voting systems and equipment—Special elections. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-095, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-100 Logic and accuracy test deck preparation—Special elections. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-100, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-105 Logic and accuracy test scheduling and preparation—Special election. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-105, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-110 Logic and accuracy test certification—Special election. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-110, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-34-115 Logic and accuracy tests for direct recording electronic equipment. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-115, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

Reviser's note: Later promulgation, see chapter 434-334 WAC.

Chapter 434-36 VOTE-BY-MAIL

- 434-36-010 Authority and purpose. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-010, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-020 Definitions. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-020, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-030 Request for mail ballot special election. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-030, filed 11/1/83.] Decodified by WSR 97-21-045, filed

- 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-040 Mail ballot special election plan. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-040, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-050 Review of the plan by the secretary of state. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-050, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-060 Notice of election. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-060, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-070 Delivery of ballot to voter. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-070, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-080 Envelope specifications. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-080, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-090 Instructions to voters. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-090, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-100 Depositing of ballots. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-100, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-110 Obtaining replacement ballots. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-110, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-120 Unsigned affidavit. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-120, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-130 Signature verification—Personnel. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-130, filed 11/1/83.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-140 Verification of signatures—Process. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-140, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-150 County canvassing board. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-150, filed 11/1/83.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-160 Master list of voters. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-160, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-170 Logic and accuracy test. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-170, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-180 Tallying of ballots. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-180, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-190 Canvassing of ballots. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-190, filed 11/1/83.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-200 Maintenance of records. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-200, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-36-210 Report to the secretary of state. [Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-210, filed 11/1/83.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

Reviser's note: Later promulgation, see chapter 434-236 WAC.

Chapter 434-40 ABSENTEE VOTING

- 434-40-005 Authority and purpose. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-005, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-010 Definitions. [Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-40-010, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-010, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-020 Applications for absentee ballots. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-020, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-025 Telephone requests for absentee ballots. [Statutory Authority: RCW 29.36.010. WSR 92-18-093, § 434-40-025, filed 9/2/92, effective 10/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-030 Application form for a regular absentee ballot. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-030, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-040 Absentee ballot application forms originating outside the state of Washington. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-040, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-050 Ongoing absentee ballot application. [Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-40-050, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-050, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-060 Termination of ongoing absentee voter status. [Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-40-060, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-060, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-070 Notice of termination as ongoing absentee voter. [Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-40-070, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-070, filed 1/12/88.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-080 Renewal of status as ongoing absentee voter. [Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-40-080, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-080, filed 1/12/88.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-090 Special absentee ballot application form. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-090, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-100 Special absentee ballot—Material to be included. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-100, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-110 Special absentee ballot—Time application received. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-110, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-120 Hospital absentee ballot application form. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-120, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-130 Incomplete application. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-130, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-140 Signature discrepancies. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-140, filed 1/12/88.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-150 Verification of absentee ballot application. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-150, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-160 Notification of voter of incomplete application. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-160, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-170 Security of absentee ballot applications. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-170, filed 1/12/88.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-180 Service and overseas voters—Material and postage. [Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-40-180, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-180, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-190 Absentee ballot envelopes. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-190, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-200 Absentee ballot—Instructions to voters. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-200, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-210 Canvassing board—Delegation of authority. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-210, filed 1/12/88.] Repealed by WSR 97-21-045, filed

10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

- 434-40-220 Canvassing board—Notice of open public meeting. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-220, filed 1/12/88.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-230 Processing of absentee ballots. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-230, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-240 Verification of the signature and postmark on absentee ballots. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-240, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-250 Absentee voter attempting to vote at the polls. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-250, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-260 Absentee ballots returned after the poll lists have been marked. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-260, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-270 Maintenance of an audit trail on absentee ballots. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-270, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-280 Challenge to the registration of absentee voters. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-280, filed 1/12/88.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-290 Security of absentee ballots. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-290, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-300 Absentee ballot process to be expedited. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-300, filed 1/12/88.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-310 Absentee ballot—Credit for having voted. [Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-310, filed 1/12/88.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

Reviser's note: Later promulgation, see chapter 434-240 WAC.

Chapter 434-50 CORPORATION FILING PROCEDURES AND SPECIAL FEES

- 434-50-010 Purpose. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. WSR 82-16-059 (Order 82-1), § 434-50-010, filed 7/30/82.] Repealed by WSR 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-015 Office address. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. WSR 82-16-059 (Order 82-1), § 434-50-015, filed 7/30/82.] Repealed by WSR 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-020 Office hours. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. WSR 82-16-059 (Order 82-1), § 434-50-020, filed 7/30/82.] Repealed by WSR 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-025 Telephone services. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. WSR 82-16-059 (Order 82-1), § 434-50-025, filed 7/30/82.] Repealed by WSR 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-030 Mail-in service. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. WSR 82-16-059 (Order 82-1), § 434-50-030, filed 7/30/82.] Repealed by WSR 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-035 In-person or expedited counter service—Special fees. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. WSR 82-16-059 (Order 82-1), § 434-50-035, filed 7/30/82.] Repealed by WSR 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-040 Miscellaneous charges—Special service fees. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. WSR 82-16-059 (Order 82-1), § 434-50-040, filed 7/30/82.] Repealed by WSR 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-045 Fee prepayment, when required. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. WSR 82-16-059 (Order 82-1), § 434-50-045, filed 7/30/82.] Repealed by WSR 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-050 Original signature requirement—Original retained. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. WSR 82-16-059 (Order 82-1), § 434-50-050, filed 7/30/82.] Repealed by

WSR 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.

434-50-055 Registered office address—Requirements. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. WSR 82-16-059 (Order 82-1), § 434-50-055, filed 7/30/82.] Repealed by WSR 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.

Chapter 434-53

THE POLLING PLACE—BEFORE, DURING AND AFTER THE ELECTION

434-53-010 Activities prohibited within the polling place. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-010, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-020 Election supplies—Polling place. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-020, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-030 Securing the ballot box. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-030, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-040 Verification of voter's name. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-040, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-050 Voter unable to sign name—Authority to vote. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-050, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-060 Credit for voting. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-060, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-070 Accounting for ballot stub. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-070, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-080 Voter leaving polling place without voting. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-080, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-090 Designation of poll watchers. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-090, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-100 Electronic voting devices—Identified for specific candidates or measures. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-100, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-110 Examination of voting devices. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-110, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-120 Spoiled ballot procedures. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-120, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-130 Assistance to voters. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-130, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-140 Voter intentionally causing delay. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-140, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-150 Closing the polls. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-150, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-160 Ballot accountability—Form for recording. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-160, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-170 Audit trail for unused ballots. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-170, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-180 Recording of spoiled ballots. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-180, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-53-190 Disposition of irregularly voted ballots. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-190, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

- 434-53-200 Count of voted ballots. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-200, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-210 Preparing voted ballots for transfer. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-210, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-220 Transfer of ballots prior to closing of the polls. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-220, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-230 Sealing the ballot pages appearing in voting devices. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-230, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-240 Return of election supplies and materials. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-240, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-250 Paper ballot precincts—General applicability of rules. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-250, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-260 Counting and tabulation prior to closing of the polls—Secrecy of the returns. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-260, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-270 Counting of ballots after polls close. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-270, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-280 Paper ballots—Counting and tabulation—Procedure. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-280, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-290 Counting and tabulation of paper ballots where more than one set of precinct election officers are appointed—Procedure. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-290, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-300 Paper ballots—Count continuous—When duties completed. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-300, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-310 Paper ballots—Unofficial results—Copies—Posting—Transmittal. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-310, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-320 Rejection of ballots or parts of ballots—Questions on the legality of ballots. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-320, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

Reviser's note: Later promulgation, see chapter 434-253 WAC.

Chapter 434-57

REGULATIONS ON ACCESSIBILITY OF POLLING PLACES AND PERMANENT VOTER REGISTRATION FACILITIES TO ELDERLY VOTERS OR DISABLED VOTERS

- 434-57-010 Purpose. [Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-010, filed 3/27/86.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-020 Definitions. [Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-020, filed 3/27/86.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-030 Standards for accessible polling places and permanent voter registration facilities. [Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-030, filed 3/27/86. Statutory Authority: Chapter 29.57 RCW as amended by 1985 c 205. WSR 85-18-003 (Order 85-3), § 434-57-030, filed 8/22/85.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-040 Use of public buildings as polling places. [Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-040, filed 3/27/86.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-050 Assistance from persons with disabilities. [Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-050, filed 3/27/86.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-070 Report of precincts and polling places. [Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-070, filed 3/27/86.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

- 434-57-080 Examination of inaccessible polling places. [Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-080, filed 3/27/86.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-090 Accessible polling places—Exceptions. [Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-090, filed 3/27/86.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-100 Procedures for inaccessible polling places. [Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-100, filed 3/27/86.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-120 Accessible permanent voter registration facilities. [Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-120, filed 3/27/86.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-130 Voting and registration instructions. [Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-130, filed 3/27/86.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-150 Notice of accessibility. [Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-150, filed 3/27/86.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-257 WAC.

**Chapter 434-60
ELECTION REVIEW PROCESS**

- 434-60-010 Intent. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-010, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-020 Definitions. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-020, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-030 Scheduled reviews—Auditor request. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-030, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-040 Scheduled reviews—Secretary of state to designate. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-040, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-050 Notice of review. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-050, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-060 Notification of review process. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-060, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-070 Frequency of scheduled reviews. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-070, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-080 Special review—Legislative district race. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-080, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-090 Special review of congressional or statewide races. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-090, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-100 Expense of reviews. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-100, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-110 Election review checklist. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-110, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-120 Adoption of election review checklist. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-120, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-130 Preliminary scheduled review report. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-130, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-140 Response from county auditor/canvassing board. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-140, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-150 Final scheduled review report. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-150, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-160 Special review recommendations. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-160, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-170 Distribution of special review recommendations and response. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-170, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-180 Appeal from scheduled review report. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-180, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

- 434-60-190 Processing of appeal. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-190, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-200 Standards for evaluating appeals. [Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-200, filed 8/30/93, effective 9/30/93.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-210 Intent. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-210, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-215 Definitions. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-215, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-220 Certification of election administrators and deputy election administrators. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-220, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-230 Certification credit system. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-230, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-240 Mandatory orientation. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-240, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-250 Experience as an election administrator, or as a deputy election administrator. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-250, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-260 Open book written test. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-260, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-270 Participation in conferences and workshops. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-270, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-280 Formal education. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-280, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-290 Participation in other education activities. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-290, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-300 Maintaining certification. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-300, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-310 Certification of minimum requirements. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-310, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-320 Training program for county canvassing board members. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-320, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-330 Training program for election observers. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-330, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-340 Training video tapes available. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-340, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-60-350 Approval of training programs. [Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-350, filed 3/8/94, effective 4/8/94.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-260 WAC.

Chapter 434-61 COUNTING CENTER PROCEDURES

- 434-61-010 Counting center location—Direction of proceedings. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-010, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-61-020 Counting center—Political party observers. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-020, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-61-030 Transfer of ballots to counting center or collection station. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-030, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-61-040 Receipt of ballots at the counting center. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-040, filed 5/4/92, effective 6/4/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-61-050 Handling of transfer container discrepancies. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-050, filed 5/4/92, effective 6/4/92.] Repealed by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-61-060 Vote tallying system—A manual count of random precincts. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-060, filed 5/4/92, effective 6/4/92.]

Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

Reviser's note: Later promulgation, see chapter 434-261 WAC.

Chapter 434-62 CANVASSING AND CERTIFICATION OF PRIMARIES AND ELECTIONS

- 434-62-005 Authority and purpose. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-005, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-010 Definitions. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-010, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-020 Preliminary abstract of votes. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-020, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-030 Auditor's abstract of votes. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-030, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-040 Verification of auditor's abstract of votes. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-040, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-050 Errors or discrepancies discovered during the verification of the auditor's abstract of votes. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-050, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-060 Documentation of corrective action taken. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-060, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-070 Official county canvass report. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-070, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-080 Auditor's abstract of votes—Secretary of state to receive certified copy—Transmittal. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-080, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-090 Receipt of certified copy of auditor's abstract of votes by secretary of state. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-090, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-100 Canvass of returns by the secretary of state—Powers and duties. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-100, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-110 Certification of primary returns by the secretary of state. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-110, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-120 Certification of general election returns by the secretary of state. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-120, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-130 Certification of special primaries and special elections. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-130, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-140 Microfilm copies of election returns. [Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-140, filed 10/3/80.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-150 Rejection of ballots or parts of ballots. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-150, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-160 Write-in-voting—Voter intent. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-160, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-170 Referral of ballots to canvassing board. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-170, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-180 Tabulation of ballots to be continuous—Exception. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-180, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

- 434-62-190 Canvassing board—Opening ballot container. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-190, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-200 Retention of records. [Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-200, filed 6/2/92, effective 7/3/92.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

Reviser's note: Later promulgation, see chapter 434-262 WAC.

Chapter 434-69
MAPS AND CENSUS CORRESPONDENCE LISTINGS

- 434-69-005 Authority and purpose. [Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-005, filed 4/8/80.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-010 Definitions. [Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-010, filed 4/8/80.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-020 Precinct maps—Availability and distribution. [Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-020, filed 4/8/80.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-030 Precinct lists—Preparation and filing. [Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-030, filed 4/8/80.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-040 Base maps, census overlay maps, and related information—Duties of the secretary of state. [Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-040, filed 4/8/80.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-050 Precinct overlay maps—Preparation. [Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-050, filed 4/8/80.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-060 Census correspondence listings—Preparation. [Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-060, filed 4/8/80.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-070 Detail maps and census correspondence listings—Maintenance, distribution, and filing. [Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-070, filed 4/8/80.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-080 Compensation to county auditors for direct expenses. [Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-080, filed 4/8/80.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-369 WAC.

Chapter 434-75
PRESIDENTIAL PREFERENCE PRIMARY

- 434-75-010 Authority and purpose. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-010, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-020 Definitions. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-020, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-030 Presidential preference primary—When held. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-030, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-040 Presidential preference primary—Changing the date. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-040, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-050 Procedures to be followed when changing primary date. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-050, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-060 Designation of candidates by secretary of state. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-060, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-070 Removal from list of designees. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-070, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-080 Petition process for ballot access. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-080, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-090 Form of the nominating petition. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-090, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-100 Verification of signatures by secretary of state. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-100, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-110 Determination of insufficient signatures. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-110, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-120 Certification of candidates. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-120, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-130 Conduct of the presidential preference primary. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-130, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-140 Party declaration by voter. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-140, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-150 Ballot request form used at the polling place. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-150, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-160 Ballot—Separation of political parties. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-160, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-170 Secretary of state to designate color of ballots and election materials. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-170, filed 8/26/91, effective 9/26/91.] Repealed by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-180 Ballots—Arrangement of names—Instructions. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-180, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-190 Special election held in conjunction with the presidential preference primary. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-190, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-200 Questioned ballots/alternate ballots—Use by poll workers when voter declines to identify party. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-200, filed 8/26/91, effective 9/26/91.] Repealed by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-210 Provisions regarding ballots applicable to absentees. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-210, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-220 Absentee ballot request form. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-220, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-230 Incomplete absentee ballot requests. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-230, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-240 Lack of party designation. [Statutory Authority: RCW 29.19.070. WSR 92-08-032, § 434-75-240, filed 3/24/92, effective 4/1/92; WSR 91-18-012, § 434-75-240, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-250 Ongoing absentee voters. [Statutory Authority: RCW 29.19.070. WSR 92-08-032, § 434-75-250, filed 3/24/92, effective 4/1/92; WSR 91-18-012, § 434-75-250, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-260 Canvassing and tabulation of presidential primary absentee ballots. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-260, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-270 Vote-by-mail precincts. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-270, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-280 Ballots not tabulated. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-280, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-290 Canvassing and certification of presidential preference primary. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-290, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-300 Canvassing and tabulation of other special elections. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-300, filed 8/26/91, effective 9/26/91.] Repealed by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-310 Mandatory recount provisions do not apply. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-310, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-320 Political party preference data—Transmittal to the major political parties. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-320, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-330 Retention of election material. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-330, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-340 Claims for reimbursement. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-340, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

434-75-350 Time for submission and payment of claims for reimbursement. [Statutory Authority: RCW 29.19.070. WSR 91-18-012, § 434-75-350, filed 8/26/91, effective 9/26/91.] Decodified by WSR 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

Reviser's note: Later promulgation, see chapter 434-219 WAC.

Chapter 434-79

VERIFICATION OF SIGNATURES ON REFERENDUM AND INITIATIVE PETITIONS

434-79-010 Random sampling procedure. [Statutory Authority: RCW 29.79.200 and 29.04.080. WSR 97-17-035, § 434-79-010, filed 8/13/97, effective 9/13/97. Statutory Authority: RCW 29.79.200. WSR 78-08-032 (Order 78-2), § 434-79-010, filed 7/17/78.] Decodified by WSR 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

Reviser's note: Later promulgation, see chapter 434-379 WAC.

Chapter 434-80

OFFICIAL CANDIDATES' PAMPHLET—STATEMENTS AND PHOTOGRAPHS

434-80-010 Deadline for submission of statements and photographs. [Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-010, filed 8/9/78.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-80-020 Rejection of statement or photograph. [Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-020, filed 8/9/78.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-80-030 Photographs. [Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-030, filed 8/9/78.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-80-040 Length of statements. [Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-040, filed 8/9/78.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-80-050 Restrictions on style for candidates' statement. [Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-050, filed 8/9/78.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-80-060 Content of statements for candidates' pamphlet. [Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-060, filed 8/9/78.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-80-070 Editing and review. [Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-070, filed 8/9/78.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-380 WAC.

Chapter 434-81

VOTERS' PAMPHLET

434-81-010 Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature. [Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-010, filed 4/17/79.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-81-020 Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures. [Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-020, filed 4/17/79.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-81-030 Additional members on committees to draft arguments for the voters pamphlets. [Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-030, filed 4/17/79.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-81-040 Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet. [Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-040, filed 4/17/79.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-81-050 Advisory committees. [Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-050, filed 4/17/79.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-81-060 Length of statements and rebuttals. [Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-060, filed 4/17/79.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-81-070 Restrictions on the style of statements in the voters pamphlets. [Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-070, filed 4/17/79.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-81-080 Submission of statements and rebuttals. [Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-080, filed 4/17/79.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-81-090 Rejection of statements for the voters pamphlet. [Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-090, filed 4/17/79.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

434-81-100 Editing of statements for the voters pamphlet. [Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-100, filed 4/17/79.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-381 WAC.

Chapter 434-91

SPECIAL ELECTIONS FOR MAJOR PUBLIC ENERGY PROJECT BOND MEASURES

434-91-010 Purpose. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-010, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

- 434-91-020 Submission of a preliminary and a final cost-effectiveness study of a major public energy project. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-020, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-030 Request for an election pursuant to RCW 80.52.040. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-030, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-040 Designation of the bond issue on the ballot. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-040, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-050 Ballot title. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-050, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-060 Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-060, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-070 Actions to contest contents of the ballot title or summary of the final cost-effectiveness study. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-070, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-080 Certification of the request for a special election to the county auditors. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-080, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-090 Recommendations for committees to draft statements for the voters pamphlet. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-090, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-100 Appointment of committees. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-100, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-110 Advisory committees. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-110, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-120 Submission of arguments and rebuttals. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-120, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-130 Permissible costs in allocation of election expenses. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-130, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-140 Allocation of costs. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-140, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-150 Documentation of charges for proportional share of election costs. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-150, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-160 Proportional costs of voters pamphlet and other costs to the secretary of state. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-160, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-170 Reimbursement to counties for proportional share of election costs. [Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-170, filed 5/25/82.] Decodified by WSR 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-291 WAC.

Chapter 434-110 CORPORATION FILING PROCEDURES AND SPECIAL FEES

- 434-110-010 Purpose. [Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-110-010, filed 2/24/09, effective 3/27/09. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. WSR 94-19-004, § 434-110-010, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR 93-20-072, § 434-110-010, filed 10/1/93, effective 11/1/93.] Repealed by WSR 11-01-042, filed 12/7/10, effective 1/7/11. Statutory Authority: Titles 23B, 24, and 25 RCW, and chapter 43.07 RCW.
- 434-110-020 Office address. [Statutory Authority: Titles 23, 23B, 245 and 46 RCW, chapter 43.07 RCW. WSR 00-21-084, § 434-110-020, filed 10/17/00, effective 11/17/00. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR 93-20-072, § 434-110-020, filed 10/1/93, effective 11/1/93.] Repealed by WSR 09-06-036, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120.
- 434-110-030 Office hours. [Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-110-030, filed 2/24/09, effective 3/27/09. Statutory Authority: Titles 23, 23B, 245 and 46 RCW, chapter 43.07 RCW. WSR 00-21-084, § 434-110-030, filed 10/17/00, effective 11/17/00. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR 93-20-072, § 434-110-030, filed 10/1/93, effective 11/1/93.] Repealed by WSR 11-01-042, filed 12/7/10, effective 1/7/11. Statutory Authority: Titles 23B, 24, and 25 RCW, and chapter 43.07 RCW.
- 434-110-040 Telephone services. [Statutory Authority: Titles 23, 23B, 245 and 46 RCW, chapter 43.07 RCW. WSR 00-21-084, § 434-110-040, filed 10/17/00, effective 11/17/00. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR

93-20-072, § 434-110-040, filed 10/1/93, effective 11/1/93.] Repealed by WSR 09-06-036, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120.

- 434-110-050 Mail-in service. [Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-110-050, filed 2/24/09, effective 3/27/09. Statutory Authority: Titles 23, 23B, 24 and 46 RCW, chapter 43.07 RCW. WSR 00-21-084, § 434-110-050, filed 10/17/00, effective 11/17/00. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR 93-20-072, § 434-110-050, filed 10/1/93, effective 11/1/93.] Repealed by WSR 11-01-042, filed 12/7/10, effective 1/7/11. Statutory Authority: Titles 23B, 24, and 25 RCW, and chapter 43.07 RCW.
- 434-110-060 In-person or expedited service—Special fees. [Statutory Authority: 1998 c 38 and RCW 43.07.120. WSR 98-17-075, § 434-110-060, filed 8/18/98, effective 9/18/98. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. WSR 94-19-004, § 434-110-060, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR 93-20-072, § 434-110-060, filed 10/1/93, effective 11/1/93.] Repealed by WSR 07-20-065, filed 9/28/07, effective 10/29/07. Statutory Authority: RCW 43.07.400 and 9A.56.078.
- 434-110-070 Fees. [Statutory Authority: Title 23B RCW and chapter 19.77 RCW. WSR 94-19-004, § 434-110-070, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR 93-20-072, § 434-110-070, filed 10/1/93, effective 11/1/93.] Repealed by WSR 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.
- 434-110-075 Miscellaneous fees. [Statutory Authority: RCW 43.07.120. WSR 95-16-130, § 434-110-075, filed 8/2/95, effective 9/2/95. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. WSR 94-19-004, § 434-110-075, filed 9/8/94, effective 10/9/94. Statutory Authority: Chapters 34.05 and 43.07 RCW, Titles b, 24 and 46 RCW and 1993 c 269. WSR 94-01-074, § 434-110-075, filed 12/9/93, effective 1/10/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR 93-20-072, § 434-110-075, filed 10/1/93, effective 11/1/93.] Repealed by WSR 07-20-065, filed 9/28/07, effective 10/29/07. Statutory Authority: RCW 43.07.400 and 9A.56.078.
- 434-110-080 Fee prepayment—When required. [Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR 93-20-072, § 434-110-080, filed 10/1/93, effective 11/1/93.] Repealed by WSR 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.
- 434-110-090 Original signature requirement—Original retained. [Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR 93-20-072, § 434-110-090, filed 10/1/93, effective 11/1/93.] Repealed by WSR 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.
- 434-110-100 Registered office address—Requirements. [Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-110-100, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-110-100, filed 1/23/04, effective 2/23/04. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR 93-20-072, § 434-110-100, filed 10/1/93, effective 11/1/93.] Repealed by WSR 11-01-042, filed 12/7/10, effective 1/7/11. Statutory Authority: Titles 23B, 24, and 25 RCW, and chapter 43.07 RCW.
- 434-110-120 Initial and annual reports—Form of content. [Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-110-120, filed 2/24/09, effective 3/27/09. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. WSR 94-19-004, § 434-110-120, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR 93-20-072, § 434-110-120, filed 10/1/93, effective 11/1/93.] Repealed by WSR 11-01-042, filed 12/7/10, effective 1/7/11. Statutory Authority: Titles 23B, 24, and 25 RCW, and chapter 43.07 RCW.
- 434-110-130 Annual reports—Due date for all nonprofit corporations. [Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-110-130, filed 2/24/09, effective 3/27/09. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR 93-20-072, § 434-110-130, filed 10/1/93, effective 11/1/93.] Repealed by WSR 11-01-042, filed 12/7/10, effective 1/7/11. Statutory Authority: Titles 23B, 24, and 25 RCW, and chapter 43.07 RCW.
- 434-110-140 Inactive profit domestic corporations—Proof. [Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. WSR 93-20-072, § 434-110-140, filed 10/1/93, effective 11/1/93.] Repealed by WSR 11-01-042, filed 12/7/10, effective 1/7/11. Statutory Authority: Titles 23B, 24, and 25 RCW, and chapter 43.07 RCW.

Chapter 434-220 PARTISAN PRIMARIES

- 434-220-010 Partisan primaries. [Statutory Authority: RCW 29A.04.611. WSR 06-14-049, § 434-220-010, filed 6/28/06, effective 7/29/06.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-220-020 Definitions. [Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-220-020, filed 10/1/07, effective 11/1/07; WSR 06-14-049, § 434-220-020, filed 6/28/06, effective 7/29/06.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-220-030 Ballot layout and color—Consolidated ballots. [Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-220-030, filed 10/1/07, effective 11/1/07; WSR 06-14-049, § 434-220-030, filed 6/28/06, effective 7/29/06.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.

- 434-220-040 Ballot layout and color—Physically separate ballots. [Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-220-040, filed 10/1/07, effective 11/1/07; WSR 06-14-049, § 434-220-040, filed 6/28/06, effective 7/29/06.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-220-050 Order of political parties. [Statutory Authority: RCW 29A.04.611. WSR 06-14-049, § 434-220-050, filed 6/28/06, effective 7/29/06.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-220-060 Ballot programming—Consolidated ballots. [Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-220-060, filed 10/1/07, effective 11/1/07; WSR 06-14-049, § 434-220-060, filed 6/28/06, effective 7/29/06.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-220-070 Polling place procedures—Physically separate ballots. [Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-220-070, filed 10/1/07, effective 11/1/07; WSR 06-14-049, § 434-220-070, filed 6/28/06, effective 7/29/06.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-220-080 No record of political party affiliation. [Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-220-080, filed 10/1/07, effective 11/1/07; WSR 06-14-049, § 434-220-080, filed 6/28/06, effective 7/29/06.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-220-090 Partisan primary recounts. [Statutory Authority: RCW 29A.04.611. WSR 06-14-049, § 434-220-090, filed 6/28/06, effective 7/29/06.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.

Chapter 434-228
DECLARATIONS OF CANDIDACY AND FILING PROCEDURES
(Formerly chapter 434-28 WAC)

- 434-228-005 Filing information—Questionnaire—Compiling and dissemination. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-228-005, filed 10/13/97, effective 11/13/97.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02.
- 434-228-012 Declaration of candidacy—Offices subject to a primary. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-012, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-012, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. WSR 84-15-050 (Order 84-2), § 434-28-012, filed 7/16/84; WSR 80-05-014 (Order 80-1), § 434-28-012, filed 4/8/80.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02.
- 434-228-020 Declaration of candidacy—Precinct committee officer. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-020, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. WSR 84-15-050 (Order 84-2), § 434-28-020, filed 7/16/84; Order 75-1, § 434-28-020, filed 6/26/75.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02.
- 434-228-050 Use of title or rank prohibited. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-050, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02.
- 434-228-060 Duplication of names. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-060, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02.

Reviser's note: Later promulgation, see chapter 434-215 WAC.

Chapter 434-236
VOTE-BY-MAIL
(Formerly chapter 434-36 WAC)

- 434-236-010 Authority and purpose. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-010, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-010, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-010.
- 434-236-020 Definitions. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-020, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-020.
- 434-236-025 Mail ballot precincts. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-025, filed 3/12/02, effective 4/12/02.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-025.
- 434-236-030 Request for mail ballot election. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-030, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-030, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-030, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-030.
- 434-236-040 Mail ballot election plan. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-040, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), §

434-36-040, filed 11/1/83.] Repealed by WSR 02-07-028, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.210, 29.36.150.

434-236-050 Review of the plan by the secretary of state. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-050, filed 11/1/83.] Repealed by WSR 02-07-028, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.210, 29.36.150.

434-236-055 Odd numbered year primaries by mail. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-055, filed 3/12/02, effective 4/12/02.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-055.

434-236-060 Notice of election. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-060, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-060, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-060.

434-236-070 Delivery of ballot to voter. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-070, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-070, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-070, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-070.

434-236-080 Envelope specifications. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-080, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-080, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-080.

434-236-090 Instructions to voters. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-236-090, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-236-090, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-236-090, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-090, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-090.

434-236-100 Depositing of ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-100, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-100, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-100, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-100.

434-236-110 Obtaining replacement ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-110, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-110, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-110, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-110.

434-236-120 Unsigned affidavit. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-120, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-120, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-120.

434-236-140 Verification of signatures—Process. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-140, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-140, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-140, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-140.

434-236-160 Master list of voters. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-160, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-160.

434-236-170 Logic and accuracy test. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-236-170, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-236-170, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-170, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-170.

434-236-180 Tallying of ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-180, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-180, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-180.

434-236-200 Maintenance of records. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-200, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-200, filed 11/1/83.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-238-200.

434-236-210 Report to the secretary of state. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-210, filed 10/13/97, ef-

fective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-210, filed 11/1/83.] Repealed by WSR 02-07-028, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.210, 29.36.150.

Chapter 434-238

VOTE-BY-MAIL

(Formerly chapter 434-236 WAC)

- 434-238-010 Authority and purpose. [WSR 02-09-007, recodified as § 434-238-010, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-010, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-010, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-020 Definitions. [WSR 02-09-007, recodified as § 434-238-020, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-020, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-025 Mail ballot precincts. [WSR 02-09-007, recodified as § 434-238-025, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-025, filed 3/12/02, effective 4/12/02.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-030 Request for mail ballot election. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-238-030, filed 7/16/04, effective 8/16/04. WSR 02-09-007, recodified as § 434-238-030, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-030, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-030, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-030, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-055 Odd numbered year primaries by mail. [WSR 02-09-007, recodified as § 434-238-055, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-055, filed 3/12/02, effective 4/12/02.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-060 Notice of election. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-238-060, filed 7/16/04, effective 8/16/04. WSR 02-09-007, recodified as § 434-238-060, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-060, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-060, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-070 Delivery of ballot to voter. [WSR 02-09-007, recodified as § 434-238-070, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-070, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-070, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-070, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-080 Envelope specifications. [WSR 02-09-007, recodified as § 434-238-080, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-080, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-080, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-090 Instructions to voters. [WSR 02-09-007, recodified as § 434-238-090, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-236-090, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-236-090, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-236-090, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-090, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-100 Depositing of ballots. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-238-100, filed 7/16/04, effective 8/16/04. WSR 02-09-007, recodified as § 434-238-100, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-100, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-100, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-100, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-110 Obtaining replacement ballots. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-238-110, filed 7/16/04, effective 8/16/04. WSR 02-09-007, recodified as § 434-238-110, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-110, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-110, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-110, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

- 434-238-120 Unsigned affidavit. [WSR 02-09-007, recodified as § 434-238-120, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-120, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-120, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-140 Verification of signatures—Process. [WSR 02-09-007, recodified as § 434-238-140, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-140, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-140, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-140, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-160 Master list of voters. [WSR 02-09-007, recodified as § 434-238-160, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-160, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-170 Logic and accuracy test. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-238-170, filed 7/16/04, effective 8/16/04. WSR 02-09-007, recodified as § 434-238-170, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-236-170, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-236-170, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-170, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-180 Tallying of ballots. [WSR 02-09-007, recodified as § 434-238-180, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-236-180, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-180, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-238-200 Maintenance of records. [WSR 02-09-007, recodified as § 434-238-200, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-236-200, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. WSR 83-22-055 (Order 83-2), § 434-36-200, filed 11/1/83.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

Chapter 434-240 ABSENTEE VOTING

(Formerly chapter 434-40 WAC)

- 434-240-005 Authority and purpose. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-240-005, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-005, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-005, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-010 Definitions. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-240-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080. WSR 03-15-054, § 434-240-010, filed 7/11/03, effective 8/11/03; WSR 02-20-037, § 434-240-010, filed 9/24/02, effective 10/25/02. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-010, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-010, filed 10/13/97, effective 11/13/97. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-40-010, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-010, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-020 Applications for single absentee ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-020, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-020, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-025 Telephone requests for absentee ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-025, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.010. WSR 92-18-093, § 434-40-025, filed 9/2/92, effective 10/3/92.] Repealed by WSR 02-07-028, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.210, 29.36.150.
- 434-240-027 Requesting absentee ballot for family member. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-027, filed 3/12/02, effective 4/12/02.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-030 Application form for a regular absentee ballot. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-030, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-040 Absentee ballot application forms originating outside the state of Washington. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified

as § 434-240-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-040, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

- 434-240-050 Ongoing absentee ballot application. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-40-050, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-050, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-060 Termination of ongoing absentee voter status. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-240-060, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-060, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-40-060, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-060, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-080 Special absentee ballot. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-080, filed 3/12/02, effective 4/12/02.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-090 Special absentee ballot application form. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-090, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-090, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-100 Special absentee ballot—Material to be included. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-100, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-100, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-110 Special absentee ballot—Time application received. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-110, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-110, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-120 Health care facility absentee ballot application form. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-120, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-120, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-120, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-130 Incomplete application from elector. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-130, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-130, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-130, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-150 Verification of absentee ballot application. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-150, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-150, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-150, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-160 Notification to voter of incomplete application. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-160, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-160, filed 1/12/88.] Repealed by WSR 02-07-028, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.210, 29.36.150.
- 434-240-180 Service and overseas voters—Material and postage. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-40-180, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-180, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-190 Absentee ballot envelopes. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-190, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-240-190, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-240-190, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-190, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-200 Absentee ballot—Instructions to voters. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-240-200, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-200, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-200, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-205 Replacement absentee ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-205, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW

- 29.04.080 and 29.04.210. WSR 99-08-089, § 434-240-205, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-240-205, filed 10/13/97, effective 11/13/97.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-225 Definitions regarding absentee ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-240-225, filed 10/13/97, effective 11/13/97.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-230 Processing of absentee ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-230, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-240-230, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-240-230, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-230, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-235 Unsigned affidavit. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-235, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-240-235, filed 1/13/98, effective 2/13/98.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-240 Verification of the signature and postmark on absentee ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-240-240, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-240, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-240, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-245 Procedure for signatures that don't match. [Statutory Authority: RCW 29.04.080. WSR 04-01-072, § 434-240-245, filed 12/12/03, effective 1/12/04.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-250 Absentee voter attempting to vote at the polls. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-250, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-250, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-250, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-260 Absentee ballots returned after the poll lists have been marked. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-260, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-260, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-270 Maintenance of an audit trail on absentee ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-270, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-270, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-290 Security of absentee ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-290, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-290, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-300 Absentee ballot process to be expedited. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-240-300, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. WSR 88-03-019 (Order 88-1), § 434-40-300, filed 1/12/88.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-240-320 Mail ballot precincts. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-240-320, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-240-320, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-240-320, filed 1/13/98, effective 2/13/98.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

Chapter 434-253

THE POLLING PLACE—BEFORE, DURING AND AFTER THE ELECTION

(Formerly chapter 434-53 WAC)

- 434-253-005 Broken or missing seals. [Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-253-005, filed 6/28/06, effective 7/29/06.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-010 Polling place—Activities prohibited. [Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-253-010, filed 11/15/06, effective 12/16/06; WSR 05-17-145, § 434-253-010, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-010, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-010, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-020 Polling place—Election supplies. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-253-020, filed 7/11/08, effective 8/11/08; WSR 07-20-074, § 434-253-020, filed 10/1/07, effective 11/1/07; WSR 06-14-049, § 434-253-020, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-253-020, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, §

- 434-253-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-020, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-023 Voter verified paper audit trail—Duties prior to opening of the polls. [Statutory Authority: RCW 29A.04.611. WSR 06-11-042, § 434-253-023, filed 5/10/06, effective 6/10/06; WSR 05-24-040, § 434-253-023, filed 11/30/05, effective 12/31/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-024 Poll book of registered voters. [Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-253-024, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-253-024, filed 1/3/07, effective 2/3/07; WSR 05-24-039, § 434-253-024, filed 11/30/05, effective 12/31/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-025 Polling place—Items to be posted. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-253-025, filed 7/11/08, effective 8/11/08; WSR 08-05-120, § 434-253-025, filed 2/19/08, effective 3/21/08; WSR 07-20-074, § 434-253-025, filed 10/1/07, effective 11/1/07; WSR 05-17-145, § 434-253-025, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-030 Securing the ballot box. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-030, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-030, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-040 Verification of voter's name. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-040, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-040, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-253-043 Provisional ballots—When issued. [Statutory Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-253-043, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-253-043, filed 3/12/02, effective 4/12/02.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-253-045 Provisional ballots—Required information. [Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-253-045, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-253-045, filed 11/30/07, effective 12/31/07; WSR 06-23-094, § 434-253-045, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-253-045, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-253-045, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-253-045, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-253-045, filed 3/12/02, effective 4/12/02.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-047 Provisional ballots—Disposition. [Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-253-047, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-253-047, filed 1/3/07, effective 2/3/07; WSR 05-17-145, § 434-253-047, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-253-047, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-253-047, filed 3/12/02, effective 4/12/02.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-048 Provisional ballots—Free access system. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-253-048, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-253-048, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-049 Provisional ballots—Processing. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-253-049, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-253-049, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-253-049, filed 3/12/02, effective 4/12/02.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-050 Voter unable to sign name—Authority to vote. [Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-253-050, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-253-050, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-253-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-050, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-055 Identification. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-253-055, filed 8/19/05, effective 9/19/05.] Repealed by WSR 07-02-100, filed 1/3/07, effective 2/3/07. Statutory Authority: RCW 29A.04.611.
- 434-253-060 Credit for voting. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-060, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

434-253-070 Accounting for ballot stub. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-070, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-070, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-080 Voter leaving polling place prior to casting ballot. [Statutory Authority: RCW 29A.04.611. WSR 06-14-048, § 434-253-080, filed 6/28/06, effective 7/29/06; WSR 05-24-040, § 434-253-080, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-080, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-090 Designation of poll watchers. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-090, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-090, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-100 Electronic voting devices—Identified for specific offices or measures. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-100, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-100, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-110 Examination of voting devices. [Statutory Authority: RCW 29A.04.611. WSR 06-14-048, § 434-253-110, filed 6/28/06, effective 7/29/06; WSR 05-24-040, § 434-253-110, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-253-110, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-253-110, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-110, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-115 Direct recording electronic device paper printer malfunction. [Statutory Authority: RCW 29A.04.611. WSR 06-11-042, § 434-253-115, filed 5/10/06, effective 6/10/06; WSR 05-24-040, § 434-253-115, filed 11/30/05, effective 12/31/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-120 Spoiled ballot procedures. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-120, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-120, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-130 Assistance to voters. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-130, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-130, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-140 Voter intentionally causing delay. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-140, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-140, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-150 Closing the polls. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-150, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-150, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-160 Ballot accountability form—Poll-sites without direct recording devices. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-253-160, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-253-160, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-160, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-165 Ballot accountability form—Precincts with direct recording devices. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-253-165, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-253-165, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-170 Securing provisional, challenged, spoiled, unused, and absentee ballots. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-253-170, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-170, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-170, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-180 Recording of spoiled ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-180, filed 6/2/92, ef-

- fective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-253-190 Disposition of irregularly voted ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-190, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-190, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-253-200 Count of regular voted ballots. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-253-200, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-200, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-200, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-203 Precinct count optical scan and direct recording devices—Poll-site reconciliation. [Statutory Authority: RCW 29A.04.611. WSR 06-14-046, § 434-253-203, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-253-203, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-210 Preparing voted ballots for transfer. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-210, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-210, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-253-220 Transfer of ballots prior to closing of the polls. [Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-253-220, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-220, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-220, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-225 Preparation for transfer of direct recording electronic device paper records. [Statutory Authority: RCW 29A.04.611. WSR 06-11-042, § 434-253-225, filed 5/10/06, effective 6/10/06; WSR 05-24-040, § 434-253-225, filed 11/30/05, effective 12/31/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-230 Sealing the ballot pages appearing in punchcard voting devices. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-253-230, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-230, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-230, filed 6/2/92, effective 7/3/92.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
- 434-253-240 Return of election supplies and materials. [Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-253-240, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-253-240, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-240, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-240, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-250 Paper ballot precincts—General applicability of rules. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-250, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-250, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-260 Counting and tabulation prior to closing of the polls—Secrecy of the returns. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-260, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-260, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-253-270 Counting of ballots after polls close. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-270, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-270, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-280 Paper ballots—Counting and tabulation—Procedure. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-280, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-280, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-290 Counting and tabulation of paper ballots where more than one set of precinct election officers are appointed—Procedure. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-253-290, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-290, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-290, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-253-300 Paper ballots—Count continuous—When duties completed. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-253-300, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as §

434-253-300, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-300, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-310 Paper ballots—Unofficial results—Copies—Posting—Transmittal. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-310, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-310, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-320 Rejection of ballots or parts of ballots—Questions on the legality of ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-253-320, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-53-320, filed 6/2/92, effective 7/3/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-253-330 Ranked choice voting. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-253-330, filed 7/11/08, effective 8/11/08.] Repealed by WSR 10-14-091, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041.

Chapter 434-257
ACCESSIBILITY OF POLLING PLACES
(Formerly chapter 434-57 WAC)

434-257-010 Purpose. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-257-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.57.170. WSR 02-02-066, § 434-257-010, filed 12/28/01, effective 1/28/02. WSR 98-08-010, recodified as § 434-257-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-010, filed 3/27/86.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-257-020 Definitions. [Statutory Authority: RCW 29.57.170. WSR 02-02-066, § 434-257-020, filed 12/28/01, effective 1/28/02. WSR 98-08-010, recodified as § 434-257-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-020, filed 3/27/86.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-257-030 Standards for accessible polling places. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-257-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-257-030, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.57.170. WSR 02-02-066, § 434-257-030, filed 12/28/01, effective 1/28/02. WSR 98-08-010, recodified as § 434-257-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-030, filed 3/27/86. Statutory Authority: Chapter 29.57 RCW as amended by 1985 c 205. WSR 85-18-003 (Order 85-3), § 434-57-030, filed 8/22/85.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-257-040 Use of public buildings as polling places. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-257-040, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-257-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-040, filed 3/27/86.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-257-050 Assistance from persons with disabilities. [WSR 98-08-010, recodified as § 434-257-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-050, filed 3/27/86.] Repealed by WSR 02-02-066, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.57.170.

434-257-070 Report of precincts and polling places. [Statutory Authority: RCW 29.57.170. WSR 02-02-066, § 434-257-070, filed 12/28/01, effective 1/28/02. WSR 98-08-010, recodified as § 434-257-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-070, filed 3/27/86.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-257-080 Examination of inaccessible polling places. [WSR 98-08-010, recodified as § 434-257-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-080, filed 3/27/86.] Repealed by WSR 02-02-066, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.57.170.

434-257-090 Accessible polling places—Exceptions. [Statutory Authority: RCW 29.57.170. WSR 02-02-066, § 434-257-090, filed 12/28/01, effective 1/28/02. WSR 98-08-010, recodified as § 434-257-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-090, filed 3/27/86.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-257-100 Procedures for inaccessible polling places. [Statutory Authority: RCW 29.57.170. WSR 02-02-066, § 434-257-100, filed 12/28/01, effective 1/28/02. WSR 98-08-010, recodified as § 434-257-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-100, filed 3/27/86.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-257-120 Accessible permanent voter registration facilities. [WSR 98-08-010, recodified as § 434-257-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-120, filed 3/27/86.] Repealed by WSR 02-02-066, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.57.170.

- 434-257-130 Voting instructions. [Statutory Authority: RCW 29.57.170. WSR 02-02-066, § 434-257-130, filed 12/28/01, effective 1/28/02. WSR 98-08-010, recodified as § 434-257-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-130, filed 3/27/86.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-257-140 Contingency plans for disability access units. [Statutory Authority: RCW 29A.04.611. WSR 06-14-048, § 434-257-140, filed 6/28/06, effective 7/29/06.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-257-150 Notice of accessibility. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-257-150, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.57.170. WSR 02-02-066, § 434-257-150, filed 12/28/01, effective 1/28/02. WSR 98-08-010, recodified as § 434-257-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. WSR 86-08-045 (Order 86-02), § 434-57-150, filed 3/27/86.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

Chapter 434-326

MOTOR VOTER

(Formerly chapter 434-26 WAC)

- 434-326-005 Authority and purpose. [WSR 98-08-010, recodified as § 434-326-005, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-005, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-326-010 Definitions. [WSR 98-08-010, recodified as § 434-326-010, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-010, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-326-015 Voter registration at driver license facilities. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-326-015, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-326-015, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-015, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-326-020 Registration procedure. [WSR 98-08-010, recodified as § 434-326-020, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-020, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-326-025 Obtaining additional information from the applicant. [WSR 98-08-010, recodified as § 434-326-025, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-025, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-326-030 Oaths and warnings. [WSR 98-08-010, recodified as § 434-326-030, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-030, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-326-035 Cancellation of previous name registration. [WSR 98-08-010, recodified as § 434-326-035, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-035, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-326-040 Transfer of information from the department of licensing to the secretary of state. [WSR 98-08-010, recodified as § 434-326-040, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-040, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-326-045 Weekly transmittal of data from the department of licensing to the secretary of state. [WSR 98-08-010, recodified as § 434-326-045, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-045, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-326-050 Transfer of data, and reports from the secretary of state to the county auditors. [WSR 98-08-010, recodified as § 434-326-050, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-050, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-326-055 Transfer of voter registration forms to counties. [WSR 98-08-010, recodified as § 434-326-055, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-055, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-326-060 Processing records received from the secretary of state. [WSR 98-08-010, recodified as § 434-326-060, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-060, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-326-065 Reimbursement of county auditors and the department of licensing for routine transaction costs. [WSR 98-08-010, recodified as § 434-326-065, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, § 434-26-065, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-326-900 Reimbursement of county auditors and the department of licensing for costs associated with implementation of this chapter. [WSR 98-08-010, recodified as § 434-326-900, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. WSR 91-18-013, §

434-26-900, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.

Chapter 434-332
NEW RESIDENT VOTERS
(Formerly chapter 434-32 WAC)

434-332-010 Definition of new resident voter extended. [WSR 98-08-010, recodified as § 434-332-010, filed 3/18/98, effective 3/18/98; Order 8, § 434-32-010, filed 6/15/72.] Repealed by WSR 02-13-097, filed 6/18/02, effective 7/19/02. Statutory Authority: RCW 29.04.080.

Chapter 434-333
ELECTRONIC VOTING REQUIREMENTS
(Formerly chapter 434-334 WAC)

434-333-010 Certification of vote tallying equipment. [WSR 02-09-007, recodified as § 434-333-010, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-010, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-010, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.

434-333-015 Application for certification. [WSR 02-09-007, recodified as § 434-333-015, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-015, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-015, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.

434-333-020 Additional information and equipment required. [WSR 02-09-007, recodified as § 434-333-020, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-020, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.

434-333-025 Vendor deposit for examination expenses. [WSR 02-09-007, recodified as § 434-333-025, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-025, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-025, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.

434-333-030 Examination of equipment. [WSR 02-09-007, recodified as § 434-333-030, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-030, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-030, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.

434-333-035 Public hearing. [WSR 02-09-007, recodified as § 434-333-035, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-035, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-035, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.

434-333-040 Issuance of certification. [WSR 02-09-007, recodified as § 434-333-040, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-040, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-040, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.

434-333-045 Modification of certified equipment, guidelines for reexamination. [WSR 02-09-007, recodified as § 434-333-045, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-045, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-045, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.

434-333-050 Application for certification or examination of modified voting systems or devices. [WSR 02-09-007, recodified as § 434-333-050, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-050, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.

434-333-055 Acceptance testing of voting systems and equipment. [WSR 02-09-007, recodified as § 434-333-055, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-055, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-055, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-055, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.

434-333-060 Inclusion of the federal election commission standards for voting equipment. [WSR 02-09-007, recodified as § 434-333-060, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-060, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.

- 434-333-063 Definition of official logic and accuracy test. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-333-063, filed 7/16/04, effective 8/16/04. WSR 02-09-007, recodified as § 434-333-063, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-063, filed 4/7/99, effective 5/8/99.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-065 Logic and accuracy test conduct. [WSR 02-09-007, recodified as § 434-333-065, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-065, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-065, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-065, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-070 Logic and accuracy test observers. [WSR 02-09-007, recodified as § 434-333-070, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-070, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-070, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-070, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-075 Logic and accuracy testing of voting systems and equipment—State primary and general election. [WSR 02-09-007, recodified as § 434-333-075, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-075, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-075, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-075, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-082 Procedure for conduct of delayed primary or general election emergency logic and accuracy test. [WSR 02-09-007, recodified as § 434-333-082, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-082, filed 4/7/99, effective 5/8/99.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-085 Logic and accuracy test scheduling and preparation—State primary and general election. [WSR 02-09-007, recodified as § 434-333-085, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-085, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-085, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-085, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-090 Logic and accuracy test certification—State primary and general election. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-333-090, filed 7/16/04, effective 8/16/04. WSR 02-09-007, recodified as § 434-333-090, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 00-10-009, § 434-334-090, filed 4/21/00, effective 5/22/00; WSR 99-08-115, § 434-334-090, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-090, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-090, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-095 Logic and accuracy testing of voting systems and equipment—Special elections. [WSR 02-09-007, recodified as § 434-333-095, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-095, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-095, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-095, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-100 Logic and accuracy test deck preparation—Special elections. [WSR 02-09-007, recodified as § 434-333-100, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-100, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-100, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-100, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-105 Logic and accuracy test scheduling and preparation—Special election. [WSR 02-09-007, recodified as § 434-333-105, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-105, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-105, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-105, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-110 Logic and accuracy test certification—Special election. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-333-110, filed 7/16/04, effective 8/16/04. WSR 02-09-007, recodified as § 434-333-110, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 00-10-009, § 434-334-110, filed 4/21/00, effective 5/22/00; WSR 99-08-115, § 434-334-110, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-110, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-110, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-120 Logic and accuracy test preparation—State primary and general election—Punchcard systems. [WSR 02-09-007, recodified as § 434-333-120, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, recodified as § 434-334-120, filed 4/7/99,

- effective 5/8/99; WSR 99-08-115, § 434-334-080, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-080, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-125 Punchcard test deck maintenance and storage. [WSR 02-09-007, recodified as § 434-333-125, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-125, filed 4/7/99, effective 5/8/99.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-127 Punchcard adjustment standards and tests. [WSR 02-09-007, recodified as § 434-333-127, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 00-10-009, § 434-334-127, filed 4/21/00, effective 5/22/00.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-130 Punchcard test precinct selection—State primary and general elections. [WSR 02-09-007, recodified as § 434-333-130, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-130, filed 4/7/99, effective 5/8/99.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-135 Punchcard testing requirements prior to official logic and accuracy test. [WSR 02-09-007, recodified as § 434-333-135, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-135, filed 4/7/99, effective 5/8/99.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-140 Definitions. [WSR 02-09-007, recodified as § 434-333-140, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 00-10-009, § 434-334-140, filed 4/21/00, effective 5/22/00; WSR 99-08-115, § 434-334-140, filed 4/7/99, effective 5/8/99.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-145 Logic and accuracy test deck preparation—State primary and general election—Optical scan systems. [WSR 02-09-007, recodified as § 434-333-145, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-145, filed 4/7/99, effective 5/8/99.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-150 Optical scan test ballot selection—State primary and general elections. [WSR 02-09-007, recodified as § 434-333-150, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-150, filed 4/7/99, effective 5/8/99.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-155 Optical scan read head adjustment standards and tests. [WSR 02-09-007, recodified as § 434-333-155, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-155, filed 4/7/99, effective 5/8/99.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-160 Optical scan read head and ballot scan area alignment tests. [WSR 02-09-007, recodified as § 434-333-160, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 00-10-009, § 434-334-160, filed 4/21/00, effective 5/22/00; WSR 99-08-115, § 434-334-160, filed 4/7/99, effective 5/8/99.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-165 Optical scan ballot marking code program test. [WSR 02-09-007, recodified as § 434-333-165, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 00-10-009, § 434-334-165, filed 4/21/00, effective 5/22/00; WSR 99-08-115, § 434-334-165, filed 4/7/99, effective 5/8/99.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-170 Precinct-based optical scan ballot counter preparation and testing. [WSR 02-09-007, recodified as § 434-333-170, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-170, filed 4/7/99, effective 5/8/99.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.
- 434-333-175 Poll site-based optical scan ballot counter test notices, observers, and log of process. [WSR 02-09-007, recodified as § 434-333-175, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-175, filed 4/7/99, effective 5/8/99.] Repealed by WSR 05-18-022, filed 8/29/05, effective 9/29/05. Statutory Authority: RCW 29A.04.611.

Reviser's note: Later promulgation, see chapter 434-335 WAC.

Chapter 434-334 ELECTRONIC VOTING REQUIREMENTS (Formerly chapter 434-34 WAC)

- 434-334-010 Certification of vote tallying equipment. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-010, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-010, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-010.
- 434-334-015 Application for certification. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-015, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-015, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-015.
- 434-334-020 Additional information and equipment required. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-020, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-020.
- 434-334-025 Vendor deposit for examination expenses. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-025, filed 10/13/97, ef-

fective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-025, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-025.

- 434-334-030 Examination of equipment. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-030, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-030, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-030.
- 434-334-035 Public hearing. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-035, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-035, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-035.
- 434-334-040 Issuance of certification. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-040, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-040, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-040.
- 434-334-045 Modification of certified equipment, guidelines for re-examination. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-045, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-045, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-045.
- 434-334-050 Application for certification or examination of modified voting systems or devices. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-050, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-050.
- 434-334-055 Acceptance testing of voting systems and equipment. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-055, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-055, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-055, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-055.
- 434-334-060 Inclusion of the federal election commission standards for voting equipment. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-060, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-060.
- 434-334-063 Definition of official logic and accuracy test. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-063, filed 4/7/99, effective 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-063.
- 434-334-065 Logic and accuracy test conduct. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-065, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-065, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-065, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-065.
- 434-334-070 Logic and accuracy test observers. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-070, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-070, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-070, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-070.
- 434-334-075 Logic and accuracy testing of voting systems and equipment—State primary and general election. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-075, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-075, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-075, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-075.
- 434-334-080 Logic and accuracy test preparation—State primary and general election—Punchcard system. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-080 filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-080, filed 6/2/92, effective 7/3/92.] Decodified by WSR 99-08-115, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.33.350. Later promulgation, see WAC 434-334-120.
- 434-334-082 Procedure for conduct of delayed primary or general election emergency logic and accuracy test. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-082, filed 4/7/99, effective 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-082.
- 434-334-085 Logic and accuracy test scheduling and preparation—State primary and general election. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-085, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-085, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-085, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-085.
- 434-334-090 Logic and accuracy test certification—State primary and general election. [Statutory Authority: RCW 29.33.350. WSR 00-10-009, § 434-334-090, filed 4/21/00, effective 5/22/00; WSR 99-08-115, § 434-334-090, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as §

434-334-090, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-090, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-090.

434-334-095 Logic and accuracy testing of voting systems and equipment—Special elections. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-095, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-095, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-095, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-095.

434-334-100 Logic and accuracy test deck preparation—Special elections. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-100, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-100, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-100, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-100.

434-334-105 Logic and accuracy test scheduling and preparation—Special election. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-105, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-105, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-105, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-105.

434-334-110 Logic and accuracy test certification—Special election. [Statutory Authority: RCW 29.33.350. WSR 00-10-009, § 434-334-110, filed 4/21/00, effective 5/22/00; WSR 99-08-115, § 434-334-110, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-110, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-110, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-110.

434-334-115 Logic and accuracy tests for direct recording electronic equipment. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-115, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-115, filed 6/2/92, effective 7/3/92.] Repealed by WSR 99-08-115, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.33.350.

434-334-120 Logic and accuracy test preparation—State primary and general election—Punchcard systems. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, recodified as § 434-334-120, filed 4/7/99, effective 5/8/99; WSR 99-08-115, § 434-334-080, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-334-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-34-080, filed 6/2/92, effective 7/3/92.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-120.

434-334-125 Punchcard test deck maintenance and storage. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-125, filed 4/7/99, effective 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-125.

434-334-127 Punchcard adjustment standards and tests. [Statutory Authority: RCW 29.33.350. WSR 00-10-009, § 434-334-127, filed 4/21/00, effective 5/22/00.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-127.

434-334-130 Punchcard test precinct selection—State primary and general elections. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-130, filed 4/7/99, effective 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-130.

434-334-135 Punchcard testing requirements prior to official logic and accuracy test. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-135, filed 4/7/99, effective 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-135.

434-334-140 Definitions. [Statutory Authority: RCW 29.33.350. WSR 00-10-009, § 434-334-140, filed 4/21/00, effective 5/22/00; WSR 99-08-115, § 434-334-140, filed 4/7/99, effective 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-140.

434-334-145 Logic and accuracy test deck preparation—State primary and general election—Optical scan systems. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-145, filed 4/7/99, effective 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-145.

434-334-150 Optical scan test ballot selection—State primary and general elections. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-150, filed 4/7/99, effective 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-150.

434-334-155 Optical scan read head adjustment standards and tests. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-155, filed 4/7/99, effective 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-155.

434-334-160 Optical scan read head and ballot scan area alignment tests. [Statutory Authority: RCW 29.33.350. WSR 00-10-009, § 434-334-160, filed 4/21/00, effective 5/22/00; WSR 99-08-115, § 434-334-160, filed 4/7/99, effective 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-160.

434-334-165 Optical scan ballot marking code program test. [Statutory Authority: RCW 29.33.350. WSR 00-10-009, § 434-334-165, filed 4/21/00, effective 5/22/00; WSR 99-08-115, § 434-334-165, filed 4/7/99, effective 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-165.

434-334-170 Precinct-based optical scan ballot counter preparation and testing. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-170, filed 4/7/99, effective 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified by WAC 434-333-170.

434-334-175 Poll site-based optical scan ballot counter test notices, observers, and log of process. [Statutory Authority: RCW 29.33.350. WSR 99-08-115, § 434-334-175, filed 4/7/99, effective 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-175.

tive 5/8/99.] Decodified by WSR 02-09-007, filed 4/4/02, effective 4/4/02. Recodified as § 434-333-175.

Chapter 434-380
OFFICIAL CANDIDATES' PAMPHLET—STATEMENTS AND PHOTOGRAPHS
(Formerly chapter 434-80 WAC)

- 434-380-010 Deadline for submission of statements and photographs. [WSR 98-08-010, recodified as § 434-380-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-010, filed 8/9/78.] Repealed by WSR 02-02-065, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
- 434-380-020 Rejection of statement or photograph. [WSR 98-08-010, recodified as § 434-380-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-020, filed 8/9/78.] Repealed by WSR 02-02-065, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
- 434-380-030 Photographs. [WSR 98-08-010, recodified as § 434-380-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-030, filed 8/9/78.] Repealed by WSR 02-02-065, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
- 434-380-040 Length of statements. [WSR 98-08-010, recodified as § 434-380-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-040, filed 8/9/78.] Repealed by WSR 02-02-065, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
- 434-380-050 Restrictions on style for candidates' statement. [WSR 98-08-010, recodified as § 434-380-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-050, filed 8/9/78.] Repealed by WSR 02-02-065, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
- 434-380-060 Content of statements for candidates' pamphlet. [WSR 98-08-010, recodified as § 434-380-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-060, filed 8/9/78.] Repealed by WSR 02-02-065, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
- 434-380-070 Editing and review. [WSR 98-08-010, recodified as § 434-380-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070. WSR 78-09-018 (Order 78-4), § 434-80-070, filed 8/9/78.] Repealed by WSR 02-02-065, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

Reviser's note: Later promulgation, see chapter 434-381 WAC.

Chapter 434-04 WAC
USE OF THE STATE SEAL

Last Update: 7/7/05

WAC

- 434-04-010 Authority and purpose.
- 434-04-015 Definitions.
- 434-04-017 Description of seal for use on state flags.
- 434-04-020 General permitted uses.
- 434-04-030 Permitted uses of the embossed seal.
- 434-04-040 General prohibitions.
- 434-04-050 Application process.
- 434-04-060 Approval and denial of use—Applications.
- 434-04-070 Nonexclusive licensing agreement—Contents.
- 434-04-075 Renewal of licensing agreement.
- 434-04-080 Revocation of use.
- 434-04-090 Uses exempt from application process.

WAC 434-04-010 Authority and purpose. These rules are adopted under authority of chapter 43.04 RCW to provide for the efficient authorization of the use of the state seal.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-010, filed 9/29/89, effective 10/30/89.]

WAC 434-04-015 Definitions. When used in this chapter, unless the context clearly indicates otherwise:

(1) "Secretary" is the secretary of state and his or her designee;

(2) "State seal" or "seal" is the seal of the state of Washington, used in any form (embossed, displayed, printed, physical representation or any other reproduction) as described in RCW 1.20.080 and

in WA. Const., Article XVIII, Section 1, or the seal as used on the state flag according to specifications detailed in WAC 434-04-017, or the seal produced by the seal making device designed and created by the Talcott brothers of Olympia in 1889, unless context indicates otherwise;

(3) "Person" is any public or private corporation, individual, partnership, association, or other entity and includes any officer or governing or managing body thereof;

(4) "State agency" is, for the purpose of this chapter, any office, department, board, commission, or other separate unit or division, however designated, of the state government together with all personnel thereof:

(a) Upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature; and

(b) That has as its chief executive officer a person or combination of persons such as a commission, board, or council, by law empowered to operate it, responsible either to

(i) No public officer or

(ii) The governor.

(5) "State elected official" is a member of the house of representatives, senate, supreme court, court of appeals and the governor, auditor, secretary of state, treasurer, commissioner of public lands, superintendent of public instruction, insurance commissioner, lieutenant governor, and attorney general of the state of Washington and their designees;

(6) "Educational use" means the primary use of an item containing the state seal as an educational tool;

(7) "Commercial use" and "commercially distributed" means a use of items containing the seal that will be distributed for sale. This shall not include those items to be used for official state business.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-015, filed 9/29/89, effective 10/30/89.]

WAC 434-04-017 Description of seal for use on state flags. (1)

Each flag shall have official identical seals, one on each side of the flag, and so placed that the center of each seal shall be centered on each side of the flag. The seal may have a serrated edge;

(2) The size of the seal to be used shall be in proportion to the size of the flag as follows:

Flag	Size Diameter of State Seal:
3' x 5'	19"
4' x 6'	25"
5' x 8'	31"

In all the other instances, the ratio of the seal diameter to the length of the flag shall be 1:3; and the ratio of the flag height to flag width shall be 1:1.6;

(3) The following color references for textiles are by cable number in the Standard Color Reference of America, Tenth Edition of The Color Association of the United States, Inc., New York, New York

Flag Color	Cable Color (Textile)	Pantone Color (Process CMYK Printing)
Flag Background	Irish Green 80210	PMS DS-268-1
State Seal Background	Oriental Blue 80176	PMS DS-226-3
State Seal (portrait, lettering, outer and inner rings)	Black	PMS Process Black
State Seal Gold	Spanish Yellow 80068	PMS DS-5-4
Fringe (if any) Gold	Spanish Yellow 80068	PMS DS-5-4
George Washington's Face	Eggshell 80004	PMS DS-5-9

(4) All textile colors shall be of colorfast washable dyes;

(5) The flag may be flown or displayed in its entirety as described herein; the state seal shall not be expropriated from the flag for any other use and such expropriation is regulated by the statutes (chapter 43.04 RCW) and administrative rules (chapter 434-04 WAC) governing the use of the Washington state seal.

[Statutory Authority: RCW 43.04.040 and 34.05.350. WSR 05-15-018, § 434-04-017, filed 7/7/05, effective 8/7/05. Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-017, filed 9/29/89, effective 10/30/89.]

WAC 434-04-020 General permitted uses. (1) Use of the state seal shall be permitted without the written authorization of the secretary in the following circumstances:

(a) Use and display of the seal by state agencies and state elected officials in connection with official state business. However, no state agency nor state elected official other than the secretary shall have authority to permit a contractor or other entity associated with a state agency or state elected official to use the seal for commercial purposes;

(b) Use of the seal for illustrative purposes by the news media for a publication or broadcast or for a characterization used in a political cartoon;

(c) Use of the seal on the state flag.

(2) Other uses of the seal shall require written authorization from the secretary.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-020, filed 9/29/89, effective 10/30/89.]

WAC 434-04-030 Permitted uses of the embossed seal. Use of the embossed seal shall be used only on, unless otherwise provided by statute:

(1) Sample impressions of the seal provided by the office of the secretary of state;

(2) Official documents which are authorized and/or required by statute;

(3) Other historic, civic, commemorative or educational uses, provided that the secretary's signature appears thereon.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-030, filed 9/29/89, effective 10/30/89.]

WAC 434-04-040 General prohibitions. The seal shall never be used:

(1) In any advertising or other promotion for a business, organization, product, article or service, except as provided by license;

(2) In a manner which, in the judgement of the secretary, could mislead the public to believe that a business, organization, product, article or service carries official state sanction or state approval;

(3) In a political campaign to assist or defeat a candidate;

(4) In a manner which is deceptively similar in appearance to the seal;

(5) On wearing apparel including, but not limited to, hats, shirts, sweaters, jackets, shorts, sweatpants and socks, except:

(a) By state agencies and state elected officials in connection with official state business;

(b) As approved by the secretary for civic purposes such as by organizations officially representing the state.

(6) In a manner such that any mark, insignia, letter, word, figure, design, picture, or drawing of any nature is placed upon it or on any part of it;

(7) In any gambling activity except:

(a) When an item is to be used in a raffle which is approved and conducted in accordance with chapter 9.46 RCW and the use is approved under WAC 434-04-040; or

(b) When an item is to be used for official state business.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-040, filed 9/29/89, effective 10/30/89.]

WAC 434-04-050 Application process. (1) A person requesting authorization for use of the seal shall supply the following information to the secretary:

(a) A detailed description of the item to be manufactured or displayed including:

(i) A description of the material with which it will be made;

(ii) The manner in which the seal is to be displayed on the item;

(b) A detailed description of proposed use, including: Manner, purpose, and place of use, whether it is primarily an educational item, the manner of distribution of the item and the manner in which the item is to be advertised or promoted;

(c) A sample, photograph, or detailed sketch of the item.

(2) The application fee shall be ten dollars for items to be commercially distributed. The application fee shall be waived for noncommercial uses.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-050, filed 9/29/89, effective 10/30/89.]

WAC 434-04-060 Approval and denial of use—Applications. (1) In determining whether to grant authorization for use of the seal, the secretary shall consider the information provided by the applicant and shall apply the following standards:

(a) Whether the appearance of the seal on the product could mislead the public to believe that the product carries official state sanction or approval;

(b) Whether the use of the seal would tend to mislead the public into believing that a person, meeting, project or event carries official state sanction or approval;

(c) Whether the dignity of the seal will be compromised if approval is granted;

(d) Whether the use of the seal is prohibited as otherwise stated in this chapter and in chapter 43.04 RCW.

(2) A written letter of approval or denial from the secretary shall be sent through first-class mail;

(3) Approval shall be in the form of a nontransferable letter of authority. The letter shall set forth, at a minimum, provisions which stipulate:

(a) The limitation on the manufacture, manner of use, display and other employment;

(b) That the seal may not be used or be construed to be operated in any way as an endorsement by the state of Washington;

(c) That the state, in granting authority to use the seal, does not assume any liability in connection with the use of the seal.

(4) As condition to the letter of authority, applicants for commercial use of the seal shall execute a renewable, nonexclusive licensing agreement. Educational uses of the seal which are to be commercially distributed shall not be subject to a licensing agreement.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-060, filed 9/29/89, effective 10/30/89.]

WAC 434-04-070 Nonexclusive licensing agreement—Contents. A license agreement issued by authority of this chapter shall contain provisions including, but not limited to, the following:

(1) The agreement shall be nonexclusive;

(2) Any unit manufactured or sold during the term of the agreement shall be subject to a royalty payment. No unit may be sold or manufactured except during the term of the agreement;

(3) The term of the agreement shall be a period of not more than one year, commencing on the day the agreement is executed. At the time the agreement is executed, the applicant shall choose as an ending date either:

(a) One year from the date the agreement is executed; or

(b) The first day of the applicant's next financial year following the date the agreement is executed.

(4) The due date of the royalty payment shall be thirty days after the ending date of the agreement;

(5) At the discretion of the secretary, the royalty shall equal one dollar per unit manufactured or 5% of the gross receipts. The royalty shall accrue and be payable on or before the due date;

(6) The applicant shall provide, prior to commencing distribution, an actual production sample to the secretary;

(7) The applicant shall have the option to request renewal of the licensing agreement. The license agreement shall contain the procedure for exercising the option to renew;

(8) The secretary shall have the right to inspect production and financial records relating to the use of the seal;

(9) Any guidelines or limitations regarding the advertising or promotion of the item shall be stated.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-070, filed 9/29/89, effective 10/30/89.]

WAC 434-04-075 Renewal of licensing agreement. (1) An applicant may request to renew a licensing agreement without regard to whether the agreement has or has not been previously renewed. A request for renewal shall be in writing and shall be postmarked or received by the secretary on or before the last day of the agreement;

(2) A request for renewal which is received as stipulated by this section shall cause the agreement to be extended for a period of one year, provided that:

(a) The royalty is paid in full on or before the due date; and

(b) No changes in the use or the item occur.

(3) If a request for renewal is not properly submitted and received, the license agreement shall terminate on the last day of the term of the agreement and future use of the seal by the applicant shall be subject to the application process.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-075, filed 9/29/89, effective 10/30/89.]

WAC 434-04-080 Revocation of use. The secretary may revoke any approval if the secretary determines that false or inaccurate information was submitted in the application or that any laws, rules, regulations or conditions have been violated.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-080, filed 9/29/89, effective 10/30/89.]

WAC 434-04-090 Uses exempt from application process. Uses of the seal which received written authorization from the secretary before September 1, 1989 shall continue to be authorized provided that:

(1) No changes in the use or in the item occur. Any changes must be approved through the application process; and

(2) The use is not commercial.

[Statutory Authority: RCW 43.04.040(4). WSR 89-20-031, § 434-04-090, filed 9/29/89, effective 10/30/89.]

Chapter 434-12 WAC TRADEMARKS

Last Update: 10/29/15

WAC

434-12-005

Trademark filing—Fees.

434-12-015

Classification of goods and services.

434-12-025
434-12-190

Document and specimen standards for trademark filing.
Intervention. (Effective until January 1, 2016)

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-12-010 Authority and purpose. [Regulation 1, § 1, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-020 Applicable statute. [Regulation 1, § 2, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-030 Definitions. [Regulation 1, § 3, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-040 Form of papers. [Regulation 1, § 4, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-050 Caption. [Regulation 1, § 5, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-060 Signing papers. [Regulation 1, § 6, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-070 Verification. [Regulation 1, § 7, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-080 Computation of time. [Regulation 1, § 8, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-090 Appearance and practice before secretary. [Regulation 1, § 9, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-100 Service of process. [Regulation 1, § 10, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-110 Joinder, consolidation. [Regulation 1, § 11, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-120 Withdrawal of petition. [Regulation 1, § 12, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-130 Notice of hearing. [Regulation 1, § 13, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-140 Hearing examiner. [Regulation 1, § 14, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-150 Motions. [Regulation 1, § 15, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-160 Discovery. [Regulation 1, § 16, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-170 Subpoenas. [Regulation 1, § 17, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-180 Prehearing conference. [Regulation 1, § 18, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-190 Intervention. [Regulation 1, § 19, filed 2/15/66.] Repealed by WSR 15-22-044, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 19.77.115.

434-12-200 Hearings are public. [Regulation 1, § 20, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-210 Rules of evidence. [Regulation 1, § 21, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-220 Record. [Regulation 1, § 22, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

434-12-230 Form and content of decision. [Regulation 1, § 23, filed 2/15/66.] Repealed by WSR 04-05-041, filed 2/12/04, effective 3/14/04. Statutory Authority: RCW 19.77.115.

WAC 434-12-005 Trademark filing—Fees. (1) Trademarks are filed with the corporations division of the secretary of state and may be delivered in person, by mail, and when available, online.

(2) Filing and other fees for trademarks are set forth in WAC 434-112-080 through 434-112-090.

(3) Photocopy fees for trademarks are per WAC 434-12A-100.

(4) Certified copies of trademarks are ten dollars for each certification plus the photocopy fee.

[Statutory Authority: RCW 19.77.115. WSR 15-22-044, § 434-12-005, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 19.77.090, 19.77.115. WSR 10-04-045, § 434-12-005, filed 1/28/10, effective 2/28/10. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-12-005, filed 1/23/04, effective 2/23/04.]

WAC 434-12-015 Classification of goods and services. (1) The corporations division adopts the following table for classification of goods and services:

Goods

1. Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins; unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.

2. Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.

3. Cosmetics and cleaning preparations, bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.

4. Lubricants and fuels, industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks.

5. Pharmaceuticals, veterinary, and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.

6. Metal goods, common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; nonelectric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.

7. Machinery, machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs.

8. Hand tools and implements (hand-operated); cutlery; side arms; razors.

9. Electrical and scientific apparatus, scientific, nautical, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire extinguishing apparatus.

10. Medical apparatus, surgical, medical, dental, and veterinary apparatus and instruments, artificial limbs, eyes, and teeth; orthopedic articles; suture materials.

11. Environmental control apparatus, apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply, and sanitary purposes.

12. Vehicles; apparatus for locomotion by land, air, or water.

13. Firearms; ammunition and projectiles; explosives; fireworks.

14. Jewelry, precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewelry, precious stones; horological and chronometric instruments.

15. Musical instruments.

16. Paper goods and printed matter, paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks.

17. Rubber goods, rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.

18. Leather goods, leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and traveling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

19. Nonmetallic building materials, building materials (nonmetallic); nonmetallic rigid pipes for building; asphalt, pitch and bitumen; nonmetallic transportable buildings; monuments, not of metal.

20. Furniture and articles not otherwise classified, furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.

21. Housewares and glass, household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush making materials; articles for cleaning purposes; steel wool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.

22. Cordage and fibers, ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.

23. Yarns and threads, for textile use.

24. Fabrics, textiles and textile goods, not included in other classes; beds and table covers.

25. Clothing, footwear, headgear.

26. Fancy goods, lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

27. Floor coverings, carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (nontextile).

28. Toys and sporting goods, games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

29. Meats and processed foods, meat, fish, poultry and game; meat extracts; preserved, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats.

30. Staple foods, coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking powder; salt, mustard; vinegar, sauces (condiments); spices; ice.

31. Natural agricultural products, agricultural, horticultural and forestry products and grains not included in other classes; living

animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.

32. Light beverages, beers; mineral and aerated waters and other nonalcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages.

33. Wine and spirits, alcoholic beverages (except beers).

34. Smokers' articles, tobacco; smokers' articles; matches.

Services

35. Advertising and business, advertising; business management; business administration; office functions.

36. Insurance and financial, insurance; financial affairs; monetary affairs; real estate affairs.

37. Building construction and repair; installation services.

38. Telecommunications.

39. Transportation and storage, transport; packaging and storage of goods; travel arrangement.

40. Treatment of materials.

41. Education and entertainment; providing of training; entertainment; sporting and cultural activities.

42. Computer, scientific and legal, scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; legal services.

43. Hotels and restaurants; services for providing food and drink; temporary accommodations.

44. Medical, beauty and agricultural; medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.

45. Personal; personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.

(2) This table is adopted from the schedule for classification of goods and services published by the United States Patent and Trademark Office.

[Statutory Authority: RCW 19.77.115. WSR 15-22-044, § 434-12-015, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 19.77.090, 19.77.115. WSR 10-04-045, § 434-12-015, filed 1/28/10, effective 2/28/10. Statutory Authority: RCW 19.77.115. WSR 04-05-041, § 434-12-015, filed 2/12/04, effective 3/14/04.]

WAC 434-12-025 Document and specimen standards for trademark filing. (1) Specimens submitted in support of a trademark filing must:

(a) Be of sufficient quality, size and clarity to allow the division to create and maintain an accurate digital image of the specimen; and

(b) Demonstrate that the trademark is in use in commerce; preliminary design artwork is not acceptable.

(c) Be in pdf (portable document format), if filing online.

(2) Specimens submitted in support of a trademark reservation:

(a) Must be of sufficient quality, size and clarity to allow the division to create and maintain an accurate digital image of the specimen; and

- (b) May be in the form of preliminary design artwork so long as the design clearly describes the trademark to be reserved; and
 - (c) Must be in pdf format, if filing online.
- (3) Corporations division staff may reject submissions that do not meet these requirements.

[Statutory Authority: RCW 19.77.115. WSR 15-22-044, § 434-12-025, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-12-025, filed 1/23/04, effective 2/23/04.]

**Chapter 434-12A WAC
PUBLIC RECORDS AND RULES OF PROCEDURE**

Last Update: 2/26/14

WAC

- 434-12A-010 Authority and purpose.
- 434-12A-030 Description of the organization of the office of the secretary of state.
- 434-12A-040 Public records available.
- 434-12A-045 Processing of public records requests—General.
- 434-12A-055 Processing of public records requests—Electronic records.
- 434-12A-100 Inspection and copying.
- 434-12A-110 Exemptions.
- 434-12A-120 Review of denials of public records request.
- 434-12A-150 Revolving fund.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 434-12A-020 Definitions. [Order 74-2, § 434-12A-020, filed 2/19/74.] Repealed by WSR 09-04-026, filed 1/28/09, effective 2/28/09. Statutory Authority: RCW 42.56.040.
- 434-12A-050 Office hours. [Order 74-2, § 434-12A-050, filed 2/19/74.] Repealed by WSR 09-04-026, filed 1/28/09, effective 2/28/09. Statutory Authority: RCW 42.56.040.
- 434-12A-060 Public records officer. [Order 74-2, § 434-12A-060, filed 2/19/74.] Repealed by WSR 09-04-026, filed 1/28/09, effective 2/28/09. Statutory Authority: RCW 42.56.040.
- 434-12A-070 Protection of public records. [Order 74-2, § 434-12A-070, filed 2/19/74.] Repealed by WSR 09-04-026, filed 1/28/09, effective 2/28/09. Statutory Authority: RCW 42.56.040.
- 434-12A-080 Records index. [Order 74-2, § 434-12A-080, filed 2/19/74.] Repealed by WSR 09-04-026, filed 1/28/09, effective 2/28/09. Statutory Authority: RCW 42.56.040.
- 434-12A-090 Requests for public records. [Order 74-2, § 434-12A-090, filed 2/19/74.] Repealed by WSR 09-04-026, filed 1/28/09, effective 2/28/09. Statutory Authority: RCW 42.56.040.
- 434-12A-130 Adoption of standard request form. [Order 74-2, § 434-12A-130, filed 2/19/74.] Repealed by WSR 09-04-026, filed 1/28/09, effective 2/28/09. Statutory Authority: RCW 42.56.040.
- 434-12A-140 Communications and submissions relating to public records. [Order 74-2, § 434-12A-140, filed 2/19/74.] Repealed by WSR 09-04-026, filed 1/28/09, effective 2/28/09. Statutory Authority: RCW 42.56.040.
- 434-12A-990 Appendix A—Form—Organization chart. [Order 74-2, Appendix A (codified as WAC 434-12A-990), filed 2/19/74.] Repealed by WSR 09-04-026, filed 1/28/09, effective 2/28/09. Statutory Authority: RCW 42.56.040.
- 434-12A-99001 Appendix B—Form—Request for public record. [Order 74-2, Appendix B (codified as WAC 434-12A-99001), filed 2/19/74.] Repealed by WSR 09-04-026, filed 1/28/09, effective 2/28/09. Statutory Authority: RCW 42.56.040.

WAC 434-12A-010 Authority and purpose. (1) RCW 42.56.070(1) requires each agency to make available for inspection and copying non-exempt "public records" in accordance with published rules. The act defines "public record" to include any "writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained" by the agency. RCW 42.56.070(2) requires each agency to set forth "for informational purposes" every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.

(2) The purpose of these rules is to establish the procedures the office of the secretary of state will follow in order to provide full

access to public records. These rules provide information to persons wishing to request access to public records of the office of the secretary of state and establish processes for both requestors and secretary of state staff that are designed to best assist members of the public in obtaining such access.

(3) The purpose of the act is to provide the public full access to information concerning the conduct of government, mindful of individuals' privacy rights and the desirability of the efficient administration of government. The act and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the act, the office of the secretary of state will be guided by the provisions of the act describing its purposes and interpretation.

[Statutory Authority: RCW 42.56.040. WSR 09-04-026, § 434-12A-010, filed 1/28/09, effective 2/28/09; Order 74-2, § 434-12A-010, filed 2/19/74.]

WAC 434-12A-030 Description of the organization of the office of the secretary of state.

(1) The secretary of state's general duties are set forth in chapter 43.07 RCW, and relate generally to elections, the formation and maintenance of business organizations, charitable solicitations, charitable trusts, registration of domestic partnerships, archives and records management, the state library, and the address confidentiality program. Additional functions include regulating the use of the state seal, filing or attesting to official acts of the legislature or governor, certifying to the legislature all matters legally required to be certified, issues apostilles, and other actions required or authorized by law. In addition to these constitutional and statutory duties, the secretary of state is frequently called upon to represent the state of Washington in international trade and cultural missions, and to greet and confer with dignitaries and delegations visiting the state of Washington from other countries.

(2) The functions of the secretary of state are performed through the following divisions and programs:

(a) The elections division, through which the secretary acts as the state's chief election officer;

(b) The corporations division, through which the secretary accepts filings as provided by law related to profit and nonprofit corporations and other forms of business organization, accepts registrations pursuant to the Charitable Solicitations Act and the Charitable Trust Act, accepts filings and issues licenses related to digital signatures, accepts registrations of domestic partnerships, and issues apostilles;

(c) The archives and records management division, through which the secretary provides services as required by law related to archives and records management;

(d) The Washington state library, providing library services to the public and state government and related services;

(e) The special programs division, which includes:

(i) The productivity board, which the secretary chairs and whose staff provides organizational support and which provides awards and incentives related to state employee brainstorm and teamwork incentive programs;

(ii) The address confidentiality program, for victims of domestic violence, sexual assault and stalking; and

(iii) The legacy project, which conducts, publishes and preserves oral histories of significant figures in Washington history.

(3) The offices of the secretary of state and their staff are located at:

(a) Main Administrative Office, Legislative Building, 416 Sid Snyder Way, P.O. Box 40220, Olympia, WA 98504-0220.

(b) Elections Division, 520 Union Ave. S.E., P.O. Box 40229, Olympia, WA 98504-0229;

(c) Corporations Division, 801 Capitol Way South, P.O. Box 40234, Olympia, WA 98504-0234;

(d) Archives and Records Management Division, 1129 Washington Street S.E., P.O. Box 40238, Olympia, WA 98504-0238. The archives and records management division also includes:

(i) The state records center, located at 7590 New Market Street S.W., Tumwater, WA, mailing address: P.O. Box 40239, Olympia, WA 98504-0239;

(ii) Regional archive facilities:

(A) Olympia Regional Branch, located at 1129 Washington Street S.E., P.O. Box 40238, Olympia, WA 98504-0238;

(B) Puget Sound Regional Branch, located at 3000 Landerholm Circle S.E., MS-N100, Bellevue, WA 98007-6484;

(C) Northwest Regional Branch, located at Western Washington University, MS-9123, Bellingham, WA 98225-9123;

(D) Central Branch, located at 400 E. University Way, Mail Stop 7547, Ellensburg, WA 98926-7547; and

(iii) The Washington State Digital Archives, and Eastern Washington Regional Branch, located at 960 Washington Street, Cheney, WA 99004;

(e) The Washington State Library, Point Plaza East, 6880 Capitol Blvd. South, Tumwater, P.O. Box 42460, Olympia, WA 98504-2460;

(f) The Productivity Board and Legacy Project, 6880 Capitol Blvd. South, Tumwater, P.O. Box 40224, Olympia, WA 98504-0224; and

(g) The Address Confidentiality Program, Legislative Building, P.O. Box 40220, Olympia, WA 98504-0220.

(4) Any person wishing to request access to public records of the office of the secretary of state, or seeking assistance in making such a request, should contact the public records officer by mail at P.O. Box 40224, Olympia, WA 98504-0224, or by fax at 360-586-4311, or by e-mail at Publicrecords@secstate.wa.gov. Information is also available at the secretary of state's web site, at www.secstate.wa.gov.

(5) The public records officer will oversee compliance with the act but another secretary of state staff member may process the request. Therefore, these rules will refer to the public records officer "or designee." The public records officer or designee and the office of the secretary of state will provide the fullest assistance to the requestor; create and maintain for use by the public and the office of the secretary of state an index to public records of the office by making available those records retention schedules applicable to the office of the secretary of state; and prevent fulfilling public records requests from causing excessive interference with essential functions of the office.

[Statutory Authority: RCW 42.56.040. WSR 09-04-026, § 434-12A-030, filed 1/28/09, effective 2/28/09; Order 74-2, § 434-12A-030, filed 2/19/74.]

WAC 434-12A-040 Public records available. All public records of the office are deemed to be available for public inspection and copying pursuant to these rules and applicable state law, as follows:

(1) **Hours for inspection of records.** Public records are available for inspection and copying during normal business hours of the office of the secretary of state, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding legal holidays. Records must be inspected at the office of the secretary of state. An appointment may be required.

(2) **Records index.** An index of public records is available for use by members of the public, consisting of those records retention schedules applicable to the office of the secretary of state.

(3) **Organization of records.** The office of the secretary of state will maintain its records in a reasonably organized manner. The office will take reasonable actions to protect records from damage and disorganization. A requestor shall not take original records from the office. A variety of records are available on the secretary of state web site at www.secstate.wa.gov. Requestors are encouraged to view the documents available on the web site prior to submitting a records request.

(4) **Making a request for public records.**

(a) Any person wishing to inspect or obtain copies of public records of the office of the secretary of state should make the request in writing by letter, fax, or e-mail addressed to the public records officer and including the following information:

- Name of requestor;
- Address of requestor;
- Other contact information, including telephone number and any e-mail address;
- Identification of the public records adequate for the public records officer or designee to locate the records; and
- The date of the request.

(b) If the requestor wishes to have copies of the records made instead of simply inspecting them, he or she should so indicate and make arrangements to pay for copies of the records or a deposit. Copies will be made by secretary of state staff unless other arrangements are agreed upon. Costs for copying are specified in WAC 434-12A-100.

(c) The public records officer or designee may accept requests for public records that contain the above information by telephone or in person. If the public records officer or designee accepts such a request, he or she will confirm receipt of the information and the substance of the request in writing. The office will presume that the request is fully and accurately described in this confirmation unless the requestor promptly indicates otherwise in writing.

[Statutory Authority: RCW 42.56.040. WSR 09-04-026, § 434-12A-040, filed 1/28/09, effective 2/28/09; Order 74-2, § 434-12A-040, filed 2/19/74.]

WAC 434-12A-045 Processing of public records requests—General.

(1) **Providing "fullest assistance."** The office of the secretary of state is charged by statute with adopting rules which provide for how it will "provide full access to public records," "protect records from damage or disorganization," "prevent excessive interference with other essential functions of the agency," provide "fullest assistance" to requestors, and provide the "most timely possible action" on public

records requests. The public records officer or designee will process requests in the order allowing the most requests to be processed in the most efficient manner.

(2) **Acknowledging receipt of request.** Within five business days of receipt of the request, the public records officer will do one or more of the following:

(a) Make the records available for inspection or copying;

(b) If copies are requested and payment of a deposit for the copies, if any, is made or terms of payment are agreed upon, send the copies to the requestor;

(c) Provide a reasonable estimate of when records will be available; or

(d) If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available; or

(e) Deny the request.

(3) **Consequences of failure to respond.** If the office of the secretary of state does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.

(4) **Protecting rights of others.** In the event that the requested records contain information that may affect rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to contact the requestor and ask him or her to revise the request, or, if necessary, seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.

(5) **Records exempt from disclosure.** Some records are exempt from disclosure, in whole or in part. If the office of the secretary of state believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

(6) **Inspection of records.**

(a) Consistent with other demands, the office of the secretary of state shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy.

(b) The requestor must claim or review the assembled records within thirty days of the office's notification to him or her that the records are available for inspection or copying. The agency will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the agency to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the thirty-day period or make other arrangements, the office of the secretary of state may close the request and refile the assembled records. Other

public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

(7) **Providing copies of records.** After inspection is complete, the public records officer or designee shall make the requested copies or arrange for copying.

(8) **Providing records in installments.** When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within thirty days, the requestor fails to inspect the entire set of records or one or more of the installments, the public records officer or designee may stop searching for the remaining records and close the request.

(9) **Completion of inspection.** When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the office of the secretary of state has completed a diligent search for the requested records and made any located nonexempt records available for inspection.

(10) **Closing withdrawn or abandoned request.** When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the office of the secretary of state has closed the request.

(11) **Later discovered documents.** If, after the office of the secretary of state has informed the requestor that it has provided all available records, the office becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and provide them on an expedited basis.

[Statutory Authority: RCW 42.56.040. WSR 09-04-026, § 434-12A-045, filed 1/28/09, effective 2/28/09.]

WAC 434-12A-055 Processing of public records requests—Electronic records. (1) **Requesting electronic records.** The process for requesting electronic public records is the same as for requesting paper public records.

(2) **Providing electronic records.** When a requestor requests records in an electronic format, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the agency and is generally commercially available, or in a format that is reasonably translatable from the format in which the agency keeps the record. Costs for providing electronic records are governed by WAC 434-12A-100.

(3) **Customized access to data bases.** With the consent of the requestor, the agency may provide customized access under RCW 43.105.280 if the record is not reasonably locatable or not reasonably translatable into the format requested. The office of the secretary of state may charge a fee consistent with RCW 43.105.280 for such customized access.

[Statutory Authority: RCW 42.56.040. WSR 09-04-026, § 434-12A-055, filed 1/28/09, effective 2/28/09.]

WAC 434-12A-100 Inspection and copying. (1) No fee shall be charged for the personal inspection of public records.

(2) Where an individual requests a copy, or a certified copy, of a document or instrument for which the cost of copies is not governed by chapter 42.56 RCW, the office of the secretary of state may charge fees specified pursuant to other law, including other chapters of this title.

(3) Where an individual requests a copy of a document or record for which fees are established pursuant to chapter 42.56 RCW, a requestor may obtain standard black and white photocopies for fifteen cents per page. Copies in color or larger-sized documents will be based on the actual cost to reproduce them at the time of the request.

The Washington state archives research fees covered by WAC 434-690-080 are determined by archives according to its terms. The corporations fees are per WAC 434-112-085.

(4) Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The office of the secretary of state will not charge sales tax when it makes copies of public records.

(5) **Costs for electronic records.** The cost of electronic copies of records shall be five dollars for information on a CD-ROM or DVD. There will be no charge for e-mailing electronic records to a requestor, unless another cost applies such as a scanning fee.

(6) **Costs of mailing.** The office of the secretary of state may also charge actual costs of mailing, including the cost of the shipping container.

(7) **Payment.** Payment may be made by cash, check, or money order to the office of the secretary of state, or by those credit or debit cards accepted by the office.

[Statutory Authority: RCW 42.56.040. WSR 09-04-026, § 434-12A-100, filed 1/28/09, effective 2/28/09; Order 74-2, § 434-12A-100, filed 2/19/74.]

WAC 434-12A-110 Exemptions. (1) The Public Records Act provides that a number of document types are exempt from public inspection and copying. In addition, documents are exempt from disclosure if any "other statute" exempts or prohibits disclosure. Requestors should be aware of the following exemptions, outside the Public Records Act, that restrict the availability of some documents held by the office of the secretary of state for inspection and copying:

RCW 5.60.060(2) (attorney-client privilege, together with attorney work product privilege).

RCW 5.60.060(5) (communications to a public officer in official confidence).

RCW 5.60.070 (communications between a mediator and a party to mediation).

RCW 19.34.240 (digital signatures).
RCW 19.34.420 (digital signatures).
RCW 29A.08.710 through 29A.08.775 (voter registration records).
RCW 29A.32.100 (arguments and statements for voters pamphlet).
RCW 29A.60.110 (sealing of ballot containers).
RCW 40.14.030 (exempt records accessioned into state archives).
RCW 40.24.070 (address confidentiality program).
RCW 43.07.100 (records of entities supplying information to the bureau of statistics).

5 U.S.C. § 552(a) (the federal Privacy Act).

The foregoing list is for informational purposes only and failure to list an exemption shall not affect the efficacy of any exemption. The secretary of state reserves the right to determine that a public record is exempt under the provisions of state law.

(2) The office of the secretary of state is prohibited by statute from disclosing lists of individuals for commercial purposes.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-12A-110, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 42.56.040. WSR 09-04-026, § 434-12A-110, filed 1/28/09, effective 2/28/09; Order 74-2, § 434-12A-110, filed 2/19/74.]

WAC 434-12A-120 Review of denials of public records request.

(1) **Petition for internal administrative review of denial of access.** Any person who objects to the initial denial or partial denial of a records request may petition in writing (including e-mail) to the public records officer for a review of that decision. The petition shall include a copy of or reasonably identify the written statement by the public records officer or designee denying the request.

(2) **Consideration of petition for review.** The public records officer shall promptly provide the petition and any other relevant information to the assistant secretary of state or the deputy secretary of state. That person will immediately consider the petition and either affirm or reverse the denial within two business days following the office's receipt of the petition, or within such other time as the office of the secretary of state and the requestor mutually agree to.

(3) **Review by the attorney general's office.** Pursuant to RCW 42.56.530, if the office of the secretary of state denies a requestor access to public records because it claims the record is exempt in whole or in part from disclosure, the requestor may request the attorney general's office to review the matter. The attorney general has adopted rules on such requests in WAC 44-06-160.

(4) **Judicial review.** Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative appeal.

[Statutory Authority: RCW 42.56.040. WSR 09-04-026, § 434-12A-120, filed 1/28/09, effective 2/28/09; Order 74-2, § 434-12A-120, filed 2/19/74.]

WAC 434-12A-150 Revolving fund. Pursuant to RCW 43.07.130, and subject to the current availability of such materials, the office of the secretary of state will supply any of the following items of prin-

ted matter to the public for a charge equal to the costs of printing, reprinting, and distributing such printed matter:

- (1) Lists of active corporations;
- (2) The provisions of Title 23 RCW;
- (3) The provisions of Title 23A RCW;
- (4) The provisions of Title 24 RCW;
- (5) The provisions of chapter 25.10 RCW;
- (6) The provisions of Title 29 RCW;
- (7) The provisions of chapter 18.100 RCW;
- (8) The provisions of chapter 19.77 RCW;
- (9) The provisions of chapter 43.07 RCW;
- (10) The provisions of the Washington state Constitution;
- (11) The provisions of chapters 40.14, 40.16, and 40.20 RCW, and any statutes, rules, schedules, indexes, guides, descriptions, or other materials related to the public records of state or local government or to the state archives; and
- (12) Rules and informational publications related to the statutory provisions set forth above.

Upon request, any person may receive a list of such printed matter currently available, the cost of each such item of printed matter, and instructions for ordering one or more items. The revenue derived in this manner shall be placed in the secretary of state's revolving fund.

[Statutory Authority: RCW 42.56.040. WSR 09-04-026, § 434-12A-150, filed 1/28/09, effective 2/28/09; Order 74-2, § 434-12A-150, filed 2/19/74.]

Chapter 434-55 WAC LIMITED PARTNERSHIP FILINGS—CENTRALIZED SYSTEM

Last Update: 1/28/10

WAC

434-55-010	Purpose and authority.
434-55-016	Office hours.
434-55-040	Document filing standards.
434-55-050	Statement of name reservation.
434-55-052	Transfer of name reservation.
434-55-055	Pre-October 1, 1982, limited partnership filings.
434-55-056	Filing a certificate of limited partnership—Designation as a limited liability limited partnership.
434-55-057	Electronic filing.
434-55-058	Filing an annual report.
434-55-059	Filing a statement of change.
434-55-060	Document filing fees—Limited partnerships.
434-55-065	In-person or expedited service—Special fees.
434-55-066	Miscellaneous charges—Special service fees.
434-55-080	Registered office address—Requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-55-015	Official address and telephone number. [Statutory Authority: Chapters 25.15, 43.07 RCW. WSR 00-21-083, § 434-55-015, filed 10/17/00, effective 11/17/00. Statutory Authority: Chapter 25.10 RCW. WSR 94-19-003, § 434-55-015, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. WSR 87-17-002 (Order 87-04), § 434-55-015, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. WSR 82-20-075 (Order 82-7), § 434-55-015, filed 10/6/82.] Repealed by WSR 10-04-046, filed 1/28/10, effective 2/28/10. Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120.
434-55-020	Domestic limited partnerships—Requirements for filing. [Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. WSR 82-20-075 (Order 82-7), § 434-55-020, filed 10/6/82.] Repealed by WSR 87-17-002 (Order 87-04), filed 8/6/87. Statutory Authority: RCW 25.10.610 and 1987 c 55.
434-55-030	Filing domestic limited partnerships—Optional index sheet. [Statutory Authority: RCW 25.10.610 and 1987 c 55. WSR 87-17-002 (Order 87-04), § 434-55-030, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. WSR

82-20-075 (Order 82-7), § 434-55-030, filed 10/6/82.] Repealed by WSR 94-19-003, filed 9/8/94, effective 10/9/94. Statutory Authority: Chapter 25.10 RCW.

434-55-035 Foreign (out-of-state) limited partnerships—Requirements for filing. [Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. WSR 82-20-075 (Order 82-7), § 434-55-035, filed 10/6/82.] Repealed by WSR 87-17-002 (Order 87-04), filed 8/6/87. Statutory Authority: RCW 25.10.610 and 1987 c 55.

434-55-070 Telephone services. [Statutory Authority: Chapter 25.10 RCW. WSR 94-19-003, § 434-55-070, filed 9/8/94, effective 10/9/94.] Repealed by WSR 10-04-046, filed 1/28/10, effective 2/28/10. Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120.

WAC 434-55-010 Purpose and authority. These regulations are adopted pursuant to chapter 188, Laws of 2009, to implement a centralized system for limited partnership filings at the office of the secretary of state.

[Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120. WSR 10-04-046, § 434-55-010, filed 1/28/10, effective 2/28/10. Statutory Authority: RCW 25.10.610 and 1987 c 55. WSR 87-17-002 (Order 87-04), § 434-55-010, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. WSR 82-20-075 (Order 82-7), § 434-55-010, filed 10/6/82.]

WAC 434-55-016 Office hours. (1) Normal business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday except holidays.

(2) Documents, including substitute service-of-process on the secretary of state, delivered after 5:00 p.m. will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

(3) Certain expedited and over-the-counter services are subject to the special service fees established in WAC 434-112-080 through 434-112-090.

[Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120. WSR 10-04-046, § 434-55-016, filed 1/28/10, effective 2/28/10. Statutory Authority: Chapter 25.10 RCW. WSR 94-19-003, § 434-55-016, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. WSR 87-17-002 (Order 87-04), § 434-55-016, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. WSR 82-20-075 (Order 82-7), § 434-55-016, filed 10/6/82.]

WAC 434-55-040 Document filing standards. All documents presented to the secretary of state for filing under the Limited Partnership Act shall be of no larger size than standard legal paper (8-1/2 x 14). The materials shall be submitted in form and quality which is suitable for future microfilming or digital reproduction. The secretary of state will not accept documents for filing which are illegible.

[Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120. WSR 10-04-046, § 434-55-040, filed 1/28/10, effective 2/28/10. Statutory Authority: Chapter 25.10 RCW. WSR 94-19-003, § 434-55-040, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. WSR 87-17-002 (Order 87-04), § 434-55-040, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. WSR 82-20-075 (Order 82-7), § 434-55-040, filed 10/6/82.]

WAC 434-55-050 Statement of name reservation. A name for a limited partnership may be reserved by filing an application and paying the applicable fee per WAC 434-112-085. The applicant may use the secretary of state's regular form for reservation of name, or may submit a written request. A written request must identify the name to be reserved and which of the following subsections apply:

(1) A person intending to organize a limited partnership under this chapter and to adopt the name;

(2) A limited partnership or a foreign limited partnership authorized to transact business in this state intending to adopt the name;

(3) A foreign limited partnership intending to obtain a certificate of authority to transact business in this state and adopt the name;

(4) A person intending to organize a foreign limited partnership and intending to have it obtain a certificate of authority to transact business in this state and adopt the name;

(5) A foreign limited partnership formed under the name; or

(6) A foreign limited partnership formed under a name that does not comply with RCW 25.10.061 (2) or (3), but the name reserved under RCW 25.10.071 (1)(f) may differ from the foreign limited partnership's name only to the extent necessary to comply with RCW 25.10.061 (2) and (3). The request must also include the name of the agent making the request and street and mailing address, and must be signed by the agent, partner or other authorized representative of the limited partnership.

In view of the increasing competition for business names, persons making name reservation requests are advised to submit three prioritized names per request. The secretary of state will review the names requested in order of priority indicated and will reserve the available name of highest priority. If no name reservation can be accepted, the reservation fee is returned to the requestor.

[Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120. WSR 10-04-046, § 434-55-050, filed 1/28/10, effective 2/28/10. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. WSR 82-20-075 (Order 82-7), § 434-55-050, filed 10/6/82.]

WAC 434-55-052 Transfer of name reservation. A person who has reserved a name may transfer that name by filing with the applicable fee from WAC 434-112-085 a notice of transfer that includes the reserved name to be transferred, and the name and street and mailing address of the person transferring the reserved name as well as the person to which reservation is to be transferred. It must also include which of the following subsections apply:

(1) A person intending to organize a limited partnership under this chapter and to adopt the name;

(2) A limited partnership or a foreign limited partnership authorized to transact business in this state intending to adopt the name;

(3) A foreign limited partnership intending to obtain a certificate of authority to transact business in this state and adopt the name;

(4) A person intending to organize a foreign limited partnership and intending to have it obtain a certificate of authority to transact business in this state and adopt the name;

(5) A foreign limited partnership formed under the name; or

(6) A foreign limited partnership formed under a name that does not comply with RCW 25.10.061 (2) or (3), but the name reserved under RCW 25.10.071 (1)(f) may differ from the foreign limited partnership's name only to the extent necessary to comply with RCW 25.10.061 (2) and (3).

[Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120. WSR 10-04-046, § 434-55-052, filed 1/28/10, effective 2/28/10.]

WAC 434-55-055 Pre-October 1, 1982, limited partnership filings.

(1) Except as otherwise provided by law or these regulations, limited partnership filings originally made at the respective county clerks' offices before October 1, 1982, shall be deemed to be filings at the secretary of state's office, and shall continue in full force and effect as when previously filed at the respective county clerks' offices.

(2) Pre-October 1, 1982, conflicts between limited partnership names in the separate 39 counties' files, between filings in the same county, and between pre-October 1, 1982, limited partnership filings and active corporation filings since 1889 render a satisfactory integration of pre-October 1, 1982, limited partnership filings into the corporate name protection system impossible. Except as provided below, the secretary of state will therefore not consider or research the name of any pre-October 1, 1982, limited partnership in determining whether a proposed name for a post-October 1, 1982, limited partnership is acceptable under RCW 25.10.020. The post-October 1, 1982, name will be checked as against other post-October limited partnership names and the names of active profit and nonprofit corporations and limited liability companies filed, registered or reserved at the office of the secretary of state.

Nothing in this section is intended to limit any judicial remedies which may be available to a pre-October 1, 1982, limited partnership for protection of its business name. In addition, if the probable existence of a name conflict between (a) a specific pre-October 1, 1982, limited partnership, and (b) a post-October 1, 1982, limited partnership filing that would have been filed in that same county if the centralized system had not been established, is brought to the attention of the secretary of state, the secretary of state may determine that an unacceptable conflict exists and/or would be perpetuated if the proposed name of the post-October 1, 1982, limited partnership were accepted. Under those circumstances, the secretary of state may refuse to accept the proposed name without modification, or without consent of the existing pre-October 1, 1982, limited partnership, sufficient to comply with RCW 25.10.020.

(3) Pre-October 1, 1982, limited partnerships are not prohibited from "refiling" under chapter 25.10 RCW. Such optional "refiling" is accomplished by submitting a regular certificate/application as outlined in chapter 25.10 RCW. However, a "refiling" limited partnership is not guaranteed the use of its pre-October 1, 1982, name.

[Statutory Authority: Chapter 25.10 RCW. WSR 94-19-003, § 434-55-055, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. WSR 87-17-002 (Order 87-04), § 434-55-055, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§

187(2), 191 and 193. WSR 82-20-075 (Order 82-7), § 434-55-055, filed 10/6/82.]

WAC 434-55-056 Filing a certificate of limited partnership—Designation as a limited liability limited partnership. In order for a limited partnership to form, a certificate of limited partnership must be delivered to the secretary of state for filing that includes:

(1) Name of limited partnership that complies with section 108, chapter 188, Laws of 2009.

(2) Street and mailing address of initial designated office in Washington.

(3) Name and street and mailing address of the initial agent for service of process.

(4) Name and street and mailing address of each general partner of the limited partnership.

(5) A statement whether it is a limited liability limited partnership.

(6) Additional information is required by Article 11, chapter 188, Laws of 2009.

[Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120. WSR 10-04-046, § 434-55-056, filed 1/28/10, effective 2/28/10.]

WAC 434-55-057 Electronic filing. See WAC 434-112-065 through 434-112-075.

[Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120. WSR 10-04-046, § 434-55-057, filed 1/28/10, effective 2/28/10.]

WAC 434-55-058 Filing an annual report. As of January 1, 2010, all limited partnerships registered in the secretary of state's office are required to file an annual report with the appropriate fee, each year, in the month they formed. The annual report will include:

(1) Name of domestic or foreign limited partnership;

(2) Street and mailing address of designated office;

(3) Name and street and mailing address of its agent;

(4) In the case of a domestic limited partnership, the street and mailing address of its principal office;

(5) In the case of a foreign limited partnership, the state or other jurisdiction under whose law the foreign limited partnership is formed and any alternate name adopted under chapter 188, Laws of 2009; and

(6) If a filed annual report contains an address of a designated office or the name or address of an agent that differs from the information shown in the records of the secretary immediately before the filing, the differing information in the annual report is considered a statement of change.

[Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120. WSR 10-04-046, § 434-55-058, filed 1/28/10, effective 2/28/10.]

WAC 434-55-059 Filing a statement of change. A limited partnership or foreign limited partnership may change its registered office or registered agent by delivering to the secretary of state for filing, with the appropriate fee per WAC 434-112-085, a statement of change that includes:

- (1) Name of the limited partnership or foreign limited partnership;
- (2) The street and mailing address of its current designated office;
- (3) If the current designated office is to be changed, the street and mailing address of the new designated office;
- (4) The name and street and mailing address of its current agent for service of process; and
- (5) If the current agent for service of process or an address of the agent is to be changed, the new information.

[Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120. WSR 10-04-046, § 434-55-059, filed 1/28/10, effective 2/28/10.]

WAC 434-55-060 Document filing fees—Limited partnerships. See WAC 434-112-085 and 434-112-090.

[Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120. WSR 10-04-046, § 434-55-060, filed 1/28/10, effective 2/28/10. Statutory Authority: RCW 25.10.600, 25.10.610, 23B.01.220 and 43.07.120. WSR 99-12-008, § 434-55-060, filed 5/20/99, effective 6/20/99. Statutory Authority: Chapter 25.10 RCW. WSR 94-19-003, § 434-55-060, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. WSR 87-17-002 (Order 87-04), § 434-55-060, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. WSR 82-20-075 (Order 82-7), § 434-55-060, filed 10/6/82.]

WAC 434-55-065 In-person or expedited service—Special fees. See WAC 434-112-080 and 434-112-090.

[Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120. WSR 10-04-046, § 434-55-065, filed 1/28/10, effective 2/28/10. Statutory Authority: RCW 25.10.600, 25.10.610, 23B.01.220 and 43.07.120. WSR 99-12-008, § 434-55-065, filed 5/20/99, effective 6/20/99. Statutory Authority: RCW 43.07.120. WSR 95-16-130, § 434-55-065, filed 8/2/95, effective 9/2/95. Statutory Authority: Chapter 25.10 RCW. WSR 94-19-003, § 434-55-065, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. WSR 82-20-075 (Order 82-7), § 434-55-065, filed 10/6/82.]

WAC 434-55-066 Miscellaneous charges—Special service fees. See WAC 434-112-085 and 434-112-090.

[Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120. WSR 10-04-046, § 434-55-066, filed 1/28/10, effective 2/28/10. Statutory Authority: Chapter 25.10 RCW. WSR 94-19-003, § 434-55-066, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.600 -

25.10.610, 1982 c 35 §§ 187(2), 191 and 193. WSR 82-20-075 (Order 82-7), § 434-55-066, filed 10/6/82.]

WAC 434-55-080 Registered office address—Requirements. The name and street address of a registered office is required. A post office box address may be used in addition to a registered geographic office address.

[Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120. WSR 10-04-046, § 434-55-080, filed 1/28/10, effective 2/28/10. Statutory Authority: Chapter 25.10 RCW. WSR 94-19-003, § 434-55-080, filed 9/8/94, effective 10/9/94.]

**Chapter 434-112 WAC
CORPORATIONS AND CHARITIES DIVISION PROGRAM SERVICES, PROCEDURES AND
FEES**

Last Update: 10/29/15

WAC

- 434-112-005 Purpose. (Effective until January 1, 2016)**
- 434-112-010 Services provided by the corporations and charities division.
- 434-112-020 Office hours. (Effective until January 1, 2016)**
- 434-112-023 Preclearance.
- 434-112-025 Paper records delivered after normal working hours.
- 434-112-028 Name reservation.
- 434-112-030 Certificates.
- 434-112-040 Standards for confirmation of filed records.
- 434-112-045 Rejection of records.
- 434-112-050 Filing procedure.
- 434-112-055 Registered agent.
- 434-112-056 Statement of change for registered agent name and address.
- 434-112-057 Resignation of agent.
- 434-112-058 Service of process.
- 434-112-060 Annual reports.
- 434-112-062 Annual reports—Due date for all nonprofit corporations. (Effective until January 1, 2016)**
- 434-112-065 Online filing—Designation of registered agent.
- 434-112-070 Online filing—For foreign entity registration—Certificate of existence.
- 434-112-075 Online services.
- 434-112-080 Immediate and expedited service—Special fees.
- 434-112-085 Fees and penalties.
- 434-112-090 Miscellaneous fees.
- 434-112-092 Inactive profit domestic corporations—Proof. (Effective until January 1, 2016)**
- 434-112-100 State registered domestic partnerships.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 434-112-005 Purpose. [Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-005, filed 10/6/10, effective 11/6/10.] Repealed by WSR 15-22-047, filed 10/29/15, effective 1/1/16. Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW.
- 434-112-020 Office hours. [Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-020, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-112-020, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-020, filed 1/23/04, effective 2/23/04.] Repealed by WSR 15-22-047, filed 10/29/15, effective 1/1/16. Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW.
- 434-112-062 Annual reports—Due date for all nonprofit corporations. [Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006,

[25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-062, filed 10/6/10, effective 11/6/10.] Repealed by WSR 15-22-047, filed 10/29/15, effective 1/1/16. Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW.

434-112-092 Inactive profit domestic corporations—Proof. [Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § recodified as 434-112-092WAC 434-112-092WSR 10-20-150, filed 10/6/10WAC 434-112-092 was filed as WAC 434-112-095 (which has been used). Recodified as WAC 434-112-092. See Erratum published in issue 10-21., filed 10/6/10, effective 11/6/10.] Repealed by WSR 15-22-047, filed 10/29/15, effective 1/1/16. Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW.

434-112-095 Fee prepayment—When required. [Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-095, filed 1/23/04, effective 2/23/04.] Repealed by WSR 09-06-036, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120.

WAC 434-112-010 Services provided by the corporations and charities division. The corporations and charities division provides the following services:

- (1) Filing business records under chapters 18.100, 23.78, 23.86, 23.90 RCW, and Titles 23B and 25 RCW, and chapter 176, Laws of 2015;
- (2) Filing nonprofit organization records under Title 24 RCW and chapter 176, Laws of 2015;
- (3) Filing charities program registrations under chapters 19.09 RCW and 434-120 WAC;
- (4) Filing trademark registration records under chapters 19.77 RCW and 434-12 WAC;
- (5) Certification authority licensing under chapters 19.34 RCW and 434-180 WAC;
- (6) Filing registration records of international student exchange programs under chapters 19.166 RCW and 434-166 WAC;
- (7) Apostilles under RCW 42.44.180;
- (8) Agent for service of process on nonresident motorists under RCW 46.64.040;
- (9) Agent for service of process on defendants in actions for recovery of damages for motor vehicle theft, as authorized by RCW 9A.56.078;
- (10) Agent for service of process for those entities and under those circumstances listed in section 1411(4), chapter 176, Laws of 2015;
- (11) Filing registration records of state registered domestic partnerships under chapter 26.60 RCW and RCW 43.07.400.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-010, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-010, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 43.07.400 and 9A.56.078. WSR 07-20-065, § 434-112-010, filed 9/28/07, effective 10/29/07. Statutory Authority: RCW 23B.01.200(2),

24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-010, filed 1/23/04, effective 2/23/04.]

WAC 434-112-023 Preclearance. Records will only be precleared in person at the front counter. The filing fee is ten dollars plus the immediate service fee of fifty dollars. If immediate service is not required, the record may be left for processing with other records received that day and the precleared record will be returned by mail or electronically within five business days. If grounds for rejection are found, a notice of the grounds will be included with the returned record.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-023, filed 10/29/15, effective 1/1/16.]

WAC 434-112-025 Paper records delivered after normal working hours. (1) Paper records, including substitute service of process on the secretary of state, delivered after the normal working hours, will be treated as though received on the next working day.

(2) Records submitted online will be treated as though received as of the date and time the division's computer system records the complete submission and credit card approval for the transaction.

(3) The secretary assumes no responsibility for any form of delivery other than that:

(a) Received personally by an employee of the office of the secretary of state; or

(b) Received by the division's computer system as a result of an electronic record submission.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-025, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-025, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-112-025, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-025, filed 1/23/04, effective 2/23/04.]

WAC 434-112-028 Name reservation. (1) Paper requests for a name reservation are completed in order of date received unless immediate or expedited service is requested. A name reservation may be made by completing the form provided by the division or in a letter clearly containing all the following information:

- (a) The corporate name desired;
- (b) The name, address, and telephone number of the applicant;
- (c) The signature of the applicant; and
- (d) The application date.

An application on behalf of a client should also include the client's name and complete address.

(2) A name reservation expires in one hundred eighty days and may not be renewed. A new filing may be made after the expiration date.

(3) Requests for a name reservation may be filed online, when the system is available.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-028, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-028, filed 10/6/10, effective 11/6/10.]

WAC 434-112-030 Certificates. Certificates issued by the secretary of state or the secretary's designee in furtherance of duties under Titles 18, 19, 23, 23B, 24, 25, 26 RCW, chapter 42.44 RCW, and chapter 176, Laws of 2015, will:

- (1) Contain a rendition of the Washington state seal;
- (2) Contain a mechanical or electronic reproduction of the secretary's signature;
- (3) Be regarded as the secretary of state's official certification of the matters itemized in the certificate; and
- (4) Types of certificates issued include, but are not limited to:
 - (a) Certificate of existence;
 - (b) Certificate of registration;
 - (c) Certificate of fact or record.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-030, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-030, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-112-030, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-030, filed 1/23/04, effective 2/23/04.]

WAC 434-112-040 Standards for confirmation of filed records.

All paper or electronic business related records are returned to the registered agent's mail or electronic address on behalf of the entity when processing is completed unless the record indicates otherwise.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-040, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-040, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-112-040, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-040, filed 1/23/04, effective 2/23/04.]

WAC 434-112-045 Rejection of records. (1) The corporations program may reject paper or electronic records that:

- (a) Are not legible; or
 - (b) Are not able to be recorded as an image with adequate resolution and clarity; or
 - (c) Are incomplete; or
 - (d) Are not permitted to be filed in the corporations office; or
 - (e) Paper records completed in pencil or faxed will not be accepted for filing.
- (2) Additional information or payment may be requested by telephone, e-mail or letter.
- (3) The corporations program may hold records for up to thirty days to await additional information or funds needed to complete the filing process. After thirty days, new records and fees are required.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-045, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-045, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-045, filed 1/23/04, effective 2/23/04.]

WAC 434-112-050 Filing procedure. (1) Persons submitting paper business records under chapters 18.100, 19.77 RCW, or Titles 23, 23B,

24, 25 RCW, and chapter 176, Laws of 2015, must submit one copy of the record for filing.

(2) The corporations program will retain a digital image of the paper or electronic record submitted for filing. The corporations program will, on completion of the filing, send a confirmation per WAC 434-112-040.

(3) The corporations program may return the completed filed record via e-mail or other electronic means if the record indicates that an electronic response is acceptable.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-050, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-050, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-050, filed 1/23/04, effective 2/23/04.]

WAC 434-112-055 Registered agent. A domestic entity and a foreign registered entity must designate a registered agent. A registered agent may be a noncommercial or commercial registered agent. To be designated as a commercial registered agent, a person must deliver to the secretary of state a commercial-registered-agent-listing statement accompanied by a list of all entities' names and unified business identifier numbers the commercial registered agent represents in this state.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-055, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-055, filed 10/6/10, effective 11/6/10.]

WAC 434-112-056 Statement of change for registered agent name and address. (1) A statement of change to change the registered agent name and/or address, may be completed online by:

- (a) The entity;
- (b) A noncommercial registered agent;
- (c) A commercial registered agent; or
- (d) Paper forms may be available at the secretary's online site.

(2) When a statement of change is filed by a noncommercial or commercial registered agent, the agent making the change must give

each entity represented a notice in the form of a record relating to the change.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-056, filed 10/29/15, effective 1/1/16.]

WAC 434-112-057 Resignation of agent. (1) A registered agent may resign as agent for a represented entity by delivering to the secretary of state for filing, a statement of resignation, executed by the agent.

(2) A statement of resignation takes effect on the 31st day after the day on which it is filed by the secretary or the designation of a new registered agent, whichever is earlier.

(3) A resigning registered agent must promptly furnish each represented entity notice in a record of the date on which a statement of resignation was filed. Notice must include the warning that the entity may be administratively dissolved if a new registered agent is not appointed within sixty days of the resignation of the agent.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-057, filed 10/29/15, effective 1/1/16.]

WAC 434-112-058 Service of process. (1) The secretary serves as an agent for an entity only after service has been attempted by:

(a) Serving the registered agent;

(b) If the registered agent cannot be served, service should be sent to the principal office address as shown in the entity's most recent annual report;

(c) If process cannot be served by (a) or (b) of this subsection, service may be made by handing a copy to an individual in charge of any regular place of business or activity of the entity, if the individual served is not a plaintiff.

(2) Service is effected on the earliest of:

(a) The date the entity receives the mail delivery by the commercial delivery service;

(b) The date shown on the return receipt, if executed by the entity; or

(c) Five days after its deposit with the United States Postal Service or commercial delivery service, if correctly addressed and with sufficient postage or payment.

(3) Service must be in a written record, but service may be made on a commercial registered agent in other forms and subject to such requirements as the agent has stated in its commercial-registered-agent-listing statement.

(4) Service of process, notice, or demand may be made by other means under law.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-058, filed 10/29/15, effective 1/1/16.]

WAC 434-112-060 Annual reports. All business entities, as defined in section 1102(6), chapter 176, Laws of 2015, must file annual reports accompanied by the statutory fee under WAC 434-112-085 and are due by the last day of the month that the business entity was formed or registered in the secretary of state's office.

Any entity formed under Titles 23, 23B, and 25 RCW must disclose any transfer in the controlling interest of the entity and any interest in real property on the annual report, under RCW 43.07.390.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-060, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-060, filed 10/6/10, effective 11/6/10.]

WAC 434-112-065 Online filing—Designation of registered agent.

(1) When completing and submitting an online filing for any entity required by Washington law to appoint a registered agent the filing party shall affirm under oath that they have obtained and have in their possession the signed, written consent of the person appointed as registered agent.

(2) When the person submitting the filing is the person appointed as registered agent, a separate written consent is not required.

(3) Submitting a false affirmation is punishable as a gross misdemeanor under RCW 43.07.210.

(4) The entity required to maintain a registered agent must:

(a) Retain the original of the registered agent's signed consent;

(b) Make the original of the registered agent's signed consent available for inspection on request; and

(c) Submit the original signed consent to the corporations program or the office of the attorney general within ten business days upon demand.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-065, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-065, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-065, filed 1/23/04, effective 2/23/04.]

WAC 434-112-070 Online filing—For foreign entity registration—Certificate of existence. (1) When a foreign entity as defined by section 1102(6), chapter 176, Laws of 2015, submits an online foreign entity registration statement, the filing party may meet the statutory requirement for submitting a certificate of existence by submitting a digital image of a certificate of existence or document of similar import no older than sixty days before the date of submission.

(2) The image must be in a format specified as acceptable on the online filing web site.

(3) The entity must:

(a) Retain the original certificate of existence;

(b) Make the original certificate of existence available for inspection on request; and

(c) Submit the original to the corporations program or the office of the attorney general within ten business days upon demand.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-070, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-070, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-070, filed 1/23/04, effective 2/23/04.]

WAC 434-112-075 Online services. (1) Online filings:

(a) Will be subject to a processing fee of twenty dollars, with the exception of annual reports or statements of change for registered agent information processed online; and

(b) Be treated as received when the division's system records receipt of the completed transaction including payment authorization.

(2) When submitting an online filing, the person completing the filing shall sign the application by: Typing their full name in the space provided on the web form; stating their capacity with the entity addressed in the filing; and following the directions for signing the web form.

(3) Online processing fees are nonrefundable.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-075, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-075, filed 10/6/10, effective 11/6/10. Statutory Authority:

RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-112-075, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-075, filed 1/23/04, effective 2/23/04.]

WAC 434-112-080 Immediate and expedited service—Special fees.

(1) Immediate service is available at the division's front counter for an immediate service fee of fifty dollars for single or multiple transactions on paper within each new or existing division program filing. In addition, the filing fee for each transaction applies.

(2) There is no immediate service fee for records dropped off in-person for processing with nonexpedited records received that day.

(3) There is no immediate service fee for photocopies requested in-person, however, photocopies ordered online are subject to a twenty dollar online processing fee. If a request is made for immediate service on a photocopy that was ordered online, an additional immediate service fee may be assessed.

(4) Expedited service requests for filing paper records received by mail, will be completed within two working days of submission for an expedited service fee of fifty dollars. If a request is made for immediate service on an expedited record, an immediate service fee may be assessed.

(5) Nonexpedited records are processed within fifteen business days with no service fee. If a request is made for expedite or immediate service, the applicable fee may be assessed.

(6) The processing fee for online service is twenty dollars and records are filed within two business days. If an online record is subsequently requested to be filed immediately, an additional immediate service fee may be required.

(7) The filing party may indicate expedited service is requested on mailed records by placing the word "expedite" in bold letters on either the envelope, the face of the record to be filed, or on any cover letter submitted with the record.

(8) Customers who resubmit rejected records that were expedited the first time they were submitted, may be charged an additional expedite fee upon resubmission.

(9) Emergency services outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus transaction fees due on any filing. When the division receives a request for emergency services, staff will notify the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees or have received a fee waiver before emergency services are provided.

(10) A customer may make alternate arrangements with the director prior to bringing or sending in records, if a sudden, unexpected situation occurs during the business day.

(11) A customer may submit a written request to waive emergency, expedited, or penalty fees, which must include the special circumstances justifying the fee waiver. The director or deputy director will make the determination to waive fees or not.

(12) Immediate, online, or expedited service fees are not refundable.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-080, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-080, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-112-080, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-080, filed 1/23/04, effective 2/23/04.]

WAC 434-112-085 Fees and penalties. (1) For domestic and foreign business entities, formed under Title 23B RCW, chapters 23.78, 25.15, 25.10, and 25.05 RCW, fees and penalties are:

- | | | |
|-----|--|--|
| (a) | Public organic record including employee cooperatives | One hundred eighty dollars |
| (b) | Foreign registration statement | One hundred eighty dollars (may include back fees) |
| (c) | Articles of amendment or amendment of foreign registration statement | Thirty dollars |
| (d) | Articles of restatement | Thirty dollars |
| (e) | Statement of correction | Thirty dollars |
| (f) | Revocation of voluntary dissolution | Thirty dollars |
| (g) | Delinquent fee | Twenty-five dollars |
| (h) | Annual report including employee cooperative | Sixty dollars plus business licensing services fee when applicable |
| (i) | Reinstatement from administrative dissolution | One hundred forty dollars plus all delinquent license or annual fees |
| (j) | Requalification from administrative termination | One hundred eighty dollars plus all delinquent fees or penalties |
| (k) | Articles of merger or exchange | Twenty dollars for each listed company |
| (l) | Resignation of registered agent | No fee |

(m)	Initial report filed with public organic record	No fee
(n)	Initial report filed separate	Ten dollars
(o)	Amended annual report	Ten dollars
(p)	Change of registered agent	No fee
(q)	Registration, reservation, or transfer of name	Thirty dollars
(r)	Articles of dissolution or voluntary termination of statement	No fee
(s)	Agent's consent to act as agent	No fee
(t)	Agent's resignation if appointed without consent	No fee
(u)	Other statement or report	Ten dollars

(2) For domestic and foreign nonprofit entities under Title 24 RCW and chapter 23.86 RCW, fees and penalties are:

(a)	Public organic record	Thirty dollars
(b)	Foreign registration statement	Thirty dollars
(c)	Cooperative association	Twenty-five dollars
(d)	Articles of amendment	Twenty dollars
(e)	Restatement	Twenty dollars
(f)	Annual report	Ten dollars
(g)	Articles of voluntary dissolution, statement of withdrawal	No fee
(h)	Reinstatement from administrative dissolution	Thirty dollars plus all delinquent annual fees and five dollar penalty
(i)	Articles of merger or exchange	Twenty dollars for each listed corporation
(j)	Amended annual report	Ten dollars
(k)	Change of registered agent	No fee
(l)	Change of registered agent address	No fee
(m)	Resignation of registered agent	No fee
(n)	Registration, reservation, or transfer of reservation of name	Twenty dollars
(o)	Certificate of election adopting provisions of chapter 24.03 RCW	Thirty dollars

(p) Other statement or report filed Ten dollars

(3) For registering trademarks for use within the state, the fees are as follows:

(a) Five year registration Fifty-five dollars (includes five dollars heritage center fee) for each class registered

(b) Five year renewal Fifty dollars for each class registered

(c) Assignment of trademark Ten dollars

(d) New certificate with name of assignee Five dollars

(e) Reservation of trademark Thirty dollars for each class reserved, for one hundred eighty days

(f) Amendment of trademark Fifty dollars for each class

(g) Cancellation of trademark No fee

(h) Other statement or report filed Ten dollars

(4) For filings related to state registered domestic partnership, the fees are:

(a) Registration Fifty dollars

(b) Name change No fee

(c) Address change No fee

(d) Notice of termination by reason of death No fee

(5) Fees paid under WAC 434-112-085 are not refundable.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-085, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 23B.01.220, 25.15.805, and 25.10.916. WSR 11-12-020, § 434-112-085, filed 5/24/11, effective 7/1/11. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-085, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-112-085, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 43.07.400 and 9A.56.078. WSR 07-20-065, § 434-112-085, filed 9/28/07, effective 10/29/07. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-085, filed 1/23/04, effective 2/23/04.]

WAC 434-112-090 Miscellaneous fees. (1) Copy fees for corporate records are:

(a) Each annual report, five dollars;

(b) Initial articles of incorporation, initial certificate of formation, or other initial organizing records including a foreign entity registration or any single document except an annual report, ten dollars each;

(c) Initial organizational records as listed in (b) of this subsection plus all subsequent amendments, changes, and restatements, including mergers, conversions, etc., twenty dollars;

(d) Copy of any filing related to a state registered domestic partnership, five dollars;

(e) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty-page increment.

(2) For certificates of existence, registration, or any fact on record, fees are as follows:

(a) With complete historical data, thirty dollars;

(b) Without complete historical data, twenty dollars;

(c) Duplicate certificate, twenty dollars.

(3) For additional certificates of registration of a state registered domestic partnership, five dollars. For an additional or replacement state registered domestic partnership wallet card, ten dollars.

(4) For verifying the signature of a notary or public official, for an apostille or certification authenticating a sworn document, the fee is fifteen dollars.

(5) For each certified copy of any record the fee is ten dollars plus the record copy fee.

(6) For any service of process the fee is fifty dollars.

(7) Dishonored checks. If a person, corporation, or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five-dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be canceled and all other late filing fees and penalties will be instituted.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-090, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-090, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-112-090, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 43.07.400 and 9A.56.078. WSR 07-20-065, § 434-112-090, filed 9/28/07, effective 10/29/07. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007,

19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-112-090, filed 1/23/04, effective 2/23/04.]

WAC 434-112-100 State registered domestic partnerships. (1) State registered domestic partnerships will be registered by the corporations program, in the corporations and charities division of the office of the secretary of state.

(2) Declarations of state registered domestic partnerships may be submitted to the division by mail, or in person.

(3) The paper record standards in WAC 434-112-040 apply to declarations of state registered domestic partnerships.

(4) At the time of registration of a declaration of state registered domestic partnership the corporations program will provide to the state registered domestic partnership:

(a) One original certificate of registration. Further certificates or additional certificates requested after registration are available subject to the fees set forth in WAC 434-112-090.

(b) Two wallet sized cards documenting registration of the state registered domestic partnership.

(5) Registrations of state registered domestic partnerships are public records and all records related to the registration are subject to public disclosure.

(6) Notice of termination of domestic partnership by reason of death only may be submitted to the corporations program by e-mail, regular mail or in person and must include a copy of the death certificate. There is no fee.

[Statutory Authority: 2015 c 176, and chapters 11.110, 18.100, 19.77, 23.86, 23.90, 23B.01, 24.03, 24.06, 25.10, 25.15, 43.07, and 46.64 RCW. WSR 15-22-047, § 434-112-100, filed 10/29/15, effective 1/1/16. Statutory Authority: RCW 11.110.070, 18.100.035, 19.77.015, [19.77.]030, [19.77.]050, [19.77.]060, 23.86.075, 23.90.050, 23B.01.200, [23B.01.]220, 24.03.007, [24.03.]302, [24.03.]405, [24.03.]410, 24.06.290, [24.06.]440, [24.06.]445, [24.06.]450, [24.06.]455, [24.06.]485, 25.10.006, [25.10.]171, [25.10.]605, [25.10.]610, [25.10.]916, [25.10.]921, 25.15.007, [25.15.]810, 43.07.120, [43.07.]128, [43.07.]130, 46.64.040. WSR 10-20-150, § 434-112-100, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.120. WSR 09-06-036, § 434-112-100, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 43.07.400 and 9A.56.078. WSR 07-20-065, § 434-112-100, filed 9/28/07, effective 10/29/07.]

**Chapter 434-120 WAC
CHARITABLE SOLICITATION ORGANIZATIONS
AND CHARITABLE TRUSTS**

Last Update: 10/29/15

WAC

SECTION I
GENERAL PROVISIONS AND DEFINITIONS

434-120-010	Authority and purpose.
434-120-025	Definitions.
434-120-035	Mandatory filing online.
434-120-040	Public information derived from registration.
434-120-042	Fees.
434-120-043	Mergers.
434-120-045	Change in information or status, notification.

434-120-047 Failure to renew, involuntary closure.
434-120-048 Fees for late registration or renewal.
434-120-049 Reactivation.
434-120-050 Signatures for online filings.
434-120-090 Records retention.

**SECTION II
CHARITABLE ORGANIZATION REGISTRATION REQUIREMENTS**

434-120-100 Entities exempt from registration.
434-120-105 Charitable organization registration.
434-120-107 Audited financial report—Tiered reporting requirements.
434-120-110 Optional registration for exempt organizations.
434-120-115 Treatment of appropriated funds.
434-120-130 Financial standards.
434-120-135 Contributor lists.
434-120-140 How and when to register.
434-120-175 Voluntary verification information.
434-120-185 Charitable advisory council.

**SECTION III
COMMERCIAL FUND RAISER REGISTRATION REQUIREMENTS**

434-120-200 Required filings.
434-120-210 Who shall register.
434-120-215 Commercial fund-raiser registration.
434-120-218 Solicitation reports by commercial fund-raisers that subcontract.
434-120-225 Annual renewal.
434-120-240 Contract between a commercial fund-raiser and a charitable organization.
434-120-255 Financial standards.
434-120-260 Surety bonds.
434-120-270 Impairment of surety bond.
434-120-280 Signing off on the surety bond.

**SECTION IV
CHARITABLE TRUST REGISTRATION REQUIREMENTS**

434-120-300 Jurisdiction.
434-120-305 Who shall register.
434-120-307 Required filings.
434-120-310 Charitable trust registration.
434-120-355 Change in status, notification.
434-120-360 Dissolution of trust, procedure and notification.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-120-015 Official address and telephone number. [Statutory Authority: Chapters 34.05, 19.09, 11.110, 43.07 RCW. WSR 00-21-081, § 434-120-015, filed 10/17/00, effective 11/17/00. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-015, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-012 and 434-19-013.] Repealed by WSR 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.

434-120-017 Office hours and location for charities program services. [Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-017, filed 1/23/04, effective 2/23/04.] Repealed by WSR 12-14-114, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520.

434-120-020 Office hours. [Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-020, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-014.] Repealed by WSR 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.

434-120-030 Public records. [Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-030, filed 12/17/08, effective 1/17/09. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-030, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-015.] Repealed by WSR 12-14-114, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520.

434-120-046 Record retention. [Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-046, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-046, filed 12/17/08, effective 1/17/09.] Repealed by WSR 14-17-025, filed 8/12/14, effective 9/12/14. Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW.

434-120-103 Required forms and filings. [Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-103, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-103, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-103, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-103, filed 5/24/95, effective 6/24/95.] Repealed by WSR 14-17-025, filed 8/12/14, effective 9/12/14. Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW.

434-120-125 Record retention. [Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-125, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05,

- 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-125, filed 12/1/93, effective 1/1/94.] Repealed by WSR 09-01-106, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125.
- 434-120-145 Fees. [Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-145, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.540 and 43.07.125. WSR 10-22-048, § 434-120-145, filed 10/28/10, effective 11/28/10. Statutory Authority: RCW 43.07.125 and chapter 19.09 RCW. WSR 10-15-036, § 434-120-145, filed 7/13/10, effective 8/13/10. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-145, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-145, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-145, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-145, filed 12/1/93, effective 1/1/94.] Repealed by WSR 14-17-025, filed 8/12/14, effective 9/12/14. Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW.
- 434-120-155 Public benefit nonprofit corporation registration—Annual fee. [Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-155, filed 12/1/93, effective 1/1/94.] Repealed by WSR 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170.
- 434-120-160 Fees for late registration. [Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-160, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 43.07.125 and chapter 19.09 RCW. WSR 10-15-036, § 434-120-160, filed 7/13/10, effective 8/13/10. Statutory Authority: RCW 19.09.315, 19.09.540, and 43.07.125. WSR 09-22-056, § 434-120-160, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-160, filed 1/23/04, effective 2/23/04. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-160, filed 12/1/93, effective 1/1/94.] Repealed by WSR 14-17-025, filed 8/12/14, effective 9/12/14. Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW.
- 434-120-165 Failure to renew, registration closure and reactivating registration—Charitable organizations. [Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-165, filed 7/5/12, effective 8/5/12.] Repealed by WSR 14-17-025, filed 8/12/14, effective 9/12/14. Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW.
- 434-120-170 Use of particular names in solicitations. [Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-170, filed 1/23/04, effective 2/23/04. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-170, filed 12/1/93, effective 1/1/94.] Repealed by WSR 12-14-114, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520.
- 434-120-180 Education program. [Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-180, filed 12/17/08, effective 1/17/09.] Repealed by WSR 12-14-114, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520.
- 434-120-212 Registration by commercial coventurers. [Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-212, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 19.09.079, 19.09.190 and 19.09.315. WSR 97-16-036, § 434-120-212, filed 7/30/97, effective 8/30/97.] Repealed by WSR 09-01-106, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125.
- 434-120-220 Change in status, notification. [Statutory Authority: RCW 19.09.315, 19.09.540, and 43.07.125. WSR 09-22-056, § 434-120-220, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-220, filed 12/17/08, effective 1/17/09. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-220, filed 12/1/93, effective 1/1/94.] Repealed by WSR 12-14-114, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520.
- 434-120-245 Failure to renew, registration closure and reactivating registration—Commercial fundraisers. [Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-245, filed 7/5/12, effective 8/5/12.] Repealed by WSR 14-17-025, filed 8/12/14, effective 9/12/14. Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW.
- 434-120-250 Fees. [Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-250, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 43.07.125 and chapter 19.09 RCW. WSR 10-15-036, § 434-120-250, filed 7/13/10, effective 8/13/10. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-250, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-250, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 19.09.079, 19.09.190 and 19.09.315. WSR 97-16-036, § 434-120-250, filed 7/30/97, effective 8/30/97. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-250, filed 12/1/93, effective 1/1/94.] Repealed by WSR 14-17-025, filed 8/12/14, effective 9/12/14. Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW.
- 434-120-265 Exemption from surety bond. [Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-265, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-265, filed 12/1/93, effective 1/1/94.] Repealed by WSR 09-01-106, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125.

- 434-120-315 Exemption from annual reporting. [Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-315, filed 5/24/95, effective 6/24/95.] Repealed by WSR 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.
- 434-120-317 Abbreviated reporting for qualifying trusts. [Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-317, filed 5/24/95, effective 6/24/95.] Repealed by WSR 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.
- 434-120-320 Content of annual reports for trusts not required to file United States tax or information returns. [Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070. WSR 98-18-034, § 434-120-320, filed 8/26/98, effective 9/26/98. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-320, filed 12/1/93, effective 1/1/94.] Repealed by WSR 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.
- 434-120-330 Annual fees. [Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-330, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 43.07.125 and chapter 19.09 RCW. WSR 10-15-036, § 434-120-330, filed 7/13/10, effective 8/13/10. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-330, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-330, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-330, filed 12/1/93, effective 1/1/94.] Repealed by WSR 14-17-025, filed 8/12/14, effective 9/12/14. Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW.
- 434-120-335 When to file annual reports. [Statutory Authority: RCW 11.110.070. WSR 96-08-049, § 434-120-335, filed 4/1/96, effective 5/2/96. Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-335, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-335, filed 12/1/93, effective 1/1/94.] Repealed by WSR 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.
- 434-120-340 Annual reports suspended under certain conditions. [Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-340, filed 12/1/93, effective 1/1/94.] Repealed by WSR 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.
- 434-120-345 Late registration fees. [Statutory Authority: RCW 43.07.125 and chapter 19.09 RCW. WSR 10-15-036, § 434-120-345, filed 7/13/10, effective 8/13/10. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-345, filed 1/23/04, effective 2/23/04.] Repealed by WSR 14-17-025, filed 8/12/14, effective 9/12/14. Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW.
- 434-120-350 Notifying the Attorney General of litigation. [Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-350, filed 12/1/93, effective 1/1/94.] Repealed by WSR 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.

SECTION I GENERAL PROVISIONS AND DEFINITIONS

WAC 434-120-010 Authority and purpose. (1) These rules are adopted under authority of chapter 19.09 RCW, the Charitable Solicitations Act, chapter 11.110 RCW, the Charitable Trust Act, and chapter 43.07 RCW to provide for the efficient administration of these acts.

(2) The filing or refusal to file a record does not:

(a) Affect the validity or invalidity of the record in whole or in part;

(b) Relate to the correctness or incorrectness of information contained in the record; or

(c) Create a presumption that the record is valid or that information contained in the record is correct or incorrect.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-010, filed 8/12/14, effective 9/12/14. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-010, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-010.]

WAC 434-120-025 Definitions. (1) "Accounting year" means a twelve-month period used by an entity to record and report financial activity for accounting and tax purposes.

(2) "Charitable trust" means any real or personal property right held by an entity or person that is intended to be used for a charitable purpose(s). The trust may be created by will, deed, articles of incorporation, or other governing instrument. It may be express or constructive.

(3) "Charities program" means the division of the office of the secretary of state responsible for administration of the Charitable Solicitations Act, chapter 19.09 RCW, and the Charitable Trust Act, chapter 11.110 RCW.

(4) "Compensation" is defined in RCW 19.09.020 and shall not include reimbursement for documented expenses incurred, or noncash awards or prizes valued at one hundred dollars or less and given no more than annually to each volunteer.

(5) "Entity" means an organization, individual or institution with its own existence for legal and/or federal tax purposes. It has the capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right, and to be held responsible for its actions. Entity may include, but is not limited to, a corporation, association, limited liability company, trust, group, partnership, proprietorship, company, estate, agency or unit of state government, person as defined in RCW 1.16.080, or any combination thereof.

For purposes of complying with registration requirements under Washington's Charitable Solicitations Act, "entity" does not include a branch, chapter, unit, affiliate or similar subordinate of another entity if said subordinate:

(a) Is under the direct supervision and control of the related entity;

(b) Does not have its own separate existence from the related entity for legal and/or federal tax purposes; and

(c) The related entity maintains registration under chapter 19.09 RCW.

Regardless of whether or not a subordinate is required to register under the act, it shall comply with the conditions set forth under RCW 19.09.100.

(6) "Income-producing assets" means assets of any kind that are purchased with the objective that the assets will generate income or appreciate and be sold at a higher price in the future including, but not limited to stocks, bonds or real property.

(7) "Investment real property" means real property either:

(a) Held exclusively with the objective that it will generate income or appreciate and be sold at a higher price in the future; or

(b) Used in whole or in part for any purpose other than to provide physical space for directly performing the charitable function for which it is held in trust.

(8) "Renewal date" for charitable organizations, commercial fund-raisers, and charitable trusts means the last business day of the eleventh month after the close of the organization's accounting year.

(9) "Solicitation" is defined in RCW 19.09.020 and includes:

(a) A commercial fund-raiser soliciting or receiving contributions directly from the public if contributions are solicited or received by the fund-raiser or by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members.

(b) A commercial fund-raiser soliciting or receiving contributions indirectly from the public if the contributions are solicited or received by:

(i) Any organization owned or controlled by the commercial fund-raiser or owned or controlled by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members; or

(ii) Any person or organization, other than the charitable organization for which funds are solicited, with which the commercial fund-raiser has a contractual relationship governing the solicitation or receipt of contributions.

(c) "Solicitation" as defined in RCW 19.09.020(19), does not include any of the following:

(i) An application or request for a grant, contract, or similar funding from any foundation, corporation, governmental agency or similar entity which has an established application and review procedure for reviewing such requests;

(ii) The attempt to sell goods or services that constitute the basis of the charitable organization's activities under which the federal income tax exemption was granted, or is the primary purpose for the existence of the charitable organization. For example, admission to a theatrical or other performance presented by a charitable organization focused on drama, music, or dance.

(10) "Volunteer" means a person who is not paid or compensated to perform a service.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-025, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-025, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.315, 19.09.540, and 43.07.125. WSR 09-22-056, § 434-120-025, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-025, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-025, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 19.09.079, 19.09.190 and 19.09.315. WSR 97-16-036, § 434-120-025, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-025, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-025, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-020.]

WAC 434-120-035 Mandatory filing online. All charitable organizations and commercial fund-raisers filing registrations and renewals, and charitable trusts filing renewals, will be required to file using the secretary of state's online filing application as of May 1, 2017. Except for initial trust registrations, paper documents will not be accepted after April 30, 2017.

[Statutory Authority: RCW 11.110.070, 19.09.020, 19.09.541, 19.09.560, 43.07.120. WSR 15-22-046, § 434-120-035, filed 10/29/15, effective 1/1/16.]

WAC 434-120-040 Public information derived from registration.

(1) Registration forms and attachments, filed by charitable organizations and commercial fund-raisers pursuant to WAC 434-120-105 and 434-120-215, are available for public inspection or copying. However, Social Security numbers and financial account numbers are not public information. For purposes of public reports derived from the registration information, the charities program shall calculate and make available to the public, the following information:

(a) For charitable organizations, the percentage of total expenditures in a reporting year allocated to charitable program services. This shall be calculated by dividing the amount reported as expended for charitable purposes by the amount reported as total expenses, and multiplying by 100.

(b) For commercial fund-raisers the percentage of the proceeds of charitable solicitations which are paid to or retained by charitable organizations. This shall be calculated by dividing the amount reported as received or retained by the charitable organization(s) after all fund-raising expenses have been deducted, by the amount reported as raised, regardless of who has possession of funds and multiplying by 100.

(2) Registrations of charitable trusts with several or mixed purposes shall not be made public under RCW 11.110.040 and 11.110.075.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-040, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-040, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-040, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-040, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 19.09.075, 19.09.079 and 19.09.210. WSR 97-16-035, § 434-120-040, filed 7/30/97, effective 8/30/97.]

WAC 434-120-042 Fees. (1) Charitable organizations, commercial fund-raisers, and charitable trusts registering under chapter 11.110 or 19.09 RCW are subject to the following fees:

- (a) Amendment of current registration: No fee.
- (b) Replacement of confirmation letter: \$5.00.
- (c) Service of process: \$50.00.
- (d) Late fee, failure to renew by due date: \$50.00.
- (e) Specialized reports (electronic or paper): \$20.00.
- (f) Expedited service fee (paper, per entity): \$50.00.
- (g) Expedited service fee (online, per entity): \$20.00.
- (h) Emergency services outside regular business hours: \$150 per hour.

(2) Charitable organizations registering under chapter 19.09 RCW are subject to the following fees:

- (a) Initial registration (RCW 19.09.062): \$60.00.
- (b) Annual renewal (RCW 19.09.062): \$40.00.
- (c) Reregistration: \$60.00.
- (d) Optional registration, initial or update: No fee.
- (e) Electronic or paper copy of a charitable organization file: \$5.00.

(f) Registration of a fund-raising service contract (RCW 19.09.062): \$20.00.

(g) Electronic or paper copy of a fund-raising service contract registration: \$10.00.

(3) Commercial fund-raisers registering under chapter 19.09 RCW are subject to the following fees:

(a) Initial registration (RCW 19.09.062): \$300.00.

(b) Annual renewal (RCW 19.09.062): \$225.00.

(4) Charitable trusts registering under chapter 11.110 RCW are subject to the following fees:

(a) Initial registration: \$25.00.

(b) Annual renewal: \$25.00.

(c) Electronic or paper copy of a trust registration: \$5.00.

(d) Electronic copy of IRS Form 990EZ (up to fifty pages): \$5.00.

(e) Electronic or paper copy of IRS Form 990/990PF (up to one hundred pages): \$10.00.

(f) Electronic or paper copy of IRS Form 990/990PF (more than one hundred pages): \$13.00 for each additional fifty pages.

(g) Charitable trust directory: No fee.

(5) Filing fees are nonrefundable.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-042, filed 8/12/14, effective 9/12/14.]

WAC 434-120-043 Mergers. A charitable organization or commercial fund-raiser registered under chapter 19.09 RCW that acquires or merges with another entity shall notify the charities program in writing by completing the form available from the charities program. The form may be requested by phone or e-mail, or accessed online. There is no filing fee.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-043, filed 8/12/14, effective 9/12/14.]

WAC 434-120-045 Change in information or status, notification.

(1) Any entity required to register under chapter 11.110 or 19.09 RCW shall notify the charities program, within thirty days of any changes to previously submitted registration or financial information reported under RCW 19.09.075, 19.09.079, or WAC 434-120-310.

(2) The entity shall submit the changes in writing or by using the amendment form that is available from the charities program. The form may be requested by phone, e-mail, or accessed online. There is no fee to submit changes of information.

(3) Any registered charitable organization or commercial fund-raiser may voluntarily close its registration and shall report the closure to the charities program in writing. The notice shall include the organization's name on record, charities program registration number, and the reason and effective date of the closure. Following the voluntary closure of a registration, the charitable organization or commercial fund-raiser shall submit a final solicitation report for the current accounting year.

(a) The solicitation report for a charitable organization shall contain the information described in RCW 19.09.075.

(b) The solicitation report for a commercial fund-raiser shall contain the information described in RCW 19.09.079.

(4) A charitable trust that voluntarily closes its registration shall submit a copy of its most recently completed IRS Form 990, 990PF, 990EZ or final financial report, whichever applies, for the completed accounting year, and a written statement regarding the closure, including effective date.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-045, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-045, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.315, 19.09.540, and 43.07.125. WSR 09-22-056, § 434-120-045, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-045, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-045, filed 1/23/04, effective 2/23/04.]

WAC 434-120-047 Failure to renew, involuntary closure. (1) Any entity registered under RCW 11.110.060, 19.09.075, or 19.09.079 that fails to renew its registration by the renewal date specified by these rules is delinquent and subject to a late fee as provided in WAC 434-120-042.

(a) The charities program shall send by postal or electronic mail a delinquency notice within sixty days of the entity's delinquent status to the entity's address on record. The delinquency notice shall request the entity to provide the required items within thirty days of the date of the notice in order to renew its registration. The entity's failure to receive the notice does not alter its delinquent status or relieve it of the requirement to renew. If the notice is returned as undeliverable, the entity's status shall change to "failure to register/renew."

(b) An entity that fails to submit the required items within thirty days of the date of the notice shall be involuntarily closed, and the entity's status shall change to "failure to register/renew."

(2) If a registration or renewal is incomplete, the charities program shall contact the entity by postal or electronic mail and request the entity to submit the required items within thirty days of the date of the notice. If the requested items are not received within thirty days, the registration or renewal shall not be filed. If the entity's renewal date has lapsed, or if the notice is returned as undeliverable, the organization shall be involuntarily closed. Filing fees are nonrefundable.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-047, filed 8/12/14, effective 9/12/14.]

WAC 434-120-048 Fees for late registration or renewal. (1) Any entity that fails to renew its registration by its renewal date shall pay the late fee identified in WAC 434-120-042 and an additional late fee for each year delinquent, including the current year it was not registered.

(2) The fees for late registration or renewal are in addition to any other filing fees and any other remedies that may be required or

imposed by law, including penalties for not being registered or for soliciting without being registered.

(3) The fees for late registration or renewal of a charitable trust registered under chapter 11.110 RCW may be cumulative. If the trust registration status is closed, the entity must reregister as a new trust and pay any late fees, which are cumulative.

(4) Any entity registered in accordance with chapter 11.110 or 19.09 RCW may request the secretary to waive the late fees. The request shall include a description of the circumstances that justify a waiver of the late fees. Under special circumstances, the secretary may waive late fees that are required by these regulations.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-048, filed 8/12/14, effective 9/12/14.]

WAC 434-120-049 Reactivation. A previously registered entity may reactivate its registration by submitting a registration form, the filing fee, and the late fee described in WAC 434-120-042, if applicable. An entity may retain its original registration number assigned by the charities program.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-049, filed 8/12/14, effective 9/12/14.]

WAC 434-120-050 Signatures for online filings. When submitting an online filing, the person completing the filing shall sign the application by following the directions for signing the web form.

[Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-050, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-050, filed 1/23/04, effective 2/23/04.]

WAC 434-120-090 Records retention. (1) Record retention requirements for charitable organizations and commercial fund-raisers are established in RCW 19.09.200. Charitable trusts shall retain their annual financial information and the supporting documents including books, ledgers, prepared statements, compilations, reviews, or audit reports, or any other records on which they were based, for a three-year period.

(2) Any entity registered under chapter 11.110 or 19.09 RCW shall make solicitation reports, financial statements, supporting documentation upon which they were based, and any other records available to the secretary of state, attorney general, or county prosecutor upon request.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-090, filed 8/12/14, effective 9/12/14.]

SECTION II

CHARITABLE ORGANIZATION REGISTRATION REQUIREMENTS

WAC 434-120-100 Entities exempt from registration. (1) Any entity that conducts charitable solicitations or will solicit or collect contributions from the general public for charitable purposes shall register with the charities program under the Charitable Solicitations Act, chapter 19.09 RCW.

(2) Entities and solicitations exempt from registration include the following:

(a) Any political organization as defined in RCW 19.09.020(15);

(b) Any entity that raises less than fifty thousand dollars in revenue in any accounting year, if all its activities, including fund-raising, are conducted by volunteers, and no officers or members receive assets, or compensation from the organization;

(c) Churches and their integrated auxiliaries; and

(d) Any request for a contribution on behalf of a specific individual or family unit named in the solicitation, but only if all of the proceeds are given to or expended for the direct benefit of that individual or family unit. This does not include organizations that conduct solicitations for one or more individuals on a repeated or on-going basis.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-100, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-100, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-100, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 19.09.315 and 19.09.075. WSR 96-10-021, § 434-120-100, filed 4/24/96, effective 5/25/96. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-100, filed 12/1/93, effective 1/1/94.]

WAC 434-120-105 Charitable organization registration. (1) Charitable organizations registering under this act shall comply with the registration requirements of this chapter by filing with the charities program, at the times and in the manner established by these rules, the state registration form described in RCW 19.09.075.

(2) The state registration form is available online at the charities program web page or by contacting the charities program. The charities program's failure to return an incomplete registration or other filing that does not fully comply with these rules or chapter 19.09 RCW shall not excuse the failure to comply.

(3) In addition to the requirements under RCW 19.09.075, a registration is not complete, and will not be accepted for filing, unless it includes all information requested on the registration form.

(a) Charitable organizations shall report actual figures and not use estimates when completing the solicitation report.

(b) A newly formed charitable organization that has not yet completed its first year of activity shall provide the end date of its first accounting year.

(c) A charitable organization may provide additional information that the organization believes would be of assistance in understanding other reported information, or to provide context for reported information.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-105, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-105, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-105, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-105, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 19.09.075. WSR 97-19-043, § 434-120-105, filed 9/11/97, effective 10/12/97. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-105, filed 12/1/93, effective 1/1/94.]

WAC 434-120-107 Audited financial report—Tiered reporting requirements.

(1) If a charitable organization has been in existence for less than three years, the organization shall calculate its average gross revenue based on the number of years the organization has been in existence to determine which tier, per RCW 19.09.541, is applicable.

(2) For purposes of these regulations, the charities program may waive the requirement to obtain an audited financial statement prepared by an independent certified public accountant for organizations with more than three million dollars in gross revenue averaged over the last three accounting years that meet one of the following:

(a) Directly or indirectly receives five hundred thousand dollars or less in cash averaged over the last three accounting years. Organizations with five hundred thousand dollars or less in cash averaged over the last three accounting years must meet tier two reporting requirements in RCW 19.09.541(2). For purposes of meeting the financial requirements in this section, "cash" includes currency, checks, credit card payments, donor advised funds, and electronic fund transfers received from all sources including, but not limited to, solicitations, investment income and tuition. "Cash" does not include gifts of tangible, real, or personal property or in-kind services; or

(b) Organizations that can demonstrate that they have reached a three-year average of more than three million dollars in gross revenue through unusual or nonrecurring revenue received in a single year without which they would not have met the three-year annual gross average threshold.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-107, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-107, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.540 and 43.07.125. WSR 10-22-048, § 434-120-107, filed 10/28/10, effective 11/28/10. Statutory Authority: RCW 19.09.315, 19.09.540, and 43.07.125. WSR 09-22-056, § 434-120-107, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-107, filed 12/17/08, effective 1/17/09.]

WAC 434-120-110 Optional registration for exempt organizations.

(1) Charitable organizations exempt from the registration requirements under RCW 19.09.081 and WAC 434-120-100(2) may file an optional registration with the charities program.

(2) Charitable organizations choosing to file an optional registration under this section may register by completing the registration form specified by the charities program.

(3) Charitable organizations registered under this section may amend their registration by filing the updated information with the charities program.

(4) The charities program may periodically send by postal or electronic mail a request to update the optional registration. An organization's status may become unregistered if the charity program's request is returned as undeliverable.

(5) Expedited processing under WAC 434-112-080 is available for optional registrations and updates under this section.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-110, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-110, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.540 and 43.07.125. WSR 10-22-048, § 434-120-110, filed 10/28/10, effective 11/28/10. Statutory Authority: RCW 19.09.315, 19.09.540, and 43.07.125. WSR 09-22-056, § 434-120-110, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-110, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-110, filed 1/23/04, effective 2/23/04.]

WAC 434-120-115 Treatment of appropriated funds. A government subdivision or publicly supported educational facility that is also a charitable organization shall report government appropriated funds only to the extent such funds are directly expended to support fund raising efforts or to defray costs of administering the organization's fund-raising programs.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-115, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.540 and 43.07.125. WSR 10-22-048, § 434-120-115, filed 10/28/10, effective 11/28/10. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-115, filed 12/1/93, effective 1/1/94.]

WAC 434-120-130 Financial standards. Upon the request of the attorney general, secretary or the county prosecutor, a charitable organization shall submit a financial statement containing, but not limited to, the following information within thirty days from date of request:

(1) The gross amount of the contributions pledged and the gross amount collected;

(2) The amount thereof given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required;

(3) The aggregate amount paid and to be paid for the expenses of such solicitation;

(4) The amounts paid and to be paid to commercial fund-raisers or charitable organizations; and

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same accounting period.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-130, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.540 and 43.07.125. WSR 10-22-048, § 434-120-130, filed 10/28/10, effective 11/28/10. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-130, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 19.09.075, 19.09.079 and 19.09.210. WSR 97-16-035, § 434-120-130, filed 7/30/97, effective 8/30/97. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-130, filed 12/1/93, effective 1/1/94.]

WAC 434-120-135 Contributor lists. (1) All charitable organizations registered under this act shall keep records of all contributors to the organization for three years. If a commercial fund-raiser manages a campaign for a charitable organization, either the commercial fund-raiser or the charitable organization must be the entity responsible for maintaining the contributor records for that campaign. These records shall include the names of the following contributors:

(a) Each contributing entity that collects individual donations from an employee or member group or a business, turning them over to the charitable organization as a single sum, such as the United Way;

(b) Each corporation that contributed; and

(c) Each individual who contributed more than twenty-five dollars.

(2) The records shall be compiled and retrievable for a period of three years and shall be turned over within ten working days upon written request of the attorney general or the county prosecutor, although the organization is not required to keep the names in a standard list format at all times.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-135, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-135, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.540 and 43.07.125. WSR 10-22-048, § 434-120-135, filed 10/28/10, effective 11/28/10. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-135, filed 12/1/93, effective 1/1/94.]

WAC 434-120-140 How and when to register. (1) Initial registration: An entity required to register as a charitable organization shall complete the form described in RCW 19.09.075 and WAC 434-120-105 and submit it with the fee in RCW 19.09.062(1) prior to conducting any solicitation.

(2) Annual renewal:

(a) A charitable organization shall renew its registration by submitting a renewal form and fee described in RCW 19.09.062(2). The

completed form and fee shall be received no later than the last business day of the eleventh month after the end of the organization's accounting year.

(b) The renewal shall include the same information required for registration as described in RCW 19.09.075 and WAC 434-120-105 except that a determination letter from the Internal Revenue Service need not be attached if it was previously filed. The solicitation report must be based on the most recent filing with the Internal Revenue Service or, if the organization does not file with the Internal Revenue Service, the most recently completed accounting year. No organization may submit the same financial information for two consecutive years.

(c) A change in an entity's accounting year may not cause the due date of a renewal to be more than one year after the previous registration or renewal.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-140, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-140, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.540 and 43.07.125. WSR 10-22-048, § 434-120-140, filed 10/28/10, effective 11/28/10. Statutory Authority: RCW 19.09.315, 19.09.540, and 43.07.125. WSR 09-22-056, § 434-120-140, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-140, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 19.09.315 and 19.09.075. WSR 96-10-021, § 434-120-140, filed 4/24/96, effective 5/25/96. Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-140, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-140, filed 12/1/93, effective 1/1/94.]

WAC 434-120-175 Voluntary verification information. Each entity registering with the charities program may submit additional information, not required by law, if the information is intended to inform the public about its programs and activities and to verify its existence.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-175, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-175, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-175, filed 12/17/08, effective 1/17/09. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-175, filed 12/1/93, effective 1/1/94.]

WAC 434-120-185 Charitable advisory council. (1) The charitable advisory council shall consist of at least eleven members appointed by the secretary of state and an ex officio member appointed by the attorney general.

(2) Council members' terms are staggered, with the original board drawing lots for two-and three-year terms. All following terms are three years but all terms expire no later than when the appointing

secretary leaves office. Vacancies may be filled by the secretary upon notice of a vacancy from the member.

(3) Meetings shall be at least twice a year, and additional meetings may be called by the secretary or the council. Reimbursement for expenses shall be at current state rates for travel, and all reimbursement requests shall be received within thirty days of incurring the expense.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-185, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-185, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-185, filed 12/17/08, effective 1/17/09.]

SECTION III COMMERCIAL FUND RAISER REGISTRATION REQUIREMENTS

WAC 434-120-200 Required filings. (1) A commercial fund-raiser complies with the registration requirements of this chapter by filing the following documents with the charities program at the times, and in the manner, prescribed by these rules and RCW 19.09.079:

(a) The commercial fund-raiser registration form, which is available online at the charities program web page or by contacting the charities program. This form is used as an initial registration form, as well as the annual renewal form.

(b) All surety bonds required by WAC 434-120-260.

(2) This section is intended to be explanatory of other rules in this chapter, and not to modify or diminish the requirements of those rules.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-200, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-200, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-200, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-200, filed 5/24/95, effective 6/24/95.]

WAC 434-120-210 Who shall register. (1) Every commercial fund-raiser, as described in RCW 19.09.020(5), shall register each year, in accordance with WAC 434-120-200 by completing the form described in RCW 19.09.079 and WAC 434-120-215 and submitting it with the fee in RCW 19.09.062(3) prior to conducting any solicitation.

(2) Contract employees, independent contractors, and other individuals who are not bona fide officers or employees of a commercial fund-raiser that solicit or receive charitable contributions, if compensated, are required to register independently as commercial fund-raisers in accordance with RCW 19.09.079 and maintain a surety bond as required in RCW 19.09.191, unless exempt.

(3) Entities exempt from registration include the following:

(a) Fund-raising counsel as defined in RCW 19.09.020(10);

(b) Commercial coventurers as defined in 19.09.020(4); and

(c) Suppliers of goods and services to charitable organizations for fund-raising purposes as long as they are not otherwise engaged in the business of charitable fund-raising.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-210, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-210, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-210, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 19.09.079, 19.09.190 and 19.09.315. WSR 97-16-036, § 434-120-210, filed 7/30/97, effective 8/30/97. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-210, filed 12/1/93, effective 1/1/94.]

WAC 434-120-215 Commercial fund-raiser registration. (1) Commercial fund-raisers registering under this act shall use the commercial fund-raiser registration form described in WAC 434-120-200. The charities program's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 19.09 RCW, shall not excuse the failure to comply. The charities program's acceptance of a registration or other filing which violates these rules or chapter 19.09 RCW shall not excuse the violation.

(2) In addition to the requirements of RCW 19.09.079, a registration is not complete, and will not be accepted for filing, unless it includes all the information requested on the form.

(a) The commercial fund-raiser may provide additional information which the commercial fund-raiser believes would be of assistance in understanding other reported information, or to provide context for reported information.

(b) The commercial fund-raiser shall report actual figures and shall not use estimates when completing a solicitation report.

(c) A newly formed commercial fund-raiser that has not yet completed its first year shall provide the full projected beginning and ending dates of its first accounting year.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-215, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-215, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-215, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-215, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 19.09.075, 19.09.079 and 19.09.210. WSR 97-16-035, § 434-120-215, filed 7/30/97, effective 8/30/97. Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-215, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004 and 94-02-011, § 434-120-215, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94.]

WAC 434-120-218 Solicitation reports by commercial fund-raisers that subcontract. (1) A commercial fund-raiser that engages another

commercial fund-raiser to solicit funds or conduct a solicitation on behalf of a charitable organization is responsible for reporting and shall include the total contributions and the total expenses related to that campaign in its solicitations report and financial statement.

(2) If a reporting commercial fund-raiser's contributions and expenses for a campaign are also included in another commercial fund-raiser's solicitations report, the reporting fund-raiser shall list in its report the name of that fund-raiser, the name of the charitable organization, the dates of the campaign, and the total contributions and expenses for which it was responsible.

(3) Regardless of whether a commercial fund-raiser which acts as a contractor reports the contributions and expenses of its subcontractor(s), each subcontracting commercial fund-raiser, shall independently register, post bond, report its own contributions and expenses, and comply with all other provisions of these rules and chapter 19.09 RCW as they apply to commercial fund-raisers.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-218, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-218, filed 5/24/95, effective 6/24/95.]

WAC 434-120-225 Annual renewal. (1) Each commercial fund-raiser shall renew annually by submitting a renewal form and the filing fee in RCW 19.09.062 so they are received by no later than the last business day of the eleventh month after the end of its accounting year.

The renewal shall include the same information required for registration as described in RCW 19.09.079 and WAC 434-120-215. The solicitation report must be based on the most recently completed accounting year. No organization may submit the same financial information for two consecutive years.

(2) No change in a fund-raiser's accounting year may cause the due date of a renewal to be more than one year after the previous registration or renewal.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-225, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-225, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-225, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 19.09.315 and 19.09.075. WSR 96-10-021, § 434-120-225, filed 4/24/96, effective 5/25/96. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-225, filed 12/1/93, effective 1/1/94.]

WAC 434-120-240 Contract between a commercial fund-raiser and a charitable organization. (1) A commercial fund-raiser and charitable organization entering into a contract shall register the contract by completing the contract registration form, attaching a signed copy of the written contract, and filing the form and contract with the charities program. The contract shall be registered before the commencement of the campaign.

(a) The charitable organization is responsible for the registration of the signed contract and contract registration form, and for the registration fee described in RCW 19.09.062(5).

(b) In addition to the requirements of RCW 19.09.097, the terms of the contract shall specify who will maintain the donor list.

(c) A contract registration may not be accepted for filing unless it includes all the information requested on the registration form. The charitable organization must be notified in accordance with 19.09.097(5) in the event the charities program determines that it is incomplete.

(2) The charitable organization shall notify the charities program in writing of any addenda, extensions, cancellations, or other changes to the contract within thirty days.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-240, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-240, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.315, 19.09.540, and 43.07.125. WSR 09-22-056, § 434-120-240, filed 10/30/09, effective 11/30/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-240, filed 1/23/04, effective 2/23/04. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-240, filed 12/1/93, effective 1/1/94.]

WAC 434-120-255 Financial standards. Upon the request of the attorney general, secretary of state, or county prosecutor, a commercial fund-raiser shall submit a financial statement containing, but not limited to, the following information within thirty days from date of request:

(1) The gross amount of the contributions pledged and the gross amount collected;

(2) The amount thereof retained by the charitable organization, given or to be given to charitable organizations represented together with details as to the manner of distribution as may be required;

(3) The aggregate amount paid and to be paid for the expenses of such solicitation;

(4) The amounts paid to and to be paid to charitable organizations; and

(5) Copies of any annual or periodic reports furnished by the fund-raising organization, of its activities during or for the same accounting period, to its parent organization, subsidiaries, or affiliates, if any.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-255, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, 19.09.079 and 19.09.210. WSR 97-16-035, § 434-120-255, filed 7/30/97, effective 8/30/97. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004 and 94-02-011, § 434-120-255, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94.]

WAC 434-120-260 Surety bonds. (1) A commercial fund-raiser shall provide proof of bonding if the commercial fund-raiser engages,

or plans to engage, in one or more of the practices identified in RCW 19.09.191 (1)(a) through (d).

(2) The registering commercial fund-raiser shall submit proof of execution of a surety bond with one or more sureties whose liability in the aggregate equals at least twenty-five thousand dollars.

(3) A commercial fund-raiser must provide and maintain a bond without interruption so long as it engages in one or more practices in RCW 19.09.191 (1)(a) through (d). Upon notification that the bond is canceled, the charities program must require proof of a replacement bond, in full amount, within thirty days or by the effective date of bond cancellation, whichever is later.

(4) Failure to provide a replacement surety bond whose liability equals at least twenty-five thousand dollars shall result in the involuntary closure of the registration of the commercial fund-raiser.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-260, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-260, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-260, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-260, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-260, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-260, filed 12/1/93, effective 1/1/94.]

WAC 434-120-270 Impairment of surety bond. In the event that a final judgment shall impair the liability of a surety bond and the full amount required is not in effect, the charities program shall close the registration of such commercial fund-raiser. The commercial fund-raiser may reregister when it has restored the full amount of the required bond liability and satisfied all judgment claims.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-270, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-270, filed 12/17/08, effective 1/17/09. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-270, filed 12/1/93, effective 1/1/94.]

WAC 434-120-280 Signing off on the surety bond. A commercial fund-raiser bonded in accordance with chapter 19.09 RCW and these regulations shall retain the protection of the bond until all claims against it can be filed in accordance with the statute of limitations listed in chapter 4.16 RCW. The charities program does not have authority to sign off on a surety bond signifying that all outstanding claims have been filed prior to the expiration of the statute of limitations.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-280, filed 8/12/14, effective 9/12/14. Statutory

Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-280, filed 12/1/93, effective 1/1/94.]

SECTION IV CHARITABLE TRUST REGISTRATION REQUIREMENTS

WAC 434-120-300 Jurisdiction. A trust is subject to Washington jurisdiction if:

(1) It is created pursuant to a trust instrument that specifies that it is subject to the jurisdiction of the state of Washington or that its terms are to be construed pursuant to the laws of the state of Washington;

(2) It is a testamentary trust, and the will was probated or recorded, or letters testamentary or of administration were granted, in the state of Washington;

(3) The trust was created pursuant to order of a Washington court or by operation of Washington law;

(4) The trust was created by or pursuant to the articles of incorporation of a Washington corporation; or

(5) No state, territory, or nation may assert a superior claim of jurisdiction, and:

(a) The trust was created pursuant to a trust agreement or document executed or recorded within the state of Washington but which does not expressly vest jurisdiction in another state, territory, or nation; or

(b) The trust corpus consists predominantly of property located in or administered from Washington; or

(c) A basis exists upon which to assert or concede jurisdiction in the state of Washington.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-300, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070. WSR 98-18-034, § 434-120-300, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.070. WSR 96-08-049, § 434-120-300, filed 4/1/96, effective 5/2/96. Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-300, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-300, filed 12/1/93, effective 1/1/94.]

WAC 434-120-305 Who shall register. The registration and reporting requirements of chapter 11.110 RCW apply to every trustee, as defined by RCW 11.110.020, who is required to register by RCW 11.110.051. The charities program has determined, pursuant to RCW 11.110.051 (1)(a), that a trustee shall be required to register or report if, as to a particular charitable trust, the trustee holds assets, invested for income-producing purposes, exceeding a value of two hundred fifty thousand dollars, and otherwise meets the description of RCW 11.110.051.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-305, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, §

434-120-305, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070. WSR 98-18-034, § 434-120-305, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-305, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-305, filed 12/1/93, effective 1/1/94.]

WAC 434-120-307 Required filings. (1) Initial registration: Every trustee required to register by RCW 11.110.051 shall do so in the time and in the manner described in RCW 11.110.060. Trustees shall use the registration form described in WAC 434-120-310, and file all other documents required by RCW 11.110.060.

(2) Periodic reporting: Every trustee required to register by RCW 11.110.051 shall report annually as required by RCW 11.110.070. The annual reporting requirement is satisfied by filing the renewal form described in WAC 434-120-310(3) and filing a complete copy of the trust's federal information return 990, 990PF, 990EZ or financial report, which ever applies, with the charities program no later than the last business day of the eleventh month after the end of the organization's accounting year.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-307, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-307, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-307, filed 1/23/04, effective 2/23/04.]

WAC 434-120-310 Charitable trust registration. (1) Trustees registering under chapter 11.110 RCW shall use the registration form available from the charities program. The charities program's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 11.110 RCW shall not excuse the failure to comply.

(2) In addition to the requirements of chapter 11.110 RCW, a registration form is not complete, and will not be accepted for filing, unless it includes all the information requested on the registration form.

(3) The trust shall report actual figures, and shall not use estimates, when completing a financial report.

(4) All charitable trust registrations shall be signed and dated by:

(a) The trustee;

(b) If the trustee is a corporation, the corporate officer or employee responsible for the trust; or

(c) The legal entity or individual legally representing the trust.

(5) A copy of the governing instrument creating the trust or any federal form is not sufficient to meet the requirements of this section.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-310, filed 8/12/14, effective 9/12/14. Statutory

Authority: RCW 19.09.075, [19.09.]079, [19.09.]097, and [19.09.]520. WSR 12-14-114, § 434-120-310, filed 7/5/12, effective 8/5/12. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-310, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-310, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070. WSR 98-18-034, § 434-120-310, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.070 and 19.09.315. WSR 95-11-135, § 434-120-310, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. WSR 94-01-004, § 434-120-310, filed 12/1/93, effective 1/1/94.]

WAC 434-120-355 Change in status, notification. A charitable trust shall notify the charities program in writing of a change in trust instrument, trustee, principal officer, federal tax status, fiscal year, or any other information filed under RCW 11.110.060 within four months after the change at no charge.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-355, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 43.07.125 and chapter 19.09 RCW. WSR 10-15-036, § 434-120-355, filed 7/13/10, effective 8/13/10. Statutory Authority: RCW 19.09.097, [19.09.]315, [19.09.]540, 43.07.125. WSR 09-01-106, § 434-120-355, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09.]315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-355, filed 1/23/04, effective 2/23/04.]

WAC 434-120-360 Dissolution of trust, procedure and notification. (1) A charitable trust shall submit written notification of its intent to dissolve to the charities program thirty days prior to dissolution.

(2) Upon dissolution, the trust shall provide written information regarding the disposition of its assets, including, but not limited to, the amount and type of assets, and the name and address of the entity in receipt of such assets to:

(a) The charities program if the dissolution is in accordance with the specific terms of the trust; or

(b) Both the charities program and the office of the attorney general if the dissolution is the result of:

(i) A merger;

(ii) A voluntary dissolution outside the specific terms of the trust;

(iii) A change in the state of domicile of the trust; or

(iv) Any other change in the trust giving rise to the obligation to notify the attorney general under RCW 11.110.120.

(3) Notice to the charities program under subsection (2)(b) of this section is not required for those trusts that are not required to register with the charities program.

[Statutory Authority: Chapters 11.110, 19.09, and 43.07 RCW. WSR 14-17-025, § 434-120-360, filed 8/12/14, effective 9/12/14. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007,

19.09.020(15), [19.09].315, 19.77.115, and 43.07.170. WSR 04-04-018, § 434-120-360, filed 1/23/04, effective 2/23/04.]

Chapter 434-130 WAC LIMITED LIABILITY COMPANIES

Last Update: 6/20/12

WAC

434-130-010 Purpose and authority.
434-130-055 Online services.
434-130-060 Registered office address—Requirements.
434-130-070 Annual reports—Due date.
434-130-080 In-person or expedited counter service—Special fees.
434-130-090 Miscellaneous fees.
434-130-100 Miscellaneous fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-130-020 Official address and telephone number. [Statutory Authority: Chapters 25.15, 43.07 RCW. WSR 00-21-082, § 434-130-020, filed 10/17/00, effective 11/17/00. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. WSR 94-19-005, § 434-130-020, filed 9/8/94, effective 10/1/94.] Repealed by WSR 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.

434-130-030 Office hours. [Statutory Authority: Chapter 25.15 RCW and 1994 c 211. WSR 94-19-005, § 434-130-030, filed 9/8/94, effective 10/1/94.] Repealed by WSR 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.

434-130-040 Telephone services. [Statutory Authority: Chapter 25.15 RCW and 1994 c 211. WSR 94-19-005, § 434-130-040, filed 9/8/94, effective 10/1/94.] Repealed by WSR 10-15-035, filed 7/13/10, effective 8/13/10. Statutory Authority: RCW 25.15.007, 25.15.805, 25.15.810, and 43.07.120.

434-130-050 Original signature required. [Statutory Authority: Chapter 25.15 RCW and 1994 c 211. WSR 94-19-005, § 434-130-050, filed 9/8/94, effective 10/1/94.] Repealed by WSR 10-15-035, filed 7/13/10, effective 8/13/10. Statutory Authority: RCW 25.15.007, 25.15.805, 25.15.810, and 43.07.120.

WAC 434-130-010 Purpose and authority. These rules are adopted under authority of chapter 25.15 RCW (Limited liability companies), the Washington Limited Liability Company Act.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. WSR 94-19-005, § 434-130-010, filed 9/8/94, effective 10/1/94.]

WAC 434-130-055 Online services. Customers may access limited liability company information, forms, or online submissions by visiting the corporations division's web site. When completing and submitting an online filing for a limited liability company, the filing requirements are found under WAC 434-112-065 through 434-112-075.

[Statutory Authority: RCW 25.15.007, 25.15.805, 25.15.810, and 43.07.120. WSR 10-15-035, § 434-130-055, filed 7/13/10, effective 8/13/10.]

WAC 434-130-060 Registered office address—Requirements. A post office box address may be used in conjunction with a registered geographic office address.

The agent must notify the office of the secretary of state and the corporation of any changes in either the street address or the post office box address.

[Statutory Authority: RCW 25.15.007, 25.15.805, 25.15.810, and 43.07.120. WSR 10-15-035, § 434-130-060, filed 7/13/10, effective 8/13/10. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. WSR 94-19-005, § 434-130-060, filed 9/8/94, effective 10/1/94.]

WAC 434-130-070 Annual reports—Due date. Each limited liability company must file an annual report by the last day of the month of its original registration as a limited liability company. The corporations division or a subagent notifies all limited liability companies of its annual renewal date forty-five days in advance by regular mail or electronic mail that may include the annual report form. Failure to receive an annual report notice is insufficient reason for failure to file the statutorily required annual report.

[Statutory Authority: RCW 25.15.007, 25.15.805, 25.15.810, and 43.07.120. WSR 10-15-035, § 434-130-070, filed 7/13/10, effective 8/13/10. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. WSR 94-19-005, § 434-130-070, filed 9/8/94, effective 10/1/94.]

WAC 434-130-080 In-person or expedited counter service—Special fees. (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 5:00 p.m. each business day. Staff provides expedited services for corporate documents or requests received in-person, by fax, mail, or online with the appropriate expedite fee. Expedite services are available for the following transactions:

- (a) Document review and filing;
- (b) Document copying, certification, and status certificates.

(2) The fee for expedited service is fifty dollars for single or multiple paper transactions within each new or existing limited liability company file. Online transactions are expedited for twenty dollars, but may be charged fifty dollars for in-person completion at front counter. In addition, a regulatory fee for each transaction may apply.

(3) There is no expedited fee for the following transactions:

(a) In-person inspection or review of limited liability company files or other public documents located in the corporations division office;

(b) Documents left at the counter for processing with mail-in documents received the same day.

(4)(a) If staff cannot complete an expedited service request before the end of the same day, the transaction will be completed within the next two business days.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the specific form. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per transaction.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: RCW 25.15.007, [25.15.]805, [25.15.]810, and 43.07.120. WSR 12-13-097, § 434-130-080, filed 6/20/12, effective 7/21/12; WSR 10-15-035, § 434-130-080, filed 7/13/10, effective 8/13/10. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. WSR 94-19-005, § 434-130-080, filed 9/8/94, effective 10/1/94.]

WAC 434-130-090 [Miscellaneous] fees. For Washington registered domestic and foreign limited liability companies fees are as follows:

- (1) Certificate of formation or application for registration, one hundred eighty;
- (2) Annual report license renewal, sixty dollars plus the department of licensing's handling fee of nine dollars;
- (3) Certificate of amendment, restated certificate, or amended and restated certificate, thirty dollars;
- (4) Delinquent annual report license renewal, penalty fee of twenty-five dollars, plus the renewal fee of sixty dollars plus the department of licensing's handling fee of nine dollars;
- (5) Reinstatement, one hundred forty dollars plus all delinquent license or annual fees;
- (6) Articles of merger, twenty dollars for each listed company;
- (7) Statement of change of registered agent, registered office address, or designation of new registered agent, no fee;
- (8) Resignation of registered agent, twenty dollars per entity name;
- (9) An initial report or amended annual report, ten dollars;
- (10) Registration, reservation, or transfer of name, thirty dollars;
- (11) Certificate of dissolution, certificate of cancellation, or dissolution by judicial decree, no fee;
- (12) Revocation of certificate of dissolution, thirty dollars plus any possible missed license fees;
- (13) Agent's resignation if appointed without consent, no fee; and
- (14) Other statement or report filed, ten dollars.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: RCW 23B.01.220, 25.15.805, and 25.10.916. WSR 11-12-020, § 434-130-090, filed 5/24/11, effective 7/1/11. Statutory Authority: RCW 25.15.007, 25.15.805, 25.15.810, and 43.07.120. WSR 10-15-035, § 434-130-090, filed 7/13/10, effective 8/13/10. Statutory Authority: RCW 25.15.805, 25.15.810 and 23B.01.220. WSR 99-12-007, § 434-130-090, filed 5/20/99, effective 6/20/99. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. WSR 94-19-005, § 434-130-090, filed 9/8/94, effective 10/1/94.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 434-130-100 Miscellaneous fees. (1) For photocopies, fees are as follows:

- (a) Each annual report, five dollars;

(b) Certificate of formation or any single document, ten dollars;
(c) A copy of all documents relating to one entity, twenty dollars;
(d) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment.

(2) For certificates of existence fees are as follows:

(a) With complete or specific historical data, under embossed seal, thirty dollars;
(b) Under embossed seal, without historical data, twenty dollars;
(c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(3) For each certified copy of any document the fee is ten dollars plus the copy fee.

(4) For any service of process the fee is fifty dollars.

(5) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be canceled and all other late filing fees and penalties will be instituted.

[Statutory Authority: RCW 25.15.007, 25.15.805, 25.15.810, and 43.07.120. WSR 10-15-035, § 434-130-100, filed 7/13/10, effective 8/13/10. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. WSR 94-19-005, § 434-130-100, filed 9/8/94, effective 10/1/94.]

Chapter 434-135 WAC LIMITED LIABILITY PARTNERSHIPS

Last Update: 1/26/11

WAC

434-135-010	Purpose and authority.
434-135-090	Annual notice—Due date—Whom notified.
434-135-150	Initial registration—Form of content.
434-135-160	Annual notice—Form of content.
434-135-170	Amended notice—Form of content.
434-135-190	Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-135-020	Official address and telephone number. [Statutory Authority: Chapter 43.07 RCW. WSR 00-21-085, § 434-135-020, filed 10/17/00, effective 11/17/00. Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-020, filed 8/2/95, effective 9/2/95.] Repealed by WSR 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.
434-135-030	Office hours. [Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-030, filed 8/2/95, effective 9/2/95.] Repealed by WSR 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.
434-135-040	Telephone services. [Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-040, filed 8/2/95, effective 9/2/95.] Repealed by WSR 11-04-052, filed 1/26/11, effective 2/26/11. Statutory Authority: RCW 25.05.093.
434-135-050	Filing requirements. [Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-050, filed 8/2/95, effective 9/2/95.] Repealed by WSR 11-04-052, filed 1/26/11, effective 2/26/11. Statutory Authority: RCW 25.05.093.
434-135-060	Execution of document. [Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-060, filed 8/2/95, effective 9/2/95.] Repealed by WSR 11-04-052, filed 1/26/11, effective 2/26/11. Statutory Authority: RCW 25.05.093.
434-135-070	Filing duty of secretary of state. [Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-070, filed 8/2/95, effective 9/2/95.] Repealed by WSR 04-04-018, filed 1/23/04,

effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.

434-135-080 Filed date. [Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-080, filed 8/2/95, effective 9/2/95.] Repealed by WSR 11-04-052, filed 1/26/11, effective 2/26/11. Statutory Authority: RCW 25.05.093.

434-135-120 Limited liability partnership name. [Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-120, filed 8/2/95, effective 9/2/95.] Repealed by WSR 11-04-052, filed 1/26/11, effective 2/26/11. Statutory Authority: RCW 25.05.093.

WAC 434-135-010 Purpose and authority. These rules are adopted under authority of chapter 25.05, the Revised Uniform Partnership Act.

[Statutory Authority: RCW 25.05.093. WSR 11-04-052, § 434-135-010, filed 1/26/11, effective 2/26/11. Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-010, filed 8/2/95, effective 9/2/95.]

WAC 434-135-090 Annual notice—Due date—Whom notified. Each limited liability partnership must file an annual notice by the last day of the month of its original registration as a limited liability partnership. The corporations division must notify each limited liability partnership of its annual notice date forty-five days in advance by mailing to the partnership's registered agent's address as listed on the records of the secretary of state. If no registered agent has been appointed, notice is sent to the principal office. Failure to receive an annual notice form with such notice is insufficient reason for failure to file the statutory required annual notice.

[Statutory Authority: RCW 25.05.093. WSR 11-04-052, § 434-135-090, filed 1/26/11, effective 2/26/11. Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-090, filed 8/2/95, effective 9/2/95.]

WAC 434-135-150 Initial registration—Form of content. Any domestic or foreign limited liability partnership registering under this chapter shall file its registration on either the form provided by the secretary of state or in substantially the same format including the information required in RCW 25.05.500.

[Statutory Authority: RCW 25.05.093. WSR 11-04-052, § 434-135-150, filed 1/26/11, effective 2/26/11. Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-150, filed 8/2/95, effective 9/2/95.]

WAC 434-135-160 Annual notice—Form of content. Any limited liability partnership filing under this chapter shall file its annual notice on the form provided by the secretary of state.

[Statutory Authority: RCW 25.05.093. WSR 11-04-052, § 434-135-160, filed 1/26/11, effective 2/26/11. Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-160, filed 8/2/95, effective 9/2/95.]

WAC 434-135-170 Amended notice—Form of content. (1) A limited liability partnership may, but is not required to, file an amended notice to notify the secretary of state of any material changes on the application or annual notice.

(2) The amended notice must be signed by a majority of interest of the partners or by one or more authorized partners.

[Statutory Authority: RCW 25.05.093. WSR 11-04-052, § 434-135-170, filed 1/26/11, effective 2/26/11. Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-170, filed 8/2/95, effective 9/2/95.]

WAC 434-135-190 Fees. For Washington registered domestic and foreign limited liability partnerships, fees are located in WAC 434-112-080, 434-112-085, and 434-112-090.

[Statutory Authority: RCW 25.05.093. WSR 11-04-052, § 434-135-190, filed 1/26/11, effective 2/26/11. Statutory Authority: RCW 43.07.120. WSR 95-16-131, § 434-135-190, filed 8/2/95, effective 9/2/95.]

Chapter 434-166 WAC INTERNATIONAL STUDENT EXCHANGE AGENCY REGISTRATION

Last Update: 1/27/10

WAC

PART A GENERAL PROVISIONS AND DEFINITIONS

434-166-010	Authority.
434-166-020	Purpose of regulations.
434-166-030	Official address, telephone number of the office of the secretary of state, international student exchange program.
434-166-040	Office hours.
434-166-050	Public records.
434-166-060	Public records copying charge—Exemptions.
434-166-070	Registration applications—Grounds for denial.
434-166-080	Definitions.

PART B INTERNATIONAL STUDENT EXCHANGE AGENCY REGISTRATION STANDARDS

434-166-090	Selection of student.
434-166-100	Orientation of students and host families.
434-166-110	Health and accident insurance.
434-166-120	Acceptance of students.
434-166-130	Selection of host family.
434-166-140	Host family housing requirements for students.
434-166-150	Change in host family assignment.
434-166-160	Employment of students.
434-166-170	Supervision by organization.
434-166-180	Travel responsibility of organization.
434-166-190	Information to be provided.
434-166-200	Agency records requirements.

PART C CONDITIONS APPLICABLE TO REGISTRATION

434-166-210	Appointment of a responsible officer and responsible officer address.
434-166-220	Change of responsible officer and/or responsible officer address.
434-166-230	Resignation of responsible officer.
434-166-240	Duties of the responsible officer.
434-166-250	Individual located in state of Washington.
434-166-260	Requirement to register.
434-166-270	Transaction of business or conducting affairs.
434-166-280	Application for registration.
434-166-290	Application for renewal.
434-166-300	Fees.

PART D TERMINATION AND REVOCATION OF INTERNATIONAL STUDENT EXCHANGE ORGANIZATION'S REGISTRATIONS

434-166-310	Termination.
434-166-320	Responsibilities of organization upon termination.

PART E MISCELLANEOUS PROVISIONS

434-166-330	Adherence to regulations.
434-166-340	Requests by secretary of state.
434-166-350	Inquiries and investigations.

PART A
GENERAL PROVISIONS AND DEFINITIONS

WAC 434-166-010 Authority. These rules are adopted under the authority of chapter 19.166 RCW to provide for the administration of the International Student Exchange Agency Registration Act, hereafter referred to as the "act." These regulations shall be considered a supplement to and not a replacement for the act.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-010, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-010, filed 4/29/92, effective 5/30/92.]

WAC 434-166-020 Purpose of regulations. The purpose of the regulations is to set minimum standards to implement the "act" in an effective and efficient manner.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-020, filed 4/29/92, effective 5/30/92.]

WAC 434-166-030 Official address, telephone number of the office of the secretary of state, international student exchange program. The address to be used for delivery and receipt of mail, information, registration applications, amendments, fees, and other material required by the act is:

Office of the Secretary of State
International Student Exchange Program
P.O. Box 40234
Olympia WA 98504-0234

The telephone number to be used for inquiries relating to this act and to be disclosed by the organization as required by RCW 19.166.070, is: 360-725-0377.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-030, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 00-21-086, § 434-166-030, filed 10/17/00, effective 11/17/00; WSR 92-10-023, § 434-166-030, filed 4/29/92, effective 5/30/92.]

WAC 434-166-040 Office hours. Customary hours of operation of the International Student Exchange Program are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. Registration documents received after 4:30 p.m. will not be processed until the next day.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-040, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-040, filed 4/29/92, effective 5/30/92.]

WAC 434-166-050 Public records. Except as provided by RCW 42.56.230, all documents relating to the International Student Exchange Program are public record and are available for public inspection and copying pursuant to rules of procedure, chapter 434-12A WAC.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-050, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-050, filed 4/29/92, effective 5/30/92.]

WAC 434-166-060 Public records copying charge—Exemptions. Requests for copies or certificates relating to the public records of this act shall be charged per registered organization, as follows:

(1) A photocopy shall be fifty cents per page for the first ten pages and twenty-five cents per page for each additional page.

(2) A certified copy or certificate of fact shall be five dollars for the certification plus any additional copying charges.

(3) Requests for copies (whether photo or certified) or a certificate of fact by a Washington state agency in the pursuit of business shall be provided without charge.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-060, filed 4/29/92, effective 5/30/92.]

WAC 434-166-070 Registration applications—Grounds for denial. Any application or form shall not be accepted by the secretary of state if it is not on the form prescribed by the secretary, or is unsigned, incomplete, illegible, or does not include all required fees, information, and documents.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-070, filed 4/29/92, effective 5/30/92.]

WAC 434-166-080 Definitions. Terms defined in RCW 19.166.020 shall apply in these regulations. In addition, the following definitions shall be applicable when used in these regulations:

(1) "Secretary" means the secretary of state or an employee of the secretary acting under the authority of the secretary.

(2) "Act" means the International Student Exchange Agency Registration Act, chapter 128, Laws of 1991 and Title 19 RCW.

(3) "Responsible officer" means the officer or employee of the international student placement organization who has primary authority for supervising placements in the state of Washington.

[(4)] "Responsible officer address" means the physical location of the responsible officer.

[(5)] "Immediate family" means the parent(s) or legal guardian(s) of an international student exchange visitor.

[(6)] "Nonimmigrant visa" means a visa category used by nonresident aliens whose primary purpose for visiting the United States is to study full time at an approved institution.

[(7)] "Host family" means the family residing in the state of Washington that the international student exchange visitor resides with during his or her period of academic study.

[(8)] "CSIET" means the Council on Standards for International Educational Travel.

[(9)] "CSIET standards" means standards published by CSIET and used by the CSIET to evaluate the operations of international student exchange visitor placement organizations.

[(10)] "CSIET's approval for listing letter" means the letter from CSIET showing that the placement organization meets the standards set by the CSIET and has been accepted for the current listing.

[(11)] "High school" means any secondary public institution of learning in the state of Washington.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-080, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-080, filed 4/29/92, effective 5/30/92.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

PART B

INTERNATIONAL STUDENT EXCHANGE AGENCY REGISTRATION STANDARDS

WAC 434-166-090 Selection of student. The organization shall be fully responsible for the selection of suitable students for participation in its international student exchange visitor program. Selection shall be limited to students who have a sufficient command of the English language to enable them to function well in an English-speaking academic and community environment. Students shall also be screened for demonstrated maturity, good character, and ability to derive maximum benefit from the program experience.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-090, filed 4/29/92, effective 5/30/92.]

WAC 434-166-100 Orientation of students and host families. (1) The organization shall provide:

(a) Each student and immediate family of each student with suitable orientation prior to departure from their home and upon arrival in the state of Washington to acquaint them in advance with the customs of the state of Washington and the United States. In addition, they shall be provided with detailed knowledge of the school and academic program in which he or she will be participating and information relating to their host family.

(b) Each host family with suitable orientation in advance of the student's arrival, including information on family, school, and cultures of the student's native country, as well as information relating to the academic program in which the student will be enrolled in.

(2) Each organization shall maintain in their records a copy of the letters used to notify the student, immediate family, and host family of the above information.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-100, filed 4/29/92, effective 5/30/92.]

WAC 434-166-110 Health and accident insurance. (1) Each organization shall ensure that every student participating in the exchange program has health and accident insurance from the time of departure from home to the time the student returns to his or her home country. Minimum acceptable insurance is:

(a) Medical and accident coverage of fifty thousand dollars per illness or accident;

(b) Preparation and transportation of remains to the student's home country (minimum of seven thousand five hundred dollars) in the event of death. Coverage may be provided in one of the following ways:

(i) By the student;

(ii) By the organization.

(2) The organization is responsible for providing each student, each student's immediate family and the host family detailed printed information regarding the terms and limits of insurance coverage and procedures for filing a claim (including forms wherever possible).

(3) The organization shall maintain in its files proof of health and accident insurance.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-110, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-110, filed 4/29/92, effective 5/30/92.]

WAC 434-166-120 Acceptance of students. No student shall be brought into the state of Washington by the organization unless he or she has been accepted in writing as a student by the legally authorized designee of the admitting high school. The organization shall maintain in its files copies of such documents authorizing enrollment.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-120, filed 4/29/92, effective 5/30/92.]

WAC 434-166-130 Selection of host family. (1) The organization is responsible for making all arrangements for the placement of each student with a host family whose home is located in a place convenient to the educational institution in which the student is to be enrolled.

(2) The organization shall make every effort to assure the maximum degree of compatibility between the family and the student, including, wherever possible, the presence in the family of a teenage student.

(3) The organization's representative shall visit the home of, and personally interview, each host family before a student is assigned to such family including verifying that each member of the host family eighteen years of age and older has undergone a criminal background check.

(4) The organization shall ensure that its representative selects only those homes which reflect the high quality expected of the International Student Exchange Agency Program.

(5) A written record shall be made of this visit and interview by the representative, a copy of which shall be maintained by the organization.

(6) Selection of host families and assignment of students shall be made prior to the student's departure from his or her home country.

(7) No organization shall bring a student into the United States without written acceptance from the host family.

(8) The host family shall be advised in writing of the name, age, educational status, other background information, and anticipated arrival time of the assigned student.

(9) The student's immediate family shall be advised in writing of the name, address, family composition, and other background information concerning the host family at the earliest possible time, to permit the exchange of correspondence between the respective families in advance of the student's arrival.

(10) Copies of these notifications shall be maintained in its files by the organization.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-130, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-130, filed 4/29/92, effective 5/30/92.]

WAC 434-166-140 Host family housing requirements for students.

(1) Each organization shall be responsible for placing the student with a host family which can provide housing which:

- (a) Furnishes separate private sleeping quarters for each sex;
- (b) A bed of his or her own; and
- (c) No more than four persons to a bedroom.

(2) The host family's home, and household equipment shall be maintained in a clean and sanitary condition, free of hazards, and in good repair. The home shall be accessible to other resources in the event of an emergency (e.g., telephone, emergency services, etc.).

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-140, filed 4/29/92, effective 5/30/92.]

WAC 434-166-150 Change in host family assignment. If unforeseen events occur and it is in the best interest of the student, the organization may make a change in the host family assignment of a student. Reports of any such changes and the reasons therefore shall be retained by the organization. Notification of any change shall be sent within twenty-four hours to the immediate family, host families, and the school of placement.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-150, filed 4/29/92, effective 5/30/92.]

WAC 434-166-160 Employment of students. (1) Each organization shall advise its students that they may not accept or undertake regular employment while enrolled in the program.

(2) Students may engage in occasional intermittent jobs, such as tutoring, grass-cutting, baby-sitting and the like.

(3) Students may not perform the duties of a household domestic for compensation or otherwise in the home of the host family.

(4) Students may be asked to assist in normal daily chores in the host family household which other members of the family perform.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-160, filed 4/29/92, effective 5/30/92.]

WAC 434-166-170 Supervision by organization. The organization shall maintain continuous personal contact with each of its' students, the host family, and the high school in which each student is enrolled. The organization shall initiate action to attempt to resolve any problems which may arise with respect to the student's participation in his or her academic program or with respect to the student's relationship with his or her host family.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-170, filed 4/29/92, effective 5/30/92.]

WAC 434-166-180 Travel responsibility of organization. (1) Each organization shall be responsible for maintaining records of prepaid travel arrangements of all students placed in the state of Washington by the organization.

(2) Transportation must be provided both to and from the student's home to their destination by air and/or surface modes of commercial transportation.

(3) Travel arrangements shall be carried out by the purchase of a roundtrip ticket or tickets to their final destinations for each student prior to the entry of each student into the state of Washington. These travel arrangements may be made either:

(a) By the organization; or

(b) By the student.

(4) A copy of the travel itinerary and a copy of the prepaid roundtrip ticket shall be maintained by the organization in their files.

(5) A copy of the prepaid roundtrip ticket shall be given to the host family.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-180, filed 4/29/92, effective 5/30/92.]

WAC 434-166-190 Information to be provided. (1) An international student placement agency shall provide each student, each student's immediate family, and the host family with an informational document regarding the agency services, in English, which shall contain at a minimum: Disclosure of all moneys paid to the agency which are to be paid to the host family, students, or for special or additional activities during the program period. The timing and method of payment are to be specified.

(2) In addition, each student and host family shall receive a statement which includes the amount of the fee to be charged to the student.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-190, filed 4/29/92, effective 5/30/92.]

WAC 434-166-200 Agency records requirements. (1) Each organization shall keep records at the organizational office of services rendered to host families and students. The records and obligations shall include:

(a) The name, home address, and telephone number of the student (in that student's home country) to whom services are provided or promised.

(b) The name, address, and telephone number of the host family with whom the student is placed, which shall be on file at least seven days prior to the student's arrival in the state of Washington.

(c) Document that each student entered the state with a nonimmigrant visa and is enrolled in a public secondary educational institution.

(d) Document that authorizes enrollment in school of acceptance.

(e) Copy of written records of interview between the organization's representative and the host family.

(f) Copy of correspondence to the student's immediate family advising them of the name, address, family composition, and other background information concerning the host family.

(g) Copy of correspondence to host family(ies) advising them of the name, age, educational status, other background information, and anticipated arrival time of student.

(h) The amount of the organization's fee(s) charged to a student and an itemization of the services attributable to individual portions of the fee(s).

(i) A complete copy of any written agreements entered into between the organization, students, and the host families.

(j) Copy of health and accident insurance policy covering participating students and a statement of how coverage shall be provided.

(2) The records shall be maintained for a period of one year from the date on which the student departs from the state of Washington. For purposes of investigating a complaint or otherwise assuring compliance with this chapter and rules adopted thereunder, the records shall be subject to inspection by the secretary, upon request.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-200, filed 4/29/92, effective 5/30/92.]

PART C CONDITIONS APPLICABLE TO REGISTRATION

WAC 434-166-210 Appointment of a responsible officer and responsible officer address. (1) Each organization shall appoint and continuously maintain a responsible officer, as required by RCW 19.166.040, who has primary responsibility for supervising placements within the state of Washington.

(2) The responsible officer shall be an employee or officer of the organization.

(3) The person who signs the application as responsible officer as required by RCW 19.166.040(2) shows acceptance of assuming the duties of the responsible officer.

(4) The responsible officer shall have an address which shall be a specific geographic location, and be identified by number, if any, and street, or building address, or rural route, city, state, and zip code or, if a commonly known street or rural route does not exist, by

legal description. The responsible officer's address may not be identified by post office box number or other nongeographic address. For purposes of communicating by mail, the secretary may permit the use of a post office address in conjunction with the geographic location if they are located in same city, if, the organization also maintains on file the specific geographic address of the Washington office.

[Statutory Authority: RCW 19.166.030, 19.166.040, 19.166.050 and 19.166.060. WSR 99-16-066, § 434-166-210, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-210, filed 4/29/92, effective 5/30/92.]

WAC 434-166-220 Change of responsible officer and/or responsible officer address. An organization may change its responsible officer or responsible officer address by delivering to the secretary, within thirty days of the change, a statement of change form prescribed by the secretary that sets forth:

- (1) The name of the organization;
- (2) If the current officer address is to be changed, the street address of the current officer and the street address of the new officer address in accordance with WAC 434-166-210;
- (3) If the current responsible officer is to be changed, the name of the current responsible officer and the name of the new responsible officer; and
- (4) The new officer's written consent accepting the responsibility of the responsible officer.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-220, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-220, filed 4/29/92, effective 5/30/92.]

WAC 434-166-230 Resignation of responsible officer. (1) A responsible officer may resign by signing and delivering to the secretary of state for filing a statement of resignation. The statement must also include a statement that the responsible officer address is also discontinued.

(2) After filing the statement the secretary of state shall mail a copy of the filed statement and a statement of change form to the organization at its organizational address.

(3) The organization shall appoint a new responsible officer and responsible officer address within thirty days of notification.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-230, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-230, filed 4/29/92, effective 5/30/92.]

WAC 434-166-240 Duties of the responsible officer. The officer who signs the application consenting to serve as responsible officer, shall:

- (1) Accept all official communications and inquiries from the secretary on behalf of the organization.

(2) Maintain copies of all documentation, as required by WAC 434-166-200, on behalf of the organization for each individual student placed in the state of Washington.

(3) Furnish all documentation, information, reports, documents, books, files, and other records requested by the secretary on all matters relating to the students placed in Washington by the organization.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-240, filed 4/29/92, effective 5/30/92.]

WAC 434-166-250 Individual located in state of Washington. (1)

The organization shall maintain an in-state telephone number as required by RCW 19.166.070. This telephone number shall be registered to an individual residing in the state of Washington, which may be:

- (a) An employee for the organization; or
- (b) An officer for the organization; or
- (c) A volunteer for the organization.

(2) The organization shall ensure that this individual has:

- (a) A listing of all placements of students by the organization and the location of each in the state of Washington;
- (b) Knowledge of emergency procedures;
- (c) Twenty-four-hour contact with the organization for emergencies;
- (d) Knowledge and capability to assist and advise the students in their relationship with the organization[.];

(3) Each individual maintaining the in-state telephone number for the organization shall sign a written agreement with the organization, a copy of which shall be submitted to the secretary with the registration application.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-250, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-250, filed 4/29/92, effective 5/30/92.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 434-166-260 Requirement to register. Each organization operating in Washington is required to register with the secretary, if two or more students are placed in Washington public high schools within a five year period. Registration is due in the office of the secretary during the enrollment period of March 1st through June 15th preceding the beginning of the next school year.

The secretary shall provide, annually, a list of all international student exchange agencies registered as of June 15th to the superintendent of public instruction on or before August 5th of the same year. Subsequent lists may be provided at a later date.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-260, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.030, 19.166.040 and 19.166.060. WSR 96-10-052, § 434-166-260, filed 4/29/96, effective 5/30/96. Statutory Authority:

RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-260, filed 4/29/92, effective 5/30/92.]

WAC 434-166-270 Transaction of business or conducting affairs.

No organization that is a foreign corporation, limited partnership, or limited liability company defined in RCW 23B.01.400[(13)], 24.03.005(2), 24.06.005(2), 25.10.010(4), and 25.15.005(3) will be registered under this program unless and until the organization complies with foreign corporation, limited partnership, or limited liability company registration requirements.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-270, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-270, filed 4/29/92, effective 5/30/92.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 434-166-280 Application for registration. (1) Any organization meeting the requirements set forth in chapters 19.166 RCW and 434-166 WAC shall register with the secretary of state. Such registration shall be made on a form prescribed by the secretary of state and filed with the secretary's office.

(2) The applicant must also provide evidence that they have met the established standards as an international student exchange visitor placement organization, by:

(a) Submitting a copy of the U.S. Department of State's Designation Letter showing current registration; or

(b) Submitting a copy of the CSIET's Approval for Listing Letter showing current registration; or

(c) Submitting a notarized statement, on a form prescribed by the secretary of state, declaring that the organization has met all standards and obligations as required by chapters 19.166 RCW and 434-166 WAC.

(3) Registrations filed during the enrollment period specified in WAC 434-166-260 are valid until June 15th of the next year. All other registrations expire June 15th of the next enrollment period.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-280, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.030, 19.166.040 and 19.166.060. WSR 96-10-052, § 434-166-280, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-280, filed 4/29/92, effective 5/30/92.]

WAC 434-166-290 Application for renewal. (1) Prior to the expiration of the registration period, organizations may seek renewal within the enrollment period specified in WAC 434-166-260 by completing the registration requirements as set forth in RCW 19.166.040 and WAC 434-166-280.

(2) The secretary may mail a renewal form to the responsible officer/responsible officer address within forty-five days prior to the registration expiration.

(3) Failure of the secretary to notify the organization of renewal does not relieve the organization's obligation for filing its renewal documents.

(4) Applications to renew must be filed by the due date specified by RCW 19.166.040; no extensions will be granted by the secretary.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-290, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.030, 19.166.040, 19.166.050 and 19.166.060. WSR 99-16-066, § 434-166-290, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 19.166.030, 19.166.040 and 19.166.060. WSR 96-10-052, § 434-166-290, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-290, filed 4/29/92, effective 5/30/92.]

WAC 434-166-300 Fees. (1) Organizations required to register or renew under RCW 19.166.030 and chapter 434-166 WAC shall pay a fee of fifty dollars per application.

(2) A notification of change of information required under RCW 19.166.050 shall be accepted without fee.

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-300, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-300, filed 4/29/92, effective 5/30/92.]

PART D
TERMINATION AND REVOCATION OF INTERNATIONAL STUDENT EXCHANGE ORGANIZATION'S REGISTRATIONS

WAC 434-166-310 Termination. Registrations of organizations shall be terminated when any of the following circumstances set forth occur:

(1) Voluntary termination. An organization may voluntarily terminate its registration by notifying the secretary of such intent. The organization's registration shall terminate upon such notification.

(2) Failure to apply for renewal. Failure to apply for renewal will result in the automatic termination of the organization's registration. If so terminated, the former organization must apply for a new registration.

(3) Loss of license, permit or accreditation. An organization's registration shall automatically terminate in the event that the organization fails to remain in compliance with local, state statute and regulations, federal, or professional requirements necessary to carry out the activities for which it was registered.

(4) Ownership change. An organization's registration shall automatically terminate in the event of a change of structure of the organization.

(5) Failure to notify. An organization's registration shall automatically terminate in the event the organization fails to notify the secretary within thirty days of any changes in their registration documents within thirty days, as required by RCW 19.166.040(3).

[Statutory Authority: RCW 19.066.050 [19.166.050]. WSR 10-04-035, § 434-166-310, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.030, 19.166.040, 19.166.050 and 19.166.060. WSR 99-16-066, § 434-166-310, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-310, filed 4/29/92, effective 5/30/92.]

WAC 434-166-320 Responsibilities of organization upon termination. (1) The termination of the organization's registration shall not relieve the organization's obligation to all students who are in the state of Washington.

(2) The organization shall immediately cancel any student's exchange visit prior to entry to the state of Washington unless a transfer to another registered program can be obtained.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-320, filed 4/29/92, effective 5/30/92.]

PART E MISCELLANEOUS PROVISIONS

WAC 434-166-330 Adherence to regulations. Organizations are required to adhere to regulations set forth in chapters 19.166 RCW and 434-166 WAC.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-330, filed 4/29/92, effective 5/30/92.]

WAC 434-166-340 Requests by secretary of state. Organizations shall furnish all information, reports, documents, books, files, and other records requested by the secretary on all matters related to the organization's international student exchange visitor placement programs.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-340, filed 4/29/92, effective 5/30/92.]

WAC 434-166-350 Inquiries and investigations. Organizations shall cooperate fully with any inquiry or investigation that may be undertaken by the secretary.

[Statutory Authority: RCW 19.166.050 and 19.166.060. WSR 92-10-023, § 434-166-350, filed 4/29/92, effective 5/30/92.]

Chapter 434-180 WAC ELECTRONIC AUTHENTICATION

Last Update: 6/5/12

WAC

PART 1

GENERAL PRINCIPLES

434-180-100 Scope and purpose of chapter.
434-180-120 Definitions.
434-180-130 Fees.

PART 2

CERTIFICATION AUTHORITY LICENSE APPLICATION, SUSPENSION, REVOCATION

434-180-200 Application for license as a certification authority.
434-180-203 Designation of confidential information.
434-180-205 Issuance of license or renewal.
434-180-210 Form.
434-180-215 Certification of operative personnel.
434-180-220 Qualification of newly designated operative personnel.
434-180-225 Suitable guaranty.
434-180-240 Compliance audits.
434-180-245 Recognition of foreign licenses.
434-180-250 Revocation or suspension of license.
434-180-255 Summary suspension of license.
434-180-260 Technical assistance program.
434-180-265 Civil penalties.
434-180-270 Criteria for determining penalty amounts.
434-180-275 Recovery against suitable guaranty.

PART 3

CERTIFICATION AUTHORITY STANDARDS AND PRACTICES

434-180-300 Form of certificates.
434-180-310 Recordkeeping and retention.
434-180-320 Certification authority disclosure records.
434-180-330 Certification practice statements.
434-180-340 Suspension or revocation of a certificate by the secretary.
434-180-350 Regional services for certificate suspension.
434-180-360 Trustworthy system.
434-180-370 Procedure upon discontinuance of business.

PART 4

RECOGNITION OF REPOSITORIES

434-180-400 Recognition of repositories.
434-180-410 Revocation of recognition of a repository.
434-180-420 Trustworthy system for recognized repositories.
434-180-430 Contract for secretary of state repository publication.
434-180-440 Publication by the secretary of state.
434-180-450 Procedure upon discontinuance of business as repository.

PART 5

PROCEEDINGS BEFORE THE SECRETARY

434-180-500 Application for adjudicative proceedings.
434-180-510 Appointment of administrative law judge—Designation of procedural rules.
434-180-520 Pleadings in digital form.
434-180-530 Service of process on the secretary.
434-180-540 Stay of summary suspension.
434-180-550 Review of orders regarding stay.
434-180-560 Adjudicative proceedings—Appearance and practice before the secretary—Who may appear.
434-180-590 Brief adjudicative proceeding regarding certificate suspension.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-180-110 Office address, hours, and telephone number. [Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111, and 19.34.400. WSR 00-21-087, § 434-180-110, filed 10/17/00, effective 11/17/00; WSR 97-24-053, § 434-180-110, filed 11/26/97, effective 12/27/97.] Repealed by WSR 04-04-018, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 23B.01.200(2), 24.03.007, [24.03.]008, 25.15.007, 19.09.020(15), [19.09].315, 19.77.115, and 43.07.170.
434-180-235 Sufficient working capital. [Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-235, filed 11/26/97, effective 12/27/97.] Repealed by WSR 98-16-031, filed 7/29/98, effective 8/29/98. Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33.

PART 1

GENERAL PRINCIPLES

WAC 434-180-100 Scope and purpose of chapter. This chapter implements the Washington Electronic Authentication Act, codified as chapter 19.34 RCW.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-100, filed 11/26/97, effective 12/27/97.]

WAC 434-180-120 Definitions. For purposes of this chapter, all terms defined in RCW 19.34.020 have the meanings set forth in statute. Additionally, the following terms shall have the following meanings:

(1) "Operative personnel" means one or more natural persons acting as an agent of a licensed certification authority, or in the employment of, or under contract with, a licensed certification authority, and who have:

(a) Managerial or policy making responsibilities for such licensed certification authority; or

(b) Duties directly involving the issuance of certificates (including the identification of persons requesting a certificate from a certification authority), creation of private keys, or administration of a licensed certification authority's computing facilities.

(2) "Managerial or policy making responsibilities" means direct responsibility for the day-to-day operations, security and performance of those business activities that are regulated under chapter 19.34 of the Revised Code of Washington. If a licensed certification authority is a corporation, then it is presumed that the members of the board of directors, among others, exercise managerial or policy making responsibilities, unless the board delegates those duties in writing to one or more officers or employees of the corporation.

(3) "Presiding officer" means the secretary or an administrative law judge assigned to preside over an adjudicative hearing pursuant to this chapter.

(4) "X.509" means the specific set of technical standards identified by that name which were adopted by the international telecommunication union, formerly known as the international telegraph and telephone consultation committee. For purposes of these rules, all references to X.509 shall be construed as referring to version 3. Compliance with only versions 1 or 2 shall not be construed as compliance with X.509.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-120, filed 11/26/97, effective 12/27/97.]

WAC 434-180-130 Fees. Fees for services performed by the secretary of state are established in the following amounts:

(1) For application for a license as a certification authority:

(a) For the applicant's first year doing business as a licensed certification authority in this state: One thousand four hundred dollars;

(b) For the applicant's subsequent biennial renewal doing business as a licensed certification authority in this state: Two thousand eight hundred dollars.

(2) For recognition as a repository, in addition to the license issuance or renewal fee paid pursuant to this section:

(a) For the applicant's first year doing business as a recognized repository in this state: One thousand four hundred dollars;

(b) For the applicant's subsequent biennial renewal doing business as a recognized repository in this state: Two thousand eight hundred dollars.

(3) For recognition of a foreign license: One-half of the otherwise applicable fee as set forth under subsection (1) or (2) of this section.

(4) For qualification of operative personnel:

(a) For administering and scoring the examination required by WAC 434-180-215(3), fifty dollars per individual; and

(b) For qualifying operative personnel pursuant to WAC 434-180-215 and 434-180-220, other than (or in addition to) administering and scoring the examination, twenty-five dollars per individual.

[Statutory Authority: RCW 19.34.101, 19.34.500. WSR 10-04-057, § 434-180-130, filed 1/29/10, effective 3/1/10. Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. WSR 98-16-031, § 434-180-130, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-130, filed 11/26/97, effective 12/27/97.]

PART 2

CERTIFICATION AUTHORITY LICENSE APPLICATION, SUSPENSION, REVOCATION

WAC 434-180-200 Application for license as a certification authority. Any person desiring to be licensed as a certification authority must file an application pursuant to this chapter demonstrating compliance with the requirements of RCW 19.34.100. To apply for a license, an applicant must submit all of the following:

(1) A completed application form as prescribed by WAC 434-180-210;

(2) The fee or fees provided by WAC 434-180-130;

(3) A certificate that shows the applicant as subscriber and is published in a recognized repository;

(4) A suitable guaranty, described by WAC 434-180-225, unless the applicant is a self-insured city, a self-insured county, or the department of information services of the state of Washington;

(5) Documentation, in the form of an information systems audit report, establishing that the applicant has the use of a trustworthy system as defined by WAC 434-180-360. The audit required by this subsection shall be performed pursuant to WAC 434-180-240, except that it is not required to establish anything more than that the applicant has the use of a trustworthy system;

(6) Materials establishing, to the satisfaction of the secretary that each person listed as operative personnel has qualified to act as operative personnel pursuant to WAC 434-180-215; and

(7) A written certification practice statement as described in WAC 434-180-330.

[Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. WSR 98-16-031, § 434-180-200, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and

19.34.400. WSR 97-24-053, § 434-180-200, filed 11/26/97, effective 12/27/97.]

WAC 434-180-203 Designation of confidential information. Any certification authority, recognized repository, or applicant for licensure or recognition who believes that any information submitted to the secretary is legally exempt from public disclosure, inspection, or copying pursuant to law may designate such records upon submission to the secretary. Such designation does not conclusively establish the application of any exemption, but will assist the secretary in correctly responding to requests for public records. Any designation shall specify the precise information the party regards as subject to an exemption, and precise statute establishing the exemption.

[Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. WSR 98-16-031, § 434-180-203, filed 7/29/98, effective 8/29/98.]

WAC 434-180-205 Issuance of license or renewal. The secretary shall, within a reasonable time, issue or renew a license as a certification authority if the applicant has:

(1) Submitted all documentation required by WAC 434-180-200 and 434-180-210; and

(2) The secretary has determined that the applicant meets all requirements for licensure.

(3) Issuance of a license shall be valid for a period of one year. Renewal of a license shall be valid for a period of two years. Failure to receive a notice of the need to renew a license is an insufficient reason for failing to file the required application for renewal.

[Statutory Authority: RCW 19.34.101, 19.34.500. WSR 10-04-057, § 434-180-205, filed 1/29/10, effective 3/1/10. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-205, filed 11/26/97, effective 12/27/97.]

WAC 434-180-210 Form. Each application for a license, or renewal of a license, as a certification authority shall be submitted on a form prescribed by the secretary. The completed form shall contain the following:

(1) The name of the applicant;

(2) The applicant's uniform business identifier number, if any;

(3) The mailing address of the applicant, and a physical address if different;

(4) The telephone number of the applicant;

(5) The electronic mail address of the applicant;

(6) The name and address of the applicant's registered agent for service of process, other than the secretary. Address information shall include a physical address, but may additionally provide a mailing address if different;

(7) The names of all operative personnel; and

(8) The appointment of the secretary of state as the applicant's agent for service of process.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-210, filed 11/26/97, effective 12/27/97.]

WAC 434-180-215 Certification of operative personnel. The secretary shall not issue or renew a license as a certification authority unless the licensee documents that every individual employed or acting as operative personnel qualifies to act as operative personnel. This documentation shall include:

(1) Receipt of a completed form, signed by the individual under penalty of perjury, stating:

(a) The name (including all other names used in the past), date of birth, and business address of the individual;

(b) That the individual has not been convicted within the past seven years of a felony and has never been convicted of a crime involving fraud, false statement, or deception in any jurisdiction; and

(c) If the individual has resided in any nation other than the United States during the previous five years, the name of that nation and the period of residency.

(2) A criminal background check supporting the declaration required by subsection (1) of this section. This requirement is excused as to any individual for whom documentation satisfying this paragraph was submitted within the previous two years, even if the individual has changed employment. This check must include both of the following:

(a) A criminal background check compiled by a private sector provider, documenting a background check reasonably sufficient to disclose any criminal convictions within the previous seven years in any state or federal jurisdiction in the United States, its territories, or possessions, and any other jurisdiction specified pursuant to subsection (1)(c) of this section. This background check must contain information that is current to within thirty days of its date of submission; and

(b) The certified results of a criminal background check performed by the Washington state patrol or law enforcement agency where the operative personnel reside and are employed for the previous seven years, dated not more than thirty days prior to submission or such other jurisdictions as the secretary may reasonably request. Such check shall be performed using the individual's fingerprints.

(3) Satisfactory completion by the individual of a written examination demonstrating knowledge and proficiency in following the requirements of the Washington Electronic Authentication Act and these rules. The secretary shall develop an open book written test covering the subject matter of the act, and provide it upon request, which may include electronic access. The secretary may update or modify the test from time to time. The secretary shall indicate at the top of the test the percentage or number of questions that must be answered correctly in order to constitute satisfactory completion. No individual may take the examination more than once within a period of thirty days. A certification by the secretary that an individual has successfully completed this examination shall be valid for two years, and shall continue to satisfy the requirements of this subsection even if the individual changes employment.

(4) A licensed certification authority must remove a person from performing the functions of operative personnel immediately upon learning that the person has been convicted within the past seven

years of a felony or has ever been convicted of a crime involving fraud, false statement, or deception, and must notify the secretary of this action within three business days.

[Statutory Authority: Chapter 19.34 RCW and 1998 c 33. WSR 99-02-047, § 434-180-215, filed 1/4/99, effective 2/4/99. Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. WSR 98-16-031, § 434-180-215, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-215, filed 11/26/97, effective 12/27/97.]

WAC 434-180-220 Qualification of newly designated operative personnel. No licensed certification authority may assign any individual to perform the functions of operative personnel if that individual has not been certified by the secretary pursuant to WAC 434-180-215. Such certification may be obtained by application to the secretary at any time, without regard to the time at which the certification authority's license is subject to renewal.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-220, filed 11/26/97, effective 12/27/97.]

WAC 434-180-225 Suitable guaranty. (1) The suitable guaranty required for licensure as a certification authority may be in the form of either a surety bond executed by an insurer lawfully operating in this state, or an irrevocable letter of credit issued by a financial institution authorized to do business in this state.

(2) The suitable guaranty must be in an amount of at least fifty thousand dollars.

(3) As to form, the suitable guaranty must:

(a) Identify the insurer issuing the suitable guaranty or financial institution upon which it is drawn, including name, mailing address, and physical address, and identify by number or copy its licensure or approval as a financial institution, or in the case of an insurer, as an insurer in this state;

(b) Identify the certification authority on behalf of which it is issued;

(c) Be issued payable to the secretary for the benefit of persons holding qualified rights of payment against the licensed certification authority named as principal of the bond or customer of the letter of credit;

(d) State that it is issued for filing under the Washington Electronic Authentication Act; and

(e) Specify a term of effectiveness extending at least as long as the term of the license to be issued to the certification authority.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-225, filed 11/26/97, effective 12/27/97.]

WAC 434-180-240 Compliance audits. (1) A licensed certification authority shall obtain a compliance audit at least once every year.

The auditor shall issue an opinion evaluating the degree to which the certification authority conforms to the requirements of this chapter and of chapter 19.34 RCW. If the certification authority is also a recognized repository, the audit must include the repository.

(2) For purposes of the opinion required by this section, the auditor shall exercise reasonable professional judgment as to whether a condition that does not strictly comply with legal requirements is or is not material, taking into consideration the circumstances and context. Noncompliance as to any of the following shall be deemed material, in addition to any others the auditor may judge to be material:

(a) Any condition of noncompliance with statute or rule that relates to the validity of a certificate;

(b) Any employee performing the functions of operative personnel who has not qualified pursuant to WAC 434-180-215;

(c) Any material indication that the certification authority has used any system other than a trustworthy system.

(3) An audit may be performed by any licensed certified public accountant, or, in the case of a public agency, by the Washington state auditor. For purposes of this section, licensed certified public accountants include any person holding a certified public accountant certificate issued pursuant to chapter 18.04 RCW, or any licensee under any equivalent law of any other jurisdiction. Any auditor, or group of auditors, performing an audit pursuant to this section shall include at least one individual who has been issued a current and valid certificate as either a certified information systems auditor, by the information systems audit and control foundation, or as a certified information systems security professional, by the International Information Systems Security Certification Consortium. The names of all individuals possessing such certificates shall be disclosed in the audit report, or in a cover letter accompanying that report.

(4) The certification authority shall file a copy of the audit report with the secretary, prior to the date the certification authority must renew its license pursuant to WAC 434-180-205. At the certification authority's option, it shall be sufficient to file a portion of the report if that report summarizes all audit exceptions and conditions of noncompliance (including, but not limited to, those stated in subsection (2) of this section) stated in the full report, and bears the auditor's signature. The report may be filed electronically, if it is validly digitally signed by the auditor, using a licensed certification authority. The secretary shall publish the report, or summary, in the certification authority disclosure record it maintains for the certification authority.

[Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. WSR 98-16-031, § 434-180-240, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-240, filed 11/26/97, effective 12/27/97.]

WAC 434-180-245 Recognition of foreign licenses. (1) A certification authority licensed as such by a governmental entity other than the state of Washington, may act as a licensed certification authority in Washington only if, in addition to meeting any other requirements established by law for the transaction of business, it either:

(a) Obtains a license as a certification authority from the secretary; or

(b) Provides to the secretary a certified copy of a license issued by a governmental entity whose licensing or authorization requirements the secretary has found to be substantially similar to those of Washington, together with the fee required by WAC 434-180-130. A license recognized under this subsection shall be valid in Washington only during the time it is valid in the issuing jurisdiction.

(2) The secretary may certify that the licensing or authorization requirements of another jurisdiction are substantially similar to those of Washington if, in order to obtain a license, the controlling law of the other jurisdiction requires that a licensed certification authority:

(a) Issue certificates based upon a system of public key cryptography using a trustworthy system. The law or administrative rule of another jurisdiction must establish standards determining what constitutes a trustworthy system. Those standards may differ from Washington's standards as set forth under WAC 434-180-360 as long as they are substantially similar in purpose and result;

(b) Provide a suitable guaranty in an amount of at least twenty-five thousand dollars;

(c) Employ as operative personnel only individuals who have demonstrated knowledge and proficiency in the requirements of the law regarding digital signatures, and who are free of felony criminal conviction for a minimum of seven years; and

(d) Be subject to a legally established system of enforcement of licensure requirements.

(3) If the requirements of another jurisdiction fail to be certified as substantially similar to those of Washington only because they do not satisfy subsection (2)(c) of this section, then the secretary shall recognize the license of a particular certification authority licensed by that jurisdiction if the certification authority complies with subsection (1)(b) of this section and, in addition, employs as operative personnel only individuals whom the secretary has certified pursuant to WAC 434-180-215.

(4) The secretary shall publish in the *State Register*, and make available upon request, a list of those jurisdictions which the secretary has certified pursuant to subsection (2) of this section. If a jurisdiction is not included in the list most recently published in the *State Register*, the secretary shall consider whether certification of such jurisdiction should be added, upon request of either the jurisdiction or a certification authority licensed by that jurisdiction and upon receipt of an English language copy of the applicable laws and regulations of that jurisdiction.

[Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. WSR 98-16-031, § 434-180-245, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-245, filed 11/26/97, effective 12/27/97.]

WAC 434-180-250 Revocation or suspension of license. (1) The secretary may revoke or suspend a license, pursuant to chapter 34.05 RCW, for failure to comply with any requirement of chapter 19.34 RCW

or this chapter, for failure to remain qualified for a license pursuant to chapter 19.34 RCW or this chapter, or for failure to comply with a lawful order of the secretary.

(2) The secretary shall inform a licensed certification authority by written order, by mail directed to the mailing address or electronic mail address listed on the licensee's application, of a decision to revoke or suspend the license. The notification shall state when the revocation or suspension shall be effective, which shall not be less than thirty days following the issuance of the order except in the case of a summary suspension pursuant to WAC 434-180-255.

(3) If the licensee files an application for an adjudicative hearing, pursuant to WAC 434-180-500, prior to the effective date of revocation or suspension, the suspension or revocation shall not take effect until so ordered by the presiding officer, except in the case of a summary suspension pursuant to WAC 434-180-255.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-250, filed 11/26/97, effective 12/27/97.]

WAC 434-180-255 Summary suspension of license. The secretary may order the summary suspension of a license pending proceedings for revocation or other action, as described in RCW 19.34.100(4). A summary suspension of a license is effective immediately upon issuance.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-255, filed 11/26/97, effective 12/27/97.]

WAC 434-180-260 Technical assistance program. (1) This section describes the secretary's technical assistance program for licensed certification authorities, including recognized repositories. This section implements RCW 43.05.020, by providing for the dissemination of information to licensed certification authorities regarding the requirements of the Washington Electronic Authentication Act and this chapter. It is not intended as a method of providing general business advice to certification authorities, or technical information to the general public, although any member of the public may receive written materials described in this section upon request.

(2) The technical assistance program shall consist of the following:

(a) Technical assistance visits: The secretary, in his or her discretion, may conduct a technical assistance visit, as described by RCW 43.05.030, either by the request or the consent of a licensed certification authority. The secretary is not required to conduct a technical assistance visit.

(b) Printed information: The secretary shall develop, and make available upon request, printed information outlining the requirements of chapter 19.34 RCW and this chapter. This information should not be regarded as a comprehensive guide to conducting business as a certification authority.

(c) Information and assistance by telephone: A licensed certification authority or applicant for licensing or recognition, may contact the secretary's office by telephone during normal business hours at the number listed in WAC 434-180-110. The secretary's office shall

provide information regarding the licensing and recognition requirements of chapter 19.34 RCW, and this chapter, but no representation or conclusion offered shall be binding upon the secretary.

(d) Training meetings: The secretary may, in his or her discretion, conduct meetings for the purpose of providing training regarding requirements for licensure or recognition.

(e) List of organizations providing technical assistance: The secretary shall compile, and make available upon request, a list of organizations, including private companies, that provide technical assistance to certification authorities. The secretary shall compile this list from information submitted by the organizations and shall not constitute an endorsement by the secretary of any organization.

(3) If the secretary determines, during or within a reasonable time after a technical assistance visit, that the licensed certification authority has violated any statute or rule, the secretary shall notify the certification authority in writing and specify a reasonable period of time to correct the violation before any civil penalty may be imposed. The notification shall include a copy of the specific statute or rule violated. After the expiration of a reasonable time period conveyed to the certification authority, the secretary may revisit the certification authority and issue civil penalties with regard to any uncorrected violations, for which notice was provided.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-260, filed 11/26/97, effective 12/27/97.]

WAC 434-180-265 Civil penalties. The secretary may, by order, impose and collect a civil monetary penalty against a licensed certification authority for a violation of chapter 19.34 RCW as provided by RCW 19.34.120.

(1) Penalties imposed under this section shall not exceed ten thousand dollars per incident, or ninety percent of the recommended reliance limit of a material certificate, whichever is less. In case of a violation continuing for more than one day, each day is considered a separate incident. In the case of a state agency authorized by law to become a licensed certification authority, the sole penalty imposed pursuant to this section shall consist of specific findings of noncompliance and an order requiring compliance with this chapter and the rules of the secretary. Any penalty imposed pursuant to this chapter and chapter 34.05 RCW shall be enforceable in the superior court.

(2) In assessing penalties under this section, the secretary shall:

(a) Issue to the licensed certification authority a notice of apparent noncompliance, specifying the provisions of statute or rule with which the certification authority is not in compliance and the range of possible sanctions;

(b) Specify a time period of not less than thirty days during which the certification authority may respond in writing to the notice of apparent noncompliance;

(c) If the certification authority does not respond in writing within the specified period, or obtain a written extension of that period, then the secretary may impose an order consistent with the notice, subject to review pursuant to WAC 434-180-500;

(d) If the certification authority does respond in writing:

(i) If the secretary deems the response to satisfactorily demonstrate compliance with the provisions referenced in the notice, then the secretary shall terminate this process without imposing any penalty;

(ii) If the secretary does not deem the response satisfactory, then the secretary may either:

(A) Issue a new or revised notice pursuant to (a) of this subsection; or

(B) Impose an order consistent with the notice, subject to review pursuant to WAC 434-180-500.

[Statutory Authority: Chapter 19.34 RCW. WSR 99-02-048, § 434-180-265, filed 1/4/99, effective 2/4/99. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-265, filed 11/26/97, effective 12/27/97.]

WAC 434-180-270 Criteria for determining penalty amounts. In determining the appropriate penalty amount against a licensed certification authority for violation of chapter 19.34 RCW or this chapter, the secretary may consider the nature of the violation and the extent or magnitude of the severity of the violation, including:

(1) The damages arising from the violation including:

(a) The financial impact of the violation to any subscriber, relying party, or any other person;

(b) The amount of money obtained, or profit derived, by the certification authority as a result of the violation;

(c) The costs incurred by the state in enforcement, including reasonable investigative costs;

(d) The nonfinancial consequences of the violation, including harm to any subscriber, relying party, or other person;

(2) The nature of the violation, including whether it was continuing in nature, involved criminal conduct, or tended to significantly impair the reliability of any certificate or key pair;

(3) The presence of any aggravating circumstances, including whether the violator:

(a) Intentionally committed the violation with knowledge that the conduct constituted a violation;

(b) Attempted to conceal the violation;

(c) Was untruthful or uncooperative in dealing with the secretary or the secretary's staff;

(d) Had committed prior violations found by the secretary;

(e) Incurred no other sanction as a result of the violation;

(4) The presence of any mitigating circumstances, including whether the violator:

(a) Had taken any prior action to correct the violation or mitigate its consequences;

(b) Had previously paid any damages to any party resulting from the violation;

(c) Acted without intention to commit a violation; or

(d) Acted reasonably in light of any other mitigating factors deemed relevant by the secretary.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-270, filed 11/26/97, effective 12/27/97.]

WAC 434-180-275 Recovery against suitable guaranty. (1) To recover a qualified right to payment against a surety or issuer of a suitable guaranty, pursuant to RCW 34.10.290, the claimant must:

(a) File a signed notice of the claim with the secretary stating the name and address of the claimant, the amount claimed, the grounds for the qualified right to payment, the date of the occurrence of the violation forming the basis of the claim; and

(b) Append to the notice a certified copy of the judgment on which the qualified right to payment is based, except as provided in subsection (2) of this section.

(2) If the notice pursuant to subsection (1)(a) of this section is filed prior to entry of judgment, the secretary shall hold such notice on file, without further action, until the claimant files a copy of the judgment. If the secretary determines that the litigation identified in the notice has been finally resolved without a judgment providing the claimant with a qualified right to payment, the secretary may expunge the notice from his or her records. The secretary shall not expunge a notice until three years have elapsed since it was first filed.

(3) The secretary shall reject a notice for filing if the date of the occurrence of the violation is more than three years prior to the filing of the notice.

(4) If a notice and judgment are filed pursuant to subsection (1) of this section, the secretary shall provide the notice and judgment to the surety or issuer.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-275, filed 11/26/97, effective 12/27/97.]

PART 3 CERTIFICATION AUTHORITY STANDARDS AND PRACTICES

WAC 434-180-300 Form of certificates. (1) Certificates issued by licensed certification authorities shall follow the Basic Certificate Field Standards specified in standard X.509, part one, section 4.1. Certificate data extension fields are optional. If certificate extension fields are used, usage must conform to the required guidelines referenced in X.509 section 4.1.2.1, section 4.2, and may be displayed on the certificate.

(2) Any certificate issued by a licensed certification authority that is to be used as an acknowledgment, as provided in RCW 19.34.340, shall include a certificate data extension field that specifies the reliance limit, if any, and a certificate data extension field that states that the certificate may be used as an acknowledgment.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-300, filed 11/26/97, effective 12/27/97.]

WAC 434-180-310 Recordkeeping and retention. (1) Every licensed certification authority shall make, keep, and preserve the following records:

(a) Such records as are necessary to demonstrate compliance with RCW 19.34.100 (1)(b), (c), (e), (f), and (g);

(b) Such records as are necessary to demonstrate compliance with RCW 19.34.210 (1)(a), (b), and (2);

(c) All notices of suspension of certificates pursuant to RCW 19.34.210(4), together with such other documents as required to demonstrate compliance with RCW 19.34.210;

(d) Such records as are necessary to demonstrate compliance with RCW 19.34.250(1);

(e) Such records as are necessary to demonstrate compliance with RCW 19.34.260 (1), (2), (3), (4), and (5); and

(f) Such records as are necessary to demonstrate compliance with RCW 19.34.290(1).

(2) Every licensed certification authority shall maintain a data base file which shall contain records of the identity of the subscriber named in each certificate issued by the certification authority, which identity is to include all the facts represented in the certificate, the date of issuance of the certificate, and number of the certificate.

(3) Every licensed certification authority shall maintain a date base file of every time-stamp issued by the certification authority, to include sufficient information so that the identity of the subscriber and the item being time stamped can be identified.

(4) Every licensed certification authority shall retain in a trustworthy fashion the following records for the following periods:

(a) All records identified in subsections (2) and (3) of this section for a period of at least ten years after the date a certificate is revoked or expired, or after a time-stamp is affixed; and

(b) All other records required to be retained under this section shall be retained for at least five years.

(5) Records may be kept in the form of paper-based documents, retrievable computer-based documents, or any form of reproduction approved by the state archivist for essential records pursuant to chapter 40.10 RCW. Such records shall be indexed, stored, preserved and reproduced so as to be accurate, complete, and accessible to an auditor. Certificate extension data, referenced in X.509 section 4.2, is not required to be part of any publicly accessible record.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-310, filed 11/26/97, effective 12/27/97.]

WAC 434-180-320 Certification authority disclosure records. (1)

The secretary shall compile and maintain certification authority disclosure records for each certification authority that has been issued a current and valid Washington certification authority license. The secretary shall publish them in the secretary's repository and any other recognized repository the secretary deems appropriate. Each certification authority disclosure record shall include, at a minimum, the following:

(a) The information specified in WAC 434-180-210 (1), (2), (3), and (4);

(b) The name, mailing address, telephone number, and electronic mail address of the issuer or surety of the certification authority's suitable guaranty, and the expiration date of the guaranty;

(c) A copy of the certification practice statement filed with the secretary pursuant to WAC 434-180-330;

(d) A copy of the most recent audit report, or summary thereof, filed with the secretary pursuant to WAC 434-180-240;

(e) Information as to the current status of the certification authority's Washington license, including disclosure of any license revocation or suspension. If a suspension or revocation is currently subject to a pending administrative or judicial review, the record shall so note;

(f) Whether the certification authority operates a recognized repository, and, information sufficient to locate or identify any repository it either operates or utilizes;

(g) A list of all judgments filed with the secretary pursuant to WAC 434-180-275, within the previous five years; and

(h) Any other information specified by statute.

(2) The secretary shall update a certification authority disclosure record upon becoming aware that any item of information contained within it has changed or is not accurate.

(3) In compiling and maintaining certification authority disclosure records, the secretary shall utilize the records of the secretary's office, and is not obligated to conduct any affirmative investigation or review beyond the face of those records.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-320, filed 11/26/97, effective 12/27/97.]

WAC 434-180-330 Certification practice statements. Each licensed certification authority must file with the secretary a certification practice statement. This statement must declare the practices the certification authority uses in issuing, suspending, and revoking certificates. Additionally, it must set forth the following:

(1) If certificates are issued by class, the necessary criteria for each class of certificate, including the methods of subscriber identification applicable to each class;

(2) Disclosure of any warnings, liability limitations, warranty disclaimers, and indemnity and hold harmless provisions, if any, upon which the certification authority intends to rely;

(3) Disclosure of any and all disclaimers and limitations on obligations, losses, or damages, if any, to be asserted by the certification authority;

(4) A written description of all representations required by the certification authority of the subscriber for the subscriber's responsibility to protect the private key; and

(5) Disclosure of any mandatory dispute resolution process, if any, including any choice of forum and choice of law provisions.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-330, filed 11/26/97, effective 12/27/97.]

WAC 434-180-340 Suspension or revocation of a certificate by the secretary. (1) The secretary may order a licensed certification authority to suspend or revoke a certificate that the certification authority issued, if, after giving any required notice and opportunity

for the certification authority and the subscriber to be heard in accordance with chapter 34.05 RCW, the secretary determines that:

(a) The certificate was issued without substantial compliance with RCW 19.34.210; and

(b) The noncompliance poses a significant risk to persons reasonably relying on the certificate.

(2) The secretary may issue an order, pursuant to RCW 19.34.210(5), suspending a certificate for a period not to exceed ninety-six hours upon determining that an emergency requires an immediate remedy. The secretary shall issue an order including such a finding, and mail it to the licensed certification authority at the mailing address listed in its application.

(3) The secretary may issue an order, pursuant to RCW 19.34.250(2), suspending a certificate for a period not to exceed ninety-six hours, unless the certificate provides otherwise or the certificate is a transactional certificate, under circumstances described by RCW 19.34.250 (2)(a) and (b). If, upon request by the secretary, the person requesting suspension fails to provide a statement under oath or affirmation regarding his or her identity or authorization to request suspension, the secretary shall not issue an order suspending the certificate unless he or she is satisfied that discretion to enter the order should be exercised because the circumstances provide a sufficient basis for confidence of the person's identity and authority.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-340, filed 11/26/97, effective 12/27/97.]

WAC 434-180-350 Regional services for certificate suspension.

The secretary may enter into an agreement, pursuant to RCW 19.35.250(7) and chapter 39.34 RCW, authorizing a state or local agency to perform any of the functions of the secretary under RCW 19.34.250 or WAC 434-180-350 (2) or (3) upon a regional basis. The terms and conditions of such an agreement shall include, at a minimum:

(1) The identity of contracting parties;

(2) The region of the state for which the contract is effective;

(3) The duration of the agreement;

(4) The method by which the contracting agency shall inform the secretary of all actions taken pursuant to the agreement;

(5) The method by which any suspension pursuant to the agreement shall be made effective;

(6) The method by which the secretary shall reimburse the agency for its costs of performance under the agreement;

(7) A provision under which each party agrees to indemnify the other, to the extent permitted by law;

(8) The method by which the contract may be terminated prior to expiration, which shall include the right of either party to terminate the agreement immediately in the event of a loss or withdrawal of funding; and

(9) A method of resolving disputes under the agreement.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-350, filed 11/26/97, effective 12/27/97.]

WAC 434-180-360 Trustworthy system. A system shall be regarded as trustworthy if it materially satisfies current information security standards and guidelines, including minimum requirements for federal information systems, developed by the National Institute of Standards and Technology (NIST). For purposes of this chapter, compliance shall be interpreted in a manner that is reasonable in the context in which a system is used and is consistent with other state and federal laws.

[Statutory Authority: RCW 19.34.030. WSR 12-12-070, § 434-180-360, filed 6/5/12, effective 7/6/12. Statutory Authority: Chapter 19.34 RCW and 1998 c 33. WSR 99-02-047, § 434-180-360, filed 1/4/99, effective 2/4/99. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-360, filed 11/26/97, effective 12/27/97.]

WAC 434-180-370 Procedure upon discontinuance of business. A licensed certification authority that discontinues providing certification authority services without making other arrangements for preservation of the certification authority's records shall either:

- (1) Revoke all valid certificates and return all records concerning them to the appropriate subscriber; or
- (2) Submit such records to another licensed certification authority or authorities designated by the secretary.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-370, filed 11/26/97, effective 12/27/97.]

PART 4 RECOGNITION OF REPOSITORIES

WAC 434-180-400 Recognition of repositories. The secretary shall recognize a repository upon determining that it satisfies all requirements set forth in RCW 19.34.400, and upon payment of the required fee and upon receipt and review of a completed form, provided by the secretary, containing the following:

- (1) The name of the licensed certification authority, or applicant for licensure as a certification authority, requesting recognition of a repository;
- (2) The applicant's uniform business identifier number, if any;
- (3) The mailing address of the applicant, and a physical address if different;
- (4) The telephone number of the applicant;
- (5) The electronic mail address of the applicant; and
- (6) A description of the data base and system architecture demonstrating that it satisfies the requirements of RCW 19.34.400(1) and WAC 434-180-420.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-400, filed 11/26/97, effective 12/27/97.]

WAC 434-180-410 Revocation of recognition of a repository. (1)

This rule describes the secretary's procedure for revoking the recognition of a repository, without also revoking the license of the certification authority that operates the repository. Because a valid license as a certification authority is a statutory requirement for recognition of a repository, the secretary shall automatically revoke the recognition of any repository operated by a certification authority whose license is revoked, expired, or otherwise inoperative.

(2) The secretary may revoke recognition of a repository, pursuant to chapter 34.05 RCW, for failure to comply with any requirement of RCW 19.34.400 or this chapter, or for failure to comply with a lawful order of the secretary.

(3) The secretary shall inform a licensed certification authority that operates a recognized repository by written order, by mail directed to the mailing address listed on the licensee's application, of a decision to revoke recognition of the repository. The notification shall state when the revocation shall be effective, which shall not be less than thirty days following the issuance of the order.

(4) If the certification authority files an application for an adjudicative hearing, pursuant to WAC 434-180-500, prior to the effective date of revocation, the revocation shall not take effect until so ordered by the presiding officer.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-410, filed 11/26/97, effective 12/27/97.]

WAC 434-180-420 Trustworthy system for recognized repositories.

A system shall be regarded as trustworthy for purposes of operating a recognized repository if it satisfies the requirements of WAC 434-180-360, and additionally it:

(1) Provides online access to the repository upon a continuous basis, with reasonable allowance for scheduled maintenance;

(2) Possesses the capacity to process transactions in a manner reasonably adequate for anticipated volume; and

(3) Provides for the periodic storage of data at a location other than the principal system utilized for the repository.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-420, filed 11/26/97, effective 12/27/97.]

WAC 434-180-430 Contract for secretary of state repository publication. The secretary may either directly operate, or contract for the operation of, a repository described in WAC 434-180-440. If the secretary contracts for the operation of the repository, with other than DIS, the contractor must be a licensed certification authority and must agree to operate the repository according to all requirements of chapter 19.34 RCW, including RCW 19.34.400. The contract may be rescinded for any reason that would form a basis for revoking recognition of a repository or for failure to meet the requirements of WAC 434-180-440.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-430, filed 11/26/97, effective 12/27/97.]

WAC 434-180-440 Publication by the secretary of state. (1) The secretary shall publish, either directly or under contract, any information required by chapter 19.34 RCW. Information published by the secretary shall include:

(a) The certification authority disclosure record for each certification authority licensed in Washington;

(b) A list of all judgments filed with the secretary within the previous five years pursuant to RCW 19.34.290;

(c) Any advisory statements published by the secretary regarding the activities of a licensed or unlicensed certification authority, together with any protest filed by the certification authority named in the statement and any final decision of the secretary regarding the issues raised in the statement, all as provided by RCW 19.34.130(2);

(d) Any information published by the secretary pursuant to WAC 434-180-450; and

(e) Any other information necessary or appropriate for publication pursuant to chapter 19.34 RCW or this chapter.

(2) The secretary may meet the requirements of this section through publication in the *State Register*, on the web site maintained by the secretary, or through any other medium suitable to providing public notice.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111, and 19.34.400. WSR 00-22-041, § 434-180-440, filed 10/25/00, effective 11/25/00; WSR 97-24-053, § 434-180-440, filed 11/26/97, effective 12/27/97.]

WAC 434-180-450 Procedure upon discontinuance of business as repository. A licensed certification authority that discontinues providing services as a recognized repository shall republish the records published in the repository in another recognized repository. If no other repository is available or willing to republish that information, the certification authority shall publish it in the secretary's repository.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-450, filed 11/26/97, effective 12/27/97.]

PART 5 PROCEEDINGS BEFORE THE SECRETARY

WAC 434-180-500 Application for adjudicative proceedings. Decisions and actions of the secretary pursuant to chapter 19.34 RCW and this chapter may be reviewed by filing an application of an adjudicative proceeding. An adjudicative proceeding shall be commenced when required by chapter 34.05 RCW, and may be commenced in the secretary's discretion upon such other occasions as may be permitted by statute.

An application for an adjudicative proceeding may be on a form provided by the secretary for that purpose or in another paper or electronic writing signed by the applicant or the applicant's representative. The application for an adjudicative proceeding should specify the issue to be adjudicated in the proceeding.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-500, filed 11/26/97, effective 12/27/97.]

WAC 434-180-510 Appointment of administrative law judge—Designation of procedural rules. (1) The secretary hereby appoints the office of administrative hearings and the administrative law judges employed by that office to preside at all hearings that result from the commencement of adjudicative proceedings unless the secretary, by his or her own order, declares his or her intent to preside at a specific proceeding or the proceeding is an appeal of an initial order issued by an administrative law judge.

(2) All hearings shall be conducted in compliance with these rules, and with chapter 34.05 RCW. The secretary adopts chapter 10-08 WAC as the applicable rules of procedure, except where this chapter provides different, additional or conflicting procedures.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-510, filed 11/26/97, effective 12/27/97.]

WAC 434-180-520 Pleadings in digital form. (1) Unless the presiding officer directs otherwise, any party may file any pleading or other document in an adjudicative proceeding under this chapter in electronic form. If a pleading or document filed electronically requires a signature, that pleading or document shall be signed digitally, pursuant to a valid certificate issued by a licensed certification authority. The certification authority that issued the certificate shall not be a party to the adjudicative proceeding.

(2) Service of electronic pleadings or documents by electronic transmission is effective upon receipt, except that if sent after 5:00 p.m. on a business day or at any time on a weekend or state holiday, service is effective as of 8:00 a.m. on the following business day.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-520, filed 11/26/97, effective 12/27/97.]

WAC 434-180-530 Service of process on the secretary. Service of pleadings or documents upon the secretary or the presiding officer does not constitute service upon the attorney general as counsel to the secretary.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-530, filed 11/26/97, effective 12/27/97.]

WAC 434-180-540 Stay of summary suspension. (1) Upon summary suspension of a license by the secretary pursuant to this chapter and chapter 19.34 RCW, an affected certification authority may petition the secretary for a stay of suspension pursuant to RCW 34.05.467 and 34.05.550(1). Such petition must be received by the secretary within the time specified in RCW 34.05.467.

(2) Within seven days of receipt of a petition for stay, a hearing shall be held before an administrative law judge, or if an administrative law judge is not available during this period, before an individual designated by the secretary. The hearing shall be limited to consideration of whether a stay should be granted, or whether the terms of the suspension may be modified to allow the conduct of limited activities under current licenses.

(3) Any hearing conducted pursuant to subsection (2) of this section shall be conducted under RCW 34.05.485, brief adjudicative proceedings. The agency record for the hearing shall consist of the information upon which the summary suspension was based and may be supplemented by any information obtained by the secretary subsequent to the date of the suspension order. The certification authority shall have the burden of demonstrating by a preponderance of the evidence that:

(a) The certification authority is likely to prevail upon the merits at hearing;

(b) Without relief, the certification authority will suffer irreparable injury. For purposes of this section, elimination of income from licensed activities shall not be deemed irreparable injury;

(c) The grant of relief will not substantially harm other parties to the proceedings; and

(d) The threat to the public safety or welfare is not sufficiently serious to justify continuation of the suspension, or that modification of the terms of the suspension will adequately protect the public interest.

(4) The initial order granting or denying a stay shall be effective immediately upon service unless another date is specified in the order.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-540, filed 11/26/97, effective 12/27/97.]

WAC 434-180-550 Review of orders regarding stay. (1) Any party may petition the secretary for review of an initial order granting or denying a motion for a stay of suspension. A petition for review must be in writing and received by the secretary within twenty-one days of service of the initial order. If neither party has requested review within twenty-one days of service, the initial order shall be deemed the final order of the secretary for purposes of RCW 34.05.467.

(2) If the secretary receives a timely petition for review, he or she shall consider the petition promptly. Consideration on review shall be limited to the record of the hearing on stay.

(3) The secretary's order on the petition for review shall be effective upon service unless another date is specified in the order and is final pursuant to RCW 34.05.467. Final disposition of the petition for stay shall not affect subsequent administrative proceedings for suspension or revocation of a license.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-550, filed 11/26/97, effective 12/27/97.]

WAC 434-180-560 Adjudicative proceedings—Appearance and practice before the secretary—Who may appear. No person may appear in a representative capacity before the secretary or the designated administrative law judge other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) A bona fide officer, authorized manager, partner, or full-time employee of a firm, association, partnership, LLC, or corporation who appears for such firm, association, partnership, corporation, or company.

(3) An individual appearing pro se.

(4) Such interpreters for persons with a limited understanding of the English language or hearing impaired persons as provided for in WAC 10-08-150.

(5) Such other persons as may be permitted by the secretary upon a showing by a party to the hearing of such a necessity or such a hardship as would make it unduly burdensome upon him to have a representative as set forth under subsections (1) and (2) of this section.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-560, filed 11/26/97, effective 12/27/97.]

WAC 434-180-590 Brief adjudicative proceeding regarding certificate suspension. (1) Pursuant to RCW 34.05.482, the secretary may use brief adjudicative proceedings where not violative of law, where in the judgment of the secretary protection of the public interest does not require the secretary to give notice and an opportunity to participate to persons other than the parties, and the issue and interests involved in the controversy do not warrant the use of the procedures of RCW 34.05.413 through 34.05.479.

(2) The secretary finds that prompt review of the suspension of a certificate pursuant to RCW 19.34.210(5), 19.34.250(2), or WAC 434-180-350 by the secretary or a state or local agency under contract with the secretary is appropriate for a brief adjudicative proceeding. The secretary adopts the provisions of RCW 34.05.482 through 34.05.494 for purposes of this category of proceedings.

(3) If any person affected by the suspension requests administrative review, the secretary shall immediately notify, by the most rapid means reasonably calculated to inform the recipient of the proceeding, the subscriber, the certification authority, and any other affected party who has requested notification or has requested the review, of the intent to conduct a proceeding pursuant to this section. Conduct of that review shall be in accordance with RCW 34.05.485 through 34.05.494.

(4) The suspension of a certificate by order of the secretary pursuant to RCW 19.34.210(5) and 19.34.250(2) shall lapse ninety-six hours after the suspension.

(5) The secretary may, in his or her discretion, conduct a full adjudicative proceeding if any affected party requests a full review of the suspension of a certificate pursuant to RCW 19.34.250(2). If a full adjudicative proceeding is held, the suspension lapses ninety-six hours after the suspension, but the review need not be completed within that time.

(6) If, by final order, the secretary determines that the suspension was in error, the certificate shall be deemed valid retroactively to the time of suspension.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. WSR 97-24-053, § 434-180-590, filed 11/26/97, effective 12/27/97.]

Chapter 434-208 WAC ELECTIONS

(Formerly chapter 434-08 WAC)

Last Update: 2/26/14

WAC

434-208-060 Electronic filings.
434-208-110 References to time..
434-208-120 Emergencies.
434-208-130 Political parties.
434-208-140 Election notices.
434-208-160 Online information.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-208-010 Advisory election upon contemplation of classification advancement. [WSR 98-08-010, recodified as § 434-208-010, filed 3/18/98, effective 3/18/98; Regulation 1, filed 3/24/60.] Repealed by WSR 11-05-008, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.04.255.

434-208-020 Remedial steps—Third class city under mayor-council government. [WSR 98-08-010, recodified as § 434-208-020, filed 3/18/98, effective 3/18/98; Regulation 2, filed 3/24/60.] Repealed by WSR 11-05-008, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.04.255.

434-208-030 Determination of original terms of councilmen—Second, third, or fourth class city or town. [WSR 98-08-010, recodified as § 434-208-030, filed 3/18/98, effective 3/18/98; Regulation 3, filed 3/24/60.] Repealed by WSR 11-05-008, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.04.255.

434-208-040 Appointment of clerks. [WSR 98-08-010, recodified as § 434-208-040, filed 3/18/98, effective 3/18/98; Regulation 4, filed 3/24/60.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

434-208-050 Restrictions on write-in or sticker votes. [WSR 98-08-010, recodified as § 434-208-050, filed 3/18/98, effective 3/18/98; Regulation 5, filed 3/24/60.] Repealed by WSR 02-02-039, filed 12/26/01, effective 1/26/02. Statutory Authority: RCW 29.04.080.

434-208-070 Electronic filings not accepted. [Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-208-070, filed 11/15/06, effective 12/16/06. WSR 98-08-010, recodified as § 434-208-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230. WSR 92-18-087, § 434-08-070, filed 9/2/92, effective 10/3/92.] Repealed by WSR 11-05-008, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.04.255.

434-208-080 Electronic facsimile filings followed by original document. [Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-208-080, filed 12/28/05, effective 1/28/06. WSR 98-08-010, recodified as § 434-208-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230. WSR 92-18-087, § 434-08-080, filed 9/2/92, effective 10/3/92.] Repealed by WSR 06-23-094, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.611.

434-208-090 Rejection of electronic facsimile filings. [WSR 98-08-010, recodified as § 434-208-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230. WSR 92-18-087, § 434-08-090, filed 9/2/92, effective 10/3/92.] Repealed by WSR 06-23-094, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.611.

434-208-100 Registering to vote—Nontraditional address. [Statutory Authority: RCW 29.04.080. WSR 03-15-054, § 434-208-100, filed 7/11/03, effective 8/11/03.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

WAC 434-208-060 Electronic filings. (1) In addition to those documents specified by RCW 29A.04.255, the secretary of state or the

county auditor shall accept and file in his or her office electronic transmissions of the following documents:

(a) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;

(b) Any minor party or independent candidate filing material for president and vice-president, except nominating petitions;

(c) Lists of presidential electors selected by political parties or independent candidates;

(d) Voted ballots and signed ballot declarations from service and overseas voters received no later than 8:00 p.m. on election day. Voted ballots and signed ballot declarations from voters who are neither service nor overseas voters received no later than 8:00 p.m. on election day, as long as hard copies of the ballot and ballot declaration are received no later than the day before certification of the election;

(e) Resolutions from cities, towns, and other districts calling for a special election;

(f) Voter registration forms, unless the form is illegible or the signature image is poor quality requiring the county auditor to reject the form;

(g) Signed ballot declarations, and any accompanying materials, submitted pursuant to RCW 29A.60.165 and WAC 434-261-050; and

(h) Requests to withdraw.

(2) If payment of a fee is required, the electronic filing is not complete until the fee is received.

(3) No initiative, referendum, recall, or other signature petitions may be filed electronically.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-208-060, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-208-060, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-208-060, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-208-060, filed 7/11/08, effective 8/11/08; WSR 06-23-094, § 434-208-060, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-208-060, filed 7/16/04, effective 8/16/04. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, § 434-208-060, filed 7/23/02, effective 8/23/02. WSR 98-08-010, recodified as § 434-208-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230. WSR 92-18-087, § 434-08-060, filed 9/2/92, effective 10/3/92.]

WAC 434-208-110 References to time. References to times of day (i.e., 8:00 p.m.) are according to Pacific Time.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-208-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-208-110, filed 7/11/08, effective 8/11/08.]

WAC 434-208-120 Emergencies. As chief election officer, the secretary of state shall make reasonable rules consistent with federal and state election laws to effectuate any provision of Title 29A RCW and to facilitate the execution of its provisions in an orderly, time-

ly, and uniform manner relating to any federal, state, county, city, town, and district election. In the event of a natural or manmade disaster or catastrophe, the secretary of state will consult with county auditors of impacted counties to determine the impact of the disaster or catastrophe on the administration of the election, and how best to mitigate that impact. The secretary of state may adopt emergency rules and procedures necessary to facilitate administration of the election in the impacted counties. The emergency rules and procedures must be limited in duration and scope to that necessary to administer the election. A natural or manmade disaster or catastrophe may include, but is not limited to, fire, flood, mudslide, landslide, tsunami, extreme snow or wind, pandemic, technological failure, or broad scale violence or terrorism.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-208-120, filed 1/18/10, effective 2/18/10.]

WAC 434-208-130 Political parties. (1) For purposes of RCW 42.17A.005, the secretary of state recognizes as a minor political party a political party whose nominees for president and vice-president qualified to appear on the ballot in the last preceding presidential election according to the minor party nomination process provided in chapter 29A.56 RCW. A political party that qualifies as a minor political party retains such status until certification of the next presidential election. This definition is for purposes of chapter 42.17A RCW only.

(2) As allowed by WAC 434-215-012, 434-215-120, and 434-215-130, candidates for partisan office may state a preference for any political party and are not restricted to stating a preference for a political party that meets the definition of major or minor political party. A candidate's party preference does not imply that the candidate is nominated or endorsed by that party, or that the party approves of or associates with that candidate. With the exception of elections for president and vice-president, a party's status as a major or minor political party, or a candidate's preference for a major or minor political party, plays no role in how candidates qualify to appear on the primary election ballot, qualify to appear on the general election ballot, or are elected to public office.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-208-130, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-208-130, filed 12/6/11, effective 1/6/12.]

WAC 434-208-140 Election notices. Election notices are governed by RCW 29A.04.220 and 29A.52.355.

(1) "Short titles for ballot measures" means the name of the jurisdiction, the measure number, and the heading or caption.

(2) The notice for elderly and disabled person required by RCW 29A.04.220 may be combined with the notice of election required by RCW 29A.52.355 in a single publication.

(3) Public meetings associated with the election include county canvassing board meetings.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-208-140, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-208-140, filed 12/6/11, effective 1/6/12.]

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

- (1) Register to vote using a paper or online 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.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-208-160, filed 7/2/12, effective 8/2/12.]

Chapter 434-209 WAC
CITIZEN'S COMMISSION ON SALARIES FOR ELECTED OFFICIALS
(Formerly chapter 434-09 WAC)

Last Update: 2/26/14

WAC

434-209-010	Statement of purpose.
434-209-030	Qualification requirements.
434-209-050	Conducting the selection of names by lot.
434-209-060	Notifying persons selected by lot.
434-209-070	Determination of commission appointees from congressional districts.
434-209-080	Names of selected persons to governor.
434-209-090	Vacancy on the commission.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-209-020	Definitions. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-020, filed 2/19/87.] Repealed by WSR 14-06-040, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611.
434-209-040	Transmitting and compiling the data file of records of registered voters. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-040, filed 2/19/87.] Repealed by WSR 03-23-094, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 43.03.305.

WAC 434-209-010 Statement of purpose. The purpose of this chapter is to provide uniform procedures under RCW 43.03.305(1) for the selection and notification by the secretary of state of persons to be appointed to the Washington citizens' commission on salaries for elected officials.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-010, filed 10/13/97,

effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-010, filed 2/19/87.]

WAC 434-209-030 Qualification requirements. Qualification requirements for the citizen members selected in accordance with this chapter to serve on the commission shall be as required by the state Constitution and RCW 43.03.305:

(1) Any person selected under WAC 434-209-070 to serve must be a registered voter and eligible to vote at the time of selection in the congressional district from which that person was selected;

(2) Any person selected under WAC 434-209-090 to serve must be a registered voter and eligible to vote at the time of selection;

(3) No state official, public employee or lobbyist or immediate family member of such official, public employee or lobbyist shall be eligible to serve.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-030, filed 2/19/87.]

WAC 434-209-050 Conducting the selection of names by lot. No later than May 20 of the year of selection, the secretary of state shall arrange for the random selection of approximately an equal number of names of registered voters from each congressional district that requires appointment of a new commissioner. The secretary of state may employ a properly programmed electronic data processing system or device to make the random selection of registered voters as required by this section.

[Statutory Authority: RCW 43.03.305. WSR 03-23-094, § 434-209-050, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-050, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-050, filed 2/19/87.]

WAC 434-209-060 Notifying persons selected by lot. (1) No later than May 31 of the year of selection, the secretary of state shall notify by nonforwardable 1st class mail each person selected by lot under WAC 434-209-050. The notification shall contain a response form and prestamped, self-addressed return envelope. The notification shall include the statutory qualifications for membership on the commission as specified in RCW 43.03.305 and describe the duties of the position under RCW 43.03.310. The notification shall request the person selected to confirm on the form whether or not they meet the statutory qualifications to serve on the commission and to indicate if they are willing to serve on the commission in the specified capacity. Each person shall be requested to return the form no later than June 10 of that year. Any selected person, by appropriate indication on the form, may decline to serve on the commission. The secretary of state shall take as conclusive indication that the person has declined to serve if the form is not received by the secretary of state on or before June

10 of that year. The notification shall include an appropriate notice of this deadline.

(2) The secretary of state shall compile a list by congressional district of each qualified person who has responded to the notification, confirmed that they meet the specified qualifications and are willing to serve on the commission as requested in subsection (1) of this section.

[Statutory Authority: RCW 43.03.305. WSR 03-23-094, § 434-209-060, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-060, filed 2/19/87.]

WAC 434-209-070 Determination of commission appointees from congressional districts. From the list prepared under WAC 434-209-060(2), the secretary of state shall conduct a separate, non-computer selection by lot of all qualified persons responding positively to the notice in WAC 434-209-060 from each congressional district. The persons selected from each congressional district shall be listed in order of selection.

This list shall serve as the list of registered voters for the initial appointment and for filling any subsequent vacancy.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-070, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-070, filed 2/19/87.]

WAC 434-209-080 Names of selected persons to governor. No later than July 1 of the year of selection, the secretary of state shall forward to the governor the certified list of the names of the first registered voter selected from each congressional district under WAC 434-209-070. In the event that one of the persons certified to the governor declines appointment, the secretary of state shall forward to the governor the name of the next registered voter from the same congressional district on the list compiled under WAC 434-209-070.

[Statutory Authority: RCW 43.03.305. WSR 03-23-094, § 434-209-080, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-080, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-080, filed 2/19/87.]

WAC 434-209-090 Vacancy on the commission. Whenever a vacancy exists in any of the congressional districts, the governor shall notify the secretary of state of the vacancy. The secretary of state shall forward to the governor for appointment the next name on the list created in WAC 434-209-070 for that congressional district. This procedure will be repeated until this list is exhausted.

If the list from a congressional district becomes depleted, the secretary of state shall create a new list for that congressional dis-

strict using the most recent voter information obtained from the county auditors. Except for the revision of timelines under this section, the process for compiling the data file of records of registered voters by congressional district, conducting the selection by lot, notifying persons selected, determining appointees, and forwarding to the governor the certified list of the name of the registered voter selected shall be substantially the same as specified in WAC 434-209-030 through 434-209-080.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-090, filed 2/19/87.]

Chapter 434-215 WAC
DECLARATIONS OF CANDIDACY AND FILING PROCEDURES
(Formerly chapter 434-228 WAC)

Last Update: 2/26/14

WAC

434-215-005	Filing information—Questionnaire—Compiling and dissemination.
434-215-012	Declaration of candidacy.
434-215-021	Declaration of candidacy—Precinct committee officer.
434-215-024	Insufficient payment of a filing fee.
434-215-025	Filing fee petitions.
434-215-040	Filing notification.
434-215-050	Use of title, rank, or symbols prohibited.
434-215-060	Duplication of names.
434-215-065	Withdrawal of candidacy.
434-215-070	Electronic filing—Requirements.
434-215-110	Electronic filing—Interlocal agreements.
434-215-120	Political party preference by candidate for partisan office.
434-215-130	Minor political party candidates and independent candidates.
434-215-165	Presidential nominations by major political parties.
434-215-170	Filing qualifications.
434-215-180	Write-in candidates.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-215-020	Declaration of candidacy—Precinct committee officer. [Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-215-020, filed 9/1/09, effective 10/2/09; WSR 08-15-052, § 434-215-020, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-215-020, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 06-14-049, § 434-215-020, filed 6/28/06, effective 7/29/06. WSR 02-09-007, recodified as § 434-215-020, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-020, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. WSR 84-15-050 (Order 84-2), § 434-28-020, filed 7/16/84; Order 75-1, § 434-28-020, filed 6/26/75.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
434-215-080	Electronic filing—Eligible jurisdictions. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-215-080, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, § 434-215-080, filed 7/23/02, effective 8/23/02.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
434-215-090	Electronic filing—Required information. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-215-090, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, § 434-215-090, filed 7/23/02, effective 8/23/02.] Repealed by WSR 10-03-072, filed 1/18/10, effective 2/18/10. Statutory Authority: RCW 29A.04.611.
434-215-140	voids in candidacy and vacancies in office. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-215-140, filed 7/11/08, effective 8/11/08.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
434-215-150	No major party ticket. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-215-150, filed 7/11/08, effective 8/11/08.] Repealed by WSR 14-06-040, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611.
434-215-160	Ranked choice voting. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-215-160, filed 7/11/08, effective 8/11/08.] Repealed by WSR 10-14-091, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041.

WAC 434-215-005 Filing information—Questionnaire—Compiling and dissemination. (1) Prior to February 1, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29A.04.321 and 29A.04.330. The questionnaire must be sent during the twelve months before the local jurisdiction is scheduled to elect officers. The purpose of the questionnaire shall be to confirm information which the auditor must use to properly conduct candidate filings for each office. The questionnaire should request, at a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, and the annual salary for the position at the time of the filing period. Responses should be received prior to March 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.

(2) If a jurisdiction fails to notify the county auditor prior to the regular candidate filing period that an office is to be filled at the general election and therefore the office is not included in the regular candidate filing period, the county auditor shall:

(a) Open the position during the remainder of the regular filing period if the county auditor is notified in time to provide at least three days in the regular filing period. The county auditor must post information online and notify the press; or

(b) Open the position during a special three-day filing period as though there is a void in candidacy per RCW 29A.24.181.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-005, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-215-005, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-215-005, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-215-005, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 06-14-049, § 434-215-005, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-215-005, filed 7/16/04, effective 8/16/04. WSR 02-09-007, recodified as § 434-215-005, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-228-005, filed 10/13/97, effective 11/13/97.]

WAC 434-215-012 Declaration of candidacy. Declarations of candidacy filed either in person or by mail shall be in substantially the following form:

Washington State Declaration of Candidacy

office	jurisdiction and office name		position number
personal information <i>as registered to vote</i>	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		
	political party I prefer, if filing for partisan office:		
	<input type="radio"/> (Prefers <input type="text"/> Party)		
	<input type="radio"/> (States No Party Preference)		
campaign information	campaign address (if different from residential address)		city / zip
	email address		phone number
	website		
filing fee	<input type="radio"/> The office has no fixed annual salary: no filing fee <input type="radio"/> The office has a fixed annual salary of \$1,000 or less: \$10 <input type="radio"/> The office has a fixed annual salary over \$1,000: 1% of salary <input type="radio"/> I am submitting a filing fee petition instead of a filing fee		
oath	I declare that the above information is true, that I am a registered voter residing at the address listed above, that I am a candidate for the office listed above, and that, at the time of filing this declaration, I am legally qualified to assume office. I swear, or affirm, 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	date		voter registration number
	office code		fee

The filing officer must provide a paper or electronic copy of the filed declaration of candidacy to the candidate and to the public disclosure commission.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-215-012, filed 1/18/10, effective 2/18/10; WSR 08-15-052, § 434-215-012, filed 7/11/08, effective 8/11/08; WSR 06-14-049, § 434-215-012, filed 6/28/06, effective 7/29/06. Statutory Authority: 2002 c 140 § 3. WSR

02-15-156, § 434-215-012, filed 7/23/02, effective 8/23/02. WSR 02-09-007, recodified as § 434-215-012, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-012, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-012, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. WSR 84-15-050 (Order 84-2), § 434-28-012, filed 7/16/84; WSR 80-05-014 (Order 80-1), § 434-28-012, filed 4/8/80.]

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.

No filing fee is required.

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

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-215-021, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-215-021, filed 7/2/12, effective 8/2/12.]

WAC 434-215-024 Insufficient payment of a filing fee. If, after the last day to withdraw, a county auditor learns that a candidate provided insufficient funds for a filing fee, the county auditor must recoup that cost through other allowable means.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-215-024, filed 2/3/11, effective 3/6/11.]

WAC 434-215-025 Filing fee petitions. (1) When a candidate submits a filing fee petition in lieu of his or her filing fee, as authorized by RCW 29A.24.091, voters eligible to vote on the office in the general election are eligible to sign the candidate's filing fee petition.

(2) A candidate submitting a filing fee petition in the place of a filing fee may not file the declaration of candidacy electronically.

(3) A candidate submitting a filing fee petition must submit all signatures when filing the declaration of candidacy. The candidate cannot supplement the signatures at a later date.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-215-025, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-215-025, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-215-025, filed 1/18/10, effective 2/18/10; WSR 08-15-052, § 434-215-025, filed 7/11/08, effective 8/11/08; WSR 07-09-036, § 434-215-025, filed 4/11/07, effective 5/12/07.]

WAC 434-215-040 Filing notification. Declarations of candidacy for legislative, court of appeals, and superior court districts located within one county must be filed with the county auditor. All information listed on the declaration of candidacy for these offices must be sent electronically to the secretary of state the same day the filing was accepted.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-215-040, filed 9/1/09, effective 10/2/09.]

WAC 434-215-050 Use of title, rank, or symbols prohibited. No person when filing for office shall be permitted to use any title, rank, or symbol instead of, or in conjunction with, his or her name, except as may be provided by law or administrative rule.

[Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-215-050, filed 11/15/06, effective 12/16/06. WSR 02-09-007, recodified as § 434-215-050, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodi-

fied as § 434-228-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-050, filed 6/2/92, effective 7/3/92.]

WAC 434-215-060 Duplication of names. Whenever, in the judgment of the filing officer, two or more candidates have filed for the same office whose names are so similar as to be confusing to voters, he or she shall differentiate between the candidates by the inclusion of additional information in connection with the name as it appears on the ballot. Such differentiation may be made by the inclusion of the candidate's occupation, status as incumbent or challenger, or by any other means which, in the judgment of the filing officer, fairly and impartially distinguishes the candidates. The filing officer may solicit suggestions and input from the candidates involved in order to resolve the situation.

[WSR 02-09-007, recodified as § 434-215-060, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-060, filed 6/2/92, effective 7/3/92.]

WAC 434-215-065 Withdrawal of candidacy. Consistent with RCW 29A.24.131, a candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Monday following the last day for candidates to file. The candidate must file a signed request that his or her name not be printed on the ballot. This request to withdraw must be filed with the officer who accepted the declaration of candidacy. Once filed, the withdrawal cannot be revoked. There shall be no withdrawal period for declarations of candidacy filed during special filing periods.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-065, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-215-065, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-215-065, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-215-065, filed 12/28/05, effective 1/28/06.]

WAC 434-215-070 Electronic filing—Requirements. An electronic system to file declarations of candidacy shall be an online system accessible to candidates on the world wide web that is capable of:

(1) Recording each candidate's name, date of birth, voter registration address, mailing address, phone number, e-mail address, and political party preference for partisan offices, and the office and position number for which each candidate is filing;

(2) Verifying the candidate's voter registration status, and that the voter registration address is within the jurisdiction of the office for which the candidate is filing;

(3) Accepting electronic transfer of funds for the payment of filing fees;

(4) Informing, and requiring each candidate to acknowledge, that submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitution and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of any filing fees; and

(5) Allowing the filing officer to verify each filing before it is made public.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-215-070, filed 1/18/10, effective 2/18/10; WSR 05-17-145, § 434-215-070, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, § 434-215-070, filed 7/23/02, effective 8/23/02.]

WAC 434-215-110 Electronic filing—Interlocal agreements. The secretary of state may enter into interlocal agreements with county auditors to provide services to allow county auditors to accept electronic filings. Nothing in an agreement shall contravene RCW 29A.24.070, determining where candidates file for office.

[Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-215-110, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, § 434-215-110, filed 7/23/02, effective 8/23/02.]

WAC 434-215-120 Political party preference by candidate for partisan office. (1) On a declaration of candidacy, a candidate for partisan congressional, state, or county office may state his or her preference for a political party, or not state a preference. The candidate may use up to sixteen characters for the name of the political party. A candidate's party preference, or the fact that the candidate states no preference, must be printed with the candidate's name on the ballot and in any voters' pamphlets printed by the office of the secretary of state or a county auditor's office.

(2) If a candidate does not indicate a party that he or she prefers, then the candidate has stated no party preference and is listed as such on the ballot and in any voters' pamphlets.

(3) The filing officer may not print on the ballots, in a voters' pamphlet, or other election materials a political party name that is obscene. If the name of the political party provided by the candidate would be considered obscene, the filing officer may petition the superior court pursuant to RCW 29A.68.011 for a judicial determination that the party name be edited to remove the obscenity, or rejected and replaced with "states no party preference."

(4) A candidate's preference may not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate. If the name of the political party provided by the candidate implies that the candidate is nominated or endorsed by a political party, or that a political party approves of or associates with that candidate, the filing officer may petition the superior court pursuant to RCW 29A.68.011 for a judicial determination that the party name be edited, or rejected and replaced with "states no party preference."

[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-215-120, 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) 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.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-215-130, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-215-130, filed 7/2/12, effective 8/2/12; WSR 08-15-052, § 434-215-130, filed 7/11/08, effective 8/11/08.]

WAC 434-215-165 Presidential nominations by major political parties. Nominations for president and vice-president by major political parties are conducted at each party's national convention. Immediately following the convention, each party must submit a certificate of nomination and list of electors to the secretary of state in order to place the nominees on the presidential general election ballot.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-165, filed 12/6/11, effective 1/6/12.]

WAC 434-215-170 Filing qualifications. When state law requires a candidate to possess all qualifications of the office at the time of candidate filing, a candidate must satisfy this requirement at the time of candidate filing; a candidate cannot rely on possessing the qualifications at a later time, such as election day or the beginning of the term of office.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-215-170, filed 1/18/10, effective 2/18/10.]

WAC 434-215-180 Write-in candidates. A candidate desiring to file as a write-in candidate must file the write-in declaration of candidacy no later than eighteen days before election day, the deadline in RCW 29A.40.070 that ballots must be mailed.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-180, filed 12/6/11, effective 1/6/12.]

Chapter 434-219 WAC
PRESIDENTIAL PRIMARY
(Formerly chapter 434-75 WAC)

WAC

434-219-050	Procedures to be followed when changing primary date.
434-219-060	Designation of candidates by secretary of state.
434-219-080	Petition process for ballot access.
434-219-090	Form of the nominating petition.
434-219-100	Verification of signatures by secretary of state.
434-219-110	Determination of sufficiency.
434-219-115	Withdrawal.
434-219-120	Certification of candidates.
434-219-140	Party declarations.
434-219-155	Party declaration on ballot materials.
434-219-185	Logic and accuracy tests.
434-219-190	Special election held in conjunction with the presidential primary.
434-219-230	Processing of ballots.
434-219-240	Canvassing consolidated ballots that include a party checkbox.
434-219-250	Canvassing separate party ballots and consolidated ballots that do not include a party checkbox.
434-219-290	Certification of presidential primary by secretary of state.
434-219-310	Statutory recount provisions do not apply.
434-219-320	Transmittal of political party preference data and results to the major political parties.
434-219-330	Retention of election material.
434-219-340	Claims for reimbursement.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-219-010	Authority and purpose. [Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-010, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-010, filed 8/26/91, effective 9/26/91.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
434-219-020	Definitions. [Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-020, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-020, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-020, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-020, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.
434-219-030	Presidential primary—When held. [Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-030, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-030, filed 8/26/91, effective 9/26/91.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
434-219-040	Presidential primary—Changing the date. [Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-040, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-040, filed 8/26/91, effective 9/26/91.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
434-219-070	Removal from list of designees. [Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-070, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-070, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.
434-219-130	Conduct of the presidential primary. [Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-130, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-130, filed 8/26/91, effective 9/26/91.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
434-219-150	Party declaration at the polling place. [Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-150, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-150, filed 11/17/03, effective 12/18/03; WSR 96-03-141, recodified as § 434-219-150, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-150, filed 8/26/91, effective 9/26/91.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
434-219-160	Political party and unaffiliated ballots—Arrangement. [Statutory Authority: RCW 29A.04.611. WSR 06-11-042, § 434-219-160, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-160, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-160, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-160, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-160, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.
434-219-165	Incomplete ballot code on consolidated absentee ballot. [Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-165, filed 1/6/00, effective 2/6/00.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.
434-219-170	Order of political parties. [Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-170, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-170, filed 1/6/00, effective 2/6/00.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.
434-219-180	Ballots—Arrangement of names—Instructions. [Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-180, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-180, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-180, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-180, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.

- 434-219-210 Issuing polling place ballots. [Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-210, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-210, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-210, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-210, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-210, filed 8/26/91, effective 9/26/91.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-219-220 Absentee ballots—Declarations—Instructions. [Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-220, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-220, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-220, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-220, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.
- 434-219-255 Tabulating, reporting, and canvassing write-in votes. [Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-255, filed 1/6/00, effective 2/6/00.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
- 434-219-260 Canvassing and tabulation of presidential primary absentee ballots. [Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-260, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-260, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-260, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.
- 434-219-270 Vote-by-mail precincts. [Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-270, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-270, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-270, filed 8/26/91, effective 9/26/91.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
- 434-219-280 Votes not tabulated. [Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-280, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-280, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-280, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-280, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.
- 434-219-285 Record of ballots not tabulated. [Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-285, filed 1/6/00, effective 2/6/00.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
- 434-219-300 Sealing of voting devices. [Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-300, filed 1/6/00, effective 2/6/00.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
- 434-219-350 Time for submission and payment of claims for reimbursement. [Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-350, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-350, filed 8/26/91, effective 9/26/91.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.

WAC 434-219-050 Procedures to be followed when changing primary date. If the date of the presidential primary is changed pursuant to RCW 29A.56.020 from the fourth Tuesday in May to another date, the secretary of state shall promptly notify the county auditors and the chairperson of the national committee of each major political party, in writing, of that date.

[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-050, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-050, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-050, filed 8/26/91, effective 9/26/91.]

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 chairperson 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.

[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-060, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW

29.19.070. WSR 96-03-141, recodified as § 434-219-060, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-060, filed 8/26/91, effective 9/26/91.]

WAC 434-219-080 Petition process for ballot access. Members of a major political party may petition the secretary of state, pursuant to the provisions of RCW 29A.56.030, to include on the presidential primary ballot the name of any candidate of that party not designated by the secretary of state under WAC 434-219-060. Petitions may be circulated for signatures not earlier than the first day following the designation of candidates by the secretary of state under WAC 434-219-060. Such petitions must be filed with the secretary of state not later than seventy-five days prior to the primary, shall be accompanied by a signed, notarized statement by the candidate concerned giving his or her consent to the nomination, and must bear the signatures of at least one thousand persons registered to vote in the state of Washington at the time the petition signatures are verified.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-080, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-080, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-080, filed 11/17/03, effective 12/18/03; WSR 96-03-141, recodified as § 434-219-080, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-080, filed 8/26/91, effective 9/26/91.]

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 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.

[Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-090, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-090, filed 8/26/91, effective 9/26/91.]

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 address or precinct name or number of the signer.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-100, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-100, filed 11/17/03, effective 12/18/03; WSR 96-03-141, recodified as § 434-219-100, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-100, filed 8/26/91, effective 9/26/91.]

WAC 434-219-110 Determination of sufficiency. In the event the secretary of state determines that the petition bears insufficient valid signatures, he or she shall notify the person filing the petition and the candidate on whose behalf the petition was filed. Persons so notified may submit additional signatures in support of the nomination as long as those signatures are submitted prior to the deadline established by RCW 29A.56.030.

In the event the secretary of state determines the petition bears sufficient signatures, he or she shall add that candidate in the official certification of candidates to the county auditors.

[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-110, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-110, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-110, filed 8/26/91, effective 9/26/91.]

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.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-115, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-115, 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 the final list of candidates who will appear on the presidential primary ballot.

[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-120, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-120, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-120, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-120, filed 8/26/91, effective 9/26/91.]

WAC 434-219-140 Party declarations. (1) No later than August 15 in the calendar year preceding the year in which the presidential preference primary is to be held, the state chair of each major party shall submit in writing to the secretary of state the exact wording of any party declaration required by rules of the state or national party.

(2) The secretary of state shall certify the language of each major party's declaration to the county auditors no later than August 30 in the calendar year preceding the year in which the presidential preference primary is to be held.

(3) Each registered voter desiring to participate in the presidential primary of a major party that requires a declaration shall subscribe to the declaration.

[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-140, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 99-22-073, § 434-219-140, filed 11/2/99, effective 12/3/99; WSR 96-03-141, recodified as § 434-219-140, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-140, filed 8/26/91, effective 9/26/91.]

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. Each 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.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-155, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-155, filed 11/30/07, effective 12/31/07.]

WAC 434-219-185 Logic and accuracy tests. The logic and accuracy test shall be conducted pursuant to the provisions of chapter 434-335 WAC and RCW 29A.12.130.

[Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-185, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 03-23-093, § 434-219-185, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-185, filed 1/6/00, effective 2/6/00.]

WAC 434-219-190 Special election held in conjunction with the presidential primary. If a presidential primary occurs at the same election as a special election, all measures or candidates for office for which the voters are eligible to vote at that special election shall be listed on the ballot in such a manner that each voter can identify and vote on those candidates or measures separately from the presidential primary candidates.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-190, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-219-190, filed 9/1/09, effective 10/2/09; WSR 07-24-044, § 434-219-190, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 96-03-141, recodified as § 434-219-190, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-190, filed 8/26/91, effective 9/26/91.]

WAC 434-219-230 Processing of ballots. (1) If the voter checked a political party declaration, a notation of the party checked 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.

(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.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-230, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-230, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 03-23-093, § 434-219-230, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-230, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-230, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-230, filed 8/26/91, effective 9/26/91.]

WAC 434-219-240 Canvassing consolidated ballots that include a party checkbox. If a county auditor issues consolidated ballots that include a party checkbox on the ballot, the following canvassing protocols must be followed:

- (1) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks the party box on the consolidated ballot for the same party declared on the return envelope; and
 - (c) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.
- (2) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks the party box on the consolidated ballot for the same party declared on the return envelope; and
 - (c) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.
- (3) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks the party box on the consolidated ballot for a different party than declared on the return envelope; and
 - (c) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.
- (4) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks a party box on the consolidated ballot for a different party than declared on the return envelope; and
 - (c) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.
- (5) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Fails to check a party box on the consolidated ballot; and
 - (c) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.
- (6) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Fails to check a party box on the consolidated ballot; and
 - (c) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.
- (7) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks more than one party box on the consolidated ballot; and
 - (c) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.
- (8) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks more than one party box on the consolidated ballot; and
 - (c) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.
- (9) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks the party box on the consolidated ballot for the same party declared on the return envelope; and
 - (c) Votes for candidates of more than one party, the partisan votes shall not be counted.
- (10) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks the party box on the consolidated ballot for a different party than declared on the return envelope; and

(c) Votes for candidates of more than one party, the partisan votes shall not be counted.

(11) If a voter:

(a) Signs a party declaration on the return envelope;

(b) Fails to check a party box on the consolidated ballot; and

(c) Votes for candidates of more than one party, the partisan votes shall not be counted.

(12) If a voter:

(a) Signs a party declaration on the return envelope;

(b) Checks more than one party box on the consolidated ballot;

and

(c) Votes for candidates of more than one party, the partisan votes shall not be counted.

(13) If a voter signs a party declaration on the return envelope for more than one party, the partisan votes shall not be counted.

(14) If a voter fails to sign a party declaration on the return envelope, the partisan votes shall not be counted.

[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-240, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-240, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-240, filed 1/24/96, effective 2/24/96; WSR 92-08-032, § 434-75-240, filed 3/24/92, effective 4/1/92; WSR 91-18-012, § 434-75-240, filed 8/26/91, effective 9/26/91.]

WAC 434-219-250 Canvassing separate party ballots and consolidated ballots that do not include a party checkbox. If a county auditor issues either separate party ballots or consolidated ballots that do not include a party checkbox on the ballot, the following canvassing protocols must be followed:

(1) If a voter:

(a) Signs a party declaration on the return envelope; and

(b) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.

(2) If a voter:

(a) Signs a party declaration on the return envelope; and

(b) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.

(3) If a voter:

(a) Signs a party declaration on the return envelope; and

(b) Votes for candidates of more than one party, the partisan votes shall not be counted.

(4) If a voter signs a party declaration on the return envelope for more than one party, the partisan votes shall not be counted.

(5) If a voter fails to sign a party declaration on the return envelope, the partisan votes shall not be counted.

[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-250, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-250, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-250, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-250, filed 1/24/96, effective 2/24/96; WSR 92-08-032, § 434-75-250, filed 3/24/92, effective 4/1/92; WSR 91-18-012, § 434-75-250, filed 8/26/91, effective 9/26/91.]

WAC 434-219-290 Certification of presidential primary by secretary of state. County canvassing boards shall certify the results of the presidential primary fourteen days following the primary. The county auditor shall transmit the returns to the secretary of state immediately. Not later than twenty-one 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.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-290, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-290, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-290, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-290, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-290, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-290, filed 8/26/91, effective 9/26/91.]

WAC 434-219-310 Statutory recount provisions do not apply. The provisions of chapter 29A.64 RCW regarding statutory recounts do not apply to a presidential primary.

[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-310, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-310, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-310, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-310, filed 8/26/91, effective 9/26/91.]

WAC 434-219-320 Transmittal of political party preference data and results to the major political parties. No later than thirty days following the presidential primary:

(1) Upon request, each county auditor shall provide to the county committee of each major political party, at actual reproduction cost, the results of the presidential primary by precinct, and the names and addresses of voters registered in the county who signed a party declaration for that party and the signature was verified.

(2) Upon request, the secretary of state shall provide to the state committees of each major political party, at actual reproduction cost, the names and addresses of all voters registered in the state who signed a party declaration for that party and the signature was verified.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-320, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-320, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-320, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-320, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-320, filed 8/26/91, effective 9/26/91.]

WAC 434-219-330 Retention of election material. The county auditor shall maintain all presidential primary material, including ballot request forms, ballot envelopes, and ballots, for a period of twenty-two months following the presidential primary. Sixty days following certification of the presidential primary by the secretary of state, the county auditor must remove from the voter registration files any record of party designation in the presidential primary.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-330, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-330, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-330, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-330, filed 8/26/91, effective 9/26/91.]

WAC 434-219-340 Claims for reimbursement. Following the presidential primary, each county auditor shall provide to the secretary of state a completed claim for reimbursement of expenses incurred by the county in conducting the primary. This cost shall be prorated with any other jurisdictions holding special elections in conjunction with the primary under RCW 29A.04.410. The procedures for allocating such costs shall be the same as those prescribed by the office of the state auditor for election cost allocations to the state, cities, towns, and special purpose districts. Claims for reimbursement and supporting documents shall be submitted to the secretary of state not later than sixty days following the certification of the presidential primary by the secretary of state.

[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-340, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-340, filed 11/17/03, effective 12/18/03; WSR 96-03-141, recodified as § 434-219-340, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-340, filed 8/26/91, effective 9/26/91.]

Chapter 434-230 WAC BALLOTS

(Formerly chapter 434-30 WAC)

Last Update: 2/26/14

WAC

434-230-010	Sample ballots.
434-230-012	Ballot design.
434-230-015	Ballots and instructions.
434-230-025	Order of offices.
434-230-030	Placement of ballot measures for local units of government.
434-230-035	Office format.
434-230-045	Candidate format.
434-230-055	Partisan primary.
434-230-085	Candidate who qualifies for more than one office.
434-230-090	Determining nominees for multiple positions.
434-230-100	Political party precinct committee officer.
434-230-110	President and vice-president of the United States.
434-230-130	Envelopes.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-230-020	Placement of state ballot measures. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, §
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434-30-020, filed 5/4/92, effective 6/4/92.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.

- 434-230-040 Candidate's political party designation—Primary to general. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-040, filed 5/4/92, effective 6/4/92.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-230-047 Nonpartisan county office. [Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-230-047, filed 2/3/11, effective 3/6/11.] Repealed by WSR 14-06-040, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611.
- 434-230-050 Candidate nominated by two or more political parties or for two or more offices. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-050, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-050, filed 5/4/92, effective 6/4/92.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-230-060 Primary votes required for appearance on general election ballot. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-230-060, filed 7/11/08, effective 8/11/08; WSR 07-24-044, § 434-230-060, filed 11/30/07, effective 12/31/07; WSR 06-14-049, § 434-230-060, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-060, filed 5/4/92, effective 6/4/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-230-070 Method for billing expense for printing and distributing ballot materials. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-230-070, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-070, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-070, filed 5/4/92, effective 6/4/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-230-080 Judicial ballots—Form. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-080, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-080, filed 5/4/92, effective 6/4/92.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-230-095 When a candidate dies or is disqualified. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-230-095, filed 7/11/08, effective 8/11/08.] Repealed by WSR 14-06-040, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611.
- 434-230-120 Ranked choice voting. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-230-120, filed 7/11/08, effective 8/11/08.] Repealed by WSR 10-14-091, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041.
- 434-230-140 Definitions. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-230-140, filed 3/12/02, effective 4/12/02.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
- 434-230-150 Ballot uniformity. [Statutory Authority: RCW 29A.04.611. WSR 06-14-049, § 434-230-150, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, recodified as § 434-230-150, filed 1/13/98, effective 2/13/98. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-150, filed 5/4/92, effective 6/4/92.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-230-160 Poll-site voting instructions. [Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-230-160, filed 11/30/07, effective 12/31/07; WSR 06-14-049, § 434-230-160, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-230-160, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-230-160, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-160, filed 5/4/92, effective 6/4/92.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-230-170 Ballot form. [Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-230-170, filed 10/1/07, effective 11/1/07; WSR 07-09-036, § 434-230-170, filed 4/11/07, effective 5/12/07; WSR 06-14-049, § 434-230-170, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-230-170, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210 and 29.30.020. WSR 00-11-042, § 434-230-170, filed 5/11/00, effective 6/11/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-170, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-170, filed 5/4/92, effective 6/4/92.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-230-180 Paper ballots and ballot cards—Numbering. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-180, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-180, filed 5/4/92, effective 6/4/92.] Repealed by WSR 07-09-036, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611.
- 434-230-190 Paper ballot uniformity. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-190, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-190, filed 5/4/92, effective 6/4/92.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.

434-230-200 Paper ballot instructions. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-200, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-200, filed 5/4/92, effective 6/4/92.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.

434-230-210 Paper ballots—Ballot form. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-230-210, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210 and 29.30.020. WSR 00-11-042, § 434-230-210, filed 5/11/00, effective 6/11/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-210, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-210, filed 5/4/92, effective 6/4/92.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.

434-230-220 Same party designations used for primary and general elections. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-230-220, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210 and 29.30.020. WSR 00-11-042, § 434-230-220, filed 5/11/00, effective 6/11/00.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.

WAC 434-230-010 Sample ballots. Sample ballots shall be available at least fifteen days prior to an election. A printed copy must be made available through the office of the county auditor. A sample ballot may be published on the county auditor's web site. Sample paper ballots shall be printed in substantially the same form as official ballots. Sample ballots shall be printed in a manner that makes them easily distinguishable from the official ballot.

At any primary or election when a local voters' pamphlet is published which contains a full sample ballot, a separate sample ballot need not be produced.

Counties with populations of over five hundred thousand may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appear on at least one of the various sample ballots. Each regional sample ballot shall contain all offices and issues to be voted upon within that region. A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each voting center.

[Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-230-010, filed 5/29/09, effective 6/29/09; WSR 08-15-052, § 434-230-010, filed 7/11/08, effective 8/11/08; WSR 06-14-049, § 434-230-010, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-230-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-010, filed 5/4/92, effective 6/4/92.]

WAC 434-230-012 Ballot design. (1) The ballot must have a clear delineation between the ballot instructions and the first ballot measure or office through the use of white space, illustration, shading, color, symbol, font size, or bold type.

(2) The following standards for ballot design and layout are provided pursuant to RCW 29A.36.161:

(a) If space allows, allow the instructions to occupy their own column;

(b) Avoid the use of ALL CAPITAL LETTERS. Mixed-case letters are more legible than ALL CAPITAL LETTERS;

(c) Avoid centered type. Left-aligned type is more legible than centered type;

(d) Avoid using more than one font. Using multiple fonts requires the eye to stop reading and adjust. Use one font, preferably a sans-serif font such as Arial, Univers, or Verdana;

(e) Use color and shading consistently, such as to differentiate instructions from ballot section dividers and contest information;

(f) If space allows, use a 12-point type size. Do not use a type size lower than 8-point; and

(g) Maintain consistent font and type size throughout the ballot. For example, do not adjust type size for one race. Type size should be adjusted throughout all comparable areas of the ballot or, at a minimum, by page.

(3) The secretary of state shall publish and distribute an illustrated version of best practices for ballot design and layout.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-230-012, filed 2/3/11, effective 3/6/11.]

WAC 434-230-015 Ballots and instructions. (1) Each ballot shall specify the county, the date, and whether the election is a primary, special or general.

(2) Each ballot must include instructions directing the voter how to mark the ballot, including write-in votes if candidate races appear on the ballot.

(3) Instructions that accompany a ballot must:

(a) Instruct the voter how to cancel a vote by drawing a line through the text of the candidate's name or ballot measure response;

(b) Notify the voter that, unless specifically allowed by law, more than one vote for an office or ballot measure will be an overvote and no votes for that office or ballot measure will be counted;

(c) Explain how to complete and sign the ballot declaration. The following declaration must accompany the ballot:

"I do solemnly swear or affirm under penalty of perjury that I am:

A citizen of the United States;

A legal resident of the state of Washington;

At least 18 years old on election day;

Voting only once in this election;

Not under the authority of the Department of Corrections for a Washington felony conviction; and

Not disqualified from voting due to a court order.

It is illegal to forge a signature or cast another person's ballot. Attempting to vote when not qualified, attempting to vote more than once, or falsely signing this declaration is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both."

The declaration must include space for the voter to sign and date the declaration, for the voter to write his or her phone number, and for two witnesses to sign if the voter is unable to sign.

County auditors may use existing stock of declarations until December 31, 2014.

(d) Explain how to make a mark, witnessed by two other people, if unable to sign the declaration;

(e) Explain how to place the ballot in the security envelope and place the security envelope in the return envelope;

(f) Explain how to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

(g) If applicable, explain that postage is required, or exactly how much postage is required. See WAC 434-250-200 on return postage;

(h) Explain that, in order for the ballot to be counted, it must be either postmarked no later than election day or deposited at a ballot drop box no later than 8:00 p.m. election day;

(i) Explain how to learn about the locations, hours, and services of voting centers and ballot drop boxes, including the availability of accessible voting equipment;

(j) Include, for a primary election that includes a partisan office, a notice on an insert explaining:

"In each race, you may vote for any candidate listed. The two candidates who receive the most votes in the primary will advance to the general election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(k)(i) Include, for a general election that includes a partisan office, the following explanation:

"If a primary election was held for an office, the two candidates who received the most votes in the primary advanced to the general election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(ii) In a year that president and vice-president appear on the general election ballot, the following must be added to the statement required by (k)(i) of this subsection:

"The election for president and vice-president is different. Candidates for president and vice-president are the official nominees of their political party."

(4) Instructions that accompany a special absentee ballot authorized by RCW 29A.40.050 must also explain that the voter may request and subsequently vote a regular ballot, and that if the regular ballot is received by the county auditor, the regular ballot will be tabulated and the special absentee ballot will be voided.

(5) Each ballot must explain, either in the general instructions or in the heading of each race, the number of candidates for whom the voter may vote (e.g., "vote for one").

(6)(a) If the ballot includes a partisan office, the ballot must include the following notice in bold print immediately above the first partisan congressional, state or county office: "READ: Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(b) When the race for president and vice-president appears on a general election ballot, instead of the notice required by (a) of this subsection, the ballot must include the following notice in bold print after president and vice-president but immediately above the first partisan congressional, state or county office: "READ: Each candidate for president and vice-president is the official nominee of a political party. For other partisan offices, each candidate may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(c) The same notice may also be listed in the ballot instructions.

(7) Counties may use varying sizes and colors of ballots, provided such size and color is used consistently throughout a region, area or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying color and size may also be used to designate various types of ballots.

(8) Ballots shall be formatted as provided in RCW 29A.36.170.

(9) Removable stubs are not considered part of the ballot.

(10) If ballots are printed with sequential numbers or other sequential identifiers, the county auditor must take steps to prevent ballots from being issued sequentially, in order to protect secrecy of the ballot.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-230-015, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-015, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-230-015, filed 9/1/09, effective 10/2/09; WSR 08-15-052, § 434-230-015, filed 7/11/08, effective 8/11/08.]

WAC 434-230-025 Order of offices. Measures and offices must be listed in the following order, to the extent that they appear on a primary or election ballot:

- (1) Initiatives to the people;
- (2) Referendum measures;
- (3) Referendum bills;
- (4) Initiatives to the legislature and any alternate proposals;
- (5) Proposed constitutional amendments (senate joint resolutions, then house joint resolutions);
- (6) Advisory votes;
- (7) Countywide ballot measures;
- (8) President and vice-president of the United States;
- (9) United States senator;
- (10) United States representative;
- (11) Governor;
- (12) Lieutenant governor;
- (13) Secretary of state;
- (14) State treasurer;
- (15) State auditor;
- (16) Attorney general;
- (17) Commissioner of public lands;
- (18) Superintendent of public instruction;
- (19) Insurance commissioner;
- (20) State senator;
- (21) State representative;

- (22) County officers;
- (23) Justices of the supreme court;
- (24) Judges of the court of appeals;
- (25) Judges of the superior court; and
- (26) Judges of the district court.

For all other jurisdictions, the offices in each jurisdiction shall be grouped together and listed by position number according to county auditor procedures.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-230-025, filed 2/26/14, effective 3/29/14; WSR 08-15-052, § 434-230-025, filed 7/11/08, effective 8/11/08.]

WAC 434-230-030 Placement of ballot measures for local units of government. All county-wide ballot measures shall be listed immediately following state ballot measures. In the absence of state ballot measures, county-wide ballot measures shall appear first where state ballot measures would appear. For other local ballot measures and offices, each county shall establish written procedures to determine the order in which local units of government are to be listed on the ballot. Such order of local governmental units shall be substantially consistent on all ballots. The order may be determined by, but is not limited to the following: Size of jurisdictional area, alphabetical order by jurisdictional area, or such order as to provide for efficient use of ballot spacing and voting positions. Such procedures are to provide consistency from election to election within a county.

Except for county-wide ballot measures, local ballot measures and offices, if any, may be positioned in the area dedicated for that jurisdiction; or, local ballot measures may be grouped in a separate area dedicated to special measures only. This may be an area on the ballot separate from the candidates of such local government unit.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-14-049, § 434-230-030, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-230-030, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-230-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-030, filed 5/4/92, effective 6/4/92.]

WAC 434-230-035 Office format. (1) The name of each office must be printed on the ballot.

(2) The description "partisan office" must be printed either for each partisan office or as a heading above a group of partisan offices. The description "nonpartisan office" must be printed either for each office or as a heading above a group of nonpartisan offices.

(3) If the term of office is not a full term, a description of the term (e.g., short/full term, two-year unexpired term) must be printed with the office name.

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

(5) Each office or position must be separated by a bold line.

(6) On a general election ballot in a year that president and vice-president are elected, each political party's candidates for president and vice-president shall be provided one vote response position for that party.

[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-230-035, filed 7/11/08, effective 8/11/08.]

WAC 434-230-045 Candidate format. (1) For each office or position, the names of all candidates shall be listed together. If the office is on the primary election ballot, no candidates skip the primary and advance directly to the general election.

(2)(a) On the primary election ballot, candidates shall be listed in the order determined by lot.

(b) On the general election ballot, the candidate who received the highest number of votes in the primary shall be listed first, and the candidate who received the second highest number of votes in the primary shall be listed second. If the two candidates who received the most votes in the primary received exactly the same number of votes, the order in which their names are listed on the general election ballot shall be determined by lot.

(c) The political party that each candidate prefers is irrelevant to the order in which the candidates appear on the ballot.

(3) 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.

(4) For partisan office:

(a) If the candidate stated his or her preference for a political party on the declaration of candidacy, that preference shall be printed below the candidate's name, with parentheses and the first letter of each word capitalized, as shown in the following example:

John Smith
(Prefers Example Party)

(b) If the candidate did not state his or her preference for a political party, that information shall be printed below the candidate's name, with parentheses and the first letter of each word capitalized, as shown in the following example:

John Smith
(States No Party Preference)

(c) The party preference line for each candidate may be in smaller point size or indented.

(d) The same party preference information shall be printed on both primary and general election ballots.

(5) If the office is nonpartisan, only the candidate's name shall appear. Neither "nonpartisan" nor "NP" shall be printed with each candidate's name.

(6) The law does not allow nominations or endorsements by interest groups, political action committees, political parties, labor unions, editorial boards, or other private organizations to be printed on the ballot.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-230-045, filed 2/26/14, effective 3/29/14; WSR 08-15-052, § 434-230-045, filed 7/11/08, effective 8/11/08.]

WAC 434-230-055 Partisan primary. In a primary for partisan congressional, state or county office conducted pursuant to chapter 2, Laws of 2005 (Initiative 872):

(1) Voters are not required to affiliate with a political party in order to vote in the primary election. For each office, voters may vote for any candidate in the race.

(2) Candidates are not required to obtain the approval of a political party in order to file a declaration of candidacy and appear on the primary or general election ballot as a candidate for partisan office. Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate. A candidate's political party preference is not used to determine which candidates advance to the general election.

(3) Based on the results of the primary, the two candidates for each office who receive the most votes and who receive at least one percent of the total votes cast for that office advance to the general election. The primary election does not serve to nominate any political party's candidates, but serves to winnow the number of candidates down to a final list of two for the general election. Voters in the primary are casting votes for candidates, not choosing a political party's nominees.

(4) Chapter 2, Laws of 2005 (Initiative 872) repealed the prior law governing party nominations. Political parties may nominate candidates by whatever mechanism they choose. The primary election plays no role in political party nominations, and political party nominations are not displayed on the ballot.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-230-055, filed 2/26/14, effective 3/29/14; WSR 08-15-052, § 434-230-055, filed 7/11/08, effective 8/11/08.]

WAC 434-230-085 Candidate who qualifies for more than one office. In the event a candidate, as a result of write-in votes in the primary, qualifies to appear on the general election ballot for more than one office, the candidate may notify the county auditor in writing within three days of certification of the primary of the single office for which he or she desires to appear on the general election ballot. If the candidate fails to notify the county auditor, the county auditor shall determine the single office for which the candidate shall appear on the general election ballot. Any void in candidacy for other positions thus created will be handled as provided by law.

[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-230-085, filed 7/11/08, effective 8/11/08.]

WAC 434-230-090 Determining nominees for multiple positions. If there are two or more places to be filled for a nonpartisan office,

the number of candidates equaling the number of positions to be filled who receive the highest number of votes at the primary and an equal number who receive the next highest number of votes shall appear under the designation for that office.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-090, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-090, filed 5/4/92, effective 6/4/92.]

WAC 434-230-100 Political party precinct committee officer. (1)

The election of major political party precinct committee officers is established in RCW 29A.52.171 and 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.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-230-100, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-230-100, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-230-100, filed 7/11/08, effective 8/11/08.]

WAC 434-230-110 President and vice-president of the United States. (1) When the race for president and vice-president appears on a general election ballot, the candidates for these offices must be paired together.

(2) The full name of the political party, rather than an abbreviation, must be provided for each pair of candidates, with a designation that these candidates are the nominees of the party. The first letter of each word in the political party name must be capitalized. For example:

Example Party Nominees

(3) If candidates are not nominees of a political party and are running as independent candidates, that description must be provided for the pair of candidates. The first letter of each word in the description must be capitalized. For example:

Independent Candidates

(4) The order that candidates appear on the ballot is based on their political party, as established by RCW 29A.36.161. Minor party and independent candidate nominating petitions are processed in the order in which they are submitted to the office of the secretary of state.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-230-110, filed 2/26/14, effective 3/29/14; WSR 08-15-052, § 434-230-110, filed 7/11/08, effective 8/11/08.]

WAC 434-230-130 Envelopes. Mail-in ballots must be accompanied by the following:

(1) A security envelope or sleeve, which may not identify the voter and must have a hole punched in a manner that will reveal whether a ballot is inside;

(2) A return envelope, which must be addressed to the county auditor and have a hole punched in a manner that will reveal whether the security envelope is inside. The return envelope must display the official election materials notice required by the United States Postal Service, display the words "APPLY FIRST-CLASS POSTAGE HERE" OR "POSTAGE PAID" in the upper right-hand corner, and conform to postal department regulations.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-230-130, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-130, filed 12/6/11, effective 1/6/12.]

Chapter 434-235 WAC
SERVICE AND OVERSEAS VOTERS

Last Update: 2/26/14

WAC

434-235-010 Scope.
434-235-020 Voter registration.
434-235-030 Voting.
434-235-040 Processing ballots.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-235-050 Online information. [Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-050, filed 2/3/11, effective 3/6/11.] Repealed by WSR 12-14-074, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611.

WAC 434-235-010 Scope. (1) This chapter implements the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Sec. 1973ff, the Military and Overseas Voter Empowerment Act, 42 U.S.C. Sec. 1973ff, and the provisions for service and overseas voters in Title 29A RCW.

(2) Uniformed service voter is defined in 42 U.S.C. Sec. 1973ff-6(1) as:

(a) A member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(b) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; or

(c) A spouse or dependent who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(3) Service voter is defined in RCW 29A.04.163 as any elector of the state of Washington who:

(a) Is a member of the armed forces under 42 U.S.C. Sec. 1973ff-6 while in active service;

(b) Is a member of a reserve component of the armed forces;

(c) Is a student or member of the faculty at a United States military academy;

(d) Is a member of the merchant marine of the United States; or

(e) Is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States.

(4) References in Title 434 WAC to "service voter" include voters who meet either the federal definition for "uniformed service voter" or the state definition for "service voter."

(5) Overseas voter is defined in 42 U.S.C. Sec. 1973ff-6(5) as:

(a) An absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(b) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(c) A person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(6) Overseas voter is defined in RCW 29A.04.109 as any elector of the state of Washington outside the territorial limits of the United States.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-235-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-010, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-235-010, filed 10/1/07, effective 11/1/07.]

WAC 434-235-020 Voter registration. (1) A service or overseas voter may register to vote by providing:

(a) A voter registration application issued by the state of Washington;

(b) A federal post card application issued by the federal voting assistance program;

(c) A federal write-in absentee ballot issued by the federal voting assistance program;

(d) A national mail voter registration form issued by the election assistance commission; or

(e) A ballot with a valid signature on the ballot declaration.

(2) Pursuant to RCW 29A.40.010 and 29A.40.091, a service or overseas voter does not have to be registered in order to request a ballot. Consequently, a service or overseas voter who is not already registered in Washington may request a ballot and register after the registration deadlines of RCW 29A.08.140 have passed. A service or overseas voter who is already registered to vote in Washington may not transfer or update a registration after the deadlines in RCW 29A.08.140 have passed.

(a) If the voter is not currently registered, the county auditor must register the voter immediately. The voter must be flagged in the voter registration system as a service or overseas voter.

(b) A service or overseas voter must use his or her most recent residential address in Washington, or the most recent residential address in Washington of a family member.

(c) If the county auditor is unable to precinct the voter due to a missing or incomplete residential address on the application, the county auditor must attempt to contact the voter to clarify the application.

(i) If, in the judgment of the county auditor, there is insufficient time to correct the application before the next election or primary, the county auditor must issue the ballot as if the voter had listed the county auditor's office as his or her residence. A special precinct for this purpose may be created. The only offices and issues that may be tabulated are those common to the entire county and congressional races based on the precinct encompassing the auditor's office.

(ii) After the election or primary, the county auditor must place the voter on inactive status and send the voter a confirmation notice to obtain the voter's correct residential address.

(d) A service or overseas voter is not required to provide a driver's license number, Social Security number or other form of identification as required by RCW 29A.08.107.

(3) The county auditor must offer a service or overseas voter the option of receiving blank ballots by e-mail or postal mail. This requirement is satisfied if the service or overseas voter registers on an application that offers electronic ballot delivery as an option, or if the voter expresses a preference when registering, updating a registration, or requesting a ballot. The county auditor must attempt to

contact the voter by phone, e-mail, postal mail, or other means. If the voter does not indicate a preference or does not respond, the county auditor must send ballots by postal mail.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-235-020, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-235-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-020, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-235-020, filed 9/1/09, effective 10/2/09; WSR 07-20-074, § 434-235-020, filed 10/1/07, effective 11/1/07.]

WAC 434-235-030 Voting. (1) A service or overseas voter may request or return a ballot by:

(a) Any manner authorized by WAC 434-250-030;

(b) A federal post card application issued by the federal voting assistance program; or

(c) A federal write-in absentee ballot issued by the federal voting assistance program.

(2) The county auditor must issue a ballot by mail, e-mail, or fax if specifically requested by the voter. A ballot does not have to be mailed if it is e-mailed or faxed to the voter. If an e-mail is returned as undeliverable and the voter has not provided an alternate e-mail address, then the ballot must be sent by postal mail.

(3) Ballot materials must include the mailing address, phone number, fax number, e-mail address, and web site of the county auditor's office to enable a voter to contact the elections office for additional information about the election. Ballot materials must include instructions on how to return the ballot by fax, e-mail, or postal mail, including how to include the ballot privacy sheet between the declaration page and the ballot. Ballot materials must include instructions on how to confirm that the voted ballot has been received by the elections office, in a format that the voter can keep after the voted ballot has been returned.

(4) If the county auditor is unable to issue a ballot due to insufficient information, the county auditor must attempt to contact the voter, consistent with WAC 434-235-020, to clarify the request. If the county auditor is unable to obtain sufficient information, other than residential address, to issue the ballot, the county auditor must attempt to notify the voter of the reason that the ballot was not issued.

(5) Pursuant to RCW 29A.40.091, return envelopes must be printed to indicate that they may be returned postage-free.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-235-030, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-235-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-030, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-235-030, filed 9/1/09, effective 10/2/09; WSR 07-20-074, § 434-235-030, filed 10/1/07, effective 11/1/07.]

WAC 434-235-040 Processing ballots. (1) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of a federal write-in absentee ballot or a special absentee ballot if the intention of the voter can be ascertained.

(2) For service and overseas voters, the date on the ballot declaration associated with the voter's signature determines the validity of the ballot. The signature on the ballot declaration must be dated no later than election day.

(3) Voted ballots returned by fax or e-mail must be received no later than 8:00 p.m. on election day.

(4) The county auditor must provide statistics on voting by service and overseas voters in the certification report required by RCW 29A.60.235 and in response to requests by the federal election assistance commission.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-235-040, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-235-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-040, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-235-040, filed 10/1/07, effective 11/1/07.]

Chapter 434-250 WAC ELECTIONS BY MAIL

Last Update: 2/26/14

WAC

434-250-025	Broken or missing seals.
434-250-030	Special absentee ballots.
434-250-035	Protected records voters.
434-250-037	Mail ballot certification.
434-250-045	Voters requiring verification of identity.
434-250-070	Forwarding ballots.
434-250-080	Replacement ballots.
434-250-095	Direct recording electronic voting devices.
434-250-100	Ballot deposit sites.
434-250-105	Voting centers.
434-250-110	Processing ballots.
434-250-120	Verification of the signature and return date.
434-250-130	Maintenance of an audit trail.
434-250-140	Ballot process to be expedited.
434-250-200	Return postage.
434-250-320	Locations to deposit ballots.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-250-010	Purpose. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-010, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
434-250-020	Definitions. [Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-250-020, filed 11/15/06, effective 12/16/06; WSR 05-17-145, § 434-250-020, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
434-250-040	Instructions to voters. [Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-250-040, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-250-040, filed 1/21/09, effective 2/21/09; WSR 08-15-052, § 434-250-040, filed 7/11/08, effective 8/11/08; WSR 07-24-044, § 434-250-040, filed 11/30/07, effective 12/31/07; WSR 07-09-036, § 434-250-040, filed 4/11/07, effective 5/12/07; WSR 06-23-094, § 434-250-040, filed 11/15/06, effective 12/16/06; WSR 05-17-145, § 434-250-040, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
434-250-050	Envelopes. [Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-250-050, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-250-050, filed 1/21/09, effective 2/21/09; WSR 08-15-052, § 434-250-050, filed 7/11/08, effective 8/11/08; WSR 07-24-044, § 434-250-050, filed 11/30/07, effective 12/31/07; WSR 07-09-036, § 434-250-050, filed 4/11/07, effective 5/12/07; WSR 05-17-145, § 434-250-050, filed 8/19/05, effective

- 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-060 Service and overseas voters. [Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-250-060, filed 11/15/06, effective 12/16/06; WSR 06-14-050, § 434-250-060, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-250-060, filed 8/19/05, effective 9/19/05.] Repealed by WSR 07-20-074, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611.
- 434-250-085 Provisional ballots issued before election day. [Statutory Authority: RCW 29A.04.611. WSR 06-14-046, § 434-250-085, filed 6/28/06, effective 7/29/06.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-090 Absentee ballots issued after the poll lists have been marked. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-090, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-150 Ranked choice voting. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-250-150, filed 7/11/08, effective 8/11/08.] Repealed by WSR 10-14-091, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041.
- 434-250-300 Elections by mail. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-300, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-310 Notice of elections by mail. [Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-250-310, filed 1/18/10, effective 2/18/10; WSR 08-15-052, § 434-250-310, filed 7/11/08, effective 8/11/08; WSR 07-20-074, § 434-250-310, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-250-310, filed 5/30/07, effective 6/30/07; WSR 05-17-145, § 434-250-310, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-330 County auditor's office as a voting center. [Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-330, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-250-330, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-250-330, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-330, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-330, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-340 Manual count of selected precincts. [Statutory Authority: RCW 29A.04.611. WSR 06-11-042, § 434-250-340, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-340, filed 12/28/05, effective 1/28/06.] Repealed by WSR 07-20-074, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611.

WAC 434-250-025 Broken or missing seals. If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

[Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-250-025, filed 6/28/06, effective 7/29/06.]

WAC 434-250-030 Special absentee ballots. (1) As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications. The form must include:

(a) A space for the voter to print his or her name and address where registered to vote;

(b) A postal or mailing address;

(c) A space for an overseas or service voter not registered to vote in Washington to indicate his or her last residential address in Washington;

(d) A checkbox indicating that the voter will be unable to vote and return a regular ballot by normal delivery within the period provided for regular ballots; and

(e) A checkbox requesting that a regular ballot be forwarded as soon as possible.

(2) The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section. Any application for a special absentee ballot re-

ceived more than ninety days prior to a primary or general election may be either returned to the applicant with the explanation that the request is premature or held by the auditor until the appropriate time and then processed.

(3) Upon receipt of a special absentee ballot request, a regular ballot is mailed if available. If regular ballots are not available, the county auditor shall immediately send a special absentee ballot containing the known offices and measures scheduled to appear on the ballot; space for the voter to write in the name of any eligible candidate for each office and vote on any measure; and a list of any candidates who have filed and issues referred to the ballot.

(4) If a regular ballot is returned, the special ballot is not counted.

(5) Write-in votes on special ballots are counted in the same manner as other write-in votes.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-250-030, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-030, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-250-030, filed 10/1/07, effective 11/1/07; WSR 07-09-036, § 434-250-030, filed 4/11/07, effective 5/12/07; WSR 06-14-047, § 434-250-030, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-250-030, filed 8/19/05, effective 9/19/05.]

WAC 434-250-035 Protected records voters. (1) At least eighteen days before every special, primary, or general election, authorized personnel shall review all protected records voter files and forward the appropriate ballot for each protected records voter via the substitute mailing address.

(2) The ballot, ballot security envelope, and return envelope must be placed in an envelope addressed to the substitute address. The return envelope shall be marked in a manner that ensures that the returned ballot will be segregated and routed to the authorized personnel for processing.

(3) The voted ballot for a protected records voter shall be processed by county authorized personnel. The authorized personnel shall maintain a record of ballots sent to protected records voters and a record of ballots returned. This record shall be maintained in accordance with WAC 434-324-034.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-035, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-250-035, filed 1/21/09, effective 2/21/09.]

WAC 434-250-037 Mail ballot certification. Pursuant to RCW 29A.40.070, fifteen days before each primary or election, the county auditor shall certify to the secretary of state:

(1) That ballots were mailed or issued to service and overseas voters at least forty-five or thirty days before election day, whichever deadline is applicable. For elections that include a federal of-

face, the certification must include the number of ballots mailed or issued to service and overseas voters;

(2) That ballots were mailed or issued to regular voters at least eighteen days before election day;

(3) That ballots issued via electronic ballot delivery systems were proofed and checked for accuracy prior to the mailing deadline for service and overseas ballots; and

(4) If any ballots were not mailed or issued by the applicable deadlines, the reason for the delay and steps taken to remedy the delay.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-037, filed 2/26/14, effective 3/29/14.]

WAC 434-250-045 Voters requiring verification of identity. (1)

If the voter registration record is flagged as requiring verification of identity, a notice must be sent at the time of the election explaining that a photocopy of identification must be provided in order for the ballot to be counted, and listing what forms of identification are acceptable. The county auditor may provide an inner envelope separate from the security envelope for return of the photocopy of the identification.

(2) The notice to the voter must be in substantially the following form:

Dear Voter:

[date]

Based on your recent registration, federal law requires that you provide identification with your ballot. **If you fail to provide identification, your ballot will not be counted.**

Please provide your driver's license number, Washington state identification card number, the last four digits of your Social Security number, or a photocopy of one of the following:

- Valid photo identification;
- A valid enrollment card of a federally recognized tribe in Washington;
- A current utility bill;
- A current bank statement;
- A current government check;
- A current paycheck; or
- A government document, other than a voter registration card, that shows both your name and address.

You may return a photocopy with your ballot but, in order to protect the secrecy of your ballot, do not place the photocopy inside the security envelope.

If you do not provide a copy of your identification, your ballot will not be counted.

If you have any questions, please feel free to contact the ___ County Auditor's Office at ___.

(3) If the voter provides one of the acceptable forms of identification no later than the day before certification of the election, the flag on the voter registration record must be removed and the ballot must be counted.

(4) If the voter fails to provide one of the acceptable forms of identification by the day prior to certification of the election, the ballot shall not be counted. If the voter provides one of the acceptable forms of identification at a later date, the ballot cast in that election shall not be counted but the flag on the voter registration record must be removed.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-045, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-250-045, filed 1/21/09, effective 2/21/09; WSR 07-02-100, § 434-250-045, filed 1/3/07, effective 2/3/07.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 434-250-070 Forwarding ballots. (1) If the county auditor chooses to forward ballots, the county auditor must utilize postal service endorsements that allow the ballots to be forwarded, allow the county auditor to receive the updated address information, and allow the return of ballots not capable of being forwarded. A voter may only vote a ballot specific to the address where he or she is registered to vote, rather than a ballot specific to a new address.

(2) If the county auditor does not forward ballots, the envelope must clearly indicate the ballot is not to be forwarded and is to be returned to the county auditor with any available address updates. If the county auditor receives updated address information from the post office, the county auditor may send the voter a ballot specific to the address where the voter is registered to vote.

(3) If a ballot is returned or forwarded, the county auditor must, following certification of the election, either:

(a) Transfer the voter registration and send the voter an acknowledgment notice, if the updated address is within the county; or

(b) Place the voter on inactive status and send the voter a confirmation notice to all known addresses, if no updated address information was received or the updated address is outside the county.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-070, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-250-070, filed 2/19/08, effective 3/21/08; WSR 07-20-074, § 434-250-070, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-250-070, filed 5/30/07, effective 6/30/07; WSR 05-17-145, § 434-250-070, filed 8/19/05, effective 9/19/05.]

WAC 434-250-080 Replacement ballots. The county auditor may issue a replacement ballot, as authorized by RCW 29A.40.070, if the request is received prior to 8:00 p.m. on election day. Requests may be made in person, in writing, by telephone, or electronically, by the voter, a family member, or a registered domestic partner.

Replacement ballots or the original ballot, whichever is received first, shall be credited to the voter's registration file and tabulated if the ballot meets all requirements for tabulation. If the auditor receives additional ballots from a voter, as indicated by the fact that the voter is already credited with voting, the additional ballots shall not be counted and shall be forwarded to the county canvassing board for rejection.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-080, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-080, filed 8/19/05, effective 9/19/05.]

WAC 434-250-095 Direct recording electronic voting devices. (1)

Before a direct recording electronic voting device may be used by a voter, an election officer must verify:

(a) The paper printer or paper canister is secured so that the paper record may not be removed from the device by anyone other than an election officer;

(b) Only a blank portion of the paper record is visible to the voter as he or she approaches the device; and

(c) The paper printer or paper canister is sealed with a numbered seal to ensure the paper tape cannot be removed by the voter.

(2) Before a direct recording electronic voting device may be used by a voter, an election officer must confirm that the voter has not already returned a voted ballot. Confirmation that the voter has not already returned a voted ballot may be achieved by accessing the county voter registration system by electronic, telephonic, or other means. In order to prevent multiple voting, the voter must be immediately credited or otherwise flagged as having voted. If the county auditor is unable to confirm whether the voter has already returned a voted ballot, the voter may not vote on a direct recording electronic voting device. If a voted mail ballot is subsequently returned after a ballot is cast on the direct recording electronic voting device, the mail ballot must not be counted.

(3)(a) If a ballot on a direct recording electronic device has not been cast but has been printed by the voter, the election officer may cast the ballot.

(b) If a ballot on a direct recording electronic device has not been printed nor cast by the voter, the election officer must cancel the ballot and make a corresponding notation in the accountability form.

(4) If any seal or lock on a direct recording electronic device, including seals for the paper printer or paper canister, has been broken or tampered with, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. A written report regarding the circumstances of the removal from service must be sent to the county canvassing board.

(5) If the paper printer for a direct recording electronic device malfunctions or runs out of paper, the following must occur:

(a) If the election officer has confirmed that no ballots have been cast after the printer ran out of paper or malfunctioned, he or she must remove the direct recording electronic device and paper printer from service, and document the problem. The direct recording electronic device and paper printer may be returned to service only if the problem has been corrected.

(b) If the election officer is unable to confirm that no ballots were cast after the printer ran out of paper or malfunctioned, or if the problem cannot be corrected, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. The auditor must present a written report regarding the circumstances of the removal from service to the county canvassing board.

(6) If an electronic ballot has been cast without a readable corresponding paper record, the county auditor may print the ballot image stored on the device for use as a paper record for that device, in the case of an audit or manual recount. This may require printing all ballot images from that machine.

(7) A provisional ballot may only be voted on a direct recording electronic voting device if the voting system has been certified by

the secretary of state for provisional voting and the county auditor has submitted approved procedures to the secretary of state.

(8)(a) If a direct recording electronic voting device must be transferred from a voting center that is not in the same location as the counting center, the paper records must be either:

(i) Placed in transfer containers; or

(ii) Transferred in the paper printer or paper canister if the paper printer or paper canister is sealed so the paper record cannot be removed without breaking the seal.

(b) Paper records must be accompanied by a transmittal sheet which must include at a minimum:

(i) The voting center where the direct recording electronic device was utilized;

(ii) The seal number from the paper printer; and

(iii) The serial number or other identifier of the direct recording electronic device if distinctly unique from the seal number on the paper record printer or paper canister.

(c) If paper records are placed in a transfer container, the election officer must sign the transmittal sheet and place it in the transfer container. The number of paper record tapes included in the container must be recorded on the transmittal sheet. A unique prenumbered seal must be applied to the container.

(d) The data pack or cartridge of the direct recording device must be transported to the counting center in a sealed container.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-095, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-095, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-095, filed 12/28/05, effective 1/28/06.]

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.

(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 either be transported to the county auditor's office or another designated location by at least two authorized people, or placed into a secured transport carrier for transport to the county auditor's office or other 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; however, any voter who is in line at 8:00 p.m. must be allowed to vote and deposit his or her ballot. If a ballot is returned after the ballot box is emptied or secured at 8:00 p.m. on election day, the ballot must be referred to the canvassing board.

(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.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-100, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-250-100, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-100, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-250-100, filed 1/18/10, effective 2/18/10; WSR 08-05-120, § 434-250-100, filed 2/19/08, effective 3/21/08; WSR 07-20-074, § 434-250-100, filed 10/1/07, effective 11/1/07; WSR 06-23-094, § 434-250-100, filed 11/15/06, effective 12/16/06; WSR 06-14-047, § 434-250-100, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-100, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-100, filed 8/19/05, effective 9/19/05.]

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) 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 county auditor shall require the voter to print and sign the ballot declaration provided in WAC 434-230-015. Ballot declaration signatures may not be maintained in the order in which they were signed. Before the voter may vote on a direct recording electronic voting device, the county auditor must either:

(i) Verify the signature on the ballot declaration against the signature in the voter registration record; or

(ii) Require the voter to provide photo identification, consistent with RCW 29A.40.160;

(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;

(l) 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; however, any voter who is in a voting center or in line at a voting center at 8:00 p.m. must be allowed to vote and deposit his or her ballot. 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.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-105, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-250-105, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-105, 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 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 follows a security plan that has been submitted by the county auditor and approved by the secretary of state to prevent 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.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-110, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-250-110, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-250-110, filed 7/11/08, effective 8/11/08; WSR 05-17-145, § 434-250-110, filed 8/19/05, effective 9/19/05.]

WAC 434-250-120 Verification of the signature and return date.

(1) A mail ballot shall be counted 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 is received by fax or e-mail no later than 8:00 p.m. on election day. If the ballot is from a voter who is neither a service nor overseas voter, a hard copy of the ballot and ballot declaration must also be received no later than the day before certification of the election.

(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)(a) For ballots returned by fax or e-mail, the county auditor must apply procedures to protect the secrecy of the ballot. If returned by e-mail, the county auditor must print the e-mail and attachments; the printed e-mail and signed declaration page must be pro-

cessed and retained like other ballot declarations, and the printed ballot must be processed and retained like other ballots. The electronic versions of the e-mail, ballot declaration, and ballot are exempt from public disclosure in order to maintain secrecy of the ballot. Voted ballots returned by e-mail may be returned with multiple attachments or as multiple e-mails.

(b) If the ballot is from a voter who is neither a service nor overseas voter, the voter must also return a hard copy of the ballot and ballot declaration no later than the day before certification.

(i) Consistent with WAC 434-250-080, the first valid ballot and declaration received is counted; subsequently received versions are not counted.

(ii) In order to maintain secrecy of the ballot, the hard copy ballot may not be compared to the ballot received electronically.

(iii) Voted ballots returned electronically no later than 8:00 p.m. on election day are timely even if the hard copy subsequently returned contains a postmark after election day.

(c) Ballots returned electronically with a missing or mismatched signature are processed as established in RCW 29A.60.165 and WAC 434-261-050.

(5) 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.

[Statutory Authority: RCW 29A.04.611, WSR 14-06-040, § 434-250-120, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-250-120, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-120, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-120, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-120, filed 8/19/05, effective 9/19/05.]

WAC 434-250-130 Maintenance of an audit trail. Each county auditor shall maintain an audit trail with respect to the processing of ballots, which shall include, but not be limited to, the following:

(1) A record of the date the ballot was mailed or issued, and the date the ballot was received;

(2) The number of ballots issued and returned, by legislative and congressional district, for each primary and general election;

(3) A record of the disposition of each request for a ballot that was not honored;

(4) A record of the disposition of each returned ballot that was not counted;

(5) A record of the time and place each time the county canvassing board met; and

(6) Documentation of the security procedures undertaken to protect the integrity of all ballots after receipt, including the seal numbers used to secure the ballots during all facets of the process.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-130, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-250-130, filed

5/30/07, effective 6/30/07; WSR 05-17-145, § 434-250-130, filed 8/19/05, effective 9/19/05.]

WAC 434-250-140 Ballot process to be expedited. All election officials charged with any duties or responsibilities with respect to ballots shall ensure that those duties are performed in an expeditious manner, in order to maximize the opportunity for voters to receive, vote, and return the ballots in time to be counted.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-140, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-140, filed 8/19/05, effective 9/19/05.]

WAC 434-250-200 Return postage. The Mailing Standards of the United States Postal Service, Domestic Mail Manual, requires each county auditor to include on the ballot, ballot instructions, mailing instructions or return envelope, and the specific amount of first-class postage necessary to return the ballot by mail. This is not required:

- (1) For ballots issued to service and overseas voters;
- (2) For ballots returned using the business reply mail service;
- (3) For ballots returned with postage prepaid by stamps, meter, or permit reply mail; or
- (4) If the county auditor has an account with the post office guaranteeing payment of return postage due.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-200, filed 2/26/14, effective 3/29/14.]

WAC 434-250-320 Locations to deposit ballots. A county auditor must provide at least two locations to deposit ballots beginning eighteen days prior to election day and ending at 8:00 p.m. on election day. These locations may be either a ballot deposit site, as defined in WAC 434-250-100, or a voting center, as defined in WAC 434-250-105. At least one location may be at the county auditor's office. All other deposit sites must be at geographical locations that are different from the county auditor's office.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-320, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-320, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-250-320, filed 10/1/07, effective 11/1/07; WSR 06-14-047, § 434-250-320, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-250-320, filed 8/19/05, effective 9/19/05.]

Chapter 434-260 WAC
ELECTION REVIEW PROCESS AND CERTIFICATION OF ELECTION ADMINISTRATORS
(Formerly chapter 434-60 WAC)

Last Update: 12/6/11

WAC
434-260-010 Intent.

434-260-020 Definitions.
434-260-030 Scheduled reviews—Auditor request.
434-260-040 Election reviews—Secretary of state to designate.
434-260-050 Notice of special review.
434-260-060 Notification of review process.
434-260-080 Special review—Legislative district race.
434-260-090 Special review of congressional or statewide races.
434-260-100 Expense of reviews.
434-260-110 Election review checklist.
434-260-130 Preliminary review report of findings and recommendations.
434-260-140 Draft election review report.
434-260-145 Response to draft election review report.
434-260-150 Final election review report.
434-260-155 County review follow-up.
434-260-160 Special review recommendations.
434-260-190 Processing of appeal.
434-260-200 Standards for evaluating appeals.

CERTIFICATION OF ELECTION ADMINISTRATORS

434-260-220 Certification of election administrators.
434-260-225 Certification of assistant election administrators.
434-260-235 Recertification of assistant election administrators as election administrators.
434-260-240 Mandatory orientation.
434-260-260 Open book written test.
434-260-300 Maintaining certification as an election administrator.
434-260-305 Maintaining certification as an assistant election administrator.
434-260-307 Lapse of certification of election administrator.
434-260-309 Lapse of certification of assistant election administrator.
434-260-310 Maintenance of certification.
434-260-320 Training program for county canvassing board members.
434-260-350 Approval of training programs.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-260-070 Frequency of scheduled reviews. [WSR 98-08-010, recodified as § 434-260-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-070, filed 8/30/93, effective 9/30/93.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-120 Adoption of election review checklist. [Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-120, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-120, filed 8/30/93, effective 9/30/93.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
434-260-165 Response to draft special review recommendations. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-260-165, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
434-260-170 Distribution of special review recommendations and response. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-260-170, filed 5/30/07, effective 6/30/07; WSR 06-14-050, § 434-260-170, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-170, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-170, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-170, filed 8/30/93, effective 9/30/93.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
434-260-180 Appeal from scheduled review report. [WSR 98-08-010, recodified as § 434-260-180, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-180, filed 8/30/93, effective 9/30/93.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-210 Intent. [WSR 98-08-010, recodified as § 434-260-210, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-210, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-215 Definitions. [WSR 98-08-010, recodified as § 434-260-215, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-215, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-230 Certification credit system. [WSR 98-08-010, recodified as § 434-260-230, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-230, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-250 Experience as an election administrator, or as a deputy election administrator. [WSR 98-08-010, recodified as § 434-260-250, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-250, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-270 Participation in conferences and workshops. [WSR 98-08-010, recodified as § 434-260-270, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-270, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-280 Formal education. [WSR 98-08-010, recodified as § 434-260-280, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-280, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

- 434-260-290 Participation in other education activities. [WSR 98-08-010, recodified as § 434-260-290, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-290, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
- 434-260-330 Training program for election observers. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-330, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-330, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-330, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-330, filed 3/8/94, effective 4/8/94.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
- 434-260-340 Training video tapes available. [Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-340, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-340, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-340, filed 3/8/94, effective 4/8/94.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

WAC 434-260-010 Intent. It is the intent of this chapter to provide procedures to be followed in the conduct of election reviews and procedures to be followed for the certification and training of election administrators, assistant election administrators, and county canvassing board members as required by chapter 29A.04 RCW.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-010, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-010, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-010, filed 8/30/93, effective 9/30/93.]

WAC 434-260-020 Definitions. As used in this chapter:

(1) "Election review" means the process of examining all or a part of a county's election policies and procedures and includes the review of any documentation of those procedures;

(2) "Election review staff" means the person or persons employed by the secretary of state for the purpose of conducting election reviews;

(3) "Special election review" means an election review conducted in a county or counties whenever the unofficial returns of a primary or election indicate that a mandatory recount is likely in a race for the state legislature, congress, or statewide office;

(4) "Preliminary review report of findings and recommendations" means that draft report made by the election review staff to the county auditor and which contains any recommendations made by the review staff and a preliminary conclusion regarding the county's election procedures;

(5) "Draft election review report" means that report made by the election review staff to the county auditor and the designated members of the county canvassing board. The auditor and/or county canvassing board must respond to the draft election review report in writing and may appeal the report to the election administration and certification board;

(6) "Final election review report" means that report made by the election review staff which contains a copy of the recommendations made by the review staff, the response to those recommendations made by the county auditor or the county canvassing board, and a conclusion written by the staff;

(7) "Special review recommendations" means recommendations made by the review staff to the county auditor and the county canvassing board following the conduct of any special review;

(8) "County auditor designee" is that person designated by the county auditor to participate in the review process, pursuant to the provisions of RCW 29A.04.580. Such a designee must be certified as required by chapter 29A.04 RCW.

(9) "Election administrator" means the person or persons appointed by the county auditor to election management positions as required by RCW 36.22.220 and the state director of elections, assistant directors of elections, certification and training program staff members, and any other secretary of state election division employees designated by the director of elections;

(10) "Assistant election administrator" means any person involved in the administration of elections at the state or county level who has been designated as an assistant election administrator by the state director of elections or the county auditor as applicable;

(11) "County canvassing board members" means those officers designated as such pursuant to the provision of chapter 29A.60 RCW;

(12) "Election administration and certification board" means that board created pursuant to the provisions of RCW 29A.04.510.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-020, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-020, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-020, filed 8/30/93, effective 9/30/93.]

WAC 434-260-030 Scheduled reviews—Auditor request. Not later than May 1, any county auditor may request that the secretary of state designate his or her county for an election review. The secretary of state shall, whenever practical, honor that request.

[Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-260-030, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-030, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-030, filed 8/30/93, effective 9/30/93.]

WAC 434-260-040 Election reviews—Secretary of state to designate. Not later than thirty days prior to the start of an election review the secretary of state shall notify, in writing, the counties selected for an election review. Whenever possible, election reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor allowing the reviewer to observe all election procedures. In designating counties to be reviewed, the sec-

retary shall take into consideration any complaints filed with his or her office pursuant to the provisions of RCW 29A.04.570 (1)(b).

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-040, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-260-040, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-040, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-040, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-040, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-040, filed 8/30/93, effective 9/30/93.]

WAC 434-260-050 Notice of special review. Notice of a special review shall be provided to the county auditor by telephone and e-mail not later than twenty-four hours after the determination has been made to conduct the special review.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-050, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-050, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-050, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-050, filed 8/30/93, effective 9/30/93.]

WAC 434-260-060 Notification of review process. At least five days prior to an election review, or as soon as possible prior to a special review, the review staff shall notify the county auditor of the number of persons conducting the review, any policies and procedures of special interest, and of any needs incidental to their review. The county auditor will provide adequate working accommodations, and copies of any county election policies or procedures, at the time scheduled for the review. Review staff will make every effort to minimize any disruption to the normal work of the county during the review process.

[Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-060, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-060, filed 8/30/93, effective 9/30/93.]

WAC 434-260-080 Special review—Legislative district race. A special review shall be conducted in any legislative district contained entirely within one county whenever the unofficial returns from a legislative race indicate that a mandatory recount is likely. Such a review may be as extensive as an election review or may, at the secretary of state's discretion, concentrate only on those aspects of the

election process dealing with ballot accountability, audit trail procedures, and ballot security. In any legislative district encompassing more than one county where the unofficial returns indicate that a mandatory recount is likely for a legislative district race, the secretary of state may direct a partial review in each county or may prioritize the review process. In prioritizing the review process, the secretary shall take into consideration the following factors:

(1) The date and results of the last election review held in each county;

(2) Any request from a county auditor for a special review;

(3) Any written complaints filed with the secretary pursuant to the provisions of RCW 29A.04.570 (1)(b);

(4) Any written complaints, from any resident of the county regarding the specific election in question;

(5) Any media stories or reports alleging election irregularities with respect to the election in question;

(6) The date on which the determination is made that a special review is required.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-080, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-080, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-080, filed 8/30/93, effective 9/30/93.]

WAC 434-260-090 Special review of congressional or statewide races. In conducting special reviews for congressional or statewide offices, the secretary of state may prioritize the review process, using the same criteria as is used in prioritizing special reviews in joint legislative districts.

[WSR 98-08-010, recodified as § 434-260-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-090, filed 8/30/93, effective 9/30/93.]

WAC 434-260-100 Expense of reviews. The expenses of reviews, including review staff salaries and travel expenses, will not be charged to the county being reviewed. However reasonable and necessary office expenses incidental to the review process, such as copying charges, computer printouts, and telephones, will be provided by the county being reviewed.

[WSR 98-08-010, recodified as § 434-260-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-100, filed 8/30/93, effective 9/30/93.]

WAC 434-260-110 Election review checklist. The secretary of state shall develop an election review checklist, which shall be the basis for any election review and which shall also serve, in whole or in part, as the basis for any special review. The checklist for a regular review shall be provided to the county auditor at least one week prior to the beginning of the reviews.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-110, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-110, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-110, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-110, filed 8/30/93, effective 9/30/93.]

WAC 434-260-130 Preliminary review report of findings and recommendations. The review staff shall verbally relay any recommendations found during observation of the county's procedures by certification of the election. As soon as practical, but in any event not later than ninety days following the certification of the election, the review staff shall issue a preliminary review report of a findings and recommendations. The report shall be made to the county auditor.

The preliminary review report of findings and recommendations is exempt from public inspection and copying, as provided by RCW 42.56.280.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-130, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-130, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-130, filed 8/30/93, effective 9/30/93.]

WAC 434-260-140 Draft election review report. As soon as practicable, but in any event not later than thirty days after the issuance of the preliminary report of findings and recommendations, the review staff shall issue a draft of the election review report to the county auditor and the designated members of the county canvassing board as provided in chapter 29A.60 RCW, and shall include, but not be limited to, the following:

(1) A narrative description of recommendations made by the review staff;

(2) Any other information the review staff deems pertinent;

(3) A preliminary conclusion/evaluation of the county's election procedures.

[Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-140, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-140, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-140, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-140, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-140, filed 8/30/93, effective 9/30/93.]

WAC 434-260-145 Response to draft election review report. The county auditor and/or county canvassing board must respond, in writing, to the draft election review report, listing the steps that will be taken to correct any problems listed in the report. Such response

shall be submitted to the review staff not later than fifteen business days following the issuance of the draft election review report.

Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor or canvassing board.

Any county auditor or other member of the county canvassing board may appeal the recommendations or the conclusion of any draft election review report to the election administration and certification board. Any appeal must be in writing, must detail specific exceptions made to the draft election review report, and must be filed with the board not later than thirty days following the issuance of the report.

[Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-260-145, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-145, filed 5/19/99, effective 6/19/99.]

WAC 434-260-150 Final election review report. As soon as practicable, but in any event not later than ten business days after the receipt of the county's response, the review staff shall issue a final election review report. The report shall be made to the county canvassing board, and shall include, but not be limited to, the following:

- (1) A narrative description of any general observations by the review staff;
- (2) A narrative description of any recommendations made by the review staff;
- (3) A response by the county auditor or the county canvassing board;
- (4) A conclusion by the review staff.

A copy of the final review report shall be provided to the chairperson of the election administration and certification board and a copy shall also be kept on file by the secretary of state.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-150, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-260-150, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-150, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-150, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 93-18-053, § 434-60-150, filed 8/30/93, effective 9/30/93.]

WAC 434-260-155 County review follow-up. Within one year following the issuance of the final review report, the secretary of state shall verify that the county has taken the steps listed in the response to correct the problems noted in the report. The secretary of state shall send a letter to the county canvassing board listing the results of the follow-up interview. A copy of the letter shall be provided to the county auditor and kept on file with the secretary of state.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-155, filed 12/6/11, effective 1/6/12. Statutory

Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-155, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-155, filed 8/19/05, effective 9/19/05.]

WAC 434-260-160 Special review recommendations. After conducting a special review, the review staff shall make any recommendations to the county auditor and the county canvassing board that they deem necessary to minimize the possibilities of any administrative errors being made either prior to or during the conduct of a mandatory recount. Such recommendations shall be made orally to the county auditor not later than twenty-four hours in advance of the conduct of a mandatory recount. A draft report of findings and recommendations shall be issued to the county auditor and the other members of the canvassing board not later than ten business days after the completion of the mandatory recount.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-160, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-160, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-160, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-160, filed 8/30/93, effective 9/30/93.]

WAC 434-260-190 Processing of appeal. Within thirty days of an appeal being filed, the election administration and certification board shall meet to consider the appeal. The board may request that the county auditor, the review staff, or any other persons they deem appropriate, appear before them and assist them in their consideration of the appeal. The board shall have access to all written material prepared by the review staff, including a copy of the preliminary election review report and draft review report. The board, by majority vote, may accept the draft report, may modify all or part of the draft report, or may reject the report in total. In the event the board rejects the report, they shall direct that a new review be conducted and shall detail, in writing, the reasons for rejecting the original report. The board shall issue a written summary of its findings following any consideration of any appeal. The summary shall include the minutes of any meeting of the board to consider the appeal, a summary of the testimony of any witnesses appearing before them, and the reasons for any decision made.

[Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-190, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-190, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-190, filed 8/30/93, effective 9/30/93.]

WAC 434-260-200 Standards for evaluating appeals. In determining whether or not an appeal filed pursuant to RCW 29A.04.570 and WAC 434-260-160 should be upheld and the final scheduled review report either modified or set aside, the election administration and certification board shall consider the following factors:

(1) Whether or not the course of action or activity recommended by the review staff is required by federal or state law or by administrative rule;

(2) Whether or not the findings or the course of action or activity recommended by the review staff enhances the standardization and uniformity of election practices and procedures throughout the state;

(3) Whether or not the findings or the course of action or activity recommended by the review staff enhances the security or integrity of the ballots or the ballot counting process;

(4) Whether or not the course of action or activity recommended by the review staff would cause unnecessary hardship or expense to the county making the appeal.

[Statutory Authority: RCW 29A.04.610, WSR 04-15-089, § 434-260-200, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-200, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-200, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 93-18-053, § 434-60-200, filed 8/30/93, effective 9/30/93.]

CERTIFICATION OF ELECTION ADMINISTRATORS

WAC 434-260-220 Certification of election administrators. Election administrators shall become certified upon completion of the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Two years of service during the three-year period immediately prior to the request for initial certification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of forty hours participation in conferences and workshops provided by:

(a) The Washington Association of County Auditors;

(b) The secretary of state;

(c) The elections center;

(d) The United States Election Assistance Commission;

(e) The Federal Voting Assistance Program; or

(f) Other conferences or courses related to election administration or government administration approved by the Election Administration and Certification Board.

Election administrators may also claim up to four hours of training credit for training received while visiting other county election departments.

All training shall be received not more than five years prior to the date of a request for initial certification and shall include at least thirty hours of election-specific training.

(5) A high school diploma or its equivalent.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-220, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 06-18-103, § 434-260-220, filed 9/6/06, effective 10/7/06. Statutory Authority: RCW 29.60.020, WSR 01-11-111, § 434-260-220, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-220, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodi-

filed as § 434-260-220, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-220, filed 3/8/94, effective 4/8/94.]

WAC 434-260-225 Certification of assistant election administrators. Assistant election administrators shall become certified upon completion of the following:

- (1) The secretary of state's mandatory orientation course;
- (2) One year continuous service in election administration immediately prior to the date of a request for initial certification;
- (3) Passing the open book test described in WAC 434-260-260;
- (4) A minimum of twenty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be received within five years prior to the date of a request for certification and shall include at least fifteen hours of election-specific training;
- (5) A high school diploma or equivalent.

[Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-225, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-225, filed 5/19/99, effective 6/19/99.]

WAC 434-260-235 Recertification of assistant election administrators as election administrators. Any person who is certified as an assistant election administrator may become certified as an election administrator upon completion of the following:

- (1) Two years service in an election administration position; and
- (2) Minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4).

[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-260-235, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-235, filed 5/19/99, effective 6/19/99.]

WAC 434-260-240 Mandatory orientation. (1) All election administrators and assistant election administrators shall, within eighteen months of undertaking those responsibilities, attend a mandatory orientation workshop sponsored by the secretary of state to be eligible for certification. Mandatory orientation workshops will be offered for new election administrators and deputy election administrators annually.

(2) Mandatory orientation will consist of at least eight hours of training in election-related subjects.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-260-240, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-240, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-240, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-240, filed 3/8/94, effective 4/8/94.]

WAC 434-260-260 Open book written test. The certification and training program will prepare an open book written test on Title 29A

RCW, Title 434 WAC, the Washington state Constitution, and other applicable state and federal election laws to be given annually to candidates for certification as election administrators or assistant election administrators.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-260, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-260, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-260, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-260, filed 3/8/94, effective 4/8/94.]

WAC 434-260-300 Maintaining certification as an election administrator. After attaining initial certification the election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of:

(1) Continuous service as an election administrator during the year for which maintenance is required;

(2) Participation in an annual minimum of eighteen hours of continuing education, at least six hours of which shall be on election-specific training. This training may be received at any election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in election workshops or conferences, election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board. A maximum of six hours, of the eighteen required, may be derived from a surplus of hours earned in the previous year.

[Statutory Authority: RCW 29A.04.630. WSR 05-06-036, § 434-260-300, filed 2/25/05, effective 3/28/05. Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-300, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-300, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-300, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-300, filed 3/8/94, effective 4/8/94.]

WAC 434-260-305 Maintaining certification as an assistant election administrator. After attaining initial certification the assistant election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of:

(1) Continuous service as an assistant election administrator during the year for which maintenance is required;

(2) Participation in an annual minimum of six hours of continuing education, at least two hours of which shall be on election-specific training. This training may be received at an election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in workshops and conferences, assistant election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-305, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-305, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-305, filed 5/19/99, effective 6/19/99.]

WAC 434-260-307 Lapse of certification of election administrator. Certification as an election administrator shall lapse when minimum requirements for maintaining certification are not met for two consecutive years. Recertification shall occur upon the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Two years continuous service as an election administrator immediately prior to the date of a request for recertification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be attended within five years prior to the date of a request for recertification and shall not include more than twenty hours of training used for prior certification and maintenance.

An election administrator shall be allowed one recertification in any five-year period.

[Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-307, filed 5/21/01, effective 6/21/01.]

WAC 434-260-309 Lapse of certification of assistant election administrator. Certification as an assistant election administrator shall lapse when minimum requirements for maintaining certification are not met for two consecutive years. Recertification may occur upon completion of the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Completion of one year continuous service in election administration immediately prior to the date of a request for recertification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of twenty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be attended within five years prior to the date of a request for recertification and shall not include more than ten hours of training used for prior certification and maintenance.

An assistant election administrator shall be allowed one recertification in any five-year period.

[Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-309, filed 5/21/01, effective 6/21/01.]

WAC 434-260-310 Maintenance of certification. The secretary of state shall make available certification application and maintenance

forms to the county auditors. Applications to maintain certification must be submitted to the secretary of state by the county auditor by January 31 each year.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-310, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-260-310, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-310, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-310, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-310, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-310, filed 3/8/94, effective 4/8/94.]

WAC 434-260-320 Training program for county canvassing board members. The secretary of state shall prepare a training program for county canvassing board members. The training shall be made available on an annual basis.

[Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-320, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-320, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-320, filed 3/8/94, effective 4/8/94.]

WAC 434-260-350 Approval of training programs. All training programs referenced in these rules may be subject to review by the election administration and certification board. Such review shall be only for the purpose of determining whether the training satisfies requirements for certification.

[Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-350, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-350, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-350, filed 3/8/94, effective 4/8/94.]

Chapter 434-261 WAC
COUNTING CENTER PROCEDURES
(Formerly chapter 434-61 WAC)

Last Update: 2/26/14

WAC

434-261-005	Definitions.
434-261-007	Broken or missing seals.
434-261-010	Counting center location—Direction of proceedings.
434-261-020	Political party observers.
434-261-045	Secure storage.
434-261-050	Unsigned ballot declaration or mismatched signatures.
434-261-055	Returned ballot lacking verification of identity.
434-261-070	Manual inspection of ballots.
434-261-075	Votes on something other than a ballot.
434-261-086	Statewide standards on what is a vote.
434-261-100	Ballot duplication procedures.
434-261-102	Resolving ballots on digital scan vote tallying systems.
434-261-106	Manual counting of ballots.
434-261-108	Random check of ballot counting equipment.
434-261-110	Election results anomalies.
434-261-120	Referral of questionable ballots to canvassing board.
434-261-125	Free access system for provisional ballots.
434-261-130	Opening ballot container.

434-261-140 Precertification procedures.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 434-261-030 Receipt of ballots at intermediate collection station. [Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-261-030, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-261-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-030, filed 5/4/92, effective 6/4/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-261-040 Receipt of ballots at the counting center. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-261-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-040, filed 5/4/92, effective 6/4/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-261-060 Vote tallying system—A manual count of random precincts. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-261-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-060, filed 5/4/92, effective 6/4/92.] Repealed by WSR 07-20-074, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611.
- 434-261-080 Ballot enhancement—Optical scan systems. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 99-08-089, § 434-261-080, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-261-080, filed 10/13/97, effective 11/13/97.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-261-085 Ballot enhancement—Punch card systems. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-261-085, filed 3/12/02, effective 4/12/02.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-261-090 Ballot duplication. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-261-090, filed 10/13/97, effective 11/13/97.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-261-105 Tabulation of ballots to be continuous—Exception. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-261-105, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-261-107 Daily canvassing. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-261-107, filed 8/19/05, effective 9/19/05.] Repealed by WSR 09-03-110, filed 1/21/09, effective 2/21/09. Statutory Authority: RCW 29A.04.611.

WAC 434-261-005 Definitions. (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot. Inspection is performed as part of the initial processing;

(2) "Duplicating ballots" is the process of making a true copy of valid votes from ballots that may not be properly counted by the vote tallying system. Ballots may be duplicated on blank ballots or by making changes on an electronic image of the ballot. The original ballot may not be altered in any way;

(3) "Readable ballot" is any ballot that the certified vote tallying system can accept and read as the voter intended without alteration, and that meets the standards of the county canvassing board subject to the provisions contained in this title;

(4) "Unreadable ballot" is any ballot that cannot be read by the vote tallying system as the voter intended without alteration. Unreadable ballots may include, but not be limited to, ballots with damage, write-in votes, incorrect or incomplete marks, and questions of voter intent. Unreadable ballots may subsequently be counted as provided by these administrative rules;

(5) "Valid signature" on a ballot declaration for a registered voter eligible to vote in the election is:

(a) A signature verified against the signature in the voter registration file; or

(b) A mark witnessed by two people.

(6) "Overvote" is votes cast for more than the permissible number of selections allowed in a race or measure. An overvoted race or measure does not count in the final tally of that race or measure. Example

of an overvote would be voting for two candidates in a single race with the instruction, "vote for one."

(7) "Undervote" is no selections made for a race or measure.

(8) "Election observers" means those persons designated by the county political party central committee chairperson to observe the counting of ballots and related elections procedures.

(9) "Seal log" is a log documenting each time a numbered seal is attached or removed from a ballot container. The log must include the seal number, date, and identifying information of persons attaching or removing the seal. Following certification of the election, the seal log must include documentation as to why the seal was removed from a ballot container.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-005, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-261-005, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-261-005, filed 9/1/09, effective 10/2/09; WSR 09-12-078, § 434-261-005, filed 5/29/09, effective 6/29/09; WSR 09-03-110, § 434-261-005, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-261-005, filed 11/30/07, effective 12/31/07; WSR 07-09-036, § 434-261-005, filed 4/11/07, effective 5/12/07; WSR 06-23-094, § 434-261-005, filed 11/15/06, effective 12/16/06; WSR 06-11-042, § 434-261-005, filed 5/10/06, effective 6/10/06; WSR 05-17-145, § 434-261-005, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-261-005, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 99-08-089, § 434-261-005, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-261-005, filed 10/13/97, effective 11/13/97.]

WAC 434-261-007 Broken or missing seals. If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

[Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-261-007, filed 6/28/06, effective 7/29/06.]

WAC 434-261-010 Counting center location—Direction of proceedings. The county auditor shall designate a location to serve as the counting center. If that location is other than the county auditor's office or county election office, the auditor shall include the location of the counting center in the published notice of elections. The county auditor shall be responsible for all counting center functions. Within the counting center, no person except those authorized by the county auditor may touch any ballot or ballot container, or operate a vote tallying system. The auditor shall identify either by roster or identification tag, or both, those persons so authorized. The vote tallying process shall be open to the public to the extent that public observation does not interfere with the proceedings or jeopardize the security of the ballots. The auditor shall establish local administrative rules pertaining to public observers including the media and how they may be accommodated and the necessary limitations thereto.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-261-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-010, filed 5/4/92, effective 6/4/92.]

WAC 434-261-020 Political party observers. Counting center operations shall be observed by at least one representative from each political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request, in writing, that each major political party appoint representatives to fill the requirements. Where more than one observer is to be appointed, the political party shall designate one of their observers as supervisor. The county auditor may require observers to receive training with respect to ballot processing procedures and the vote tallying system.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-261-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-261-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-020, filed 5/4/92, effective 6/4/92.]

WAC 434-261-045 Secure storage. Received ballots and ballot images must be maintained in secure storage except during processing, duplication, inspection by the canvassing board, or tabulation. Secure storage must employ the use of numbered seals and logs, or other security measures that will detect any inappropriate access to the secured materials. Ballots and ballot images may only be accessed in accordance with RCW 29A.60.110 and 29A.60.125.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-261-045, filed 1/21/09, effective 2/21/09; WSR 06-11-042, § 434-261-045, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-261-045, filed 12/28/05, effective 1/28/06.]

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, 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 registration form becomes the signature in the voter registration record for the current election and future elections; or

(b) Sign a 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 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 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 the ballot declaration does not match the signature on the registration record because the voter signed with a middle name, nickname, or initials, the ballot may be counted as long as the 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.

[Statutory Authority: RCW 29A.04.611, WSR 12-14-074, § 434-261-050, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-050, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-261-050, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-261-050, filed 11/15/06, effective 12/16/06; WSR 06-14-050, § 434-261-050, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-261-050, filed 8/19/05, effective 9/19/05.]

WAC 434-261-055 Returned ballot lacking verification of identity. If a voter who is provisionally registered and must still verify his or her identity as part of the registration process casts a ballot without providing adequate identification, the ballot cannot be counted unless the voter provides adequate identification no later than the day before certification of the election.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-055, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-261-055, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-261-055, filed 1/3/07, effective 2/3/07.]

WAC 434-261-070 Manual inspection of ballots. (1) All voting positions on voted ballots shall be manually inspected on both sides of the ballot to determine whether the ballot is readable by the vote tabulating system. This manual inspection is a required part of processing ballots.

(2) If the manual inspection process detects any physically damaged ballots, unreadable ballots which might not be correctly counted by the tabulating equipment, or marks that differ from those specified in the voting instructions, the county auditor shall refer such ballots to the county canvassing board to be counted according to the statewide standards on what is a vote, as provided in WAC 434-261-086. The county canvassing board shall make the final determination of voter intent for ballots not addressed in the statewide standards on what is a vote.

(3) The county canvassing board may delegate duplication of the ballots consistent with RCW 29A.60.140.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-070, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-261-070, filed 5/30/07, effective 6/30/07; WSR 06-11-042, § 434-261-070, filed 5/10/06, effective 6/10/06; WSR 05-17-145, § 434-261-070, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-261-070, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-261-070, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-261-070, filed 10/13/97, effective 11/13/97.]

WAC 434-261-075 Votes on something other than a ballot. If the voter returns voting responses by mail on any form other than a ballot, the votes thereon shall be acceptable and tallied provided that:

(1) Only votes for offices or measures for which the voter is eligible are counted.

(2) The candidate or measure response position for which the voter is voting can be clearly identified.

(3) The ballot issued is not returned, or if returned, contains no marks indicating an attempt to vote it.

(4) A valid signature on a ballot declaration is received with the voting responses.

The votes accepted must then be duplicated to a ballot that can be read by the electronic voting equipment.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-075, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-261-075, filed 5/30/07, effective 6/30/07; WSR 06-14-047, § 434-261-075, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-261-075, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-261-075, filed 3/12/02, effective 4/12/02.]

WAC 434-261-086 Statewide standards on what is a vote. (1) Pursuant to 42 U.S.C. § 15481(a)(6) and *Bush v. Gore*, 531 U.S. 98 (2000), the following standards determine whether irregular marks on a ballot constitute a valid vote that may be counted.

(a) Target area. Any marks made in the target area shall be counted as valid votes, with the exceptions below. Any marks made outside of the target area shall be valid only if they form a pattern of similar marks as outlined in (b) of this subsection, or qualify as written instructions in (e) of this subsection. Marks that trace or outline the target area are not valid votes unless they form a pattern of similar marks as outlined in (b) of this subsection. The following marks in the target area are exceptions that are not valid votes:

(i) Obvious stray marks;

(ii) Hesitation marks;

(iii) Parts of written notes; and

(iv) Corrected votes, as described in (c) and (e) of this subsection.

(b) Pattern of similar marks. Marks made outside of the target area shall be counted as valid votes as long as those marks form a pattern of similar marks. All races and issues for which the voter has indicated a choice outside the target area must have a similar mark.

(i) Marks made outside of the target area may be counted as valid votes even if one pattern of similar marks is used on one page of the ballot and another pattern of similar marks is used on another page of the ballot.

(ii) Marks made outside of the target area shall be counted as valid votes if one pattern of similar marks is used for measures and another pattern of similar marks is used for candidate races.

(iii) If some marks are in the target area and some are not, but the same type of mark is used, all such marks shall be counted as valid votes.

(iv) If the marks strike through candidate names or ballot measure responses in a pattern of similar marks throughout the ballot, all such marks shall be counted as valid votes.

(v) A mark outside the target area on a ballot that contains only one race or measure is not required to form a pattern.

(c) Corrected votes.

(i) If the voter has followed the instructions for correcting a vote, the stricken vote shall not be counted.

(ii) If a second choice is marked, it shall be counted as a valid vote. If a second choice is not marked, the race shall be considered undervoted.

(iii) If the voter has marked two target areas and placed an 'X' or slash over one of the marked areas, the choice without the 'X' or slash shall be counted as a valid vote.

(d) Not a correction. If the voter has both marked a choice correctly and placed an 'X' in the same target area, but has not marked a second target, it shall be counted as a valid vote. Changes made by the voter to wording printed on the ballot will not invalidate votes cast for that race or measure.

(e) Written instructions. If the voter has attempted to vote or correct a vote by providing written instruction regarding his or her intent, it shall be counted as the voter instructed. Written instructions can include words, circles, lines, or arrows.

(f) Identifying marks. Marks identifying the voter, such as initials, signatures, or addresses do not disqualify a ballot.

(g) Overvotes. Races or issues that have more target areas marked than are allowed are overvotes. No votes for that race or issue shall be counted. An exception is write-in votes for a candidate already printed on the ballot, as provided in (i) of this subsection.

(h) Write-in: Blank target area. If a name is written on a write-in line, it shall be counted as a valid write-in vote regardless of whether the corresponding target area is marked.

(i) Write-in: Already on the ballot. If the name of a candidate who is already printed on the ballot is written in, that vote shall not be tallied as an overvote, but shall be counted as a valid vote for the printed candidate. This applies even if both target areas are marked or no target areas are marked.

(j) Write-in: Name variations. If a write-in vote is cast for a *declared* write-in candidate using a commonly recognizable nickname or spelling variation, it shall be counted as a valid vote for that candidate.

(k) Write-in: Blank line. If the write-in target area is marked, but no name is written on the line, it shall not be counted as a valid

vote, even though it may be tallied as a write-in vote by the tabulation system.

(l) Write-in: Blank line and candidate. If a candidate's target area is marked, and the write-in target area is marked but no name is written on the line, it shall not be tallied as an overvote, but shall be counted as a valid vote for the printed candidate.

(m) Write-in: Name combinations. If a write-in vote is cast for a candidate with a combination of names already on the ballot, it shall NOT be counted as a vote for either printed candidate, but rather shall be counted as a valid vote for the name as written.

(n) Write-in: Overvotes. If a candidate's target area is marked and something other than that candidate's name is written in the write-in response area, it shall be counted as an overvote and not a valid vote for any candidate. This applies whether or not the target area for the write-in is marked.

(o) Write-in: Not eligible. A write-in vote for a race not appearing on the voter's ballot shall not be counted.

Exception: If a provisional ballot has been cast and the voter has written in an office or measure that is not on the ballot, that vote shall be counted if it is determined, based on the voter's registration, that he or she is eligible to vote for that office or measure.

(p) Write-in: Vote in the wrong place. A write-in vote for a race appearing elsewhere on the ballot shall be counted as a valid vote, as long as all other requirements are fulfilled and the office, position number and political party, if applicable, are clearly indicated.

(q) Messy marks. When otherwise valid votes marked in a target area partially extend into the response area, it shall be counted as a vote if most of the mark is in the target area and intent can easily be discerned.

(r) Pattern of partisan voting. Voter intent in any single contest shall not be determined based on a pattern of partisan voting on the ballot.

Exception: On a federal write-in absentee ballot (FWAB) in which the voter has not written in a candidate's name but has written in the name of a political party, the written instructions may be counted as a vote if the canvassing board can discern that a candidate's party preference is consistent with the voter's instructions. The canvassing board shall not count the instructions as a vote if no candidate's party preference is consistent with the voter's instructions, or if multiple candidates' party preferences are consistent with the voters' instructions.

(s) Anything else. Voter intent on questionable marks not covered by the rules in this manual must be determined by county canvassing boards according to all applicable laws of the state of Washington and the canvassing board manual. Where more than one rule may apply, the county canvassing board has authority to determine which rule is most appropriate.

(2) The secretary of state shall publish an illustrated version of these standards in each optical scan and digital scan voting system used in the state. The secretary of state shall distribute the illustrated version to each county canvassing board and post it on the web site.

(3) The secretary of state shall periodically review and update the manual as necessary, and seek input from county canvassing boards and other interested parties to ensure that the standards remain current and comprehensive.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-261-086, filed 2/26/14, effective 3/29/14; WSR 09-18-098, § 434-261-086, filed 9/1/09, effective 10/2/09; WSR 08-15-052, § 434-261-086, filed 7/11/08, effective 8/11/08; WSR 07-12-032, § 434-261-086, filed 5/30/07, effective 6/30/07.]

WAC 434-261-100 Ballot duplication procedures. (1) Written procedures shall be established detailing the situations in which ballots may be duplicated. These procedures shall be included as a part of the county canvassing board manual.

(2) If a county uses an automated duplication program, only votes appearing in a human-readable form on the original ballot may be duplicated onto a machine-readable ballot. The human-readable votes on the original ballot must be compared to the votes printed on the duplicated ballot to ensure that the votes are duplicated accurately. If a human-readable version of any races or ballot pages of the original ballot are not returned or available, votes in those races may not be duplicated or counted.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-261-100, filed 2/26/14, effective 3/29/14; WSR 05-17-145, § 434-261-100, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-261-100, filed 10/13/97, effective 11/13/97.]

WAC 434-261-102 Resolving ballots on digital scan vote tallying systems. In counties tabulating ballots on a digital scan vote tallying system, two staff designated by the auditor's office must resolve ballots identified as requiring resolution. A log of the resolutions must be printed linking staff conducting the resolutions to the ballots resolved. The log must be signed by the two staff.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-102, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-261-102, filed 11/15/06, effective 12/16/06; WSR 06-11-042, § 434-261-102, filed 5/10/06, effective 6/10/06.]

WAC 434-261-106 Manual counting of ballots. Procedures for manual counting of ballots shall be substantially the same as a manual recount according to chapter 434-264 WAC.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-106, filed 12/6/11, effective 1/6/12.]

WAC 434-261-108 Random check of ballot counting equipment. If a random check of up to six batches of ballots is conducted pursuant to RCW 29A.60.170 in a county that uses optical scan voting equipment, each batch must be tabulated on a different scanner if more than one scanner is used in the election. If there are more scanners used in the election than batches to be checked, then the scanners must be selected at random.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-261-108, filed 2/26/14, effective 3/29/14.]

WAC 434-261-110 Election results anomalies. Precinct results, showing overvotes and undervotes, shall be inspected by the county canvassing board, or their designees, for anomalies that may indicate problems with the hardware or programming used to tabulate the votes. Anomalies may include, but are not limited to, an abnormal number of overvotes, undervotes, vote distribution, and voter turnout in any precinct, race, or jurisdiction. This inspection shall be completed within two days of the election.

Additionally, these results shall be used in the reconciliation process required in RCW 29A.60.235.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-261-110, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-261-110, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05.]

WAC 434-261-120 Referral of questionable ballots to canvassing board. Whenever counting center personnel has a question about the validity of a ballot or the votes contained on the ballot that they are unable to resolve, the ballot shall be forwarded to the canvassing board for review. The facts giving rise to the question of validity must be noted.

Ballots being held for determination of validity or voter's intent shall be provided the same security as regular voted ballots and shall be kept in a secure area when not being processed.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-261-120, filed 11/15/06, effective 12/16/06; WSR 05-17-145, § 434-261-120, filed 8/19/05, effective 9/19/05.]

WAC 434-261-125 Free access system for provisional ballots. (1) Each county shall establish a free access system, as required by the Help America Vote Act, 42 U.S.C. sec. 15482 (a)(5), and RCW 29A.60.195 for provisional ballot voters.

(2) The free access system must employ measures to ensure that access is free of cost to the voter and restricted to the individual who cast the ballot, and that the voter's personal information is secure and confidential.

(3) For provisional ballots sent to other counties in the state, the free access system must provide the voter with information as to where the ballot was sent and how to find out if the ballot was counted in that county.

(4) For ballots received from another county, the free access system must provide the voter with information as to whether the ballot was counted and, if not, why. The county may send instructions to the voter on how to access the information.

(5) Provisional ballot disposition information must be available on a county's free access system no later than one week following certification of the election.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-125, filed 12/6/11, effective 1/6/12.]

WAC 434-261-130 Opening ballot container. Whenever it is determined there is a need to open all containers to conduct a mandatory or requested recount, or when such action is directed by court order, the containers shall be opened and the security of the ballots verified only by those persons designated to do so, in writing, by the canvassing board.

[Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-261-130, filed 8/19/05, effective 9/19/05.]

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.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-261-140, filed 7/2/12, effective 8/2/12.]

Chapter 434-262 WAC
CANVASSING AND CERTIFICATION
(Formerly chapter 434-62 WAC)

Last Update: 2/26/14

WAC

434-262-010	Definitions.
434-262-013	Crediting voters.
434-262-015	Canvassing board—Delegation of authority.
434-262-017	Calculating validation figures and results for bonds and levies.
434-262-020	Preliminary abstract of votes.
434-262-025	Canvassing board—Notice of open public meeting.
434-262-030	County auditor's abstract of votes.
434-262-031	Rejection of ballots or parts of ballots.
434-262-032	Provisional ballots—Disposition.
434-262-036	Canvassing procedure for ballot of a protected records voter.
434-262-040	Verification of auditor's abstract of votes.
434-262-050	Errors or discrepancies discovered during the verification of the auditor's abstract of votes.
434-262-060	Documentation of corrective action taken.
434-262-070	Official county canvass report.
434-262-080	Transmittal of county canvass report to the secretary of state.
434-262-090	Receipt of county canvass report by secretary of state.
434-262-100	Canvass of returns by the secretary of state—Powers and duties.
434-262-105	Audit of results of votes cast on direct recording electronic device.
434-262-110	Certification of primary returns by the secretary of state.
434-262-120	Certification of general election returns by the secretary of state.
434-262-130	Certification of special primaries and special elections.
434-262-132	Election results for multicounty candidate races.
434-262-133	Election results for multicounty local ballot measures.
434-262-160	Write-in-voting—Voter intent.
434-262-200	Retention of records.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 434-262-005 Authority and purpose. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-005, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-005, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-005, filed 10/3/80.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-262-035 Canvassing board—Absentee ballot signature verification. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-262-035, filed 10/13/97, effective 11/13/97.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-262-045 Canvassing mail ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-262-045, filed 10/13/97, effective 11/13/97.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-262-075 Election of political party precinct committee officers. [Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-262-075, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-262-075, filed 7/11/08, effective 8/11/08.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-262-106 Machine recount of votes cast on direct recording electronic devices. [Statutory Authority: RCW 29A.04.611. WSR 05-24-040, § 434-262-106, filed 11/30/05, effective 12/31/05.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-262-108 Manual recount of votes cast on direct recording electronic devices. [Statutory Authority: RCW 29A.04.611. WSR 05-24-040, § 434-262-108, filed 11/30/05, effective 12/31/05.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
- 434-262-135 Thirty day reconciliation report. [Statutory Authority: RCW 29A.04.611. WSR 06-14-046, § 434-262-135, filed 6/28/06, effective 7/29/06.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-262-140 Microfilm copies of election returns. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-140, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-140, filed 10/3/80.] Repealed by WSR 09-03-110, filed 1/21/09, effective 2/21/09. Statutory Authority: RCW 29A.04.611.
- 434-262-150 Rejection of ballots or parts of ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-262-150, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-150, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-150, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-262-170 Referral of ballots to canvassing board. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-170, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-170, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-262-180 Tabulation of ballots to be continuous—Exception. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-180, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-262-190 Canvassing board—Opening ballot container. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-190, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-190, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
- 434-262-203 Poll-site ballot reconciliation—Central count optical scan. [Statutory Authority: RCW 29A.04.611. WSR 06-14-046, § 434-262-203, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-203, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-262-203, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-262-204 Poll-site ballot reconciliation—Precinct count optical scan and direct recording devices. [Statutory Authority: RCW 29A.04.611. WSR 06-14-046, § 434-262-204, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-204, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-262-204, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-262-210 Ranked choice voting. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-262-210, filed 7/11/08, effective 8/11/08.] Repealed by WSR 10-14-091, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041.

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 chair of the board of the county legislative authority, or their designated representatives.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-262-010, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-14-046, § 434-262-010, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-010, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080. WSR 03-15-054, § 434-262-010, filed 7/11/03, effective 8/11/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-010, filed 10/3/80.]

WAC 434-262-013 Crediting voters. (1) A voter may not be credited for voting if the ballot was voted after election day, was received later than the day before certification of the election, or will otherwise not be counted.

(2) The crediting of voters in the county election management system must be completed prior to certification of the election.

(3) The reconciliation of voters credited with ballots counted shall be completed prior to certification of the election. The certification must include, but is not limited to, information indicating that the number of ballots counted equals the number of voters credited. If these numbers do not match, the county auditor must take steps to reconcile the numbers and any discrepancies. If the county auditor cannot reconcile the numbers, documentation of steps taken to reconcile and any other applicable information must be included with the official reconciliation.

(4) Changes to the list of registered voters, such as new registrations, transfers, or cancellations, may not be made following a general election until the crediting reconciliation is complete. Correction of errors is allowed.

(5) The county auditor shall make an electronic or paper copy of the list of registered voters immediately following this reconciliation. Using this data, the county auditor shall also produce validation statistics for each minor taxing district in the county. Once the list is copied and the validation statistics are complete, changes to the data base may be made.

(6) Following certification of the election, each credited voter's history of voting must be updated in the statewide voter registration data base.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-013, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-262-013,

filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-013, filed 8/19/05, effective 9/19/05.]

WAC 434-262-015 Canvassing board—Delegation of authority. The county auditor, prosecuting attorney, and chair of the county legislative authority, or designees as per chapter 29A.60 RCW, shall be responsible for the performance of all duties of the county canvassing board, as set forth in chapters 29A.40 and 29A.60 RCW, and the rules on canvassing adopted by the secretary of state. These duties shall be performed by the members of the board, or they may delegate in writing representatives to perform these duties. This written delegation of authority shall be filed with the county auditor prior to any person undertaking any action on behalf of the board. In no instance may the members of the county canvassing board delegate the responsibility of certifying the returns of any primary or election, of determining the validity of any challenged ballots, or of rejecting ballots. When considering the validity or rejection of ballots, the canvassing board may review the ballots individually, in batches, or as part of a report of ballots presented to the board. In the event the canvassing board concludes that criminal activity may have occurred, the county auditor must refer the ballot and any relevant material to the county sheriff or county prosecuting attorney.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-262-015, filed 2/19/08, effective 3/21/08; WSR 05-17-145, § 434-262-015, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-015, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-262-015, filed 10/13/97, effective 11/13/97.]

WAC 434-262-017 Calculating validation figures and results for bonds and levies. (1) For bonds and levies other than school district levies, before determining a jurisdiction's validation figures, the number of votes cast in the jurisdiction in the last general election must be determined. For levies, the state Constitution states, "...the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election..." For example:

10,000 votes cast in the jurisdiction in the last general election x 40% = 4,000 votes x 3/5 = 2,400 votes

These numbers should be calculated based on the number of voters credited for voting in each jurisdiction, before adding, deleting, or transferring voters following the general election.

(2) When determining the results of a specific bond or levy, county auditors must not include overvotes or undervotes in the calculation. Rounding must not be used to reach the percentage of "yes" votes required for a bond or levy to pass.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-262-017, filed 2/19/08, effective 3/21/08; WSR 06-14-046, § 434-262-017, filed 6/28/06, effective 7/29/06.]

WAC 434-262-020 Preliminary abstract of votes. (1) Prior to the official canvass, the county auditor shall prepare a preliminary abstract of votes, listing the number of registered voters and votes cast. The preliminary abstract of votes must list separately for each precinct:

- (a) Number of registered voters;
- (b) Number of ballots cast;
- (c) Votes cast for and against each measure;
- (d) Votes cast for each candidate;
- (e) Total number of write-in votes in each race; and
- (f) Total number of overvotes and undervotes in each race.

(2) Pursuant to RCW 29A.60.230, the county auditor may aggregate results or take other necessary steps to maintain the secrecy of ballots.

(3) The county auditor shall inspect the preliminary abstract of votes for errors or anomalies that may affect the results of the election. Correction of any errors or anomalies discovered must be made prior to the official canvass.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-262-020, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-09-036, § 434-262-020, filed 4/11/07, effective 5/12/07; WSR 06-14-046, § 434-262-020, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080. WSR 03-15-054, § 434-262-020, filed 7/11/03, effective 8/11/03. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-262-020, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-020, filed 10/3/80.]

WAC 434-262-025 Canvassing board—Notice of open public meeting.

All activities of the canvassing board shall be open to the public, although the board may limit the number of persons observing any aspect of the process whenever, in the judgment of the board, it is necessary to do so to preserve order and to safeguard the integrity of the process. The canvassing board may adopt and promulgate rules and regulations, not inconsistent with the provisions of this section, to ensure that the process is open to the public and that the procedures themselves are performed by the board free of any outside interference. The auditor shall publish notice of the meetings of the canvassing board.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-025, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-025, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-025, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-262-025, filed 10/13/97, effective 11/13/97.]

WAC 434-262-030 County auditor's abstract of votes. 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 county auditor shall present the auditor's abstract of votes, 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.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-262-030, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-262-030, filed 5/29/09, effective 6/29/09; WSR 07-12-032, § 434-262-030, filed 5/30/07, effective 6/30/07; WSR 06-14-046, § 434-262-030, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-030, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-030, filed 10/3/80.]

WAC 434-262-031 Rejection of ballots or parts of ballots. (1) The disposition of provisional ballots is governed by WAC 434-262-032. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

- (2) Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:
 - (a) Where a voter has already voted one ballot;
 - (b) Where two voted ballots are returned together:
 - (i) If the two ballots are returned with only one valid signature on the ballot declaration, the races and measures voted the same on both ballots may be counted once.
 - (ii) If the two ballots are returned with two valid signatures on the ballot declaration, both ballots may be counted in their entirety;
 - (c) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086;
 - (d) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;
 - (e) Where the voter has overvoted;
 - (f) Where the voter validly transferred out of the county.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-262-031, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-031, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR

09-12-078, § 434-262-031, filed 5/29/09, effective 6/29/09; WSR
08-15-052, § 434-262-031, filed 7/11/08, effective 8/11/08; WSR
07-20-074, § 434-262-031, filed 10/1/07, effective 11/1/07; WSR
07-02-100, § 434-262-031, filed 1/3/07, effective 2/3/07; WSR
06-14-049, § 434-262-031, filed 6/28/06, effective 7/29/06; WSR
05-17-145, § 434-262-031, filed 8/19/05, effective 9/19/05.]

WAC 434-262-032 Provisional ballots—Disposition. Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the county auditor must investigate the circumstances surrounding the provisional ballot prior to certification of the primary or election. A provisional ballot cannot be counted unless the voter's name, signature and the date of birth, if available, matches a voter registration record. Once the provisional ballot has been investigated, disposition of the ballot is as follows:

(1) If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the provisional ballot is not counted.

(2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration must be immediately restored and the provisional ballot counted.

(3) If the voter was previously registered and later canceled and the auditor determines that the cancellation was not in error, the voter must be offered the opportunity to reregister and the provisional ballot is not counted.

(4) If the voter is a registered voter but has voted a ballot other than the one which the voter would have received for his or her precinct, the auditor must ensure that only those votes for the positions and measures for which the voter was eligible to vote are counted.

(5) If the voter is a registered voter in another county, the auditor shall forward the ballot and a corresponding voter guide, or other means by which the ballot can be interpreted, to the elections official for the jurisdiction in which the voter is registered. The ballot must be forwarded within seven calendar days after a primary or special election and fourteen calendar days after a general election, and as soon as possible if past that date.

(6) If the voter voted a regular ballot and a provisional ballot, the provisional ballot is not counted if the regular ballot has already been counted. The regular ballot is not counted if the provisional ballot has already been counted.

(7) If the voter voted a provisional ballot because he or she failed to produce identification at a voting center, the ballot is counted if the signature on the envelope matches the signature in the voter registration record.

(8) If the voter voted a provisional ballot because the voter is provisionally registered and the voter's registration record is still flagged as requiring verification of identity, the provisional ballot is not counted.

(9) Provisional ballots voted for reasons not covered by this section or state statute must be determined by the county canvassing board.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-032, filed 12/6/11, effective 1/6/12.]

WAC 434-262-036 Canvassing procedure for ballot of a protected records voter. If the ballot of a protected records voter must be presented to the county canvassing board, the canvassing board must review the ballot in private executive session or take other necessary steps to ensure the privacy of the protected records voter.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-262-036, filed 1/21/09, effective 2/21/09.]

WAC 434-262-040 Verification of auditor's abstract of votes. The county canvassing board shall examine the auditor's abstract of votes and shall verify that all of the precinct ballot totals have been included in the abstract, and that the subtotals and county-wide totals for registered voters and votes cast are an accurate reflection of the sum of those precinct ballot totals.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-040, filed 10/3/80.]

WAC 434-262-050 Errors or discrepancies discovered during the verification of the auditor's abstract of votes. (1) If the county canvassing board, during the verification process, discovers that errors or discrepancies exist in the auditor's abstract of votes, the board shall investigate those errors or discrepancies. They shall be empowered to take whatever corrective steps a majority of the board deems necessary, including changing or modifying the auditor's abstract of votes if the error or discrepancy is discovered in that document. The canvassing board may proceed to verify votes cast on other measures or races if a majority of the board believes that the nature of the errors or discrepancies discovered warrant further action on their part.

(2) Changes in the results of an election following a recount are not considered errors or discrepancies.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-262-050, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-050, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-050, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-050, filed 10/3/80.]

WAC 434-262-060 Documentation of corrective action taken. If the canvassing board decides to take corrective action with respect to errors or discrepancies described in WAC 434-262-050, the canvassing

board shall prepare a written narrative of the errors or discrepancies discovered, the cause of those errors, if known, and the corrective action taken. Each member of the canvassing board must sign the written narrative and must initial the auditor's abstract of votes if it is altered or modified by the canvassing board.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-262-060, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, re-codified as § 434-262-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-060, filed 10/3/80.]

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;

(b) Provides the total number of registered voters and votes cast in the county;

(c) Contains the oath required by RCW 29A.60.200, signed by the county auditor and attested to by the chair or designee who administered the oath; and

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

(2) The official county canvass report shall include:

(a) The certification;

(b) The auditor's abstract of votes as described in WAC 434-262-030;

(c) The reconciliation report required by RCW 29A.60.235, 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 certification shall be signed by all members of the county canvassing board or their designees. If one member of the canvassing board cannot be present, and a designee for that member is unavailable, the certification shall be signed by a quorum of the board.

(4) 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. The vote totals contained therein shall constitute the official returns of that election.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-262-070, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-262-070, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-070, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-070, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, re-codified as § 434-262-070, filed 10/13/97, effective 11/13/97. Statu-

tory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-070, filed 10/3/80.]

WAC 434-262-080 Transmittal of county canvass report to the secretary of state. Immediately following the certification of the returns of any primary, special, or general election in which state measures, federal or state offices, or legislative or judicial offices whose jurisdiction encompasses more than one county appeared on the ballot, the county auditor must transmit a copy of the official county canvass report to the secretary of state by electronic means.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-080, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-262-080, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-080, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. WSR 00-10-010, § 434-262-080, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-080, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-080, filed 10/3/80.]

WAC 434-262-090 Receipt of county canvass report by secretary of state. The secretary of state shall ensure that all material required to be submitted pursuant to state law and these regulations has been included in the copy of the county canvass report transmitted to his or her office. In the event the secretary of state determines that the report is incomplete, he or she shall notify the county auditor of that fact and shall request that the missing part be forwarded immediately. No county canvass report shall be considered complete for acceptance by the secretary of state until all of the material required by statute and regulation has been received by the secretary of state.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-090, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-090, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-090, filed 10/3/80.]

WAC 434-262-100 Canvass of returns by the secretary of state— Powers and duties. Upon receipt of a complete copy of the county canvass report from a county auditor, the secretary of state shall proceed to include the results from that abstract in the official canvass of the primary, special, or general election. This shall be accomplished by adding the certified returns from each county abstract of votes in order to determine the final results for those offices and issues he or she is required by law to certify. The secretary of state shall accept the official abstract of votes from each county as being full, true, and correct in all respects. The secretary of state may

include in the official canvass, a narrative which details or describes any apparent discrepancies discovered during the canvassing procedure, and may notify the county or counties involved of such discrepancies.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-100, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-100, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-100, filed 10/3/80.]

WAC 434-262-105 Audit of results of votes cast on direct recording electronic device. In an audit, the county auditor must compare the paper records with the electronic results cast on the direct recording electronic devices.

(1) The audits required by RCW 29A.60.185 must use the same three races or issues, randomly selected by lot, for every direct recording electronic device subject to the audit and utilized in the election. If there are not three countywide races or issues on the ballot, the county must select the maximum number of contests available but no more than three contests from each of the devices randomly selected for the audit.

(2) Only races and issues with more than ten votes cast on all direct recording electronic devices in the county may be selected for the audit. If the county does not have such a contest, it must not conduct the audit of paper records required by RCW 29A.60.185.

(3) Counties that utilized more than one direct recording electronic device in the primary or election must randomly select the devices until the aggregate total of votes cast in each selected contest is greater than ten. The devices must also be aggregated until the number of devices selected meets the minimum required by RCW 29A.60.185.

(4) Written procedures to perform audits of direct recording electronic devices as outlined in RCW 29A.60.185 and to resolve discrepancies identified in the audit must be promulgated by the county auditor.

(a) The procedures must provide for a process of randomly selecting by lot the direct recording electronic devices that will be audited.

(b) The procedures for manually tabulating results must be conducted using a process that includes the following elements:

(i) A continuous paper record must be utilized; the paper record must not be cut into separate individual records;

(ii) If a paper record indicates a ballot has been canceled, that ballot must be exempt from the audit; and

(iii) If the paper records are incomplete, the ballot images stored on the direct recording electronic device must be printed and then compared to the electronic results recorded on the direct recording electronic device.

(5) If there is a discrepancy between the electronic results and the paper record results, the canvassing board must take necessary actions to investigate and resolve the discrepancy. The canvassing board must prepare a public report that outlines the discrepancy and how it

was resolved. The results as determined by the canvassing board must replace the electronic results in the official certification.

(6) If there is a discrepancy that cannot be resolved:

(a) The secretary of state must be notified immediately; and

(b) The vendor must be notified and required to provide a satisfactory explanation for the discrepancy within thirty days.

(7) The aggregate total of paper records counted manually is subject to public disclosure.

[Statutory Authority: RCW 29A.04.611, WSR 07-20-074, § 434-262-105, filed 10/1/07, effective 11/1/07; WSR 07-09-036, § 434-262-105, filed 4/11/07, effective 5/12/07; WSR 05-24-040, § 434-262-105, filed 11/30/05, effective 12/31/05.]

WAC 434-262-110 Certification of primary returns by the secretary of state. Pursuant to RCW 29A.60.240, upon completion of the canvass of each county auditor's abstract of votes and no later than seventeen days following the primary, the secretary of state shall certify to the appropriate county auditors the returns for all state ballot measures, federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county. In the event the secretary of state is unable to certify all or part of a primary election seventeen days following that primary because he or she has not received a copy of a county canvass report from one or more counties, or because there are discrepancies on a received report, he or she shall certify the state ballot measures and candidates for which completed abstracts have been received, and provide reasons which render him or her unable to certify the entire primary. The certification of the remainder of the primary shall take place when all outstanding county canvass reports have been received and filed.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-110, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. WSR 00-10-010, § 434-262-110, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-110, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-110, filed 10/3/80.]

WAC 434-262-120 Certification of general election returns by the secretary of state. Pursuant to RCW 29A.60.250, upon completion of the canvass of each county's abstract of votes and no later than thirty days following a general election, the secretary of state shall certify to the governor, president of the senate, and speaker of the house of representatives the returns for all state ballot measures, federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county. In the event the secretary of state is unable to certify all or part of a general election thirty days following that election because he or she has not received a copy of a county canvass report from one or more counties, or because there are discrepancies on a received report, he or she shall certify the state ballot measures and candidates for which completed abstracts have been received. The secretary of state

shall also set forth, by letter to the governor, president of the senate, and speaker of the house of representatives those reasons which render him or her unable to certify the entire election. The certification of the remainder of the election shall take place when all outstanding county canvass reports have been received.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-120, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. WSR 00-10-010, § 434-262-120, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-120, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-120, filed 10/3/80.]

WAC 434-262-130 Certification of special primaries and special elections. Insofar as practicable, the procedures governing the certification of special primaries by the secretary of state shall be the same as those governing the certification of primaries, and the procedures governing the certification of special elections shall be the same as those governing general elections.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-130, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-130, filed 10/3/80.]

WAC 434-262-132 Election results for multicounty candidate races. In a candidate race in a multicounty jurisdiction, with the exception of certificates of election issued in accordance with RCW 29A.52.360 and 29A.52.370, the filing officer must collect and combine the certified results from the county canvassing boards in order to issue a certificate of election.

[Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-262-132, filed 10/1/07, effective 11/1/07.]

WAC 434-262-133 Election results for multicounty local ballot measures. In a local ballot measure election for a multicounty jurisdiction, the county auditor from the county with the greatest number of registered voters in the jurisdiction must combine the final results for that ballot measure from all relevant counties.

[Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-262-133, filed 10/1/07, effective 11/1/07.]

WAC 434-262-160 Write-in-voting—Voter intent. (1) In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. Write-in votes in the general election are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding pri-

mary and failed to qualify for the general election. If a write-in declaration of candidacy has been filed, the voter need only write in that candidate's name in order for the vote to be counted; the candidate's party preference does not impact whether the write-in vote shall be counted. If no declaration of write-in candidacy has been filed, the voter must write in the name of the candidate and, if the office or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

(2)(a) If a write-in candidate for partisan office does not file a write-in declaration of candidacy but does qualify for the general election ballot, the candidate has not stated a preference for a political party and therefore shall have "(states no party preference)" printed on the general election ballot.

(b) If a write-in candidate for partisan office files a write-in declaration of candidacy and qualifies for the general election ballot, the party preference stated on the write-in declaration of candidacy, if any, shall be printed on the general election ballot.

[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-262-160, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-160, filed 6/2/92, effective 7/3/92.]

WAC 434-262-200 Retention of records. All records and materials are to be maintained for a period of sixty days after certification of each election. Where the election involves federal offices the records and material must be kept for twenty-two months from the date of the election.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-262-200, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-200, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-200, filed 6/2/92, effective 7/3/92.]

Chapter 434-263 WAC ADMINISTRATIVE COMPLAINT PROCEDURE

Last Update: 2/19/08

434-263-005	Purpose.
434-263-010	Definitions.
434-263-020	Complaints.
434-263-030	Adoption of brief adjudicative proceedings.
434-263-040	Processing of complaint.
434-263-050	Brief adjudicative proceeding.
434-263-060	Initial determination and remedies.
434-263-070	Administrative review.
434-263-080	Alternative dispute resolution.
434-263-090	Publication.
434-263-100	No necessity to exhaust administrative remedies.

WAC 434-263-005 Purpose. The purpose of these rules is to adopt an administrative complaint procedure mandated by 42 U.S.C. §

15512(a), relating only to state implementation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), for both state and federal elections. This process may not be used for the purpose of contesting the results of any primary or election. Election contests are governed by chapter 29A.68 RCW.

[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-005, filed 7/27/04, effective 8/27/04.]

WAC 434-263-010 Definitions. For purposes of this chapter, the following terms shall have the following meanings:

(1) "Complainant" means the person who files a complaint under this chapter.

(2) "Election" means a special, primary or general election.

(3) "Respondent" means any state or local election official whose actions are asserted, in a complaint under this chapter, to be in violation of Title III.

(4) "Secretary" means the secretary of state or his or her designee.

(5) "State or local election official" means the secretary of state, any county auditor, or any person employed by either the secretary or an auditor whose responsibilities include or directly relate to the administration of any election.

(6) "Title III" means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 United States Code §§ 15481-15485. Violations include, but are not limited to, voting system standards, provisional voting, accessibility for individuals with disabilities, and voter registration.

[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-010, filed 7/27/04, effective 8/27/04.]

WAC 434-263-020 Complaints. Any person who believes that there is a violation of any provision of Title III, including a violation which has occurred, is occurring, or is about to occur, by any state or local election official may file a complaint with the secretary under this chapter. All complaints must:

(1) Be in writing, sworn under oath, signed and notarized. A form is optional if it contains all the required elements;

(2) Include the complainant's name, telephone number and mailing address;

(3) Include a clear and concise description of the alleged violation of Title III that is detailed enough to let both the respondent and the secretary know what the complaint is about;

(4) Be filed with the secretary, with proof of mailing or delivery of a copy to each respondent, no later than thirty days after the certification of the election at issue.

(5) If a form is provided by the office of the secretary of state, the form shall be available in all languages required by the department of justice.

[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-020, filed 7/27/04, effective 8/27/04.]

WAC 434-263-030 Adoption of brief adjudicative proceedings. All complaints filed pursuant to this chapter shall be treated as brief adjudicative proceedings, and the secretary adopts RCW 34.05.482 through 34.05.494 to govern such proceedings. The secretary has determined that the interests involved in such complaints do not warrant the procedures of RCW 34.05.413 through 34.05.479. If a complaint is written in a language as provided in the Voting Rights Act of 1965, the office of the secretary of state shall obtain a translator to facilitate processing the complaint.

[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-030, filed 7/27/04, effective 8/27/04.]

WAC 434-263-040 Processing of complaint. (1) The secretary may process the complaint in any of the following ways:

(a) The secretary may dismiss the complaint, and issue a final determination, if it:

- (i) Does not comply with WAC 434-263-020;
- (ii) Does not, on its face, allege a violation of Title III; or
- (iii) Alleges a claim for which relief cannot be granted, or for which a remedy is not available;

(b) The secretary may, with the agreement of the parties, resolve the matter informally, and issue a determination without formal proceedings;

(c) The secretary may resolve the matter informally by agreeing to implement a remedy or corrective action; or

(d) The secretary may schedule the matter for a brief adjudicative proceeding. The secretary shall do so if the complaint is not dismissed pursuant to (a) of this subsection and a party so requests.

(2) The secretary must respond within thirty days of the filing of the complaint to acknowledge receipt and explain how the complaint will be processed consistent with subsection (1) of this section.

(3) The secretary may consolidate complaints if they relate to the same actions or events, or if they raise common questions of law or fact.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-263-040, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-040, filed 7/27/04, effective 8/27/04.]

WAC 434-263-050 Brief adjudicative proceeding. (1) The secretary shall designate a person to act as a presiding officer of a brief adjudicative hearing. A presiding officer may be:

- (a) The assistant or deputy secretary;
- (b) The director of elections;
- (c) An assistant director of the elections division;
- (d) Any county auditor; or
- (e) An administrative law judge.

The presiding officer shall not be from an office named in the complaint.

(2) Before issuing a determination on the complaint, the presiding officer shall give each party an opportunity to explain the party's view of the matter, including an opportunity to be informed of the secretary's view of the matter if applicable. A determination may be based upon written submissions and documents, unless a party or the

presiding officer requests a hearing on the record within ten days after the filing of the complaint.

(3) The presiding officer may schedule a hearing on the record:

(a) In person at a convenient location;

(b) By conference telephone call; or

(c) By such other method that permits the parties to hear and participate in the proceeding simultaneously.

Witnesses at a hearing shall be sworn upon oath. A party who requests a hearing but fails to make himself or herself available for hearing within the time available for initial determination shall be deemed to have waived the hearing.

(4) The presiding officer may permit or solicit the submission of written materials or oral presentations by persons who are not parties if the presiding officer determines that such submissions would be helpful in evaluating the complaint.

(5) The secretary shall establish and maintain the record of the proceedings as required by RCW 34.05.494. If a hearing on the record is conducted, the record shall include a transcript or audio recording of the hearing.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-263-050, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-050, filed 7/27/04, effective 8/27/04.]

WAC 434-263-060 Initial determination and remedies. (1) The presiding officer shall render a written initial decision within seventy days after the complaint is filed, unless the complainant consents to a longer period. The determination shall include a statement as to whether, based upon a preponderance of the evidence, a violation of Title III has been established with regard to an election. If the presiding officer determines that a violation has occurred, the determination shall specify the appropriate remedy, if one exists. If the presiding officer determines that no violation has been established, the complaint shall be dismissed.

(2) The remedy awarded under this section shall be directed to the improvement of processes or procedures governed by Title III and must be consistent with state law. Remedies may include written findings that a violation of Title III has occurred and strategies for insuring that the violation does not occur again, as well as any other remedy available to the secretary under law. The remedy may not include any award of monetary damages, costs, penalties or attorney fees, and may not include the invalidation of any vote or ballot, or the invalidation, cancellation, or delay of any primary or election. Remedies addressing the validity of any primary or election or of any ballot or vote may be obtained only as otherwise provided by law.

(3) The initial determination shall include a summary of the process for obtaining an administrative review and shall include notice that judicial review may be available.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-263-060, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-060, filed 7/27/04, effective 8/27/04.]

WAC 434-263-070 Administrative review. (1) Any aggrieved party may request an administrative review of the initial determination. If

the secretary does not receive a request, in writing, for an administrative review within twenty-one days of service of the initial determination then the initial determination automatically becomes a final determination. If the parties have not requested an administrative review, the secretary may review the presiding officer's adjudication on his or her own motion as provided by RCW 34.05.491.

(2) The reviewing officer may be the secretary, the assistant or deputy secretary, or the director of elections, except that the same person may not serve as both the presiding officer and reviewing officer. The reviewing officer shall give each party an opportunity to explain the party's view of the matter, but must render a final determination within ninety days after the original filing of the complaint unless the complainant consents to a longer period. The determination of the reviewing officer is final and no further administrative review is available. The final determination shall include notice that judicial review may be available.

[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-070, filed 7/27/04, effective 8/27/04.]

WAC 434-263-080 Alternative dispute resolution. (1) If a final determination is not rendered within ninety days after the filing of the complaint, or within such additional time to which the complainant may consent, then the complaint shall be transferred to a board of arbitration, which must resolve the complaint within sixty additional days, which may not be extended. The board of arbitration shall be composed of three members, designated by the secretary, at least two of whom must be county auditors or election managers. No two members of the panel may be employed by the same office, agency or other employer.

(2) The arbitrators shall review the record compiled in proceedings prior to the transfer, including the tape or transcript of any hearing, but may not conduct any further hearing or receive any additional testimony, evidence, or other submissions. The arbitrators shall determine the appropriate resolution of the complaint by majority vote. No further administrative review is available, but the arbitrator's final determination shall include notice that judicial review may be available.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-263-080, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-080, filed 7/27/04, effective 8/27/04.]

WAC 434-263-090 Publication. All final determinations pursuant to WAC 434-263-070 shall be posted on the secretary's web site for at least ninety days.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-263-090, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-090, filed 7/27/04, effective 8/27/04.]

WAC 434-263-100 No necessity to exhaust administrative remedies. It is not necessary to exhaust any administrative remedies available

under this chapter in order to pursue any other legal action provided by law.

[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-100, filed 7/27/04, effective 8/27/04.]

Chapter 434-264 WAC
RECOUNTS
(Formerly chapter 434-62 WAC)

Last Update: 7/2/12

WAC

434-264-005	Application.
434-264-010	Recount.
434-264-030	Observers.
434-264-055	Machine recount of votes cast on digital scan ballots.
434-264-060	Machine recount of votes cast on direct recording electronic devices.
434-264-070	Manual recount of votes cast on direct recording electronic devices.
434-264-080	Recount—Irregular votes.
434-264-090	Manual recount—Sorting.
434-264-100	Manual recount—Counting boards.
434-264-110	Manual recount—Process.
434-264-120	Recount—Interruption.
434-264-130	Recount—Completion.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-264-020	Recount—Restrictions. [Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-264-020, filed 9/1/09, effective 10/2/09; WSR 09-03-110, § 434-264-020, filed 1/21/09, effective 2/21/09; WSR 07-12-032, § 434-264-020, filed 5/30/07, effective 6/30/07.] Repealed by WSR 12-14-074, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611.
434-264-040	Observers—Designated. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-040, filed 5/30/07, effective 6/30/07.] Repealed by WSR 12-14-074, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611.
434-264-050	Observers—Priority. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-050, filed 5/30/07, effective 6/30/07.] Repealed by WSR 12-14-074, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611.

WAC 434-264-005 Application. This chapter applies to all contests subject to a recount pursuant to chapter 29A.64 RCW and to manual and machine recounts unless otherwise noted. In addition, each county auditor must promulgate written procedures regarding the conduct of a recount.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-005, filed 5/30/07, effective 6/30/07.]

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 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.

(4) If any ballots or votes are discovered during the recount process that were erroneously not counted or canvassed during the original count or during a previous recount, the ballots shall be pre-

sented 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.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-264-010, filed 7/2/12, effective 8/2/12; WSR 10-03-072, § 434-264-010, filed 1/18/10, effective 2/18/10; WSR 07-12-032, § 434-264-010, filed 5/30/07, effective 6/30/07.]

WAC 434-264-030 Observers. (1) Observers must be permitted to witness activities associated with the recount.

(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 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.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-264-030, filed 7/2/12, effective 8/2/12; WSR 07-12-032, § 434-264-030, filed 5/30/07, effective 6/30/07.]

WAC 434-264-055 Machine recount of votes cast on digital scan ballots. In a machine recount of votes cast on digital scan ballots, the tabulating equipment must be programmed to identify all ballots that include an undervoted office or ballot measure subject to the recount. All ballots identified must be inspected to confirm that no vote was cast. If the inspection detects a vote cast that was not correctly counted by the tabulating equipment, the county auditor shall refer the ballot to the county canvassing board consistent with WAC 434-261-070.

[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-264-055, filed 7/11/08, effective 8/11/08.]

WAC 434-264-060 Machine recount of votes cast on direct recording electronic devices. Machine recounts must be conducted by reloading individual ballot data packs or cartridges. The county auditor must verify all data packs or cartridges have been loaded.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-060, filed 5/30/07, effective 6/30/07.]

WAC 434-264-070 Manual recount of votes cast on direct recording electronic devices. In a manual recount, the county auditor must compare the paper records with the electronic results cast on direct recording electronic devices.

(1) Written procedures to perform manual recounts of direct recording electronic devices must be promulgated by the county auditor. The procedures for manually tabulating results must be conducted using a process that includes the following elements:

(a) A continuous paper record must be utilized; the paper record must not be cut into separate individual records;

(b) If a paper record indicates a ballot has been canceled, the ballot must be exempt from the recount; and

(c) If the paper records are incomplete, the ballot images stored on the direct recording electronic device must be printed and then compared to the electronic results recorded on the direct recording electronic device.

(2) If there is a discrepancy between the electronic results and the paper record results, the canvassing board must take necessary action to investigate and resolve the discrepancy. The canvassing board must prepare a public report that outlines the discrepancy and how it was resolved. The results as determined by the canvassing board must replace the electronic results in the official certification.

(3) If there is a discrepancy that cannot be resolved:

(a) The secretary of state must be notified immediately; and

(b) The vendor must be notified and required to provide a satisfactory explanation for the discrepancy within thirty days.

[Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-264-070, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-264-070, filed 5/30/07, effective 6/30/07.]

WAC 434-264-080 Recount—Irregular votes. For optical and digital scan ballots in which voter intent was not previously determined, the validity of the vote will be determined according to the statewide standards on determining voter intent manual required by WAC 434-261-086.

The county canvassing board must make the final determination of voter intent on ballots referred to the county canvassing board not addressed by the statewide standards on determining voter intent.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-080, filed 5/30/07, effective 6/30/07.]

WAC 434-264-090 Manual recount—Sorting. All ballots must be sorted by precinct. If a results report from the original count or the

previous machine recount can be produced by batch, ballots may be sorted by batch instead of precinct.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-264-090, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-090, filed 5/30/07, effective 6/30/07.]

WAC 434-264-100 Manual recount—Counting boards. Each county auditor shall establish the number of counting boards to conduct the recount. Each board shall be comprised of no less than two members, made up of:

- (1) One representative from each of the two major political parties; or
- (2) Two staff persons.

[Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-264-100, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-264-100, filed 5/30/07, effective 6/30/07.]

WAC 434-264-110 Manual recount—Process. The counting board may only count the responses for one race or measure at a time. The following process to count the ballots shall be used during a recount.

(1) Each counting board shall be given the ballots one precinct or batch at a time. The results from the original count shall not be given with the ballots. The precinct or batch number must be made available to any observers.

(2) The ballots shall be sorted into separate stacks for each of the candidates or side of a ballot measure. Additional stacks may be created for overvotes, undervotes, and write-ins.

(3) Each stack of ballots must be manually counted at least twice to confirm the number of votes in each stack. The results of the manual count shall not be shared until both persons have counted the ballots.

(4) Individual tallies for each stack shall be compared. If the manual counts match, the results shall be reported to the designated staff person and the results shall be compared to the results previously certified.

(5) If the two manual counts do not match, the ballots shall be counted by the same counting board one more time. If the manual counts still do not match, the discrepancy must be reported to the designated staff person and the ballots referred to another counting board.

[Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-264-110, filed 5/29/09, effective 6/29/09; WSR 07-12-032, § 434-264-110, filed 5/30/07, effective 6/30/07.]

WAC 434-264-120 Recount—Interruption. If the recount must be stopped prior to its completion for any reason, the ballots must be placed in secure storage until the resumption of the recount. The observers must be allowed to witness the sealing of the ballots and the recording of the seal numbers. Observers must also be allowed to wit-

ness the confirmation of the seal numbers at the resumption of the recount.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-120, filed 5/30/07, effective 6/30/07.]

WAC 434-264-130 Recount—Completion. On completion of the recount:

(1) The county auditor must prepare an amended abstract of the recounted ballots for the county canvassing board. The amended abstract must include a revised cumulative summary, as well as the votes cast in each precinct for the office or measure that was recounted.

(2) The results must be formally reviewed and approved by the county canvassing board.

(3) If the results of the manual count do not match the results of the original count, the county canvassing board must verify all ballots have been recounted. The county canvassing board shall take all necessary steps to investigate and resolve any discrepancies.

(4) The county canvassing board must certify the amended abstract that, for each precinct, displays the results of the office that has been recounted. The new abstract must be included in the amended certified canvass report.

(5) Copies of the certified amended abstract must be distributed to the same persons or agencies as the original certified abstract of votes.

(6) The amended certified canvass report must be available to the public by the next business day following the recount.

(7) Interim reports of the recount may be published at the discretion of the county canvassing board.

(8) If the recount involves ballots from more than one county, the secretary of state may require that amended abstracts be certified by each county canvassing board on a uniform date.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-264-130, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-130, filed 5/30/07, effective 6/30/07.]

Chapter 434-291 WAC
SPECIAL ELECTIONS FOR MAJOR PUBLIC ENERGY PROJECT BOND MEASURES
(Formerly chapter 434-91 WAC)

Last Update: 7/16/04

WAC

434-291-010	Purpose.
434-291-020	Submission of a preliminary and a final cost-effectiveness study of a major public energy project.
434-291-030	Request for an election pursuant to RCW 80.52.040.
434-291-040	Designation of the bond issue on the ballot.
434-291-050	Ballot title.
434-291-060	Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title.
434-291-070	Actions to contest contents of the ballot title or summary of the final cost-effectiveness study.
434-291-080	Certification of the request for a special election to the county auditors.
434-291-090	Recommendations for committees to draft statements for the voters pamphlet.
434-291-100	Appointment of committees.
434-291-110	Advisory committees.
434-291-120	Submission of arguments and rebuttals.
434-291-130	Permissible costs in allocation of election expenses.
434-291-140	Allocation of costs.
434-291-150	Documentation of charges for proportional share of election costs.

WAC 434-291-010 Purpose. The regulations in this chapter are adopted to implement the special election provisions of chapter 6, Laws of 1981 2nd ex. sess. (Initiative Measure 394) and chapter 88, Laws of 1982, in a manner reasonably consistent with the laws and procedures for referring initiatives, referendums, and constitutional amendments at a state general election.

[WSR 98-08-010, recodified as § 434-291-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-010, filed 5/25/82.]

WAC 434-291-020 Submission of a preliminary and a final cost-effectiveness study of a major public energy project. (1) Any public agency which intends to hold a special election pursuant to RCW 80.52.040 shall file with the secretary of state a preliminary, independent cost-effectiveness study of the project under consideration. This study shall be available for public inspection, review, and copying as provided by WAC 434-12A-040 through 434-12A-140.

(2) Any person who wishes to comment on the contents and conclusions of the preliminary cost-effectiveness study shall submit such comments in writing to the secretary of state no later than thirty days after the preliminary cost-effectiveness study was filed with the secretary of state. Copies of all such comments shall be promptly forwarded to the public agency which filed the preliminary cost-effectiveness study.

(3) After the thirty day period for public comment has expired, the public agency shall prepare a final draft of the cost-effectiveness study which includes any public comment on the preliminary draft of that study. The final cost-effectiveness study and a summary of the final cost-effectiveness study shall be filed with the secretary of state no later than the date on which the public agency requests a special election pursuant to RCW 80.52.040.

[WSR 98-08-010, recodified as § 434-291-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-020, filed 5/25/82.]

WAC 434-291-030 Request for an election pursuant to RCW 80.52.040. Any public agency which desires to hold a special election pursuant to RCW 80.52.040 shall submit to the secretary of state a certified copy of the ordinance, resolution, order, or other evidence of legislative action requesting such an election and specifying:

(1) The name, location, and type of major public energy project, expressed in common terms;

(2) The dollar amount and type of bonds being requested;

(3) If the bond revenues are intended to finance the acquisition of all or a portion of a major public energy project, the anticipated total cost of the acquisition of the project;

(4) If the bond revenues are intended to finance the planning or construction of all or a portion of a major public energy project, the anticipated total cost of construction of the project;

(5) The projected average rate increase for consumers of the electricity to be generated by the project (that amount necessary to repay the total indebtedness incurred for the project, including estimated interest);

(6) A summary of the final cost effectiveness study as required by RCW 80.52.050(4);

(7) The anticipated functional life of the project;

(8) The anticipated decommissioning costs of the project;

(9) The reasons for requesting a special election; and

(10) If the applicant is a joint operating agency, a list of all of the participating public agencies which are a part of that joint operating agency and the names of the counties which contain all or parts of each of these public agencies.

[WSR 98-08-010, recodified as § 434-291-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-030, filed 5/25/82.]

WAC 434-291-040 Designation of the bond issue on the ballot.

When a public agency submits a request for a special election pursuant to RCW 80.52.040, the secretary of state shall sequentially number each bond measure to appear on the ballot, beginning with the number "101," and shall designate each bond measure with the title, "Major Public Energy Project Bond Measure" to distinguish it from other major public energy project bond measures and from other types of state measures. Such measure may be further designated on the ballot and in connection with the voters pamphlet arguments for and against the measure by any project name or number by which it is publicly known and identified.

[WSR 98-08-010, recodified as § 434-291-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-040, filed 5/25/82.]

WAC 434-291-050 Ballot title.

Within seven days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the attorney general shall prepare and file with the secretary of state a ballot title for each major public energy project bond measure formulated as required by RCW 80.52.060.

[WSR 98-08-010, recodified as § 434-291-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-050, filed 5/25/82.]

WAC 434-291-060 Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title. The secretary of state shall furnish copies of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title promptly upon receipt to any individual who has submitted a written request for such notification.

[WSR 98-08-010, recodified as § 434-291-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-060, filed 5/25/82.]

WAC 434-291-070 Actions to contest contents of the ballot title or summary of the final cost-effectiveness study. Any registered voter may appeal to the superior court of Thurston County to review the contents of the ballot title or the summary of the final cost-effectiveness study on a major public energy project bond measure up to ten days following the filing of such document with the secretary of state. Such appeals shall be conducted in the same manner as appeals of ballot titles on initiatives as provided in RCW 29A.72.080.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-291-070, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-291-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-070, filed 5/25/82.]

WAC 434-291-080 Certification of the request for a special election to the county auditors. Within ten days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall certify the title of the measure and the ballot title to the county auditor in each county containing a portion of the public agency requesting the election.

[WSR 98-08-010, recodified as § 434-291-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-080, filed 5/25/82.]

WAC 434-291-090 Recommendations for committees to draft statements for the voters pamphlet. Any person who wishes to be appointed to serve on a committee to draft the arguments in favor of or in opposition to a major public energy project bond measure or any person who wishes to recommend any individual to serve on such a committee may submit such request or recommendation in writing to the secretary of state up to ten days following the receipt of a request to hold a special election pursuant to WAC 434-91-030.

[WSR 98-08-010, recodified as § 434-291-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-090, filed 5/25/82.]

WAC 434-291-100 Appointment of committees. Within fifteen days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall appoint a committee of three persons to write the arguments and rebuttals in favor of the major public energy project bond measure and a committee of three persons to write the arguments and rebuttals in opposition to the major public energy project bond measure. The secretary of state shall designate one of the members of each committee to serve as the chairperson of that committee.

[WSR 98-08-010, recodified as § 434-291-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-100, filed 5/25/82.]

WAC 434-291-110 Advisory committees. The persons appointed to a committee to write arguments and rebuttals on a major public energy project may, within fifteen days of their appointment, select an advisory committee of up to five persons to assist them in drafting the arguments and rebuttals on that measure. The names of the members of the advisory committee shall be certified to the secretary of state by the chairperson of that committee within three days of their selection.

[WSR 98-08-010, recodified as § 434-291-110, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-110, filed 5/25/82.]

WAC 434-291-120 Submission of arguments and rebuttals. At least sixty days prior to the special election on the major public energy project bond measure, each committee appointed pursuant to WAC 434-91-100 shall submit an argument for or against that measure to the secretary of state in the form and style prescribed for other voters pamphlet statements in WAC 434-81-060 through 434-81-070. As soon as both arguments on a major public energy bond measure have been received, the secretary of state shall transmit each argument to the opposing committee. At least fifty days prior to the special election on the major public energy project bond measure, each committee shall submit a rebuttal of the opposing argument in the form and style prescribed for other voters pamphlet rebuttals in WAC 434-81-060 through 434-81-070.

[WSR 98-08-010, recodified as § 434-291-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-120, filed 5/25/82.]

WAC 434-291-130 Permissible costs in allocation of election expenses. County auditors may include in the election costs to be allocated pursuant to RCW 29A.04.420 any of the following types of charges:

- (1) Salaries, wages, and benefits for precinct officers and part-time or temporary employees whose responsibilities are directly attributable to the election, and for that portion of the time of regular employees (other than the county auditor) which is directly attributable to the election;
- (2) Supplies specifically required for the election, including stationery, forms, other office supplies, and items for the repair and maintenance of equipment;
- (3) Telephone and postage costs which are directly attributable to the election;
- (4) Cartage or freight charges for moving or delivering voting machines, voting devices, voting booths, or delivery of precinct supplies and travel expenses for delivery of precinct returns;

- (5) Legal notices and published instructions in connection with the election, closing of registration, or canvassing;
- (6) Printing of ballots, poll books, tally books, instructions, signs, and other precinct supplies;
- (7) Repairs and maintenance of voting and vote tallying equipment;
- (8) Rentals for polling places and storage facilities for voting machines or devices;
- (9) Depreciation for voting equipment so long as such charges over the useful life of such equipment do not exceed the original value of the equipment;
- (10) That portion of the overhead cost of buildings or office space which is equal to the total of such costs multiplied by the ratio of the number of employee hours directly attributable to the major public energy project bond measure and the total number of employee hours for that office;
- (11) Data processing costs for programming related to the election and for machine time for program testing, and vote tallying.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-291-130, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-291-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-130, filed 5/25/82.]

WAC 434-291-140 Allocation of costs. The portion of total election costs in each county which shall be allocated to the public agency requesting a special election pursuant to RCW 80.52.040 shall be equal to the total cost of conducting that election multiplied by a quotient the numerator of which is the product of the number of registered voters in that county eligible to vote on the major public energy project bond measure or measures and the number of such measures submitted at that election and the denominator of which is the sum of the products of the number of registered voters in each jurisdiction for which candidates or measures appeared on the ballot at that election and the number of offices or issues attributable to that jurisdiction.

[WSR 98-08-010, recodified as § 434-291-140, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-140, filed 5/25/82.]

WAC 434-291-150 Documentation of charges for proportional share of election costs. The county auditor of each county in which a major public energy project bond measure appeared on the ballot shall submit to the secretary of state a summary of the total cost of the election in that county, a description of the allocation of that cost among the jurisdiction participating in that election and an invoice voucher for the proportional share of those costs attributable to the major public energy bond measure or measures. The secretary of state shall review and audit all such claims and combine them into one or more billings for the public agency which requested the election.

[WSR 98-08-010, recodified as § 434-291-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-150, filed 5/25/82.]

WAC 434-291-160 Proportional costs of voters pamphlet and other costs to the secretary of state. The secretary of state may include in the election costs to be allocated pursuant to RCW 80.52.050(5) any of the following types of charges:

(1) That portion of the salaries, wages, and benefits for regular employees (other than the secretary of state) and part-time or temporary employees which is directly attributable to the preparation and distribution of the voters pamphlet or other aspects of the administration and conduct of the major public energy project bond election;

(2) That portion of the cost of office supplies, equipment, telephones, postage, freight, travel, and data processing which is equal to the total of such costs multiplied by the ratio of the number of employee hours of the employees of the administrative division and the elections division of the office of the secretary of state directly attributable to the major public energy project bond measure and the total number of employee hours for such employees over the same period of time;

(3) That portion of the costs of typesetting, composition, printing, postage, and distribution of the voters pamphlet which is equal to the total of such costs multiplied by the ratio of the number of pages of the pamphlet directly attributable to the major public energy project bond measure and the total number of pages in the pamphlet; and

(4) The costs of any litigation related to the administration and conduct of a special election on a major public energy project bond measure other than for such actions which have been commenced prior to July 1, 1982.

The secretary of state shall include a detailed summary of any costs attributable to the major public energy project bond measure in one or more of the billings for the public agency which requested the election.

[WSR 98-08-010, recodified as § 434-291-160, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-160, filed 5/25/82.]

WAC 434-291-170 Reimbursement to counties for proportional share of election costs. Upon receipt of payment by the applicant, the secretary of state shall disburse the appropriate amounts to each county in the same manner as election costs are reimbursed pursuant to RCW 29A.04.420.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-291-170, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-291-170, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-170, filed 5/25/82.]

Chapter 434-324 WAC

STATEWIDE VOTER REGISTRATION DATA BASE

(Formerly chapter 434-24 WAC)

Last Update: 2/26/14

WAC

434-324-005 Definitions.
434-324-008 Review of county election management systems.
434-324-010 County election management system—Applications for voter registration.
434-324-020 County codes.
434-324-026 Voter registration form.
434-324-028 Illegible or missing postmarks.
434-324-031 Electronic voter registration.
434-324-034 Confidentiality of protected records voter information.
434-324-036 County-to-county transfers.
434-324-040 Data transfer to secretary and registration status.
434-324-045 Verification of applicant's identity.
434-324-055 Duplicate voter registration search conducted by secretary.
434-324-076 Voter registration updates.
434-324-085 Acknowledgment notice.
434-324-087 Confirmation notice.
434-324-090 Cancellation due to death—Process.
434-324-095 Cancellation due to death—Forms.
434-324-106 Felony screening process.
434-324-108 Incapacitated persons lacking voting rights—Notice from court.
434-324-111 Voluntary cancellation of voter registration.
434-324-113 Lacking the qualifications necessary to vote.
434-324-115 Challenge of voter's registration.
434-324-118 Data auditing of county voter election management system with the official statewide voter registration data base.
434-324-125 Voter registration data base manual.
434-324-130 Lists of registered voters for the public.
434-324-140 Requests for list of registered voters.
434-324-150 Retaining voter registration records.
434-324-165 Disaster recovery and security plans.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-324-015 Uniform control number. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-24-015, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-015, filed 6/3/74.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

434-324-025 Precinct codes. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-025, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-025, filed 6/3/74. Formerly WAC 434-24-030, Order 6, filed 3/3/72.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

434-324-030 Taxing district codes. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-030, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-030, filed 6/3/74. Formerly WAC 434-24-040, Order 6, filed 3/3/72.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

434-324-035 Maintenance of recent voting record. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-035, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-035, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-035, filed 6/3/74.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

434-324-050 Basic voter registration form. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-050, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-050, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-050, filed 6/3/74; Order 8, § 434-24-050, filed 6/15/72; Order 6, § 434-24-050, filed 3/3/72.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

434-324-060 Transmittal of signature cards to the secretary of state. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-060, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-060, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-060, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-060, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

434-324-065 Exemption of transmittal of signature cards to the secretary of state. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-065, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-324-065, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 20.04.080 and 29.07.120. WSR 97-18-014, § 434-24-065, filed 8/25/97, effective 9/25/97.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

434-324-075 Timelines for new and transfer registrations. [Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-324-075, filed 5/29/09, effective 6/29/09; WSR 06-14-050, § 434-324-075, filed 6/28/06, effective 7/29/06; WSR 05-24-039, § 434-324-075, filed 11/30/05, effective 12/31/05.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

434-324-100 Felony conviction—Notice from county clerk. [Statutory Authority: RCW 29A.04.611. WSR 06-11-041, § 434-324-100, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-100, filed 11/30/05, effective 12/31/05.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

434-324-105 Notification of cancellation. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-105, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-105, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-105, filed 6/3/74.] Repealed by WSR 99-08-089, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080 and 29.04.210.

434-324-110 Transmittal of cancellations to the secretary of state. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-110, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-110, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-110, filed 6/3/74. Formerly WAC 434-24-110, Contents of precinct list of registered voters, Order 6, filed 3/3/72.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

434-324-120 Contents of precinct list of registered voters. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-120, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-120, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-120, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-120, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

434-324-160 Review of automated voter registration systems. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-160, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-160, filed 6/3/74.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

434-324-190 Voter registration at driver's license facilities. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-190, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

434-324-200 Registration procedure. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-200, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

434-324-210 Oaths and warnings. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-210, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

434-324-220 Transfer of information from the department of licensing to the secretary of state. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-220, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

434-324-230 Weekly transmittal of data from the department of licensing to the secretary of state. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-230, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

434-324-240 Transfer of data, and reports from the secretary of state to the county auditors. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-240, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

434-324-250 Transfer of voter registration forms to counties. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-250, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

434-324-260 Processing records received from the secretary of state. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-260, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

WAC 434-324-005 Definitions. As used in this chapter:

(1) "Active status" means a designation assigned to voters with complete voter registration records signifying that the voter is eligible to vote.

(2) "Applicant" means a person who has applied, or is applying, to become a registered voter in the state of Washington.

(3) "Auditor" means "county auditor" and means the county auditor in a noncharter county or the officer in a charter county, irrespective of title, having the overall responsibility to maintain voter registration to conduct state and local elections.

(4) "County election management system" means software used by county auditors to manage computer files pertaining to elections and includes, but is not limited to, voter registration records.

(5) "County registration number" means an identifier assigned to each registered voter by the county auditor.

(6) "Electronic registration" means the electronic submission of voter registration applications.

(7) "Extraction," as used in this chapter, means the creation of an electronic list of specific information from the entire official statewide voter registration data base.

(8) "New county" means a county in Washington state that a registered voter is moving to from another county within Washington state.

(9) "Previous county" means a county in Washington state that a registered voter lived in prior to moving to a new county.

(10) "Pending status" means a voter registration record is not yet complete, and the applicant is not yet a registered voter.

(11) "Pending cancellation" means the registered voter's registration record must be canceled within a specified amount of time and he or she is not eligible to vote.

(12) "Registered voter" means any elector who has completed the statutory registration procedures established by Title 29A RCW.

(13) "Secretary" means secretary of state or any other person authorized by the secretary of state to act on his or her behalf.

(14) "State registration number" means a unique identifier assigned to each registered voter by the state, pursuant to RCW 29A.08.125.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-005, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-005, filed 9/1/09, effective 10/2/09; WSR 07-24-044, § 434-324-005, filed 11/30/07, effective 12/31/07; WSR 07-12-032, § 434-324-005, filed 5/30/07, effective 6/30/07; WSR 05-24-039, § 434-324-005, filed 11/30/05, effective 12/31/05.]

WAC 434-324-008 Review of county election management systems.

(1) Each auditor must notify the secretary of the intent to purchase or install a new county election management system. The county election management system must be approved by the secretary to ensure it meets the technical specifications promulgated by the secretary to interface with the official statewide voter registration data base. This approval must be obtained prior to the purchase or installation of the system.

(2) A county election management system must have the capability to:

(a) Store information required in WAC 434-324-010;

(b) Generate a list of registered voters in a county and their registration statuses;

(c) Track information specific to single elections, including the issuance and return of ballots;

(d) Scan voter registration forms; and

(e) Store and provide access to images of signatures of registered voters.

(3) A county's election management system must conform to all of the requirements of state law and of these regulations, and if it does not, the secretary must notify the auditor of the nature of the nonconformity. The auditor must correct the nonconforming aspects of the county election management system and provide to the secretary such evidence of the change or changes in the system as the secretary may deem appropriate.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-008, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-008, filed 9/1/09, effective 10/2/09; WSR 05-24-039, § 434-324-008, filed 11/30/05, effective 12/31/05.]

WAC 434-324-010 County election management system—Applications for voter registration. (1) Each auditor must enter and maintain voter registration records in the official statewide voter registration data base by using a county election management system. Each record must contain at least the following information from the voter registration application in a format compatible with the official statewide voter registration data base:

- (a) Name;
 - (b) Complete residential address;
 - (c) Complete mailing address;
 - (d) County registration number;
 - (e) State registration number;
 - (f) Gender;
 - (g) Date of birth;
 - (h) Date of registration;
 - (i) Applicable district and precinct codes;
 - (j) Elections in which the individual has voted, if available;
 - (k) Washington state driver license number, Washington state identification card number, and/or the last four digits of the applicant's Social Security number; and
- (l) A scanned image file (format .tiff) of the applicant's signature.

(2) In the case of an applicant who provides a copy of one of the alternative forms of identification listed in RCW 29A.08.107 for registration purposes, the auditor must either maintain a scanned image of the identifying document or make a notation in the registration record indicating which alternative form of identification was provided to the auditor. Pursuant to RCW 29A.08.710, a scanned image of the identification is not available for public inspection or copying.

(3)(a) If a voter registration application is incomplete, the county auditor may use other government resources and public records to confirm the missing information, except if the missing information is the applicant's signature or confirmation of United States citizenship. The county auditor may also attempt to contact the applicant by phone, e-mail or other means to obtain identification information.

(b) If, after these attempts, the county auditor is still unable to obtain the incomplete information, the county auditor must send the applicant a verification notice as defined by RCW 29A.08.030.

(4) Upon entry of an applicant's information, the auditor must check for duplicate entries.

(5) Each auditor must have a quality assurance program to maintain accurate data entry into the statewide voter registration data base.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-010, filed 9/1/09, effective 10/2/09; WSR 07-24-044, § 434-324-010, filed 11/30/07, ef-

effective 12/31/07; WSR 07-02-100, § 434-324-010, filed 1/3/07, effective 2/3/07; WSR 06-11-041, § 434-324-010, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-010, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-010, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-010, filed 6/3/74; Order 6, § 434-24-010, filed 3/3/72.]

WAC 434-324-020 County codes. All auditors shall use the following system of two character codes for designating the county in which the voter is registered:

- (1) Adams: AD;
- (2) Asotin: AS;
- (3) Benton: BE;
- (4) Chelan: CH;
- (5) Clallam: CM;
- (6) Clark: CR;
- (7) Columbia: CU;
- (8) Cowlitz: CZ;
- (9) Douglas: DG;
- (10) Ferry: FE;
- (11) Franklin: FR;
- (12) Garfield: GA;
- (13) Grant: GR;
- (14) Grays Harbor: GY;
- (15) Island: IS;
- (16) Jefferson: JE;
- (17) King: KI;
- (18) Kitsap: KP;
- (19) Kittitas: KS;
- (20) Klickitat: KT;
- (21) Lewis: LE;
- (22) Lincoln: LI;
- (23) Mason: MA;
- (24) Okanogan: OK;
- (25) Pacific: PA;
- (26) Pend Oreille: PE;
- (27) Pierce: PI;
- (28) San Juan: SJ;
- (29) Skagit: SK;
- (30) Skamania: SM;
- (31) Snohomish: SN;
- (32) Spokane: SP;
- (33) Stevens: ST;
- (34) Thurston: TH;
- (35) Wahkiakum: WK;
- (36) Walla Walla: WL;
- (37) Whatcom: WM;
- (38) Whitman: WT; and
- (39) Yakima: YA.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-24-039, § 434-324-020, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as §

7/2/12, effective 8/2/12; WSR 10-03-072, § 434-324-026, filed 1/18/10, effective 2/18/10.]

WAC 434-324-028 Illegible or missing postmarks. (1) Consistent with RCW 29A.08.020, if the postmark on a voter registration application submitted by mail is illegible or missing, the date of receipt by the elections office is considered the date of application. If an application is received by the elections official by the close of business on the fifth day after the cutoff date for voter registration, the application is considered to have arrived by the voter registration deadline.

(2) Postage that contains a date, such as metered postage or a dated stamp, is not a postmark. If an application has dated postage and no postmark, it is an application missing a postmark.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-324-028, filed 2/26/14, effective 3/29/14.]

WAC 434-324-031 Electronic voter registration. (1) The secretary of state's electronic voter registration web page must have the capability to:

(a) Reject applicants without a Washington state driver's license or state identification card;

(b) Require the applicant to affirmatively assent to the use of his or her driver's license or state identification card signature for voter registration purposes;

(c) Require the applicant to attest to the truth of the information provided on the application;

(d) Retrieve a digital copy of each applicant's driver's license or state identification card signature from the department of licensing and include it with the other information required for each applicant's voter registration; and

(e) Electronically transfer all information required for each applicant's voter registration to his or her county auditor for entry into the statewide voter registration data base through the county election management system.

(2) Once election registration information is entered into county election management systems, the same timelines and processes used for registration by mail apply to electronic registration. A county auditor may allow voters registering in person at the county auditor's office between twenty-nine days before an election and eight days before an election to register using the electronic voter registration system.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-031, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-324-031, filed 11/30/07, effective 12/31/07.]

WAC 434-324-034 Confidentiality of protected records voter information. All records pertaining to a protected records voter shall be maintained in a manner that ensures that the records are accessible only to authorized personnel. Information for a protected records voter shall not be maintained on any voter registration data base and

shall not be publicly accessible, except as provided by chapter 40.24 RCW.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-324-034, filed 1/21/09, effective 2/21/09.]

WAC 434-324-036 County-to-county transfers. A registered voter may transfer his or her registration to another county by submitting a new voter registration application, or returning a signed confirmation notice that provides the new address. The minimum information necessary to complete the transfer to the new county is:

- (1) Name;
- (2) Residential address;
- (3) A signature on the oath in RCW 29A.08.230; and
- (4) Either date of birth, county voter ID number, or state voter ID number. The new county may request additional information to confirm that the registration application is a transfer.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-324-036, filed 7/2/12, effective 8/2/12; WSR 10-03-072, § 434-324-036, filed 1/18/10, effective 2/18/10.]

WAC 434-324-040 Data transfer to secretary and registration status. (1) Following entry into the county election management system, all information in the application for voter registration must be transferred electronically to the secretary for identity verification. The secretary must assign the application a state identification number.

(2) If the applicant provided a Washington driver's license number or state identification card number, the applicant's identity is verified with the department of licensing. If the applicant provided the last four digits of his or her Social Security number, the applicant's identity is verified with the Social Security Administration through the department of licensing.

(3) If the applicant's identity is not verified in the computerized verification process, the secretary must notify the county election management system accordingly. The county auditor must first confirm the accuracy of the information entered in the county election management system from the voter registration application. The county auditor must correct any errors and again attempt to verify the applicant's identity automatically.

(4) If the applicant provided a Washington driver's license number or state identification number and the identity is not verified in the computerized verification process, the information on the application may be considered a "match" if the number on the application exactly matches a number issued by the department of licensing, and it is clear to the county auditor that the information on the application describes the person on the department of licensing record. Reasons that the county auditor may conclude that the information on the application describes the person on the department of licensing record include, but are not limited to, the following:

(a) The first, middle, or last name on the application is a variation of the first, middle, or last name in the department of licensing record;

(b) The first, middle, or last name has transposed letters or another typographical error on the application or in the department of licensing record;

(c) The first and last names are transposed on the application or in the department of licensing record;

(d) The first and middle names are transposed on the application or in the department of licensing record;

(e) The applicant has a compound or hyphenated name which is not accurately or completely set forth on the application or in the department of licensing record;

(f) The first or middle name is abbreviated with initials on the application or in the department of licensing record;

(g) The last name on the application and the last name in the department of licensing record are not the same but, based on other information, the county auditor concludes that one of the names is a maiden name or a former name of the same person; or

(h) The month and day of the applicant's date of birth are transposed on the application or in the department of licensing record.

If the county auditor concludes that the information on the application describes the person on the department of licensing record, the county auditor must override the computerized failure to verify and must note the reason it is considered a match. The county auditor must place the applicant on the official list of registered voters in active status.

(5) If the applicant's identity is not verified in the computerized verification process, either because the information did not match or because the applicant claimed he or she did not have a driver's license or Social Security number, the applicant must be provisionally registered pursuant to RCW 29A.08.107. The registration record must be flagged as still requiring verification of the applicant's identity before the applicant's ballot may be counted.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-040, filed 9/1/09, effective 10/2/09; WSR 07-24-044, § 434-324-040, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-324-040, filed 1/3/07, effective 2/3/07; WSR 06-14-050, § 434-324-040, filed 6/28/06, effective 7/29/06; WSR 05-24-039, § 434-324-040, filed 11/30/05, effective 12/31/05.]

WAC 434-324-045 Verification of applicant's identity. (1) If the applicant is provisionally registered pursuant to WAC 434-324-040(5), the county auditor may use other government resources and public records to confirm the applicant's driver's license or state identification card number or the last four digits of the applicant's Social Security number. The county auditor may also attempt to contact the applicant by phone, e-mail or other means to obtain identification information.

(2) If, after these attempts, the county auditor is still unable to verify the applicant's identity, the county auditor must send the applicant an identification notice at the time of registration that includes a postage prepaid, preaddressed form by which the applicant may verify or send information. The identification notice must include:

(a) A statement explaining that because the applicant's identity cannot be verified with the information provided on the application, he or she is provisionally registered to vote.

(b) A statement explaining that if this information is not provided, the applicant's ballot will not be counted.

(c) A statement explaining that federal law requires the applicant to provide his or her driver's license number, state identification card number or the last four digits of his or her Social Security number, or a copy of one of the following forms of identification, either before or when he or she votes:

(i) Valid photo identification;

(ii) A valid enrollment card of a federally recognized tribe in Washington;

(iii) A current utility bill, or a current bank statement;

(iv) A current government check;

(v) A current paycheck; or

(vi) A government document, other than a voter registration card, that shows both the registrant's name and current address.

(3) If the applicant responds with updated driver's license, state ID card, or Social Security information, or with a copy of one of the alternative forms of identification, the flag on the voter registration record must be removed, allowing the applicant's ballot to otherwise be counted the first time he or she votes after registering.

(4) If the applicant fails to respond with adequate documentation to verify his or her identity, the applicant's voter registration record must remain flagged. The applicant must be notified at the time of each election that the ballot will not be counted unless he or she provides adequate verification of identity.

(5) A provisional registration must remain on the official list of registered voters for at least two general elections for federal office. If, after two general elections for federal office, the voter still has not verified his or her identity, the provisional registration shall be canceled.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-324-045, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-045, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-045, filed 9/1/09, effective 10/2/09; WSR 09-12-078, § 434-324-045, filed 5/29/09, effective 6/29/09; WSR 09-03-110, § 434-324-045, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-324-045, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-324-045, filed 1/3/07, effective 2/3/07.]

WAC 434-324-055 Duplicate voter registration search conducted by secretary. Upon receipt of an applicant's electronic voter registration record from the auditor, and on a monthly basis, the secretary must search for potential duplicate registration records in the official statewide voter registration data base by comparing the applicant's name and date of birth or other identifying information provided by the applicant on the voter registration form. Duplicates will be determined by comparing the signatures on all available records. If a voter is transferring his or her registration to a new county or if any other information on the application has been updated, the auditor of the new county must update the registration record in the state data base. A duplicate registration record must not be maintained as a new registration record.

[Statutory Authority: RCW 29A.04.611. WSR 07-02-100, § 434-324-055, filed 1/3/07, effective 2/3/07; WSR 06-11-041, § 434-324-055, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-055, filed 11/30/05, effective 12/31/05.]

WAC 434-324-076 Voter registration updates. (1) The county auditor may request additional identifying information before processing a voter registration update submitted on behalf of a family or household member.

(2) If a voter submits a registration transfer to a new county by the statutory deadline, but the voter's previous county issues the voter a ballot before the transfer is processed and the voter votes the ballot issued by the previous county, the previous county must treat the voted ballot as if it is a provisional ballot and forward it to the voter's new county. The previous county does not need to forward the ballot if none of the races or issues on the voted ballot from the previous county is on a ballot in the voter's new county. If any races or issues on the ballot from the old county are applicable to the voter's residential address in the new county, the votes on those races and issues should only be counted by the new county if the voter does not vote and return a ballot issued by the new county.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-324-076, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-324-076, filed 7/6/10, effective 8/6/10.]

WAC 434-324-085 Acknowledgment notice. (1) The auditor must send an acknowledgment notice to an individual by nonforwardable, address correction requested mail if an individual:

- (a) Registers to vote;
- (b) Transfers his or her registration record within the county;
- (c) Transfers his or her registration record from another county within Washington state; or
- (d) Changes from one precinct to another because of a change in precinct boundaries.

(2) The acknowledgment notice must include:

- (a) Voter's full name;
- (b) Mailing address;
- (c) County name;
- (d) Precinct name and/or number; and
- (e) The date the voter registered.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-085, filed 9/1/09, effective 10/2/09; WSR 07-02-100, § 434-324-085, filed 1/3/07, effective 2/3/07; WSR 06-11-041, § 434-324-085, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-085, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-085, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-085, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-085, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-085, filed 6/3/74.]

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, county voter ID number, 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.

County auditors may use an existing stock of confirmation notices until December 31, 2012.

(2) 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.

(3)(a) If the response indicates that the voter has moved to another county within Washington and the confirmation notice contains the minimum information required by WAC 434-324-036, 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.

(b) If the response indicates that the voter has moved to another county within Washington but the confirmation notice does not contain the minimum information required by WAC 434-324-036, the county auditor shall not cancel the voter but must send the voter a registration application.

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

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

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-324-087, filed 7/2/12, effective 8/2/12.]

WAC 434-324-090 Cancellation due to death—Process. (1) An auditor must cancel the voter registration records of a deceased voter as authorized by RCW 29A.08.510.

(2) In addition to comparing a list of deceased persons prepared by the registrar of vital statistics with voter registration records pursuant to RCW 29A.08.510, the secretary may also compare voter registration records with deceased persons information from the Social Security Administration. Comparisons must be conducted on a monthly basis. For any potential matches identified through the registrar of vital statistics or Social Security Administration, the secretary must confirm that the dates of birth are identical. The secretary must generate a county list of matching names, identified as potentially deceased voters, and provide the names to each auditor electronically. The auditor must review the list within five days and approve or reject the proposed cancellations. The secretary may assist the auditor with this review.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-090, filed 9/1/09, effective 10/2/09; WSR 06-11-041, § 434-324-090, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-090, filed 11/30/05, effective 12/31/05.]

WAC 434-324-095 Cancellation due to death—Forms. Pursuant to RCW 29A.08.510, the auditor must furnish to the public upon request forms for the purpose of permitting registered voters to request that the voter registration record of any person, whom they personally know to be deceased, be canceled.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-095, filed 9/1/09, effective 10/2/09; WSR 05-24-039, § 434-324-095, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-095, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-095, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-095, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-095, filed 6/3/74.]

WAC 434-324-106 Felony screening process. (1) The law on when the right to vote is restored following a felony conviction is established in RCW 29A.08.520. Three times a year, the secretary must compare the voter registration records to lists of felons who are either incarcerated or on community supervision with the Washington state department of corrections, and to lists of felons convicted in federal district courts with a sentence of at least fifteen months incarceration. The secretary must create a list of felon voters by matching the first name, last name, date of birth, and other identifying information.

(2) For each felon voter, the secretary must change the voter's registration status to "pending cancellation." This change of status must be entered prior to the first extraction or pull of mail ballots. The official statewide voter registration data base must automatically notify the county election management system of the change. Voters with pending cancellation status must not be issued a ballot.

(3) The secretary must mail a notification letter to each felon whose status is pending cancellation. The notification letter must be sent to the felon's last known registration mailing address and, if the person is incarcerated or on community supervision with the department of corrections, to the offender's department of corrections address indicating that his or her voter registration is about to be canceled. The letter must contain language notifying the felon that he or she must contact the auditor's office to contest the pending cancellation. The letter must also inform the felon that he or she may request a provisional ballot for any pending elections. The notification letter must include:

(a) An explanation that a felon loses the right to vote until the right is restored;

(b) For a conviction in a Washington state court, the right to vote is restored as long as the felon is not serving a sentence of confinement or subject to community custody with the department of corrections. For a conviction in another state or federal court, the

right to vote is restored as long as the felon is no longer incarcerated;

(c) The reason the felon has been identified as ineligible to vote;

(d) An explanation that the felon's voter registration will be canceled due to the felony conviction; and

(e) How to contest the pending cancellation. The secretary must send to each auditor the voter registration and conviction information for each matched felon registered in that county.

(4) If the felon fails to contact the auditor within thirty days, the felon's voter registration must be canceled. If an election in which the felon would otherwise be eligible to vote is scheduled to occur during the thirty days, the felon must be allowed to vote a provisional ballot.

(5) The felon's eligibility status may be resolved and the pending cancellation status reversed without scheduling a hearing if the felon provides satisfactory documentation that the felon's voting rights have been restored, the conviction is not a felony, the person convicted is not the registered voter, or the felon is otherwise eligible to vote. The auditor must notify the voter, retain a scanned copy of all documentation provided, and notify the secretary. The secretary must flag the voter registration record to prevent future cancellation on the same basis.

(6) If the felon requests a hearing, the auditor must schedule a public hearing to provide the felon an opportunity to dispute the finding. In scheduling the hearing, the auditor may take into account whether an election in which the felon would otherwise be eligible to vote is scheduled. The notice must be mailed to the felon's last known registration mailing address and must be postmarked at least seven calendar days prior to the hearing date. Notice of the hearing must also be provided to the prosecuting attorney.

(7) The auditor must provide the prosecuting attorney a copy of all relevant registration and felony conviction information. The prosecuting attorney must obtain documentation, such as a copy of the judgment and sentence or custody or supervision information from the Washington department of corrections, the out-of-state court or prison, or the federal court or Bureau of Prisons, sufficient to prove by clear and convincing evidence that the felon is ineligible to vote. It is not necessary that the copy of the document be certified.

(8) If the prosecuting attorney is unable to obtain sufficient documentation to ascertain the felon's voting eligibility in time to hold a hearing prior to certification of an election in which the felon would otherwise be eligible to vote, the prosecuting attorney must request that the auditor dismiss the current cancellation proceedings. The auditor must reverse the voter's pending cancellation status, cancel the hearing, and notify the voter. A provisional ballot voted in the pending election must be counted if otherwise valid. The prosecuting attorney must continue to research the felon's voting eligibility. If the prosecuting attorney is unable to obtain sufficient documentation to ascertain the felon's voting eligibility prior to the next election in which the felon would otherwise be eligible to vote, the prosecuting attorney must notify the auditor. The auditor must notify the secretary, who must flag the voter registration record to prevent future cancellation on the same basis.

(9) A hearing to determine voting eligibility is an open public hearing pursuant to chapter 42.30 RCW. If the hearing occurs within thirty days before, or during the certification period of, an election

in which the felon would otherwise be eligible to vote, the hearing must be conducted by the county canvassing board. If the hearing occurs at any other time, the county auditor conducts the hearing. Before a final determination is made that the felon is ineligible to vote, the prosecuting attorney must show by clear and convincing evidence that the voter is ineligible to vote due to a felony conviction. The felon must be provided a reasonable opportunity to respond. The hearing may be continued to a later date if continuance is likely to result in additional information regarding the felon's voting eligibility. If the felon is determined to be ineligible to vote due to felony conviction and lack of rights restoration, the voter registration must be canceled. If the voter is determined to be eligible to vote, the voter's pending cancellation status must be reversed and the secretary must flag the voter registration record to prevent future cancellation on the same basis. The felon must be notified of the outcome of the hearing and the final determination is subject to judicial review pursuant to chapter 34.05 RCW.

(10) If the felon's voter registration is canceled after the felon fails to contact the auditor within the thirty day period, the felon may contact the auditor at a later date to request a hearing to dispute the cancellation. The auditor must schedule a hearing in substantially the same manner as provided in subsections (6) through (9) of this section.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-106, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-324-106, filed 1/18/10, effective 2/18/10; WSR 09-18-098, § 434-324-106, filed 9/1/09, effective 10/2/09; WSR 06-23-094, § 434-324-106, filed 11/15/06, effective 12/16/06; WSR 05-24-039, § 434-324-106, filed 11/30/05, effective 12/31/05.]

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. After canceling an incapacitated person's registration, the auditor must send a cancellation notice to the incapacitated person using the last known address.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-324-108, filed 7/2/12, effective 8/2/12; WSR 06-11-041, § 434-324-108, filed 5/10/06, effective 6/10/06.]

WAC 434-324-111 Voluntary cancellation of voter registration. A voter may cancel his or her own voter registration by submitting a signed written notification to the auditor for the county in which he or she is registered to vote. Prior to cancellation of such a registration record, the auditor must ensure the signature on the notification matches the signature in the voter registration file by utilizing

criteria outlined in WAC 434-379-020. A county auditor may not process a voluntary cancellation between the deadline in RCW 29A.08.140 for updating a registration and certification of the primary or election.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-324-111, filed 2/26/14, effective 3/29/14; WSR 05-24-039, § 434-324-111, filed 11/30/05, effective 12/31/05.]

WAC 434-324-113 Lacking the qualifications necessary to vote.

(1) If, at any time, the secretary finds that a registered voter does not possess the qualifications required by state law to exercise his or her right to vote for reasons not listed in this chapter, the secretary must refer such information to the appropriate county auditor and county prosecutor.

(2) If, at any time, the auditor finds that a registered voter does not possess the qualifications required by state law to exercise his or her right to vote for reasons not listed in this chapter, the auditor must notify the county prosecutor.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-113, filed 9/1/09, effective 10/2/09; WSR 08-15-052, § 434-324-113, filed 7/11/08, effective 8/11/08; WSR 06-11-041, § 434-324-113, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-113, filed 11/30/05, effective 12/31/05.]

WAC 434-324-115 Challenge of voter's registration. All county auditors and the secretary of state shall furnish to the public on request forms that allow a registered voter to challenge the registration of another voter pursuant to RCW 29A.08.810 through 29A.08.850. The secretary of state must make the form available on its web site.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-324-115, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-115, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-324-115, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.08.850. WSR 05-17-094, § 434-324-115, filed 8/15/05, effective 9/15/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-115, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-115, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-115, filed 6/3/74.]

WAC 434-324-118 Data auditing of county voter election management system with the official statewide voter registration data base. Each auditor must perform data audits of its county election management system to ensure all of its data matches data in the official statewide voter registration data base. The data audits must be performed on a periodic basis and must be performed within a reasonable amount of time prior to an election.

During data auditing, the auditor must transfer voter registration records from the county election management system to the official statewide voter registration data base for verification of voter information and voter status. The official statewide voter registra-

tion data base must update the voter information and verify that the voter status provided by the county election management system matches the voter status in the official statewide voter registration data base. Upon completion of this verification process, the voter's registration status is either:

(1) Confirmed, and the county is authorized to issue a ballot to the voter; or

(2) Denied because the official statewide voter registration data base indicates the voter's registration record is in pending or canceled status. The auditor must update the county election management system with the appropriate voter status, or investigate the discrepancy. The voter is not authorized to vote.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-324-118, filed 2/26/14, effective 3/29/14; WSR 05-24-039, § 434-324-118, filed 11/30/05, effective 12/31/05.]

WAC 434-324-125 Voter registration data base manual. The secretary of state and each county auditor must conduct voter registration list maintenance, process online voter registrations, motor voter registrations and agency-based registrations, and update registrations according to procedures and instructions in the voter registration data base online help manual.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-125, filed 12/6/11, effective 1/6/12.]

WAC 434-324-130 Lists of registered voters for the public. (1) Pursuant to the provisions of RCW 29A.08.710, 29A.08.720 and 29A.08.740, the auditor or secretary must furnish to any person, upon request, the current list of registered voters at actual reproduction cost. The auditor or secretary may also provide a list of canceled voters. Auditors may combine these lists. The auditor or secretary may, upon request, select names and addresses from the voter registration records on the basis of the precinct code, the district code, date of registration, or voting history of each individual voter in that portion of the voter registration file. Such lists must contain the information prescribed in RCW 29A.08.710 for each registered voter and may be in printed or electronic form.

(2) Such voter registration lists may not be used for commercial purposes. The person making the request must be provided a copy of RCW 29A.08.740.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-130, filed 9/1/09, effective 10/2/09; WSR 06-23-094, § 434-324-130, filed 11/15/06, effective 12/16/06; WSR 06-11-041, § 434-324-130, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-130, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-130, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-130, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-130, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-130, filed 6/3/74; Order 6, filed 3/3/72.]

WAC 434-324-140 Requests for list of registered voters. The auditor or secretary may require each person who requests a list of registered voters under the authority of RCW 29A.08.720 and WAC 434-324-130 to sign a request which includes penalty requirements as set forth in RCW 29A.08.720 and 29A.08.740.

[Statutory Authority: RCW 29A.04.611. WSR 05-24-039, § 434-324-140, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-140, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-140, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-140, filed 6/3/74. Formerly WAC 434-24-130.]

WAC 434-324-150 Retaining voter registration records. The secretary and each county must retain the voter registration records according to a retention schedule approved by the state or local records committee and promulgated by the archives division of the secretary's office. On an annual basis, the secretary must copy all voter registration records from the statewide voter registration data base after each general election. By December 31st of each year, the secretary must transfer the copy to the state archives division for permanent retention. This copy will contain all voter registration records in the statewide voter registration data base, including active, inactive, and canceled records.

[Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-324-150, filed 6/28/06, effective 7/29/06; WSR 05-24-039, § 434-324-150, filed 11/30/05, effective 12/31/05.]

WAC 434-324-165 Disaster recovery and security plans. The secretary must maintain disaster recovery and security plans for the voter registration data base. A copy of the plans must be stored offsite. Both plans are exempt from public disclosure pursuant to RCW 42.56.420.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-165, filed 9/1/09, effective 10/2/09; WSR 06-11-041, § 434-324-165, filed 5/10/06, effective 6/10/06.]

Chapter 434-335 WAC VOTING SYSTEMS

(Formerly chapter 434-333 WAC)

Last Update: 2/26/14

WAC

434-335-005 Broken or missing seals.

STATE CERTIFICATION OF VOTING SYSTEMS

434-335-010 Certification of voting equipment.
434-335-020 Voting systems review board.
434-335-030 Initial application for certification.
434-335-040 Voting system requirements.
434-335-050 Closing an incomplete application.
434-335-060 Examination of equipment.
434-335-070 Additional information and equipment required.
434-335-090 Voting systems review board evaluation.
434-335-100 Public hearing.
434-335-110 Voting systems review board report.

434-335-120 Certification may be conditioned.
434-335-130 Issuance of certification.
434-335-140 Failure to meet certification requirements.
434-335-150 Modification of certified equipment.
434-335-160 Modification of certified equipment, guidelines for administrative approval.
434-335-170 Application for certification of modified voting systems or devices.
434-335-180 Recertification of modified voting systems or devices.
434-335-190 Restricted period.
434-335-210 Application information for emergency approval.
434-335-212 Emergency approval.
434-335-214 Public notice of emergency approval.
434-335-220 Final approval.
434-335-230 Judicial review of agency action.
434-335-240 Acceptance testing of voting systems and equipment.
434-335-250 Inclusion of the Election Assistance Commission standards for voting equipment.
434-335-260 Decertification of voting systems and vote tabulating systems.

LOGIC AND ACCURACY TESTS

434-335-270 Definition of official logic and accuracy test.
434-335-275 Pretest.
434-335-280 Logic and accuracy test conduct.
434-335-290 Logic and accuracy test observers.
434-335-300 Logic and accuracy testing of vote tabulation systems.
434-335-310 Procedures for conducting an emergency logic and accuracy test.
434-335-320 Scheduling the logic and accuracy test—State primary and general election.
434-335-323 Preparing the logic and accuracy test.
434-335-325 Exception to logic and accuracy test pattern.
434-335-330 Logic and accuracy test certification.
434-335-335 Other primaries and elections.

ELECTRONIC VOTING SYSTEMS

434-335-510 Definitions.
434-335-520 Logic and accuracy testing of accessible voting units.
434-335-540 Touch screen calibration adjustment standards and tests.
434-335-550 Direct recording electronic target area tests.
434-335-560 Electronic ballot marker test.

AUTOMATED SIGNATURE VERIFICATION SYSTEMS

434-335-605 Initial application for approval.
434-335-615 Examination of signature verification system.
434-335-625 Signature verification system acceptance testing.
434-335-635 Signature verification system approval report.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-335-080 Deposit for examination expenses. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-080, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.
434-335-200 Emergency approval. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-200, filed 8/29/05, effective 9/29/05.] Repealed by WSR 09-03-110, filed 1/21/09, effective 2/21/09. Statutory Authority: RCW 29A.04.611.
434-335-340 Logic and accuracy testing of voting systems and equipment—Special elections. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-340, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.
434-335-350 Logic and accuracy test deck preparation—Special elections. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-350, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.
434-335-360 Logic and accuracy test scheduling and preparation—Special election. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-360, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.
434-335-370 Logic and accuracy test certification—Special election. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-370, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.
434-335-380 Logic and accuracy test preparation—State primary and general election—Punchcard systems. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-380, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-335-390 Punchcard test deck maintenance and storage. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-390, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-335-400 Punchcard adjustment standards and tests. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-400, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-335-410 Punchcard test precinct selection—State primary and general elections. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-410, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
434-335-420 Punchcard testing requirements prior to official logic and accuracy test. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-420, filed 8/29/05, effective 9/29/05.]

Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.

434-335-430 Definition. [Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-430, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-430, filed 8/29/05, effective 9/29/05.] Repealed by WSR 14-06-040, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611.

434-335-440 Logic and accuracy pretest—State primary and general election—Optical and digital scan systems. [Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-440, filed 2/19/08, effective 3/21/08; WSR 06-14-048, § 434-335-440, filed 6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-440, filed 8/29/05, effective 9/29/05.] Repealed by WSR 14-06-040, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611.

434-335-445 The preparation of logic and accuracy test decks. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-335-445, filed 7/11/08, effective 8/11/08; WSR 08-05-120, § 434-335-445, filed 2/19/08, effective 3/21/08; WSR 06-14-048, § 434-335-445, filed 6/28/06, effective 7/29/06.] Repealed by WSR 14-06-040, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611.

434-335-450 Optical and digital scan test ballot selection—State primary and general elections. [Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-450, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-450, filed 8/29/05, effective 9/29/05.] Repealed by WSR 14-06-040, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611.

434-335-460 Optical scan read head adjustment standards and tests. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-460, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.

434-335-470 Optical scan test ballot scan area alignment tests. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-470, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.

434-335-480 Optical scan ballot marking code program test. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-480, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.

434-335-490 Poll site-based optical scan ballot counter preparation and testing. [Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-490, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-490, filed 8/29/05, effective 9/29/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-335-500 Poll site-based optical scan ballot counter test notices, observers, and log of process. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-500, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.

434-335-530 Direct recording electronic test ballot selection—State primary and general election. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-530, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.

434-335-570 Direct recording electronic system logic and accuracy test notices, and observers. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-570, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.

434-335-580 Poll site-based direct recording electronic voting device preparation and testing. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-580, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.

434-335-590 Poll site-based direct recording electronic device test notices, observers, and log of process. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-590, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.

434-335-600 Parallel monitoring test. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-600, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.

434-335-610 Parallel monitoring test decks. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-610, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.

434-335-620 Parallel monitoring test observers. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-620, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.

434-335-630 Parallel monitoring test certification. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-630, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.

434-335-640 Post election test. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-640, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.

WAC 434-335-005 Broken or missing seals. If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

[Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-335-005, filed 6/28/06, effective 7/29/06.]

STATE CERTIFICATION OF VOTING SYSTEMS

WAC 434-335-010 Certification of voting equipment. All voting systems, voting devices, and vote tallying systems must meet applicable federal standards and be certified and approved by the secretary of state before they can be used in Washington state pursuant to RCW 29A.12.020.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-335-010, filed 5/30/07, effective 6/30/07; WSR 06-14-050, § 434-335-010, filed 6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-010, filed 8/29/05, effective 9/29/05.]

WAC 434-335-020 Voting systems review board. The voting systems review board may review voting systems for certification and make recommendations to the secretary of state based upon those reviews. The voting systems review board consists of five members, and may include independent experts in computer science or information technology, recognized experts in election administration, and representatives of the public at large. Members of the voting systems review board are appointed by the secretary of state to staggered two year terms. Appointees may be reappointed to serve more than one term. The secretary of state may appoint a new member to fill any vacancy on the board for the remainder of the unexpired term. The duties of the voting systems review board include reviewing an application for certification, as provided in WAC 434-335-090, conducting a public hearing on the application, as provided in WAC 434-335-100, and making recommendations on the application to the secretary of state, as provided in WAC 434-335-110.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-020, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-020, filed 8/29/05, effective 9/29/05.]

WAC 434-335-030 Initial application for certification. Any person or corporation (applicant) owning or representing a voting system or a vote tabulating system, part of a system, equipment, materials or procedure may apply in writing to the secretary of state for certification.

(1) The application must include, but is not limited to, the following information:

(a) A description of the applicant, business address, and list of election products;

(b) A description of the equipment or software under review, the equipment or software version numbers and operating and maintenance manuals.

(2) The secretary of state may request the applicant provide additional information such as:

(a) Customer references, training materials, and technical and operational specifications;

(b) A copy of a letter from the applicant to each voting system test laboratory which authorizes the voting system test laboratory to discuss testing procedures and findings with the secretary of state.

(3) All documents, or portions of documents, containing proprietary information are not subject to public disclosure. The secretary of state must agree to use proprietary information solely for the purpose of analyzing and testing the system, and to the extent permitted by law, may not use the proprietary information or disclose it to any other person or agency without the prior written consent of the applicant.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-030, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-335-030, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-335-030, filed 11/30/07, effective 12/31/07; WSR 07-20-074, § 434-335-030, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-335-030, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-030, filed 8/29/05, effective 9/29/05.]

WAC 434-335-040 Voting system requirements. (1) No voting device or its component software may be certified by the secretary of state unless it:

(a) Secures to the voter secrecy in the act of voting;

(b) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;

(c) Correctly registers all votes cast for any and all persons and for or against any and all measures;

(d) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for President and Vice-President of the United States;

(e) Produces a machine countable and human readable paper record for each vote that may be accepted or rejected by the voter before finalizing his or her vote. The paper record of an electronic vote may not be removed from the device by the voter. If the voting device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by the voter; and

(f) Has been tested and approved by the appropriate voting system test laboratory approved by the United States election assistance commission.

(2) No vote tabulating system may be certified by the secretary of state unless it:

(a) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;

(b) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;

(c) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each ballot measure on the ballot in that precinct;

(d) Produces precinct and cumulative totals in printed form; and

(e) Produces legislative and congressional district totals for statewide races and issues in electronic and printed form.

(3) A vote tabulating system must:

(a) Be capable of being secured with lock and seal when not in use;

(b) Be secured physically and electronically against unauthorized access;

(c) Not be connected to, or operated on, any electronic network including, but not limited to, internal office networks, the internet, or the world wide web. A network may be used as an internal, integral part of the vote tabulating system but that network must not be connected to any other network, the internet, or the world wide web; and

(d) Not use wireless communications in any way.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-335-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-040, filed 1/21/09, effective 2/21/09; WSR 08-15-052, § 434-335-040, filed 7/11/08, effective 8/11/08; WSR 06-11-042, § 434-335-040, filed 5/10/06, effective 6/10/06; WSR 05-18-022, § 434-335-040, filed 8/29/05, effective 9/29/05.]

WAC 434-335-050 Closing an incomplete application. Upon receipt of an application, the secretary of state examines the application for completeness. If the application is not complete, the secretary of state must notify the applicant in writing of the information required to complete the application. Notification must occur within thirty days of receipt of the application. If all requested information is not received within thirty days of the written notification, the secretary of state deems the application closed. Closure of an application does not prevent the applicant from submitting a new application to the secretary of state.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-050, filed 8/29/05, effective 9/29/05.]

WAC 434-335-060 Examination of equipment. Secretary of state staff will initiate an examination of the applicant's equipment after receiving a completed application and a working model of the equipment, documentation, and software to be reviewed.

The examination verifies that the system or equipment meets all applicable federal guidelines, and consists of a series of functional application tests designed to ensure that the system or equipment meets Washington state law and rules. The software tested shall be the approved software from the voting system test laboratory.

The examination may include an additional voting system test laboratory test at the discretion of the secretary of state. The examination shall include the set-up and conduct of mock elections, including a machine recount. The elections must feature at least ten precincts, with at least ten ballots in each precinct, and must test split precincts, partisan and nonpartisan offices, and contests that allow the voter to vote for multiple candidates. The tests must include ballots of various ballot styles, and include multiple candidates, write-in candidates and overvoted contests.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-335-060, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-060, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-335-060, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-335-060, filed 11/30/07, effective 12/31/07; WSR 05-18-022, § 434-335-060, filed 8/29/05, effective 9/29/05.]

WAC 434-335-070 Additional information and equipment required.

The vendor shall provide a working model of the equipment under review for the duration of the examination.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-070, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-070, filed 8/29/05, effective 9/29/05.]

WAC 434-335-090 Voting systems review board evaluation.

The voting systems review board evaluation must include, but is not limited to:

- (1) A review of statutory requirements;
- (2) A review of applicable federal standards;
- (3) A review of the approved qualification test results released directly to the secretary of state by the federally approved voting system test laboratory;
- (4) If applicable, a review of reports or other materials from prior hearings on the proposed system, procedure, or modification, either in whole or in part;
- (5) A review of the report produced by the secretary of state upon completion of the examination of the voting system;
- (6) If applicable, a review of any procedures manuals, guidelines, or other materials issued for use with the system;
- (7) A review of any effect the application will have on the security of the voting system;
- (8) A review of any effect the application will have on the accuracy of the voting system;
- (9) A review of any effect the application will have on the ease and convenience with which voters use the system;
- (10) A review of any effect the application will have on the timeliness of vote reporting; and
- (11) A review of any effect the application will have on the overall efficiency of the voting system.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-090, filed 1/21/09, effective 2/21/09; WSR 08-05-120, § 434-335-090, filed 2/19/08, effective 3/21/08.]

WAC 434-335-100 Public hearing.

The voting systems review board must conduct a public hearing, scheduled at the convenience of the secretary of state and voting systems review board. At the public hearing, the applicant may demonstrate the equipment and explain its function. The applicant must be available to answer questions from the voting systems review board and the public. The applicant may be asked

to submit answers in writing if the voting systems review board is not satisfied with the completeness of answers given at the hearing.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-100, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-100, filed 8/29/05, effective 9/29/05.]

WAC 434-335-110 Voting systems review board report. Following the review and public hearing, the voting systems review board may recommend for or against certification of the voting system under review. The board may also recommend that certification be contingent upon fulfillment of specific conditions or procedures with the purchase or use of the voting system in this state.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-110, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-110, filed 8/29/05, effective 9/29/05.]

WAC 434-335-120 Certification may be conditioned. Certification of a voting system may be contingent upon fulfillment of additional conditions or procedures.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-120, filed 8/29/05, effective 9/29/05.]

WAC 434-335-130 Issuance of certification. Based on the examination of the voting system and the recommendations of the secretary of state staff and the voting systems review board, the secretary of state may issue a certification of the system if the secretary of state determines that the system meets all requirements for certification. The certification must include any conditions or procedures that the secretary of state deems necessary for the system to comply with Washington state law and practice. The secretary of state must notify all county auditors of the certification within thirty days.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-130, filed 8/29/05, effective 9/29/05.]

WAC 434-335-140 Failure to meet certification requirements. If the secretary of state determines that the voting system fails to meet any of the requirements for certification, the applicant must be notified and allowed thirty days to submit another version of the voting system for examination and testing.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-140, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-140, filed 8/29/05, effective 9/29/05.]

WAC 434-335-150 Modification of certified equipment. After a voting system is certified, any improvements or changes to the system must be submitted to the secretary of state for certification. The secretary of state will determine if the modifications require state

testing and a review board hearing, or if the changes may be certified administratively.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-150, filed 1/18/10, effective 2/18/10; WSR 05-18-022, § 434-335-150, filed 8/29/05, effective 9/29/05.]

WAC 434-335-160 Modification of certified equipment, guidelines for administrative approval. The secretary of state may approve an application for modification of certified equipment administratively if the modification does not:

- (1) Materially affect the lawful conduct, accuracy, efficiency, capacity or security of elections;
- (2) Materially and adversely affect the convenience to the voter of the elections process; or
- (3) Otherwise result in significant modification to existing procedures used in Washington by extending the equipment's functionality.

A modification approved administratively does not require examination or review by the voting systems review board.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-160, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-160, filed 8/29/05, effective 9/29/05.]

WAC 434-335-170 Application for certification of modified voting systems or devices. The application to certify a modification of an existing certified system must include, but is not limited to, the following information:

- (1) Description of the applicant;
- (2) Description of the equipment or software under review, the modification, and all version numbers;
- (3) All changes to the operating and maintenance manuals;
- (4) Reports for all tests conducted on the modification by a voting system test laboratory;
- (5) Documentation that the modification meets all applicable federal voting equipment guidelines;
- (6) A complete description, in operational and technical detail, of all differences between the previously certified equipment or system and the modified equipment or system, prepared by the applicant.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-170, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-335-170, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-170, filed 8/29/05, effective 9/29/05.]

WAC 434-335-180 Recertification of modified voting systems or devices. If the system, or its components, is found to be sufficiently modified under the guidelines of WAC 434-335-160 that it requires an examination of the equipment by the voting systems review board and a public hearing, the secretary of state must notify the applicant in writing that the applicant must initiate the certification process outlined in WAC 434-335-030 through 434-335-130.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-180, filed 8/29/05, effective 9/29/05.]

WAC 434-335-190 Restricted period. No modification, change, or other alteration to voting or vote tabulating system, equipment, or component may be installed in a county between June 15th and November 30th of the same year without permission from the secretary of state. Such permission must be specific to the change and to the county making the change.

[Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-335-190, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-335-190, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 06-11-042, § 434-335-190, filed 5/10/06, effective 6/10/06; WSR 05-18-022, § 434-335-190, filed 8/29/05, effective 9/29/05.]

WAC 434-335-210 Application information for emergency approval. A county auditor may apply in writing to the secretary of state for emergency approval of a modification of an existing certified system. The application must include a complete description of the modification that is required and an explanation of why failure to modify the system materially affects the lawful conduct, efficiency, accuracy, or security of the upcoming election. The application must also explain why the emergency cannot be adequately remedied with procedural processes.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-210, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-210, filed 8/29/05, effective 9/29/05.]

WAC 434-335-212 Emergency approval. Emergency approval for a modification of an existing voting or vote tabulating system or equipment may be obtained from the secretary of state if failure to modify the system could materially affect the lawful conduct, efficiency, accuracy, or security of an upcoming election.

If, after reviewing the application, the secretary of state determines that an emergency exists, the examination and testing of the proposed modification is expedited to meet the needs of the upcoming election. The secretary of state develops a test plan and audit procedures to ensure the modified system does not adversely affect the lawful conduct, efficiency, accuracy, or security of the upcoming elections. The secretary of state may consult with the voting systems review board. The requirement that the modification be certified by a voting system test laboratory is waived for an emergency approval. An emergency approval of a modification must state the time period it is in effect.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-212, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-212, filed 8/29/05, effective 9/29/05.]

WAC 434-335-214 Public notice of emergency approval. The secretary of state must notify all county auditors of the emergency approval within five days of approving the application. Such notice shall also be posted to a public forum such as the secretary of state's web site.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-214, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-214, filed 8/29/05, effective 9/29/05.]

WAC 434-335-220 Final approval. Pursuant to WAC 434-335-150, the applicant must submit to the secretary of state a modification that incorporates a permanent fix to the problem covered by the emergency approval. The modification must be submitted in time to be approved under the normal modification application procedures provided in WAC 434-335-150 through 434-335-180.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-220, filed 8/29/05, effective 9/29/05.]

WAC 434-335-230 Judicial review of agency action. Any of the following decisions entered pursuant to this chapter are final decisions of the secretary of state as to which no further review by the agency is available, subject to judicial review pursuant to chapter 34.05 RCW:

(1) The issuance or denial of certification pursuant to WAC 434-335-130;

(2) The issuance or denial of administrative approval of a modification pursuant to WAC 434-335-160;

(3) The issuance or denial of recertification of a modified system or component pursuant to WAC 434-335-180 and 434-335-220.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-230, filed 8/29/05, effective 9/29/05.]

WAC 434-335-240 Acceptance testing of voting systems and equipment. Whenever a county auditor acquires a new system or an upgrade to an existing system that has been certified by the secretary of state, the county must perform acceptance tests of the equipment before it may be used to count votes at any election. The equipment must operate correctly, pass all tests, and be substantially the same as the equipment certified by the secretary of state. The minimum testing standards are described as follows:

(1) The model number, version number, release number, and any other number, name or description that identifies the product must be the same as the identifying numbers for the product already certified by the secretary of state.

(2) The county must receive all manuals and training necessary for the proper operation of the system.

(3) For new hardware or hardware upgrades, the county must test the functionality of the hardware to verify the hardware works as designed. The test must include operating the hardware and submitting it to a series of assessments that determine the hardware works, performs, and functions as intended.

Acceptance testing and installation of the equipment may occur only between December 1st and September 15th of each year.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-240, filed 1/18/10, effective 2/18/10; WSR 09-12-078, § 434-335-240, filed 5/29/09, effective 6/29/09; WSR 05-18-022, § 434-335-240, filed 8/29/05, effective 9/29/05.]

WAC 434-335-250 Inclusion of the Election Assistance Commission standards for voting equipment. The Election Assistance Commission standards concerning voting systems and software escrow are hereby included by reference, except where otherwise modified by these rules and the *Revised Code of Washington*.

[Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-335-250, filed 5/29/09, effective 6/29/09; WSR 09-03-110, § 434-335-250, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-250, filed 8/29/05, effective 9/29/05.]

WAC 434-335-260 Decertification of voting systems and vote tabulating systems. (1) The secretary of state may decertify a voting system or vote tabulating system or any component thereof and withdraw authority for its future use or sale in Washington if, at any time after certification the secretary of state determines that:

(a) The system or component fails to meet the standards set forth in applicable federal guidelines or state statutes or rules;

(b) The system or component was materially misrepresented in the certification application; or

(c) The applicant has installed unauthorized modifications to the certified software or hardware.

(2) The secretary of state must provide written notice of intent to decertify to the original applicant or its successor, if known, to all county auditors, and to the public. The notice must specify the reasons why the certification of the system may be rescinded. The applicant or successor or any county auditor may, within thirty days after the issuance of the notice, file with the secretary of state a written explanation as to why the system or component should not be decertified. The secretary of state may extend or shorten the time for filing of a written explanation for good cause. After reviewing the explanation, the secretary of state may either discontinue the decertification process, in which case the system or component remains certified, or schedule a public hearing pursuant to subsection (3) of this section. If no explanation is timely filed, the secretary of state may either discontinue the decertification process or issue a final order pursuant to subsection (4) of this section.

(3) A decertification proceeding shall constitute an adjudicative proceeding pursuant to chapter 34.05 RCW.

(a) The secretary of state adopts the model rules of procedure as set forth in chapter 10-08 WAC, except as they may be inconsistent with this chapter. The proceeding may be conducted as an emergency adjudicative proceeding pursuant to RCW 34.05.479 if the secretary of state finds that immediate action is required to preserve the integrity of the electoral process.

(b) The secretary of state shall designate the presiding officer.

(c) The certification remains valid pending resolution of the administrative proceeding, unless the secretary of state finds, following notice and opportunity for written or oral input, which may be expedited, that the public interest requires that the decertification should take effect on a temporary basis pending hearing.

(d) The argument in favor of decertification may be presented by an employee of the secretary of state or by an assistant attorney general. Other parties may be represented by a certified election administrator or by any person permitted to appear by WAC 434-180-560.

(4) The presiding officer or secretary shall enter an order specifying the system or component at issue, whether or not it is decertified, the effective date of any decertification, and explain the basis for the decision. The effective date of decertification shall not be less than five days after the entry of the order, but may be delayed to any reasonable date. An order issued by the secretary pursuant to subsection (2) of this section is a final order. An order issued by the presiding officer is regarded as an initial order unless the secretary of state, assistant secretary of state, deputy secretary of state, or director of elections presides, in which case the decision of the presiding officer shall be final and no further review is available within the agency.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-260, filed 8/29/05, effective 9/29/05.]

LOGIC AND ACCURACY TESTS

WAC 434-335-270 Definition of official logic and accuracy test.

As used in this chapter, "official logic and accuracy test" means the test performed in accordance with RCW 29A.12.130.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-270, filed 2/26/14, effective 3/29/14; WSR 08-05-120, § 434-335-270, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-270, filed 8/29/05, effective 9/29/05.]

WAC 434-335-275 Pretest. The county auditor must pretest all programming and tabulation equipment to be used in the primary or election prior to the official logic and accuracy test.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-275, filed 2/26/14, effective 3/29/14.]

WAC 434-335-280 Logic and accuracy test conduct. The county must provide adequate personnel to properly operate the ballot tabulation system. Whenever possible, the system shall be operated during the test by the same person or persons who will be responsible for operating the system on election day. The official logic and accuracy test shall be conducted as follows:

(1) Every ballot tabulator and scanner to be used in the primary or election shall be tested. Digital scan test decks shall be scanned during the official logic and accuracy test.

(2) Undervotes recorded by a digital scan system shall be auto-resolved. Some undervotes may be manually resolved to demonstrate the process.

(3) Optical scan tabulators shall be set to out-stack blank ballots, overvotes, and write-in votes.

(4) A printout of the test results shall be produced and compared to the expected test results. If the test results do not match the expected test results, the reason for the discrepancy must be satisfactorily determined and corrections made, if necessary.

(5) The upload of results to the secretary of state's office shall be tested and verified.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-280, filed 2/26/14, effective 3/29/14; WSR 05-18-022, § 434-335-280, filed 8/29/05, effective 9/29/05.]

WAC 434-335-290 Logic and accuracy test observers. The official logic and accuracy test must be observed by at least one representative of each major political party, if representatives have been appointed by the parties and are present at the test. The party observers must be instructed as election observers by the county auditor. The official logic and accuracy test must be open to candidates, the press, and the public. If any observer hinders or disturbs the logic and accuracy test process, the observer may be removed from the test area. An observer who has been removed from a logic and accuracy test may also be barred from future tests. The absence of observers may not delay or stop the test from being conducted.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-290, filed 8/29/05, effective 9/29/05.]

WAC 434-335-300 Logic and accuracy testing of vote tabulation systems. At least three days before each state primary or general election, the office of the secretary of state shall observe the official logic and accuracy test of the vote tabulation system prepared by the county auditor. The test must verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-300, filed 2/26/14, effective 3/29/14; WSR 08-05-120, § 434-335-300, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-300, filed 8/29/05, effective 9/29/05.]

WAC 434-335-310 Procedures for conducting an emergency logic and accuracy test. If the official logic and accuracy test cannot be completed at the scheduled time and place, an emergency test must be scheduled by the county auditor. The emergency test must be conducted and properly completed prior to processing any official ballots through the vote tabulation system. If a representative of the office of the secretary of state is unable to attend the emergency test, the county auditor and another member of the county canvassing board or their designated representative must observe the test and certify the

results. Observers and notification must be provided pursuant to WAC 434-335-290 and 434-335-320.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-310, filed 2/26/14, effective 3/29/14; WSR 08-05-120, § 434-335-310, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-310, filed 8/29/05, effective 9/29/05.]

WAC 434-335-320 Scheduling the logic and accuracy test—State primary and general election. The office of the secretary of state must contact each county auditor at least forty-five days before a state primary or general election to schedule the official logic and accuracy test. After the test has been scheduled, the county auditor shall notify the parties, press, public, and candidates of the date and time of the test.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-320, filed 2/26/14, effective 3/29/14; WSR 08-05-120, § 434-335-320, filed 2/19/08, effective 3/21/08; WSR 06-14-048, § 434-335-320, filed 6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-320, filed 8/29/05, effective 9/29/05.]

WAC 434-335-323 Preparing the logic and accuracy test. (1) Each county shall prepare a matrix of the test pattern used to mark the test deck of ballots for the official logic and accuracy test. The matrix shall consist of a spreadsheet listing the number of votes cast for each candidate and responses for and against each measure in each precinct or ballot style. The matrix shall include:

(a) For every precinct or ballot style, the first response position of every race or measure marked so the total votes cast for the first candidate of a race or the first response to a measure equals the total number of precincts or ballot styles being tested;

(b) Two votes for the second response position, three votes for the third response position, four votes for the fourth response position, etc.;

(c) For each tabulator's test deck:

(i) One write-in vote;

(ii) One overvoted race;

(iii) One blank ballot; and

(iv) At least one of each type of ballot to be used during the election including ballots on demand, alternative language ballots, electronically marked ballots, and electronically duplicated ballots.

(d) For all responses within a race or measure, including write-ins, unique results. Additional ballots must be added to the test deck in the following circumstances:

(i) Within a race or measure, more than one response has the same results;

(ii) A candidate appears in two different races on the same ballot; and

(iii) More than one measure appears on a ballot within the same jurisdiction and each has the same response position names. For example, if two measures with "yes" and "no" response names appear for the same jurisdiction, the test results shall be unique between the two measures.

(2) A copy of the county's test matrix and a sample ballot shall be sent to the office of the secretary of state by the fourteenth day prior to the official logic and accuracy test. The office of the secretary of state shall review the provided matrix to determine if it is prepared in accordance with this section.

(3) The county auditor shall produce a test deck of ballots based on the test matrix to be used in the official logic and accuracy test.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-323, filed 2/26/14, effective 3/29/14.]

WAC 434-335-325 Exception to logic and accuracy test pattern. A county auditor may file an exception request with the secretary of state to modify the test pattern provided in WAC 434-335-323. The county auditor must provide a description of the modification in detail, a sample test matrix, and the reasons for an exception. The exception request must be filed with the secretary of state no later than July 1st. The secretary of state must accept or reject the request in writing within thirty days. Accepted test patterns may be used in all future elections.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-325, filed 2/26/14, effective 3/29/14.]

WAC 434-335-330 Logic and accuracy test certification. (1) The official logic and accuracy test shall be certified by the county auditor or deputy, the secretary of state representative, and any political party observers for a state primary or general election in accordance with RCW 29A.12.130. Additionally, the county auditor must verify in writing that the version numbers for all software, firmware, and hardware of the voting system used have not changed from the certified versions.

(2) The county auditor shall provide the secretary of state representative copies of the following documents:

- (a) Test results;
- (b) A zero report;
- (c) Signed verification of the version numbers;
- (d) Signed certification of the official logic and accuracy test;
- (e) A test log of:
 - (i) The number of accessible voting units to be used in the primary or election; and
 - (ii) The electronic duplication system, if electronic duplication will be used in the primary or election; and
- (f) Any other documentation requested by the secretary of state representative in advance of the official test.

(3) Copies of the certification documents must be retained by the secretary of state and the county auditor. All test results, test ballots, the signed certification, and a copy of the tabulation programming or the actual tabulation equipment must be kept in secure storage until the day of the primary or election. The secure storage must use numbered seals and logs that will detect any inappropriate access.

(4) If, for any reason, changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-335-310.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-330, filed 2/26/14, effective 3/29/14; WSR 08-05-120, § 434-335-330, filed 2/19/08, effective 3/21/08; WSR 06-14-048, § 434-335-330, filed 6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-330, filed 8/29/05, effective 9/29/05.]

WAC 434-335-335 Other primaries and elections. For a primary or election that is not a state primary or election, the county auditor must conduct the official logic and accuracy test in the same manner as though it is a state primary or election.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-335, filed 2/26/14, effective 3/29/14.]

ELECTRONIC VOTING SYSTEMS

WAC 434-335-510 Definitions. "Calibration" is the touch screen setting on an accessible voting unit with touch screen capability that controls the target area.

"Direct recording electronic device" is a device that electronically records a voter's choices.

"Electronic ballot marker" is a device that physically marks a voter's choices on a preprinted paper ballot.

"Target area" is each area on the ballot where the voter's choices are recorded.

"Touch screen" is a type of computer interface on a voting device that allows the voter to make a choice by touching the screen.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-510, filed 1/18/10, effective 2/18/10; WSR 08-05-120, § 434-335-510, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-510, filed 8/29/05, effective 9/29/05.]

WAC 434-335-520 Logic and accuracy testing of accessible voting units. (1) The logic and accuracy test of accessible voting units must be completed before they may be used for marking or casting ballots. Counties must complete the testing to have in-person accessible voting available starting eighteen days before the day of a primary or election.

(2) This test serves as the official logic and accuracy test. A log must be created during the test, recording the time of each test, the precinct numbers, the seal number, the machine number, and the initials of each person testing the system. The log must be included in the official logic and accuracy test materials. This process is open to observation and subject to all notices and observers pursuant to WAC 434-335-290 and 434-335-320.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-335-520, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-520, filed 1/18/10, effective 2/18/10; WSR 08-05-120, § 434-335-520, filed 2/19/08, effective 3/21/08; WSR 06-14-048, § 434-335-520, filed

6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-520, filed 8/29/05, effective 9/29/05.]

WAC 434-335-540 Touch screen calibration adjustment standards and tests. Prior to each state primary and election, the calibration settings of each device using touch screen technology must be tested to ensure that the target areas are functioning within system standards.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-540, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-540, filed 8/29/05, effective 9/29/05.]

WAC 434-335-550 Direct recording electronic target area tests. Each county employing a direct recording electronic voting device must conduct a test to confirm that the target area indicated on each ballot face is programmed correctly. If the direct recording electronic device is going to be employed as an electronic ballot marker, the county must follow the requirements of WAC 434-335-560. Otherwise, the county must test all ballot styles on at least one device to ensure that the programming is correctly counting and accumulating every office, measure, and selection by the voter.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-550, filed 1/18/10, effective 2/18/10; WSR 08-05-120, § 434-335-550, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-550, filed 8/29/05, effective 9/29/05.]

WAC 434-335-560 Electronic ballot marker test. Each county employing an electronic ballot marker must conduct a test to confirm the target area indicated on each ballot face is programmed correctly. The county must test all ballot styles on at least one device to ensure the programming is correctly marking the target area for every office, measure, and selection by the voter.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-560, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-560, filed 8/29/05, effective 9/29/05.]

AUTOMATED SIGNATURE VERIFICATION SYSTEMS

WAC 434-335-605 Initial application for approval. Any vendor requesting approval of an automated signature verification system for use with a specific election management system must complete and submit an application to the secretary of state. The secretary of state shall coordinate its review of the system with the vendor and the participating county.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-605, filed 1/21/09, effective 2/21/09; WSR 07-12-032, § 434-335-605, filed 5/30/07, effective 6/30/07.]

WAC 434-335-615 Examination of signature verification system.

Prior to its use or purchase by any Washington county, an automated signature verification system must be reviewed and approved by the secretary of state for use with that county's particular election management system.

Prior to approval, an automated signature verification system must:

- (1) Be able to integrate with the election management system in use by the test county and the ballot accountability processes implemented by the county;
- (2) Have variable levels of confidence which the county may adjust and set to the level as subscribed by the secretary of state in the system's approval report; and
- (3) Provide a setting that must not accept a signature that an election worker with required signature training should not accept.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-335-615, filed 5/30/07, effective 6/30/07.]

WAC 434-335-625 Signature verification system acceptance testing. An agreement by a county auditor to purchase a signature verification system is subject to that system passing an acceptance test that demonstrates the system is operating as it was when it was approved by the secretary of state. The minimum acceptance test standards are listed below.

- (1) The version number of the signature verification software must be the same as the version number of the software approved by the secretary of state. Any hardware must be the same model number and contain the same version of firmware that is certified by the secretary of state.
- (2) The county auditor must receive all training and manuals necessary for the proper operation of the system.
- (3) The county auditor must perform a series of tests to verify that the software is not accepting signatures that the county auditor's trained signature verification personnel would not accept. The test should include the county auditor's own signature envelopes, and be run against the county auditor's election management system signatures.
- (4) The county auditor must perform a series of tests to verify the system integrates with the county election management system and ballot accountability processes.
- (5) The county auditor must include the secretary of state where the signature verification system is being integrated with an election management system that has not been previously approved for that system.
- (6) When participation by the secretary of state is not required under these rules, the county auditor must certify the results of the acceptance tests to the secretary of state. The certification must include version numbers of hardware, software and firmware installed and tested and ballot accountability procedures which incorporate the signature verification system.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-335-625, filed 5/30/07, effective 6/30/07.]

WAC 434-335-635 Signature verification system approval report.

No more than fourteen days following the approval of an automated signature verification system, the secretary of state must issue a written approval report that specifies the approved use of the system and conditions of its use. The approval must include the prescribed setting for the confidence level for either accepting or rejecting signatures. Signature verification systems are only approved for use with election management systems included in the approval report.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-335-635, filed 5/30/07, effective 6/30/07.]

Chapter 434-369 WAC
MAPS AND CENSUS CORRESPONDENCE LISTINGS
(Formerly chapter 434-69 WAC)

Last Update: 2/19/08

WAC

434-369-005 Authority and purpose.
434-369-010 Definitions.
434-369-020 Precinct maps—Distribution.
434-369-030 Precinct lists—Preparation and filing.
434-369-040 Base maps, census overlay maps, and related information—Duties of the secretary of state.
434-369-050 Precinct overlay maps—Preparation.
434-369-060 Census correspondence listings—Preparation.
434-369-070 Detail maps and census correspondence listings—Maintenance, distribution, and filing.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-369-080 Compensation to county auditors for direct expenses. [WSR 98-08-010, recodified as § 434-369-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-080, filed 4/8/80.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.

WAC 434-369-005 Authority and purpose. These rules are adopted under authority of RCW 29A.04.611 to implement RCW 29A.76.040, the census mapping project administered by the secretary of state for the U.S. Census Bureau.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-005, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-005, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-005, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-005, filed 4/8/80.]

WAC 434-369-010 Definitions. As used in this chapter:

(1) "Census mapping project" includes all functions performed by the secretary of state and each county auditor in the preparation, maintenance, distribution, and filing of precinct maps, detail maps, and census correspondence listings pursuant to RCW 29A.76.040.

(2) "Secretary of state" includes the secretary of state, assistant secretary of state, deputy secretary of state, or any other person authorized by the secretary of state to act in his or her behalf in the census mapping project.

(3) "County auditor" includes each county auditor, county elections official, or any other person authorized by the county auditor to act in his or her behalf in the census mapping project.

(4) "Census maps" refers to the maps provided by the U.S. Census Bureau which indicate census unit boundaries and numeric identification of such census units.

(5) "Census units" refers to the census geographic area designations for which the population count will be reported including census tracts, block groups, blocks, enumeration districts, and county census divisions.

(6) "Precinct maps" refers to the maps prepared by each county auditor pursuant to RCW 29A.76.040 which indicate the boundaries and numeric identification of each precinct in that county.

(7) "Precinct lists" refers to the lists prepared by each county auditor pursuant to RCW 29A.16.050(3) which indicate the names and consecutively assigned numbers of each precinct in that county.

(8) "Base maps" refers to the maps of each county which are provided by the secretary of state on which final detail maps will be prepared.

(9) "Census overlay maps" refers to the overlay maps prepared by the secretary of state which indicate census unit boundaries and numeric identification for the area covered by each base map.

(10) "Precinct overlay maps" refers to the overlay maps prepared by each county auditor which indicate precinct boundaries and numeric identification for the area covered by each base map.

(11) "Detail map" refers to the sets of maps produced by the combination of the base maps with the corresponding census and precinct overlay maps for each county.

(12) "Census correspondence listings" refers to the lists prepared by each county auditor pursuant to RCW 29A.76.040 which indicate the census units or portions of census units contained in each precinct in that county.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-010, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-010, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-010, filed 4/8/80.]

WAC 434-369-020 Precinct maps—Distribution. (1) Each county auditor shall maintain precinct maps of that county.

(2) Upon request, each county auditor shall transmit to the secretary of state one complete set of precinct maps of that county.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-020, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-020, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-020, filed 4/8/80.]

WAC 434-369-030 Precinct lists—Preparation and filing. Upon request, each county auditor shall prepare and transmit to the secretary of state a precinct list of that county. Precinct names shall be listed in alphabetical order or numbered consecutively.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-030, filed 2/19/08, effective 3/21/08. WSR 98-08-010, recodified as § 434-369-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-030, filed 4/8/80.]

WAC 434-369-040 Base maps, census overlay maps, and related information—Duties of the secretary of state. The secretary of state shall prepare and transmit to each county auditor the following:

- (1) A set of base maps of that county;
- (2) A set of census overlay maps for each base map of that county; and
- (3) A sequential census unit listing, provided by the U.S. Census Bureau, which indicates all census units delineated on the census and base maps of that county.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-040, filed 2/19/08, effective 3/21/08. WSR 98-08-010, recodified as § 434-369-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-040, filed 4/8/80.]

WAC 434-369-050 Precinct overlay maps—Preparation. Pursuant to the provisions of RCW 29A.76.040, each county auditor shall prepare precinct overlay maps for each base map of the county and each city and town within that county.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-050, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-050, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-050, filed 4/8/80.]

WAC 434-369-060 Census correspondence listings—Preparation. Pursuant to the provisions of RCW 29A.76.040, each county auditor shall prepare a census correspondence listing according to the following procedures:

- (1) Record the census tracts or county census divisions (CCD) and the smallest census units in each area for which population counts are to be reported from the sequential census unit listing supplied by the U.S. Census Bureau. The order of census information on the census correspondence listing shall be identical to the sequential census unit listing.
- (2) Record the number or numbers, as assigned pursuant to RCW 29A.16.050(3), of each precinct that is wholly or partially coextensive with the census unit.
- (3) Where census unit or precinct boundaries are not coincident, estimate for each portion of a split census unit, the proportion of the total number of registered voters residing in each precinct containing a portion of the split census unit. Each county auditor shall refer to current voter registration lists and other available informa-

tion to determine such estimated proportion of registered voters. Such estimates shall be expressed to at least the nearest 10 percent of the total number of registered voters within the precinct.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-060, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-060, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-060, filed 4/8/80.]

WAC 434-369-070 Detail maps and census correspondence listings—Maintenance, distribution, and filing. (1) Upon request, each county auditor shall send to the secretary of state the complete set of detail maps and census correspondence listings for that county;

(2) The secretary of state shall maintain the original sets of detail maps of each county;

(3) The secretary of state shall reproduce and distribute copies of detail maps to each county auditor for the actual cost of reproduction; and

(4) Each county auditor shall maintain copies of precinct maps, detail maps, and census correspondence listings of the county. Such maps shall be available for public inspection during normal office hours. Copies shall be made available to the public at actual reproduction cost.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-070, filed 2/19/08, effective 3/21/08. WSR 98-08-010, recodified as § 434-369-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-070, filed 4/8/80.]

Chapter 434-379 WAC
INITIATIVES AND REFERENDA
(Formerly chapter 434-79 WAC)

Last Update: 2/26/14

WAC

434-379-005	Filing of an initiative or referendum—Fee—Required documents.
434-379-007	Certificate of review.
434-379-008	Petition requirements.
434-379-009	Processing filed petitions.
434-379-010	Random sampling procedure.
434-379-012	Acceptance of signatures.
434-379-020	Signature verification standard.

WAC 434-379-005 Filing of an initiative or referendum—Fee—Required documents. A person desiring to file with the secretary of state a proposed initiative to the people, initiative to the legislature, or referendum measure may do so by filing the following documents:

(1) A legible copy of the measure proposed, or the act or part of such act on which a referendum is desired;

(2) An affidavit declaring under penalty of perjury:

(a) That the person submitting the proposed measure is over eighteen years of age and competent to testify;

(b) That the person submitting the proposed measure is a registered voter in the state of Washington;

(c) Whether the proposed measure is an initiative to the people, initiative to the legislature, or referendum; and

(d) The subject of the initiative, or the bill number of the legislation being referred; and

(3) A filing fee of five dollars for each measure submitted.

The proposed measure is not considered filed with the secretary of state until all documents and fees are filed, including any original versions required.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-379-005, filed 1/21/09, effective 2/21/09; WSR 06-23-094, § 434-379-005, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.611 and 43.07.120. WSR 05-12-116, § 434-379-005, filed 5/31/05, effective 7/1/05.]

WAC 434-379-007 Certificate of review. After filing the documents listed in WAC 434-379-005, a copy of the documents is sent to the code reviser. The code reviser shall issue a certificate of review certifying that he or she has reviewed the measure and that any recommendations have been communicated to the sponsor. Within fifteen working days after the date that the secretary of state submits the proposed measure to the code reviser's office, the sponsor shall file the measure and the certificate of review with the secretary of state for assignment of a serial number. The secretary of state shall refuse to make such assignment unless the measure is accompanied by a certificate of review that has substantially the same topic as the measure.

[Statutory Authority: RCW 29A.04.611 and 43.07.120. WSR 05-12-116, § 434-379-007, filed 5/31/05, effective 7/1/05.]

WAC 434-379-008 Petition requirements. (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.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-379-008, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-379-008, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-379-008, filed 11/15/06, effective 12/16/06; WSR 06-11-043, § 434-379-008, filed 5/10/06, effective 6/10/06.]

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 to file the signed petitions at least two business days in advance. 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.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-379-009, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-379-009, filed 7/2/12, effective 8/2/12.]

WAC 434-379-010 Random sampling procedure. In the verification of signatures on initiative and referendum petitions, under RCW 29A.72.230, the following statistical test may be employed:

(1) Take a minimum three percent unrestricted random sample of the signatures submitted;

(2) Check each signature sampled to determine the number of valid signatures in the sample, the number of signatures in the sample which are invalid because the individual signing is not registered or the signature is improper in form, and the number of signatures which are duplicated in the sample;

(3) Calculate an allowance for the chance error of sampling by multiplying the square root of the number of invalid signatures in the sample by 1.5;

(4) Estimate the upper limit of the number of signatures in the population which are invalid by dividing the sum of the invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio, i.e. the number of signatures sampled divided by the number of signatures submitted;

(5) Determine the maximum allowable number of pairs of signatures in the population by subtracting the sum of the number of signatures required by Article II, Section 1 of the Washington state Constitution and the estimate of the upper limit of the number of invalid signatures in the population from the number of signatures submitted;

(6) Determine the expected number of pairs of signatures in the sample by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures in the population;

(7) Determine the acceptable number of pairs of signatures in the sample by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample;

(8) If the number of pairs of signatures in the sample is greater than the acceptable number of pairs of signatures in the sample, each signature shall be canvassed to determine the exact number of valid signatures;

(9) If the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, the petition shall be deemed to contain sufficient signatures and the serial number and ballot title shall be certified to the state legislature as provided in RCW 29A.72.230 or to the county auditors as provided in RCW 29A.72.250.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-379-010, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611 and 43.07.120. WSR 05-12-116, § 434-379-010, filed 5/31/05, effective 7/1/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-379-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-379-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.79.200 and 29.04.080. WSR 97-17-035, § 434-79-010, filed 8/13/97, effective 9/13/97. Statutory Authority: RCW 29.79.200. WSR 78-08-032 (Order 78-2), § 434-79-010, filed 7/17/78.]

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.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-379-012, filed 7/2/12, effective 8/2/12.]

WAC 434-379-020 Signature verification standard. A signature on a petition sheet must be matched to the signature on file in the voter registration records. The following characteristics must be utilized to evaluate signatures to determine whether they are by the same writer:

(1) Agreement in style and general appearance, including basic construction, skill, alignment, fluency, and a general uniformity and consistency between signatures;

(2) Agreement in the proportions of individual letters, height to width, and heights of the upper to lower case letters;

(3) Irregular spacing, slants, or sizes of letters that are duplicated in both signatures;

(4) After considering the general traits, agreement of the most distinctive, unusual traits of the signatures.

A single distinctive trait is insufficient to conclude that the signatures are by the same writer. There must be a combination or cluster of shared characteristics. Likewise, there must be a cluster of differences to conclude that the signatures are by different writers.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-379-020, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611 and 43.07.120. WSR 05-12-116, § 434-379-020, filed 5/31/05, effective 7/1/05.]

Chapter 434-381 WAC
STATE VOTERS' PAMPHLET
(Formerly chapter 434-81 WAC)

Last Update: 2/26/14

WAC

434-381-110	Candidate and committee contacts.
434-381-120	Deadlines.
434-381-130	Size and quality of photographs.
434-381-140	Restriction on photographs.
434-381-150	Rejection of photographs.
434-381-160	Listing committee names and contact information.
434-381-170	Statement and argument format.
434-381-180	Editing statements and arguments.
434-381-190	Prevention of art work, photographs or other material by candidate.
434-381-200	Political party preference information.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-381-010	Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature. [WSR 98-08-010, recodified as § 434-381-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-010, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
434-381-020	Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures. [WSR 98-08-010, recodified as § 434-381-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-020, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
434-381-030	Additional members on committees to draft arguments for the voters pamphlets. [WSR 98-08-010, recodified as § 434-381-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-030, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
434-381-040	Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet. [WSR 98-08-010, recodified as § 434-381-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-040, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
434-381-050	Advisory committees. [WSR 98-08-010, recodified as § 434-381-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-050, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

434-381-060 Length of statements and rebuttals. [WSR 98-08-010, recodified as § 434-381-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-060, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

434-381-070 Restrictions on the style of statements in the voters pamphlets. [WSR 98-08-010, recodified as § 434-381-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-070, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

434-381-080 Submission of statements and rebuttals. [WSR 98-08-010, recodified as § 434-381-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-080, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

434-381-090 Rejection of statements for the voters pamphlet. [WSR 98-08-010, recodified as § 434-381-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-090, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

434-381-100 Editing of statements for the voters pamphlet. [WSR 98-08-010, recodified as § 434-381-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-100, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

WAC 434-381-110 Candidate and committee contacts. Every candidate or committee appearing in the state voters' pamphlet shall designate a contact person with whom the secretary shall communicate all matters related to the pamphlet. Within five business days of the appointment of the initial members, the committee shall provide a name, mailing address, telephone number, fax number and e-mail address as applicable. In the case of candidates the secretary shall use the information on the declaration of candidacy unless the candidate provides different information pursuant to this section.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-110, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-110, filed 12/28/01, effective 1/28/02.]

WAC 434-381-120 Deadlines. (1) Candidate statements and photographs shall be submitted to the secretary of state no later than the Friday following the last day of the filing period.

(2) For ballot measures, including initiatives, referenda, alternatives to initiatives to the legislature, and constitutional amendments, the following documents shall be filed with the secretary of state on or before the following deadlines:

(a) Appointments of the initial two members of committees to prepare arguments for and against measures:

(i) For an initiative to the people or referendum measure: No later than seven business days after the submission of signed petitions to the secretary of state;

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, no later than seven business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot;

(b) Appointment of additional members of committees to prepare arguments for and against ballot measures, no later than the date the committee submits its initial argument to the secretary of state;

(c) For arguments for or against a ballot measure:

(i) For an initiative to the people or referendum measure: No later than ten business days following appointment of the initial committee members;

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, no later than fourteen business days following appointment of the initial committee members;

(d) Rebuttals of arguments for or against a ballot measure, no later than five business days following the transmittal of the final statement to the committees by the secretary. The secretary shall not transmit arguments to opposing committees for the purpose of rebuttals until both arguments are complete.

(3) If a ballot measure is the product of a special session of the legislature and the secretary of state determines that the deadlines set forth in subsection (2) of this section are impractical due to the timing of that special session, then the secretary of state may establish a schedule of deadlines unique to that measure.

(4) The deadlines stated in this rule are intended to promote the timely publication of the voters' pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late filing when, in the secretary's judgment, it is reasonable to do so. Once statements or arguments are submitted to the secretary, changes by the candidate or committee will not be accepted unless requested by the secretary.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-381-120, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-381-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-120, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-381-120, filed 1/21/09, effective 2/21/09; WSR 08-15-052, § 434-381-120, filed 7/11/08, effective 8/11/08; WSR 08-05-120, § 434-381-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-381-120, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-120, filed 12/28/01, effective 1/28/02.]

WAC 434-381-130 Size and quality of photographs. Candidate photographs submitted for inclusion in the voters' pamphlet must have been taken within the past five years. Photos must be limited to the head and shoulders, with a light-colored background, but not a white background. Color photos are preferred, though black and white photos are acceptable. The photo size must be no smaller than two and one-half inches by three inches, and no larger than eight inches by ten inches. Photos submitted digitally must be a resolution no less than 300 dpi and not digitally altered. Lab processed no gloss prints meeting the size and quality specifications may also be submitted. The secretary may adjust or crop photos as necessary to fit the publication format. Photos not meeting the specifications may be rejected.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-130, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-130, filed 12/28/01, effective 1/28/02.]

WAC 434-381-140 Restriction on photographs. No photograph submitted for inclusion in the voters pamphlet may reveal clothing or insignia suggesting the holding of a public office. Examples of such

clothing or insignia include, but are not limited to, judicial robes, law enforcement or military uniforms, official seals or symbols similar thereto other than the flag of the state of Washington, or other similar indicia of public office.

[Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-140, filed 12/28/01, effective 1/28/02.]

WAC 434-381-150 Rejection of photographs. The secretary may reject candidate photographs that do not meet the guidelines outlined by rule.

(1) The secretary will notify candidates whose photographs are being rejected;

(2) Candidates whose photographs are rejected by the secretary will be allowed to submit a new photograph;

(3) Replacement photographs must be submitted by the date specified by the secretary.

[Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-150, filed 12/28/01, effective 1/28/02.]

WAC 434-381-160 Listing committee names and contact information. Committee names and contact information shall be submitted to the secretary of state.

(1) Names for publication in the voters pamphlet shall be listed in the order submitted by the committee;

(2) Each committee member may use up to eight words as a title or identification. No words that are obscene or otherwise prohibited for distribution through the mail may be used;

(3) The secretary will make every effort to maintain consistency in form and style for publications;

(4) State legislators will be identified in the following manner: State representative or state senator, with each title constituting two words;

(5) State elected officials will be identified as follows: Governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands and insurance commissioner, with each title counting as many words as in that title;

(6) Additional titles or descriptions may be added to reach the maximum title length; and

(7) Each committee may submit contact information for inclusion in the voters pamphlet consisting of: A telephone number, an e-mail, and an internet address which will not count toward the maximum word allowance.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-381-160, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-160, filed 12/28/01, effective 1/28/02.]

WAC 434-381-170 Statement and argument format. (1) Statements or arguments submitted for inclusion in the voters pamphlet shall not exceed the word limit set by statute.

(a) Arguments for or against measures may contain up to four headings used to highlight major points in the argument and will count toward the maximum word count set for arguments. Rebuttals may not contain headings;

(b) The four headings may not exceed fifteen words for each heading;

(c) Photographs or charts may be used in statements or arguments substituting fifty words from the statement or argument for each square inch used by the photograph or chart. This subsection does not apply to the photographs submitted pursuant to WAC 434-381-130 (size and quality of photographs).

(2) Statements and arguments submitted to the secretary of state shall be printed in a format that in the opinion of the secretary will provide the best reproduction.

(a) Statements and arguments will be laid out in a standard font without the use of boldface, underlining, or all caps;

(b) Italics may be used to add emphasis to statements or arguments;

(c) Argument headings will be laid out in boldface letters; and

(d) Statements are limited to one paragraph per fifty words. Arguments are limited to four paragraphs. Rebuttals are limited to one paragraph.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-170, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-381-170, filed 1/18/10, effective 2/18/10. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-170, filed 12/28/01, effective 1/28/02.]

WAC 434-381-180 Editing statements and arguments. The secretary of state is not responsible for the content of arguments or statements and shall not edit the content of statements or arguments:

(1) The secretary may correct obvious errors in grammar, spelling or punctuation;

(2) The secretary shall promptly attempt to notify any candidate or committee, by any means the secretary deems reasonable under the circumstances, if a statement or argument exceeds the maximum number of words. If the candidate or committee does not provide the secretary with a revised statement or argument that meets the word limit within three business days after the deadline for submission of the statement or argument, then the secretary shall modify the statement to fit the limit by removing full sentences, starting at the end, until the maximum word limit is reached;

(3) The secretary shall notify any committee that submits a title or identification for their members that does not conform to WAC 434-381-160(2). If the committee does not provide the secretary with a revised title or identification that meets the requirements established in WAC 434-381-160(2) within three business days after the deadline for submission, the secretary shall publish the name without any title or identification;

(4) Prior to publishing the pamphlet the secretary shall make a reasonable effort to provide a proof copy to the candidate or committee as it will appear showing any changes to the statement or argument; and

(5) Candidates or committees may only correct obvious errors or inaccuracies made by the secretary that they discover in their own

proof copy. Changes in content are not allowed. Changes must be received by the secretary within three business days after proofs are sent by the secretary.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-180, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-180, filed 12/28/01, effective 1/28/02.]

WAC 434-381-190 Prevention of art work, photographs or other material by candidate. (1) The secretary shall be prohibited from using the art work, photography, or other materials provided by candidates for public office in the voters' pamphlet in which the candidate's name appears, except that required by law or rule for the candidate's statements or, information provided by the office that publishes the pamphlet;

(2) Prior to final printing of the voters' pamphlet, the secretary will review complete "camera ready" copies of each edition of the voters' pamphlet;

(3) Language shall be placed into contracts, with the office of the secretary of state to produce the voters' pamphlet, to certify that those providing content materials for the voters' pamphlet are not candidates for public office and those individuals will not run for public office while their materials are being used in a state or local pamphlet produced in conjunction with the state voters' pamphlet.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-190, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-190, filed 12/28/01, effective 1/28/02.]

WAC 434-381-200 Political party preference information. If a state voters' pamphlet includes a race for partisan office, the pamphlet must include an explanation that each candidate for partisan office may state a political party that he or she prefers, and that a candidate's preference does not imply that the candidate is nominated or endorsed by the party or that the party approves of or associates with that candidate. The pamphlet must also explain that a candidate can choose to not state a political party preference.

[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-381-200, filed 7/11/08, effective 8/11/08.]

Chapter 434-600 WAC PROMULGATION

Last Update: 1/21/93

WAC
434-600-010 General purpose.

WAC 434-600-010 General purpose. These regulations are adopted under the provisions of chapter 40.14 RCW as amended by section 1, chapter 10, Laws of 1971 ex. sess. and chapter 54, Laws of 1973, in

order to furnish procedures for the management, disposition, and preservation of public records of state and local agencies.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-600-010, filed 1/21/93, effective 2/21/93.]

Chapter 434-610 WAC DEFINITIONS

Last Update: 1/21/93

WAC

434-610-010	"Agency" defined.
434-610-020	"Public record" defined.
434-610-025	"Writing" defined.
434-610-030	"Records classification" defined.
434-610-040	"Official public records" defined.
434-610-050	"Office files and memoranda" defined.
434-610-060	"Record series" defined.
434-610-070	"Retention period" defined.
434-610-080	"Long term records" defined.
434-610-090	"Archival records" defined.
434-610-100	"Retention schedule" defined.
434-610-110	"Scheduled records" defined.
434-610-120	"Division records" defined.

WAC 434-610-010 "Agency" defined. "Agency" means any department, office, commission, board, or division of state government; and any county, city, district, or other political subdivision or municipal corporation or any department, office, commission, court, or board or any other state or local government unit, however designated.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-610-010, filed 1/21/93, effective 2/21/93.]

WAC 434-610-020 "Public record" defined. "Public records" means any paper, correspondence, completed form, record book, photograph, map, or drawing, regardless of physical form or characteristics, and including records stored on magnetic, electronic, or optical media, and including all copies thereof, that have been made by any agency or received by it in connection with the transaction of public business. And includes any writing containing information relating to the conduct of government or the performance of government or proprietary function prepared, owned, used, or retained by the state or local agency regardless of physical form or characteristics.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-610-020, filed 1/21/93, effective 2/21/93.]

WAC 434-610-025 "Writing" defined. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and all papers, maps, magnetic tape, punched cards, discs, drums, and other documents.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-610-025, filed 1/21/93, effective 2/21/93.]

WAC 434-610-030 "Records classification" defined. "Records classification" means the designation of a record as either an official public record or as an office file and memorandum, as those terms are defined by RCW 40.14.010 and by these regulations.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-610-030, filed 1/21/93, effective 2/21/93.]

WAC 434-610-040 "Official public records" defined. "Official public records" means all original or most important copies of vouchers, receipts, and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use, and disposition of all public property and public income from all sources whatever; all agreements and contracts to which the state of Washington or any agency thereof may be a party; all fidelity, surety, and performance bonds; all claims filed against the state of Washington or any agency thereof; all records and documents required by law to be filed with or kept by the state of Washington or any agency thereof; all legislative records as defined in section 2, chapter 1, Laws of 1971, ex. sess., and chapter 2, Laws of 1971 ex. sess.; and all other documents or records determined by the state or local records committees to be official public records.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-610-040, filed 1/21/93, effective 2/21/93.]

WAC 434-610-050 "Office files and memoranda" defined. "Office files and memoranda" means all records, correspondence, exhibits, record books, booklets, drawings, maps, completed forms, or documents produced or received by the agency but not defined and classified as official public records; all documents and reports made for the internal administration of the office to which they pertain, but not required by law to be filed or kept with such agency; and all other documents or records determined by the state or local records committees to be office files and memoranda.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-610-050, filed 1/21/93, effective 2/21/93.]

WAC 434-610-060 "Record series" defined. "Record series" means any group of related records which is filed and used as a unit and which permits evaluation as a unit for disposition purposes.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-610-060, filed 1/21/93, effective 2/21/93.]

WAC 434-610-070 "Retention period" defined. "Retention period" means the period of time that must elapse before a specific record is eligible for disposal or transfer in accord with approved retention schedules.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-610-070, filed 1/21/93, effective 2/21/93.]

WAC 434-610-080 "Long term records" defined. "Long term records" means records which have an enduring administrative, legal, or financial value and in consequence thereof, must be retained and preserved more than six year.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-610-080, filed 1/21/93, effective 2/21/93.]

WAC 434-610-090 "Archival records" defined. "Archival records" means those public records of state and local government agencies which are determined by the state archivist as having continued historical value, must be permanently preserved and have been or may be transferred to the custody of the division of archives after their approved retention has been met.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-610-090, filed 1/21/93, effective 2/21/93.]

WAC 434-610-100 "Retention schedule" defined. "Retention schedule" means a compilation of records of an office by name and description which indicates the length of time each record series must be retained and authorizing its disposition.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-610-100, filed 1/21/93, effective 2/21/93.]

WAC 434-610-110 "Scheduled records" defined. "Scheduled records" are those public records which have been inventoried in accord with these regulations and approved for disposition and/or transfer to the records center but remain under the jurisdiction of the agency of origin.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-610-110, filed 1/21/93, effective 2/21/93.]

WAC 434-610-120 "Division records" defined. "Division records" are those records pertaining to the operations of the division of archives and records management.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-610-120, filed 1/21/93, effective 2/21/93.]

**Chapter 434-615 WAC
CUSTODY OF PUBLIC RECORDS**

Last Update: 10/19/94

WAC
434-615-010 Public records as public property.
434-615-020 Custody.
434-615-030 Authority to transfer records.

WAC 434-615-010 Public records as public property. All public records shall be and remain the property of the state or local agency. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of chapter 40.14 RCW or as otherwise provided for by law and by these regulations.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-615-010, filed 1/21/93, effective 2/21/93.]

WAC 434-615-020 Custody. Unless otherwise provided by law, public records must remain in the legal custody of the office in which they were originally filed, which shall be considered the office of record, or shall be destroyed or transferred pursuant to instructions from the state or local records committee as required by chapter 40.14 RCW. They shall not be placed in the legal or physical custody of any other person or agency, public or private, or released to individuals, except for disposition pursuant to law or unless otherwise expressly provided by law or by these regulations.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-615-020, filed 1/21/93, effective 2/21/93.]

WAC 434-615-030 Authority to transfer records. All state agency records not required in the current operation of the office where they are made or kept, and all records of every state agency, commission, committee, or any other activity of state or local government which may be abolished or discontinued, shall be transferred to the state archives in accord with approved records retention schedules.

State records designated by the state archivist as being archival or potentially archival shall be transferred to the legal and physical custody of the state archives so that the valuable historical records of the state may be centralized, made more widely available for research, and insured permanent preservation.

Transfer of archival records to the state archives must take place within fifty years of the creation of the records so that they may be preserved for posterity in archival-quality conditions. Records which the state is required to keep permanently will be maintained intact by the state archivist, who will assume all responsibility for the access, care and preservation of such records.

Local government agency records designated by the state archivist as of primarily historical interest may be transferred to the state archives, or one of its designated regional depositories, in order to relieve local offices of the burden of housing them, to insure their preservation, and to make them available for reference or study. Officials of local agencies are authorized to transfer records in their custody which are no longer in current use to the Washington state archives. The state archives is not under obligation to acquire such records and will accept only records deemed valuable as a historical source. Any transfer must be by concurrent agreement, excepting wherein records are selected for preservation as historical sources from records retention schedules submitted to the local records committee for disposition authorization.

Records designated as archival on records retention schedules must be either transferred to the state archives system or retained by the originating agency in accord with standards for the maintenance of and access to archival records issued by the state archivist.

[Statutory Authority: RCW 40.14.020. WSR 94-21-089, § 434-615-030, filed 10/19/94, effective 11/19/94. Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-615-030, filed 1/21/93, effective 2/21/93.]

Chapter 434-620 WAC POWERS AND DUTIES OF THE STATE ARCHIVIST

Last Update: 1/21/93

WAC

434-620-010 Powers and duties of the state archivist.

WAC 434-620-010 Powers and duties of the state archivist. The division of archives and records management is established in the office of the secretary of state. The division is administered by the state archivist and is the primary archival and records management agency of Washington state government. In order to insure the proper management and safekeeping of public records, the state archivist, through the several sections of the division, carries out the following functions:

- (1) Manages the archives of the state of Washington;
- (2) Centralizes the archives of the state of Washington to make them available for reference and scholarship, and to insure their proper preservation;
- (3) Inspects, inventories, catalogs, and arranges records retention and transfer schedules on all record files of all state departments and other agencies of state government;
- (4) Insures the maintenance and security of all state public records and establishes safeguards against unauthorized removal or destruction;
- (5) Establishes and operates such state records centers as may from time to time be authorized by appropriation for the purpose of preserving, servicing, screening, and protecting all state public records which must be retained temporarily or permanently, but which need not be kept in office space and equipment;
- (6) Adopts rules under chapter 34.05 RCW:
 - (a) Establishing standards for the durability and permanence of public records maintained by state and local agencies;
 - (b) Governing procedures for the creation, maintenance, transmission, or reproduction of public documents or records in a manner consistent with current standards, policies, and procedures of the department of information services for the acquisition of information technology;
 - (c) Governing the accuracy and durability of photographic, optical, electronic, or other images used as public records;
 - (d) Carrying out other provisions of chapter 40.14 RCW.
- (7) Operates a central microfilm bureau which will microfilm, at cost, records approved for filming by the head of the office of origin and the archivist; approves microfilming projects undertaken by state departments and other agencies of state government; and maintains proper standards for this work;

(8) Maintains necessary facilities for the review of records approved for destruction and for their economical disposition; directly supervise such destruction of records as should be authorized by law;

(9) Provides assistance to agencies of local government in records management related matters;

(10) Manages a statewide essential records protection program including the operation of an essential records storage facility, and serves as depository for essential record microfilms for state and local government agencies.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-620-010, filed 1/21/93, effective 2/21/93.]

Chapter 434-624 WAC POWERS AND DUTIES OF THE STATE RECORDS COMMITTEE

Last Update: 3/5/12

WAC

434-624-010	Membership.
434-624-020	Committee officers—Duties.
434-624-030	General powers of the committee.
434-624-040	General duties of the committee.
434-624-050	Committee meetings.

WAC 434-624-010 Membership. The chief examiner of the division of departmental audits of the state auditor's office, the state archivist, a representative appointed by the attorney general and a representative appointed by the director of the office of financial management shall constitute a committee to be known as the state records committee.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-624-010, filed 1/21/93, effective 2/21/93.]

WAC 434-624-020 Committee officers—Duties. The chief examiner of the division of departmental audits of the state auditor's office shall be ex officio chairperson of the state records committee. The representative appointed by the attorney general shall be vice-chairperson. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-624-020, filed 1/21/93, effective 2/21/93.]

WAC 434-624-030 General powers of the committee. The state records committee may adopt appropriate procedures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of state agencies; may exercise such further powers as are granted by chapter 40.14 RCW or by any other statute.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-624-030, filed 1/21/93, effective 2/21/93.]

WAC 434-624-040 General duties of the committee. The committee shall review records retention and disposition schedules submitted to it for authorization and may veto, approve, or amend the schedule or any or all records series contained therein. Approval of a schedule or amended schedule shall be by majority vote of the state records committee members.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-624-040, filed 1/21/93, effective 2/21/93.]

WAC 434-624-050 Committee meetings. The state records committee shall meet in open session at least quarterly to consider all business relevant to the duties of the committee, at the office of the state archivist, Olympia, Washington.

[Statutory Authority: RCW 40.14.020. WSR 12-06-053, § 434-624-050, filed 3/5/12, effective 4/5/12. Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-624-050, filed 1/21/93, effective 2/21/93.]

**Chapter 434-626 WAC
POWERS AND DUTIES OF THE STATE AGENCY RECORDS OFFICERS**

Last Update: 1/21/93

WAC
434-626-010 Designation.
434-626-020 Powers and duties of agency records officers.

WAC 434-626-010 Designation. The head of each agency of state government shall designate a records officer to supervise the agency records management program and to represent the agency in all its contacts with the state records committee and the division of archives and records management.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-626-010, filed 1/21/93, effective 2/21/93.]

WAC 434-626-020 Powers and duties of agency records officers. To facilitate the state records management program, agency records officers shall have reasonable access to all records of the agency, wherever kept, for the purposes of inventorying and scheduling their retention and transfer and shall perform the following duties.

(1) Approve all records inventory and destruction requests which are submitted to the state records committee by agency offices.

(2) Review the inventory, or manage the inventory, of all agency public records at least once during a biennium for disposition scheduling and transfer action, in accordance with procedures prescribed by the state archivist and the state records committee.

(3) Analyze records inventory data, examine and compare divisional or unit inventories for duplication of records, and recommend to the state archivist and state records committee minimal retentions for all copies commensurate with legal, financial, and administrative needs.

(4) Review established records retention schedules at least biennially to insure that they are complete and current.

(5) Consult with other staff of the agency responsible for the maintenance of specific records regarding records retention and transfer recommendations.

(6) Administer the agency essential records program including an annual review and update of the agency essential records schedule in accordance with chapter 40.10 RCW and procedures established by the state archivist. Participate in the agency disaster preparedness plan as it relates to records protection and recovery in accord with guidelines provided by the state archivist.

(7) Exercise internal control over the acquisition of filing, microfilming, and other recording equipment and services.

(8) Coordinate other aspects of the agency records management program pursuant to law or these regulations.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-04-001, § 434-626-020, filed 1/21/93, effective 2/21/93.]

**Chapter 434-630 WAC
POWERS AND DUTIES OF THE LOCAL RECORDS COMMITTEE**

Last Update: 3/5/12

WAC

434-630-010	Membership.
434-630-020	Committee officers—Duties.
434-630-030	General powers of the committee.
434-630-040	General duties of the committee.
434-630-050	Duties of the state archivist.
434-630-060	Committee meetings.

WAC 434-630-010 Membership. The chief examiner of the division of municipal corporations of the state auditor's office, the state archivist, and a representative appointed by the attorney general shall constitute a committee to be known as the local records committee. Reference: RCW 40.14.070.

[Statutory Authority: Chapter 40.14 RCW. WSR 92-18-047, § 434-630-010, filed 8/28/92, effective 9/28/92.]

WAC 434-630-020 Committee officers—Duties. The chief examiner of the division of municipal corporations shall be ex officio chairperson of the local records committee. The representative appointed by the attorney general shall be vice-chairperson. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings.

[Statutory Authority: Chapter 40.14 RCW. WSR 92-18-047, § 434-630-020, filed 8/28/92, effective 9/28/92.]

WAC 434-630-030 General powers of the committee. The local records committee may adopt appropriate procedures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of local government agencies, and may exercise such further powers as are granted by chapter 40.14 RCW or any other statute.

[Statutory Authority: Chapter 40.14 RCW. WSR 92-18-047, § 434-630-030, filed 8/28/92, effective 9/28/92.]

WAC 434-630-040 General duties of the committee. The local records committee shall review lists of records submitted to it for destruction authorization and may veto the destruction of any or all items contained therein.

The local records committee shall also review recurring disposition schedules recommended to it by agencies of local government and may veto, approve, or amend such schedules. Approval of a schedule or amended schedule shall be by unanimous vote of the local records committee members.

[Statutory Authority: Chapter 40.14 RCW. WSR 92-18-047, § 434-630-040, filed 8/28/92, effective 9/28/92.]

WAC 434-630-050 Duties of the state archivist. To facilitate the work of the local records committee, the state archivist shall have reasonable access to all public records, wherever kept, for the purposes of information, surveying, or cataloging them and shall perform the following duties:

(1) Provide guidelines to local governmental agencies for their assistance in preparing lists and schedules for destruction authorization.

(2) Record final actions and maintain the official files of the committee.

(3) Designate those records of county, municipal, or other local government agencies which are of primarily historical interest and arrange for document transfer to a recognized depository agency in order to relieve local officers of the burden of housing such records and to insure their preservation.

[Statutory Authority: Chapter 40.14 RCW. WSR 92-18-047, § 434-630-050, filed 8/28/92, effective 9/28/92.]

WAC 434-630-060 Committee meetings. The local records committee shall meet in open public session at least quarterly to consider all business relevant to the duties of the committee, at the office of the state archivist, Olympia, Washington.

[Statutory Authority: RCW 40.14.020. WSR 12-06-054, § 434-630-060, filed 3/5/12, effective 4/5/12. Statutory Authority: Chapter 40.14 RCW. WSR 92-18-047, § 434-630-060, filed 8/28/92, effective 9/28/92.]

Chapter 434-635 WAC LOCAL RECORDS DISPOSITION AUTHORIZATION

Last Update: 8/28/92

WAC	
434-635-010	Statutory requirements.
434-635-020	Types of destruction authorizations.
434-635-030	Listed nonrecurring authorization.
434-635-040	Recurring disposition schedules.
434-635-050	General schedules may be adopted.

WAC 434-635-010 Statutory requirements. No public record other than office files and memoranda of any local government agency shall be destroyed until it is six years old or until the six-year retention is reduced by the local records committee for records that are shown by the requesting agency that a six-year retention is both unnecessary and uneconomical or that a lesser federal retention guideline has been established; or until the record has been authorized for microfilming or for conversion to any other document imaging system approved by the state archivist.

Except as otherwise provided by law, no public record, including office files and memoranda, shall be destroyed until approved for destruction by the local records committee. Reference chapter 40.14 RCW.

[Statutory Authority: Chapter 40.14 RCW. WSR 92-18-048, § 434-635-010, filed 8/28/92, effective 9/28/92.]

WAC 434-635-020 Types of destruction authorizations. Requests to destroy public records in the possession of local government agencies shall be approved only by the local records committee and shall be of two types as further set forth in these regulations; namely:

- (1) Listed nonrecurring authorization; and
- (2) Recurring disposition schedules.

[Statutory Authority: Chapter 40.14 RCW. WSR 92-18-048, § 434-635-020, filed 8/28/92, effective 9/28/92.]

WAC 434-635-030 Listed nonrecurring authorization. County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the local records committee lists of such records on forms provided by the division of archives and records management. Such lists, when approved by the local records committee, constitute authority to destroy the specifically dated records indicated. Listed authorizations are valid only for the dates specified and are not recurring for subsequently dated records without submittal of a new list.

[Statutory Authority: Chapter 40.14 RCW. WSR 92-18-048, § 434-635-030, filed 8/28/92, effective 9/28/92.]

WAC 434-635-040 Recurring disposition schedules. A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management, to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedules or amended schedules shall be by unanimous vote of the local records committee.

[Statutory Authority: Chapter 40.14 RCW. WSR 92-18-048, § 434-635-040, filed 8/28/92, effective 9/28/92.]

WAC 434-635-050 General schedules may be adopted. The local records committee may approve and issue records retention/disposition schedules which shall constitute authority to dispose of specific records, held commonly by like agencies, after a required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

[Statutory Authority: Chapter 40.14 RCW. WSR 92-18-048, § 434-635-050, filed 8/28/92, effective 9/28/92.]

WAC 434-635-060 Records retention and disposition guidelines. The state archivist may furnish suggestions and guidelines to local governmental agencies for their assistance in the preparation of lists and schedules and may furnish information relating to any other matter relating to the retention, preservation, or destruction of public records. Such guidelines may be published and include suggestions relative to the minimal retentions of records and recommendations for microfilming. The guidelines are suggestive only and are not records destruction authorizations.

[Statutory Authority: Chapter 40.14 RCW. WSR 92-18-048, § 434-635-060, filed 8/28/92, effective 9/28/92.]

Chapter 434-640 WAC METHODS OF RECORDS DISPOSAL

Last Update: 2/14/92

WAC	
434-640-010	Records disposal—Generally.
434-640-020	Disposal of confidential records.
434-640-030	Disposal by recycling.

WAC 434-640-010 Records disposal—Generally. When the state or local records committee has authorized the destruction of public records in accord with chapter 40.14 RCW, it shall be the responsibility of the agency having requested or received such authorization to cause such records to be disposed of promptly and effectively, after the approved retention period.

[Statutory Authority: RCW 40.14.020. WSR 92-05-060, § 434-640-010, filed 2/14/92, effective 3/16/92.]

WAC 434-640-020 Disposal of confidential records. It is the agency's responsibility to insure that records exempt from disclosure per chapter 42.17 RCW, or which are otherwise considered confidential, are protected from unauthorized access during any disposal process. The primary purpose of such disposal shall be that of reducing the records to an illegible condition.

[Statutory Authority: RCW 40.14.020. WSR 92-05-060, § 434-640-020, filed 2/14/92, effective 3/16/92.]

WAC 434-640-030 Disposal by recycling. Pursuant to disposal authorization from the state or local records committee, an agency may dispose of records by recycling, under the following conditions:

(1) The prompt destruction of the records shall be insured, and the responsibility for such destruction shall continue to be that of the agency until effectuated.

(2) The recycling agent or entity shall have any required licenses and shall be insured or bonded.

(3) Records shall not be kept in unattended and unprotected storage awaiting their destruction.

(4) The agency or its authorized agent shall have in effect a contract or written agreement with the recycling entity which includes these conditions.

[Statutory Authority: RCW 40.14.020. WSR 92-05-060, § 434-640-030, filed 2/14/92, effective 3/16/92.]

**Chapter 434-660 WAC
STANDARDS FOR THE ACCURACY, DURABILITY AND PERMANENCE OF PUBLIC RECORDS**

Last Update: 9/10/93

WAC
434-660-010 Statutory authority.

WAC 434-660-010 Statutory authority. The state archivist shall adopt rules under chapter 34.05 RCW setting standards for the durability and permanence of public records maintained by state and local agencies:

(1) Governing procedures for the creation, maintenance, transmission, or reproduction of photographic, optical, electronic, or other images of public documents or records in a manner consistent with current standards, policies, and procedures of the department of information services;

(2) Governing the accuracy and durability of photographic, optical, electronic or other images used as public records. Reference RCW 40.14.020.

[Statutory Authority: Chapter 40.14 RCW. WSR 93-19-051, § 434-660-010, filed 9/10/93, effective 10/11/93.]

**Chapter 434-661 WAC
REAL PROPERTY ELECTRONIC RECORDING**

Last Update: 5/28/14

WAC

ELECTRONIC RECORDING STANDARDS
434-661-010 General purpose.
434-661-020 Definitions.
434-661-030 Washington real property electronic recording standards.

ELECTRONIC RECORDING STANDARDS COMMISSION

434-661-100	Electronic recording standards commission.
434-661-110	Purpose.
434-661-120	Membership.
434-661-130	Meetings.
434-661-140	Quorum.
434-661-150	Compensation.
434-661-160	Retention of records.

ELECTRONIC RECORDING STANDARDS

WAC 434-661-010 General purpose. (1) This rule prescribes standards for electronic recording of real property documents in those Washington counties in which the county recording officer elects to accept electronic real property documents for recordation.

(2) These standards are based on recommendations of the Washington state electronic recording standards commission and promulgated by the secretary of state pursuant to chapter 65.24 RCW, Uniform Real Property Electronic Recording Act.

[Statutory Authority: Chapter 65.24 RCW. WSR 13-03-070, § 434-661-010, filed 1/14/13, effective 2/14/13.]

WAC 434-661-020 Definitions. For the purpose of this chapter:

(1) "Delivery package" means a document, group of documents, related or unrelated, bundled into a single entity for electronic transfer.

(2) "Document" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium, is retrievable in perceivable form, and is eligible to be recorded in the land records maintained by the county recording officer.

(3) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(4) "Electronic document" means a document that is received or sent by the recording officer in an electronic form.

(5) "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

(6) "Electronic notarization" means a notarial act performed in accordance with chapter 42.44 RCW and chapter 308-30 WAC by a notary public who provides notarial acts using electronic interface.

(7) "Electronic recording standards commission" or "eRecording standards commission" or "ERSC" means the body of stakeholders appointed by the secretary of state to review electronic recording standards and make recommendations to the secretary in accordance with RCW 65.24.040.

(8) "eRecording" means electronic recording of real property documents.

(9) "Metadata" means data describing other data to facilitate the understanding, use, and management of that data.

(10) "Open architecture" means computer architecture or software architecture that employs specifications that are open to the public to allow for adding, upgrading and exchange of components produced by a broad range of manufacturers.

(11) "PDF (portable document format)" means the file format originally created by Adobe Systems for document exchange allowing docu-

ments to be viewed as they were intended to appear. PDFs are a common format for image exchange or world wide web presentation.

(12) "Recording" means making a matter of record in the office of the recording officer in accordance with RCW 65.04.030.

(13) "Recording officer" means the county auditor or other official county recording officer.

(14) "TIFF" (tagged image file format) means the variable-resolution bitmapped image format originally developed by the Aldus Corporation (now part of Adobe Systems) and published as ISO 12639:2004, Graphic technology-Prepress digital data exchange-Tag image file format for image technology (TIFF/IT). TIFF is a common format for high-quality black and white, gray-scaled, or color graphics of any resolution and is made up of individual dots or pixels.

(15) "URPERA (Uniform Real Property Electronic Recording Act)" means the body of recommended legislation released in 2004 by the National Conference of Commissioners on Uniform State Laws (NCCUSL) for adoption by state legislatures. URPERA authorizes recording officers to accept electronic documents for recording in accordance with established standards. Washington state adopted a modified version of URPERA in 2008 (chapter 65.24 RCW).

(16) "Washington state archives" means the office of the secretary of state, division of archives and records management.

(17) "Web portal (gateway)" means a site that functions as a point of access to information or services on the world wide web.

(18) "XML (extensible markup language)" means an extensible document language for specifying document content. XML is not a predefined markup language but a metalanguage (a language for describing other languages) allowing the user to specify a document type definition (DTD) and design customized markup languages for different classes of documents.

[Statutory Authority: RCW 65.24.040. WSR 14-12-035, § 434-661-020, filed 5/28/14, effective 6/28/14. Statutory Authority: Chapter 65.24 RCW. WSR 13-03-070, § 434-661-020, filed 1/14/13, effective 2/14/13.]

WAC 434-661-030 Washington real property electronic recording standards. (1) Technical standards and implementation guidelines.

(a) Electronic recording of real property documents shall meet technical standards for document formatting and document data fields and follow implementation guidelines as prescribed by the Property Records Industry Association (PRIA) which are hereby incorporated by reference, made a part of this rule, and listed below:

(i) PRIA Request Version 2.4.2, August 2007;

(ii) PRIA Response Version 2.4.2, August 2007;

(iii) Document Version 2.4.1, October 2007;

(iv) Notary Version 2.4.1, October 2007;

(v) eRecording XML Implementation Guide for Version 2.4.1, Revision 2, March 2007;

(vi) URPERA Enactment and eRecording Standards Implementation Guide, December 2005.

These standards are available from the Property Records Industry Association, 2501 Aerial Center Parkway, Ste. 103, Morrisville, NC 27560, and at <http://www.pria.us/>.

(b) eRecording shall be offered and conducted in accordance with the models of submission described in the URPERA Enactment and eRe-

Recording Standards Implementation Guide, Section 2.3, eRecording Models.

(c) Each recording officer who accepts documents for eRecording shall provide open architecture for reception of electronic documents. All reception software, including web portals, must support PRIA eRecording SML Implementation Guide for Version 2.4.1 standards.

(2) **Web portals.**

(a) The world wide web will be the most common delivery medium for electronic documents.

(b) A document delivered over the web should provide a minimum amount of information in the delivery package sufficient to identify and authenticate the sender to the recording officer, while also itemizing the contents of the package.

(c) Payment processing, if supplied at the portal, shall comply with the 2012 NACHA Operating Rules & Guidelines, which is hereby incorporated by reference and made a part of this rule. This publication is available from NACHA: The Electronic Payments Association, 13450 Sunrise Valley Drive, Suite 100, Herndon, VA 20171, and at <http://www.nacha.org/>. The recording officer and portal provider shall determine the portal's payment processing capabilities, and each recording officer shall designate approved methods of payment, which may include credit cards, ACH (automated clearing house), escrow accounts, electronic checks, or other methods.

(3) **Business rules.** Recording officers shall establish and publish business rules that govern how eRecording will be conducted. The business rules may be in electronic or hard copy format and may appear on a portal or the recording officer web site. The transmitting parties' electronic acknowledgment of acceptance of the terms of the business rules is acceptable. The business rules must cover the following items:

(a) Memorandum of understanding or contract;

(b) Defined technical specifications;

(c) Document formatting and indexing specifications;

(d) Hours of operations and processing schedules;

(e) Payment options;

(f) Termination terms;

(g) Document rejection rights;

(h) Statement that any amendments and/or alterations to the business rules will be published with adequate notice before taking effect;

(i) Statement clarifying the liability of the recording offices.

(4) **Security.**

(a) All electronic documents must be secured in such a way that both the transmitting and receiving parties are assured of each other's identity and that no unauthorized party can view or alter the electronic document during transmission, processing, and delivery. If followed through the entire electronic document process of execution through recording, the security measures identified in chapter 6 of the eRecording XML Implementation Guide for Version 2.4.1, Revision 2, March 2007, satisfy this requirement.

(b) Each recording officer who elects to accept electronic real property documents for recordation shall implement reasonable measures such that each electronic document accepted for recordation is protected from alteration and unauthorized access.

(5) **Electronic signatures.** Recording officers are only required to accept electronic signatures that they have the technology to sup-

port. Recording officers have no responsibility to authenticate electronic signatures embedded within the body of the document.

(6) **Notarizations.** Pursuant to chapter 65.24 RCW, notarizations must:

(a) Be performed by a notary public who has been appointed by the Washington state department of licensing, or a person authorized by the laws of another jurisdiction outside the state of Washington, in accordance with chapter 42.44 RCW; and

(b) Comply with all applicable requirements for performing a notarial act as found in chapter 42.44 RCW and chapter 308-30 WAC, as amended from time to time, except that in the case of notarizations performed electronically, an impression of the official seal or stamp is not required.

Recording officers have no responsibility for verifying or authenticating notary signatures and acknowledgments.

(7) **File formats for eRecording.** The electronic recording standards commission recommends that electronic recordings be converted to (if necessary) and preserved as image files along with their associated metadata. If submissions are accepted in XHTML (extensible hypertext markup language) format, they shall be converted to a digital image until the viability of preserving these eRecordings in their native format has been demonstrated. Document images should be submitted as defined in WAC 434-663-305 and meet all state requirements for recorded instruments as defined in RCW 65.04.045.

(8) **Records retention and preservation.** Recording officers must not destroy public records, including electronic records, without the approval of the local records committee, in accordance with RCW 40.14.070.

Recording officers must retain electronic public records in electronic format such that the records remain usable, searchable, retrievable, and authentic for the length of the designated retention period in accordance with WAC 434-662-040.

The local records committee has approved the local government common records retention schedule (CORE) and the county auditor records retention schedule authorizing the minimum retention periods for recording officer records, and designating those records with enduring value as "archival."

Recording officers may transfer public records designated as "archival," including electronic records, to Washington state archives for preservation and for facilitating public access to the records.

(9) **Payment of recording fees.** Electronic payment of recording fees and excise tax, where applicable, shall be collected by the county agency responsible for such as prescribed in accordance with Washington state law and accepted industry standards without incurring unreasonable electronic processing fees.

[Statutory Authority: RCW 65.24.040. WSR 14-12-035, § 434-661-030, filed 5/28/14, effective 6/28/14. Statutory Authority: Chapter 65.24 RCW. WSR 13-03-070, § 434-661-030, filed 1/14/13, effective 2/14/13.]

ELECTRONIC RECORDING STANDARDS COMMISSION

WAC 434-661-100 Electronic recording standards commission. The electronic recording standards commission is established in accordance with RCW 65.24.040.

[Statutory Authority: Chapter 65.24 RCW. WSR 13-03-070, § 434-661-100, filed 1/14/13, effective 2/14/13.]

WAC 434-661-110 Purpose. The purpose of the electronic recording standards commission is to advise the secretary of state in the following areas:

(1) Rules necessary to implement the Uniform Real Property Electronic Recording Act (URPERA);

(2) Standards and practices affecting electronic recording in this state and other jurisdictions that enact URPERA to keep the technology used by recording officers in this state compatible with technology used by recording offices in other jurisdictions that enact URPERA, including:

(a) Standards adopted by national standard-setting bodies, such as the property records industry association;

(b) The views of interested persons and governmental officials and entities;

(c) The needs of counties of varying size, population and resources; and

(d) Standards requiring adequate information-security protection to ensure that electronic documents are accurate, authentic, adequately preserved, and resistant to tampering;

(3) Emerging issues and trends affecting electronic recording which may necessitate amendments to or repeal of published standards;

(4) Other related issues at the request of the secretary of state.

[Statutory Authority: Chapter 65.24 RCW. WSR 13-03-070, § 434-661-110, filed 1/14/13, effective 2/14/13.]

WAC 434-661-120 Membership. (1) The commission will consist of at least seven and no more than thirteen members chosen by the secretary of state to represent a range of recording offices by size, geographic regions of the state, and general expertise in electronic recording. A majority of the commission must be county auditors, and other members may include assessors, treasurers, the state archivist, land title company representatives, escrow agents, mortgage brokers, or any other party the secretary of state deems appropriate. The commission will elect a chairperson from its members.

(2) Members serve at the pleasure of the secretary of state. Terms are two or three years, and there are no limits to how long a member can serve. Vacancies will be filled by the secretary of state upon notice of a vacancy from the member.

[Statutory Authority: Chapter 65.24 RCW. WSR 13-03-070, § 434-661-120, filed 1/14/13, effective 2/14/13.]

WAC 434-661-130 Meetings. Commission meetings will take place at least once a year and may occur at the annual Washington state association of county auditors recording conference. Additional meetings may be called by the secretary of state or the commission. All meeting dates and times will be posted on the secretary of state's web page.

[Statutory Authority: Chapter 65.24 RCW. WSR 13-03-070, § 434-661-130, filed 1/14/13, effective 2/14/13.]

WAC 434-661-140 Quorum. A simple majority of the regularly appointed commission members constitute a quorum. If seven positions are filled, the quorum is four.

[Statutory Authority: Chapter 65.24 RCW. WSR 13-03-070, § 434-661-140, filed 1/14/13, effective 2/14/13.]

WAC 434-661-150 Compensation. Commission members are not compensated for their service, but may be reimbursed for expenses incurred in the conduct of their official duties. Reimbursement is at current state rates for travel and all reimbursement requests must be received within thirty days of incurring the expense.

[Statutory Authority: Chapter 65.24 RCW. WSR 13-03-070, § 434-661-150, filed 1/14/13, effective 2/14/13.]

WAC 434-661-160 Retention of records. The state archivist will act as secretary for the commission and will ensure the retention and lawful disposition of records of the commission in accordance with chapter 40.14 RCW.

[Statutory Authority: Chapter 65.24 RCW. WSR 13-03-070, § 434-661-160, filed 1/14/13, effective 2/14/13.]

Chapter 434-662 WAC PRESERVATION OF ELECTRONIC PUBLIC RECORDS

Last Update: 10/13/08

WAC

434-662-010	Purpose.
434-662-020	Definitions applicable to all sections of this chapter.
434-662-030	Retention scheduling and disposition of electronic public records.
434-662-040	Agency duties and responsibilities.
434-662-050	Disposition of electronic public records identified by records committees as archival.
434-662-055	Disposition of electronic public records identified by records committees as nonarchival.
434-662-060	Authentication and chain of custody of electronic records.
434-662-070	Use of encryption on electronic records.
434-662-090	Transmittal agreement for transfer of electronic records.
434-662-100	Media format and protocol for transfer.
434-662-110	Metadata requirements.
434-662-140	Web site management.
434-662-150	E-mail management.

WAC 434-662-010 Purpose. Pursuant to the provisions of chapters 40.14 and 42.56 RCW, and RCW 43.105.250, the rules contained in this chapter are intended to ensure that electronic public records are securely preserved for their minimum retention period for present and future access and/or are transferred to the Washington state digital archives for retention so that valuable legal and historical records of the state may be centralized, made more widely available, and permanently preserved.

[Statutory Authority: RCW 40.14.020(6), chapters 40.14, 42.56, and 43.105 RCW. WSR 08-21-073, § 434-662-010, filed 10/13/08, effective 1/1/09.]

WAC 434-662-020 Definitions applicable to all sections of this chapter. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

"Agency" means any department, office, commission, board, or division of state government; and any county, city, district, or other political subdivision or municipal corporation or any department, office, commission, court, or board or any other state or local government unit, however designated.

"Archival value" means those public records, as determined by state archivist's appraisal, that are worthy of long-term or permanent preservation by the archives due to their historical, legal, fiscal, evidential, or informational value, or are designated such by statute.

"Authentic" means that a public record is accepted by the state archives as genuine, trustworthy, or original.

"Authentication" means the process of verifying that a public record is acceptable as genuine, trustworthy, original, or authentic.

"Chain of custody" means the documentation of the succession of offices or persons who held public records, in a manner that could meet the evidentiary standards of a court of law until their proper disposition according to an approved records retention schedule.

"Confidential record" means any public record series, file, record or data base field with restrictions on public access as mandated by federal, state or local laws, or court order.

"Data base management system" means a set of software programs that controls the organization, storage and retrieval of data in a data base, as well as the security and integrity of the data base.

"Digital archives" means the mass storage facility for electronic records located in Cheney, Washington and operated by the Washington state archives. The digital archives is designed to permanently preserve electronic state and local government records with archival value in an environment designed for long-term storage and retrieval.

"Disposition" means the action taken with a record once its required retention period has expired. Disposition actions include but are not limited to transfer to the archives or destruction.

"Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

"Electronic record" includes those public records which are stored on machine readable file format.

"Encryption" means the process of rendering plain text unintelligible by converting it to ciphertext so it can be securely transmitted and can only be read by those authorized to decode the plain text from the ciphertext.

"File format" means the type of data file stored on machine readable materials such as hard disks, floppy disks, CD-ROMs, DVDs, flash media cards, USB storage devices, magnetic tape, and any other media designed to store information electronically, as well as the application program necessary to view it.

"Metadata" means data used to describe other data. Metadata describes how, when, and by whom particular content was collected, how the content is formatted, and what the content is. Metadata is de-

signed to provide a high level of categorization to aid in the storage, indexing, and retrieving of electronic records for public use.

"Public record" has the same meaning as in chapters 40.14 and 42.56 RCW.

"Records committees" means the local records committee created in RCW 40.14.070 and the state records committee created in RCW 40.14.050.

"Retention period" means the required minimum amount of time a records series must be retained to meet legal, fiscal, administrative or historical value as listed on an approved records retention schedule or general records retention schedule.

"Records retention schedule" means a legal document approved by the state or local records committee that specifies minimum retention periods for a records series and gives agencies ongoing disposition authority for the records series after the records' approved retention period has been satisfied.

"Spider" means a software program that automatically collects and retrieves online web content and all documents linked to such content. Examples include, but are not limited to: Web spiders, web crawlers, robots, and bots.

[Statutory Authority: RCW 40.14.020(6), chapters 40.14, 42.56, and 43.105 RCW. WSR 08-21-073, § 434-662-020, filed 10/13/08, effective 1/1/09]

WAC 434-662-030 Retention scheduling and disposition of electronic public records. Electronic records are bound by the same provisions as paper documents as set forth in chapter 40.14 RCW. Electronic records must be retained pursuant to the retention schedules adopted by the records committees. Destruction of, or changes to the retention period of, any public record, regardless of format, requires legal approval from the state or local records committee pursuant to chapters 40.14 RCW, 434-635 WAC and other applicable state laws. Public records that are designated "archival" by the state archivist must be maintained pursuant to the provisions of this chapter until such time as they are transferred to the state archives.

[Statutory Authority: RCW 40.14.020(6), chapters 40.14, 42.56, and 43.105 RCW. WSR 08-21-073, § 434-662-030, filed 10/13/08, effective 1/1/09]

WAC 434-662-040 Agency duties and responsibilities. Electronic records must be retained in electronic format and remain usable, searchable, retrievable and authentic for the length of the designated retention period. Printing and retaining a hard copy is not a substitute for the electronic version unless approved by the applicable records committee.

An agency is responsible for a security backup of active records. A security backup must be compatible with the current system configuration in use by the agency.

[Statutory Authority: RCW 40.14.020(6), chapters 40.14, 42.56, and 43.105 RCW. WSR 08-21-073, § 434-662-040, filed 10/13/08, effective 1/1/09]

WAC 434-662-050 Disposition of electronic public records identified by records committees as archival. Electronic records designated as "archival" must be retained in their original format along with the hardware and software required to read the data in that format unless the converted records have been sampled for completeness and accuracy of the migration to a new system and/or file format. Original data, hardware, and software must be maintained until successful migration to a new system has been verified. Agencies have a duty to work with the state archivist to centralize, preserve, and/or transfer archival records to the digital archives. All records transferred to the digital archives will be administered and managed in accordance with all public access and disclosure laws and requirements.

[Statutory Authority: RCW 40.14.020(6), chapters 40.14, 42.56, and 43.105 RCW. WSR 08-21-073, § 434-662-050, filed 10/13/08, effective 1/1/09]

WAC 434-662-055 Disposition of electronic public records identified by records committees as nonarchival. Electronic records rendered obsolete through the verified accurate migration to a more current media file format for readability and not designated as "archival" may be considered a secondary copy and disposed of as directed by chapter 40.14 RCW.

[Statutory Authority: RCW 40.14.020(6), chapters 40.14, 42.56, and 43.105 RCW. WSR 08-21-073, § 434-662-055, filed 10/13/08, effective 1/1/09]

WAC 434-662-060 Authentication and chain of custody of electronic records. The agency must maintain chain of custody of the record, including employing sufficient security procedures to prevent additions, modifications, or deletion of a record by unauthorized parties. If there is a break in chain of custody, it must be noted in the transmittal to the archives.

[Statutory Authority: RCW 40.14.020(6), chapters 40.14, 42.56, and 43.105 RCW. WSR 08-21-073, § 434-662-060, filed 10/13/08, effective 1/1/09]

WAC 434-662-070 Use of encryption on electronic records. If encryption is employed on public records, the agency must maintain the means to decrypt the record for the life of the record as designated by the approved required minimum retention period for that record.

[Statutory Authority: RCW 40.14.020(6), chapters 40.14, 42.56, and 43.105 RCW. WSR 08-21-073, § 434-662-070, filed 10/13/08, effective 1/1/09]

WAC 434-662-090 Transmittal agreement for transfer of electronic records. The digital archives must develop a transmittal agreement for the transfer of electronic records from state and local government agencies to the digital archives. At a minimum, a transmittal agree-

ment between the digital archives and a state or local government agency must contain:

- (1) Identification of the record series;
- (2) Disposition authority;
- (3) Number of records to be transferred;
- (4) Method, schedule, and frequency of record transmittal;
- (5) Relevant metadata/indexing fields;
- (6) The decryption means for any record transmitted in an encrypted format;
- (7) Media file format;
- (8) Identification of any access restriction and the statutory authority for such restriction;
- (9) Other technical information, such as backend data base management systems, necessary for ingestion of electronic data into the digital archives repository; and
- (10) Procedures for collecting any fees for public copies as provided by statute or ordinance.

[Statutory Authority: RCW 40.14.020(6), chapters 40.14, 42.56, and 43.105 RCW. WSR 08-21-073, § 434-662-090, filed 10/13/08, effective 1/1/09]

WAC 434-662-100 Media format and protocol for transfer. Electronic records will be directly transferred to the digital archives via web services, secure File Transfer Protocol, T-1 line or other direct transmission as outlined in the transmittal agreement. When direct transmission is not practicable, records must be transmitted via portable media formats including, but not limited to tape, compact disc, digital versatile disc, flash media cards, universal serial bus storage devices, external hard drive, or diskette.

[Statutory Authority: RCW 40.14.020(6), chapters 40.14, 42.56, and 43.105 RCW. WSR 08-21-073, § 434-662-100, filed 10/13/08, effective 1/1/09]

WAC 434-662-110 Metadata requirements. Electronic records transferred to the digital archives must contain sufficient metadata to categorize, search and retrieve the records. All transfers of electronic records to the digital archives must identify the name of the originating agency, the date of transfer, the records series, and other appropriate metadata as specified in the transmittal agreement. The digital archives will not accept electronic records that do not contain appropriate metadata as specified in the transmittal agreement.

[Statutory Authority: RCW 40.14.020(6), chapters 40.14, 42.56, and 43.105 RCW. WSR 08-21-073, § 434-662-110, filed 10/13/08, effective 1/1/09]

WAC 434-662-140 Web site management. All state and local government agencies must retain all web content in accordance with the approved retention schedules. Pursuant to a transmittal agreement, the digital archives will use a software program commonly known as a spider to copy state and local government web sites that are determined to have archival value either annually or more frequently. All state

and local government agencies shall use the following best management practices in the maintenance of their web sites:

(1) Each page shall contain identifying information as outlined in the transmittal agreement;

(2) If an agency web site is determined to have archival value and cannot be copied using a spider software program, the agency must copy and preserve all code for the web site.

[Statutory Authority: RCW 40.14.020(6), chapters 40.14, 42.56, and 43.105 RCW. WSR 08-21-073, § 434-662-140, filed 10/13/08, effective 1/1/10.]

WAC 434-662-150 E-mail management. E-mails created and received by any agency of the state of Washington in the transaction of public business are public records for the purposes of chapter 40.14 RCW and are subject to all of the laws and regulations governing the retention, disclosure, destruction and archiving of public records. The e-mails of all elected government officials and public employees are subject to the records retention periods and disposition promulgated by the records committees, and any and all e-mails with archival value must be retained. Agencies may be relieved of the obligation to permanently retain archival e-mail by transmitting e-mail and all associated metadata to the digital archives pursuant to a transmittal agreement as provided for in WAC 434-662-090. This section does not apply to state legislators or members of the state judiciary.

[Statutory Authority: RCW 40.14.020(6), chapters 40.14, 42.56, and 43.105 RCW. WSR 08-21-073, § 434-662-150, filed 10/13/08, effective 1/1/10.]

**Chapter 434-663 WAC
IMAGING SYSTEMS, STANDARDS FOR ACCURACY AND DURABILITY**

Last Update: 9/28/00

WAC

THE USE OF ELECTRONIC IMAGING SYSTEMS FOR MANAGING PUBLIC RECORDS

434-663-100 Legality.

DEFINITIONS

434-663-200 Electronic document imaging system.
434-663-210 Document scanning.
434-663-220 Image.
434-663-230 Enhancement.
434-663-240 Archival records.
434-663-250 Open system.
434-663-260 De facto standard.
434-663-270 Record series.

QUALITY OF DIGITAL IMAGES

434-663-300 Quality of digital images.
434-663-305 Scanning density.
434-663-325 Compression and decompression of data.

SYSTEM REQUIREMENTS

434-663-500 Open systems architecture.
434-663-530 System documentation.

RETENTION, SCHEDULING, AND DISPOSITION OF RECORDS

434-663-600 Retention scheduling and disposition of public records.
434-663-615 Records retention scheduling for records on imaging system.
434-663-630 Agency acquisition—Department of information services approval.
434-663-640 Disposition of records identified by records committee as archival.

PROVISION FOR CONTINUED ACCESS

434-663-700 Usability of image and index data over time.
434-663-705 Recordkeeping capabilities.
434-663-710 Defining indexing requirements.
434-663-720 Preservation strategy.
434-663-730 Header information on image files.
434-663-740 Security backup copies.
434-663-750 Ensuring usability.
434-663-760 Environmental standards or best practices for storage of electronic media.
434-663-770 Continued access to data.
434-663-780 Data conversion costs.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-663-310 Enhancement of original image. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-310, filed 2/1/94, effective 3/7/94.] Repealed by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

434-663-320 Compressing image data for storage. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-320, filed 2/1/94, effective 3/7/94.] Repealed by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

434-663-400 Usability of image and index data over time. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-400, filed 2/1/94, effective 3/7/94.] Decodified and amended by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6). Recodified as § 434-663-700.

434-663-410 Defining indexing requirements. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-410, filed 2/1/94, effective 3/7/94.] Decodified and amended by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6). Recodified as § 434-663-710.

434-663-420 Preservation strategy. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-420, filed 2/1/94, effective 3/7/94.] Decodified and amended by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6). Recodified as § 434-663-720.

434-663-430 Header on image files. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-430, filed 2/1/94, effective 3/7/94.] Repealed by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

434-663-440 Backup for recovery. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-440, filed 2/1/94, effective 3/7/94.] Repealed by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

434-663-450 Ensuring usability. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-450, filed 2/1/94, effective 3/7/94.] Decodified by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6). Recodified as § 434-663-750.

434-663-460 Stability of media. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-460, filed 2/1/94, effective 3/7/94.] Repealed by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

434-663-470 Storage media. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-470, filed 2/1/94, effective 3/7/94.] Repealed by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

434-663-480 Optical media durability. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-480, filed 2/1/94, effective 3/7/94.] Repealed by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

434-663-490 Archival, permanent, and long-term off-line storage environment. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-490, filed 2/1/94, effective 3/7/94.] Repealed by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

434-663-510 Backward compatibility. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-510, filed 2/1/94, effective 3/7/94.] Repealed by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

434-663-520 Availability of index data base for off-line media. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-520, filed 2/1/94, effective 3/7/94.] Repealed by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

434-663-610 Records retention scheduling for records on imaging system. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-610, filed 2/1/94, effective 3/7/94.] Repealed by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

434-663-620 Security copies. [Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-620, filed 2/1/94, effective 3/7/94.] Repealed by WSR 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

THE USE OF ELECTRONIC IMAGING SYSTEMS FOR MANAGING PUBLIC RECORDS

WAC 434-663-100 Legality. The purpose of this chapter is to establish standards and recommended practices for the creation, preservation, access to, and retention of public records on electronic imaging systems. Electronic imaging systems may legally be used for re-

ording, producing, reproducing, maintaining, and storing public records if:

- (1) Those systems meet the standards set forth in this chapter;
- (2) The systems are used in accordance with this chapter; and
- (3) The retention and disposition of the original and copies of records maintained on those systems regardless of media are scheduled, maintained, and disposed of in accordance with chapter 40.14 RCW. Nothing in this chapter can be construed to limit the admissibility of any public record as evidence.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-100, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-100, filed 2/1/94, effective 3/7/94.]

DEFINITIONS

WAC 434-663-200 Electronic document imaging system. An electronic document imaging system is a computer-based configuration of equipment and software that stores machine-readable document images and their associated character-coded index data for on-demand retrieval. Electronic images can be computer generated, or created through document scanning.

[Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-200, filed 2/1/94, effective 3/7/94.]

WAC 434-663-210 Document scanning. A specially designed input workstation is required to convert documents or images to machine-readable form for computer processing and storage. At a minimum, the input workstation includes a document scanner, an image processor unit, a video display unit, keyboard, and access to storage. Using a solid-state array or other photo-sensitive components, the document scanner measures the amount of light associated with successively encountered PELs (Picture Element) and transmits a corresponding electrical signal that is converted to computer compatible digital codes.

[Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-210, filed 2/1/94, effective 3/7/94.]

WAC 434-663-220 Image. An image can be a document, picture, or graphic. An image can be produced by scanning paper or film documents, producing images through a computer program, receiving an image by means of a fax, or by other means.

[Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-220, filed 2/1/94, effective 3/7/94.]

WAC 434-663-230 Enhancement. Any method including adjusting brightness and contrast, or algorithm employed with the objective of producing an accurate and legible copy.

[Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-230, filed 2/1/94, effective 3/7/94.]

WAC 434-663-240 Archival records. Archival records are records that have permanent and/or historical value and are scheduled as archival. Long-term records are records having a retention period in excess of ten years. Permanent records are those records that are required by specific statute to be retained permanently.

[Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-240, filed 2/1/94, effective 3/7/94.]

WAC 434-663-250 Open system. Open system is defined to be a system that implements sufficient public specifications for interfaces, services and supporting formats to enable applications software to be ported across a wide range of systems, to interoperate or interchange with other applications on local and remote systems, and to interact with users in a style that facilitates portability. Public specifications are maintained by open, public consensus process to accommodate new technology over time, and which are consistent with international standards.

[Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-250, filed 2/1/94, effective 3/7/94.]

WAC 434-663-260 De facto standard. A de facto standard is a widely accepted industry standard without official recognition by a standards group.

[Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-260, filed 2/1/94, effective 3/7/94.]

WAC 434-663-270 Record series. A group of records that are created, used, filed, and disposed of as a unit because they relate to a particular subject or function, result from the same activity, or document a specific kind of transaction.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-270, filed 9/28/00, effective 10/29/00.]

QUALITY OF DIGITAL IMAGES

WAC 434-663-300 Quality of digital images. Ensuring the quality of digitized images requires exercising control over the conversion of the original image to digital data, enhancement of the digital image if necessary, compression of the digital data for storage, decompression of digital data for retrieval, displaying the image, and printing the image.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-300, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-300, filed 2/1/94, effective 3/7/94.]

WAC 434-663-305 Scanning density. Bitonal images of documents containing type fonts no smaller than six-point shall be scanned at a minimum density of 200 dots per inch (dpi). Bitonal images of documents containing type fonts smaller than six-point, engineering drawings, maps, and similar documents with fine detail or poor contrast, shall be scanned at a minimum density of 300 dots per inch. Until an ANSI or AIIM standard for color images using a lossless nonproprietary compression algorithm is established, it is recommended that color documents be scanned at a minimum density of 150 dots per inch (dpi) and use TIFF, Version 5, specifications. Scanner quality control procedures shall conform to ANSI/AIIM MS44-1988, Recommended Practice for Quality Control of Images Scanners.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-305, filed 9/28/00, effective 10/29/00.]

WAC 434-663-325 Compression and decompression of data. Electronic imaging systems for bitonal images shall use the Consultative Committee on International Telegraphy and Telephony (CCITT) Group 3 or Group 4 compression and decompression techniques without proprietary alterations to the algorithm. For the storage of electronic images of records for which the state or local records committee has approved a retention period of six years or less from the date of creation, a nonproprietary lossless compression algorithm may be used if a utility program or application software option is maintained to convert images to the TIFF Group 3 or Group 4 standard. For the compression and decompression of color images a lossless algorithm, such as TIFF, Group 5, is recommended.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-325, filed 9/28/00, effective 10/29/00.]

SYSTEM REQUIREMENTS

WAC 434-663-500 Open systems architecture. Ensuring the usability of digital images to serve the functions for which they were designed involves long-term commitment to an open systems architecture and an approach to component upgrading, data transfer, and migration path that guarantees the portability of current data to be used with future technologies.

[Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-500, filed 2/1/94, effective 3/7/94.]

WAC 434-663-530 System documentation. Detailed technical documentation is needed to facilitate future system access. Minimum documentation must include:

- (1) A hardware systems administrator manual specifying hardware, cabling, and communications configurations;
 - (2) Software applications documentation, including user manuals and design documentation;
 - (3) Operational procedures for scanning, indexing and verifying images;
 - (4) Current security and system change control procedures, including logs of those changes, indicating the date, identity of the person making the changes and the reason for the change; and
 - (5) Written procedures for periodic back ups, including schedules and the location of secure offsite storage for those back ups.
- Agencies will maintain one copy of current documentation on-site and one current copy in designated secure storage.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-530, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-530, filed 2/1/94, effective 3/7/94.]

RETENTION, SCHEDULING, AND DISPOSITION OF RECORDS

WAC 434-663-600 Retention scheduling and disposition of public records. Conversion to an imaging system does not automatically authorize the destruction of the source documents for which images have been created. Destruction of, or changes to the retention period of, any public records due to conversion to or the use of a new media requires legal approval of the state or local records committee of the state of Washington under chapter 40.14 RCW, chapter 434-635 WAC, and other applicable state laws.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-600, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-600, filed 2/1/94, effective 3/7/94.]

WAC 434-663-615 Records retention scheduling for records on imaging system. The required retention scheduling of public records to be created, maintained, accessed, distributed, or preserved by government entities on electronic imaging systems should be done prior to the creation or copying of images of those records. Retention schedules shall be based on the information content and function of the record series. Record series documenting electronic information system operation, and maintenance must also be included on the records retention schedule approved for the agency using the system. Electronic image media rendered obsolete through the verified accurate migration of its images to a more current media for readability may be considered a redundant version and disposed of as directed by chapter 40.14 RCW.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-615, filed 9/28/00, effective 10/29/00.]

WAC 434-663-630 Agency acquisition—Department of information services approval. State agencies intending to utilize an imaging system for the storage or conversion of public records must include

such plans in their biennial information technology plan submitted to the department of information services and comply with other requirements of DIS as may apply.

[Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-630, filed 2/1/94, effective 3/7/94.]

WAC 434-663-640 Disposition of records identified by records committee as archival. Public records that are designated "archival" or "potentially archival" by the state or local records committee may not be destroyed without committee approval, even where images of those records have been produced and stored on an electronic imaging system.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-640, filed 9/28/00, effective 10/29/00.]

PROVISION FOR CONTINUED ACCESS

WAC 434-663-700 Usability of image and index data over time. Maintaining access to and usability of electronic records requires the ability to process images and indexes both on the computer system on which they were created and on their replacement computer systems without loss of information for the full retention period approved for that record. Ensuring the readability of electronic records over time requires the maintenance of proper environmental conditions, periodic recopying, and strategies to preserve data by migration from one generation of technology to another through a commitment to open architecture.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, amended and recodified as § 434-663-700, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-400, filed 2/1/94, effective 3/7/94.]

WAC 434-663-705 Recordkeeping capabilities. Electronic imaging systems must have the following security and retention features or capabilities:

- (1) Tracking information at the records series level.
- (2) Ability to properly eliminate or dispose of records that exceed their retention periods as established under RCW 40.14.050 through 40.14.070.
- (3) Record authentication functions as needed to meet legal, audit, and administrative requirements including automatic, computer-generated maintenance of the date and time of record creation or updating, the identity of the user or system that created or updated the record, and a system-enforced log of disposition actions.
- (4) Protection against unauthorized access to records by means of a password hierarchy or other system security.
- (5) Indexing capabilities that provide flexibility in associating a record series with multiple subject categories, that facilitate access and retrieval, and that provide links to related records or supporting documentation.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-705, filed 9/28/00, effective 10/29/00.]

WAC 434-663-710 Defining indexing requirements. The selection of indexing methods and terms should be based on an analysis of the retrieval requirements associated with a particular application, and must ensure efficient and accurate retrieval of images and information. The design and content of the index should utilize standard attributes wherever available and take into account the security of the index and the retrieval requirements of both current and future users of the records including agency personnel, researchers, and the public.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, amended and recodified as § 434-663-710, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-410, filed 2/1/94, effective 3/7/94.]

WAC 434-663-720 Preservation strategy. For an electronic image system containing public records with a retention period of ten years or longer or records containing archival information, one or more of the following preservation strategies must be employed:

- (1) Retain the original paper documents;
- (2) Microfilm the original documents;
- (3) Migrate optical media and magnetic media at least every ten years or sooner as is necessary to avoid technical obsolescence, loss of readability, and excessive read error rates; or
- (4) Record the electronic images on industry standard microfilm at the same density at which they were scanned.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, amended and recodified as § 434-663-720, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-420, filed 2/1/94, effective 3/7/94.]

WAC 434-663-730 Header information on image files. An electronic imaging system containing public records with a retention period of ten years or longer or records containing archival information must use a nonproprietary file header format such as Tagged Image File Format (TIFF) or a header that complies with ANSI-AIIM MS53, File Format for Storage and Exchange of Images, or Bi-level File Format: Part 1.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-730, filed 9/28/00, effective 10/29/00.]

WAC 434-663-740 Security backup copies. Security backup copies must be made of electronic imaging system records stored on electronic media. The methods and frequency of backup should be determined by the amount of information that would be lost if data had to be restored using the previous backup. Since backup copies are also subject to media failure, it is recommended that redundant (multiple) backup copies be made and stored at different locations, with one copy stored off-

site. In order to ensure accessibility of data, at least one redundant backup copy should be recorded in a nonproprietary format. Security backup copy media must be inspected for quality using de facto or industry standards on a regular schedule and replaced before predicted failure. If the primary backup copy of an operational imaging system is found to deviate from the primary production copy due to suspected corruption or read errors, the discrepancy must be located and both the production and backup copies must be corrected to contain accurate versions of the original images.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-740, filed 9/28/00, effective 10/29/00.]

WAC 434-663-750 Ensuring usability. At a minimum, the system must include an electronic error checking utility that will check the integrity of the data when written to the media.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, recodified as § 434-663-750, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. WSR 94-04-102, § 434-663-450, filed 2/1/94, effective 3/7/94.]

WAC 434-663-760 Environmental standards or best practices for storage of electronic media. Electronic media should be stored in a dust-free environment under the following environmental conditions:

(1) Temperature ranges meeting standards or best practices recommended for the media stored;

(2) A relative humidity range meeting standards or best practices recommended for the media stored;

(3) Media should be stored in a closed container to protect from dust and fingerprints; and

(4) Magnetic tape should be rewound in accordance with de facto or industry standards, or to best practices.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-760, filed 9/28/00, effective 10/29/00.]

WAC 434-663-770 Continued access to data. If access to data in an existing electronic imaging system cannot be maintained for the specified retention period of the records stored in that system, the images must be migrated, without loss to the images or indexes, at the time of acquisition or implementation of a new system. Access to electronic data which has not been migrated to a new system requires preserving the data, the storage medium in which the data is kept, and whatever hardware, operating system, and applications software is needed to view and use the data.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-770, filed 9/28/00, effective 10/29/00.]

WAC 434-663-780 Data conversion costs. The adoption of new electronic imaging systems may require significant expenditures for conversion of information maintained in existing electronic formats to

the formats required by new imaging systems. System planning should include analysis of future information access, maintenance, data conversion, and security costs.

[Statutory Authority: RCW 40.14.020(6). WSR 00-20-038, § 434-663-780, filed 9/28/00, effective 10/29/00.]

Chapter 434-670 WAC
THE WASHINGTON STATE ARCHIVES LOCAL RECORDS GRANT PROGRAM

Last Update: 3/3/03

WAC

434-670-010	Washington state archives local records grant program.
434-670-020	Eligible and ineligible activities.
434-670-030	Eligibility.
434-670-040	Evaluation of proposals.
434-670-050	Grant application requirements.
434-670-060	Grant calendar.
434-670-070	Accounting.
434-670-080	Auditing requirements.
434-670-090	Conflicts of interest.

WAC 434-670-010 Washington state archives local records grant program. The Washington state archives local records grant program, administered by the office of the secretary of state, provides financial assistance to local government officials to support records management and preservation efforts, particularly for records of permanent retention. This grants-in-aid program is a significant effort in the overall mission of the program to enhance the quality of archival preservation and public access to records of enduring value. This grant program is governed by this chapter and by RCW 36.22.175.

[Statutory Authority: RCW 36.22.175(1). WSR 03-06-069, § 434-670-010, filed 3/3/03, effective 4/3/03.]

WAC 434-670-020 Eligible and ineligible activities. (1) The following activities, including but not limited to, are eligible for support through grants administered pursuant to this chapter:

- (a) Planning;
- (b) Records management;
- (c) Preservation;
- (d) Conservation;
- (e) Professional consultants;
- (f) Essential equipment;
- (g) Reference tools, and;
- (h) Education;
- (i) Temporary personnel.

(2) The following activities, including but not limited to, are ineligible for support through grants administered pursuant to this chapter:

- (a) Projects already completed;
- (b) Expenses incurred prior to the grant period;
- (c) Existing/permanent staff positions;
- (d) Equipment nonessential to the project;
- (e) Capital improvements to buildings;
- (f) Payments to lobbyists;
- (h) Hospitality expenses;

- (i) Prizes/awards;
- (j) Benefit activities (social, fund-raisers, etc.);
- (k) Educational outreach not available to the public;
- (l) Tuition reimbursement for academic credit;
- (m) Activities having a religious purpose;
- (n) Inventories/guides not available to the public and;
- (o) Purchase of manuscripts/records.

[Statutory Authority: RCW 36.22.175(1). WSR 03-06-069, § 434-670-020, filed 3/3/03, effective 4/3/03.]

WAC 434-670-030 Eligibility. Local government entities, including special purpose districts, are eligible to apply for grants under this chapter. Entities other than local governments, such as individuals, state agencies, federal agencies, and private organizations are ineligible, but local public records housed by state agencies may be included in a grant application that is submitted and administered by the local official who has statutory authority over the records.

[Statutory Authority: RCW 36.22.175(1). WSR 03-06-069, § 434-670-030, filed 3/3/03, effective 4/3/03.]

WAC 434-670-040 Evaluation of proposals. (1) Washington state archives staff will review grant applications for completeness, conformity to application requirements, soundness of budget, and relevancy to the objectives of the Washington state archives local records grant program. (Staff may also consider, in addition to the factors specified above the potential for widespread citizen use, research value and value for ongoing governmental operation of the proposed project including improvements to existing operations.) The proposal may be returned to the applicant institution for further development or clarification, prior to application deadline.

(2) A summary will be prepared by the Washington state archives for each complete application and forwarded to the oversight committee. The committee will review the applications at its annual public meeting and make funding recommendations to the secretary of state.

(3) The office of the secretary of state will notify the applicant in writing as to whether the proposal has been funded or rejected.

[Statutory Authority: RCW 36.22.175(1). WSR 03-06-069, § 434-670-040, filed 3/3/03, effective 4/3/03.]

WAC 434-670-050 Grant application requirements. In order to be complete an application must include:

- (1) Identification of local government entity and project personnel;
- (2) A description of the activity proposed for funding including:
 - (a) Statement of purpose and goals;
 - (b) Project summary;
 - (c) Detailed analysis of plan, discussion of techniques and a timetable;
 - (d) Project objectives; and
 - (e) Specific end results or products.

- (3) A funding description, including:
 - (a) Budget layout;
 - (b) Budget explanation;
 - (c) Need for outside funding;
 - (d) Funding of future management and preservation projects; and
 - (e) Local entity's accounting methods and audit procedures.
- (4) Relevant information, including:
 - (a) Evaluation of results (how will the success or failure be measured);
 - (b) Statement of any previous actions; and
 - (c) Description of importance of the project in terms of an overall, long-range record management program
- (5) Authorization, including:
 - (a) Being signed and dated by proper official; and
 - (b) Identification of preparer of the application.
- (6) Support material, including:
 - (a) Letter of commitment from the applicant's funding authority;
 - (b) Resumes of project personnel, consultants, volunteers, etc., and descriptions of their grant-funded duties
 - (c) Required forms;
 - (d) Identification of necessary services, equipment, supplies, etc.; and
 - (e) Other relevant information.

[Statutory Authority: RCW 36.22.175(1). WSR 03-06-069, § 434-670-050, filed 3/3/03, effective 4/3/03.]

WAC 434-670-060 Grant calendar. (1) The grant period begins on the date of the award issued by the Office of the Secretary of State. Grant projects must be completed in the awarded biennium.

(2) The grant payment and reporting schedule will be approved and published by the oversight committee for each grant cycle. All unused grant funds and interest in possession of the grantee must be returned to the Washington state archives local records grant program within sixty days of completion.

[Statutory Authority: RCW 36.22.175(1). WSR 03-06-069, § 434-670-060, filed 3/3/03, effective 4/3/03.]

WAC 434-670-070 Accounting. Grantees must keep financial records in accordance with the accounting practices generally applicable to their local government accounting practices and apply approved record retention schedules. These records, as public records, shall be subject to inspection by the Washington state archives staff and the oversight committee during regular business hours throughout the grant period. If any litigation, claim, or audit is begun before the end of the retention period, records must be retained until such proceeding is resolved.

[Statutory Authority: RCW 36.22.175(1). WSR 03-06-069, § 434-670-070, filed 3/3/03, effective 4/3/03.]

WAC 434-670-080 Auditing requirements. Grantees must comply with the audit requirements set forth in Washington statutes for local

government units. The grantee is responsible for ensuring that the Washington state archives receives copies of the audit report for any audit performed during the grant period or for the following three years. Specific accounting requirements for the Washington state archives local records grant program are:

(1) Grant money must be deposited in an auditable, interest-bearing account. Interest received must be applied to the project.

(2) Grant work must be monitored in progress. The Washington state archives staff may visit the work site for review at any time during the project.

(3) Changes in the approved grant, including changes of personnel, must be requested in writing to the Washington state archives, local records grant program.

(4) In the case of default by the grantee, the grant will be revoked and all unused funds must be returned to the Washington state archives local records grant program. The Washington state archives will notify the grantee of default in writing.

(5) The grantee shall submit a final grant report by June 30.

(6) Grantees must submit copies of all invoices with the final report, and

(7) Grantees must adhere to local and state bid requirements and submit documentation with the final grant report.

[Statutory Authority: RCW 36.22.175(1). WSR 03-06-069, § 434-670-080, filed 3/3/03, effective 4/3/03.]

WAC 434-670-090 Conflicts of interest. (1) The Washington state archives oversight committee will not consider a proposal where a committee member or a member of the secretary of state's staff derives compensation from the proposed grant.

(2) A board member shall abstain from reviewing or voting on proposals if she/he is directly or indirectly connected with a proposed project through employment at the same institution, (directly or) indirectly supervises the project, or serves as an unpaid consultant to the project.

[Statutory Authority: RCW 36.22.175(1). WSR 03-06-069, § 434-670-090, filed 3/3/03, effective 4/3/03.]

Chapter 434-677 WAC SECURITY MICROFILM

Last Update: 3/20/92

WAC

434-677-010	Security microfilm.
434-677-020	Storage of security microfilm.
434-677-030	Use of state archives security storage facility.
434-677-040	Retention of security microfilm.
434-677-050	Access to security film.
434-677-060	Use and removal of security microfilm.
434-677-070	Inspection and notification.
434-677-080	Right to refuse or return security film.

WAC 434-677-010 Security microfilm. Security microfilm is generated to protect records identified as essential to the continuity of state and local government, or as otherwise provided by law. Reference: Chapter 40.10 RCW.

[Statutory Authority: RCW 40.14.020. WSR 92-08-020, § 434-677-010, filed 3/20/92, effective 4/20/92.]

WAC 434-677-020 Storage of security microfilm. Security microfilm shall be stored offsite from the original records, working copies of the microfilm, or other media containing the same information or documents. Security microfilm shall be stored in facilities under the public domain. Storage must meet atmospheric, fire, and security criteria established by technical standards for the storage of public records issued by the state archivist. Reference: Chapter 40.14 RCW.

[Statutory Authority: RCW 40.14.020. WSR 92-08-020, § 434-677-020, filed 3/20/92, effective 4/20/92.]

WAC 434-677-030 Use of state archives security storage facility. State agencies shall store security microfilm in facilities provided by the division of archives and records management. Local agencies may store security microfilm with the division of archives or at other sites which meet archival microfilm vault storage standards.

[Statutory Authority: RCW 40.14.020. WSR 92-08-020, § 434-677-030, filed 3/20/92, effective 4/20/92.]

WAC 434-677-040 Retention of security microfilm. Microfilm accepted for security storage will be retained per records retention schedules approved by the state or local records committee established in accord with chapter 40.14 RCW or per agency-approved essential records schedules established in accord with chapter 40.10 RCW. If the film is determined by the division of archives microfilm quality control examiner to be substandard, and the office of record has refused to take corrective or remedial action, the division reserves the right to return the film prior to the expiration of the scheduled retention.

[Statutory Authority: RCW 40.14.020. WSR 92-08-020, § 434-677-040, filed 3/20/92, effective 4/20/92.]

WAC 434-677-050 Access to security film. Access to security microfilm stored by the state archives is restricted to authorized staff of the state archives for purposes of filing, inventory, inspection maintenance and approved duplication; and to authorized staff of the office of record depositing the film, for purposes of inspection.

[Statutory Authority: RCW 40.14.020. WSR 92-08-020, § 434-677-050, filed 3/20/92, effective 4/20/92.]

WAC 434-677-060 Use and removal of security microfilm. Security microfilm is for use only as a master for authorized film duplication. Security microfilm will not be removed from the state archives storage facility except for permanent return to the agency of origin upon a sixty-day notification by the agency or the division of archives. Any

relocation of security microfilm must be to facilities meeting security film storage standards.

[Statutory Authority: RCW 40.14.020. WSR 92-08-020, § 434-677-060, filed 3/20/92, effective 4/20/92.]

WAC 434-677-070 Inspection and notification. Security microfilm will be inspected upon receipt for film type, condition, density, and resolution quality. Security microfilm shall be spot checked throughout its storage life for evidence of deterioration. Agencies will be notified of substandard film and advised of recommended remedial actions.

[Statutory Authority: RCW 40.14.020. WSR 92-08-020, § 434-677-070, filed 3/20/92, effective 4/20/92.]

WAC 434-677-080 Right to refuse or return security film. The division reserves the right to refuse or return microfilm sent for security storage under certain conditions including the following:

(1) The film is not the silver halide camera negative or first copy positive.

(2) The film does not meet state quality standards for density and resolution.

(3) The film has microscopic blemishing, mold, or other forms of deterioration or damage, or will not produce a usable work copy.

(4) The film is not packaged, identified, and transmitted in accord with division guidelines.

(5) The records being secured on microfilm do not qualify as essential records per chapter 40.10 RCW, or are not appraised as historically valuable.

[Statutory Authority: RCW 40.14.020. WSR 92-08-020, § 434-677-080, filed 3/20/92, effective 4/20/92.]

Chapter 434-690 WAC ARCHIVES—ACCESS TO PUBLIC RECORDS

Last Update: 11/12/91

WAC	
434-690-010	Purpose.
434-690-020	Description of central and field organization of the division of archives and records management.
434-690-030	Operations and procedures.
434-690-040	Public records available.
434-690-050	Public records officer.
434-690-060	Office hours.
434-690-070	Requests for public records—Archives—Scheduled records.
434-690-080	Fees.
434-690-090	Exemptions.
434-690-100	Review of denials of public records requests.
434-690-110	Protection of public records.
434-690-120	Records index.
434-690-130	Communication with division—Address.
434-690-140	Adoption of form.
434-690-990	Appendix A—Management organization chart of state archivist.
434-690-99001	Appendix B—Form—Request for public records.

WAC 434-690-010 Purpose. The purpose of this chapter shall be to ensure compliance by the office of the secretary of state, division

of archives and records management with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25-32 of that act, dealing with public records.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-010, filed 11/12/91, effective 12/13/91.]

WAC 434-690-020 Description of central and field organization of the division of archives and records management. Division of archives and records management. The division is an administrative service and regulatory agency. The administrative office of the division and its staff are located at the Archives and Records Center Building, Olympia, Washington.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-020, filed 11/12/91, effective 12/13/91.]

WAC 434-690-030 Operations and procedures. The division of archives and records management is the primary archival and records management agency of Washington state government. The division is organized as depicted in Appendix A. Through its several sections, operating units, and regional offices it carries on the functions cited in chapter 434-620 WAC.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-030, filed 11/12/91, effective 12/13/91.]

WAC 434-690-040 Public records available. All public records of the division as defined in WAC 434-15-610 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 434-690-100.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-040, filed 11/12/91, effective 12/13/91.]

WAC 434-690-050 Public records officer. (1) The divisional records shall be in the charge of the public records officer designated by the secretary of state. The person so designated shall be located in the administrative office of the secretary of state. The public records officer shall be responsible for the following: The implementation of the division's rules and regulations regarding release of public records, coordinating the staff of the division in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

(2) The archival records in the custody of the division shall be in the charge of the state archivist. The state archivist shall be located in the state archives and records center building. The state archivist shall be responsible for the following: The implementation of the division's regulations regarding the release of archival records, coordinating the staff of the division in this regard and generally

insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

(3) The scheduled records in the custody of the division shall be in the charge of the public records officer designated by the agency of record origin. The public records officer of the agency of records origin shall be responsible for implementation of the agency's rules and regulations regarding the release of public records and coordinating with the staff of the state archives in this regard insofar as records of his agency in the custody of the state archivist are concerned.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-050, filed 11/12/91, effective 12/13/91.]

WAC 434-690-060 Office hours. Divisional records, archives and scheduled records shall be available for inspection and copying during the customary office hours of the division. For the purposes of this chapter, the customary office hours shall be from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-060, filed 11/12/91, effective 12/13/91.]

WAC 434-690-070 Requests for public records—Archives—Scheduled records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) **Divisional records.** A request shall be made in writing upon the form prescribed in WAC 434-690-150 which shall be available at the division's administrative office or at the secretary of state's administrative office. The form shall be presented to the secretary of state's public records officer at his/her office, or if he/she is not available, to any member of the division's staff at the administrative office of the division, during customary office hours. The request shall include the following information:

(a) The name of the person requesting the record;
(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the division's current index, an appropriate description of the record requested.

(2) **Archives.** A request shall be made in writing upon a form prescribed by the division which shall be available at the state archives and records center. The form shall be presented to the state archivist, or to a member of the division's staff, designated by the state archivist, at the state archives building, during customary office hours. The requests shall include specific subject and date and/or

state archives record group, sub-group, series and date information to facilitate record retrieval.

(3) **Scheduled records.** Requests for scheduled records in the custody but not under the jurisdiction of the state archives, must be made through the office of record origin in accord with the rules and regulations regarding the release of public records by that agency as published in the Washington Administrative Code in compliance with chapter 42.17 RCW. An approved request form or letter of authorization from an appropriate agency of records origin must then be presented to the state archivist, or a member of the division's staff, thereby granting access, unless the division has other access authority granted by agency of record. The request or letter of authorization shall include the same or nearly the same identifying information as that supplied for public records of the division.

(4) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-070, filed 11/12/91, effective 12/13/91.]

WAC 434-690-080 Fees. (1) No fee shall be charged for the inspection of public records.

(2) No fees shall be charged for records search and retrieval services.

(3) The division may impose a reasonable charge for providing copies of public records, regardless of media, and for the use by any person of division equipment to copy public records. Charges shall not exceed the amount necessary to reimburse the division for its actual costs incident to such copying.

(4) The division may charge a fee for research services prorated on salary benefit and overhead costs with a half-hour minimum.

(5) The division shall charge a fee of five dollars per certificate for issuance of a certificate or certified copies.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-080, filed 11/12/91, effective 12/13/91.]

WAC 434-690-090 Exemptions. (1) The division reserves the right to determine that a public record or archive record requested in accordance with the procedures outlined in WAC 434-690-070 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.310, the division reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer or state archivist will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-090, filed 11/12/91, effective 12/13/91.]

WAC 434-690-100 Review of denials of public records requests.

(1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the secretary of state. The secretary of state shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the secretary of state has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-100, filed 11/12/91, effective 12/13/91.]

WAC 434-690-110 Protection of public records. Records will be made available to the requestor subject to the following restrictions:

(1) The records may not be removed from the area designated.

(2) The quantity of records may be limited in consonance with the requested use.

(3) All possible care will be taken by the requestor to prevent damage to the records.

(4) Records may not be marked or altered in any way.

(5) Use of liquids and fountain pens; also eating, drinking, and smoking while utilizing the records is prohibited.

(6) Records shall not be defaced in any way including writing on, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that may already exist in the file.

(7) Records may not be cut or mutilated in any way.

(8) Records must be kept in the order in which received.

(9) Records will be returned to the state archivist or his designee by the requestor when no longer required and no later than the end of the customary office hours as set forth in WAC 434-690-060.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-110, filed 11/12/91, effective 12/13/91.]

WAC 434-690-120 Records index. (1) **Index.** The division has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since its inception:

"(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

"(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

"(c) Administrative staff manuals and instructions to staff that affect a member of the public;

"(d) Planning policies and goals, and interim and final planning decisions;

"(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others;

"(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or it is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party;

"(g) Public records accessioned into the archive proper of the state of Washington; and

"(h) Scheduled records in the custody of the state archives."

(2) **Availability.** The current index promulgated by the division shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-120, filed 11/12/91, effective 12/13/91.]

WAC 434-690-130 Communication with division—Address. All communications with the division including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the division's decisions and other matters, shall be addressed as follows: Office of the Secretary of State, c/o Public Records Officer, Legislative Building, Olympia, Washington 98504-0000.

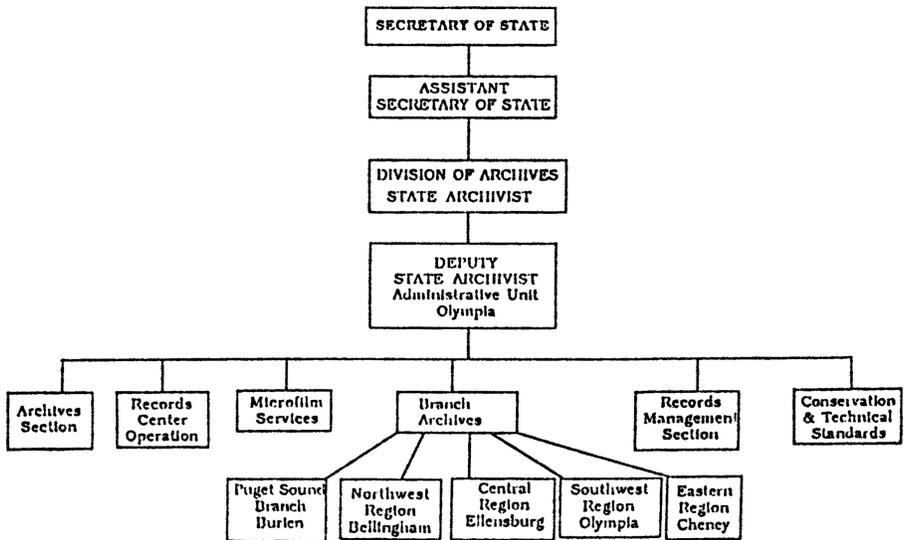
[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-130, filed 11/12/91, effective 12/13/91.]

WAC 434-690-140 Adoption of form. The division hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix B entitled "Request for public record."

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-140, filed 11/12/91, effective 12/13/91.]

WAC 434-690-990 Appendix A—Management organization chart of state archivist.

APPENDIX A



[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-990, filed 11/12/91, effective 12/13/91.]

WAC 434-690-99001 Appendix B—Form—Request for public records.

APPENDIX B
REQUEST FOR PUBLIC RECORDS

Name of Requestor:
 Address: Phone:
 Date of Request: Time of Request:

Nature of Request:
 1. Index Reference

 Signature

For Office Use Only:

		Record
(1) Request	Record	Withheld
Granted <input type="checkbox"/>	Withheld <input type="checkbox"/>	In Part <input type="checkbox"/>
(2) If withheld, name the exemption contained in RCW 42.17.310 which authorizes the withholding of the record or part of record: Subsection (1) ().		
(3) If withheld, briefly explain how the exemption applies to the record withheld.		
(4) If request granted, time, day		

[Statutory Authority: RCW 42.17.250. WSR 91-23-024, § 434-690-99001, filed 11/12/91, effective 12/13/91.]

**Chapter 434-750 WAC
COMBINED FUND DRIVE**

Last Update: 7/22/10

WAC

434-750-010	Purpose.
434-750-020	Intent.
434-750-030	Exemptions.
434-750-040	Definitions.
434-750-050	Handling and depositing contributions.
434-750-060	Staff and volunteer positions.
434-750-070	Responsibilities of CFD program manager.
434-750-090	Contracts.
434-750-100	Campaign executives.
434-750-110	CFD campaign support.
434-750-120	Local CFD campaigns.
434-750-130	CFD campaign occurrence.
434-750-140	Permission to share information during work hours.
434-750-150	Campaign events during work hours.
434-750-160	Solicitation.
434-750-170	Recovery of campaign expenses.
434-750-180	Deduction of fund-raising expenses.
434-750-190	Division of campaign expenses.
434-750-200	Eligibility.
434-750-210	Organizations not eligible.
434-750-220	Reconsideration of noneligibility.
434-750-230	Decertification or disqualification.
434-750-240	Notice of decertification decisions.
434-750-250	Decertification effective date.
434-750-270	Reconsideration of decertification decisions.
434-750-290	Decertified contributions.
434-750-300	Combined fund drive advisory council.

WAC 434-750-010 Purpose. The combined fund drive is the only authorized formal solicitation of Washington state employees in the workplace on behalf of participating not-for-profit organization and federations.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-010, filed 7/22/10, effective 8/22/10.]

WAC 434-750-020 Intent. The intent of the combined fund drive is to:

- (1) Lessen the burdens of government and of local communities in meeting the needs of human health and welfare;
- (2) Provide a convenient channel through which state employees and public agency retirees may contribute to the efforts of the participating organizations and federations providing services in Washington state and around the world;
- (3) Minimize both the disruption of the state workplace and the costs to taxpayers caused by multiple charitable fund drives; and
- (4) Ensure that participating organizations and federations are fiscally responsible in the uses of the moneys so raised.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-020, filed 7/22/10, effective 8/22/10.]

WAC 434-750-030 Exemptions. The rules in this chapter do not apply to the collection of gifts-in-kind, such as food, clothing and toys.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-030, filed 7/22/10, effective 8/22/10.]

WAC 434-750-040 Definitions. The following definitions apply to chapter 434-750 WAC:

"CFD" means Washington state combined fund drive.

"CFD campaign" means the period of organized solicitation of state employees and public agency retirees. This solicitation is conducted to obtain voluntary contributions, donations and charitable commitments to be allocated to approved, not-for-profit participating organizations and federations. State agencies or institutions of higher education have the flexibility to conduct a CFD campaign once a year at any time during the year.

"Federation" means a public or private not-for-profit umbrella organization made up of five or more individual member organizations approved by the CFD committee to participate in the CFD campaign.

"Participating organization" means a public 170 (c)(1) or private 501 (c)(3) not-for-profit organization whose application is approved by the CFD to participate in the CFD campaign.

"State employer" means Washington state agencies and higher education institutions and related boards.

"Year of contributions" means the annual calendar year for collection of the voluntary payroll deductions for charitable contributions authorized by state employees and public agency retirees pursuant to these rules. The normal, full annual calendar year of contributions will begin with January and end with the ensuing December.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-040, filed 7/22/10, effective 8/22/10.]

WAC 434-750-050 Handling and depositing contributions. The office of the secretary of state will establish a procedure for CFD staff to collect, process and deposit individual employee contributions. Contributions from fund-raising efforts will be deposited into the CFD account in the custody of the state treasurer according to state laws.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-050, filed 7/22/10, effective 8/22/10.]

WAC 434-750-060 Staff and volunteer positions. The office of the secretary of state will establish staff and volunteer positions and committees as necessary to assist in the annual CFD campaign.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-060, filed 7/22/10, effective 8/22/10.]

WAC 434-750-070 Responsibilities of CFD program manager. The CFD program manager exercises general supervision over all operations of the CFD and strives to take necessary steps for the achievement of CFD campaign objectives. The CFD program manager establishes and maintains the official list of agency, higher education institutions and local CFD campaign committee volunteers and the geographical area each covers.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-070, filed 7/22/10, effective 8/22/10.]

WAC 434-750-090 Contracts. The CFD may enter into contracts and partnerships with a private institution, persons, firms or corporations for the benefit of the beneficiaries of the CFD. The CFD may also engage in advertising activities for the support of the administrative duties of the CFD. However, CFD activities will not result in the direct commercial solicitation of state employees or in a benefit or advantage that would violate one or more provisions of chapter 42.52 RCW, the state ethics law.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-090, filed 7/22/10, effective 8/22/10.]

WAC 434-750-100 Campaign executives. Agency directors, elected officials and higher education presidents are authorized and encouraged to designate employees the opportunity to serve as CFD campaign executives to assist in the conduct of the CFD campaign. The CFD campaign executive opportunity is a rotational assignment that develops leadership, communication, and teamwork skills that will benefit the employing organization upon the employee's return. Those appointed as CFD campaign executives remain on the payroll of their employing organization during this assignment.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-100, filed 7/22/10, effective 8/22/10.]

WAC 434-750-110 CFD campaign support. State agencies and higher education institutions, at their discretion, are authorized to use reasonable state resources to support, promote, and conduct the annual combined fund drive campaign within their organization. Reasonable uses are not excessive in volume or frequency as determined by the agency director or institution president.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-110, filed 7/22/10, effective 8/22/10.]

WAC 434-750-120 Local CFD campaigns. Each state employer may establish local CFD campaigns within the geographical area it covers. Each state employer and local county committee may develop promotional and fund-raising events, provide training and recognition to CFD local coordinators, develop marketing plans, supervise CFD campaign executives, and expend state or CFD funds to conduct the local CFD campaign.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-120, filed 7/22/10, effective 8/22/10.]

WAC 434-750-130 CFD campaign occurrence. Each year the director of each state agency and president of each higher education institution may determine the time period of the agency's or institution's CFD campaign. Each annual CFD campaign normally is conducted for a seven-week period. However, in unusual circumstances, the individual state employers may extend the seven-week period as local conditions require.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-130, filed 7/22/10, effective 8/22/10.]

WAC 434-750-140 Permission to share information during work hours. The local state employer may grant sharing of information during the CFD campaign, by participating organizations if the agency or institution determines such communication is not disruptive to the local state office or institution. All CFD participating organizations must be given an equal opportunity for communication in a state employer's local CFD campaign.

This section will not be construed to require a state employer to distribute or arrange for oral or written information other than the official CFD campaign and publicity material.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-140, filed 7/22/10, effective 8/22/10.]

WAC 434-750-150 Campaign events during work hours. Solicitations of employees will be conducted during work hours using methods that permit true voluntary giving. Solicitations will reserve to the individual the option of disclosing any gift or keeping it confidential to the extent confidentiality is permitted by law. Campaign kick-offs, recognition events, awards and other nonsolicitation events to build support for the CFD are encouraged. CFD fund-raising events, such as raffles (as permitted by RCW 9.46.0209 and 42.52.805), drawings, auctions, bake sales, carnivals, athletic events, or other activities not specifically provided for in these rules are permitted when approved, in advance, by the state employer. At the discretion of each state employer, state employees may be authorized to attend CFD promotional and fund-raising events on state work time.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-150, filed 7/22/10, effective 8/22/10.]

WAC 434-750-160 Solicitation. Employees and public agency retirees may be solicited for contributions using payroll deduction, checks, money orders, credit cards, cash or electronic methods.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-160, filed 7/22/10, effective 8/22/10.]

WAC 434-750-170 Recovery of campaign expenses. The CFD will recover from the gross receipts of the CFD campaign, or state appropriations, its reasonable administrative expenses to conduct the CFD campaign. The secretary of state will approve an annual budget to determine the administrative fee to be charged to the beneficiaries of the CFD.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-170, filed 7/22/10, effective 8/22/10.]

WAC 434-750-180 Deduction of fund-raising expenses. Fund-raising expenses will not be taken or deducted from donations collected during a fund-raising event. These fund-raising expenses may be paid by the state agency or higher education institution and, then, upon request and submission of proper documentation, reimbursed by the CFD.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-180, filed 7/22/10, effective 8/22/10.]

WAC 434-750-190 Division of campaign expenses. The CFD campaign expenses will be shared proportionately by all the participating not-for-profit organizations and federations reflecting their individual percentage share of gross CFD campaign receipts.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-190, filed 7/22/10, effective 8/22/10.]

WAC 434-750-200 Eligibility. Not-for-profit organizations must meet three requirements in order to be a member with the CFD:

(1) Must have an approved federal IRS 501 (c)(3) or 170 (c)(1) status;

(2) Must submit a CFD membership application; and

(3) Must be registered with the Washington state office of the secretary of state. Registrations must be kept in an active status.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-200, filed 7/22/10, effective 8/22/10.]

WAC 434-750-210 Organizations not eligible. If a not-for-profit organization or federation is determined not to be eligible, the CFD will provide written notice of its determination, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-210, filed 7/22/10, effective 8/22/10.]

WAC 434-750-220 Reconsideration of noneligibility. The following process will be used for requests for reconsideration of noneligibility:

(1) Within fifteen calendar days after receiving notice of noneligibility, an affected organization or federation may submit a written request for reconsideration to the CFD. Requests for reconsideration and any supporting materials must be based solely on new or additional information that was not available to the CFD at the time the initial determination was made.

(2) Within thirty calendar days of receiving the request for reconsideration, the CFD will issue a written decision. The CFD reconsideration decision is final.

(3) The CFD may extend the time periods established in this section if it determines there is good cause to do so.

(4) Any written requests or notices made under this section will be deemed received three business days after deposited in the United States mail, properly stamped and addressed.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-220, filed 7/22/10, effective 8/22/10.]

WAC 434-750-230 Decertification or disqualification. Once approved for participation, any participating organization or federation may be decertified and disqualified from participation in the combined fund drive campaign by the CFD for one or more of the following reasons:

- (1) Failing to comply with the rules contained in this chapter;
- (2) Filing an application to participate in the state combined fund drive campaign which contains false or intentionally misleading information; or
- (3) Receiving less than two hundred dollars in total CFD contributions in a calendar year.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-230, filed 7/22/10, effective 8/22/10.]

WAC 434-750-240 Notice of decertification decisions. The CFD will provide written notice of the decertification decision, including a description of the determination made, the date and by whom it was made, the basis for the determination, and the procedure for requesting reconsideration.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-240, filed 7/22/10, effective 8/22/10.]

WAC 434-750-250 Decertification effective date. Decertification is effective on the first day of the quarter following notice of decertification under WAC 434-750-240. Quarters begin on the first day of January, April, July, or October of each year. A decertified organization or federation is disqualified from participating in the CFD campaign as of that effective date.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-250, filed 7/22/10, effective 8/22/10.]

WAC 434-750-270 Reconsideration of decertification decisions. Requests for reconsideration of a decertification decision will be governed by the procedures set forth for reconsideration of eligibility in WAC 434-750-220.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-270, filed 7/22/10, effective 8/22/10.]

WAC 434-750-290 Decertified contributions. The CFD will direct payments originally pledged to an organization or federation that has been decertified, is in receivership, has filed for or been placed in

bankruptcy, or has been or is in the process of being dissolved, be returned to donors. If the CFD determines it is not feasible to return such funds to donors, it will determine the appropriate disposition of the funds.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-290, filed 7/22/10, effective 8/22/10.]

WAC 434-750-300 Combined fund drive advisory council. The secretary of state may create a CFD advisory council to provide advice and guidance on matters pertaining to operating the CFD. The council will consist of no more than ten members chosen by the secretary of state to represent a broad variety of charities, higher education institutions, and state agencies.

Members serve at the pleasure of the secretary. Terms are staggered, with the original board drawing for two- and three-year terms. All following terms are three years but all terms expire no later than when the appointing secretary leaves office. Vacancies may be filled by the secretary upon notice of a vacancy from the member. The council will elect a chairperson from its members annually. The frequency of meetings will be at least once a year but additional meetings may be called by the secretary or council. Council members are not compensated for their service, but may be reimbursed for expenses incurred in the conduct of their official duties. Reimbursement is at current state rates for travel and all reimbursement requests must be received within thirty days of incurring the expense.

[Statutory Authority: RCW 41.04.033. WSR 10-16-017, § 434-750-300, filed 7/22/10, effective 8/22/10.]

Chapter 434-840 WAC ADDRESS CONFIDENTIALITY PROGRAM

Last Update: 2/26/14

WAC

434-840-001	Authority and purpose.
434-840-005	Definitions.
434-840-010	Application and certification process.
434-840-020	Exercise of program participant's privileges.
434-840-030	Certification renewal.
434-840-040	Certification withdrawal, invalidation, expiration, and termination.
434-840-060	Information release to law enforcement agency.
434-840-063	Issuance of a court order for address confidentiality program participant information.
434-840-065	Information release to nonlaw enforcement agency.
434-840-070	Agency exemption request.
434-840-080	Service of process.
434-840-100	Acknowledgment for marriage and voting record confidentiality.
434-840-110	Proof of program participant's authority.
434-840-200	Notification for marriage record confidentiality.
434-840-210	Marriage application.
434-840-220	Marriage record filing.
434-840-230	Marriage record transmission to department of health.
434-840-240	Certified copy of marriage certificates.
434-840-310	Protected records voter status.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-840-050	Notification of program participant status. [Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-050, filed 9/26/91, effective 10/27/91.] Repealed by WSR 98-19-063, filed 9/16/98, effective 10/17/98. Statutory Authority: RCW 40.24.090.
434-840-090	Program participant compliance with agency rules. [Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-090, filed 9/26/91, effective 10/27/91.] Repealed by WSR 98-19-063, filed 9/16/98, effective 10/17/98. Statutory Authority: RCW 40.24.090.

- 434-840-120 Record confidentiality. [Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-120, filed 9/26/91, effective 10/27/91.] Repealed by WSR 98-19-063, filed 9/16/98, effective 10/17/98. Statutory Authority: RCW 40.24.090.
- 434-840-130 Agency response to public disclosure requests. [Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-130, filed 9/26/91, effective 10/27/91.] Repealed by WSR 98-19-063, filed 9/16/98, effective 10/17/98. Statutory Authority: RCW 40.24.090.
- 434-840-300 Notification for voting record confidentiality. [Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-300, filed 9/26/91, effective 10/27/91.] Repealed by WSR 98-19-063, filed 9/16/98, effective 10/17/98. Statutory Authority: RCW 40.24.090.
- 434-840-320 Maintaining protected records voter information. [Statutory Authority: RCW 40.24.090. WSR 05-13-059, § 434-840-320, filed 6/9/05, effective 7/10/05; WSR 98-19-063, § 434-840-320, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-320, filed 9/26/91, effective 10/27/91.] Repealed by WSR 08-23-094, filed 11/19/08, effective 12/20/08. Statutory Authority: RCW 40.24.090.
- 434-840-330 Mailing protected records voter ballots. [Statutory Authority: RCW 40.24.090. WSR 05-13-059, § 434-840-330, filed 6/9/05, effective 7/10/05; WSR 98-19-063, § 434-840-330, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-330, filed 9/26/91, effective 10/27/91.] Repealed by WSR 08-23-094, filed 11/19/08, effective 12/20/08. Statutory Authority: RCW 40.24.090.
- 434-840-340 Processing protected records voter ballot. [Statutory Authority: RCW 29A.04.611. WSR 07-09-036, § 434-840-340, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 40.24.090. WSR 98-19-063, § 434-840-340, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-340, filed 9/26/91, effective 10/27/91.] Repealed by WSR 08-23-094, filed 11/19/08, effective 12/20/08. Statutory Authority: RCW 40.24.090.
- 434-840-350 Canvassing procedure for a special ballot of a protected records voter. [Statutory Authority: RCW 40.24.090. WSR 98-19-063, § 434-840-350, filed 9/16/98, effective 10/17/98. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-840-350, filed 10/13/97, effective 11/13/97. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-350, filed 9/26/91, effective 10/27/91.] Repealed by WSR 08-23-094, filed 11/19/08, effective 12/20/08. Statutory Authority: RCW 40.24.090.
- 434-840-360 Undeliverable ballot. [Statutory Authority: RCW 40.24.090. WSR 98-19-063, § 434-840-360, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-360, filed 9/26/91, effective 10/27/91.] Repealed by WSR 08-23-094, filed 11/19/08, effective 12/20/08. Statutory Authority: RCW 40.24.090.
- 434-840-370 Election challenges. [Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-370, filed 9/26/91, effective 10/27/91.] Repealed by WSR 08-23-094, filed 11/19/08, effective 12/20/08. Statutory Authority: RCW 40.24.090.

WAC 434-840-001 Authority and purpose. These rules are adopted pursuant to RCW 40.24.030 and 40.24.090. The purpose of this chapter is to provide the administrative procedures necessary to implement chapter 40.24 RCW; to provide a procedure for state and local agencies to respond to requests for public records without disclosing the location of a program participant; to provide a procedure to facilitate interagency cooperation in providing address confidentiality for a program participant; to establish uniform statewide procedures for maintaining the confidentiality of a program participant's name and address information in marriage and voting records; and to provide a procedure for state and local agencies to accept a program participant's use of a substitute mailing address.

[Statutory Authority: RCW 40.24.090. WSR 98-19-063, § 434-840-001, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-001, filed 9/26/91, effective 10/27/91.]

WAC 434-840-005 Definitions. For the purposes of this chapter:

- (1) "Address" means any physical locations where the participant resides, works, or attends school, for which the participant is requesting confidentiality.
- (2) "Address confidentiality program (ACP)" means the agency employee designated by the secretary of state with responsibility for developing and administering the program that implements the provisions of chapter 40.24 RCW.

(3) "Agency" means an office, department, division, bureau, board, commission, or other statutory unit of state or local government or any functional subdivision of that agency.

(4) "Application assistant" means an employee of a state or local agency, or of a nonprofit program that provides advocacy, counseling, referral, or shelter services to victims of sexual assault, domestic violence, trafficking, or stalking who has been designated by the respective agency, and has been accepted by the secretary of state to assist individuals with threat assessment, safety planning, determining whether the program's services can help keep the victim safe, and the completion and submission of the ACP application.

(5) "Authorization card form" means the incomplete form for an authorization card on which no identifying program participant information has been entered.

(6) "Authorized personnel" means an employee of a county auditor's office, a county recording office, the Washington state department of health, or the office of the secretary of state who has been designated by the chief executive officer of the respective agency, to process and have access to voter application, voting records, marriage applications and records pertaining to program participants.

(7) "Bona fide statutory or administrative requirement" means that without possession of an individual's actual residential address the agency is incapable of fulfilling its statutory duties and obligations.

(8) "Protected records voter" means a program participant who has applied and qualified for confidential voter registration, as provided under RCW 40.24.060, WAC 434-840-100, and 434-840-310.

(9) "Record" means any information relating to the conduct or performance of a governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(10) "Substitute mailing address" means the mailing address designated by the secretary of state which shall not be the program participant's residential address as documented on her or his application for program participation.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-840-005, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 40.24.090. WSR 08-23-094, § 434-840-005, filed 11/19/08, effective 12/20/08; WSR 05-13-059, § 434-840-005, filed 6/9/05, effective 7/10/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-840-005, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 40.24.090. WSR 98-19-063, § 434-840-005, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-005, filed 9/26/91, effective 10/27/91.]

WAC 434-840-010 Application and certification process. (1) The program applicant shall provide all the information required on the certification application and date and sign the form. An applicant shall specify any Washington state residential addresses, work, and school addresses, if any, for which confidentiality is requested. The standard application form shall also include the application preparation date, and the signature of the application assistant as provided in RCW 40.24.080.

(2) An individual who has filed a properly completed application shall be certified as a program participant and issued a program par-

participant authorization card. The authorization card shall include the program participant's name, authorization code, substitute mailing address, certification expiration date, and applicant's signature.

(3) A properly completed application shall be effective on the day it is received by the address confidentiality program.

(4) The term of a program participant's certification shall be four years following the effective date of her or his application unless the certification is withdrawn or invalidated before that date.

[Statutory Authority: RCW 40.24.090. WSR 08-23-094, § 434-840-010, filed 11/19/08, effective 12/20/08; WSR 98-19-063, § 434-840-010, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-010, filed 9/26/91, effective 10/27/91.]

WAC 434-840-020 Exercise of program participant's privileges.

(1) At the time any state or local government agency creates a new record or updates an existing record, a program participant may request that the agency use the substitute mailing address as the participant's residence, work and/or school address.

(2) A program participant shall show her or his authorization card to the agency official creating a new record and request address confidentiality through the use of the substitute mailing address as it appears on the authorization card, in lieu of her or his actual location.

(3) The agency official creating a new record may make a file photocopy of the authorization card and shall immediately return the authorization card to the program participant. The agency official may call the program to verify an individual's current participation status in the program.

(4) An agency shall accept the substitute mailing address unless the agency has received a written exemption from the secretary of state pursuant to RCW 40.24.050 and WAC 434-840-070.

[Statutory Authority: RCW 40.24.090. WSR 05-13-059, § 434-840-020, filed 6/9/05, effective 7/10/05; WSR 98-19-063, § 434-840-020, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-020, filed 9/26/91, effective 10/27/91.]

WAC 434-840-030 Certification renewal. (1) A program participant may renew her or his program certification by filing with the address confidentiality program: (a) Her or his current authorization card; (b) a properly completed renewal application form; and (c) a new authorization card form. The program participant shall provide all the information required on the renewal application form and date and sign the form.

(2) The address confidentiality program shall: (a) Certify a program participant, who has filed a properly completed renewal application form, to participate in the program for an additional four year term unless the certification is withdrawn or invalidated before that date; (b) issue to the program participant a new authorization card which includes the program participant's name, authorization code, substitute mailing address, certification expiration date, and signature.

[Statutory Authority: RCW 40.24.090. WSR 05-13-059, § 434-840-030, filed 6/9/05, effective 7/10/05; WSR 98-19-063, § 434-840-030, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-030, filed 9/26/91, effective 10/27/91.]

WAC 434-840-040 Certification withdrawal, invalidation, expiration, and termination. (1) A program participant may withdraw from program participation by submitting to the address confidentiality program: Written notification of withdrawal and her or his current authorization card. Certification shall be terminated on the date of receipt of this notification. If the program participant requests cancellation but does not return her or his current authorization card and/or does not submit written notification of the request, the secretary of state may, at his/her discretion, cancel program participation based solely on the verbal request.

(2) The address confidentiality program shall terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant's certification term has expired and certification renewal has not been completed; (b) the address confidentiality program has determined that false information was used in the application process; or (c) the program participant fails to respond to the program's request for verification of the participant's residential address.

(3) The address confidentiality program may terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant no longer resides at the residential address on file, and has not provided at least two days' prior notice in writing of a change of address; (b) first class mail, certified mail, or a service of process document forwarded to the program participant by the address confidentiality program is returned as non-deliverable, refused, or unclaimed; or (c) the program participant obtains a legal change of identity.

(4) The address confidentiality program shall send written notification of the termination to the participant's last known mailing or residential address. The program participant shall have five business days in which to appeal the termination under procedures developed by the secretary of state.

(5) The address confidentiality program shall notify the appropriate authorized personnel when a participant has been terminated from the program. The authorized personnel shall transmit to the address confidentiality program all appropriate administrative records pertaining to the participant. The transmitting agency is no longer responsible for maintaining record confidentiality for a terminated program participant under chapter 40.24 RCW.

[Statutory Authority: RCW 40.24.090. WSR 05-13-059, § 434-840-040, filed 6/9/05, effective 7/10/05; WSR 98-19-063, § 434-840-040, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-040, filed 9/26/91, effective 10/27/91.]

WAC 434-840-060 Information release to law enforcement agency. A request from a law enforcement agency for release of records in a program participant's file containing no indication the participant has reason to believe he or she is a victim of domestic violence, sex-

ual assault, trafficking, or stalking perpetrated by an employee of a law enforcement agency, shall be in writing, on agency letterhead stationery, and shall contain the signature of the agency's chief law enforcement officer or his or her designee as defined in RCW 10.98.040, the request date, and the name of the program participant.

A request from a law enforcement agency for release of records in a program participant's file in which the participant's application affirmatively indicates that the applicant has reason to believe he or she is a victim of domestic violence, sexual assault, trafficking, or stalking perpetrated by an employee of a law enforcement agency, must be accompanied by a court order for release of records in the program participant's file.

[Statutory Authority: RCW 40.24.090. WSR 08-23-094, § 434-840-060, filed 11/19/08, effective 12/20/08; WSR 98-19-063, § 434-840-060, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-060, filed 9/26/91, effective 10/27/91.]

WAC 434-840-063 Issuance of a court order for address confidentiality program participant information. A court order for address confidentiality program participant information may only be issued upon a probable cause finding by a judicial officer that release of address confidentiality program participant information is legally necessary:

- (1) In the course of a criminal investigation or prosecution; or
- (2) To prevent immediate risk to a minor and meet the statutory requirements of the Washington child welfare system. Any court order so issued will prohibit the release of the information to any other agency or person not a party to the order.

[Statutory Authority: RCW 40.24.090. WSR 08-23-094, § 434-840-063, filed 11/19/08, effective 12/20/08.]

WAC 434-840-065 Information release to nonlaw enforcement agency. A request from a nonlaw enforcement agency for release of records in a program participant's file must be accompanied by a court order for release of records in the program participant's file.

[Statutory Authority: RCW 40.24.090. WSR 08-23-094, § 434-840-065, filed 11/19/08, effective 12/20/08.]

WAC 434-840-070 Agency exemption request. (1) An agency requesting an exemption under RCW 40.24.050, must provide in writing to the secretary of state: (a) Identification of the statute or administrative rule which demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual; (b) identification and description of the specific record or record series for which the exemption is requested; (c) identification of the individuals who will have access to the record; (d) explanation of how the agency's acceptance of a substitute address will prevent the agency from meeting its obligations under the statute or rule identified above; and (e)(i) explanation of why the agency cannot meet its statutory or administrative obligations by a change in its internal procedures; and, where appropriate, (ii) description of any agency proce-

dural change(s) that could be made that would allow it to accept the substitute address and meet its statutory or administrative obligations and an estimate of implementation time needed.

(2) The secretary of state shall file and review an agency's request for an exemption.

(3) During the review, evaluation and appeal of an agency's exemption request, the agency shall accept the use of a program participant's substitute address.

(4) The secretary of state's determination to grant or withhold a requested exemption shall be based on, but not limited to, an evaluation of the information provided under subsection (1) of this section in conformance with the statutory standard of a bona fide statutory or administrative requirement for the use of a program participant's actual address.

(5) If the secretary of state determines that an agency has a bona fide statutory or administrative requirement for the use of a program participant's actual address information and that the actual address information will be used only for those statutory and administrative purposes, the secretary may issue a written exemption for the agency. When granting an exemption, the secretary may include: (a) An agency's obligation to maintain the confidentiality of a program participant's address information; (b) limitations on use and access to that address information; (c) term during which the exemption is authorized for the agency; (d) designation of the record format on which the address information may be maintained; (e) designation of an address information disposition date after which the agency may no longer maintain a record of the address information; and (f) any other provisions and qualifications determined appropriate by the secretary of state.

(6) When a program participant requests use of the substitute address in a record, and the agency has received an exemption for that record, the agency shall immediately provide a copy of the written exemption to the requesting program participant. The agency shall notify the address confidentiality program of the occurrence and denial of the program participant's request.

(7) The secretary of state's denial of an agency exemption request shall be made in writing and include a statement of the specific reasons therefore.

(8) An agency may appeal the denial of its request by resubmitting its written request together with additional data, information, and an explanation of corrective action taken to alleviate concerns and considerations included in the secretary of state's denial determination.

[Statutory Authority: RCW 40.24.090. WSR 05-13-059, § 434-840-070, filed 6/9/05, effective 7/10/05; WSR 98-19-063, § 434-840-070, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-070, filed 9/26/91, effective 10/27/91.]

WAC 434-840-080 Service of process. (1) The secretary of state shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served.

(2) Service on the secretary of state of any such summons, writ, demand, notice, or process shall be made by mailing to the substitute address or by delivering to the secretary of state at his/her office in Olympia, WA: (a) Two copies of the summons, writ, notice, demand,

or process; and (b) twenty-five dollars service-of-process fee for each action or document filed.

(3) If a summons, writ, notice, demand, or process is served on the secretary of state, the secretary of state shall immediately forward a copy to the program participant at the participant's current mailing address shown on the records.

(4) The secretary of state shall maintain in the program participant's file, a record of all summonses, writs, notices, demands, and processes served upon the secretary of state for that participant under RCW 40.24.030, which shall include the date of such service and the secretary of state's action.

[Statutory Authority: RCW 40.24.090. WSR 09-18-018, § 434-840-080, filed 8/21/09, effective 9/21/09; WSR 05-13-059, § 434-840-080, filed 6/9/05, effective 7/10/05; WSR 98-19-063, § 434-840-080, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-080, filed 9/26/91, effective 10/27/91.]

WAC 434-840-100 Acknowledgment for marriage and voting record confidentiality. (1) When a program participant requests confidentiality for marriage records, both the program participant and her or his intended spouse shall sign and date a statement provided by the secretary of state, that describes access limitations on confidential marriage records.

(2) When a program participant requests confidentiality for voting records, she or he shall sign a statement provided by the secretary of state that documents the date of this request.

(3) The authorized personnel shall receive the original copy of this signed acknowledgment, the address confidentiality program shall have one copy and the program participant shall have one copy.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-840-100, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 40.24.090. WSR 08-23-094, § 434-840-100, filed 11/19/08, effective 12/20/08; WSR 98-19-063, § 434-840-100, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-100, filed 9/26/91, effective 10/27/91.]

WAC 434-840-110 Proof of program participant's authority. (1) When a program participant requests name and address confidentiality for a marriage record, authorized personnel shall check the authorization card to confirm that the term of program participation has not expired and that the program participant's signature on the authorization card matches that on the acknowledgement form.

(2) Authorized personnel may make a photocopy of the program participant's authorization card. The authorization card shall be immediately returned to the program participant. The photocopy shall be kept with the confidential marriage record for this program participant during the time the record is filed and maintained by the county auditor or county recording officer. The authorized personnel may call the program to verify an individual's current participation status in the program.

[Statutory Authority: RCW 40.24.090. WSR 08-23-094, § 434-840-110, filed 11/19/08, effective 12/20/08; WSR 05-13-059, § 434-840-110,

filed 6/9/05, effective 7/10/05; WSR 98-19-063, § 434-840-110, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-110, filed 9/26/91, effective 10/27/91.]

WAC 434-840-200 Notification for marriage record confidentiality. A program participant shall notify the appropriate county auditor or county recording officer of her or his request for confidentiality in marriage records by appearing in person with her or his intended spouse before the county auditor or county recording officer.

[Statutory Authority: RCW 40.24.090. WSR 98-19-063, § 434-840-200, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-200, filed 9/26/91, effective 10/27/91.]

WAC 434-840-210 Marriage application. (1) Authorized personnel shall verify that the application for a marriage license and certificate of marriage form are completed in full. The certificate of marriage shall contain the program participant's authorization code and expiration date.

(2) Authorized personnel shall provide the program participant with a "confidential records" envelope in which the program participant shall transmit all completed marriage documents to the county auditor or county recording officer.

[Statutory Authority: RCW 40.24.090. WSR 98-19-063, § 434-840-210, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-210, filed 9/26/91, effective 10/27/91.]

WAC 434-840-220 Marriage record filing. Any notation of a confidential marriage license application, certificate, or record, by authorized personnel shall be made in a manner that preserves the confidentiality of the information contained in that document.

[Statutory Authority: RCW 40.24.090. WSR 98-19-063, § 434-840-220, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-220, filed 9/26/91, effective 10/27/91.]

WAC 434-840-230 Marriage record transmission to department of health. The county authorized personnel shall transmit a completed marriage certificate containing the name and address of a program participant to the department of health in an envelope distinctly marked "confidential records."

[Statutory Authority: RCW 40.24.090. WSR 08-23-094, § 434-840-230, filed 11/19/08, effective 12/20/08; WSR 98-19-063, § 434-840-230, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-230, filed 9/26/91, effective 10/27/91.]

WAC 434-840-240 Certified copy of marriage certificates. Upon the request of a program participant, accompanied by the appropriate fee, the address confidentiality program may request in writing a certified copy of a program participant's marriage certificate from the

agency maintaining that record and release it to the program participant. A certified copy of a marriage certificate containing the name of the program participant is only available through the address confidentiality program.

[Statutory Authority: RCW 40.24.090. WSR 98-19-063, § 434-840-240, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-240, filed 9/26/91, effective 10/27/91.]

WAC 434-840-310 Protected records voter status. (1) A program participant shall apply for protected records voter status by appearing in person before the appropriate county authorized personnel or requesting an application from the address confidentiality program. The program participant shall: (a) Cancel any previously existing voter registration; and (b) provide all the information required on the protected records voter registration application.

(2) The program participant shall disclose to the authorized personnel the actual address of her or his residence only for the purpose of determining the proper precinct.

[Statutory Authority: RCW 40.24.090. WSR 08-23-094, § 434-840-310, filed 11/19/08, effective 12/20/08; WSR 05-13-059, § 434-840-310, filed 6/9/05, effective 7/10/05; WSR 98-19-063, § 434-840-310, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. WSR 91-20-074, § 434-840-310, filed 9/26/91, effective 10/27/91.]