PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 10, 2026
TIME: 10:09 AM

WSR 26-09-055

Agency: Office of the Secretary of State

☐ **Original Notice**

☐ **Supplemental Notice to WSR** _____

☒ **Continuance of WSR** 26-08-024

☒ **Preproposal Statement of Inquiry was filed as WSR** 26-01-154 **; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR** _____**; or**

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW** _____**.**

Title of rule and other identifying information: (describe subject) Refusal to certify an election without cause.

Hearing location(s):

Date:	**Time:**	**Location:** (be specific)	**Comment:**
May 26, 2026	10:00 AM	Washington Secretary of State, Washington State Library 6880 Capitol Blvd. SE Tumwater, WA 98501	When attending the hearing in person, enter the front lobby of the Washington State Library. You will be escorted to the conference room at 9:55 AM to be present when the hearing begins at 10:00 AM. If you arrive after that time, there will be a staff member available in the lobby to escort you to the conference room.

Date of intended adoption: May 27, 2026 (Note: This is **NOT** the **effective** date)

Submit written comments to:
Name Dave Piersma
Address PO Box 40229, Olympia, WA 98504-0229
Email dave.piersma@sos.wa.gov
Fax 360-664-4619
Other
Beginning (date and time) April 2, 2026, 8:00 AM
By (date and time) May 25, 2026, 5:00 PM

Assistance for persons with disabilities:
Contact Dave Piersma
Phone 360-902-4172
Fax 360-664-4619
TTY
Email dave.piersma@sos.wa.gov
Other
By (date) May 25, 2026, 5:00 PM

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this rulemaking is to create administrative code detailing the procedure in such a situation. The rule amendments clarify which materials contain personally identifiable information (PII) and thus cannot be copied, faxed, scanned, or emailed; the deadline to delegate a designated representative to serve on the canvassing board in case of emergency procedures; and the definition for "without cause."

Reasons supporting proposal: Senate Bill 5843 (2024) added a provision to RCW 29A.60.200 stating that the Secretary of State may examine a county's election materials and certify the county-level results if the county canvassing board refuses to certify the election without cause.

Statutory authority for adoption: RCW 29A.04.611

Statute being implemented: RCW 29A.60.200

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

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

Name of proponent: (person or organization) Office of the Secretary of State
Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Stuart Holmes	Olympia	360-902-4151
Implementation	Stuart Holmes	Olympia	360-902-4151
Enforcement	Stuart Holmes	Olympia	360-902-4151

Is a school district fiscal impact statement required under RCW 28A.305.135? ☐ Yes ☒ No
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:
Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name
Address
Phone
Fax
TTY
Email
Other

☒ No: Please explain: The proposed amendments relate only to internal government operations that are not subject to violation by a nongovernment third party.

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The Governor's Office for Regulatory Innovation and Assistance (ORIA) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). For additional information on exemptions, consult the exemption guide published by ORIA. Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- ☒ RCW 34.05.310 (4)(b) (Internal government operations)
- ☐ RCW 34.05.310 (4)(c) (Incorporation by reference)
- ☐ RCW 34.05.310 (4)(d) (Correct or clarify language)
- ☐ RCW 34.05.310 (4)(e) (Dictated by statute)
- ☐ RCW 34.05.310 (4)(f) (Set or adjust fees)
- ☐ RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

☒ The rule proposal: Is fully exempt. *(Skip section 3.)* Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. *(Complete section 3.)* The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using this template from ORIA):

☐ The rule proposal: Is not exempt. *(Complete section 3.)* No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: April 10, 2026	**Signature:**
Name: Amanda Doyle	
Title: Secretary of State Chief of Staff	