

Title 434 WAC

SECRETARY OF STATE

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ity: 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. 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. 93-20-072, § 434-110-100, filed 10/1/93, effective 11/1/93.] Repealed by 11-01-042, filed 12/7/10, effective 1/7/11. Statutory Authority: Titles 23B, 24, and 25 RCW, and chapter 43.07 RCW.

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. 09-06-036, § 434-110-120, filed 2/24/09, effective 3/27/09. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 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. 93-20-072, § 434-110-120, filed 10/1/93, effective 11/1/93.] Repealed by 11-01-042, filed 12/7/10, effective 1/7/11. Statutory Authority: Titles 23B, 24, and 25 RCW, and chapter 43.07 RCW.

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. 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. 93-20-072, § 434-110-130, filed 10/1/93, effective 11/1/93.] Repealed by 11-01-042, filed 12/7/10, effective 1/7/11. Statutory Authority: Titles 23B, 24, and 25 RCW, and chapter 43.07 RCW.

Inactive profit domestic corporations—Proof. [Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-140, filed 10/1/93, effective 11/1/93.] Repealed by 11-01-042, filed 12/7/10, effective 1/7/11.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 434-12 WAC

TRADEMARKS

WAC

434-12-005	Trademark filing—Fees—Office hours—Location.
434-12-015	Classification of goods and services.

WAC 434-12-005 Trademark filing—Fees—Office hours—Location. (1) Trademarks are filed with the corporations division of the secretary of state.

(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 19.77.090, 19.77.115. 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. 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.

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

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. 09-06-036, § 434-110-010, filed 2/24/09, effective 3/27/09. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 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. 93-20-072, § 434-110-010, filed 10/1/93, effective 11/1/93.] Repealed by 11-01-042, filed 12/7/10, effective 1/7/11. Statutory Authority: Titles 23B, 24, and 25 RCW, and chapter 43.07 RCW.
434-110-030	Office hours. [Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.-120. 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. 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. 93-20-072, § 434-110-030, filed 10/1/93, effective 11/1/93.] Repealed by 11-01-042, filed 12/7/10, effective 1/7/11. Statutory Authority: Titles 23B, 24, and 25 RCW, and chapter 43.07 RCW.
434-110-050	Mail-in service. [Statutory Authority: RCW 23.86.070, 23B.01.200, 23B.01.220, 24.03.405, 25.10.600, 43.07.-120. 09-06-036, § 434-110-050, filed 2/24/09, effective 3/27/09. Statutory Authority: Titles 23, 23B, 245 and 46 RCW, chapter 43.07 RCW. 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. 93-20-072, § 434-110-050, filed 10/1/93, effective 11/1/93.] Repealed by 11-01-042, filed 12/7/10, effective 1/7/11. Statutory Authority: Titles 23B, 24, and 25 RCW, and chapter 43.07 RCW.
434-110-100	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. 09-06-036, § 434-110-100, filed 2/24/09, effective 3/27/09. Statutory Author-

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

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

5. Pharmaceutical, 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. 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. 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. 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. Surgical, medical, dental, and veterinary apparatus and instruments, artificial limbs, eyes, and teeth; orthopedic articles; suture materials.

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

20. 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. 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. 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. Textiles and textile goods, not included in other classes; beds and table covers.

25. Clothing, footwear, headgear.

26. Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.

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

28. Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.

29. 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. 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. Agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt.

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

33. Alcoholic beverages (except beers).

34. Tobacco; smokers' articles; matches.

Services

35. Advertising; business management; business administration; office functions.

- 36. Insurance; financial affairs; monetary affairs; real estate affairs.
- 37. Building construction and repair; installation services.
- 38. Telecommunications.
- 39. 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 and scientific; 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 and legal; 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 19.77.090, 19.77.115. 10-04-045, § 434-12-015, filed 1/28/10, effective 2/28/10. Statutory Authority: RCW 19.77.115. 04-05-041, § 434-12-015, filed 2/12/04, effective 3/14/04.]

Chapter 434-55 WAC
LIMITED PARTNERSHIP FILINGS—
CENTRALIZED SYSTEM

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.
434-55-056	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. 00-21-083, § 434-55-015, filed 10/17/00, effective 11/17/00. Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-015, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 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. 82-20-075 (Order 82-7), § 434-55-015, filed 10/6/82.] Repealed by 10-04-046, filed 1/28/10, effective 2/28/10. Statutory Authority: RCW 25.10.171, 25.10.916, and 43.07.120.
434-55-070	Telephone services. [Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-070, filed 9/8/94, effective 10/9/94.] Repealed by 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. 10-04-046, § 434-55-010, filed 1/28/10, effective 2/28/10. Statutory Authority: RCW 25.10.610 and 1987 c 55. 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. 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. 10-04-046, § 434-55-016, filed 1/28/10, effective 2/28/10. Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-016, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 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. 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 micro-filming 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. 10-04-046, § 434-55-040, filed 1/28/10, effective 2/28/10. Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-040, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 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. 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. 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. 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. 10-04-046, § 434-55-052, filed 1/28/10, effective 2/28/10.]

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. 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. 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. 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. 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. 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. 99-12-008, § 434-

55-060, filed 5/20/99, effective 6/20/99. Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-060, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 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. 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. 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. 99-12-008, § 434-55-065, filed 5/20/99, effective 6/20/99. Statutory Authority: RCW 43.07-120. 95-16-130, § 434-55-065, filed 8/2/95, effective 9/2/95. Statutory Authority: Chapter 25.10 RCW. 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. 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. 10-04-046, § 434-55-066, filed 1/28/10, effective 2/28/10. Statutory Authority: Chapter 25.10 RCW. 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. 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. 10-04-046, § 434-55-080, filed 1/28/10, effective 2/28/10. Statutory Authority: Chapter 25.10 RCW. 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

WAC

434-112-005	Purpose.
434-112-010	Services provided by the corporations and charities division.
434-112-020	Office hours.
434-112-025	Documents delivered after normal working hours.
434-112-028	Mail-in service—Corporate name reservation.
434-112-030	Certificates for filings.
434-112-040	Document standards for filings.
434-112-045	Rejection of documents.
434-112-050	Duplicate originals not required—Filing procedure.
434-112-055	Registered office address—Requirements.
434-112-060	Initial and annual reports—Form of content.
434-112-062	Annual reports—Due date for all nonprofit corporations.
434-112-065	On-line filing—Consent of registered agent.
434-112-070	On-line filing—Application for certificate of authority—Certificate of good standing.
434-112-075	On-line services.
434-112-080	In-person or expedited service—Special fees.
434-112-085	Fees and penalties.
434-112-090	Miscellaneous fees.
434-112-092	Inactive profit domestic corporations—Proof.
434-112-100	State registered domestic partnerships.

WAC 434-112-005 Purpose. These rules establish procedures and fee schedules for filings, for expedited services, and for access to public records in the corporations and charities division of the office of the secretary of state. These rules are adopted pursuant to Titles 23, 23B, 24, and 25 RCW and chapters 11.110, 19.09, 19.34, 19.77, 19.166, 26.60, 43.07, and 46.64 RCW.

[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. 10-20-150, § 434-112-005, filed 10/6/10, effective 11/6/10.]

WAC 434-112-010 Services provided by the corporations and charities division. (1) The division includes the corporations program and the charities program.

(2) The corporations program provides the following services:

- (a) Business filings under chapters 18.100, 23.78, 23.86, 23.90 RCW, and Titles 23B and 25 RCW;
- (b) Nonprofit organization filings under Title 24 RCW;
- (c) Trademark registration under chapter 19.77 RCW;
- (d) Certification authority licensing under chapter 19.34 RCW, the Electronic Authentication Act;
- (e) Registration of international student exchange programs under chapter 19.166 RCW;
- (f) Registration under the Immigration Assistant Practices Act, chapter 19.154 RCW;
- (g) Apostilles under RCW 42.44.180;
- (h) Agent for service of process on motorists under RCW 46.64.040;

(i) Agent for service of process on defendants in actions for recovery of damages for motor vehicle theft, as authorized by RCW 9A.56.078;

(j) Agent for service of process for those entities and under those circumstances listed in (a), (b), and (c) of this subsection;

(k) Registration of state registered domestic partnerships under chapter 26.60 RCW and RCW 43.07.400.

(3) The charities program provides the following services:

(a) Registrations under the Charitable Solicitations Act, chapter 19.09 RCW including:

- (i) Charitable organizations;
- (ii) Commercial fund-raisers; and
- (iii) Fund-raising contracts;

(b) Registration of charitable trusts under chapter 11.110 RCW;

(c) Publication of the trust directory; and

(d) Agent for service of process for those entities and under those circumstances listed in (a) and (b) of this subsection.

[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. 10-20-150, § 434-112-010, filed 10/6/10, effective 11/6/10. Statutory Authority: RCW 43.07.400 and 9A.56.078. 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.-170.04-04-018, § 434-112-010, filed 1/23/04, effective 2/23/04.]

WAC 434-112-020 Office hours. Office hours are from 8:00 a.m. to 5:00 p.m. daily, Monday through Friday, excluding legal holidays. Walk-in, counter services and emergency counter services are available for an expedited fee under WAC 434-112-080.

[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. 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. 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 43.07.170.04-04-018, § 434-112-020, filed 1/23/04, effective 2/23/04.]

WAC 434-112-025 Documents delivered after normal working hours. (1) Documents, including substitute service of process on the secretary of state, delivered after the normal working hours of 8:00 a.m. to 5:00 p.m., will be treated as though received on the next working day.

(2) Filings submitted on-line or by fax will be treated as though received as of the date and time the division's computer system or fax machine 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 or fax machine as a result of an electronic filing.

[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. 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. 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 43.07.170.04-04-018, § 434-112-025, filed 1/23/04, effective 2/23/04.]

WAC 434-112-028 Mail-in service—Corporate name reservation. (1) All mailed-in documents are processed and filed in order of date of receipt unless expedited, incomplete, or incorrect. A specific filing date may be reserved up to thirty days in advance. The necessary documents, in appropriate form, with complete and correct information and fees, must be in the office by the specified date.

(2) Requests for name searches coupled with a name reservation are completed in order of date received. 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, with two alternate names;

(b) The name, address, and telephone number of the applicant;

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(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.

[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. 10-20-150, § 434-112-028, filed 10/6/10, effective 11/6/10.]

WAC 434-112-030 Certificates for filings. 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, and chapter 42.44 RCW will:

(1) Contain a rendition of the Washington state seal;

(2) Contain a mechanical or electronic reproduction of the secretary's signature; and

(3) Be regarded as the secretary of state's official certification of the matters itemized in the certificate.

[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. 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. 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 43.07.170.04-04-018, § 434-112-030, filed 1/23/04, effective 2/23/04.]

WAC 434-112-040 Document standards for filings.

(1) All corporations related filings are returned to the registered agent for the entity when processing is complete unless the filing indicates otherwise.

(2) Correspondence pertaining to a charities program filing is sent to the entity's mailing address of record when processing is complete unless the filing indicates otherwise.

(3) The corporations and charities programs may reject and return documents that are not legible or not able to be recorded as an image with adequate resolution and clarity, or are not complete.

Documents completed in pencil will not be accepted for filing.

[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. 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. 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 43.07.170.04-04-018, § 434-112-040, filed 1/23/04, effective 2/23/04.]

WAC 434-112-045 Rejection of documents. (1) The corporations and charities programs may reject documents under WAC 434-112-040.

(2) Additional information or payment may be requested by telephone, fax, e-mail or letter.

(3) The corporations and charities programs may hold documents for up to thirty days to await additional information or funds needed to complete the filing. This time may extend to forty-five days if the filing party is making good faith efforts to complete the filing.

[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. 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. 04-04-018, § 434-112-045, filed 1/23/04, effective 2/23/04.]

WAC 434-112-050 Duplicate originals not required—Filing procedure. (1) Persons submitting business filings under chapters 18.100, 19.77 RCW or Titles 23, 23B, 24 and 25 RCW must submit one original copy of the document for filing.

(2) Subsection (1) of this section does not apply to:

- (a) Filings completed electronically;
- (b) Summons and complaints; and
- (c) Specimens provided in support of a trademark filing.

(3) The corporations and charities programs will retain a digital image of the record submitted for filing, and on completion of the filing will return to the filer a copy of the digital image with a "Filed" endorsement.

(4) The corporations and charities programs may return the completed filing via e-mail or other electronic means if the filer indicates that an electronic response is acceptable.

[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. 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. 04-04-018, § 434-112-050, filed 1/23/04, effective 2/23/04.]

WAC 434-112-055 Registered office address—Requirements. (1) A post office box address may be used in addition to a registered Washington geographic office address.

(2) The registered agent is required to 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 as soon as possible.

[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. 10-20-150, § 434-112-055, filed 10/6/10, effective 11/6/10.]

WAC 434-112-060 Initial and annual reports—Form of content. (1) Any corporation filing under Title 23B RCW, shall file its initial annual report electronically, or on the form provided by the secretary of state, or shall clearly provide the information arranged in the following manner:

(a) Section 1. Corporate name, registered agent name and physical office address currently on file with the corporations program, the unified business identification number, state of incorporation, and original date filed in Washington;

(b) Section 2. If there has been a change in registered agent or registered office address since the articles were filed, include the effective date of the change and the new name or address with the agent's signature agreeing to accept the appointment;

(c) Section 3. Address of principal place of business in Washington or, if a foreign corporation, the principal office address as stated in original incorporation in foreign jurisdiction; for both domestic and foreign corporations, the corporation telephone number, e-mail address, and a brief statement of nature of business;

(d) Section 4. A list of names and addresses of all corporate officers and directors; and

(e) Section 5. Signature and title of either the chair or president of the board of directors or an officer listed within the report.

(2) All profit and nonprofit corporations shall file their annual reports electronically, or on the form prescribed by the secretary of state, or clearly and concisely sectioned in the following manner:

(a) Section 1. Corporate name and registered agent and office address currently on file with the corporations program, the unified business identification number, state of incorporation and original date filed in Washington;

(b) Section 2. If there has been a change in registered agent or registered office address include the effective date and the new agent's signature signifying acceptance of the appointment or the new address;

(c) Section 3. Statement of purpose, or, if a foreign profit or nonprofit corporation, a statement of activities conducted and an address of principal office;

(d) Section 4. A list of names and addresses of all corporate officers and directors; and

(e) Section 5. The signature of either the chair or president of the board of directors or an officer listed within the report.

All annual reports must be accompanied by the statutory fee under WAC 434-112-085.

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: 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. 10-20-150, § 434-112-060, filed 10/6/10, effective 11/6/10.]

WAC 434-112-062 Annual reports—Due date for all nonprofit corporations. Each nonprofit corporation shall file its annual report by the last day of the month of its original registration as a corporation. The division shall notify each nonprofit corporation of its annual renewal date in advance of the due date. Failure to receive an annual report notice is insufficient reason for failing to file the statutorily required annual report.

[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. 10-20-150, § 434-112-062, filed 10/6/10, effective 11/6/10.]

WAC 434-112-065 On-line filing—Consent of registered agent. (1) When completing and submitting an on-line 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, they are not required to obtain separate written consent.

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

(4) The corporation or other 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 to the corporations program or the office of the attorney general within ten business days upon demand.

[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. 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. 04-04-018, § 434-112-065, filed 1/23/04, effective 2/23/04.]

WAC 434-112-070 On-line filing—Application for certificate of authority—Certificate of good standing. (1) When a foreign corporation or foreign limited liability company submits an on-line application for certificate of authority under RCW 23B.15.030, 24.03.325, or an on-line registration under RCW 25.15.315, the filing party may meet the statutory requirement for submitting a certificate of good standing or a certificate of existence by submitting a digital image of a certificate of good standing, certificate of existence, or document of similar import meeting the requirements of the statute.

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

(3) The certificate of good standing must meet the requirements of chapters 23B.15, 24.03, or 25.15 RCW for certificates of authority submitted in support of an application for certificate of authority.

(4) The corporation or limited liability company must:

(a) Retain the original certificate of good standing;

(b) Make the original certificate of good standing 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: 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. 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. 04-04-018, § 434-112-070, filed 1/23/04, effective 2/23/04.]

WAC 434-112-075 On-line services. (1) The corporations and charities division offers on-line services. The division's web site provides a variety of services for charities and corporations including on-line lookup, on-line filing and downloadable forms.

(2) Entities filing annual reports on-line must have twenty-five or fewer board members, officers, shareholders, members or managers to report.

(3) On-line filings:

(a) Will be processed as expedited filings;

(b) Will be subject to an expedited processing fee of twenty dollars, with the exception of annual renewals or statements of change for registered agent information processed on-line; and

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

(4) When submitting an on-line 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.

(5) On-line processing fees are nonrefundable.

[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. 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. 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. 04-04-018, § 434-112-075, filed 1/23/04, effective 2/23/04.]

WAC 434-112-080 In-person or expedited service—Special fees. (1) In-person service is available at the division's counter which is open for all program service requests from 8:00 am to 5:00 p.m. each business day. The fee for in-person expedited service is fifty dollars plus any transaction fee.

(a) The division is unable to guarantee same day processing of any filing or request submitted in-person after 4:30 p.m. on that day.

(b) There is no in-person expedited service fee for documents dropped off in-person for processing with nonexpedited documents received that day.

(c) There is no in-person expedited service fee for photocopies requested in-person.

(2) Expedited service requests, including on-line services, will be completed within two working days of submission or as soon thereafter as possible, depending on volume received. Expedited service is available on:

(a) All paper documents submitted to our office by fax or mail for filing relating to any division program;

(b) Document copying from microfilmed records; and

(c) Certification and status certificates.

(3) The fee for expedited service is fifty dollars for single or multiple transactions on paper within each new or existing division program file. In addition, the filing fee for each transaction will apply. If an on-line filing is subsequently filed in person, an additional paper expedite fee is required.

(4) The filing party may indicate that expedited processing is requested by placing the word "expedite" in bold letters on either the envelope, the face of the document to be filed, or on any cover letter submitted with the document.

(5) Documents submitted via fax will receive expedited processing if accompanied by the expedite service fee. Otherwise, they will be processed with nonexpedited documents received the same day.

(6) Services may be limited under extraordinary circumstances.

(a) Over-the-counter service hours may be shortened under extraordinary circumstances.

(b) Separate over-the-counter requests by one person may be limited to those relating to three entities per transaction.

(7) 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.

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

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

(10) In-person expedited service fees are not refundable.

[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, 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, 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, 04-04-018, § 434-112-080, filed 1/23/04, effective 2/23/04.]

WAC 434-112-085 Fees and penalties. (1) For Washington registered profit domestic and foreign corporations, including employee cooperative associations, limited liability companies, limited partnerships, Massachusetts trusts, and limited liability partnerships, fees and penalties are:

(a) Articles of incorporation	one hundred eighty dollars (includes heritage center fee of five dollars under RCW 43.07.128)
(b) Certificates of formation	one hundred eighty dollars (includes heritage center fee of five dollars under RCW 43.07.128)
(c) Applications for registration	one hundred eighty dollars (includes heritage center fee of five dollars under RCW 43.07.128)
(d) Certificates of authority	one hundred eighty dollars (includes heritage center fee of five dollars under RCW 43.07.128)
(e) Certificate of limited partnership	one hundred eighty dollars (includes heritage center fee of five dollars under RCW 43.07.128)
(f) Other original filings	one hundred eighty dollars (includes heritage center fee of five dollars under RCW 43.07.128)
(g) Articles of amendment	thirty dollars
(h) Articles of restatement	thirty dollars
(i) Articles of correction	thirty dollars
(j) Revocation of dissolution or withdrawal	thirty dollars
(k) Delinquent license renewal	ninety-four dollars, including twenty-five dollars penalty, sixty dollars statutory fee, and nine dollars department of licensing handling fee, when applicable
(l) Limited partnership annual report	sixty dollars
(m) Limited liability partnership annual report	sixty dollars
(n) Limited liability limited partnership annual report	sixty dollars
(o) Cooperative association annual report	ten dollars
(p) Reinstatement from administrative dissolution	one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount
(q) Requalification from administrative revocation	one hundred eighty dollars plus all delinquent fees

(r) Articles of merger or exchange	twenty dollars for each listed company
(s) Resignation of registered agent	twenty dollars
(t) Resignation of officer or director	ten dollars
(u) Initial report filed with formation	no fee
(v) Amended annual report or initial report filed after formation	ten dollars
(w) Change of registered agent	no fee
(x) Change of registered office address	no fee
(y) Registration, reservation, or transfer of name	thirty dollars
(z) Articles of dissolution or certificate of dissolution	no fee
(aa) Certificate of withdrawal	no fee
(bb) Certificate of cancellation	no fee
(cc) Agent's consent to act as agent	no fee
(dd) Agent's resignation if appointed without consent	no fee
(ee) Other statement or report	ten dollars

(2) For Washington registered domestic and foreign non-profit corporations, cooperative associations, nonprofit miscellaneous and mutual corporations, building corporations, and other associations and corporations under Title 24 RCW, fees and penalties are:

(a) Articles of incorporation	thirty dollars
(b) Certificates of authority	thirty dollars
(c) Other original filings	thirty dollars
(d) Articles of amendment	twenty dollars
(e) Restatement	twenty dollars
(f) Annual report	ten dollars
(g) Articles of dissolution, certificate 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) Resignation of officer or director	ten dollars
(k) Amended annual report	ten dollars
(l) Change of registered agent	no fee
(m) Change of registered office address	no fee
(n) Resignation of registered agent	twenty dollars
(o) Registration, reservation, or transfer of reservation of name	twenty dollars
(p) Certificate of election adopting provisions of chapter 24.03 RCW	thirty dollars
(q) 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) Recording assignment	ten dollars (includes registration)
(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. Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[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. 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. 09-06-036, § 434-112-085, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 43.07.400 and 9A.56.078. 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. 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 documents are:

- Each annual report, five dollars;
- Initial articles of incorporation, initial certificate of formation, other initial organizing document, ten dollars;
- Articles of incorporation, certificate of formation, other organizing documents including all subsequent amendments and restatements, twenty dollars;
- Copy of any filing related to a state registered domestic partnership, five dollars;
- 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:

- With complete historical data, under state seal, thirty dollars;
- Without complete historical data, under state seal, twenty dollars;
- Duplicate certificate under state seal, 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 document the fee is ten dollars plus the document 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: 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. 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. 09-06-036, § 434-112-090, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 43.07.400 and 9A.56.078. 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. 04-04-018, § 434-112-090, filed 1/23/04, effective 2/23/04.]

WAC 434-112-092 Inactive profit domestic corporations—Proof. (1) Any corporation wishing to claim inactive status as described in RCW 23B.01.530 shall file a statement with the corporations program by the annual license renewal date. The statement shall include a declaration that the corporation has not received any revenue and has not been doing business during the preceding licensed year.

(2) A corporation claiming this statutory exemption to the full annual license fee shall file an annual report concurrently with the statement described in subsection (1) of this section and with the annual reduced license fee of ten dollars. Failure to file the reason for exemption statement, annual report, and fee shall result in administrative dissolution.

[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. 10-20-150, § recodified as 434-112-092, filed 10/6/10, effective 11/6/10.]

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 document 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 each state registered domestic partner:

(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 card documenting registration of the state registered domestic partnership.

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

(6) Notice of termination of domestic partnership by reason of death 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: 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. 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. 09-06-036, § 434-112-100, filed 2/24/09, effective 3/27/09. Statutory Authority: RCW 43.07.400 and 9A.56.078. 07-20-065, § 434-112-100, filed 9/28/07, effective 10/29/07.]

Chapter 434-120 WAC

CHARITABLE SOLICITATION ORGANIZATIONS AND CHARITABLE TRUSTS

WAC

434-120-107	Audited financial report—Tiered reporting requirements (effective January 1, 2010).
434-120-110	Organizations exempt from filing requirements—Optional filing.
434-120-115	Treatment of appropriated funds.
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434-120-330	Annual fees.
434-120-345	Late registration fees.
434-120-355	Change in status, notification.

WAC 434-120-107 Audited financial report—Tiered reporting requirements (effective January 1, 2010). (1) Tier one: Charitable organizations with one million dollars or less in annual gross revenue averaged over the last three accounting years must meet the financial reporting requirements specified in RCW 19.09.075 and WAC 434-120-105.

(2) Tier two: Charitable organizations with more than one million dollars and up to three million dollars in annual gross revenue averaged over the last three accounting years, must provide one of the following:

(a) A photocopy of the federal tax reporting form (990, 990EZ, 990 PF) that has been prepared by a certified public accountant or other professional, who normally prepares or reviews federal returns in the ordinary course of their business; or

(b) A photocopy of an audited financial statement prepared by an independent certified public accountant for the preceding accounting year; or

(c) For governmental entities, a photocopy of the most recent audited financial statement prepared by the applicable government auditing agency or other independent certified public accountant.

(3) Tier three: Charitable organizations with more than three million dollars in annual gross revenue averaged over the last three accounting years, must submit one of the following:

(a) A photocopy of an audited financial statement prepared by an independent certified public accountant for the preceding accounting year; or

(b) For governmental entities, a photocopy of the most recent audited financial statement prepared by the applicable government auditing agency or other independent certified public accountant.

(4) If an organization has been in existence for less than three years, the organization must calculate its average gross revenue based on the number of years the organization has been in existence to determine which tier is applicable.

(5) Waiver of audit requirement: The secretary may waive the requirement to file audited financial statements 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 and that meet one of the following:

(a) Directly or indirectly receive 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. 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 who 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: RCW 19.09.540 and 43.07.125. 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. 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. 09-01-106, § 434-120-107, filed 12/17/08, effective 1/17/09.]

WAC 434-120-110 Organizations exempt from filing requirements—Optional filing. (1) Charitable organizations exempt from the filing requirements of this chapter under RCW 19.09.076(1) and WAC 434-120-100 (2)(b), (c), or (e) may register with the charities program.

(2) Charitable organizations choosing to register under this section may register by completing the registration form specified by the secretary.

(3) Charitable organizations registered under this section may change or update their registration by filing the updated information with the charities program.

(4) Expedited processing under WAC 434-112-080 is available for registrations and updates under this section.

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(5) The secretary offers this optional registration because some grant making entities and programs require registration with the charities program.

[Statutory Authority: RCW 19.09.540 and 43.07.125. 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. 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. 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. 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 must 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: RCW 19.09.540 and 43.07.125. 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. 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 must 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 to and to be paid to commercial fund-raisers or charitable organizations.

(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: RCW 19.09.540 and 43.07.125. 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. 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. 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. 94-01-004, § 434-120-130, filed 12/1/93, effective 1/1/94.]

WAC 434-120-135 Contributor lists. All charitable organizations registered under this act must 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 must include the names of the following contributors:

(1) 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;

(2) Each corporation that contributed; and

(3) Each individual who contributed more than twenty-five dollars.

The records must be retrievable and compilable for a period of three years and must 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: RCW 19.09.540 and 43.07.125. 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. 94-01-004, § 434-120-135, filed 12/1/93, effective 1/1/94.]

WAC 434-120-140 How and when. (1) Initial registration: An entity required to register as a charitable organization must complete the form described in WAC 434-120-105 and submit it with the fee in WAC 434-120-145 prior to conducting any solicitation.

(2) Annual renewal:

(a) An entity must renew its charitable registration by no later than the fifteenth day of the fifth month after the end of its accounting year.

(b) The renewal must include the same information required for registration as described in WAC 434-120-105 and RCW 19.09.075, except that a determination letter from the Internal Revenue Service need not be attached if it was previously filed. The solicitation report will 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 solicitation report will be based on the most recently completed accounting year. No organization may submit the same financial information for two consecutive years.

(c) No change in an entity's accounting year may cause the due date of a renewal to be more than one year after the previous registration or renewal. For purposes of renewals that include financial information for a partial year, due to a change of accounting year, threshold levels for registration and financial statement requirements must be determined on a prorated basis.

(3) An organization must notify the charities program of a change in organization name, mailing address, organization structure, principal officer, Washington representative, tax status, accounting year, or any other information filed under RCW 19.09.075 or WAC 434-120-105.

(4) The organization must submit changes using the form available from the charities program within thirty days after the change.

[Statutory Authority: RCW 19.09.540 and 43.07.125. 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. 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. 09-01-106, § 434-120-140, filed 12/17/08, effective 1/17/09. Statutory Authority: RCW 19.09.315 and 19.09.075. 96-10-021, § 434-120-140, filed 4/24/96, effective 5/25/96. Statutory Authority: RCW 11.110.070 and 19.09.315. 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. 94-01-004, § 434-120-140, filed 12/1/93, effective 1/1/94.]

WAC 434-120-145 Fees. (1) Original registration: Entities registering as charitable organizations must pay a fee of sixty dollars for the first year of registration; charitable

organizations registering as exempt per RCW 19.09.076(1), may do so at no fee.

(2) Annual renewal: Organizations must pay a renewal fee of forty dollars; organizations choosing to register as exempt per WAC 434-120-110, are not required to renew.

(3) Information changes: Organizations filing changes of information described in WAC 434-120-105 will file at no charge.

(4) Photocopy fees: For copy of a charitable organization registration form or letter, including the finance and solicitation reports, the fee is five dollars.

(5) The fee for expedited service is twenty dollars for single on-line transactions within each new or existing charity's program file. The fee for expedited service of paper documents (in-person, mail or fax) is fifty dollars for single or multiple transactions within each new or existing charity's program file. In addition, the filing fee for each transaction will apply.

(6) For service of process on a registered charity, commercial fund-raiser, or charitable trust, the fee is fifty dollars.

[Statutory Authority: RCW 19.09.540 and 43.07.125. 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. 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. 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. 04-04-018, § 434-120-145, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.070 and 19.09.315. 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. 94-01-004, § 434-120-145, filed 12/1/93, effective 1/1/94.]

WAC 434-120-160 Fees for late registration. (1) A charitable organization that fails to renew its registration by its renewal date must pay a late fee of fifty dollars. The charitable organization must pay an additional fifty dollar late fee for each year, including the current year, that it was not registered under this act, but was required to do so. If the registration has lapsed for a period of more than two years, the entity must provide solicitation information for the previous two years, and must reregister as a new charitable organization.

(2) The fees for late registration are in addition to the filing fees under WAC 434-120-145, and any other remedies that may be imposed by law, including penalties for soliciting without being registered.

(3) The charitable organization may ask the secretary to waive fees for late registration. The request must include a description of the circumstances that justify a waiver of the late fees. Under special circumstances the secretary may waive fees for late registration that are imposed by these regulations.

[Statutory Authority: RCW 43.07.125 and chapter 19.09 RCW. 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. 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. 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. 94-01-004, § 434-120-160, filed 12/1/93, effective 1/1/94.]

WAC 434-120-250 Fees. All commercial fund-raisers must pay an original registration fee at the time of filing and an annual renewal fee.

(1) The fee for original registration in this state is three hundred dollars.

(2) The annual renewal fee is two hundred twenty-five dollars.

(3) There is no fee for filing changes in any information previously filed under RCW 19.09.079, and WAC 434-120-215.

(4) The fee for filing a contract under RCW 19.09.097 and WAC 434-120-240 is twenty dollars.

(5) The late fee is fifty dollars for failing to renew registration by the due date. The commercial fund-raiser must pay an additional late fee of one hundred dollars for each year that it was required to register under this act and failed to do so, including the current year. If the registration has lapsed for more than two years, the entity must provide solicitation information for the previous two years and must register as a new commercial fund-raiser under RCW 19.09.079, in addition to paying any late fees due under this section.

Any commercial fund-raiser failing to renew registration and conducting business may be subject to other penalties and remedies that may be imposed by law, including penalties for soliciting without being registered. These penalties are cumulative.

(6) The fee for expedited service is twenty dollars for a single on-line transaction within one commercial fund-raiser file. The fee for expedited service of paper documents (in-person, mail, or fax) is fifty dollars for single or multiple transactions within one commercial fund-raiser file. In addition, the filing fee for each transaction will apply.

(7) The photocopy fee is ten dollars for copies of the annual registration form or letter.

[Statutory Authority: RCW 43.07.125 and chapter 19.09 RCW. 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. 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. 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. 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. 94-01-004, § 434-120-250, filed 12/1/93, effective 1/1/94.]

WAC 434-120-330 Annual fees. (1) Charitable trusts filing initial or renewal registrations must pay a fee of twenty-five dollars.

(2) The fee for expedited service is twenty dollars for a single on-line transaction within one charitable trust file. The fee for expedited service of paper documents (in-person, mail, or fax) is fifty dollars for single or multiple transactions within one charitable trust file. In addition, the filing fee for each transaction will apply.

(3) For a photocopy of an Internal Revenue Service Form 990EZ the fee is five dollars and for a copy of Form 990 or 990-PF the fee is ten dollars with a surcharge for forms exceeding 100 pages of copy, which is thirteen dollars for each fifty page increment.

(4) For a photocopy of a charitable trust registration form, the fee is five dollars.

[Statutory Authority: RCW 43.07.125 and chapter 19.09 RCW. 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. 04-04-018, § 434-120-330, filed 1/23/04, effective 2/23/04. Statutory Authority: RCW 11.110.070 and 19.09.315. 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. 94-01-004, § 434-120-330, filed 12/1/93, effective 1/1/94.]

WAC 434-120-345 Late registration fees. (1) A charitable trust that fails to renew its registration at the time its renewal is due, must pay a late fee of fifty dollars when the reregistration is made. The trust must pay an additional fifty-dollar late fee for each year, including the current year, it was not registered under this act. If the registration has lapsed for a period of more than two years, the entity must register as a new trust and pay any late fees, which are cumulative.

(2) The fees for late registration are in addition to any other filing fees or remedies that may be imposed by law, including penalties for not being registered.

[Statutory Authority: RCW 43.07.125 and chapter 19.09 RCW. 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. 04-04-018, § 434-120-345, filed 1/23/04, effective 2/23/04.]

WAC 434-120-355 Change in status, notification. A charitable trust must notify the charities program in writing of a change in trust instrument, trustee, principal officer, tax status, fiscal year, or any other information filed under RCW 11.110.060 or WAC 434-120-310 within four months after the change at no charge.

[Statutory Authority: RCW 43.07.125 and chapter 19.09 RCW. 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. 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. 04-04-018, § 434-120-355, filed 1/23/04, effective 2/23/04.]

Chapter 434-130 WAC

LIMITED LIABILITY COMPANIES

WAC

434-130-055	On-line 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	Fees.
434-130-100	Miscellaneous fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-130-040	Telephone services. [Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-040, filed 9/8/94, effective 10/1/94.] Repealed by 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. 94-19-005, § 434-130-050, filed 9/8/94, effective 10/1/94.] Repealed by 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 434-130-055 On-line services. Customers may access limited liability company information, forms, or on-line submissions by visiting the corporations division's web site. When completing and submitting an on-line 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. 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. 10-15-035, § 434-130-060, filed 7/13/10, effective 8/13/10. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 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. 10-15-035, § 434-130-070, filed 7/13/10, effective 8/13/10. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 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 on-line 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. On-line 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) Initial reports;
- (b) License renewal and required annual report;
- (c) Amended annual reports;
- (d) In-person inspection or review of limited liability company files or other public documents located in the corporations division office;
- (e) 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 dol-

lars 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. 10-15-035, § 434-130-080, filed 7/13/10, effective 8/13/10. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-080, filed 9/8/94, effective 10/1/94.]

WAC 434-130-090 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 dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;
- (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 25.15.007, 25.15.805, 25.15.810, and 43.07.-120. 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. 99-12-007, § 434-130-090, filed 5/20/99, effective 6/20/99. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-090, filed 9/8/94, effective 10/1/94.]

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. 10-15-035, § 434-130-100, filed 7/13/10, effective 8/13/10. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-100, filed 9/8/94, effective 10/1/94.]

Chapter 434-166 WAC

INTERNATIONAL STUDENT EXCHANGE AGENCY REGISTRATION

WAC

434-166-010	Authority.
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.
434-166-080	Definitions.
434-166-110	Health and accident insurance.
434-166-130	Selection of host family.
434-166-220	Change of responsible officer and/or responsible officer address.
434-166-230	Resignation of 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.
434-166-310	Termination.

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]. 10-04-035, § 434-166-010, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW

19.166.050 and 19.166.060. 92-10-023, § 434-166-010, 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]. 10-04-035, § 434-166-030, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. 00-21-086, § 434-166-030, filed 10/17/00, effective 11/17/00; 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]. 10-04-035, § 434-166-040, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. 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]. 10-04-035, § 434-166-050, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-050, 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], 10-04-035, § 434-166-080, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. 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.

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], 10-04-035, § 434-166-110, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-110, 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], 10-04-035, § 434-166-130, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-130, 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], 10-04-035, § 434-166-220, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. 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]. 10-04-035, § 434-166-230, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-230, 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]. 10-04-035, § 434-166-250, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. 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]. 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. 96-10-052, § 434-166-260, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. 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]. 10-04-035, § 434-166-270, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. 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 CSJET'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]. 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. 96-10-052, § 434-166-280, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. 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]. 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. 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. 96-10-052, § 434-166-290, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. 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], 10-04-035, § 434-166-300, filed 1/27/10, effective 2/27/10. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-300, filed 4/29/92, effective 5/30/92.]

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], 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. 99-16-066, § 434-166-310, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-310, filed 4/29/92, effective 5/30/92.]

**Chapter 434-180 WAC
ELECTRONIC AUTHENTICATION**

WAC

- 434-180-130 Fees.
- 434-180-205 Issuance of license or renewal.

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. 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. 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. 97-24-053, § 434-180-130, filed 11/26/97, effective 12/27/97.]

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. 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. 97-24-053, § 434-180-205, filed 11/26/97, effective 12/27/97.]

**Chapter 434-208 WAC
ELECTIONS**

(Formerly chapter 434-08 WAC)

WAC

- 434-208-120 Emergencies.

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, timely, 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. 10-03-072, § 434-208-120, filed 1/18/10, effective 2/18/10.]

7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. 09-12-078, § 434-215-005, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 29A.04.611, 2006 c 344. 07-09-035, § 434-215-005, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-215-005, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. 04-15-089, § 434-215-005, filed 7/16/04, effective 8/16/04. 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. 97-21-045, § 434-228-005, filed 10/13/97, effective 11/13/97.]

Chapter 434-215 WAC

DECLARATIONS OF CANDIDACY AND FILING PROCEDURES

(Formerly chapter 434-228 WAC)

WAC

434-215-005	Filing information—Questionnaire—Compiling and dissemination.
434-215-012	Declaration of candidacy.
434-215-025	Filing fee petitions.
434-215-065	Withdrawal of candidacy.
434-215-070	Electronic filing—Requirements.
434-215-170	Filing qualifications.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-215-090	Electronic filing—Required information. [Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-215-090, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3. 02-15-156, § 434-215-090, filed 7/23/02, effective 8/23/02.] Repealed by 10-03-072, filed 1/18/10, effective 2/18/10. Statutory Authority: RCW 29A.04.611.
434-215-160	Ranked choice voting. [Statutory Authority: RCW 29A.04.611. 08-15-052, § 434-215-160, filed 7/11/08, effective 8/11/08.] Repealed by 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 March 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 in the year 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 April 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 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 conduct a special three-day filing period for that office under the time frames established in RCW 29A.24.171 through 29A.24.191.

[Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. 10-14-091, § 434-215-005, filed

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	<p>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.</p> <p>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.</p>		
	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, 10-03-072, § 434-215-012, filed 1/18/10, effective 2/18/10; 08-15-052, § 434-215-012, filed 7/11/08, effective 8/11/08; 06-14-049, § 434-215-012, filed 6/28/06, effective 7/29/06. Statutory Authority: 2002 c 140 § 3, 02-15-156, § 434-215-012, filed 7/23/02, effective 8/23/02. 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. 97-21-045, recodified as § 434-228-012, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-28-012, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. 84-15-050 (Order 84-2), § 434-28-012, filed 7/16/84; 80-05-014 (Order 80-1), § 434-28-012, filed 4/8/80.]

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) The filing fee petition described in RCW 29A.24.101(3) does not apply. The filing fee petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140; followed by:

"We, the undersigned registered voters of [the jurisdiction of the office], hereby petition that [candidate's] name be printed on the ballot for the office of [office for which candidate is filing a declaration of candidacy]."

(3) A candidate submitting a filing fee petition in the place of a filing fee may not file the declaration of candidacy electronically.

[Statutory Authority: RCW 29A.04.611, 10-03-072, § 434-215-025, filed 1/18/10, effective 2/18/10; 08-15-052, § 434-215-025, filed 7/11/08, effective 8/11/08; 07-09-036, § 434-215-025, filed 4/11/07, effective 5/12/07.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 434-215-065 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 Thursday following the last day for candidates to file under RCW 29A.24.050 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods. The filing officer has discretion to permit the withdrawal of a filing for any elected office of a city, town, or special district at the request of the candidate at any time before a primary if the primary election ballots have not been formatted. If no primary election is held for that office, the filing officer has discretion to permit the withdrawal at any time before the general election ballots are formatted. If the jurisdiction is located in more than one county, withdrawal of a filing may only be accepted if ballots have not been formatted in all affected counties.

[Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. 10-14-091, § 434-215-065, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.04.530. 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

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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, 10-03-072, § 434-215-070, filed 1/18/10, effective 2/18/10; 05-17-145, § 434-215-070, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3, 02-15-156, § 434-215-070, filed 7/23/02, effective 8/23/02.]

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, 10-03-072, § 434-215-170, filed 1/18/10, effective 2/18/10.]

Chapter 434-230 WAC

BALLOTS

(Formerly chapter 434-30 WAC)

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-230-120 Ranked choice voting. [Statutory Authority: RCW 29A.04.611, 08-15-052, § 434-230-120, filed 7/11/08, effective 8/11/08.] Repealed by 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 434-250 WAC

VOTING BY MAIL

WAC

434-250-030 Applications.
434-250-040 Instructions to voters.
434-250-050 Envelopes.
434-250-100 Ballot deposit sites and voting centers.
434-250-120 Verification of the signature and postmark on ballots.
434-250-310 Notice of elections by mail.
434-250-330 County auditor's office as a voting center.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-250-150 Ranked choice voting. [Statutory Authority: RCW 29A.04.611, 08-15-052, § 434-250-150, filed 7/11/08, effective 8/11/08.] Repealed by 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 434-250-030 Applications. (1) Each county auditor who does not conduct all elections by mail must provide a form to allow a poll voter to become an ongoing absentee voter. The form must include, but not be limited to, the following:

(a) A space for the voter to print his or her name and the address at which he or she is registered to vote;

(b) The address to which the ballot is to be mailed; and

(c) A space for the voter to sign and date the application.

(2) As authorized by RCW 29A.40.020 and 29A.40.030, requests for a single absentee ballot may be made in person, by telephone, electronically, or in writing, and may be made by a family member. With the exception of county auditors who conduct primaries and elections entirely by mail, each county auditor must provide applications for requests made in writing. The form must include, but not be limited to, the following:

(a) A space for the voter to print his or her name and the address at which he or she is registered to vote;

(b) The address to which the ballot is to be mailed;

(c) A space for the voter to indicate for which election or elections the application is made; and

(d) A space for the voter to sign and date the application.

(3) 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. In addition to the requirements for a single absentee ballot, as provided in subsection (2) of this section, the form must include:

(a) A space for an overseas or service voter not registered to vote in Washington to indicate his or her last residential address in Washington; and

(b) A checkbox requesting that a single absentee ballot be forwarded as soon as possible.

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 received 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.

(4) As authorized by RCW 29A.40.080, requests for an absentee ballot may be made by a resident of a health care facility, as defined by RCW 70.37.020(3). Each county shall provide an application form for such a registered voter to apply for a single absentee ballot by messenger on election day. The messenger may pick up the voter's absentee ballot and deliver it to the voter and return it to the county auditor's office.

[Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. 10-14-091, § 434-250-030, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-250-030, filed 10/1/07, effective 11/1/07; 07-09-036, § 434-250-030, filed 4/11/07, effective 5/12/07; 06-14-047, § 434-250-030, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-250-030, filed 8/19/05, effective 9/19/05.]

WAC 434-250-040 Instructions to voters. (1) Instructions that accompany an absentee ballot must include:

(a) How to cancel a vote by drawing a line through the text of the candidate's name or ballot measure response;

(b) Notice that, unless specifically allowed by law, more than one vote for an office or ballot measure will be an over-vote and no votes for that office or ballot measure will be counted;

(c) An explanation of how to complete and sign the affidavit on the return envelope;

(d) An explanation of how to make a mark, witnessed by two other people, if unable to sign the affidavit;

(e) An explanation of how to place the ballot in the security envelope and place the security envelope in the return envelope;

(f) An explanation of how to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

(g) Notice that postage is required, if applicable;

(h) Notice that, in order for the ballot to be counted, it must be either postmarked or deposited at a designated deposit site no later than election day;

(i) An explanation of how to learn about the locations, hours, and services of voting centers and ballot deposit sites, including the availability of accessible voting equipment;

(j) For a primary election that includes a partisan office, a notice on a separate insert explaining:

"Washington has a new primary. You do not have to pick a party. In each race, you may vote for any candidate listed. The two candidates who receive the most votes in the August primary will advance to the November 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) For a general election that includes a partisan office, the following explanation:

"Washington has a new election system. In each race for partisan office, the two candidates who receive the most votes in the August primary advance to the November 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."

(1) Any other information the county auditor deems necessary.

(2) Instructions that accompany a special absentee ballot must also include:

(a) A listing of all offices and measures that will appear upon the ballot, together with a listing of all persons who have filed for office or who have indicated their intention to file for office; and

(b) Notice that the voter may request and subsequently vote a regular absentee ballot, and that if the regular absentee ballot is received by the county auditor prior to certification

of the election, it will be tabulated and the special absentee ballot will be voided.

[Statutory Authority: RCW 29A.04.611, 10-03-072, § 434-250-040, filed 1/18/10, effective 2/18/10; 09-03-110, § 434-250-040, filed 1/21/09, effective 2/21/09; 08-15-052, § 434-250-040, filed 7/11/08, effective 8/11/08; 07-24-044, § 434-250-040, filed 11/30/07, effective 12/31/07; 07-09-036, § 434-250-040, filed 4/11/07, effective 5/12/07; 06-23-094, § 434-250-040, filed 11/15/06, effective 12/16/06; 05-17-145, § 434-250-040, filed 8/19/05, effective 9/19/05.]

WAC 434-250-050 Envelopes. Absentee ballots must be accompanied by the following:

(1) A security envelope, 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, the words "POSTAGE REQUIRED" or "POSTAGE PAID" in the upper right-hand corner, and the following oath with a place for the voter to sign, date, and write his or her daytime phone number:

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 ineligible to vote due to a 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 oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both.

Signature of voter _____ Date _____

The return envelope must include space for witnesses to sign.

The return envelope must conform to postal department regulations.

County auditors may use existing stock of envelopes until December 31, 2010.

[Statutory Authority: RCW 29A.04.611, 10-03-072, § 434-250-050, filed 1/18/10, effective 2/18/10; 09-03-110, § 434-250-050, filed 1/21/09, effective 2/21/09; 08-15-052, § 434-250-050, filed 7/11/08, effective 8/11/08; 07-24-044, § 434-250-050, filed 11/30/07, effective 12/31/07; 07-09-036, § 434-250-050, filed 4/11/07, effective 5/12/07; 05-17-145, § 434-250-050, filed 8/19/05, effective 9/19/05.]

WAC 434-250-100 Ballot deposit sites and voting centers. (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 rep-

resentatives 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 from 7:00 a.m. until 8:00 p.m. Staffed deposit sites may be open prior to the election according to dates and times established by the county auditor. Staffed deposit sites must have a secure ballot box that is constructed in a manner to allow return envelopes, once deposited, to only be removed by the county auditor or by the deposit site staff. If a ballot envelope is returned after 8:00 p.m. on election day, deposit site staff must note the time and place of deposit on the ballot envelope, and such ballots must be referred to the canvassing board.

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

(2) 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 posted according to standard public notice procedures;
- (b) Be an accessible location consistent with chapters 29A.16 RCW and 434-257 WAC;
- (c) Be marked with signage outside the building indicating the location as a place for voting;
- (d) Offer disability access voting in a location or manner that provides for voter privacy;
- (e) Offer provisional ballots, which may be sample ballots that meet provisional ballot requirements;
- (f) Require each voter who votes on a direct recording electronic voting device to sign and date the following oath, and record the information in such a manner that the ballot cannot be traced back to the voter:

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 eighteen years old on election day;
- Voting only once in this election;
- Not ineligible to vote due to a felony conviction; and
- Not disqualified from voting due to a court order.

It is illegal to forge a signature or cast a ballot in another person's name. Attempting to vote when not qualified, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of ten thousand dollars, or both.

(g) Request identification, consistent with RCW 29A.44.205 and WAC 434-253-024, from each voter voting on a direct recording electronic voting device or voting a provisional ballot;

(h) Issue a provisional ballot to each voter who is unable to provide identification in accordance with (g) of this subsection;

(i) Have electronic or telephonic access to the voter registration system consistent with WAC 434-250-095 if voters are voting on a direct recording electronic voting device;

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

(k) Provide voter registration forms;

(l) Display a HAVA voter information poster;

(m) Display the date of that election;

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

(o) Provide election materials in alternative languages if required by the Voting Rights Act; and

(p) Use an accountability form to account for all ballots issued.

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

[Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. 10-14-091, § 434-250-100, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. 10-03-072, § 434-250-100, filed 1/18/10, effective 2/18/10; 08-05-120, § 434-250-100, filed 2/19/08, effective 3/21/08; 07-20-074, § 434-250-100, filed 10/1/07, effective 11/1/07; 06-23-094, § 434-250-100, filed 11/15/06, effective 12/16/06; 06-14-047, § 434-250-100, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-250-100, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-100, filed 8/19/05, effective 9/19/05.]

WAC 434-250-120 Verification of the signature and postmark on ballots. (1) A ballot shall be counted only if:

(a) It is returned in the return envelope, or a similar envelope if it contains the same information;

(b) The affidavit is signed with a valid signature in the place afforded for the signature on the envelope;

(c) 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;

(d) The envelope is postmarked not later than the day of the election, or deposited in the auditor's office, a polling location, or a designated deposit site not later than 8:00 p.m. on election day; and

(e) The ballot is received prior to 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 oath determines the validity of the ballot, per RCW 29A.40.110.

(3) The signature on the return envelope, or on a copy of the return envelope, 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 return envelope may not be rejected merely because the name in the signature is a variation of the name on the voter registration record. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to

the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries.

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

[Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. 10-14-091, § 434-250-120, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.04.530. 06-02-028, § 434-250-120, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. 05-17-145, § 434-250-120, filed 8/19/05, effective 9/19/05.]

WAC 434-250-310 Notice of elections by mail. (1) A jurisdiction requesting that a special election be conducted entirely by mail, as authorized by RCW 29A.48.020, may include the request in the resolution calling for the special election, or may make the request by a separate resolution. Not less than forty days prior to the date for which a mail ballot special election has been requested, the county auditor shall inform the requesting jurisdiction, in writing, whether the request is granted and, if not granted, the reasons why.

(2) In the event that a primary is to be conducted by mail, the auditor must notify the jurisdiction involved not later than seventy-nine days before the primary date.

(3) A county auditor conducting an election by mail, including a county auditor that conducts every election by mail, must state:

(a) The election will be conducted by mail;

(b) The location where voters may obtain replacement ballots;

(c) Whether return postage is required;

(d) The dates, times and locations of designated deposit sites and voting centers; and

(e) If the county auditor does not conduct all elections by mail, the fact that regular polling places will not be open.

[Statutory Authority: RCW 29A.04.611. 10-03-072, § 434-250-310, filed 1/18/10, effective 2/18/10; 08-15-052, § 434-250-310, filed 7/11/08, effective 8/11/08; 07-20-074, § 434-250-310, filed 10/1/07, effective 11/1/07; 07-12-032, § 434-250-310, filed 5/30/07, effective 6/30/07; 05-17-145, § 434-250-310, filed 8/19/05, effective 9/19/05.]

WAC 434-250-330 County auditor's office as a voting center. (1) For elections conducted entirely by mail, the county auditor's office must operate as a voting center starting twenty days before an election until the day of the election. The county auditor's office is not required to be open as a voting center on Saturdays, Sundays, legal holidays, or other days that the office is officially closed.

(2) If the persons providing services at the county auditor's office are not employees of the county auditor's office but are persons appointed by the county auditor, the appointees must be representatives of different major political parties and must subscribe to an oath regarding the discharge of duties.

[Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. 10-14-091, § 434-250-330, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-

250-330, filed 10/1/07, effective 11/1/07; 07-12-032, § 434-250-330, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611, 29A.04-530, 06-02-028, § 434-250-330, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611, 05-17-145, § 434-250-330, filed 8/19/05, effective 9/19/05.]

Chapter 434-253 WAC

THE POLLING PLACE—BEFORE, DURING AND AFTER THE ELECTION

(Formerly chapter 434-53 WAC)

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-253-330 Ranked choice voting. [Statutory Authority: RCW 29A.04.611, 08-15-052, § 434-253-330, filed 7/11/08, effective 8/11/08.] Repealed by 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 434-261 WAC

COUNTING CENTER PROCEDURES

(Formerly chapter 434-61 WAC)

WAC

434-261-005 Definitions.
434-261-050 Unsigned oath or mismatched signatures.

WAC 434-261-005 Definitions. (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot. Inspection is performed on an absentee ballot as part of the initial processing, and on a poll ballot after breaking the seals and opening the ballot containers from the precincts or, in the case of precinct counting systems, prior to the certification of the election;

(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 envelope 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 vot-

ing 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.08.420, 29A.24.131, 29A.40-110, 29A.46.020, and 29A.80.041. 10-14-091, § 434-261-005, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 09-18-098, § 434-261-005, filed 9/1/09, effective 10/2/09; 09-12-078, § 434-261-005, filed 5/29/09, effective 6/29/09; 09-03-110, § 434-261-005, filed 1/21/09, effective 2/21/09; 07-24-044, § 434-261-005, filed 11/30/07, effective 12/31/07; 07-09-036, § 434-261-005, filed 4/11/07, effective 5/12/07; 06-23-094, § 434-261-005, filed 11/15/06, effective 12/16/06; 06-11-042, § 434-261-005, filed 5/10/06, effective 6/10/06; 05-17-145, § 434-261-005, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.210, 29.36.150, 02-07-029, § 434-261-005, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080 and 29.04.210, 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, 97-21-045, § 434-261-005, filed 10/13/97, effective 11/13/97.]

WAC 434-261-050 Unsigned oath or mismatched signatures. (1) If a voter neglects to sign the oath on an absentee or provisional ballot envelope, signs the oath with a mark and fails to have two witnesses attest to the signature, or signs the ballot envelope but the signature on the envelope does not match the signature on the voter registration record, the 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 auditor must attempt to notify the voter by telephone using information in the voter registration record.

(2) If the voter neglects to sign the oath on an absentee or provisional ballot envelope, or signs the oath with a mark and fails to have two witnesses attest to the signature, the voter must either:

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

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

(3) If the signature on the oath of an absentee or provisional ballot envelope does not match the signature on the voter registration record, the voter must either:

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

(b) Sign a copy of the affidavit provided by the auditor, and provide a photocopy of a valid government or tribal identification that includes the voter's current signature. The signature on the affidavit must match the signature on the identification, and both of those signatures must match the signature on the ballot envelope. The voter must return the signed affidavit and identification to the auditor no later than the day before certification of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections; or

(c) Sign a copy of the affidavit provided by the auditor in front of two witnesses who attest to the signature. The signature on the affidavit must match the signature on the ballot envelope. The voter must return the signed affidavit to the auditor no later than the day before certification of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections.

(4) If the signature on an absentee or provisional ballot envelope does not match the signature on the registration record because the name is different, the ballot may be counted as long as the handwriting is 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 auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form. If the signature on an absentee or provisional ballot envelope does not match the signature on the registration record because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(5) If the name on the signature does not match the name printed on the absentee ballot envelope, and the signature on the absentee ballot envelope 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 envelope if:

- (a) The voter who signed the envelope can be identified;
 - (b) The voter who signed the envelope is registered at the same address as the voter to whom the envelope was issued;
 - (c) The signature on the envelope matches the signature on the voter registration record; and
 - (d) The voter who signed the envelope has not returned another ballot.
- (6) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(7) 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 signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. 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, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. 10-14-091, § 434-261-050, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. 06-23-094, § 434-261-050, filed 11/15/06, effective 12/16/06; 06-14-050, § 434-261-050, filed 6/28/06, effective 7/29/06; 05-17-145, § 434-261-050, filed 8/19/05, effective 9/19/05.]

Chapter 434-262 WAC
CANVASSING AND CERTIFICATION
 (Formerly chapter 434-62 WAC)

WAC

434-262-075 Election of political party precinct committee officers.

**DISPOSITION OF SECTIONS FORMERLY
 CODIFIED IN THIS CHAPTER**

434-262-210 Ranked choice voting. [Statutory Authority: RCW 29A.04.611. 08-15-052, § 434-262-210, filed 7/11/08, effective 8/11/08.] Repealed by 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 434-262-075 Election of political party precinct committee officers. (1) Candidates for precinct committee officer file and appear on the ballot as members of a major political party. The election of political party precinct committee officers is not conducted according to a top two primary established by chapter 2, Laws of 2005 (Initiative 872). Candidates must make a public declaration of party affiliation in the form of a precinct committee officer declaration of candidacy. Write-in votes cast for an individual who has not filed a write-in declaration of candidacy shall not be counted. The candidate of each political party who receives the most votes in the August primary election is declared elected.

(2) RCW 29A.80.051 includes a requirement that, to be declared elected, a candidate for precinct committee officer must receive at least ten percent of the number of votes cast for a candidate of the same party who received the most votes in the precinct. This requirement for election is not in effect because candidates for public office do not represent a political party.

[Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. 10-14-091, § 434-262-075, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. 08-15-052, § 434-262-075, filed 7/11/08, effective 8/11/08.]

Chapter 434-264 WAC
RECOUNTS
 (Formerly chapter 434-62 WAC)

WAC

434-264-010 Recount.

WAC 434-264-010 Recount. A recount is the process for retabulating the votes for a specific office or issue on all valid ballots, including write-ins, cast in a primary or election. If a ballot has been duplicated in accordance with WAC 434-261-005, the duplicate shall be counted.

[Statutory Authority: RCW 29A.04.611. 10-03-072, § 434-264-010, filed 1/18/10, effective 2/18/10; 07-12-032, § 434-264-010, filed 5/30/07, effective 6/30/07.]

Chapter 434-324 WAC
STATEWIDE VOTER REGISTRATION DATA BASE
 (Formerly chapter 434-24 WAC)

WAC

- 434-324-026 Voter registration form.
- 434-324-036 County-to-county transfers.
- 434-324-076 Voter registration updates.
- 434-324-106 Felony screening process.

WAC 434-324-026 Voter registration form.

instructions

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

how to register to vote or update a registration

Please print all information clearly using black or blue pen.

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

for more information

online www.vote.wa.gov

call 1-800-448-4881

visit your County Elections Office

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

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

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

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

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

*optional information

09/2009

Washington State Voter Registration Form

register online at www.vote.wa.gov

qualifications

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

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

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

personal information

last name _____ first name _____ middle _____

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

residential address (in Washington) _____

city _____ zip _____

mailing address (if different than residential address) _____

city _____ state / zip _____

email address* _____

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

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

Washington driver's license / state ID #

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

x x x - x x -

oath

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

sign here [_____] date here [_____]

former registration

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

former last name _____ first name _____ middle _____

former residential address _____ city _____ state / zip _____

[Statutory Authority: RCW 29A.04.611. 10-03-072, § 434-324-026, filed 1/18/10, effective 2/18/10.]

WAC 434-324-036 County-to-county transfers. Pursuant to RCW 29A.08.420, a registered voter may transfer his or her registration to another county by submitting a new voter registration application. Prior to sending a verification notice, the county auditor shall use the voter registration data base to verify whether the registration is a transfer. The minimum information necessary to complete the transfer to the new county is name, residential address and a signature. The new county may request additional information to confirm that the registration application is a transfer.

[Statutory Authority: RCW 29A.04.611, 10-03-072, § 434-324-036, filed 1/18/10, effective 2/18/10.]

WAC 434-324-076 Voter registration updates. 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.

[Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041, 10-14-091, § 434-324-076, filed 7/6/10, effective 8/6/10.]

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 absentee or 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 included in a poll book or be mailed an absentee or mail 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 audi-

tor. 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, 10-03-072, § 434-324-106, filed 1/18/10, effective 2/18/10; 09-18-098, § 434-324-106, filed 9/1/09, effective 10/2/09; 06-23-094, § 434-324-106, filed 11/15/06, effective 12/16/06; 05-24-039, § 434-324-106, filed 11/30/05, effective 12/31/05.]

Chapter 434-335 WAC VOTING SYSTEMS (Formerly chapter 434-333 WAC)

WAC

434-335-030	Initial application for certification.
434-335-060	Examination of equipment.
434-335-150	Modification of certified equipment.
434-335-170	Application for certification of modified voting systems or devices.
434-335-240	Acceptance testing of voting systems and equipment.
434-335-510	Definitions.
434-335-520	Logic and accuracy testing of accessible voting units.
434-335-550	Direct recording electronic target area tests.

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, 10-03-072, § 434-335-030, filed 1/18/10, effective 2/18/10; 09-03-110, § 434-335-030, filed 1/21/09, effective 2/21/09; 07-24-044, § 434-335-030, filed 11/30/07, effective 12/31/07; 07-20-074, § 434-335-030, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611, 2006 c 344, 07-09-035, § 434-335-030, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611, 05-18-022, § 434-335-030, 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, precinct committee officer contests, 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 over-voted contests.

[Statutory Authority: RCW 29A.04.611, 10-03-072, § 434-335-060, filed 1/18/10, effective 2/18/10; 09-03-110, § 434-335-060, filed 1/21/09, effective 2/21/09; 07-24-044, § 434-335-060, filed 11/30/07, effective 12/31/07; 05-18-022, § 434-335-060, 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, 10-03-072, § 434-335-150, filed 1/18/10, effective 2/18/10; 05-18-022, § 434-335-150, filed 8/29/05, effective 9/29/05.]

WAC 434-335-170 Application for certification of modified voting systems or devices. The application to cer-

tify 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. 10-03-072, § 434-335-170, filed 1/18/10, effective 2/18/10; 09-03-110, § 434-335-170, filed 1/21/09, effective 2/21/09; 05-18-022, § 434-335-170, 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. 10-03-072, § 434-335-240, filed 1/18/10, effective 2/18/10; 09-12-078, § 434-335-240, filed 5/29/09, effective 6/29/09; 05-18-022, § 434-335-240, filed 8/29/05, effective 9/29/05.]

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. 10-03-072, § 434-335-510, filed 1/18/10, effective 2/18/10; 08-05-120, § 434-335-510, filed 2/19/08, effective 3/21/08; 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 twenty 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. 10-03-072, § 434-335-520, filed 1/18/10, effective 2/18/10; 08-05-120, § 434-335-520, filed 2/19/08, effective 3/21/08; 06-14-048, § 434-335-520, filed 6/28/06, effective 7/29/06; 05-18-022, § 434-335-520, 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. 10-03-072, § 434-335-550, filed 1/18/10, effective 2/18/10; 08-05-120, § 434-335-550, filed 2/19/08, effective 3/21/08; 05-18-022, § 434-335-550, filed 8/29/05, effective 9/29/05.]

Chapter 434-381 WAC

STATE VOTERS' PAMPHLET

(Formerly chapter 434-81 WAC)

WAC

434-381-170 Statement and argument format.

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;

(b) The four headings may not exceed fifteen words for each heading;

(c) Photographs or charts may be used in candidate 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 typeset in a standard font without the use of boldface or underlining;

(b) Italics may be used to add emphasis to statements or arguments;

(c) Argument headings will be typeset in boldface letters.

[Statutory Authority: RCW 29A.04.611. 10-03-072, § 434-381-170, filed 1/18/10, effective 2/18/10. Statutory Authority: RCW 29.81.320. 02-02-067, § 434-381-170, filed 12/28/01, effective 1/28/02.]

Chapter 434-750 WAC COMBINED FUND DRIVE

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.
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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. 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. 10-16-017, § 434-750-020, filed 7/22/10, effective 8/22/10.]

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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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 10-16-017, § 434-750-300, filed 7/22/10, effective 8/22/10.]