

Chapter 434-260 WAC

ELECTION REVIEW PROCESS AND CERTIFICATION OF ELECTION ADMINISTRATORS

(Formerly chapter 434-60 WAC)

WAC

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434-260-070	Frequency of scheduled reviews. [WSR 98-08-010, recodified as § 434-260-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-070, filed 8/30/93, effective 9/30/93.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.	434-260-280
434-260-120	Adoption of election review checklist. [Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-120, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-120, filed 8/30/93, effective 9/30/93.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.-611.	434-260-290
434-260-165	Response to draft special review recommendations. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-260-165, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.	434-260-330
434-260-170	Distribution of special review recommendations and response. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-260-170, filed 5/30/07, effective 6/30/07; WSR 06-14-050, § 434-260-170, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-170, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified	434-260-340

as § 434-260-170, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-170, filed 8/30/93, effective 9/30/93.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

Appeal from scheduled review report. [WSR 98-08-010, recodified as § 434-260-180, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-180, filed 8/30/93, effective 9/30/93.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020. Intent. [WSR 98-08-010, recodified as § 434-260-210, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-210, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Definitions. [WSR 98-08-010, recodified as § 434-260-215, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-215, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Certification credit system. [WSR 98-08-010, recodified as § 434-260-230, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-230, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Experience as an election administrator, or as a deputy election administrator. [WSR 98-08-010, recodified as § 434-260-250, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-250, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Participation in conferences and workshops. [WSR 98-08-010, recodified as § 434-260-270, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-270, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Formal education. [WSR 98-08-010, recodified as § 434-260-280, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-280, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Participation in other education activities. [WSR 98-08-010, recodified as § 434-260-290, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-290, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Training program for election observers. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-330, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-330, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-330, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-330, filed 3/8/94, effective 4/8/94.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.-611.

Training video tapes available. [Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-340, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-340, filed 3/18/98, effective 3/18/98. Stat-

utory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-340, filed 3/8/94, effective 4/8/94.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

WAC 434-260-010 Intent. It is the intent of this chapter to provide procedures to be followed in the conduct of election reviews and procedures to be followed for the certification and training of election administrators, assistant election administrators, and county canvassing board members as required by chapter 29A.04 RCW.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-010, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-010, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-010, filed 8/30/93, effective 9/30/93.]

WAC 434-260-020 Definitions. As used in this chapter:

(1) "Election review" means the process of examining all or a part of a county's election policies and procedures and includes the review of any documentation of those procedures;

(2) "Election review staff" means the person or persons employed by the secretary of state for the purpose of conducting election reviews;

(3) "Special election review" means an election review conducted in a county or counties whenever the unofficial returns of a primary or election indicate that a mandatory recount is likely in a race for the state legislature, congress, or statewide office;

(4) "Preliminary review report of findings and recommendations" means that draft report made by the election review staff to the county auditor and which contains any recommendations made by the review staff and a preliminary conclusion regarding the county's election procedures;

(5) "Draft election review report" means that report made by the election review staff to the county auditor and the designated members of the county canvassing board. The auditor and/or county canvassing board must respond to the draft election review report in writing and may appeal the report to the election administration and certification board;

(6) "Final election review report" means that report made by the election review staff which contains a copy of the recommendations made by the review staff, the response to those recommendations made by the county auditor or the county canvassing board, and a conclusion written by the staff;

(7) "Special review recommendations" means recommendations made by the review staff to the county auditor and the county canvassing board following the conduct of any special review;

(8) "County auditor designee" is that person designated by the county auditor to participate in the review process, pursuant to the provisions of RCW 29A.04.580. Such a designee must be certified as required by chapter 29A.04 RCW.

(9) "Election administrator" means the person or persons appointed by the county auditor to election management positions as required by RCW 36.22.220 and the state director of elections, assistant directors of elections, certification and training program staff members, and any other secretary

of state election division employees designated by the director of elections;

(10) "Assistant election administrator" means any person involved in the administration of elections at the state or county level who has been designated as an assistant election administrator by the state director of elections or the county auditor as applicable;

(11) "County canvassing board members" means those officers designated as such pursuant to the provision of chapter 29A.60 RCW;

(12) "Election administration and certification board" means that board created pursuant to the provisions of RCW 29A.04.510.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-020, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-020, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-020, filed 8/30/93, effective 9/30/93.]

WAC 434-260-030 Scheduled reviews—Auditor request. Not later than May 1, any county auditor may request that the secretary of state designate his or her county for an election review. The secretary of state shall, whenever practical, honor that request.

[Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-260-030, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-030, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-030, filed 8/30/93, effective 9/30/93.]

WAC 434-260-040 Election reviews—Secretary of state to designate. Not later than thirty days prior to the start of an election review the secretary of state shall notify, in writing, the counties selected for an election review. Whenever possible, election reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor allowing the reviewer to observe all election procedures. In designating counties to be reviewed, the secretary shall take into consideration any complaints filed with his or her office pursuant to the provisions of RCW 29A.04.570 (1)(b).

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-040, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-260-040, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-040, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-040, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-040, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-040, filed 8/30/93, effective 9/30/93.]

WAC 434-260-050 Notice of special review. Notice of a special review shall be provided to the county auditor by telephone and e-mail not later than twenty-four hours after

the determination has been made to conduct the special review.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-050, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-050, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-050, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-050, filed 8/30/93, effective 9/30/93.]

WAC 434-260-060 Notification of review process. At least five days prior to an election review, or as soon as possible prior to a special review, the review staff shall notify the county auditor of the number of persons conducting the review, any policies and procedures of special interest, and of any needs incidental to their review. The county auditor will provide adequate working accommodations, and copies of any county election policies or procedures, at the time scheduled for the review. Review staff will make every effort to minimize any disruption to the normal work of the county during the review process.

[Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-060, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-060, filed 8/30/93, effective 9/30/93.]

WAC 434-260-080 Special review—Legislative district race. A special review shall be conducted in any legislative district contained entirely within one county whenever the unofficial returns from a legislative race indicate that a mandatory recount is likely. Such a review may be as extensive as an election review or may, at the secretary of state's discretion, concentrate only on those aspects of the election process dealing with ballot accountability, audit trail procedures, and ballot security. In any legislative district encompassing more than one county where the unofficial returns indicate that a mandatory recount is likely for a legislative district race, the secretary of state may direct a partial review in each county or may prioritize the review process. In prioritizing the review process, the secretary shall take into consideration the following factors:

- (1) The date and results of the last election review held in each county;
- (2) Any request from a county auditor for a special review;
- (3) Any written complaints filed with the secretary pursuant to the provisions of RCW 29A.04.570 (1)(b);
- (4) Any written complaints, from any resident of the county regarding the specific election in question;
- (5) Any media stories or reports alleging election irregularities with respect to the election in question;
- (6) The date on which the determination is made that a special review is required.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-080, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-080, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-080, filed 8/30/93, effective 9/30/93.]

WAC 434-260-090 Special review of congressional or statewide races. In conducting special reviews for congressional or statewide offices, the secretary of state may prioritize

the review process, using the same criteria as is used in prioritizing special reviews in joint legislative districts.

[WSR 98-08-010, recodified as § 434-260-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-090, filed 8/30/93, effective 9/30/93.]

WAC 434-260-100 Expense of reviews. The expenses of reviews, including review staff salaries and travel expenses, will not be charged to the county being reviewed. However reasonable and necessary office expenses incidental to the review process, such as copying charges, computer printouts, and telephones, will be provided by the county being reviewed.

[WSR 98-08-010, recodified as § 434-260-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-100, filed 8/30/93, effective 9/30/93.]

WAC 434-260-110 Election review checklist. The secretary of state shall develop an election review checklist, which shall be the basis for any election review and which shall also serve, in whole or in part, as the basis for any special review. The checklist for a regular review shall be provided to the county auditor at least one week prior to the beginning of the reviews.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-110, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-110, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-110, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-110, filed 8/30/93, effective 9/30/93.]

WAC 434-260-130 Preliminary review report of findings and recommendations. The review staff shall verbally relay any recommendations found during observation of the county's procedures by certification of the election. As soon as practical, but in any event not later than ninety days following the certification of the election, the review staff shall issue a preliminary review report of a findings and recommendations. The report shall be made to the county auditor.

The preliminary review report of findings and recommendations is exempt from public inspection and copying, as provided by RCW 42.56.280.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-130, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-130, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-130, filed 8/30/93, effective 9/30/93.]

WAC 434-260-140 Draft election review report. As soon as practicable, but in any event not later than thirty days after the issuance of the preliminary report of findings and recommendations, the review staff shall issue a draft of the election review report to the county auditor and the designated members of the county canvassing board as provided in chapter 29A.60 RCW, and shall include, but not be limited to, the following:

- (1) A narrative description of recommendations made by the review staff;
- (2) Any other information the review staff deems pertinent;

(3) A preliminary conclusion/evaluation of the county's election procedures.

[Statutory Authority: RCW 29A.04.611, WSR 05-17-145, § 434-260-140, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610, WSR 04-15-089, § 434-260-140, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-140, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-140, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 93-18-053, § 434-60-140, filed 8/30/93, effective 9/30/93.]

WAC 434-260-145 Response to draft election review report. The county auditor and/or county canvassing board must respond, in writing, to the draft election review report, listing the steps that will be taken to correct any problems listed in the report. Such response shall be submitted to the review staff not later than fifteen business days following the issuance of the draft election review report.

Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor or canvassing board.

Any county auditor or other member of the county canvassing board may appeal the recommendations or the conclusion of any draft election review report to the election administration and certification board. Any appeal must be in writing, must detail specific exceptions made to the draft election review report, and must be filed with the board not later than thirty days following the issuance of the report.

[Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-260-145, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-145, filed 5/19/99, effective 6/19/99.]

WAC 434-260-150 Final election review report. As soon as practicable, but in any event not later than ten business days after the receipt of the county's response, the review staff shall issue a final election review report. The report shall be made to the county canvassing board, and shall include, but not be limited to, the following:

- (1) A narrative description of any general observations by the review staff;
- (2) A narrative description of any recommendations made by the review staff;
- (3) A response by the county auditor or the county canvassing board;
- (4) A conclusion by the review staff.

A copy of the final review report shall be provided to the chairperson of the election administration and certification board and a copy shall also be kept on file by the secretary of state.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-260-150, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-260-150, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-150, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-150, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 93-18-053, § 434-60-150, filed 8/30/93, effective 9/30/93.]

WAC 434-260-155 County review follow-up. Within one year following the issuance of the final review report, the secretary of state shall verify that the county has taken the steps listed in the response to correct the problems noted in

the report. The secretary of state shall send a letter to the county canvassing board listing the results of the follow-up interview. A copy of the letter shall be provided to the county auditor and kept on file with the secretary of state.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-260-155, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-260-155, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-155, filed 8/19/05, effective 9/19/05.]

WAC 434-260-160 Special review recommendations.

After conducting a special review, the review staff shall make any recommendations to the county auditor and the county canvassing board that they deem necessary to minimize the possibilities of any administrative errors being made either prior to or during the conduct of a mandatory recount. Such recommendations shall be made orally to the county auditor not later than twenty-four hours in advance of the conduct of a mandatory recount. A draft report of findings and recommendations shall be issued to the county auditor and the other members of the canvassing board not later than ten business days after the completion of the mandatory recount.

[Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-260-160, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-160, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-160, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 93-18-053, § 434-60-160, filed 8/30/93, effective 9/30/93.]

WAC 434-260-190 Processing of appeal. Within thirty days of an appeal being filed, the election administration and certification board shall meet to consider the appeal. The board may request that the county auditor, the review staff, or any other persons they deem appropriate, appear before them and assist them in their consideration of the appeal. The board shall have access to all written material prepared by the review staff, including a copy of the preliminary election review report and draft review report. The board, by majority vote, may accept the draft report, may modify all or part of the draft report, or may reject the report in total. In the event the board rejects the report, they shall direct that a new review be conducted and shall detail, in writing, the reasons for rejecting the original report. The board shall issue a written summary of its findings following any consideration of any appeal. The summary shall include the minutes of any meeting of the board to consider the appeal, a summary of the testimony of any witnesses appearing before them, and the reasons for any decision made.

[Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-190, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-190, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 93-18-053, § 434-60-190, filed 8/30/93, effective 9/30/93.]

WAC 434-260-200 Standards for evaluating appeals.

In determining whether or not an appeal filed pursuant to RCW 29A.04.570 and WAC 434-260-160 should be upheld and the final scheduled review report either modified or set aside, the election administration and certification board shall consider the following factors:

- (1) Whether or not the course of action or activity recommended by the review staff is required by federal or state law or by administrative rule;

(2) Whether or not the findings or the course of action or activity recommended by the review staff enhances the standardization and uniformity of election practices and procedures throughout the state;

(3) Whether or not the findings or the course of action or activity recommended by the review staff enhances the security or integrity of the ballots or the ballot counting process;

(4) Whether or not the course of action or activity recommended by the review staff would cause unnecessary hardship or expense to the county making the appeal.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-200, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-200, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-200, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-200, filed 8/30/93, effective 9/30/93.]

CERTIFICATION OF ELECTION ADMINISTRATORS

WAC 434-260-220 Certification of election administrators. Election administrators shall become certified upon completion of the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Two years of service during the three-year period immediately prior to the request for initial certification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of forty hours participation in conferences and workshops provided by:

(a) The Washington Association of County Auditors;

(b) The secretary of state;

(c) The elections center;

(d) The United States Election Assistance Commission;

(e) The Federal Voting Assistance Program; or

(f) Other conferences or courses related to election administration or government administration approved by the Election Administration and Certification Board.

Election administrators may also claim up to four hours of training credit for training received while visiting other county election departments.

All training shall be received not more than five years prior to the date of a request for initial certification and shall include at least thirty hours of election-specific training.

(5) A high school diploma or its equivalent.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-220, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-18-103, § 434-260-220, filed 9/6/06, effective 10/7/06. Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-220, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-220, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-220, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-220, filed 3/8/94, effective 4/8/94.]

WAC 434-260-225 Certification of assistant election administrators. Assistant election administrators shall become certified upon completion of the following:

(1) The secretary of state's mandatory orientation course;

(2) One year continuous service in election administration immediately prior to the date of a request for initial certification;

(12/6/11)

(3) Passing the open book test described in WAC 434-260-260;

(4) A minimum of twenty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be received within five years prior to the date of a request for certification and shall include at least fifteen hours of election-specific training;

(5) A high school diploma or equivalent.

[Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-225, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-225, filed 5/19/99, effective 6/19/99.]

WAC 434-260-235 Recertification of assistant election administrators as election administrators. Any person who is certified as an assistant election administrator may become certified as an election administrator upon completion of the following:

(1) Two years service in an election administration position; and

(2) Minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4).

[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-260-235, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-235, filed 5/19/99, effective 6/19/99.]

WAC 434-260-240 Mandatory orientation. (1) All election administrators and assistant election administrators shall, within eighteen months of undertaking those responsibilities, attend a mandatory orientation workshop sponsored by the secretary of state to be eligible for certification. Mandatory orientation workshops will be offered for new election administrators and deputy election administrators annually.

(2) Mandatory orientation will consist of at least eight hours of training in election-related subjects.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-260-240, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-240, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-240, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-240, filed 3/8/94, effective 4/8/94.]

WAC 434-260-260 Open book written test. The certification and training program will prepare an open book written test on Title 29A RCW, Title 434 WAC, the Washington state Constitution, and other applicable state and federal election laws to be given annually to candidates for certification as election administrators or assistant election administrators.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-260, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-260, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-260, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-260, filed 3/8/94, effective 4/8/94.]

WAC 434-260-300 Maintaining certification as an election administrator. After attaining initial certification the election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of:

(1) Continuous service as an election administrator during the year for which maintenance is required;

(2) Participation in an annual minimum of eighteen hours of continuing education, at least six hours of which shall be on election-specific training. This training may be received at any election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in election workshops or conferences, election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board. A maximum of six hours, of the eighteen required, may be derived from a surplus of hours earned in the previous year.

[Statutory Authority: RCW 29A.04.630. WSR 05-06-036, § 434-260-300, filed 2/25/05, effective 3/28/05. Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-300, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-300, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-300, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-300, filed 3/8/94, effective 4/8/94.]

WAC 434-260-305 Maintaining certification as an assistant election administrator. After attaining initial certification the assistant election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of:

(1) Continuous service as an assistant election administrator during the year for which maintenance is required;

(2) Participation in an annual minimum of six hours of continuing education, at least two hours of which shall be on election-specific training. This training may be received at an election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in workshops and conferences, assistant election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-305, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-305, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-305, filed 5/19/99, effective 6/19/99.]

WAC 434-260-307 Lapse of certification of election administrator. Certification as an election administrator shall lapse when minimum requirements for maintaining certification are not met for two consecutive years. Recertification shall occur upon the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Two years continuous service as an election administrator immediately prior to the date of a request for recertification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be attended within five years prior to the date of a request for recertification and shall not include more than twenty hours of training used for prior certification and maintenance.

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tion and shall not include more than twenty hours of training used for prior certification and maintenance.

An election administrator shall be allowed one recertification in any five-year period.

[Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-307, filed 5/21/01, effective 6/21/01.]

WAC 434-260-309 Lapse of certification of assistant election administrator. Certification as an assistant election administrator shall lapse when minimum requirements for maintaining certification are not met for two consecutive years. Recertification may occur upon completion of the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Completion of one year continuous service in election administration immediately prior to the date of a request for recertification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of twenty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be attended within five years prior to the date of a request for recertification and shall not include more than ten hours of training used for prior certification and maintenance.

An assistant election administrator shall be allowed one recertification in any five-year period.

[Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-309, filed 5/21/01, effective 6/21/01.]

WAC 434-260-310 Maintenance of certification. The secretary of state shall make available certification application and maintenance forms to the county auditors. Applications to maintain certification must be submitted to the secretary of state by the county auditor by January 31 each year.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-310, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-260-310, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-310, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.-020. WSR 99-12-004, § 434-260-310, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-310, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-310, filed 3/8/94, effective 4/8/94.]

WAC 434-260-320 Training program for county canvassing board members. The secretary of state shall prepare a training program for county canvassing board members. The training shall be made available on an annual basis.

[Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-320, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-320, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-320, filed 3/8/94, effective 4/8/94.]

WAC 434-260-350 Approval of training programs. All training programs referenced in these rules may be subject to review by the election administration and certification board. Such review shall be only for the purpose of determining whether the training satisfies requirements for certification.

[Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-350, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-350, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-350, filed 3/8/94, effective 4/8/94.]