Chapter 434-250 WAC
ELECTIONS BY MAIL

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-250-010 Purpose. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-010, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-250-020 Definitions. [Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-250-020, filed 11/15/06, effective 12/16/06; WSR 05-17-145, § 434-250-020, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-250-040 Instructions to voters. [Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-250-040, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-250-040, filed 1/21/09, effective 2/21/09; WSR 08-15-052, § 434-250-040, filed 7/11/08, effective 8/11/08; WSR 07-24-044, § 434-250-040, filed 11/30/07, effective 12/31/07; WSR 07-09-036, § 434-250-040, filed 4/11/07, effective 5/12/07; WSR 06-23-094, § 434-250-040, filed 11/15/06, effective 12/16/06; WSR 05-17-145, § 434-250-040, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-250-050 Envelopes. [Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-250-050, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-250-050, filed 1/21/09, effective 2/21/09; WSR 08-15-052, § 434-250-050, filed 7/11/08, effective 8/11/08; WSR 07-24-044, § 434-250-050, filed 11/30/07, effective 12/31/07; WSR 07-09-036, § 434-250-050, filed 4/11/07, effective 5/12/07; WSR 05-17-145, § 434-250-050, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-250-060 Service and overseas voters. [Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-250-060, filed 11/15/06, effective 12/16/06; WSR 06-14-050, § 434-250-060, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-250-060, filed 8/19/05, effective 9/19/05.] Repealed by WSR 07-20-074, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611.

434-250-085 Provisional ballots issued before election day. [Statutory Authority: RCW 29A.04.611. WSR 06-14-046, § 434-250-085, filed 6/28/06, effective 7/29/06.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-250-090 Absentee ballots issued after the poll lists have been marked. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-090, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-250-150 Ranked choice voting. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-250-150, filed 7/11/08, effective 8/11/08.] Repealed by WSR 10-14-091, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041.

434-250-300 Elections by mail. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-300, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-250-310 Notice of elections by mail. [Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-250-310, filed 1/18/10, effective 2/18/10; WSR 08-15-052, § 434-250-310, filed 7/11/08, effective 8/11/08; WSR 07-20-074, § 434-250-310, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-250-310, filed 5/30/07, effective 6/30/07; WSR 05-17-145, § 434-250-310, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-250-330 County auditor's office as a voting center. [Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-330, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-250-330, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-250-330, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-330, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-330, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-250-340 Manual count of selected precincts. [Statutory Authority: RCW 29A.04.611. WSR 06-11-042, § 434-250-340, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-340, filed 12/28/05, effective 1/28/06.] Repealed by WSR 07-20-074, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611.

WAC 434-250-025 Broken or missing seals. If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

[Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-250-025, filed 6/28/06, effective 7/29/06.]

WAC 434-250-030 Special absentee ballots. (1) As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications. The form must include:

(a) A space for the voter to print his or her name and address where registered to vote;

(b) A postal or mailing address;

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

(d) A checkbox indicating that the voter will be unable to vote and return a regular ballot by normal delivery within the period provided for regular ballots; and

(e) A checkbox requesting that a regular ballot be forwarded as soon as possible.

(2) The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section. Any application for a special absentee ballot 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.

(3) Upon receipt of a special absentee ballot request, a regular ballot is mailed if available. If regular ballots are not available, the county auditor shall immediately send a special absentee ballot containing the known offices and measures scheduled to appear on the ballot; space for the voter to write in the name of any eligible candidate for each office and vote on any measure; and a list of any candidates who have filed and issues referred to the ballot.

(4) If a regular ballot is returned, the special ballot is not counted.

(5) Write-in votes on special ballots are counted in the same manner as other write-in votes.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-250-030, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.08.-420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-030, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-250-030, filed 10/1/07, effective 11/1/07; WSR 07-09-036, § 434-250-030, filed 4/11/07, effective 5/12/07; WSR 06-14-047, § 434-250-030, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-250-030, filed 8/19/05, effective 9/19/05.]

WAC 434-250-035 Protected records voters. (1) At least eighteen days before every special, primary, or general election, authorized personnel shall review all protected records voter files and forward the appropriate ballot for each protected records voter via the substitute mailing address.

(2) The ballot, ballot security envelope, and return envelope must be placed in an envelope addressed to the substitute address. The return envelope shall be marked in a manner that ensures that the returned ballot will be segregated and routed to the authorized personnel for processing.

(3) The voted ballot for a protected records voter shall be processed by county authorized personnel. The authorized personnel shall maintain a record of ballots sent to protected records voters and a record of ballots returned. This record shall be maintained in accordance with WAC 434-324-034.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-035, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-250-035, filed 1/21/09, effective 2/21/09.]

WAC 434-250-037 Mail ballot certification. Pursuant to RCW 29A.40.070, fifteen days before each primary or election, the county auditor shall certify to the secretary of state:

(1) That ballots were mailed or issued to service and overseas voters at least forty-five or thirty days before election day, whichever deadline is applicable. For elections that include a federal office, the certification must include the number of ballots mailed or issued to service and overseas voters;

(2) That ballots were mailed or issued to regular voters at least eighteen days before election day;

(3) That ballots issued via electronic ballot delivery systems were proofed and checked for accuracy prior to the mailing deadline for service and overseas ballots; and

(4) If any ballots were not mailed or issued by the applicable deadlines, the reason for the delay and steps taken to remedy the delay.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-037, filed 2/26/14, effective 3/29/14.]

WAC 434-250-045 Voters requiring verification of identity. (1) If the voter registration record is flagged as requiring verification of identity, a notice must be sent at the time of the election explaining that a photocopy of identification must be provided in order for the ballot to be counted, and listing what forms of identification are acceptable. The county auditor may provide an inner envelope separate from the security envelope for return of the photocopy of the identification.

(2) The notice to the voter must be in substantially the following form:

Dear Voter: *[date]*

Based on your recent registration, federal law requires that you provide identification with your ballot. **If you fail to provide identification, your ballot will not be counted.**

Please provide your driver's license number, Washington state identification card number, the last four digits of your Social Security number, or a photocopy of one of the following:

- Valid photo identification;
- A valid enrollment card of a federally recognized tribe in Washington;
- A current utility bill;
- A current bank statement;
- A current government check;
- A current paycheck; or
- A government document, other than a voter registration card, that shows both your name and address.

You may return a photocopy with your ballot but, in order to protect the secrecy of your ballot, do not place the photocopy inside the security envelope.

If you do not provide a copy of your identification, your ballot will not be counted.

If you have any questions, please feel free to contact the ____ County Auditor's Office at ____.

(3) If the voter provides one of the acceptable forms of identification no later than the day before certification of the election, the flag on the voter registration record must be removed and the ballot must be counted.

(4) If the voter fails to provide one of the acceptable forms of identification by the day prior to certification of the election, the ballot shall not be counted. If the voter provides one of the acceptable forms of identification at a later date, the ballot cast in that election shall not be counted but the flag on the voter registration record must be removed.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-045, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-250-045, filed 1/21/09, effective 2/21/09; WSR 07-02-100, § 434-250-045, filed 1/3/07, effective 2/3/07.]

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

WAC 434-250-070 Forwarding ballots. (1) If the county auditor chooses to forward ballots, the county auditor must utilize postal service endorsements that allow the ballots to be forwarded, allow the county auditor to receive the updated address information, and allow the return of ballots not capable of being forwarded. A voter may only vote a ballot specific to the address where he or she is registered to vote, rather than a ballot specific to a new address.

(2) If the county auditor does not forward ballots, the envelope must clearly indicate the ballot is not to be forwarded and is to be returned to the county auditor with any available address updates. If the county auditor receives updated address information from the post office, the county auditor may send the voter a ballot specific to the address where the voter is registered to vote.

(3) If a ballot is returned or forwarded, the county auditor must, following certification of the election, either:

(a) Transfer the voter registration and send the voter an acknowledgment notice, if the updated address is within the county; or

(b) Place the voter on inactive status and send the voter a confirmation notice to all known addresses, if no updated address information was received or the updated address is outside the county.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-070, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-250-070, filed 2/19/08, effective 3/21/08; WSR 07-20-074, § 434-250-070, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-250-070, filed 5/30/07, effective 6/30/07; WSR 05-17-145, § 434-250-070, filed 8/19/05, effective 9/19/05.]

WAC 434-250-080 Replacement ballots. The county auditor may issue a replacement ballot, as authorized by RCW 29A.40.070, if the request is received prior to 8:00 p.m. on election day. Requests may be made in person, in writing, by telephone, or electronically, by the voter, a family member, or a registered domestic partner.

Replacement ballots or the original ballot, whichever is received first, shall be credited to the voter's registration file and tabulated if the ballot meets all requirements for tabulation. If the auditor receives additional ballots from a voter, as indicated by the fact that the voter is already credited with voting, the additional ballots shall not be counted and shall be forwarded to the county canvassing board for rejection.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-080, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-080, filed 8/19/05, effective 9/19/05.]

WAC 434-250-095 Direct recording electronic voting devices. (1) Before a direct recording electronic voting device may be used by a voter, an election officer must verify:

(a) The paper printer or paper canister is secured so that the paper record may not be removed from the device by anyone other than an election officer;

(b) Only a blank portion of the paper record is visible to the voter as he or she approaches the device; and

(c) The paper printer or paper canister is sealed with a numbered seal to ensure the paper tape cannot be removed by the voter.

(2) Before a direct recording electronic voting device may be used by a voter, an election officer must confirm that the voter has not already returned a voted ballot. Confirmation that the voter has not already returned a voted ballot may be achieved by accessing the county voter registration system by electronic, telephonic, or other means. In order to prevent multiple voting, the voter must be immediately credited or otherwise flagged as having voted. If the county auditor is unable to confirm whether the voter has already returned a voted ballot, the voter may not vote on a direct recording electronic voting device. If a voted mail ballot is subsequently returned after a ballot is cast on the direct recording electronic voting device, the mail ballot must not be counted.

(3)(a) If a ballot on a direct recording electronic device has not been cast but has been printed by the voter, the election officer may cast the ballot.

(b) If a ballot on a direct recording electronic device has not been printed nor cast by the voter, the election officer must cancel the ballot and make a corresponding notation in the accountability form.

(4) If any seal or lock on a direct recording electronic device, including seals for the paper printer or paper canister, has been broken or tampered with, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. A written report regarding the circumstances of the removal from service must be sent to the county canvassing board.

(5) If the paper printer for a direct recording electronic device malfunctions or runs out of paper, the following must occur:

(a) If the election officer has confirmed that no ballots have been cast after the printer ran out of paper or malfunctioned, he or she must remove the direct recording electronic device and paper printer from service, and document the problem. The direct recording electronic device and paper printer may be returned to service only if the problem has been corrected.

(b) If the election officer is unable to confirm that no ballots were cast after the printer ran out of paper or malfunc-

tioned, or if the problem cannot be corrected, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. The auditor must present a written report regarding the circumstances of the removal from service to the county canvassing board.

(6) If an electronic ballot has been cast without a readable corresponding paper record, the county auditor may print the ballot image stored on the device for use as a paper record for that device, in the case of an audit or manual recount. This may require printing all ballot images from that machine.

(7) A provisional ballot may only be voted on a direct recording electronic voting device if the voting system has been certified by the secretary of state for provisional voting and the county auditor has submitted approved procedures to the secretary of state.

(8)(a) If a direct recording electronic voting device must be transferred from a voting center that is not in the same location as the counting center, the paper records must be either:

(i) Placed in transfer containers; or

(ii) Transferred in the paper printer or paper canister if the paper printer or paper canister is sealed so the paper record cannot be removed without breaking the seal.

(b) Paper records must be accompanied by a transmittal sheet which must include at a minimum:

(i) The voting center where the direct recording electronic device was utilized;

(ii) The seal number from the paper printer; and

(iii) The serial number or other identifier of the direct recording electronic device if distinctly unique from the seal number on the paper record printer or paper canister.

(c) If paper records are placed in a transfer container, the election officer must sign the transmittal sheet and place it in the transfer container. The number of paper record tapes included in the container must be recorded on the transmittal sheet. A unique prenumbered seal must be applied to the container.

(d) The data pack or cartridge of the direct recording device must be transported to the counting center in a sealed container.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-095, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-095, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.-530. WSR 06-02-028, § 434-250-095, filed 12/28/05, effective 1/28/06.]

WAC 434-250-100 Ballot deposit sites. (1) If a location only receives ballots and does not issue any ballots, it is considered a ballot deposit site. Ballot deposit sites may be staffed or unstaffed.

(a) If a ballot deposit site is staffed, it must be staffed by at least two people. Deposit site staff may be employees of the county auditor's office or persons appointed by the auditor. If a deposit site is staffed by two or more persons appointed by the county auditor, the appointees shall be representatives of different major political parties whenever possible. Deposit site staff shall subscribe to an oath regarding the discharge of their duties. Staffed deposit sites open on election day must be open until 8:00 p.m. Staffed deposit sites may be open according to dates and times established by the county auditor. Staffed deposit sites must have a secure ballot box that is constructed in a manner to allow return envelopes, once deposited, to only be removed by the county auditor or by the deposit site staff.

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

(2) Ballot boxes must be secured at all times, with seal logs that document each time the box is opened and by whom. Ballots must either be transported to the county auditor's office or another designated location by at least two authorized people, or placed into a secured transport carrier for transport to the county auditor's office or other designated location. At exactly 8:00 p.m. on election day, all ballot boxes must be emptied or secured to prevent the deposit of additional ballots; however, any voter who is in line at 8:00 p.m. must be allowed to vote and deposit his or her ballot. If a ballot is returned after the ballot box is emptied or secured at 8:00 p.m. on election day, the ballot must be referred to the canvassing board.

(3) Within twenty-five feet of a ballot deposit site that is not located within a voting center, no person may electioneer, circulate campaign material, solicit petition signatures, or interfere with or impede the voting process. Whenever it is necessary to maintain order around a ballot deposit site, the county auditor may contact a law enforcement agency for assistance.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-100, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-250-100, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.-620, and 29A.04.630. WSR 11-24-064, § 434-250-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.-131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-100, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.-611. WSR 10-03-072, § 434-250-100, filed 1/18/10, effective 2/18/10; WSR 08-05-120, § 434-250-100, filed 2/19/08, effective 3/21/08; WSR 07-20-074, § 434-250-100, filed 10/1/07, effective 11/1/07; WSR 06-23-094, § 434-250-100, filed 11/15/06, effective 12/16/06; WSR 06-14-047, § 434-250-100, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-100, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-100, filed 8/19/05, effective 9/19/05.]

WAC 434-250-105 Voting centers. (1) If a location offers replacement ballots, provisional ballots, or voting on a direct recording electronic device, it is considered a voting center. The requirements for staffed ballot deposit sites apply to voting centers. Each voting center must:

(a) Be an accessible location. "Accessible" means the combination of factors which create an environment free of barriers to the mobility or functioning of voters. The environment consists of the routes of travel to and through the buildings or facilities used for voting. The Americans with Disabilities Act Checklist for Polling Places shall be used when

determining the accessibility of a voting center. A voting center is fully accessible if all responses in each category are "Yes";

(b) Be marked with signage outside the building indicating the location as a place for voting;

(c) Issue ballots that include a declaration in the ballot materials;

(d) Offer disability access voting in a location or manner that provides for voter privacy. For each voting center, the county auditor must have a contingency plan to accommodate accessible voting in the event that an accessible voting unit malfunctions or must be removed from service;

(e) Offer provisional ballots, which may be sample ballots that meet provisional ballot requirements;

(f) Have electronic or telephonic access to the voter registration system, consistent with WAC 434-250-095, if the voting center offers voting on a direct recording electronic voting device. The county auditor shall require the voter to print and sign the ballot declaration provided in WAC 434-230-015. Ballot declaration signatures may not be maintained in the order in which they were signed. Before the voter may vote on a direct recording electronic voting device, the county auditor must either:

(i) Verify the signature on the ballot declaration against the signature in the voter registration record; or

(ii) Require the voter to provide photo identification, consistent with RCW 29A.40.160;

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

(h) Provide voter registration forms;

(i) Display a HAVA voter information poster, containing an example of an actual ballot or a sample ballot in substantially the same format as an actual ballot;

(j) Display the date of that election;

(k) During a primary that includes a partisan office, display the notice provided in WAC 434-230-015 (3)(j), and during a general election that includes a partisan office, display the notice provided in WAC 434-230-015 (3)(k). The party preference notices may also be posted on-screen in direct recording electronic voting devices;

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

(m) Provide election materials in alternative languages if required by the Voting Rights Act.

(2) Where it appears that a particular voter is having difficulty casting his/her vote, and as a result, is impeding other voters from voting, the staff may provide assistance to that voter in the same manner as provided by law for those voters who request assistance. Where it appears that a voter is impeding other voters from voting to simply cause delay, the staff shall ask the voter to expedite the voting process. In the event the voter refuses to cooperate, the staff shall, whenever practical, contact the county auditor, who may request assistance from the appropriate law enforcement agencies if he or she deems such action necessary.

(3) At exactly 8:00 p.m. on election day, all ballot boxes must be emptied or secured to prevent the deposit of additional ballots; however, any voter who is in a voting center or in line at a voting center at 8:00 p.m. must be allowed to vote and deposit his or her ballot. Voted ballots, including provisional, mail-in, and direct recording electronic and paper records, must be placed into secured transport carriers for return to the county auditor's office or another designated location.

[Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-250-105, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-105, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-250-105, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-105, filed 12/6/11, effective 1/6/12.]

WAC 434-250-110 Processing ballots. (1) "Initial processing" means all steps taken to prepare ballots for tabulation. Initial processing includes, but is not limited to:

(a) Verification of the signature and postmark on the ballot declaration;

(b) Removal of the security envelope from the return envelope;

(c) Removal of the ballot from the security envelope;

(d) Manual inspection for damage, write-in votes, and incorrect or incomplete marks;

(e) Duplication of damaged and write-in ballots;

(f) Scanning and resolution of ballots on a digital scan voting system; and

(g) Other preparation of ballots for final processing.

(2) "Final processing" means the reading of ballots by an optical scan voting system for the purpose of producing returns of votes cast, but does not include tabulation.

(3) "Tabulation" means the production of returns of votes cast for candidates or ballot measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

(4) Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of ballots.

(5) Initial processing of voted ballots, which may include scanning and resolving ballots on a digital scan voting system, may begin as soon as voted ballots are received. All ballots must be kept in secure storage until final processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel. The county auditor must ensure that all security envelopes and return envelopes are empty, either by a visual inspection of the punched hole to confirm that no ballots or other materials are still in the envelopes, or by storing the envelopes with a tie, string, or other object through the holes.

(6) Final processing of voted ballots, which may include scanning ballots on an optical scan voting system, may begin after 7:00 a.m. on the day of the election. Final processing may begin after 7:00 a.m. the day before the election if the county auditor follows a security plan that has been submitted by the county auditor and approved by the secretary of

state to prevent tabulation until after 8:00 p.m. on the day of the election.

(7) Tabulation may begin after 8:00 p.m. on the day of the election.

(8) In counties tabulating ballots on an optical scan vote tallying system, the vote tallying system must reject all overvotes and blank ballots.

(a) All rejected ballots shall be outstacked for additional manual inspection.

(b) The outstacked ballots shall be inspected in a manner similar to the original inspection with special attention given to stray marks, erasures, and other conditions that may have caused the vote-tallying device to misread and reject the ballot.

(c) If inspection reveals that a ballot must be duplicated in order to be read correctly by the vote tallying system, the ballot must be duplicated.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-110, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-250-110, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.-620, and 29A.04.630. WSR 11-24-064, § 434-250-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-250-110, filed 7/11/08, effective 8/11/08; WSR 05-17-145, § 434-250-110, filed 8/19/05, effective 9/19/05.]

WAC 434-250-120 Verification of the signature and return date. (1) A mail ballot shall be counted if:

(a) The ballot declaration is signed with a valid signature;

(b) The signature has been verified pursuant to WAC 434-379-020, or if the voter is unable to sign his or her name, two other persons have witnessed the voter's mark; and

(c)(i) The envelope is postmarked not later than the day of the election and received not later than the day before certification of the election;

(ii) The ballot is deposited in a ballot drop box no later than 8:00 p.m. on election day; or

(iii) The ballot is received by fax or email no later than 8:00 p.m. on election day. If the ballot is from a voter who is neither a service nor overseas voter, a hard copy of the ballot and ballot declaration must also be received no later than the day before certification of the election.

(2) Postage that includes a date, such as meter postage or a dated stamp, does not qualify as a postmark. If an envelope lacks a postmark or if the postmark is unreadable, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.110. If a ballot is from a service or overseas voter, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.100.

(3) The signature on the ballot declaration must be compared with the signature in the voter's voter registration file using the standards established in WAC 434-379-020. The signature on a ballot declaration may not be rejected merely because the signature is not dated, unless the date is necessary to validate the timeliness of the ballot. The signature on a ballot declaration may not be rejected merely because the name in the signature is a variation of the name on the voter registration record. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries.

(4)(a) For ballots returned by fax or email, the county auditor must apply procedures to protect the secrecy of the ballot. If returned by email, the county auditor must print the email and attachments; the printed email and signed declaration page must be processed and retained like other ballot declarations, and the printed ballot must be processed and retained like other ballots. The electronic versions of the email, ballot declaration, and ballot are exempt from public disclosure in order to maintain secrecy of the ballot. Voted ballots returned by email may be returned with multiple attachments or as multiple emails.

(b) If the ballot is from a voter who is neither a service nor overseas voter, the voter must also return a hard copy of the ballot and ballot declaration no later than the day before certification.

(i) Consistent with WAC 434-250-080, the first valid ballot and declaration received is counted; subsequently received versions are not counted.

(ii) In order to maintain secrecy of the ballot, the hard copy ballot may not be compared to the ballot received electronically.

(iii) Voted ballots returned electronically no later than 8:00 p.m. on election day are timely even if the hard copy subsequently returned contains a postmark after election day.

(c) Ballots returned electronically with a missing or mismatched signature are processed as established in RCW 29A.60.165 and WAC 434-261-050.

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

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-120, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-250-120, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.-620, and 29A.04.630. WSR 11-24-064, § 434-250-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.-131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-120, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.-611, 29A.04.530. WSR 06-02-028, § 434-250-120, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-120, filed 8/19/05, effective 9/19/05.]

WAC 434-250-130 Maintenance of an audit trail. Each county auditor shall maintain an audit trail with respect to the processing of ballots, which shall include, but not be limited to, the following:

(1) A record of the date the ballot was mailed or issued, and the date the ballot was received;

(2) The number of ballots issued and returned, by legislative and congressional district, for each primary and general election;

(3) A record of the disposition of each request for a ballot that was not honored;

(4) A record of the disposition of each returned ballot that was not counted;

(5) A record of the time and place each time the county canvassing board met; and

(6) Documentation of the security procedures undertaken to protect the integrity of all ballots after receipt, including the seal numbers used to secure the ballots during all facets of the process.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-130, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-250-130, filed 5/30/07, effective 6/30/07; WSR 05-17-145, § 434-250-130, filed 8/19/05, effective 9/19/05.]

WAC 434-250-140 Ballot process to be expedited. All election officials charged with any duties or responsibilities with respect to ballots shall ensure that those duties are performed in an expeditious manner, in order to maximize the opportunity for voters to receive, vote, and return the ballots in time to be counted.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-140, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-140, filed 8/19/05, effective 9/19/05.]

WAC 434-250-200 Return postage. The United States Postal Service Domestic Mail Manual requires each county auditor to include on the ballot, ballot instructions, mailing instructions, or return envelope the specific amount of first-class postage necessary to return the ballot by mail. This is not required:

(1) For ballots issued to service and overseas voters;

(2) For ballots returned using the business reply mail service;

(3) For ballots returned with postage prepaid by stamps, meter, or permit reply mail; or

(4) If the county auditor has an account with the post office guaranteeing payment of return postage due.

[Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-250-200, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-200, filed 2/26/14, effective 3/29/14.]

WAC 434-250-320 Locations to deposit ballots. A county auditor must provide at least two locations to deposit ballots beginning eighteen days prior to election day and ending at 8:00 p.m. on election day. These locations may be either a ballot deposit site, as defined in WAC 434-250-100, or a voting center, as defined in WAC 434-250-105. At least one location may be at the county auditor's office. All other deposit sites must be at geographical locations that are different from the county auditor's office.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-320, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-320, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-250-320, filed 10/1/07, effective 11/1/07; WSR 06-14-047, § 434-250-320, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-250-320, filed 8/19/05, effective 9/19/05.]