

TRANSMITTAL OF RULES ADOPTED

FROM: State Canvassing Board (Name of Agency)

TO: CODE REVISER LEGISLATIVE BLDG. (Southwest Corner, Ground Floor) Olympia 98504

The enclosed rules Permanent rules [] / Emergency rules [X], being Order No. 77 - 2 relating to (Name of rules or description of subject matter)

Random Sampling of Initiative and Referendum Petitions

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. filed with the code reviser on were regularly adopted as permanent rules of this agency at (place) on (date) and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW. The effective date of such rules shall be.

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order, that the immediate adoption of these rules is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, were regularly adopted as emergency rules of this agency at Olympia, Washington on August 10, 1977 (place) (date) and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

The undersigned hereby certifies that the requirements of chapter 34.04 RCW and of the Open Public Meetings Act of 1971, chapter 42.30 RCW have been fulfilled.

Dated this 10th day of August 19 77.

STATE OF WASHINGTON FILED

AUG 10 1977

CODE REVISER'S OFFICE DOCKET # 8378 FILE # 1

State Canvassing Board (AGENCY) By [Signature] Secretary of State Title

NOTES: 1Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice) 2Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice) 3Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing: RCW 34.04.040. Leave this space blank except in such special cases.

STATE OF WASHINGTON
STATE CANVASSING BOARD

RESOLUTION NO. 77 - 2

ADMINISTRATIVE ORDER NO. 77 - 2


(1) We, BRUCE K. CHAPMAN, Secretary of State, ROBERT S. O'BRIEN, State Treasurer, and ROBERT V. GRAHAM, State Auditor, being members of the State Canvassing Board of the state of Washington, by virtue of the authority vested in us under Chapter 34.04 RCW and RCW 29.79.200, do hereby promulgate and adopt the annexed rules and regulations as emergency rules of this agency.

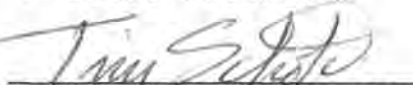
(2) We find that the order and opinion of the Washington State Supreme Court in the case of Sudduth v. Chapman (No. 44460) which requires modifications of the procedures governing the verification of initiative and referendum petitions by random sampling has not been implemented by an appropriate legislative amendment to RCW 29.79.200; therefore, the regulations which this board adopted on January 14, 1977, must be readopted so that Initiative Measures 335, 345, and 348 may be certified in a timely manner.

(3) This order after being first recorded in the order register of this agency shall be forwarded to the Code Reviser for filing pursuant to Chapter 34.04 RCW and Chapter 1-12 WAC.

APPROVED AND ADOPTED August 10, 1977


By Bruce K. Chapman
Secretary of State


By John Ryan, Deputy
State Treasurer


By Tim Schoth, Deputy
State Auditor

FORM OF ORDER BY BOARD, COMMISSION, & COUNCIL

State of Washington

State Canvassing Board

(name of governing body)

(agency name, if applicable)

Resolution No. 77-2

Administrative Order No. 77-2

(1) Be it resolved by the State Canvassing Board of the State of Washington,

ALTERNATIVE A. Use only for Adoption of Permanent Rules.

after due notice and in a meeting open to the public, held at

on

as required by chapters 34.04 and 42.30 RCW, do promulgate and adopt as permanent rules of this governing body, the annexed rules:

ALTERNATIVE B. Use only for Adoption of Emergency Rules.

promulgate and adopt as emergency rules of this governing body, the annexed rules:

We, find that

an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is: The order and opinion of the Washington State Supreme Court in the case of Sudduth v. Chapman (No. 44460) which requires modifications of the procedures governing the verification of initiative and referendum petitions by random sampling has not been implemented by an appropriate legislative amendment to RCW 29.79.200; therefore, the regulations which this board adopted on January 14, 1977, must be readopted so that Initiative Measures 335, 345, and 348 may be certified

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser. in a timely manner

(2) Pursuant to the requirements of RCW 34.04. (1977 c 19 § 2) that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW 27.79.200 which directs that the

State Canvassing Board

(agency)

has authority to implement the provisions of

petitions to legislature - canvass and count of signatures - statistical sampling authorized.

(name of act or RCW citation)

sampling authorized.

(c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(3) This order after being first recorded in the order register of this governing body shall be forwarded to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED August 10, 19 77

By

Secretary of State

Title

AMENDATORY SECTION

WAC 90-12-010 RANDOM SAMPLING PROCEDURE. In the verification of signatures on initiative and referendum petitions, pursuant to RCW 29.79.200 and RCW 29.79.220, when the number of signatures submitted is more than 110 percent of the number of signatures required by Article II, Section 1A of the Washington State Constitution, the secretary of state may employ the following statistical test:

(1) Take ((a)) an unrestricted random sample of the signatures submitted;

(2) Check each signature sampled to determine the number of valid signatures in the sample, the number of signatures in the sample which are invalid because the individual signing is not registered or the signature is improper in form, and the number of signatures which are duplicated in the sample;

(3) Calculate an allowance for the chance error of sampling by multiplying the square root of the number of signatures in the sample which are invalid by 1.5;

(4) Estimate the upper limit of the number of signatures in the population which are invalid by dividing the sum of the invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio, i.e. the number of signatures sampled divided by the number of signatures submitted;

(5) Determine the maximum allowable number of pairs of signatures in the population by (~~dividing the difference between the number of signatures submitted and~~) subtracting the sum of 110 percent of the number of signatures required by Article II, Section 1A of the Washington State Constitution and the estimate of the upper limit of the number of invalid signatures in the population (~~by two-2~~) from the number of signatures submitted;

(6) Determine the expected number of pairs of signatures in the sample by multiplying the square (~~root~~) of the sampling ratio by the maximum allowable number of pairs of signatures in the population;

(7) Determine the acceptable number of pairs of signatures in the sample by subtracting 2.33 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample;

(8) If the number of pairs of signatures in the sample is greater than the acceptable number of pairs of signatures in the sample, the secretary of state shall canvass each signature to determine the exact number of valid signatures;

(9) If the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, the secretary of state shall declare the petition to be sufficient and certify the serial number and ballot title to the state legislature as provided in RCW 29.79.200 or to the county auditors as provided in RCW 29.79.230.