

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

415-116-010	Purpose. [Statutory Authority: RCW 41.50.110, 41.26.070, 41.32.401 and 41.40.080. 91-13-029, § 415-116-010, filed 6/12/91, effective 7/13/91.] Repealed by 99-21-031, filed 10/14/99, effective 11/14/99. Statutory Authority: RCW 41.50.050.
415-116-020	Definitions. [Statutory Authority: RCW 41.50.110, 41.26.070, 41.32.401 and 41.40.080. 91-13-029, § 415-116-020, filed 6/12/91, effective 7/13/91.] Repealed by 99-21-031, filed 10/14/99, effective 11/14/99. Statutory Authority: RCW 41.50.050.
415-116-030	Administrative fee rate. [Statutory Authority: RCW 41.50.110, 41.26.070, 41.32.401 and 41.40.080. 91-13-029, § 415-116-030, filed 6/12/91, effective 7/13/91.] Repealed by 99-21-031, filed 10/14/99, effective 11/14/99. Statutory Authority: RCW 41.50.050.
415-116-040	Criteria for changing administrative fee rate. [Statutory Authority: RCW 41.50.110, 41.26.070, 41.32.401 and 41.40.080. 91-13-029, § 415-116-040, filed 6/12/91, effective 7/13/91.] Repealed by 99-21-031, filed 10/14/99, effective 11/14/99. Statutory Authority: RCW 41.50.050.
415-116-050	Current administrative fee rate. [Statutory Authority: RCW 41.50.110, 41.26.070, 41.32.401 and 41.40.080. 91-13-029, § 415-116-050, filed 6/12/91, effective 7/13/91.] Repealed by 99-21-031, filed 10/14/99, effective 11/14/99. Statutory Authority: RCW 41.50.050.

WAC 415-116-010 through 415-116-050 Repealed.
See Disposition Table at beginning of this chapter.

Title 419 WAC

FINANCIAL INSTITUTIONS, DEPARTMENT OF (SAVINGS AND LOAN ASSOCIATIONS, DIVISION OF)

Chapters

**419-14 Examination and supervision fees for sav-
ings and loan associations.**

Chapter 419-14 WAC

EXAMINATION AND SUPERVISION FEES FOR
SAVINGS AND LOAN ASSOCIATIONS

WAC

419-14-135 Charges and fees effective June 25, 1999.
419-14-140 Charges and fees effective July 1, 1999.

**WAC 419-14-135 Charges and fees effective June 25,
1999.** Effective June 25, 1999, the rate of charges and fees
under chapter 419-14 and 419-56 WAC shall be as follows:

- (1) WAC 419-14-030(1) - The fee shall be \$41.67 per hour.
- (2) WAC 419-14-030(2) - The fee shall be \$46.88 per hour.
- (3) WAC 419-14-030(3) - The fee shall be \$52.09 per hour.
- (4) WAC 419-14-040 - The asset charge shall be .031254 per thousand dollars of assets.

(5) WAC 419-14-075 - The fee shall be \$2,500.00 for the first branch and \$500.00 for each additional branch.

(6) WAC 419-14-080 - The fee shall be \$50.00 for the home office and each branch.

(7) WAC 419-14-090 - The fee shall be \$62.50 per hour.

(8) WAC 419-14-100 - The fee shall be \$52.09 per hour.

(9) WAC 419-14-110 - The fee shall be \$52.09 per hour.

(10) WAC 419-14-110 - The fee shall be \$5,000.00.

(11) WAC 419-56-070 - The fee shall be \$1,000.00.

[Statutory Authority: RCW 30.04.030, 30.04.070, 30.08.095, 33.04.025 and 43.320.040. 99-10-024, § 419-14-135, filed 4/28/99, effective 6/25/99.]

**WAC 419-14-140 Charges and fees effective July 1,
1999.** (1) Effective July 1, 1999, the rate of charges and fees
under chapters 419-14 and 419-56 WAC shall be as follows:

(a) WAC 419-14-030(1) - The fee shall be \$43.05 per hour.

(b) WAC 419-14-030(2) - The fee shall be \$48.43 per hour.

(c) WAC 419-14-030(3) - The fee shall be \$53.81 per hour.

(d) WAC 419-14-040 - The asset charge shall be .0322916 per thousand dollars of assets.

(e) WAC 419-14-075 - The fee shall be \$2,500.00 for the first branch and \$500.00 for each additional branch.

(f) WAC 419-14-080 - The fee shall be \$50.00 for the home office and each branch.

(g) WAC 419-14-090 - The fee shall be \$64.57 per hour.

(h) WAC 419-14-100 - The fee shall be \$53.81 per hour.

(i) WAC 419-14-110 - The fee shall be \$53.81 per hour.

(j) WAC 419-14-110 - The fee shall be \$5,000.00.

(k) WAC 419-56-070 - The fee shall be \$1,000.00.

(2) Thereafter, effective July 1, 2000, and again on July 1, 2001, the charges and fees set forth in subsection (1)(a), (b), (c), (d), (g), (h), and (i) of this section shall be increased by the fiscal growth factor as determined by the office of financial management pursuant to RCW 43.135.025.

(3) The director may suspend the collection of any or all of the charges and/or fees imposed under this section when he or she determines the banking examination fund established in RCW 43.320.110 exceeds the projected acceptable minimum fund balance level approved by the office of financial management and that such course of action would be fiscally prudent.

[Statutory Authority: RCW 30.04.030, 30.04.070, 30.08.095, 33.04.025 and 43.320.040. 99-10-024, § 419-14-140, filed 4/28/99, effective 6/25/99.]

Title 434 WAC

SECRETARY OF STATE

Chapters

434-55 Limited partnership filings—Centralized system.

434-130 Limited liability companies.

434-166 International student exchange agency registration.

434-180 Electronic authentication.

434-219 Presidential preference primary.

434-240	Absentee voting.
434-260	Election review process and certification of election administrators.
434-261	Counting center procedures.
434-324	Maintenance of voter registration records on electronic data processing systems.
434-334	Electronic voting requirements.

Chapter 434-55 WAC
LIMITED PARTNERSHIP FILINGS—
CENTRALIZED SYSTEM

WAC

434-55-060	Document filing fees—Limited partnerships.
434-55-065	In-person or expedited counter service—Special fees.

WAC 434-55-060 Document filing fees—Limited partnerships. The following fees are due and must be submitted concurrently with the limited partnership documents presented to the secretary of state for filing under the Washington Uniform Limited Partnership Act:

(1) Filing of a certificate of limited partnership for a domestic limited partnership: One hundred seventy-five dollars.

(2) Filing an application for registration of a foreign limited partnership: One hundred seventy-five dollars.

(3) Dissolution or cancellation by judicial decree: No charge.

(4) Filing of a certificate of cancellation for a domestic or foreign limited partnership: No charge.

(5) Filing of a certificate of amendment for a domestic or foreign limited partnership: Twenty-five dollars.

(6) Filing a certificate of restatement: Thirty dollars.

(7) Filing an application to reserve or transfer a limited partnership name: Ten dollars.

(8) Application for reinstatement: One hundred dollars plus all delinquent fees and a twenty-five percent penalty computed on total amount.

(9) Articles of merger: Twenty dollars for each listed company.

(10) Agent's consent to act as agent or agent's resignation if appointed without consent: No charge.

(11) Filing any other statement or report required by the Limited Partnership Act: Ten dollars.

(12) For certified copies of any document the fee is five dollars plus a photocopy fee of twenty cents for each additional page.

(13) For certificates of existence the fee is ten dollars per certificate.

(14) For photocopies fees are as follows:

(a) Certificate of limited partnership, five dollars;

(b) Any single document, other than a certificate of limited partnership, one dollar plus twenty cents for each additional page;

(c) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies).

(15) Service of process on the office of the secretary of state as agent of a limited partnership: Fifty dollars.

[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. Statu-

tory 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 counter service—Special fees. (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 4:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 3:30 p.m. on that day. These services are available for the following transactions:

(a) Charter document review and filing;

(b) Name reservation review and filing;

(c) Document certification;

(d) Document copying and status certificates;

(e) Status change filings;

(f) Service of process;

(g) International student exchange agency registration.

(2) The fee for same-day service is ten dollars for single or multiple transactions within each new or existing limited partnership file or each new or existing limited liability partnership file. In addition, a regulatory fee for each transaction may apply.

(3) There is no expedited fee for the following transactions:

(a) Reinstatements;

(b) In-person inspection or review of limited partnership files or other public documents located in the corporations division office;

(c) Documents left at the counter for processing with mail-in documents received the same day; or

(d) A search for nonactive limited partnership files less than twenty years old.

(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. 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 day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. 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.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: RCW 25.10.600, 25.10.610, 23B.01.220 and 43.07.120. 99-12-008, § 434-55-065, filed 5/20/99, effective 6/20/99. Statu-

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.]

**Chapter 434-130 WAC
LIMITED LIABILITY COMPANIES**

WAC
434-130-090 Fees.

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 seventy-five dollars;
- (2) Annual license renewal, fifty dollars plus the department of licensing's handling fee of nine dollars;
- (3) Amendment, restated certificate, or amended and restated certificate, thirty dollars;
- (4) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the renewal fee of fifty 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) Certificate of change of registered agent, registered office address, or designation of new registered agent, ten dollars per entity name;
- (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 cancellation, administrative dissolution or dissolution by judicial decree, or revocation of certificate of authority, no fee;
- (12) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and
- (13) 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 25.15.805, 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.]

**Chapter 434-166 WAC
INTERNATIONAL STUDENT EXCHANGE AGENCY
REGISTRATION**

WAC
434-166-210 Appointment of a responsible officer and responsible officer address.
434-166-290 Application for reregistration.

434-166-310 Termination.

WAC 434-166-210 Appointment of a responsible officer and responsible officer address. (1) Each organization shall appoint and continuously maintain a responsible officer, as required by RCW 19.166.040, who has primary responsibility for supervising placements within the state of Washington.

(2) The responsible officer shall be an employee or officer of the organization.

(3) The person who signs the application as responsible officer as required by RCW 19.166.040(2) shows acceptance of assuming the duties of the responsible officer.

(4) The responsible officer shall have an address which shall be a specific geographic location, and be identified by number, if any, and street, or building address, or rural route, city, state, and zip code or, if a commonly known street or rural route does not exist, by legal description. The responsible officer's address may not be identified by post office box number or other nongeographic address. For purposes of communicating by mail, the secretary may permit the use of a post office address in conjunction with the geographic location if they are located in same city, if, the organization also maintains on file the specific geographic address of the Washington office.

[Statutory Authority: RCW 19.166.030, 19.166.040, 19.166.050 and 19.166.060. 99-16-066, § 434-166-210, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-210, filed 4/29/92, effective 5/30/92.]

WAC 434-166-290 Application for reregistration. (1) Prior to the expiration of the registration period, organizations may seek reregistration 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 reregistration 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 reregistration does not relieve the organization's obligation for filing its' reregistration documents.

(4) Applications to reregister must be filed by the due date specified by RCW 19.166.040; no extensions will be granted by the secretary.

[Statutory Authority: RCW 19.166.030, 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 434-166-310 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 reregistration. Failure to apply for reregistration 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 19.166.030, 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

434-180-215	Certification of operative personnel.
434-180-265	Civil penalties.
434-180-360	Trustworthy system.

WAC 434-180-215 Certification of operative personnel. The secretary shall not issue or renew a license as a certification authority unless the licensee documents that every individual employed or acting as operative personnel qualifies to act as operative personnel. This documentation shall include:

(1) Receipt of a completed form, signed by the individual under penalty of perjury, stating:

(a) The name (including all other names used in the past), date of birth, and business address of the individual;

(b) That the individual has not been convicted within the past seven years of a felony and has never been convicted of a crime involving fraud, false statement, or deception in any jurisdiction; and

(c) If the individual has resided in any nation other than the United States during the previous five years, the name of that nation and the period of residency.

(2) A criminal background check supporting the declaration required by subsection (1) of this section. This requirement is excused as to any individual for whom documentation satisfying this paragraph was submitted within the previous two years, even if the individual has changed employment. This check must include both of the following:

(a) A criminal background check compiled by a private sector provider, documenting a background check reasonably sufficient to disclose any criminal convictions within the previous seven years in any state or federal jurisdiction in the United States, its territories, or possessions, and any other jurisdiction specified pursuant to subsection (1)(c) of this section. This background check must contain information that is current to within thirty days of its date of submission; and

(b) The certified results of a criminal background check performed by the Washington state patrol or law enforcement agency where the operative personnel reside and are employed for the previous seven years, dated not more than thirty days prior to submission or such other jurisdictions as the secretary may reasonably request. Such check shall be performed using the individual's fingerprints.

(3) Satisfactory completion by the individual of a written examination demonstrating knowledge and proficiency in following the requirements of the Washington Electronic Authentication Act and these rules. The secretary shall develop an open book written test covering the subject matter of the act, and provide it upon request, which may include electronic access. The secretary may update or modify the test from time to time. The secretary shall indicate at the top of the test the percentage or number of questions that must be answered correctly in order to constitute satisfactory completion. No individual may take the examination more than once within a period of thirty days. A certification by the secretary that an individual has successfully completed this examination shall be valid for two years, and shall continue to satisfy the requirements of this subsection even if the individual changes employment.

(4) A licensed certification authority must remove a person from performing the functions of operative personnel immediately upon learning that the person has been convicted within the past seven years of a felony or has ever been convicted of a crime involving fraud, false statement, or deception, and must notify the secretary of this action within three business days.

[Statutory Authority: Chapter 19.34 RCW and 1998 c 33. 99-02-047, § 434-180-215, filed 1/4/99, effective 2/4/99. 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, § 434-180-215, 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, § 434-180-215, filed 11/26/97, effective 12/27/97.]

WAC 434-180-265 Civil penalties. The secretary may, by order, impose and collect a civil monetary penalty against a licensed certification authority for a violation of chapter 19.34 RCW as provided by RCW 19.34.120.

(1) Penalties imposed under this section shall not exceed ten thousand dollars per incident, or ninety percent of the recommended reliance limit of a material certificate, whichever is less. In case of a violation continuing for more than one day, each day is considered a separate incident. In the case of a state agency authorized by law to become a licensed certification authority, the sole penalty imposed pursuant to this section shall consist of specific findings of noncompliance and an order requiring compliance with this chapter and the rules of the secretary. Any penalty imposed pursuant to this chapter and chapter 34.05 RCW shall be enforceable in the superior court.

(2) In assessing penalties under this section, the secretary shall:

(a) Issue to the licensed certification authority a notice of apparent noncompliance, specifying the provisions of statute or rule with which the certification authority is not in compliance and the range of possible sanctions;

(b) Specify a time period of not less than thirty days during which the certification authority may respond in writing to the notice of apparent noncompliance;

(c) If the certification authority does not respond in writing within the specified period, or obtain a written extension of that period, then the secretary may impose an order consistent with the notice, subject to review pursuant to WAC 434-180-500;

(d) If the certification authority does respond in writing:

(i) If the secretary deems the response to satisfactorily demonstrate compliance with the provisions referenced in the notice, then the secretary shall terminate this process without imposing any penalty;

(ii) If the secretary does not deem the response satisfactory, then the secretary may either:

(A) Issue a new or revised notice pursuant to (a) of this subsection; or

(B) Impose an order consistent with the notice, subject to review pursuant to WAC 434-180-500.

[Statutory Authority: Chapter 19.34 RCW. 99-02-048, § 434-180-265, filed 1/4/99, effective 2/4/99. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-265, filed 11/26/97, effective 12/27/97.]

WAC 434-180-360 Trustworthy system. A system shall be regarded as trustworthy if it materially satisfies the Common Criteria (CC) Protection Profile (PP) for Commercial Security 2 (CS2), (CCPPCS), developed by the National Institute of Standards and Technology (NIST). The determination whether a departure from CCPPCS is material shall be governed by WAC 434-180-240(2). For purposes of this chapter, CCPPCS shall be interpreted in a manner that is reasonable in the context in which a system is used and is consistent with other state and federal laws. Until such time as the referenced standard is adopted by NIST, the standard applicable for purposes of this chapter shall be the draft of CCPPCS dated July 13, 1998.

[Statutory Authority: Chapter 19.34 RCW and 1998 c 33. 99-02-047, § 434-180-360, filed 1/4/99, effective 2/4/99. Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-360, filed 11/26/97, effective 12/27/97.]

Chapter 434-219 WAC

PRESIDENTIAL PREFERENCE PRIMARY

(Formerly chapter 434-75 WAC)

WAC

434-219-140 Declaration by voter.

WAC 434-219-140 Declaration by voter. (1) Each registered voter desiring to participate in the presidential primary shall be given the opportunity to subscribe to any declaration provided under the national or state political party rules of a major political party for participation in the presidential nominating process of that party.

(2) No later than August 15 in the calendar year preceding the year in which the presidential preference primary is to be held, each major party shall submit in writing to the secretary of state the exact wording of the party declaration.

(3) The secretary of state shall certify the language of each major party's declaration to the county auditors no later than August 30 in the calendar year preceding the year in which the presidential preference primary is to be held.

(4) A voter may subscribe to a declaration stating that he or she wants his or her vote to be counted in the unaffiliated results, provided that failure to subscribe to this declaration does not prevent any person's vote from being counted in the unaffiliated results. The unaffiliated declaration shall be printed in substantially the following form: "I do not want to sign a party declaration. I understand that party rules may not allow my vote to be used to select delegates to the nominating conventions."

[Statutory Authority: RCW 29.19.070, 99-22-073, § 434-219-140, filed 11/2/99, effective 12/3/99; 96-03-141, recodified as § 434-219-140, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-140, filed 8/26/91, effective 9/26/91.]

Chapter 434-240 WAC

ABSENTEE VOTING

(Formerly chapter 434-40 WAC)

WAC

434-240-205 Replacement absentee ballots.

WAC 434-240-205 Replacement absentee ballots.

The county auditor may issue replacement absentee ballots to a voter who both:

(1) Requested an absentee ballot prior to election day; and

(2) Did not receive the absentee ballot or whose absentee ballot was damaged, lost, or destroyed.

A voter may request an absentee replacement ballot in person, by mail, by telephone, or by other electronic transmission for himself or herself and for any member of his or her immediate family. The request must be received by the auditor prior to 8:00 p.m. on election day.

The county auditor shall maintain a record of each replacement ballot issued, including the date of the request. Replacement absentee ballots or the original absentee ballot, whichever is received first, shall be tabulated if the ballot meets all requirements for tabulation. If the auditor receives additional ballot(s) from a voter, the additional ballot(s) shall not be counted and shall be forwarded to the county canvassing board.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 99-08-089, § 434-240-205, 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, § 434-240-205, filed 10/13/97, effective 11/13/97.]

Chapter 434-260 WAC

ELECTION REVIEW PROCESS AND CERTIFICATION OF ELECTION ADMINISTRATORS

(Formerly chapter 434-60 WAC)

WAC

434-260-010
434-260-020
434-260-030
434-260-040

Intent.
Definitions.
Scheduled reviews—Auditor request.
Election reviews—Secretary of state to designate.

434-260-050	Notice of review.	07-018, § 434-60-270, filed 3/8/94, effective 4/8/94.]
434-260-060	Notification of review process.	Repealed by 99-12-004, filed 5/19/99, effective 6/19/99.
434-260-070	Repealed.	Statutory Authority: RCW 29.60.020.
434-260-080	Special review—Legislative district race.	434-260-280
434-260-110	Election review checklist.	Formal education. [98-08-010, recodified as § 434-260-280, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-280, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-120	Adoption of election review checklist.	434-260-290
434-260-130	Preliminary review report of findings and recommendations.	Participation in other education activities. [98-08-010, recodified as § 434-260-290, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-290, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-140	Draft election review report.	
434-260-145	Response to draft election review report.	
434-260-150	Final election review report.	
434-260-160	Special review recommendations.	
434-260-170	Distribution of special review recommendations and response.	
434-260-180	Repealed.	
434-260-190	Processing of appeal.	
434-260-200	Standards for evaluating appeals.	
434-260-210	Repealed.	
434-260-215	Repealed.	
434-260-220	Certification of election administrators.	
434-260-225	Certification of assistant election administrators.	
434-260-230	Repealed.	
434-260-235	Recertification of assistant election administrators as election administrators.	
434-260-240	Mandatory orientation.	
434-260-250	Repealed.	
434-260-260	Open book written test.	
434-260-270	Repealed.	
434-260-280	Repealed.	
434-260-290	Repealed.	
434-260-300	Maintaining certification as an election administrator.	
434-260-305	Maintaining certification as an assistant election administrator.	
434-260-310	Application for initial certification and maintenance of certification.	
434-260-320	Training program for county canvassing board members.	
434-260-330	Training program for election observers.	
434-260-340	Training video tapes available.	
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-260-070	Frequency of scheduled reviews. [98-08-010, recodified as § 434-260-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-070, filed 8/30/93, effective 9/30/93.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-180	Appeal from scheduled review report. [98-08-010, recodified as § 434-260-180, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-180, filed 8/30/93, effective 9/30/93.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-210	Intent. [98-08-010, recodified as § 434-260-210, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-210, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-215	Definitions. [98-08-010, recodified as § 434-260-215, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-215, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-230	Certification credit system. [98-08-010, recodified as § 434-260-230, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-230, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-250	Experience as an election administrator, or as a deputy election administrator. [98-08-010, recodified as § 434-260-250, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-250, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
434-260-270	Participation in conferences and workshops. [98-08-010, recodified as § 434-260-270, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-

pursuant to the provisions of RCW 29.60.080. Such a designee must be certified as required by chapter 29.60 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 RCW 29.62.015;

(12) "Election observers" means those persons designated by the county political party central committee chair person to observe the counting of ballots and related elections procedures;

(13) "Election administration and certification board" means that board created pursuant to the provisions of RCW 29.60.010;

(14) "Creditable training hours" means each creditable training hour contemplated in WAC 434-260-230 and shall consist of a minimum of fifty minutes of instructional activity programmed for the purpose of mastering information beneficial to the performance of the duties of administering elections.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-020, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 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 July 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 29.60.020. 99-12-004, § 434-260-030, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 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 August 1 the secretary of state shall notify, in writing, the counties selected for an election review. The notification may include tentative dates for the conduct of the reviews. Whenever possible, election reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor, except that those parts of the review process dealing with the actual conduct and canvassing of the election itself must be conducted between election day and the certification of the election returns. 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 29.60.070 (1)(b).

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-040, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-040, filed 8/30/93, effective 9/30/93.]

WAC 434-260-050 Notice of review. Whenever any election review is to be held in a county, the secretary of state shall provide written notice to the county auditor and to the chairs of the state committees of any major political party of the date and time the review is scheduled to begin. Notice for scheduled reviews shall be provided at least thirty days in advance of the review. Notice of a special review shall be provided to the county auditor and the political party chairs, by telephone or by electronic facsimile transmission, not later than twenty-four hours after the determination has been made to conduct the special review.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-050, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 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. 99-12-004, § 434-260-060, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-060, filed 8/30/93, effective 9/30/93.]

WAC 434-260-070 Repealed. See Disposition Table at beginning of this chapter.

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 29.60.070 (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 29.60.020. 99-12-004, § 434-260-080, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-080, 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 shall be provided to every county auditor and to the chairs of the state central committees of each major political party. The checklist shall be provided to any other person requesting it at actual reproduction cost.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-110, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-110, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-110, filed 8/30/93, effective 9/30/93.]

WAC 434-260-120 Adoption of election review checklist. The election administration and certification board shall approve, by majority vote, the checklist to be used and additionally shall, in conjunction with the office of the secretary of state, adopt rules to cover those checklist activities not currently mandated by either statute or rule.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-120, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-120, filed 8/30/93, effective 9/30/93.]

WAC 434-260-130 Preliminary review report of findings and recommendations. As soon as practical, but in any event not later than sixty 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 42.17.310.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-130, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 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 RCW 29.62.015, 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.

The draft election review report is exempt from public inspection and copying, as provided by RCW 42.17.310.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-140, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-140, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 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 shall have the right to respond, in writing, to the draft election review report. Such response shall be submitted to the review staff not later than ten 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. In the event the review recommendations are modified or amended, only the final recommendations and any response by the county shall be made available for inspection and copying.

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 29.60.020. 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 forty-five days after the issuance of the draft election review report, 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, if any;

(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 29.60.020. 99-12-004, § 434-260-150, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-150, filed 8/30/93, effective 9/30/93.]

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 working days after the completion of the mandatory recount.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-160, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-160, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-160, filed 8/30/93, effective 9/30/93.]

WAC 434-260-170 Distribution of special review recommendations and response. The county auditor and the county canvassing board may respond in writing to any recommendations made by the review staff. Such response shall not be made later than fifteen working days after the completion of the mandatory recount. The review staff shall, after the county auditor and county canvassing board have had an opportunity to respond, provide a copy of its recommendations and any response to any person requesting them at actual reproduction costs. 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 county canvassing board. In the event the special review recommendations are modified or amended, only the final recommendations and any response by the county shall be made available for inspection and copying. In the event that the review staff does not modify or amend the draft recommendations within sixteen working days from the completion of the mandatory recount, the draft recommendations shall be considered to be final recommendations and shall be made available for inspection and copying. A copy of the special review recommendations and any response 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 29.60.020. 99-12-004, § 434-260-170, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-170, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-170, filed 8/30/93, effective 9/30/93.]

WAC 434-260-180 Repealed. See Disposition Table at beginning of this chapter.

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. 99-12-004, § 434-260-190, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-190, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 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 29.60.070 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 29.60.020. 99-12-004, § 434-260-200, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-200, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-200, filed 8/30/93, effective 9/30/93.]

WAC 434-260-210 Repealed. See Disposition Table at beginning of this chapter.

WAC 434-260-215 Repealed. See Disposition Table at beginning of this chapter.

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' service as an election administrator;
- (3) Taking and passing the open book written test described in WAC 434-60-260;
- (4) A minimum of forty hours participation in conferences and workshops involving elections related subjects or subjects approved by the election administration and certification board and sponsored by:
 - (a) Washington Association of County Auditors;
 - (b) Secretary of state;
 - (c) The Elections Center;
 - (d) Visiting other county election departments for training and/or orientation purposes (maximum four hours);
 - (e) The Federal Election Commission;
 - (f) Other national associations related to elections or government administration, approved by the Election Administration and Certification Board; or
 - (g) Other conferences or courses approved by the Election Administration and Certification Board.

(5) A high school diploma or its equivalent.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-220, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-220, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 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) Two years service in election administration;
- (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);
- (5) A high school diploma or equivalent.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-225, filed 5/19/99, effective 6/19/99.]

WAC 434-260-230 Repealed. See Disposition Table at beginning of this chapter.

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 management position, as defined by the county auditor or the state director of elections;
- (2) Minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4).

[Statutory Authority: RCW 29.60.020. 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 twelve hours of training in election-related subjects.

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

WAC 434-260-250 Repealed. See Disposition Table at beginning of this chapter.

WAC 434-260-260 Open book written test. The certification and training program will prepare an open book written test on Title 29 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.

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

WAC 434-260-270 Repealed. See Disposition Table at beginning of this chapter.

WAC 434-260-280 Repealed. See Disposition Table at beginning of this chapter.

WAC 434-260-290 Repealed. See Disposition Table at beginning of this chapter.

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. 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.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-300, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-300, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 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 participation in an annual minimum of six hours of continuing education. 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 workshops and conferences, election administrators may also receive credit for visiting other county election departments for training purposes and any other training approved by the elections administration and certification board.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-305, filed 5/19/99, effective 6/19/99.]

WAC 434-260-310 Application for initial certification and maintenance of certification. The secretary of state shall, not later than July 1 of each year, distribute certification application forms to the county auditors. The county auditor in each county shall, not later than December 1 of each year, submit an application for certification for each employee for whom certification is requested.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-310, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-310, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 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. 99-12-004, § 434-260-320, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-320, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-320, filed 3/8/94, effective 4/8/94.]

WAC 434-260-330 Training program for election observers. The secretary of state elections division shall prepare a training program for officially designated political party election observers. The training shall be made available upon receipt of a request, in writing, from the chair of the state central committee of any major political party. The training offered by this section does not replace the mandatory training for political party observers required by RCW 29.33.340.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-330, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-330, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-330, filed 3/8/94, effective 4/8/94.]

WAC 434-260-340 Training video tapes available. The secretary of state shall make copies of any available training videos to any person eligible for certification. Persons requesting videos may request full or partial certification credit from the administration and certification board.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-340, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-340, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-340, 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. 99-12-004, § 434-260-350, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-350, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-350, filed 3/8/94, effective 4/8/94.]

Chapter 434-261 WAC
COUNTING CENTER PROCEDURES
 (Formerly chapter 434-61 WAC)

WAC	
434-261-005	Definitions.
434-261-080	Ballot enhancement—Optical scan systems.

WAC 434-261-005 Definitions. (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot upon 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 copying valid votes from ballots that may not be properly counted by the electronic voting equipment to blank ballots of the same type and style, or as directed by the canvassing board;

(3) "Ballot enhancement" is the process of adding or covering marks on an optical scan ballot to ensure that the electronic voting equipment will tally the votes on the ballot in the manner intended by the voter, or as directed by the canvassing board.

[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 434-261-080 Ballot enhancement—Optical scan systems. Ballots shall only be enhanced when such enhancement will not permanently obscure the original marks of the voters. Ballots shall be enhanced by teams of two or more people working together. When enhancing ballots, the county shall take the following steps to create and maintain an audit trail of the actions taken with respect to those enhanced ballots:

(1) Each ballot to be enhanced must be assigned a unique control number, with such number being marked on the face of the enhanced ballot;

(2) A log shall be kept of the ballots enhanced and shall include at least the following information:

- (a) The control number of each ballot enhanced;
- (b) The initials of at least two people who participated in enhancing each ballot; and
- (c) The total number of ballots enhanced;

(3) Enhanced ballots and ballots to be enhanced shall be sealed into secure storage at all times, except when said ballots are in the process of being enhanced, are being tabulated, or are being inspected by the canvassing board.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 99-08-089, § 434-261-080, 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, § 434-261-080, filed 10/13/97, effective 11/13/97.]

Chapter 434-324 WAC
MAINTENANCE OF VOTER REGISTRATION
RECORDS ON ELECTRONIC DATA PROCESSING
SYSTEMS
 (Formerly chapter 434-24 WAC)

WAC	
434-324-105	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-324-105	Notification of cancellation. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-105, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-324-105, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-105, filed 6/3/74.] Repealed by 99-08-089, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080 and 29.04.210.
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WAC 434-324-105 Repealed. See Disposition Table at beginning of this chapter.

Chapter 434-334 WAC

ELECTRONIC VOTING REQUIREMENTS

(Formerly chapter 434-34 WAC)

WAC

434-334-055	Acceptance testing of voting systems and equipment.
434-334-063	Definition of official logic and accuracy test.
434-334-065	Logic and accuracy test conduct.
434-334-070	Logic and accuracy test observers.
434-334-075	Logic and accuracy testing of voting systems and equipment—State primary and general election.
434-334-080	Decodified.
434-334-082	Procedure for conduct of delayed primary or general election emergency logic and accuracy test.
434-334-085	Logic and accuracy test scheduling and preparation—State primary and general election.
434-334-090	Logic and accuracy test certification—State primary and general election.
434-334-095	Logic and accuracy testing of voting systems and equipment—Special elections.
434-334-100	Logic and accuracy test deck preparation—Special elections.
434-334-105	Logic and accuracy test scheduling and preparation—Special election.
434-334-110	Logic and accuracy test certification—Special election.
434-334-115	Repealed.
434-334-120	Logic and accuracy test preparation—State primary and general election—Punchcard systems.
434-334-125	Punchcard test deck maintenance and storage.
434-334-130	Punchcard test precinct selection—State primary and general elections.
434-334-135	Punchcard testing requirements prior to official logic and accuracy test.
434-334-140	Definitions.
434-334-145	Logic and accuracy test deck preparation—State primary and general election—Optical scan systems.
434-334-150	Optical scan test ballot selection—State primary and general elections.
434-334-155	Optical scan read head adjustment standards and tests.
434-334-160	Optical scan read head and ballot scan area alignment tests.
434-334-165	Optical scan ballot marking code program test.
434-334-170	Precinct-based optical scan ballot counter preparation and testing.
434-334-175	Poll site-based optical scan ballot counter test notices, observers, and log of process.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-334-080	Logic and accuracy test preparation—State primary and general election—Punchcard system. [Statutory Authority: RCW 29.33.350, 99-08-115, § 434-334-080 filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59, 92-12-083, § 434-34-080, filed 6/2/92, effective 7/3/92.] Decodified by 99-08-115, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.33.350. Later promulgation, see WAC 434-334-120.
434-334-115	Logic and accuracy tests for direct recording electronic equipment. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-115, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59, 92-12-083, § 434-34-115, filed 6/2/92, effective 7/3/92.] Repealed by 99-08-115, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.33.350.

WAC 434-334-055 Acceptance testing of voting systems and equipment. Whenever a county 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 be operating correctly, pass all tests and must 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 that has been certified by the secretary of state.

(2) The county must receive all manuals, and training necessary for the proper operation of the system.

(3) The county shall perform a series of functional and programming tests that will test all functions of the ballot counting system. This must include processing a substantial number of test ballots of various prepunch or ballot codes, including split precincts, rotated races, multiple candidates, precinct committee officer local races, cumulative reports, precinct reports, canvass reports, and any other tests the county elections authority finds necessary.

[Statutory Authority: RCW 29.33.350, 99-08-115, § 434-334-055, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-055, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59, 92-12-083, § 434-34-055, filed 6/2/92, effective 7/3/92.]

WAC 434-334-063 Definition of official logic and accuracy test. As used in this chapter, "official logic and accuracy test" means the test performed in accordance with RCW 29.33.350.

[Statutory Authority: RCW 29.33.350, 99-08-115, § 434-334-063, filed 4/7/99, effective 5/8/99.]

WAC 434-334-065 Logic and accuracy test conduct. The county shall provide adequate personnel to properly operate the ballot counting equipment. Whenever possible, the equipment should be operated during the test by the same persons who will be responsible for the ballot count on election day. If any error in programming or mechanical function is detected, the cause shall be determined and corrected, and an errorless test completed before the primary or election.

[Statutory Authority: RCW 29.33.350, 99-08-115, § 434-334-065, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-065, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59, 92-12-083, § 434-34-065, filed 6/2/92, effective 7/3/92.]

WAC 434-334-070 Logic and accuracy test observers. The official logic and accuracy test shall be observed by at least one representative of each major political party, if representatives have been appointed by the parties and are present at the test. The party observers shall be instructed as election observers, by the county auditor. The official logic and accuracy test shall be open to candidates, the press, and the public. If any observer hinders or disturbs the logic and accuracy test process, the county auditor or representative may remove that observer from the test area. An observer who has been removed from a logic and accuracy test may also be barred from future tests. The absence of observers shall not delay or stop the test from being conducted.

[Statutory Authority: RCW 29.33.350, 99-08-115, § 434-334-070, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210,

29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-070, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-070, filed 6/2/92, effective 7/3/92.]

WAC 434-334-075 Logic and accuracy testing of voting systems and equipment—State primary and general election. At least three days before each state primary or general election the office of the secretary of state shall provide for a test of the programming for the vote tallying system to be used at that primary or election. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall also verify that the machine(s) is/are functioning to specifications.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-075, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-075, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-075, filed 6/2/92, effective 7/3/92.]

WAC 434-334-080 Decodified. See Disposition Table at beginning of this chapter.

WAC 434-334-082 Procedure for conduct of delayed primary or general election emergency logic and accuracy test. If the official logic and accuracy test cannot be completed at the scheduled time and place, an emergency test shall be scheduled by the county auditor. The emergency test must be conducted and properly completed prior to the processing of any official ballots through the tabulating system. If no representative of the office of the secretary of state is able to attend the emergency test, the county auditor and another member of the county canvassing board or their designated representative shall observe the test and certify the results. Observers and notification shall be provided for pursuant to WAC 434-334-070 and 434-334-085.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-082, filed 4/7/99, effective 5/8/99.]

WAC 434-334-085 Logic and accuracy test scheduling and preparation—State primary and general election. Prior to each state primary and general election the office of the secretary of state will prepare a schedule of logic and accuracy tests. The office of the secretary of state will notify each county of the date and time of their test at least thirty days before the primary or election. The county is responsible for preparing the counting system and testing it before the actual logic and accuracy test. The ballot counting system shall be fully programmed, cleaned, maintained, tested and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the date and time of the test.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-085, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-085, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-085, filed 6/2/92, effective 7/3/92.]

WAC 434-334-090 Logic and accuracy test certification—State primary and general election. The county

auditor or deputy, and, if present, the office of the secretary of state representative and any political party observers shall certify that the test has been conducted in accordance with RCW 29.33.350. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-090, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-090, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-090, filed 6/2/92, effective 7/3/92.]

WAC 434-334-095 Logic and accuracy testing of voting systems and equipment—Special elections. At least three days before each special election the programming for the vote tallying system to be used at that election shall be tested for logic and accuracy. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall be conducted by processing a preaudited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office where there are two or more candidates and for each measure there will be an undervote and overvote.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-095, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-095, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-095, filed 6/2/92, effective 7/3/92.]

WAC 434-334-100 Logic and accuracy test deck preparation—Special elections. When a new test deck is required under WAC 434-334-095, the test deck or decks used for the official logic and accuracy test will be prepared by the county elections office.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-100, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-100, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-100, filed 6/2/92, effective 7/3/92.]

WAC 434-334-105 Logic and accuracy test scheduling and preparation—Special election. The county is responsible for preparing the counting system and testing it before the official logic and accuracy test. The ballot counting system shall be fully programmed, cleaned and maintained, tested, and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the date and time of the official logic and accuracy test.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-105, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-105, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-105, filed 6/2/92, effective 7/3/92.]

WAC 434-334-110 Logic and accuracy test certification—Special election. The county auditor or deputy and any political party observers, if present, shall certify that the

test has been conducted in accordance with RCW 29.33.350. Copies of this certification shall be retained by the county auditor. All programming materials, official test results, and test ballots shall be securely sealed until the day of the primary or election. These items may be sealed and stored separately.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-110, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-110, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-110, filed 6/2/92, effective 7/3/92.]

WAC 434-334-115 Repealed. See Disposition Table at beginning of this chapter.

WAC 434-334-120 Logic and accuracy test preparation—State primary and general election—Punchcard systems. The test deck or decks used for the official logic and accuracy test are maintained by the county auditor. Information describing the candidates, offices, ballot formats, ballot positions, pages applicable or planning matrix, accurate list of prepunches, list of the number of appearances of each office and each rotation, and all other information required to select the test precincts and predict the results must be available to the office of the secretary of state at the very latest by the 30th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 30th day prior to the primary or election.

[Statutory Authority: RCW 29.33.350. 99-08-115, recodified as § 434-334-120, filed 4/7/99, effective 5/8/99; 99-08-115, § 434-334-080, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-080, filed 6/2/92, effective 7/3/92.]

WAC 434-334-125 Punchcard test deck maintenance and storage. Each county employing a punchcard balloting system shall maintain a permanent deck of logic and accuracy test ballots. The test ballots shall contain a distinct pattern of votes. The deck may be used for all official logic and accuracy tests and for programming tests conducted in preparation for official logic and accuracy tests. The permanent test deck shall be maintained in secure storage except when being used for actual testing.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-125, filed 4/7/99, effective 5/8/99.]

WAC 434-334-130 Punchcard test precinct selection—State primary and general elections. Prior to the official logic and accuracy test the office of the secretary of state shall review the election materials provided by the county and select a representative sample of precincts and ballot styles sufficient to cover all offices and issues contained in the election. The representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant.

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[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-130, filed 4/7/99, effective 5/8/99.]

WAC 434-334-135 Punchcard testing requirements prior to official logic and accuracy test. Prior to the official logic and accuracy test, each county employing a punchcard balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, test the ballot style logic to insure that all offices are included in the intended precincts and combinations, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-135, filed 4/7/99, effective 5/8/99.]

WAC 434-334-140 Definitions. For optical scan voting systems:

(1) "Voting response area" means the area defined by ballot instructions which the voter places their mark to indicate their vote.

(2) "Scanning area" means the portions of each ballot that the system scans in order to read the vote marks made by voters.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-140, filed 4/7/99, effective 5/8/99.]

WAC 434-334-145 Logic and accuracy test deck preparation—State primary and general election—Optical scan systems. The test deck or decks used for the official logic and accuracy test for optical scan systems may, at the discretion of the secretary of state, be prepared by either the office of the secretary of state, the county, or the vendor. Information describing the candidates, offices, ballot formats, ballot positions, ballot styles, list of the number of appearances of each office and each rotation, and all other information required to create the test decks must be available to the office of the secretary of state by the 20th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 20th day prior to the primary or election.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-145, filed 4/7/99, effective 5/8/99.]

WAC 434-334-150 Optical scan test ballot selection—State primary and general elections. Prior to the official logic and accuracy test the office of the secretary of state shall review the provided election materials with the county and select a representative sample of ballot styles sufficient to cover all offices and issues contained in the election. This representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant. If the office of the secretary of state is preparing the test deck, the county auditor shall send blank ballots of the selected ballot styles to

the office of the secretary of state as soon as the ballots are available.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-150, filed 4/7/99, effective 5/8/99.]

WAC 434-334-155 Optical scan read head adjustment standards and tests. Prior to all state primaries, read heads of optical scan central counting systems shall be cleaned and tested to insure that the reader is functioning within system standards.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-155, filed 4/7/99, effective 5/8/99.]

WAC 434-334-160 Optical scan read head and ballot scan area alignment tests. Prior to all official logic and accuracy tests, a test shall be conducted by each county employing an optical scan balloting system to confirm that the voting response areas printed on all ballot faces are aligned properly with the scanning area of the ballot counter.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-160, filed 4/7/99, effective 5/8/99.]

WAC 434-334-165 Optical scan ballot marking code program test. Prior to the official logic and accuracy test each county employing an optical scan balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, test the ballot style logic to insure that all offices are included on the intended ballot faces, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-165, filed 4/7/99, effective 5/8/99.]

WAC 434-334-170 Precinct-based optical scan ballot counter preparation and testing. All logic and accuracy testing of precinct-based systems shall be performed by the county during the preparation of the precinct ballot counters prior to system distribution. As each ballot counter is programmed and set up for distribution a test of the ballot counter and ballot styles shall be performed. It shall be established by these tests that the ballot counter(s) are functioning within system standards. All ballot styles programmed for each machine shall be processed by each machine in order to insure that the machine is correctly counting and accumulating every office. The tests shall also establish that the printed ballot voter response areas are correctly aligned with the scanning area. After all tests are performed and the machine is ready for distribution, the machine shall be sealed and the seal number recorded. This will serve as the official logic and accuracy test of these poll site ballot counters.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-170, filed 4/7/99, effective 5/8/99.]

WAC 434-334-175 Poll site-based optical scan ballot counter test notices, observers, and log of process. A log shall be created during the testing of the poll site-based ballot

counters. The log shall record the time and place of each test, the precinct number(s), seal number and machine number of each ballot counter and the initials of each person testing and observing the test for each machine. This log shall be included in the official logic and accuracy test materials. The processes described in WAC 434-334-170 shall be open to observation and subject to all notices and observers pursuant to WAC 434-334-070 and 434-334-085.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-175, filed 4/7/99, effective 5/8/99.]

Title 440 WAC

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF (GENERAL PROVISIONS)

Chapters

- 440-25 Administration of chemical dependency services.
- 440-26 Drug-free workplace programs.

Chapter 440-25 WAC

ADMINISTRATION OF CHEMICAL DEPENDENCY SERVICES

WAC

- 440-25-005 through 440-25-120 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 440-25-005 Purpose. [Statutory Authority: Chapters 34.05 and 70.96A RCW, RCW [70.96A.]020, [70.96A.]040, [70.96A.]080, [70.96A.]090, [70.96A.]180, [70.96A.]300, [70.96A.]310, [70.96A.]320 and P.L. 102-234. 93-15-014 (Order 3590), § 440-25-005, filed 7/8/93, effective 8/8/93.] Repealed by 99-19-105, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 70.96A.040, 70.96A.090 and 70.96A.180.
- 440-25-010 Definitions. [Statutory Authority: Chapters 34.05 and 70.96A RCW, RCW [70.96A.]020, [70.96A.]040, [70.96A.]080, [70.96A.]090, [70.96A.]180, [70.96A.]300, [70.96A.]310, [70.96A.]320 and P.L. 102-234. 93-15-014 (Order 3590), § 440-25-010, filed 7/8/93, effective 8/8/93.] Repealed by 99-19-105, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 70.96A.040, 70.96A.090 and 70.96A.180.
- 440-25-020 County alcohol and other drug addiction program coordinator—Qualification standards. [Statutory Authority: Chapters 34.05 and 70.96A RCW, RCW [70.96A.]020, [70.96A.]040, [70.96A.]080, [70.96A.]090, [70.96A.]180, [70.96A.]300, [70.96A.]310, [70.96A.]320 and P.L. 102-234. 93-15-014 (Order 3590), § 440-25-020, filed 7/8/93, effective 8/8/93.] Repealed by 99-19-105, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 70.96A.040, 70.96A.090 and 70.96A.180.
- 440-25-030 County alcohol and other drug addiction program coordinator—Duties. [Statutory Authority: Chapters 34.05 and 70.96A RCW, RCW [70.96A.]020, [70.96A.]040, [70.96A.]080, [70.96A.]090, [70.96A.]180, [70.96A.]300, [70.96A.]310, [70.96A.]320 and P.L. 102-234. 93-15-014 (Order 3590), § 440-25-030, filed 7/8/93, effective 8/8/93.] Repealed by 99-19-105, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 70.96A.040, 70.96A.090 and 70.96A.180.