

filed 3/8/85. Statutory Authority: RCW 31.12.320. 83-20-027 (Order 83-4), § 419-18-070, filed 9/26/83.]

## Title 434 WAC SECRETARY OF STATE

### Chapters

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### Chapter 434-15 WAC PUBLIC RECORDS--ARCHIVES

#### WAC

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**WAC 434-15-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the office of the secretary of state, division of archives and records management with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure--Campaign finances--Lobbying--Records; and in particular with sections 25-32 of that act, dealing with public records. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-010, filed 6/10/85.]

**WAC 434-15-020 Definitions.** (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) **Writing.** "Writing means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic tape, punched cards, discs, drums and other documents."

(3) **Division of archives and records management.** The division of archives and records management is established by chapter 40.14 RCW. The division of archives and records management shall hereinafter be referred to as the "division." Where appropriate, the term division also refers to the staff and employees of the division of archives and records management.

(4) **Archives.** Those public records of state and local governmental agencies of continuing historical value transferred to the custody and jurisdiction of the division of archives after their legal, financial and administrative values have ceased.

(5) **Division records.** Those records pertaining to the operations of the division of archives and records management.

(6) **Scheduled records.** Those public records scheduled for transfer to and disposition from the records center but which remain under the jurisdiction of the agency of record origin. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-020, filed 6/10/85.]

**WAC 434-15-030 Description of central and field organization of the division of archives and records management.** Division of archives and records management. The division is an administrative service and regulatory agency. The administrative office of the division and its staff are located at the Archives and Records Center Building, Olympia, Washington. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-030, filed 6/10/85.]

**WAC 434-15-040 Operations and procedures.** The division of archives and records management is the primary archival and records management agency of Washington state government. The division is organized as depicted in Appendix A. Through its several sections and operating units it carries on the following functions:

(1) Manages the archives of the state of Washington;  
 (2) Centralizes the archives of the state of Washington, to make them available for reference and scholarship, and to insure their proper preservation;

(3) Inspects, inventories, catalogs, and arranges retention and transfer schedules on all record files of all state departments and other agencies of state government;

(4) Insures the maintenance and security of all state public records and establishes safeguards against unauthorized removal or destruction;

(5) Establishes and operates such state records centers as may from time to time be authorized by appropriation for the purpose of preserving, servicing, screening and protecting all state public records which must be preserved temporarily or permanently, but which need not be retained in office space and equipment;

(6) Establishes policies and procedures for operation of the state-wide records management, essential records protection and archival programs and operation of the state records center, archival, and microfilm bureau facilities;

(7) Operates a central microfilm bureau which will microfilm, at cost, records approved for filming by the head of the office of origin and the archivist; approves

microfilming projects undertaken by state departments and all other agencies of state government; and maintains proper standards for this work;

(8) Maintains necessary facilities for the review of records approved for destruction and for their economical disposition by sale or burning; directly supervises such destruction of public records as shall be authorized by law;

(9) Provides assistance to agencies of local government in records management related matters;

(10) Manages a state-wide essential records protection program including the operation of an essential records storage facility, and serves as depository for essential record microfilms for local government agencies. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-040, filed 6/10/85.]

**WAC 434-15-050 Public records available.** All public records of the division as defined in WAC 434-15-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 434-15-100. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-050, filed 6/10/85.]

**WAC 434-15-060 Public records officer.** (1) The divisional records shall be in the charge of the public records officer designated by the secretary of state. The person so designated shall be located in the administrative office of the secretary of state. The public records officer shall be responsible for the following: The implementation of the division's rules and regulations regarding release of public records, coordinating the staff of the division in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

(2) The archival records in the custody of the division shall be in the charge of the state archivist. The state archivist shall be located in the state archives and records center building. The state archivist shall be responsible for the following: The implementation of the division's regulations regarding the release of archival records, coordinating the staff of the division in this regard and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

(3) The scheduled records in the custody of the division shall be in the charge of the public records officer designated by the agency of record origin. The public records officer of the agency of records origin shall be responsible for implementation of the agency's rules and regulations regarding the release of public records and coordinating with the staff of the state archives in this regard insofar as records of his agency in the custody of the state archivist are concerned. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-060, filed 6/10/85.]

**WAC 434-15-070 Office hours.** Divisional records, archives and scheduled records shall be available for inspection and copying during the customary office hours

of the division. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-070, filed 6/10/85.]

**WAC 434-15-080 Requests for public records--Archives--Scheduled.** In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) **Divisional records.** A request shall be made in writing upon the form prescribed in WAC 434-15-150 which shall be available at the division's administrative office or at the secretary of state's administrative office. The form shall be presented to the secretary of state's public records officer at his office, or if he is not available, to any member of the division's staff at the administrative office of the division, during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the division's current index, an appropriate description of the record requested.

(2) **Archives.** A request shall be made in writing upon a form prescribed by the division which shall be available at the state archives and records center. The form shall be presented to the state archivist, or to a member of the division's staff, designated by the state archivist, at the state archives building, during customary office hours. The requests shall include the same information as that supplied for public records of the division.

(3) **Scheduled records.** Requests for scheduled records in the custody but not under the jurisdiction of the state archives, must be made through the office of record origin in accord with the rules and regulations regarding the release of public records by that agency as published in the Washington Administrative Code in compliance with chapter 42.17 RCW. An approved request form or letter of authorization from an appropriate agency of records origin must then be presented to the state archivist, or a member of the division's staff, thereby granting access. The request or letter of authorization shall include the same or nearly the same identifying information as that supplied for public records of the division.

(4) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is

made, to assist the member of the public in appropriately identifying the public record request. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-080, filed 6/10/85.]

**WAC 434-15-090 Fees.** (1) No fee shall be charged for the inspection of public records.

(2) No fees shall be charged for records search and retrieval services.

(3) The division shall charge a fee of twenty-five cents per page of copy for providing copies of public records or fifteen cents per page of copy for customer use of the division's copy equipment.

(4) The division shall charge three dollars per tape for duplication or copying of cassette tapes.

(5) The division shall charge a fee of five dollars for a photo print, to a maximum size of eight inches by ten inches.

(6) The division shall charge a fee for research services, in the amount of fifteen dollars per hour of research, five dollar minimum.

(7) The division shall charge a fee of five dollars per certificate for issuance of a certificate or certified copies.

(8) The division shall charge for microfilm or microfiche services according to prevailing Microfilm Bureau rates.

These charges are the amounts necessary to reimburse the division for costs incident to copying and other services. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-090, filed 6/10/85.]

**WAC 434-15-100 Exemptions.** (1) The division reserves the right to determine that a public record or archive record requested in accordance with the procedures outlined in WAC 434-15-080 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.310, the division reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer or state archivist will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-100, filed 6/10/85.]

**WAC 434-15-110 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director of the department. The secretary of state shall immediately consider the matter and either affirm or reverse such denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the secretary of state has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-110, filed 6/10/85.]

**WAC 434-15-120 Protection of public records.** Records will be made available to the requestor subject to the following restrictions:

(1) The records may not be removed from the area designated.

(2) The quantity of records may be limited in consonance with the requested use.

(3) All possible care will be taken by the requestor to prevent damage to the records.

(4) Records may not be marked or altered in any way.

(5) Use of liquids and fountain pens and eating, drinking, and smoking while utilizing the records is prohibited.

(6) Records shall not be defaced in any way including writing on, folding or folding anew if in folded form, tracing or fastening with clips or other fasteners except those that may already exist in the file.

(7) Records may not be cut or mutilated in any way.

(8) Records must be kept in the order in which received.

(9) Records will be returned to the state archivist or his designee by the requestor when no longer required and no later than the end of the customary office hours as set forth in WAC 434-15-070. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-120, filed 6/10/85.]

**WAC 434-15-130 Records index.** (1) **Index.** The division has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since its inception:

"(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

"(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

"(c) Administrative staff manuals and instructions to staff that affect a member of the public;

"(d) Planning policies and goals, and interim and final planning decisions;

"(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests,

studies, reports, or surveys, whether conducted by public employees or others;

"(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory, or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or it is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party;

"(g) Public records accessioned into the archive proper of the state of Washington; and

"(h) Scheduled records in the custody of the state archives."

(2) **Availability.** The current index promulgated by the division shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-130, filed 6/10/85.]

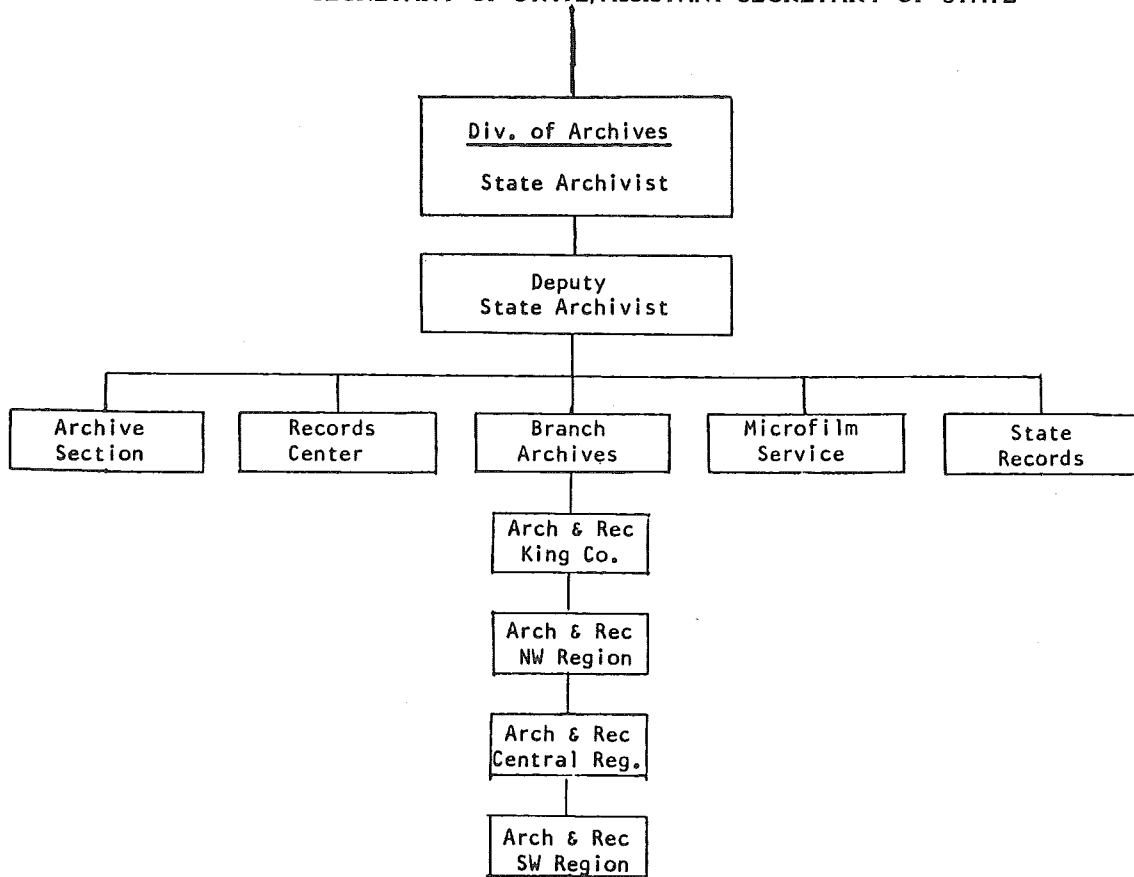
**WAC 434-15-140 Communication with division--Address.** All communications with the division including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the division's decisions and other matters, shall be addressed as follows: Office of the Secretary of State, c/o Public Records Officer, Legislative Building, P.O. Box 9000 Olympia, Washington 98504. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-140, filed 6/10/85.]

**WAC 434-15-150 Adoption of form.** The division hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix B entitled "Request for public record." [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-150, filed 6/10/85.]

**WAC 434-15-990 Appendix A--Management organization chart of state archivist.**

APPENDIX A

ORGANIZATIONAL CHART, Division of Archives, Office of the Secretary of State  
SECRETARY OF STATE/ASSISTANT SECRETARY OF STATE



[Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-990, filed 6/10/85.]

WAC 434-15-99001 Appendix B--Form--Request for public records.

APPENDIX B

REQUEST FOR PUBLIC RECORDS

Name of Requestor:

Address:

Phone:

Date of Request:

Time of Request:

Nature of Request:

1. Index Reference -----

Signature -----

For Office Use Only:

(1) Request Record Withheld
Granted [ ] Withheld [ ] In Part [ ]

(2) If withheld, name the exemption contained in RCW 42.17.310 which authorizes the withholding of the record or part of record: Subsection (1) ( ).

(3) If withheld, briefly explain how the exemption applies to the record withheld.

(4) If request granted, time -----, day -----

[Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-99001, filed 6/10/85.]

Chapter 434-28 WAC

DECLARATIONS OF CANDIDACY AND FILING PROCEDURES

WAC

- 434-28-012 Declaration and affidavit of candidacy--Offices subject to a primary.
434-28-020 Declaration of candidacy--Precinct committeeman.
434-28-040 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 434-28-040 Declaration of candidacy--Nonpartisan offices not subject to a primary. [Order 75-1, § 434-28-040, filed 6/26/75.] Repealed by 84-15-050 (Order 84-2), filed 7/16/84. Statutory Authority: RCW 29.04.080.

WAC 434-28-012 Declaration and affidavit of candidacy--Offices subject to a primary. Declarations and

affidavits of candidacy for all partisan and nonpartisan offices shall be filed in substantially the following form:

DECLARATION AND AFFIDAVIT OF CANDIDACY

- 1. I, \_\_\_\_\_ (print name as you are registered to vote) am a registered voter residing at:
2. \_\_\_\_\_ (street address or rural route) \_\_\_\_\_ (telephone no.) \_\_\_\_\_, Washington \_\_\_\_\_ (city) \_\_\_\_\_ (county) \_\_\_\_\_ (zip code) and at the time of filing this declaration I am legally qualified to assume office if elected.
3. I declare myself as a candidate for nomination to the office of: \_\_\_\_\_ (name of office) \_\_\_\_\_ (congressional or legislative district, county, city, or other jurisdiction) \_\_\_\_\_ (position number if applicable) \_\_\_\_\_ (director or commissioner district, if any)
4. For the following term of office:
[ ] a full term or a full term and a short term, or
[ ] an unexpired term
5. At the primary in September, 19\_\_\_\_
6. This office is:
[ ] Nonpartisan, or
[ ] Partisan, and I am:
[ ] a candidate of the \_\_\_\_\_ party, or
[ ] an independent candidate nominated pursuant to chapter 29.24 RCW
7. Filing Fee (Check one):
[ ] There is no filing fee because the office has no fixed annual salary, or
[ ] I am submitting a filing fee of \$\_\_\_\_\_, an amount equal to 1% of the annual salary, or
[ ] I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.18.050
8. Please print my name on the ballot exactly as follows: \_\_\_\_\_ (please print)
I swear, or affirm, that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.
9. Sign Here \_\_\_\_\_ (signature of candidate as registered to vote)

\*Note: Your signature must be personally witnessed by either a notary public or by the officer with whom the declaration is filed.

Subscribed and sworn before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_

(signature of acknowledging official)

(title of acknowledging official)

Candidate: Return all copies of this declaration to your Elections Dept. Distribution by Elections Dept.: White--County; Yellow--PDC; Pink--Candidate

The forms shall measure eight and one-half inches by eleven inches and may also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29.18.040. One copy of each properly executed and filed declaration and affidavit of candidacy, containing such information on the requirements of chapter



width with a threshold no more than one-half inch in height. There is a level, firm, stable and slip resistant surface at least fifty inches wide, at least eighteen inches of which is directly adjacent to the latch side of the door, and five feet deep on both the inside and outside of the door. If the entrance to the building containing the polling place remains in an open position during polling hours, the requirement for the eighteen inches adjacent to the latch side of the door does not apply. If the door is power operated, it is equipped with a time delay.

(c) **INTERIOR CORRIDORS.** If the entrance to the building containing the polling place does not open directly to the polling place, there is an unobstructed route of travel from the entrance of the building to the entrance of the polling place which is at least forty-four inches wide. If there is an elevator in the only accessible route of travel, it is in close proximity to the entrance to the building, it has a minimum interior depth of forty-eight inches, the doors have at least thirty-two inches clear width, and the floor has a firm, stable surface.

(3) **POLLING PLACE.** There is seating and adequate, unobstructed space for reasonable movement of elderly voters and voters with disabilities within the polling place.

(4) **VOTING EQUIPMENT.** In polling places in which ballots are cast on voting machines or voting devices, there is at least one machine or device which is no higher than thirty inches with at least twenty-seven inches minimum height knee clearance under the machine or device for a wheelchair. Voters may also be provided with paper ballots and a voting booth with a horizontal surface which is no higher than thirty inches with at least twenty-seven inches minimum height knee clearance under the booth for a wheelchair.

(5) **ILLUMINATION.** There is sufficient illumination at all points along the accessible route of travel and within the polling place.

(6) **SIGNS.** There are signs identifying the accessible parking spaces. There are signs identifying the accessible route of travel to the polling place if it is different from the primary route of travel to the polling place. Signs shall prominently display the international symbol of access as provided by RCW 70.92.120. [Statutory Authority: Chapter 29.57 RCW as amended by 1985 c 205. 85-18-003 (Order 85-3), § 434-57-030, filed 8/22/85.]

## Title 437 WAC SENTENCING GUIDELINES COMMISSION

### Chapters

437-06

Public records--Disclosure.

437-10

Bylaws.

## Chapter 437-06 WAC PUBLIC RECORDS--DISCLOSURE

### WAC

437-06-010	Purpose.
437-06-020	Definitions.
437-06-030	Public records available.
437-06-040	Public records officer.
437-06-050	Request for public records.
437-06-060	Fees—Inspection and copying.
437-06-070	Protection of public records.
437-06-080	Disclosure procedure.
437-06-090	Remedy for review of denial of disclosure.
437-06-100	Exemptions to public records disclosure.
437-06-110	Qualifications on nondisclosure.
437-06-120	Interagency disclosure.

**WAC 437-06-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the Washington state sentencing guidelines commission with the provisions of the Public Disclosure Act, RCW 42.17.250 through 42.17.340 in conjunction with the Criminal Records Privacy Act, chapter 10.97 RCW, as well as chapter 9.94A RCW. [Statutory Authority: Chapter 9.94A RCW. 84-23-048 (Order 84-01), § 437-06-010, filed 11/19/84.]

**WAC 437-06-020 Definitions.** (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by the commission regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographings, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents.

(3) "Commission" means the Washington state sentencing guidelines commission.

(4) "Disclosure" means inspection and/or copying.

(5) "Denial of disclosure" denotes any exempting from disclosure of any public record. [Statutory Authority: Chapter 9.94A RCW. 84-23-048 (Order 84-01), § 437-06-020, filed 11/19/84.]

**WAC 437-06-030 Public records available.** Requests for any identifiable public record may be initiated at the commission office during normal business hours (8:00 a.m. – 12 and 1:00 p.m. – 5:00 p.m.).

The commission shall at all times take the most timely possible action on requests for disclosure, and shall be required to respond in writing within ten working days of receipt of the request for disclosure. The commission's failure to respond shall entitle the person seeking disclosure to petition the public records officer pursuant to WAC 437-06-090. [Statutory Authority: Chapter 9.94A RCW. 84-23-048 (Order 84-01), § 437-06-030, filed 11/19/84.]