

(3) That the applicant's plan to conduct the business of an association in Washington affords a reasonable promise of success.

(4) That the state in which the home office of the applicant is located permits Washington associations to conduct the business of an association in such state in substantially the same manner as the applicant proposes in this state.

[Statutory Authority: RCW 33.32.030. 88-02-067 (Order 87-1), § 419-60-030, filed 1/6/88.]

Title 434 WAC SECRETARY OF STATE

Chapters

434-09	Selection and notification of persons by secretary of state for citizens' commission for salaries of elected officials.
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Chapter 434-09 WAC

SELECTION AND NOTIFICATION OF PERSONS BY SECRETARY OF STATE FOR CITIZENS' COMMISSION FOR SALARIES OF ELECTED OFFICIALS

WAC

434-09-010	Statement of purpose.
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WAC 434-09-010 Statement of purpose. The purpose of this chapter is to provide uniform procedures under RCW 43.03.305(1) for the selection and notification by the secretary of state of persons to be appointed to the Washington Citizens' Commission on Salaries for Elected Officials.

[Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-010, filed 2/19/87.]

WAC 434-09-020 Definitions. As used in these regulations:

(1) "Public employee" includes all persons who, at the time of selection, are officers or employees of any governmental body or political subdivision including, but not limited to the agencies of the federal, state or county government or any other municipal corporation operating under federal or state law or local ordinance.

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(2) "Lobbyist" is a person required to be registered as such by the provisions of chapter 42.17 RCW.

(3) "Immediate family" means the parents, spouse, siblings, children, or dependent relative of the official, employee, or lobbyist whether or not living in the household of the official, employee, or lobbyist.

[Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-020, filed 2/19/87.]

WAC 434-09-030 Qualification requirements.

Qualification requirements for the citizen members selected in accordance with this chapter to serve on the commission shall be as required by the state constitution and RCW 43.03.305: 1) Any person selected under section 7 of this chapter to serve must have been a registered voter and eligible to vote at the previous state general election in the even-numbered year in the congressional district from which that person was selected; 2) Any person selected under section 9 of this chapter to serve must have been a registered voter and eligible to vote at the time of selection; 3) No state official, public employee or lobbyist or immediate family member of such official, public employee or lobbyist shall be eligible to serve.

[Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-030, filed 2/19/87.]

WAC 434-09-040 Transmitting and compiling the data file of records of registered voters. No later than January 1, 1987 and every four years thereafter, each county auditor shall submit to the secretary of state a data file of records of all registered voters eligible to vote at the previous state general election. The file shall contain the registration number, if available, name, address and congressional district for each registered voter. The secretary of state shall compile a separate list of the file for each congressional district.

[Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-040, filed 2/19/87.]

WAC 434-09-050 Conducting the selection of names by lot. No later than January 15, 1987 and every four years thereafter, the secretary of state shall arrange for the random selection of approximately an equal number of names of registered voters from each congressional district in substantially the same manner as prescribed in RCW 2.36.063 for jury selection. The secretary of state may employ a properly programmed electronic data processing system or device to make the random selection of registered voters as required by this section. The secretary of state shall request a separate list of registered voters for each congressional district to be selected by an unrestricted random sample from the lists compiled under section 4 of this chapter.

[Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-050, filed 2/19/87.]

WAC 434-09-060 Notifying persons selected by lot. (1) No later than January 20, 1987 and every four years thereafter, the secretary of state shall notify by certified mail each person selected by lot under section 5 of this

chapter. The notification shall contain a response form and prestamped, self-addressed return envelope. The notification shall include the statutory qualifications for membership on the commission as specified in RCW 43.03.305 and describe the duties of the position under RCW 43.03.310. The notification shall request the person selected to confirm on the form whether or not they meet the statutory qualifications to serve on the commission and to indicate if they are willing to serve on the commission in the specified capacity. Each person shall be requested to return the form no later than February 10 of that year. Any selected person, by appropriate indication on the form, may decline to serve on the commission. The secretary of state shall take as conclusive indication that the person has declined to serve if the form is not received by the secretary of state on or before February 10 of that year. The notification shall include an appropriate notice of this deadline. 2) The secretary of state shall compile a list by congressional district of each qualified person who has responded to the notification, confirmed that they meet the specified qualifications and are willing to serve on the commission as requested in section 6(1) of this chapter.

[Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-060, filed 2/19/87.]

WAC 434-09-070 Determination of commission appointees from congressional districts. From the list prepared under section 6(2) of this chapter, the secretary of state shall conduct a separate, noncomputer selection by lot of three persons from each congressional district. The persons selected from each congressional district shall be listed in order of selection.

[Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-070, filed 2/19/87.]

WAC 434-09-080 Names of selected persons to governor. No later than February 15, 1987 and every four years thereafter, the secretary of state shall forward to the governor the certified list of the names of the first registered voter selected from each congressional district under section 7 of this chapter. In the event that one of the persons certified to the governor declines appointment, the secretary of state shall forward to the governor the name of the next registered voter from the same congressional district on the list compiled under section 7 of this chapter.

[Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-080, filed 2/19/87.]

WAC 434-09-090 Vacancy on the commission. Unless voter registration information has been provided to the secretary of state under RCW 29.04.150 within the thirty days prior to the vacancy, each county auditor shall, no later than seven days after a vacancy in a position on the commission as selected under section 7 of this chapter, submit to the secretary of state a data file of records of registered voters eligible to vote at the time of the vacancy. Except for the revision of timelines under this section, the process for compiling the data file of records of registered voters by congressional district,

conducting the selection by lot, notifying persons selected, determining appointees, and forwarding to the governor the certified list of the name of the registered voter selected shall be substantially the same as specified in the sections 3-8 of this chapter.

[Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-090, filed 2/19/87.]

Chapter 434-19 WAC CHARITABLE SOLICITATIONS

WAC

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SECTION I—GENERAL PROVISIONS AND DEFINITIONS

WAC 434-19-010 Authority and purpose. These rules are adopted under authority of RCW 19.09.190 and 19.09.315 to provide for the efficient administration of the Charitable Solicitations Act, chapter 19.09 RCW, hereafter referred to as "the act." These regulations shall be considered a supplement to and not a replacement for the act.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-010, filed 4/14/88.]

WAC 434-19-012 Official address. The address to be used for delivery and receipt of all mail, information, registration applications, amendments, fees and other material required by the act is:

Office of the Secretary of State
Charitable Solicitations Division
Legislative Building (Mail Stop: AS-22)
Olympia, WA 98504

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-012, filed 4/14/88.]

WAC 434-19-013 Toll-free telephone number. The telephone number to be disclosed as required by RCW 19.09.100 (1)(d) is:

1-800-332-4483 or 1-800-332-GIVE

This telephone number is answered 24 hours each day by a device which provides a recorded message and permits the caller to leave a recorded message.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-013, filed 4/14/88.]

WAC 434-19-014 Office hours. Customary hours of operation of the charitable solicitations division are 8:00 a.m. to 12:00 noon and 1:00 p.m. to 5:00 p.m., Monday through Friday, except holidays.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-014, filed 4/14/88.]

WAC 434-19-015 Public records. Except as provided by RCW 42.17.310, all public records of the charitable solicitations division are available for public inspection and copying pursuant to rules of procedure, chapter 434-12A WAC.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-015, filed 4/14/88.]

WAC 434-19-016 Public records copying charge--Exemptions. (1) A request for a copy of a public record received by the toll-free telephone answering device shall be provided to the caller by mail without charge, subject to a limit of two documents copied per day, and six documents copied per month.

(2) Requests for copies of records by a public law enforcement agency shall be provided without charge.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-016, filed 4/14/88.]

WAC 434-19-017 Registration applications--Grounds for denial. An application to register or reregister as required by RCW 19.09.075, 19.09.076(2), 19.09.078, 19.09.079 or 19.09.085 shall not be accepted by the secretary if it is unsigned, incomplete, illegible, arithmetically inaccurate or does not contain all required fees, information, and documents in a single packet.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-017, filed 4/14/88.]

WAC 434-19-018 Registration applications--Computation of time. In computing any period of time prescribed by the act or these rules, unless the context clearly requires otherwise, a day is considered a calendar day. The day of the act, event or other occurrence after which the designated period of time begins to run is not included. The last day of the period so computed is included, unless it is a Saturday, Sunday or holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or holiday.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-018, filed 4/14/88.]

WAC 434-19-020 Definitions. Terms defined in RCW 19.09.020 shall apply in these regulations. When used in these regulations:

(1) "Bona fide officer or employee" of a charitable organization shall include any individual volunteering his or her time without compensation.

(2) "Compensation" shall not include

(a) Reimbursement to an individual employee or volunteer for actual costs incurred and paid by the employee or volunteer acting on behalf of the charitable organization; and

(b) A premium, prize or other noncash item awarded to an otherwise unpaid person under the age of 18 as a result of exceeding a specified campaign goal.

(3) "General public" or "public" shall include any defined or identifiable subset of the population of the state. This term shall also include any entity located in this state.

(4) "Independent contractor" shall mean an entity, retained in the performance of fundraising services which

(a) Is not retained as an employee by the charitable organization or independent fundraiser and has authority to employ others without the direct approval of a charitable organization or independent fundraiser; or

(b) Is required to have an independent business identity, separate from the charitable organization or independent fundraiser, under applicable statutes or regulations of a political subdivision of the state, the state department of revenue, or employment security department, or the federal Internal Revenue Service or Social Security Administration.

(5) "Independent fundraiser"

(a) Shall not include any:

(i) Employee retained by an independent fundraiser, provided the bond required by RCW 19.09.190 covers the actions of such employees;

(ii) Accountant, attorney, banker, financial advisor or similar professional, who, in the regular course of his or her profession, advises a charitable organization regarding fundraising activities, provided the professional is not otherwise engaged in the business of or is held out to persons in this state as engaged in the business of soliciting contributions for charitable or religious purposes;

(iii) Supplier of goods or services not otherwise engaged in the business of or held out to persons in this state as engaged in the business of soliciting contributions for charitable or religious purposes.

(iv) Retail establishment, not otherwise deemed an independent fundraiser, in which the retail establishment promises to contribute a portion of the regular sales price of a product or service to a named charitable organization, provided (a) the price of the product or service is no more than the price 30 days before and 30 days after the promotion; and (b) the charitable organization's has given its written permission to use it [its] name in connection with the promotion; and (c) the agreement governing the retail establishment's contribution is in writing.

(b) Shall include any:

(i) Independent contractor;

(ii) For-profit entity, not otherwise deemed a charitable organization, which is substantially engaged in a trade or commerce in this state which is intended to or results in the raising of funds for charitable or religious purposes or a charitable or religious organization. An organization is considered to be substantially engaged in a trade or commerce in this state which is intended to or results in the raising of funds for such purposes if 25% or more of the for-profit entity's gross receipts in any accounting period are associated with any contract or other arrangement which results in payments to a charitable or religious organization.

(6) "Official relationship," as used in the definition of "general public" or "public," shall mean a status conferred by a charitable organization which is obtained as a result of a voluntary and affirmative action by an entity, on at least an annual basis, which demonstrates a continuing association with, support of, or knowledge of the activities of, the charitable organization.

(7) "Publicly supported educational facility" shall mean a public school or school district as defined by Title 28A RCW, or a public college, university, or community college as defined by Title 28B RCW.

(8) "Solicitation" shall not include any:

(a) Application or request for application for a grant, contract, or similar funding from any foundation, corporation, governmental agency or similar entity which has an established application and review procedure for reviewing such requests.

(b) Attempt to sell a service or good which constitutes the basis of the charitable organization's federal tax exemption or primary purpose for the existence of the charitable organization; including but not limited to: admission to a theatrical or other performance by a drama, musical, dance or similar group; and fees for services or use of the charitable organization's facilities.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-020, filed 4/14/88.]

SECTION II--CHARITABLE ORGANIZATION REGISTRATION

WAC 434-19-050 Charitable organization registration--Financial information consistent with Federal Income Tax Form 990. To the extent possible, all terms and financial reports required by the act shall be consistent with the requirements of the Internal Revenue Service for completing Form 990, Return of Organization Exempt from Income Tax (IRS Form 990). A charitable organization may rely upon the information properly prepared for and submitted as part of IRS Form 990 to be in compliance with the filing requirements of the act.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-050, filed 4/14/88.]

WAC 434-19-051 Charitable organization registration--Federal Income Tax Form 990 not acceptable. Except as provided in WAC 434-19-060, an application to register which contains IRS Form 990 in lieu of the registration, or any part of the registration, required by

RCW 19.09.075 shall be considered incomplete, and shall not be accepted by the secretary.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-051, filed 4/14/88.]

WAC 434-19-052 Charitable organization registration—Other financial standards. (1) A charitable organization not subject to the filing requirements of IRS Form 990 shall complete the financial portion of the registration required by RCW 19.09.075:

(a) Based only upon the activities under the supervision and control of the fundraising or development portion of the organization; and

(b) Shall not include (i) appropriated funds except as provided under WAC 434-19-053; (ii) tuition, fees or contractual revenue for services rendered, (iii) admission fees to events (such as athletic contests and theatrical performances, etc.) or registration fees for conferences, or similar events conducted as part of the charitable organization's purpose.

(2) Financial reports shall be substantially consistent with the requirements of IRS Form 990, the accounting principles of the American Institute of Certified Public Accountants (AICPA), or such standards generally recognized and accepted by the business or accounting association which governs the charitable organization's financial affairs.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-052, filed 4/14/88.]

WAC 434-19-053 Charitable organization registration—Treatment of appropriated funds. A charitable organization which is a government subdivision or publicly supported educational facility shall include funds appropriated by the government only to the extent such funds are directly expended to support fundraising efforts or to defray costs of administering the organization's fundraising programs.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-053, filed 4/14/88.]

WAC 434-19-054 Charitable organization registration—Financial reporting adjustments. For purposes of financial reporting as required by RCW 19.09.075:

(1) A charitable organization with current year expenses which exceed revenue received during the reporting year shall add to reported revenue that portion of previous years' surplus, fund balance, reserve or similar account which was used to offset the current year deficit.

(2) Funds irrevocably reserved to a capital acquisition or other legally binding reserve account shall be deemed disbursed for the stated purpose at the time of deposit to the reserve account.

(3) A charitable organization which is required to file an IRS Form 990 and which reports on IRS Form 990 "gross revenue from special fundraising events" of \$10,000 or more shall segregate "costs of goods sold" from other "direct expenses" relating to the "special fundraising events" and shall, as part of the application required by RCW 19.09.075(7):

(a) Subtract only "costs of goods sold" from "gross revenue from special fundraising events" when calculating "total revenue"; and

(b) Subtract "costs of goods sold" from all other "direct expenses" relating to "special fundraising events," and shall report the result as part of costs of solicitation.

(4) Terms referred to in WAC 434-19-054(3) shall be defined as provided in the instructions to IRS Form 990.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-054, filed 4/14/88.]

WAC 434-19-055 Charitable organization registration—Change in exemption status. A charitable organization which becomes disqualified for the registration exemption provided by RCW 19.09.076(1) shall submit an application for registration as required by RCW 19.09.075 within 30 days of the event which disqualified the organization from the registration exemption.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-055, filed 4/14/88.]

WAC 434-19-056 Charitable organization registration—Combined program and paid fundraising effort. A charitable organization which (a) compensates a temporary employee, independent contractor, independent fundraiser or an entity other than a bona fide employee for fundraising services; and (b) allocates any portion of such compensation as part of the charitable organization's amount disbursed for charitable purpose shall file a statement to that effect as part of its annual registration.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-056, filed 4/14/88.]

WAC 434-19-059 Charitable organization registration—Voluntary verification information. In its application to register, a charitable organization may include information intended to assist the general public in verifying that the charitable organization exists and is conducting the programs and activities it reports on the registration application. Such information is, and shall be clearly identified as, not mandatory. Not including such information shall not be grounds for denying an application to register.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-059, filed 4/14/88.]

WAC 434-19-060 Charitable organization registration—Out of state organizations. In accordance with RCW 19.09.076 (2)(c), to qualify to be exempt from filing the registration application described in RCW 19.09.075, a charitable organization located outside the state of Washington shall file with the secretary all documents and schedules associated with the organization's filing of IRS Form 990 for the preceding accounting year. An organization located outside the state of Washington which has not been required to complete an IRS Form 990 for the preceding accounting year must complete the forms required by RCW 19.09.075.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-060, filed 4/14/88.]

WAC 434-19-061 Charitable organization registration--Federal Income Tax Form 990 conditions not applicable. The following conditions, which apply to organizations filing Federal Income Tax Form 990, do not apply to organizations required to register by RCW 19.09.075 or RCW 19.09.078:

(1) Extensions of time to file. Applications to register must be filed with the secretary by the due date specified by statute: no extensions will be granted by the secretary. The granting of an extension by the Internal Revenue Service does not change the due date of an application or renewal of a registration application. If an organization is unable to complete its final financial reports by the due date specified by statute, the organization may submit its application to register based upon un-audited or preliminary financial information; provided, that within 30 days of receipt of audited or other final financial reports, an amended application to register, based upon such final financial reports, is filed with the secretary. There shall be no fee for filing an amended application as required by this section.

(2) Exemption from filing a completed return. An organization with gross receipts normally not more than \$25,000 is not required to file a completed Federal Income Tax Form 990 with the Internal Revenue Service. Applicability of this exemption to an organization does not effect the organization's responsibility to file with the secretary the information required by RCW 19.09.075 or RCW 19.09.078.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-061, filed 4/14/88.]

SECTION III--CHARITABLE ORGANIZATION AND NONPROFIT FUNDRAISER REGISTRATION

WAC 434-19-075 Charitable organization registration--Nonprofit fundraiser--Newly formed organization. A charitable organization or nonprofit fundraiser which is required to register, but has yet to complete its first accounting year shall complete the registration required by RCW 19.09.075 based upon the annual budget of expenditures approved by the organization's board of directors. The charitable organization shall clearly identify that the reported figures are budget estimates and not based upon actual funds expended.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-075, filed 4/14/88.]

WAC 434-19-077 Charitable organization registration--Nonprofit fundraiser registration--Combined fee. An organization required to file a registration under both RCW 19.09.075 and 19.09.078 shall file a single nonrefundable fee of \$10.00 for both registration applications.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-077, filed 4/14/88.]

WAC 434-19-078 Charitable organization registration--Nonprofit fundraiser--Registration fee. (1) Unless notified pursuant to RCW 19.09.271, a charitable organization or nonprofit fundraiser which submits an application to register or reregister which is not accepted by the secretary shall not be required to pay an additional filing fee if the organization submits an acceptable application to register within 28 days of the date of the notice of nonacceptance. A corrected application to register received after 28 days shall be required to include a \$10 filing fee plus any applicable late filing fees as required by RCW 19.09.271.

(2) Registration application updates or amendments which are not required to be filed by the act or these rules, if accepted by the secretary, shall be accepted without fee.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-078, filed 4/14/88.]

SECTION IV--INDEPENDENT FUNDRAISER REGISTRATION

WAC 434-19-080 Independent fundraiser registration--Identification of other independent fundraisers retained. In addition to identifying independent fundraisers retained by the registrant in the performance of fundraising services, the registrant shall indicate whether the retained fundraiser is, or is not, included in the registrant's surety bond. For those retained fundraisers that are reported as being covered by the registrant's bond, the registrant shall submit documentary evidence from the surety or sureties to verify bonding.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-080, filed 4/14/88.]

WAC 434-19-081 Independent fundraiser registration--Single business name required. No independent fundraiser registered as required by RCW 19.09.079 under one name shall engage in the business or act in the capacity of an independent fundraiser under any other name unless such other name is also separately registered and bonded.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-081, filed 4/14/88.]

WAC 434-19-082 Independent fundraiser registration--Physical address required. An independent fundraiser shall provide the secretary with the physical street address of the fundraiser's principal business location. An application to register as required by RCW 19.09.079 which does not contain the true physical street address of the fundraiser's principal business location shall be considered incomplete and shall not be accepted by the secretary.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-082, filed 4/14/88.]

WAC 434-19-083 Independent fundraiser registration--Registration fee. (1) Unless notified pursuant to RCW 19.09.271, an independent fundraiser which submits an application to register or reregister which is not

accepted by the secretary shall not be required to pay an additional filing fee if the organization submits an acceptable application to register within 28 days of the date of the notice of nonacceptance. A corrected application to register received after 28 days shall be required to include a \$50 filing fee plus any applicable late filing fees as required by RCW 19.09.271.

(2) Registration application updates or amendments which are not required to be filed by the act or these rules, if accepted by the secretary, shall be accepted without fee.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-083, filed 4/14/88.]

WAC 434-19-084 Independent fundraiser registration--Calculation of disclosure percentage waived. An independent fundraiser which is not involved in the conduct of a solicitation campaign and does not receive contributions on behalf of a charitable organization shall not be required to calculate the percentage which is required to be disclosed under RCW 19.09.100 (2)(b).

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-084, filed 4/14/88.]

WAC 434-19-086 Independent fundraiser registration--Newly formed organization. (1) An independent fundraiser which has yet to complete its first accounting year shall complete the registration required by RCW 19.09.079 based upon the average guaranteed minimum contractual return of gross receipts under the contract or contracts for fundraising services in existence at the time of the registration. The independent fundraiser shall clearly identify that the reported figures are not based upon actual funds received.

(2) If a newly formed independent fundraiser conducts a solicitation and is unable to calculate the average guaranteed minimum contractual return of gross receipts, the independent fundraiser shall report on the registration application required under RCW 19.09.079 that it is currently unable to comply with WAC 434-19-086.

(3) Before the end of the seventh month of operation, an independent fundraiser conducting a solicitation shall submit, without additional fee, a revised solicitation report as required under RCW 19.09.079(7) representing the fundraising services performed during the first six months of operation.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-086, filed 4/14/88.]

WAC 434-19-087 Independent fundraiser reregistration--Change in business structure. An independent fundraiser which changes its (a) business structure, (b) business name, or (c) ownership shall file a new application to register, including a separate filing fee and evidence of bonding as required by RCW 19.09.190.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-087, filed 4/14/88.]

WAC 434-19-088 Independent fundraiser reregistration--Evidence of continuation of bonding required.

An independent fundraiser required to submit a reregistration under RCW 19.09.085(3) or WAC 434-19-086 shall include with such reregistration evidence of continuation of bonding, if any, as required under RCW 19.09.190.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-088, filed 4/14/88.]

WAC 434-19-090 Charitable organizations and independent fundraisers--Contract registration form--Timing. No fundraising service or activity shall commence until after the registration form required under RCW 19.09.097 shall have been filed with the charitable solicitations division at the address stipulated in WAC 434-19-012.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-090, filed 4/14/88.]

SECTION V--CONDITIONS APPLICABLE TO SOLICITATIONS

WAC 434-19-100 Conditions applicable to solicitations--Exempt organizations exempted. An organization exempt by definition under RCW 19.09.020 (2)(b), and a charitable organization exempt from the registration requirements of RCW 19.09.075 under 19.09.076(1) shall be exempt from the provisions of RCW 19.09.100.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-100, filed 4/14/88.]

WAC 434-19-101 Conditions applicable to solicitations--Multiple contacts deemed single solicitation. A person making more than one contact to solicit a contribution from an entity shall be considered to have complied with RCW 19.09.100 if:

(a) All disclosures required by RCW 19.09.100 are physically provided in written form to the entity solicited during the first contact when a solicitation is made; and

(b) All disclosures required by RCW 19.09.100 are physically provided in written form to the entity solicited at least once every 90 calendar days; and

(c) The entity solicited affirmatively consents to additional contacts to solicit a contribution.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-101, filed 4/14/88.]

WAC 434-19-102 Conditions applicable to solicitations--Name of solicitor. An unpaid person under the age of 18 years may give their first name instead of their complete name, if, in the judgement of the charitable organization, disclosure of the person's complete name may pose a threat to the person under the age of 18.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-102, filed 4/14/88.]

WAC 434-19-110 Conditions applicable to solicitations--Written disclosure--Standard. The disclosure required to be made under RCW 19.09.100 (2) or (3):

(1) Shall be no less conspicuous in size or intensity than the size and intensity of the written material which

comprises the majority of a document intended to be retained by an individual; including but not limited to a letter, brochure, invoice, ticket, receipt, or advertisement in a publication; and

(2) Shall be readable in the manner in which it is customarily presented in a form that is (a) intended to be read from a distance or (b) not to be retained by an individual; including but not limited to a flyer, poster, petition, banner, photograph, televised picture or billboard.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-110, filed 4/14/88.]

WAC 434-19-113 Conditions applicable to solicitations--New organization. (1) In lieu of the written disclosure required under RCW 19.09.100(2), a registered charitable organization or fundraiser which has yet to complete its first accounting year shall disclose in writing that the organization has yet to complete its first accounting year and is unable to comply with the written disclosure requirements of the act.

(2) If a charitable organization or fundraiser has filed, without additional fee, an amended registration application based upon at least six months of operation, the organization shall rely upon such registration to calculate and make the disclosure required under RCW 19.09.100(2).

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-113, filed 4/14/88.]

WAC 434-19-114 Conditions applicable to solicitations--Solicitation conducted. A solicitation is considered conducted by the entity which is responsible for (a) the manner in which the message is communicated, or the individuals who communicate the solicitation message; and (b) the receipt of contributions from the public. Where these responsibilities are shared between a charitable organization and an independent fundraiser, the solicitation shall be considered conducted by the independent fundraiser if the independent fundraiser engages in any of the activities described in RCW 19.09.190 (1), (2), or (3).

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-114, filed 4/14/88.]

WAC 434-19-115 Conditions applicable to solicitations--Responsibility for content of solicitation. It shall be presumed to be the responsibility of the entity conducting the solicitation, as defined in WAC 434-19-114, to assure that the solicitation complies with the requirements of the act.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-115, filed 4/14/88.]

WAC 434-19-118 Conditions applicable to solicitations--Solicitation conducted via electronic media. (1) The disclosures required under RCW 19.09.100 (1) and (3) and WAC 434-19-110 shall apply to solicitations conducted via television or radio, except (a) such announcements of one minute duration or less which are provided by the station at no expense, including but not

limited to public service announcements and (b) a news report of any duration.

(2) A solicitation, such as a telethon or similar event, conducted via television over a period exceeding thirty minutes of on-air time originating within the state shall contain the written disclosures required under RCW 19.09.100 (1)(d) and (2)(a) or (b), whichever is applicable, at least once during the telethon, and at least once during each fifteen minutes of on-air time originating within the state.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-118, filed 4/14/88.]

SECTION VI--CONDITIONS APPLICABLE TO SURETY BOND

WAC 434-19-190 Surety bond--Bond extended to other independent fundraiser. (1) An independent fundraiser may, subject to approval by the surety, extend its bond coverage to include another independent fundraiser retained in the performance of fundraising services, provided; that such other independent fundraisers shall (a) have registered with the secretary and shall have executed a surety bond as principal with one or more sureties whose liability in the aggregate as such sureties will equal at least five thousand dollars; and (b) for the remainder of its registration period, not be engaged in the business of providing fundraising services outside the arrangement with the independent fundraiser which extends its bond coverage.

(2) Evidence of the extension of bond coverage to another independent fundraiser shall be filed with the secretary prior to the commencement of any fundraising activities by the other independent fundraiser. Such evidence must be submitted on the letterhead or other official document of the surety.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-190, filed 4/14/88.]

WAC 434-19-191 Surety bond--Notice of exemption from bond requirement. (1) Except as provided in WAC 434-19-193(3), an independent fundraiser which:

(a) Has been registered with the secretary as an independent fundraiser for at least one accounting year; and

(b) During the preceding accounting year has not, in the course of providing fundraising services, engaged in any of the activities described in RCW 19.09.190 (1), (2), and (3); shall provide notice to the secretary that the independent fundraiser claims exemption from the bond required under RCW 19.09.190.

(2) Such notice shall be submitted by the independent fundraiser in writing, on the letterhead of the independent fundraiser, signed by the independent fundraiser, and shall contain a statement, under penalty of perjury, assuring the secretary that during the previous accounting year, the independent fundraiser had not engaged in any of the activities described in RCW 19.09.190 (1), (2) and (3).

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-191, filed 4/14/88.]

WAC 434-19-192 Surety bond--Reduction in bond amount. (1) Except as provided in WAC 434-19-193(3), an independent fundraiser which

(a) Has been registered with the secretary as an independent fundraiser for at least one accounting year; and

(b) During the preceding accounting year has not, in the course of providing fundraising services, engaged in more than any one of the activities described in RCW 19.09.190 (1), (2), and (3); is eligible upon request to receive a reduction of the bond required under RCW 19.09.190 from fifteen thousand dollars to five thousand dollars.

(2) Such request shall be submitted by the independent fundraiser in writing, on the letterhead of the independent fundraiser, signed by the independent fundraiser and shall contain a statement, under penalty of perjury, assuring the secretary that during the previous accounting year, the independent fundraiser has not engaged in more than one of the activities described in RCW 19.09.190 (1), (2) and (3).

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-192, filed 4/14/88.]

WAC 434-19-193 Surety bond--Reinstatement of bond amount. (1) An independent fundraiser which: (a) Has received approval from the secretary to reduce the bond requirement of RCW 19.09.190 to five thousand dollars under the provisions of WAC 434-19-190 or 434-19-192; or (b) notified the secretary that the fundraiser claims exemption from the bond requirement of RCW 19.09.190 under the provisions of WAC 434-19-191; and fails to refrain from engaging in any activity which qualified the independent fundraiser for such reduced or waived bond; shall immediately execute a bond as principal with one of more sureties whose liability in the aggregate of such sureties will equal at least fifteen thousand dollars.

(2) Failure to provide evidence of proper bonding shall result in the secretary revoking the registration of the independent fundraiser until evidence of sufficient bonding in [is] received.

(3) An independent fundraiser which has been required to increase or reinstate a bond under the provisions of WAC 434-19-193(1) or has had the bond impaired by any final judgement, shall not again be eligible to receive a reduction in bond amount nor qualify for exemption from the bond required by RCW 19.09.190.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-193, filed 4/14/88.]

WAC 434-19-194 Surety bond--Impairment of bond. In the event that any final judgement shall impair the liability of a surety upon the bond furnished under RCW 19.09.190 that there shall not be in effect a bond undertaking in the full amount required, the secretary shall suspend the registration of such independent fundraiser until the bond liability the full amount required, unimpaired by unsatisfied judgement claims shall have been furnished.

[1988 WAC Supp--page 2710]

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-194, filed 4/14/88.]

WAC 434-19-195 Surety bond--Conditions defined. As used in the act and these rules:

(1) An independent fundraiser shall be considered to "directly or indirectly receive contributions from the public on behalf of a charitable organization" when (a) the independent fundraiser has authority over, retains control of, or has any claim to contributions received as a result of a solicitation; or (b) an entity other than the charitable organization shall receive or have access or claim to contributions received as a result of the solicitation.

(2)(a) An independent fundraiser shall be considered to be "compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any other similar method" when (i) the amount of the independent fundraiser's compensation cannot be determined prior to the commencement of the fundraising service; or (ii) any part of the arrangement between the charitable organization and the independent fundraiser is contingent upon funds to be raised, solicitations to be made or any other similar method.

(b) An independent fundraiser shall not be considered to be "compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any similar method" if (i) the fundraiser's compensation is based solely on the number of products supplied by the fundraiser to the charitable organization for resale by the charitable organization; and (ii) the charitable organization is free to establish the sales price of the product.

(3) An independent fundraiser shall be considered to "incur or be authorized to incur expenses on behalf of the charitable organization" when any expense relating to the solicitation may become the liability of the charitable organization and such expense is not paid by the independent fundraiser at the time the expense is authorized, committed to or delivered, whichever occurs earliest.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-195, filed 4/14/88.]

SECTION VII--MISCELLANEOUS PROVISIONS

WAC 434-19-230 Using the name of another entity--Reference to unnamed beneficiary. An entity which implies or states that admission to a function conducted as part of a solicitation or the proceeds of a solicitation will benefit disadvantaged youth, handicapped children, disabled persons, or words of similar meaning or effect shall identify (a) the manner in which such proceeds or admissions are to be delivered to the un-named beneficiaries; and (b) the name of any entity which will be asked to assist in the distribution of such proceeds or admissions.

[Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-230, filed 4/14/88.]

Chapter 434-40 WAC
ABSENTEE VOTING

WAC

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WAC 434-40-005 Authority and purpose. This chapter is adopted pursuant to RCW 29.36.150 and chapter 34.04 RCW in order to establish uniform procedures governing the requesting, processing, and canvassing of absentee ballots.

[Statutory Authority: RCW 29.36.150, 88-03-019 (Order 88-1), § 434-40-005, filed 1/12/88.]

WAC 434-40-010 Definitions. As used in this chapter:

(1) An "elector" of the state of Washington is any person who qualifies under state or federal law as an overseas voter, service voter, or out-of-state voter and who:

(a) Is not currently a registered voter in Washington or any other state;

(b) Will be at least eighteen years of age at the time of the next election;

(c) Is a citizen of the United States;

(d) Is a legal resident of the state, county, and precinct for at least thirty days preceding the election at which he or she offers to vote;

(e) Is not currently being denied his or her civil rights by being convicted of a crime for which he or she could have been sentenced to the state penitentiary;

(2) "Out-of-state voters," "overseas voters," and "service voters" are electors of the state of Washington and are **not** registered voters of Washington or any other

state; electors of the state of Washington who are spouses or dependents of service voters shall be considered to be either out-of-state voters or overseas voters;

(3) "Service voters" are electors of the state of Washington who are outside the state during the period available for voter registration and who are members of the armed forces while in active service, are students or members of the faculty at a United States military academy, are members of the merchant marine of the United States, or are members of a religious group or welfare agency officially attached to and serving with the armed forces of the United States.

(4) "Canvassing" is that process of examining, in detail, a ballot, groups of ballots, election subtotals, or grand totals in order to determine the final official returns of a primary, special, or general election and in order to safeguard the integrity of the election process;

(5) "Canvassing board" or "county canvassing board" is that body charged by law with the duty of canvassing absentee ballots, of ruling on the validity of questioned or challenged ballots, of verifying all unofficial returns as listed in the auditor's abstract of votes, and of producing the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chairperson of the board of the county legislative authority, or their representatives, designated pursuant to the provisions of WAC 434-40-210;

(6) "Territorial limits of the United States" means the fifty United States and the District of Columbia;

(7) "Blind voter" is a voter who has no vision or whose vision with corrective lenses is so defective as to prevent performance of ordinary activities for which eyesight is essential, or who has an eye condition of a progressive nature which may lead to blindness;

(8) "Voter requiring assistance" is any voter who has a sensory or physical handicap that results in his or her inability to vote at a polling place without assistance; such assistance shall be provided in the manner set forth by RCW 29.51.200;

(9) "Disabled voter" is any blind voter, voter requiring assistance, or any voter who has:

(a) Lost both lower limbs;

(b) Lost normal or full use of the lower limbs to sufficiently constitute severe disability;

(c) No ability to move without crutches or a wheelchair;

(d) Lost both hands;

(e) A lung disease where forced expiratory respiratory volume when measured by spirometry is less than one liter per second;

(f) Cardiovascular disease classified as Class III or IV under American Heart Association standards;

(10) "Ongoing absentee ballot" is that absentee ballot provided to disabled voters and voters over the age of sixty-five, pursuant to the provisions of RCW 29.36.013;

(11) "Hospital absentee ballot" is that absentee ballot provided to voters confined to a hospital no earlier than five days before a primary or election, pursuant to the provisions of RCW 29.36.010;

(12) "Special absentee ballot" is that ballot provided to registered voters and electors in state primary and

general elections who indicate on their application that they believe they will be residing or stationed or working outside the continental United States at the time of the election and that they will be unable to vote and return a regular absentee ballot during the time period provided by law;

(13) "Regular absentee ballot" is that absentee ballot provided to voters or electors who request an absentee ballot and who do not either request or qualify for an ongoing absentee ballot, hospital absentee ballot, or special absentee ballot;

(14) "Secure storage" are those locations provided for the storage of all material connected with the absentee ballot process, including ballots, and shall be under the direct control of the county auditor; it shall be locked during those periods of time when the auditor's office is closed, and when the office is open, access shall be permitted only to the county auditor and to those persons authorized in writing by the county canvassing board;

(15) "Challenged ballot" is that ballot issued to any voter whose registration has been challenged pursuant to the provisions of chapter 29.10 RCW and this chapter;

(16) "Questioned ballot" is that ballot issued to a voter by precinct election officers pursuant to WAC 434-40-250 or whenever any doubt exists as to the voter's qualifications to vote in an election and no challenge has been made by either a registered voter or the precinct election officer.

(17) "County auditor" shall be as defined by RCW 29.01.043, and with respect to the processing of absentee ballots and applications, the term includes any employee of the county auditor who is directed in writing to perform those duties on behalf of the county auditor.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-010, filed 1/12/88.]

WAC 434-40-020 Applications for absentee ballots.

Any application for an absentee ballot which is signed by a registered voter or elector, which identifies either the voter's registration address or the elector's last physical residence for voting purposes within the state, or where a registration address can be determined by use of the county voter registration records, and which contains an address to which the ballot is to be mailed if that address is different from the registration or residence address, shall be honored by the county auditor of the county in which the voter resides or the elector maintains his or her legal residence.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-020, filed 1/12/88.]

WAC 434-40-030 Application form for a regular absentee ballot. Each county auditor shall provide an application form for a regular absentee ballot. The form shall be no smaller than five inches by eight inches and may be produced in any format deemed suitable to each county. The form shall include, but not be limited to, the following:

(1) A space for the voter to print his or her name and address at which he or she is registered to vote;

(2) A space for the out-of-state or service voter to indicate his or her last permanent residence within the state of Washington;

(3) An address to which the ballot is to be mailed;

(4) A space for the voter to indicate for which election(s) the application is made;

(5) A space for the voter to sign his or her name and the date the application is made.

Only the address of the county auditor may appear on any regular absentee ballot application as the return address to which the application is to be mailed.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-030, filed 1/12/88.]

WAC 434-40-040 Absentee ballot application forms originating outside the state of Washington. The county auditor shall honor any application form for an absentee ballot originating outside the state of Washington, including those printed and distributed by the federal government, from any registered voter or elector of Washington, which contains the information required by WAC 434-40-030.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-040, filed 1/12/88.]

WAC 434-40-050 Ongoing absentee ballot application. Each county auditor shall provide an application form for an ongoing absentee ballot. This form may be produced in any format deemed suitable to each county but must be produced in a manner that is readable by vision-impaired and elderly voters. The form should be printed in over-sized type and may be in distinctive colors. The form shall include, as a minimum, the following information:

(1) A place to indicate that the voter is eligible for an ongoing absentee ballot because he or she is either disabled or over the age of sixty-five;

(2) A definition of disabled voter consistent with the definition appearing in WAC 434-40-010;

(3) Space to provide the voter's printed name, the address at which the voter is registered to vote, including city and zip code;

(4) A space for the voter to sign his or her name, provide a telephone number, and, if the voter is claiming status because of age, the date of birth;

(5) A summary of the reasons for termination of status as an ongoing absentee voter;

Signatures on applications for ongoing absent ballots shall be verified in the same manner as signatures on applications for regular absentee ballots. Ongoing absentee ballots shall be mailed to the address specified by the applicant on the application form.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-050, filed 1/12/88.]

WAC 434-40-060 Termination of ongoing absentee voter status. Status as an ongoing absentee voter shall be terminated upon the occurrence of any of the following:

(1) The cancellation of the voter's registration record;

(2) The written request of the voter;

(3) The death or disqualification of the voter;

(4) The return of an ongoing absentee ballot as undeliverable;

(5) January 1st of each odd-numbered year, provided at least one general election has been held since the voter acquired status as an ongoing absentee voter;

All persons terminated from the status of ongoing absentee voter who do not automatically renew their status pursuant to the provisions of WAC 434-40-080 shall have their original application form retained by the auditor for a period of one year after the date of termination.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-060, filed 1/12/88.]

WAC 434-40-070 Notice of termination as ongoing absentee voter. Whenever any voter's status as an ongoing absentee voter is terminated due to the provisions of WAC 434-40-060(5), the county auditor shall notify that voter, by mail, of the termination of his or her status as an ongoing absentee voter and the reason for that termination. This notice shall be mailed to affected voters as soon as practical following January 1st of each odd-numbered year.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-070, filed 1/12/88.]

WAC 434-40-080 Renewal of status as ongoing absentee voter. Included with the notice of termination as required by WAC 434-40-070 shall be a postage pre-paid return form enabling the terminated ongoing absentee voter to renew his or her status as an ongoing absentee voter. Upon receipt and verification of the signature on the renewal form, the voter shall be considered as being restored to status as an ongoing absentee voter.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-080, filed 1/12/88.]

WAC 434-40-090 Special absentee ballot application form. Each county shall provide an application form for a special absentee ballot. This form may be produced in any format deemed appropriate by the county auditor and shall include, but not be limited to, space for the following:

(1) The applicant's printed name and the address at which he or she is registered to vote or, if an elector, the last physical residence for voting purposes in Washington;

(2) The address to which the special ballot is to be mailed;

(3) An indication of the election for which the ballot is requested;

(4) The voter's signature;

(5) A box for the voter to check indicating that they want a regular absentee ballot forwarded to them as soon as it is available;

The application shall also state that the applicant believes that he or she will be residing or stationed outside the continental United States and that he or she believes that they will be unable to vote and return a regular absentee ballot by mail during the period provided by law for the return of regular absentee ballots. The county

auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-090, filed 1/12/88.]

WAC 434-40-100 Special absentee ballot--Material to be included. In addition to the material required by WAC 434-40-190, each county auditor shall include with any special absentee ballot mailed the following information:

(1) Instructions for voting the ballot;

(2) Instructions for correcting a spoiled ballot;

(3) The fact that political party designation should be included with all write-ins for partisan office;

(4) A listing of all offices and measures that will appear upon the ballot, together with a listing of all persons who have filed for office or who have indicated their intention to file for office;

(5) The fact that the voter may vote for as many, or as few offices or measures as he or she desires;

(6) The fact that the voter is entitled to request, and subsequently vote a regular absentee ballot, and that if the regular absentee is received during the time period provided by law for the canvassing of absentee ballots it will be tabulated and the special absentee ballot will be voided.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-100, filed 1/12/88.]

WAC 434-40-110 Special absentee ballot--Time application received. No special absentee ballot may be provided earlier than ninety days prior to a primary or election. Any application received by a county auditor more than ninety days prior to a primary or general election may be either returned to the applicant with the explanation that the request is premature or may be held by the auditor until the appropriate time and then processed.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-110, filed 1/12/88.]

WAC 434-40-120 Hospital absentee ballot application form. Each county shall provide an application form for hospital absentee ballots. This form may be produced in any format deemed appropriate by the county auditor and shall include, but not be limited to, space for the following:

(1) A statement by the voter that he or she was admitted to the hospital no earlier than five days prior to a primary or general election;

(2) A statement by the voter that he or she will be confined to the hospital on the day of the primary or election;

(3) A place for the voter to print his or her name and address;

(4) A place for the voter to sign the application;

(5) A place for the hospital administrator or his or her designee to verify the voter's date of admission and status as a patient;

Voters qualifying for hospital absentee ballots may apply by messenger on the day of the primary or election for that ballot.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-120, filed 1/12/88.]

WAC 434-40-130 Incomplete application. (1) If an application for an absentee ballot from a registered voter or an elector does not contain the signature of the applicant, the auditor shall attempt to contact the applicant by whatever means deemed appropriate, including written notification pursuant to WAC 434-40-160, in order to obtain the signature.

(2) If an application for an absentee ballot from an elector is received by the county auditor and it does not contain sufficient information to enable the auditor to issue the correct absentee ballot, the auditor shall, if in his or her judgment enough time exists to make such action practical, request that the elector provide the additional information in order to enable the auditor to mail the correct absentee ballot. If, in the judgment of the auditor, insufficient time exists to permit this action, the auditor may issue the absentee ballot that would be issued if the applicant had listed the courthouse as his or her legal residence. Upon its return, the ballot shall be referred to the county canvassing board, and only that part of the ballot containing candidates and measures common to the entire county, and any other offices or issues on which it can be conclusively determined the voter is qualified to cast a ballot, shall be tabulated.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-130, filed 1/12/88.]

WAC 434-40-140 Signature discrepancies. In comparing the signature as it appears on the application for an absentee ballot with the signature, or a facsimile of that signature, as it appears on the permanent voter registration record, the auditor shall honor the application if, in his or her judgment, the same person signed both. In making this determination, the auditor may take into account the age of the signature or any other circumstances which might account for differences between the two signatures.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-140, filed 1/12/88.]

WAC 434-40-150 Verification of absentee ballot application. Upon receipt of a request for an absentee ballot made by a registered voter or an elector, the county auditor shall determine if the applicant is a registered voter within the county. If it is determined that the applicant is registered to vote, a notation shall be made that the voter has requested an absentee ballot and the appropriate ballot shall be mailed as soon as it is available. If it is determined that the application is from an elector, the county auditor shall mail the appropriate absentee ballot when available, together with any state or local voter's pamphlet produced for that election.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-150, filed 1/12/88.]

[1988 WAC Supp.—page 2714]

WAC 434-40-160 Notification to voter of incomplete application. In addition to notification provisions required by WAC 434-40-130, the county auditor shall notify any person submitting an absentee ballot application which is not accepted of the reason why the application is not accepted. The notification provided shall be in substantially the following form:

NOTICE TO ABSENTEE BALLOT APPLICANT

Your application for an absentee ballot has been received in our office but we are unable to process it or issue you an absentee ballot for the following reason(s):

- () LACK OF SIGNATURE — We must have your signature on the request before we can honor it. Please sign the enclosed application as you are registered to vote and return it to this office;
- () NOT REGISTERED — We are unable to find a voter registration record for you in our files. Please contact our office to resolve this matter as soon as possible;
- () REQUEST RECEIVED TOO LATE — Your request for an absentee ballot was received after the last day prescribed by law for the issuance of absentee ballots;
- () OTHER — _____

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-160, filed 1/12/88.]

WAC 434-40-170 Security of absentee ballot applications. All completed applications for absentee ballots shall be kept in secure storage from the date of receipt and shall be held until such time as they may be destroyed pursuant to state law. This period shall be twenty-two months for all federal elections and sixty days for all other elections, unless litigation requires that they be maintained for a longer period. It is the intent of this section that adequate security be maintained on absentee ballot applications at all times and that an audit trail be provided on all actions undertaken with respect to the applications.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-170, filed 1/12/88.]

WAC 434-40-180 Service and overseas voters—Material and postage. The secretary of state shall furnish all envelopes and instructions for service voters, overseas voters, and those out-of-state voters who are spouses or dependents of service voters. All absentee ballots to voters in these categories will be sent postage-free, pursuant to the provisions of federal law, and the return envelopes will be so marked as to indicate that they may be returned free of postage.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-180, filed 1/12/88.]

WAC 434-40-190 Absentee ballot envelopes. Included with any absentee ballot provided to a voter shall

be instructions for correctly voting the absentee ballot, a security envelope which shall bear no markings identifying the voter, and a return envelope which shall bear the return address of the issuing officer and shall have a space for the voter to sign his or her name. The return envelope shall also have a statement in substantially the following form:

AFFIDAVIT OF ABSENTEE BALLOT APPLICANT

I _____ do solemnly swear under penalty of law as set forth below, that I am a legal resident of Washington and I further certify that I am legally qualified to vote at the election for which this ballot was requested, that I have not voted another ballot, and that I herein enclose my ballot for that election.

Date Ballot Voted Signature of Voter

PENALTY PROVISION: Any person who violates any of the provisions of this chapter, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment (RCW 29.36.160).

.....
All absentee ballot envelopes and return envelopes shall conform to existing postal department regulations regarding size.

County auditors shall be permitted to use any existing stock of absentee ballot return envelopes, in the form specified by state law, prior to the 1987 amendment to RCW 29.36.030. Upon exhaustion of that stock or not later than January 1, 1989, county auditors shall comply with the provisions of this regulation when ordering absentee ballot return envelopes.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-190, filed 1/12/88.]

WAC 434-40-200 Absentee ballot--Instructions to voters. Included with each absentee ballot provided to applicants shall be instructions for properly voting the ballot and for returning it in a manner that will guarantee the voter secrecy of his or her ballot. The instructions shall include the following:

- (1) Detailed instructions for correctly marking the ballot;
- (2) Detailed instructions on how the voter may correct a spoiled ballot;
- (3) Instructions on how the voter is to complete and sign the affidavit on the return envelope;
- (4) Instructions on how the voter is to place his or her ballot in the security envelope and place the security envelope in the return envelope;
- (5) Instructions regarding postage, if required;
- (6) Notice to the voter that the ballot will be counted if it is postmarked not later than election day and if it is received by the county auditor not later than the tenth day following any special election or primary, or the fifteenth day following a general election.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-200, filed 1/12/88.]

WAC 434-40-210 Canvassing board--Delegation of authority. The county auditor, prosecuting attorney, and chairperson of the county legislative authority shall be responsible for the performance of all duties of the county canvassing board, as set forth in chapters 29.36 and 29.62 RCW, and the regulations on canvassing adopted by the secretary of state. These duties shall be performed by the members of the board, or they may designate in writing, either independently or in unison, representatives to perform those duties. This written designation of authority shall be filed with the county auditor prior to any designee undertaking any action on behalf of the board. In no instance may the members of the county canvassing board delegate the responsibility of certifying the returns of any primary or election, of determining the validity of any challenged ballots, or of determining the validity of any questioned ballots referred to them by the county auditor, to anyone other than a person authorized by law to act on their behalf.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-210, filed 1/12/88.]

WAC 434-40-220 Canvassing board--Notice of open public meeting. All activities of the canvassing board shall be open to the public, although they may limit the number of persons observing any aspect of the process whenever, in their judgment, it is necessary to do so to preserve order and to safeguard the integrity of the process. The canvassing board may adopt and promulgate rules and regulations, not inconsistent with the provisions of this section, to ensure that the process is open to the public but that the procedures themselves are performed by the board free of any outside interference. The auditor shall publish notice of the meeting of the canvassing board, as required by chapter 42.30 RCW. Such notice shall be in substantially the following form:

OPEN PUBLIC MEETING NOTICE

The Canvassing Board of (Name of County) County, pursuant to RCW 29.62.020, will hold a public meeting at (Time), (Day), (Date), 19 , at (Location), to (Purpose of the Meeting). This meeting of the Canvassing Board is an open, public meeting under the applicable provisions of chapter 42.30 RCW, and shall be continued until the activity for which the meeting is held has been completed. A record of the proceedings of the county canvassing board shall be made and maintained in the county auditor's office, and shall be available for public inspection and copying. The record shall be retained for the same time period required by law for the retention of absentee ballots. A separate notice shall be published whenever the canvassing board meets to determine the status of questioned ballots, challenged ballots, or to certify the results of the election.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-220, filed 1/12/88.]

WAC 434-40-230 Processing of absentee ballots.

All absentee ballot return envelopes may be opened and subsequently processed no earlier than the tenth day prior to any primary or election. In counties tabulating absentee ballots by hand, the inner security envelope may not be opened until after 8:00 p.m. on election day. In counties tabulating absentee ballots on an electronic vote tallying system, the ballots may be removed from the inner envelope not earlier than the tenth day prior to a primary or election and the ballots then prepared for processing. All absentee ballots, whether removed from the inner security envelope or not, must be kept in sealed or locked containers and in secure storage until they are ready to be tabulated.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-230, filed 1/12/88.]

WAC 434-40-240 Verification of the signature and postmark on absentee ballots.

The county canvassing board shall examine the signature on the return envelope of all absentee ballots to ensure that the applicant is qualified to cast the ballot. The provisions of WAC 434-40-140 shall be applicable in determining the validity of the signature as it appears on the return envelope. For service voters, overseas voters, and out-of-state voters the date of mailing shall be the date indicated by the voter on the return envelope, and any envelope which shows a date subsequent to the date of the primary or general election shall be referred to the county canvassing board for disposition. For all other absentee ballots, the date of mailing shall be the postmark, if present and legible. If the postmark is not present or legible, the date of mailing shall be considered the date indicated by the voter on the return envelope. All absentee ballots showing a postmark subsequent to the date of the primary or election, or a date indicated by the voter subsequent to the date of the primary or election if the postmark is missing or illegible, shall be referred to the county canvassing board for their disposition.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-240, filed 1/12/88.]

WAC 434-40-250 Absentee voter attempting to vote at the polls.

In addition to maintaining a record of all persons requesting and being issued an absentee ballot, each county auditor will, to the extent time allows, make a notation on each poll list of the persons who have been issued an absentee ballot. Whenever any voter whose name has been so marked attempts to vote at the polling place, the precinct election officers shall issue that voter a questioned ballot. The questioned ballot shall be placed in an envelope, on the outside of which the words "QUESTIONED BALLOT" shall be printed. The envelope should then be sealed and care shall be taken to ensure that no marks appear on the outside of that envelope which might identify that voter. This envelope should then be placed in a larger envelope, on the outside of which shall be printed the words "QUESTIONED BALLOT." There shall also be space on this outer envelope for the

precinct election officers to indicate the name and number of the precinct, the printed name, address, and telephone number of the questioned voter, and the reason why the ballot is being questioned. The ballot should then be referred to the canvassing board for their disposition.

This regulation and WAC 434-40-260 shall not apply to any county that does not tabulate absentee ballots until the poll books have been examined to ensure that no voter has voted twice.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-250, filed 1/12/88.]

WAC 434-40-260 Absentee ballots returned after the poll lists have been marked.

Absentee ballots which are issued and returned to the county auditor after the poll lists have been marked to indicate those persons who have been issued an absentee ballot shall be segregated from other absentee ballots, and shall not be tabulated until the poll lists have been examined following the election to ensure that those persons did not vote at the polls on election day. In the event the county auditor determines that an individual voted at the polls and returned an absentee ballot, the absentee ballot shall not be counted and a copy of the poll list and the returned absentee shall be forwarded to the prosecuting attorney for his consideration. Any county manually tabulating absentee ballots that is unable to comply with the provisions of this regulation shall, not later than January 1, 1989, adopt an automated absentee ballot system that will permit compliance with this regulation.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-260, filed 1/12/88.]

WAC 434-40-270 Maintenance of an audit trail on absentee ballots.

Each county auditor shall maintain an audit trail with respect to the processing of absentee ballots which shall include, but not be limited to, the following:

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

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

(3) A record of the disposition of each request for an absentee ballot not honored;

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

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

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

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-270, filed 1/12/88.]

WAC 434-40-280 Challenge to the registration of absentee voters. The voter registration of any person requesting an absentee ballot may be challenged under the

provisions of chapter 29.10 RCW by any registered voter who completes and files with the county auditor a form substantially similar to the following:

VOTER'S REGISTRATION CHALLENGE FORM

TO PROPERLY EXECUTE THIS FORM IT IS NECESSARY TO CHECK THE APPROPRIATE SQUARE BELOW. A SUMMARY OF THE ADMINISTRATIVE PROCEDURES WHICH WILL BE FOLLOWED WITH RESPECT TO THIS VOTER REGISTRATION CHALLENGE MAY BE FOUND ON THE REVERSE SIDE OF THIS FORM.

REASON FOR CHALLENGE

- The individual challenged is not a U.S. Citizen
- The individual challenged is not at least 18 years old
- The individual challenged is currently being denied his or her civil rights
- The individual challenged does not reside at the address at which he or she is registered and his or her actual residence is as follows:

NOTE: State law (RCW 29.10.130) requires that challenging party must provide the address at which the challenged party resides in order for a challenge based on residence to be considered.

PROVISIONS RELATING TO VOTING RESIDENCE

The State Constitution and state law provide that a voting residence shall not be lost if the voter is absent because of:

- A. State or Federal employment, including military service
- B. School attendance
- C. Business outside the state
- D. Confinement in prison

NOTE: Persons in the above categories have the legal right to continue to use their former residence for voting purposes and may continue to vote unless additional conditions or circumstances indicate they have forfeited that right in Washington. Any person instituting a voter registration challenge should be sure of the facts BEFORE signing the challenge affidavit.

AFFIDAVIT OF CHALLENGER

I, _____, declare, under penalty of perjury, that I am a registered voter, that I hereby challenge the voter's registration of _____ for the reason indicated above. I also state that I have read the above stated PROVISIONS RELATING TO VOTING RESIDENCE and that, to the best of my knowledge and belief, the above named individual does not fall into any of the protected categories.

DATE

SIGNATURE OF CHALLENGER

VOTER'S REGISTRATION CHALLENGES

A SUMMARY OF ADMINISTRATIVE PROCEDURES

CHALLENGES FILED THIRTY OR MORE DAYS PRIOR TO A PRIMARY, SPECIAL OR GENERAL ELECTION

State law (RCW 29.10.140) requires the county auditor to notify, by certified mail, any voter whose registration has been challenged.

The notification must be mailed to the address at which the challenged voter is registered, to any address provided by the challenger as required by RCW 29.10.130, and to any other address that the auditor could reasonably expect the challenged voter might receive such notification.

Included with the notification must be a request that the voter appear at a hearing to be held within ten days of the mailing of the request, at the place and time specified, in order to assist the auditor in determining the validity of the challenge.

THE PERSON MAKING THE CHALLENGE MUST BE PROVIDED WITH A COPY OF THE NOTIFICATION AND REQUEST MAILED TO THE CHALLENGED VOTER.

If either the challenger or the challenged voter, or both, are unable to appear in person they may file affidavits, stating UNDER OATH the reasons they believe the challenge to be valid or invalid.

The county auditor shall determine the validity of the challenge based on his or her evaluation of the evidence presented by both parties to the challenge. The decision of the auditor is final, subject only to a petition for judicial review under chapter 34.04 RCW.

CHALLENGES FILED WITHIN THIRTY DAYS OF A PRIMARY, SPECIAL OR GENERAL ELECTION

State law (RCW 29.10.130) provides that in the event the challenge is made within thirty days of an election, the voter and the precinct election officers within the voter's precinct are to be notified.

Both the challenged voter and the precinct election officers are also to be informed that in the event the voter attempts to vote at the ensuing election, he or she will be provided with a CHALLENGED BALLOT.

The validity of the challenge and the disposition of the challenged ballot will be determined by the county canvassing board and both the challenger and the challenged voter may either appear in person or submit affidavits in support of their respective positions.

In the event the challenged voter does NOT vote at the ensuing election, the challenge shall be processed in the same manner as challenges made more than thirty days prior to the election.

In the event the challenge is filed more than thirty days prior to a primary or election, the challenge shall

be processed in the manner provided by RCW 29.10.140. If the voter votes and returns his or her absentee ballot prior to the county auditor making his or her determination as to the validity of the challenge, the returned ballot shall be segregated from other absentee ballots and not processed until such a determination is made. In the event the challenge is made within thirty days of a primary or election and prior to the absentee ballots being separated from the return envelopes, the challenge and the returned ballot shall be forwarded to the canvassing board and processed in the manner provided by RCW 29.10.127. If the challenge is made within thirty days of a primary or election but after the ballots have been separated from the return envelopes, the challenge shall be processed by the county auditor in the manner provided by law for challenges made more than thirty days prior to the primary or election.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-280, filed 1/12/88.]

WAC 434-40-290 Security of absentee ballots. Following the tabulation of absentee ballots, they shall be kept in sealed or locked containers and in secure storage until the expiration of any time deadlines for a legal challenge to the results of the primary or election, and then should be retained by the county as long as required by state or federal law.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-290, filed 1/12/88.]

WAC 434-40-300 Absentee ballot process to be expedited. All election officials charged with any duties or responsibilities with respect to absentee ballots shall ensure that those duties are performed in an expeditious manner, in order to maximize the opportunity for persons requesting absentee ballots to receive, vote, and return them in time to be counted.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-300, filed 1/12/88.]

WAC 434-40-310 Absentee ballot—Credit for having voted. Each county auditor shall credit any person requesting an absentee ballot with having voted. This credit shall be given solely for the purpose of maintaining the voter as an active voter, and in no instance should such voters be included with the total number of votes cast at a primary or election, or in any way be a part of the votes cast total for the purposes of validating a special election.

[Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-310, filed 1/12/88.]

Chapter 434-55 WAC LIMITED PARTNERSHIP FILINGS— CENTRALIZED SYSTEM

WAC

434-55-010	Purpose and authority.
434-55-015	Filing office location and address.
434-55-016	Office hours.
434-55-020	Repealed.

434-55-030	Filing domestic limited partnerships—Optional index sheet.
434-55-035	Repealed.
434-55-040	Execution of documents, duplicate originals and reproduction quality.
434-55-055	Pre-October 1, 1982, limited partnership filings.
434-55-060	Document filing fees—Limited partnerships.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-55-020	Domestic limited partnerships—Requirements for filing. [Statutory Authority: RCW 25.10.600 – 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-020, filed 10/6/82.] Repealed by 87-17-002 (Order 87-04), filed 8/6/87. Statutory Authority: RCW 25.10.610 and 1987 c 55.
434-55-035	Foreign (out-of-state) limited partnerships—Requirements for filing. [Statutory Authority: RCW 25.10.600 – 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-035, filed 10/6/82.] Repealed by 87-17-002 (Order 87-04), filed 8/6/87. Statutory Authority: RCW 25.10.610 and 1987 c 55.

WAC 434-55-010 Purpose and authority. These regulations are adopted pursuant to RCW 25.10.600 – 25.10.610 and chapter 55, Laws of 1987, to implement a centralized system for limited partnership filings at the office of the secretary of state.

[Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-010, 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), § 434-55-010, filed 10/6/82.]

WAC 434-55-015 Filing office location and address. (1) Effective October 1, 1982, limited partnership filings under chapter 25.10 RCW are to be made at the Corporations Division of the Office of the Secretary of State, Olympia, Washington, rather than at the offices of the respective county clerks.

(2) Mail address for the corporations division is: Corporations Division, Office of the Secretary of State, 505 E. Union St., Olympia, WA 98504. Use of any other address may delay mail delivery.

(3) The offices of the corporations division are located at Republic Building, 2nd Floor, 505 E. Union St., Olympia, WA.

[Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-015, 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), § 434-55-015, filed 10/6/82.]

WAC 434-55-016 Office hours. (1) Hours of operation for personnel in the division are 8:00 a.m. to 12 noon and 1:00 to 4:30 p.m., Monday through Friday.

(2) Over-the-counter or walk-in, same-day processing of documents is available only between 8:30 – 11:30 a.m. and 1:00 to 3:30 p.m. each day. Documents can be received, but not processed on a same-day basis, at other times when the office is open. Same-day or expedited counter service is available at other hours only under exigent circumstances or by approval of the administrator of the corporations division.

(3) Certain expedited or over-the-counter services are subject to the special service fees established elsewhere in these regulations.

[Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-016, 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), § 434-55-016, filed 10/6/82.]

WAC 434-55-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 434-55-030 Filing domestic limited partnerships--Optional index sheet. A new domestic limited partnership filing may use an index sheet or cover sheet to assist the secretary of state's review of the documents presented for filing, and to qualify for reduced filing fees.

The index sheet shall be on the form provided by the secretary of state or list the following and provide a reference to the article and page number of the underlying document on which the information requested will be set out:

- (1) The name of the limited partnership;
- (2) The address of the office where records under RCW 25.10.040(1) are to be kept;
- (3) For service of process, the registered agent's name and address;
- (4) The page or pages of the underlying document whereon the name(s) and the geographical and mailing addresses of each general partner appear;
- (5) The latest date upon which the partnership is to dissolve; and
- (6) The page or pages on which executing signatures are located.

The index sheet may be, but is not required to be, submitted in duplicate.

[Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-030, 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), § 434-55-030, filed 10/6/82.]

WAC 434-55-035 Repealed. See Disposition Table at beginning of this chapter.

WAC 434-55-040 Execution of documents, duplicate originals and reproduction quality. (1) At any time that the statute requires a limited partnership document filing with the secretary of state to be in duplicate form, the secretary of state will accept the following:

- (a) Two original copies, each with original signatures; or
- (b) Two original copies, one with original signatures and one with true and correct copies of the original signatures; or
- (c) One original with original signatures and a true and correct photocopy thereof.

In the case of duplicate originals submitted with only one original and one copy thereof, the secretary of state will retain as its official file copy the certificate or document with original signatures and will return to the limited partnership for its records the document version bearing copied signatures.

(2)(a) Certificates for domestic limited partnerships shall be executed as provided in RCW 25.10.110.

(b) Filings for foreign limited partnerships must be signed and sworn to by at least one general partner of the foreign limited partnership. The secretary of state will accept as a "sworn" document an application or amendment witnessed or attested to by an appropriate notary or official of the foreign limited partnership's home state, or a statement that the signature of the general partner is executed under penalties of perjury, and is, to the best of his or her knowledge, true and correct.

(3) All documents presented to the secretary of state for filing under the limited partnership act shall be of no larger size than standard legal paper (8-1/2 x 14). The materials shall be submitted in form and quality which is suitable for future microfilming or reproduction by a similar photographic process. The secretary of state will not accept documents for filing which are not typed, or with illegible text.

[Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-040, 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), § 434-55-040, filed 10/6/82.]

WAC 434-55-055 Pre-October 1, 1982, limited partnership filings. (1) Except as otherwise provided by law or these regulations, limited partnership filings originally made at the respective county clerks' offices before October 1, 1982, shall be deemed to be filings at the secretary of state's office, and shall continue in full force and effect as when previously filed at the respective county clerks' offices.

(2) Pre-October 1, 1982, conflicts between limited partnership names in the separate 39 counties' files, between filings in the same county, and between pre-October 1, 1982, limited partnership filings and active corporation filings since 1889 render a satisfactory integration of pre-October 1, 1982, limited partnership filings into the corporate name protection system impossible. Except as provided below, the secretary of state will therefore not consider or research the name of any pre-October 1, 1982, limited partnership in determining whether a proposed name for a post-October 1, 1982, limited partnership is acceptable under RCW 25.10.020. The post-October 1, 1982, name will be checked as against other post-October limited partnership names and the names of active profit and nonprofit corporations registered at the office of the secretary of state.

Nothing in this section is intended to limit any judicial remedies which may be available to a pre-October 1, 1982, limited partnership for protection of its business name. In addition, if the probable existence of a name conflict between (a) a specific pre-October 1, 1982, limited partnership, and (b) a post-October 1, 1982, limited partnership filing that would have been filed in that same county if the centralized system had not been established, is brought to the attention of the secretary of state, the secretary of state may determine that an unacceptable conflict exists and/or would be perpetuated if the proposed name of the post-October 1, 1982,

limited partnership were accepted. Under those circumstances, the secretary of state may refuse to accept the proposed name without modification, or without consent of the existing pre-October 1, 1982, limited partnership, sufficient to comply with RCW 25.10.020.

(3) Pre-October 1, 1982, limited partnerships are not prohibited from "refiling" under chapter 25.10 RCW. Such optional "refiling" is accomplished by submitting a regular certificate/application as outlined in chapter 25.10 RCW. However, a "refiling" limited partnership is not guaranteed the use of its pre-October 1, 1982, name.

[Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-055, 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), § 434-55-055, filed 10/6/82.]

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: \$175.00 with index sheet, \$225.00 without index sheet
- (2) Filing an application for registration of a foreign limited partnership: \$175.00
- (3) Filing a certificate of dissolution: 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: \$25.00
- (6) Filing a certificate of restatement: \$25.00
- (7) Filing an application to reserve or transfer a limited partnership name: \$10.00
- (8) Filing any other statement or report required by the Limited Partnership Act: \$10.00
- (9) Furnishing a certified copy of any certificate of limited partnership or of any other document or instrument relating to a limited partnership: \$5.00 plus \$.20 per page copied
- (10) Furnishing a certificate, under seal, attesting to the fact that a limited partnership is on file with the office of the secretary of state, or to facts on record in a particular limited partnership file: \$5.00
- (11) Furnishing copies of any document, instrument, or paper relating to a limited partnership: \$1.00 first page. \$.20 each page thereafter
- (12) Service of process on the office of the secretary of state as agent of a limited partnership: \$25.00

[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.]

**Title 440 WAC
SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF
(GENERAL PROVISIONS)**

**Chapter
440-44 Fees.**

**Chapter 440-44 WAC
FEES**

WAC	
440-44-030	Certificate of need review fees.
440-44-040	Medical facilities and boarding homes licensing fees.
440-44-045	Wastewater disposal system project and related review fees.
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440-44-076	Health and sanitation survey fee for community colleges, ferries, and other state of Washington institutions and facilities.
440-44-095	Vital records fees.
440-44-100	Labor camp health and sanitation permit and survey fees.

WAC 440-44-030 Certificate of need review fees.

(1) An application for a certificate of need under chapter 248-19 WAC shall include payment of a fee consisting of the following:

- (a) An application processing fee in the amount of seven hundred fifty dollars which shall not be refundable,
- (b) A review fee based on the project description and the total capital expenditure except as provided until October 5, 1987, in subsection (1)(d).

Project Description	Capital Expenditure Range	Review Fee
Additional end-stage renal dialysis facility stations	\$ 0- \$ 100,000	\$ 3,600
	100,001 - 250,000	4,800
	250,001 or more	6,400
Additional major medical equipment	Exp. min.- 1,500,000	5,600
	1,500,001 or more	8,100
Administrative or emergency review	0- 250,000	4,500
	250,001 or more	6,800
Amendment to a certificate of need	0- 250,000	4,500
	250,001 - 2,000,000	6,800
	2,000,001 or more	11,200
Bed addition of less than 10 beds	0- 100,000	3,600
	100,001 - 5,000,000	4,800
	5,000,001 or more	6,400
Bed addition of 10 beds or more	0- 500,000	6,800
	500,001 - 5,000,000	10,000
	5,000,001 or more	13,200
Bed redistribution or bed relocation	0- 100,000	5,900
	100,001 - 2,000,000	8,900
	2,000,001 or more	11,100
Capital expenditure over the minimum expenditure	Exp. min.- 5,000,000	6,400
	5,000,001 - 10,000,000	8,100
	10,000,001 or more	11,400