

# Title 434 WAC

## SECRETARY OF STATE

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### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

#### Chapter 434-16

#### FILING UNDER UNIFORM COMMERCIAL CODE

- 434-16-010 Authority and purpose. [Regulation 1, § 1, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-010.
- 434-16-020 Applicable statute. [Regulation 1, § 2, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-020.
- 434-16-030 Definitions. [Regulation 1, § 3, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-030.
- 434-16-040 Standard forms. [Regulation 1, § 4, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed

- 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-040, 308-400-044, 308-400-046, and 308-400-048.
- 434-16-050 Official approval of forms. [Regulation 1, § 5, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-050.
- 434-16-060 Rejection of filings. [Regulation 1, § 6, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-060.
- 434-16-070 Prefiled financing statements. [Regulation 1, § 7, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2.
- 434-16-080 Request for information or copies. [Regulation 1, § 8, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-070.
- 434-16-090 Amendment fees. [Regulation 1, § 9, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-090.

### Chapter 434-04 WAC

#### USE OF THE STATE SEAL

#### WAC

- 434-04-010 Authority and purpose.
- 434-04-015 Definitions.
- 434-04-017 Description of seal for use on state flags.
- 434-04-020 General permitted uses.
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- 434-04-040 General prohibitions.
- 434-04-050 Application process.
- 434-04-060 Approval and denial of use--Applications.
- 434-04-070 Nonexclusive licensing agreement--Contents.
- 434-04-075 Renewal of licensing agreement.
- 434-04-080 Revocation of use.
- 434-04-090 Uses exempt from application process.

**WAC 434-04-010 Authority and purpose.** These rules are adopted under authority of chapter 43.04 RCW to provide for the efficient authorization of the use of the state seal.

[Statutory Authority: RCW 43.04.040(4), 89-20-031, § 434-04-010, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-015 Definitions.** When used in this chapter, unless the context clearly indicates otherwise:

(1) "Secretary" is the secretary of state and his or her designee;

(2) "State seal" or "seal" is the seal of the state of Washington, used in any form (embossed, displayed, printed, physical representation or any other reproduction) as described in RCW 1.20.080 and in WA. Const., Article XVIII, Section 1, or the seal as used on the state flag according to specifications detailed in WAC 434-04-017, or the seal produced by the seal making device

designed and created by the Talcott brothers of Olympia in 1889, unless context indicates otherwise;

(3) "Person" is any public or private corporation, individual, partnership, association, or other entity and includes any officer or governing or managing body thereof;

(4) "State agency" is, for the purpose of this chapter, any office, department, board, commission, or other separate unit or division, however designated, of the state government together with all personnel thereof:

(a) Upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature; and

(b) That has as its chief executive officer a person or combination of persons such as a commission, board, or council, by law empowered to operate it, responsible either to

- (i) No public officer or
- (ii) The governor.

(5) "State elected official" is a member of the House of Representatives, Senate, Supreme Court, Court of Appeals and the Governor, Auditor, Secretary of State, Treasurer, Commissioner of Public Lands, Superintendent of Public Instruction, Insurance Commissioner, Lieutenant Governor, and Attorney General of the state of Washington and their designees;

(6) "Educational use" means the primary use of an item containing the state seal as an educational tool;

(7) "Commercial use" and "commercially distributed" means a use of items containing the seal that will be distributed for sale. This shall not include those items to be used for official state business.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-015, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-017 Description of seal for use on state flags.** (1) Each flag shall have official identical seals, one on each side of the flag, and so placed that the center of each seal shall be centered on each side of the flag. The seal may have a serrated edge;

(2) The size of the seal to be used shall be in proportion to the size of the flag as follows:

Flag Size:	Diameter of State Seal:
3' x 5' .....	19"
4' x 6' .....	25"
5' x 8' .....	31"

In all the other instances, the ratio of the seal diameter to the length of the flag shall be 1:3;

(3) The following color references by cable number are those colors in the Standard Color Card of America, Ninth Edition (second issue) of the Textile Color Card Association of the United States, Inc., New York, New York:

- (a) Flag background – Irish green, cable #70, 168;
- (b) State seal background – Oriental blue, cable #70, 209;
- (c) State seal (portrait, lettering, outer and inner rings) – black;

(d) Gold used in state seal and fringe (if any) – nugget gold, cable #70, 215;

(e) Face of George Washington – PMS – 169 (flesh tint).

(4) All colors shall be of color fast washable dyes.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-017, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-020 General permitted uses.** (1) Use of the state seal shall be permitted without the written authorization of the secretary in the following circumstances:

(a) Use and display of the seal by state agencies and state elected officials in connection with official state business. However, no state agency nor state elected official other than the secretary shall have authority to permit a contractor or other entity associated with a state agency or state elected official to use the seal for commercial purposes;

(b) Use of the seal for illustrative purposes by the news media for a publication or broadcast or for a characterization used in a political cartoon;

(c) Use of the seal on the state flag.

(2) Other uses of the seal shall require written authorization from the secretary.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-020, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-030 Permitted uses of the embossed seal.** Use of the embossed seal shall be used only on, unless otherwise provided by statute:

(1) Sample impressions of the seal provided by the office of the secretary of state;

(2) Official documents which are authorized and/or required by statute;

(3) Other historic, civic, commemorative or educational uses, provided that the secretary's signature appears thereon.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-030, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-040 General prohibitions.** The seal shall never be used:

(1) In any advertising or other promotion for a business, organization, product, article or service, except as provided by license;

(2) In a manner which, in the judgement of the secretary, could mislead the public to believe that a business, organization, product, article or service carries official state sanction or state approval;

(3) In a political campaign to assist or defeat a candidate;

(4) In a manner which is deceptively similar in appearance to the seal;

(5) On wearing apparel including, but not limited to, hats, shirts, sweaters, jackets, shorts, sweatpants and socks, except:

(a) By state agencies and state elected officials in connection with official state business;

(b) As approved by the secretary for civic purposes such as by organizations officially representing the state.

(6) In a manner such that any mark, insignia, letter, word, figure, design, picture, or drawing of any nature is placed upon it or on any part of it;

(7) In any gambling activity except:

(a) When an item is to be used in a raffle which is approved and conducted in accordance with chapter 9.46 RCW and the use is approved under WAC 434-04-040; or

(b) When an item is to be used for official state business.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-040, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-050 Application process.** (1) A person requesting authorization for use of the seal shall supply the following information to the secretary:

(a) A detailed description of the item to be manufactured or displayed including:

(i) A description of the material with which it will be made;

(ii) The manner in which the seal is to be displayed on the item;

(b) A detailed description of proposed use, including: Manner, purpose, and place of use, whether it is primarily an educational item, the manner of distribution of the item and the manner in which the item is to be advertised or promoted;

(c) A sample, photograph, or detailed sketch of the item.

(2) The application fee shall be ten dollars for items to be commercially distributed. The application fee shall be waived for noncommercial uses.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-050, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-060 Approval and denial of use--Applications.** (1) In determining whether to grant authorization for use of the seal, the secretary shall consider the information provided by the applicant and shall apply the following standards:

(a) Whether the appearance of the seal on the product could mislead the public to believe that the product carries official state sanction or approval;

(b) Whether the use of the seal would tend to mislead the public into believing that a person, meeting, project or event carries official state sanction or approval;

(c) Whether the dignity of the seal will be compromised if approval is granted;

(d) Whether the use of the seal is prohibited as otherwise stated in this chapter and in chapter 43.04 RCW.

(2) A written letter of approval or denial from the secretary shall be sent through first-class mail;

(3) Approval shall be in the form of a nontransferable letter of authority. The letter shall set forth, at a minimum, provisions which stipulate:

(a) The limitation on the manufacture, manner of use, display and other employment;

(b) That the seal may not be used or be construed to be operated in any way as an endorsement by the state of Washington;

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(c) That the state, in granting authority to use the seal, does not assume any liability in connection with the use of the seal.

(4) As condition to the letter of authority, applicants for commercial use of the seal shall execute a renewable, nonexclusive licensing agreement. Educational uses of the seal which are to be commercially distributed shall not be subject to a licensing agreement.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-060, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-070 Nonexclusive licensing agreement--Contents.** A license agreement issued by authority of this chapter shall contain provisions including, but not limited to, the following:

(1) The agreement shall be nonexclusive;

(2) Any unit manufactured or sold during the term of the agreement shall be subject to a royalty payment. No unit may be sold or manufactured except during the term of the agreement;

(3) The term of the agreement shall be a period of not more than one year, commencing on the day the agreement is executed. At the time the agreement is executed, the applicant shall choose as an ending date either:

(a) One year from the date the agreement is executed; or

(b) The first day of the applicant's next financial year following the date the agreement is executed.

(4) The due date of the royalty payment shall be thirty days after the ending date of the agreement;

(5) At the discretion of the secretary, the royalty shall equal one dollar per unit manufactured or 5% of the gross receipts. The royalty shall accrue and be payable on or before the due date;

(6) The applicant shall provide, prior to commencing distribution, an actual production sample to the secretary;

(7) The applicant shall have the option to request renewal of the licensing agreement. The license agreement shall contain the procedure for exercising the option to renew;

(8) The secretary shall have the right to inspect production and financial records relating to the use of the seal;

(9) Any guidelines or limitations regarding the advertising or promotion of the item shall be stated.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-070, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-075 Renewal of licensing agreement.**

(1) An applicant may request to renew a licensing agreement without regard to whether the agreement has or has not been previously renewed. A request for renewal shall be in writing and shall be postmarked or received by the secretary on or before the last day of the agreement;

(2) A request for renewal which is received as stipulated by this section shall cause the agreement to be extended for a period of one year, provided that:

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(a) The royalty is paid in full on or before the due date; and

(b) No changes in the use or the item occur.

(3) If a request for renewal is not properly submitted and received, the license agreement shall terminate on the last day of the term of the agreement and future use of the seal by the applicant shall be subject to the application process.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-075, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-080 Revocation of use.** The secretary may revoke any approval if the secretary determines that false or inaccurate information was submitted in the application or that any laws, rules, regulations or conditions have been violated.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-080, filed 9/29/89, effective 10/30/89.]

**WAC 434-04-090 Uses exempt from application process.** Uses of the seal which received written authorization from the secretary before September 1, 1989 shall continue to be authorized provided that:

(1) No changes in the use or in the item occur. Any changes must be approved through the application process; and

(2) The use is not commercial.

[Statutory Authority: RCW 43.04.040(4). 89-20-031, § 434-04-090, filed 9/29/89, effective 10/30/89.]

## Chapter 434-08 WAC ELECTIONS

### WAC

434-08-010	Advisory election upon contemplation of classification advancement.
434-08-020	Remedial steps—Third class city under mayor-council government.
434-08-030	Determination of original terms of councilmen—Second, third, or fourth class city or town.
434-08-040	Appointment of clerks.
434-08-050	Restrictions on write-in or sticker votes.

**WAC 434-08-010 Advisory election upon contemplation of classification advancement.** Any second or third class city contemplating advancement to the rank of first class city under charter government, may hold a preliminary advisory election to determine the wishes of the electorate concerning the advancement of classification under the following qualifications:

(1) Such preliminary advisory election must be held on the day of a regular city primary or city general election.

(2) The resulting votes on said question shall be advisory only and not binding upon the governing body of said city.

[Regulation 1, filed 3/24/60.]

**WAC 434-08-020 Remedial steps—Third class city under mayor-council government.** Whenever any third class city operating under the mayor-council form of government shall inadvertently advise candidates subject

to a city primary that four councilmanic positions are to be filled, each for a four year term, when by law only three councilmanic positions are to be filled for a four year term and the fourth position is to be filled for a two year term and the filing period is closed, then the following remedial steps shall be taken:

(1) The city clerk shall cause all names of candidates to appear in alphabetical sequence on the city primary ballot under the heading "councilman" (vote for four). No term of office shall be designated on the ballot.

(2) After the primary has been held, the city clerk shall cause the names of the eight candidates receiving the most votes at the city primary to appear on the city general election ballot in order of most votes received. The position designation shall be the same as appeared on the city primary ballot.

(3) The votes cast for candidates at the city general election shall be interpreted as follows:

(a) The three candidates receiving the greatest number of votes shall be assigned each a term of four years.

(b) The candidate ranked fourth in order of votes received shall be assigned a term of two years and said position shall be designated at all future elections as "councilman-at-large."

(c) In the event two or more candidates receive the same number of votes for the fourth position, then said tie shall be determined by lot.

[Regulation 2, filed 3/24/60.]

**WAC 434-08-030 Determination of original terms of councilmen—Second, third, or fourth class city or town.** When any second, third or fourth class city (or town) newly organized under the mayor-council or council-manager forms of government shall hold its first regular election subsequent to its organization election, the staggering of the original terms of councilmen shall be determined as follows:

(1) **Second class city (mayor-council):** Of the twelve councilmen elected, the six councilmen receiving the greatest number of votes shall be assigned four year terms while the remaining six councilmen shall be assigned two year terms. Thereafter, at all subsequent regular elections, the terms of all councilmen shall be set as four years.

(2) **Third class city (mayor-council):** Of the seven councilmen elected, the three councilmen receiving the greatest number of votes shall be assigned terms of four years while the remaining four councilmen shall be assigned terms of two years. Thereafter, at all subsequent regular elections, the terms of all councilmen shall be set as four years, except the position of councilman-at-large which shall remain at two years.

(3) **Fourth class city (or town) (mayor-council):** Of the five councilmen elected, the three councilmen receiving the greatest number of votes shall be assigned terms of four years while the remaining two councilmen shall be assigned terms of two years. Thereafter, at all subsequent regular elections, the terms of all councilmen shall be set as four years.

(4) **Second, third and fourth class cities organized under the council-manager plan:** The staggering of terms of

councilmen shall be as set forth by RCW 35.18.020 (relating to existing cities adopting council-manager plan).

[Regulation 3, filed 3/24/60.]

**WAC 434-08-040 Appointment of clerks.** In each precinct containing one hundred or more registered voters and wherein paper ballots alone are voted, the inspector and judges, before the opening of the polls, shall appoint two registered voters to act as clerks: *Provided, however, That:*

(1) The election officer (county auditor, city, town or district clerk, as the case may be) having jurisdiction of the election concerned, may designate at what hour the clerks shall report for duty.

(2) Said hour of start of duty for the clerks may vary among the precincts according to the discretion of the election officer having jurisdiction.

[Regulation 4, filed 3/24/60.]

**WAC 434-08-050 Restrictions on write-in or sticker votes.** No write-in or sticker vote cast on a partisan office at any primary or election shall be valid or counted unless the voter has restricted his choice to one of the political parties appearing upon said ballot.

In other words, the voter may write in names of candidates who do not appear upon the ballot, but not names of political parties.

[Regulation 5, filed 3/24/60.]

**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.
434-09-020	Definitions.
434-09-030	Qualification requirements.
434-09-040	Transmitting and compiling the data file of records of registered voters.
434-09-050	Conducting the selection of names by lot.
434-09-060	Notifying persons selected by lot.
434-09-070	Determination of commission appointees from congressional districts.
434-09-080	Names of selected persons to governor.
434-09-090	Vacancy on the commission.

**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

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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.

(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 434-12 WAC TRADEMARKS

### WAC

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434-12-210	Rules of evidence.
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434-12-230	Form and content of decision.

**WAC 434-12-010 Authority and purpose.** These rules are adopted under authority of RCW 34.04.020 to govern procedure in trademark cancellation proceedings before the secretary of state under RCW 19.77.100.

[Regulation 1, § 1, filed 2/15/66.]

**WAC 434-12-020 Applicable statute.** All trademark cancellation proceedings shall comply fully with RCW 19.77.100, and this regulation shall be considered a supplement to and not a replacement for that statute.

[Regulation 1, § 2, filed 2/15/66.]

**WAC 434-12-030 Definitions.** As used in this regulation:

(1) "Secretary" means the secretary of state, assistant secretary of state, deputy secretary of state, or any other person commissioned by the secretary of state to act on his behalf in a trademark case.

(2) "Trademark case" means a trademark cancellation proceeding brought under RCW 19.77.100.

(3) "Person" includes groups of persons, corporations, cooperatives, business trusts and all other entities capable of holding title to property.

[Regulation 1, § 3, filed 2/15/66.]

**WAC 434-12-040 Form of papers.** All petitions, answers, and other papers prepared for filing in a trademark case shall be typewritten on letter-sized (8 1/2 x 11 inch) paper. The first page of each paper shall contain a caption as provided in WAC 434-12-050.

[Regulation 1, § 4, filed 2/15/66.]

**WAC 434-12-050 Caption.** Captions on papers filed in trademark cases shall contain the words "BEFORE THE SECRETARY OF STATE OF THE STATE OF WASHINGTON"; the name of the petitioner; the name of the registrant of the trademark registration sought to be cancelled; the name of the trademark registration sought to be cancelled; the file number of the trademark registration, if known; and a designation of the nature of the paper. The caption shall be in substantially the following form:

BEFORE THE SECRETARY OF STATE OF THE  
STATE OF WASHINGTON

JOHN DOE,  <div style="text-align: center;">Petitioner,</div>  <div style="text-align: center;">vs.</div>  ROE TRADING CO., INC.,  <div style="text-align: center;">Registrant of ZBFC as a Trademark.</div>	}	Trademark File  No.-----  (Title of paper)
--	---	--

[Regulation 1, § 5, filed 2/15/66.]

**WAC 434-12-060 Signing papers.** (1) Every paper offered for filing must be signed by the party offering it, or his attorney, and shall clearly show the address to which all notices, motions or responses shall be sent.

(2) Every paper of a party represented by an attorney shall be signed by at least one attorney of record in his individual name, whose address shall be stated.

(3) The signature of a party or attorney constitutes a certificate by him that he has read the paper; that to the best of his knowledge, information and belief, there is good ground to support it; and that it is not interposed for delay. If a paper is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken and the case may proceed as if the paper had not been filed.

[Regulation 1, § 6, filed 2/15/66.]

**WAC 434-12-070 Verification.** Petitions, answers, and statements of further facts (pertinent to issues raised by the answer), in addition to being signed, shall be verified before a notary public or other officer authorized to administer oaths. The form of verification shall be substantially as follows:

STATE OF WASHINGTON	}	ss
COUNTY OF -----		

(1990 Ed.)

JOHN DOE, being first duly sworn, on oath deposes and says:

I am the petitioner in this case. I have read the foregoing petition and know its contents, and I believe that the statements in it are true.

-----  
(Signature)

SUBSCRIBED AND SWORN to before me this ---- day of ----- 19--

(SEAL)

-----  
NOTARY PUBLIC in and for  
the state of Washington,  
residing at -----

[Regulation 1, § 7, filed 2/15/66.]

**WAC 434-12-080 Computation of time.** In computing any period of time prescribed or allowed by these rules, by order of the secretary, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

[Regulation 1, § 8, filed 2/15/66.]

**WAC 434-12-090 Appearance and practice before secretary.** (1) No person other than the following may appear in a representative capacity before the secretary:

(a) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(b) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by Washington law;

(c) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

(2) No former employee of the secretary or member of the attorney general's staff may at any time after severing his employment with the secretary or the attorney general, appear in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part.

[Regulation 1, § 9, filed 2/15/66.]

**WAC 434-12-100 Service of process.** (1) The secretary shall cause to be served all orders, notices and other papers issued by him, together with any other papers which he is required by law to serve. Every other paper shall be served by the party filing it.

(2) All papers shall be served upon all counsel of record at the time of filing and upon all parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

(3) Service of papers shall be made personally or by first class, registered, or certified mail; or by telegraph.

(4) Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail postage fully prepaid and properly addressed; by telegraph, when deposited with a telegraph company properly addressed and with toll charges fully prepaid.

(5) Papers required to be filed with the secretary shall be deemed filed upon actual receipt by the secretary at Olympia accompanied by proof of service upon parties required to be served.

[Regulation 1, § 10, filed 2/15/66.]

**WAC 434-12-110 Joinder, consolidation.** (1) No petition shall request cancellation of more than one trademark.

(2) On his own motion or on motion of a party, the secretary may in his discretion order that two or more trademark cases be consolidated for hearing.

[Regulation 1, § 11, filed 2/15/66.]

**WAC 434-12-120 Withdrawal of petition.** A petition for cancellation may be withdrawn without prejudice before the answer is filed. After answer is filed the petition may only be withdrawn without prejudice with the consent of registrant.

[Regulation 1, § 12, filed 2/15/66.]

**WAC 434-12-130 Notice of hearing.** The notice of hearing shall state:

- (1) The date, time and place of hearing;
- (2) The name of the hearing examiner;
- (3) The issues to be considered;
- (4) The fact that the hearing will be conducted in accordance with the Administrative Procedure Act, chapter 34.04 RCW, and these rules; and

(5) Such other information as the secretary deems necessary or helpful.

[Regulation 1, § 13, filed 2/15/66.]

**WAC 434-12-140 Hearing examiner.** (1) The hearing examiner shall be the secretary of state, assistant secretary of state, deputy secretary of state, or any other person commissioned by the secretary to serve as hearing examiner in a particular case.

(2) When the designated hearing examiner is a person other than the secretary of state, assistant secretary of state or deputy secretary of state, the petitioner or the registrant may, within seven days after the notice of hearing identifying the examiner is served, give notice in writing that the designated person is unacceptable to him. If such a notice is filed, the secretary of state will

designate himself, or the assistant secretary of state or deputy secretary of state to serve in place of the hearing examiner who was originally designated.

(3) When the designated hearing examiner is a person other than the secretary of state, assistant secretary of state or deputy secretary of state, he shall make a proposal for decision, in accordance with RCW 34.04.110 and WAC 434-12-230. The final decision shall be rendered by the secretary of state, assistant secretary of state or deputy secretary of state after an opportunity has been afforded each party adversely affected to file exceptions and present written argument, and, if so ordered, oral argument, as is provided in RCW 34.04.110.

[Regulation 1, § 14, filed 2/15/66.]

**WAC 434-12-150 Motions.** (1) Issues of law may be raised in the petition, answer, or statement of further facts (pertinent to the issues raised by the answer) or they may be raised at any time by motion.

(2) Motions, except those made during the hearing, shall be in writing and shall be accompanied by a brief written memorandum of points and authorities urged in support of the motion.

(3) When a written motion is filed, the secretary shall by order either:

(a) State that the motion will be ruled on at the hearing, or

(b) Rule on the motion, after giving parties other than the moving party (whose memorandum must be submitted with his motion) the opportunity to submit written argument. If the secretary decides to rule on the motion at a time other than the hearing, he may also, in his discretion, order that oral argument will be heard.

[Regulation 1, § 15, filed 2/15/66.]

**WAC 434-12-160 Discovery.** (1) Discovery may be practiced as provided in rules of pleading, practice and procedure (superior court) numbers 26 through 36. Whenever the superior court discovery rules refer to "the court," the reference shall be deemed to be to the secretary, when the discovery is being practiced in a trademark case.

(2) If any party or an officer or managing agent of a party refuses to make discovery after being ordered by the secretary to do so, the secretary may make such orders in regard to the refusal as are just, and among others the following:

(a) An order that the matters regarding which the questions were asked shall be taken to be established for purposes of the trademark case in accordance with the claim of the party obtaining the order.

(b) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony, or from introducing evidence of physical or mental condition.

(c) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the trademark case or any part of it, or cancelling the trademark registration.



(d) Any party may sue in superior court for a judgment ordering compliance with a discovery order issued by the secretary.

[Regulation 1, § 16, filed 2/15/66.]

**WAC 434-12-170 Subpoenas.** (1) Upon application of any party or his counsel, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence.

(2) The subpoena power of the secretary shall extend throughout the state of Washington.

(3) Service of subpoenas shall be made by delivering a copy of the subpoena to the person subpoenaed, or by leaving a copy at the place of his usual abode with some person of suitable age and discretion then resident therein, and by tendering him on demand the same fees which a court of record would allow under RCW 5.56.010 for attendance as a witness, for traveling to and returning from the place where he is required to attend, and for meals and lodging, if allowed by the secretary in the same manner as amounts for meals and lodging may be allowed by a judge under RCW 5.56.010.

(4) The fees, mileage and expenses of witnesses summoned before the secretary shall be paid by the party at whose instance they appear.

(5) Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, the person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the secretary or the officer before whom the witness is required to testify or produce evidence. Failure to make proof of service does not affect the validity of the service.

(6) Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the secretary may:

(a) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue; or

(b) Condition denial of the motion upon just and reasonable conditions.

[Regulation 1, § 17, filed 2/15/66.]

**WAC 434-12-180 Prehearing conference.** (1) The secretary on his own motion, or on motion of a party, may in his discretion direct the parties or their representatives to appear at a specified time and place for a conference to consider:

(a) The simplification of the issues;

(b) The necessity of amendments to the pleadings;

(c) The possibility of obtaining stipulations and admissions of fact or of the genuineness of documents, which will avoid unnecessary proof;

(d) Limiting the number of expert witnesses; or

(e) Such other matters as may aid in the disposition of the trademark case.

(2) The secretary shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the

parties or their representatives as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admissions or agreements. The order shall control the subsequent course of the trademark case unless modified for good cause by subsequent order.

[Regulation 1, § 18, filed 2/15/66.]

**WAC 434-12-190 Intervention.** The secretary in his discretion may permit a person other than the petitioner and registrant to intervene in a trademark case.

[Regulation 1, § 19, filed 2/15/66.]

**WAC 434-12-200 Hearings are public.** Hearings shall be open to the public, subject to such reasonable regulations as the hearing officer shall prescribe.

[Regulation 1, § 20, filed 2/15/66.]

**WAC 434-12-210 Rules of evidence.** (1) Evidence shall be received in accordance with RCW 34.04.100. All relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness.

(2) When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. A party objecting to the introduction of evidence shall state the precise grounds for objection promptly following the time such evidence is offered.

[Regulation 1, § 21, filed 2/15/66.]

**WAC 434-12-220 Record.** The secretary shall make a record of the hearing in the manner provided in RCW 34.04.090. In addition, any party is free to make his own record, if he so desires.

[Regulation 1, § 22, filed 2/15/66.]

**WAC 434-12-230 Form and content of decision.** Every decision and order, whether proposed, initial, or final, shall:

(1) Be captioned as provided in WAC 434-12-050;

(2) Designate all parties and counsel attending the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate findings of fact, when issues of fact have been determined, and conclusions of law, when issues of law have been determined.

[Regulation 1, § 23, filed 2/15/66.]

## Chapter 434-12A WAC

### PUBLIC RECORDS AND RULES OF PROCEDURE

WAC

434-12A-010 Purpose.

434-12A-020 Definitions.

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434-12A-040	Public records available.
434-12A-050	Office hours.
434-12A-060	Public records officer.
434-12A-070	Protection of public records.
434-12A-080	Records index.
434-12A-090	Requests for public records.
434-12A-100	Inspection and copying.
434-12A-110	Exemptions, deletions, and denials.
434-12A-120	Review of denials of public records request.
434-12A-130	Adoption of standard request form.
434-12A-140	Communications and submissions relating to public records.
434-12A-150	Revolving fund.
434-12A-990	Appendix A—Form—Organization chart.
434-12A-99001	Appendix B—Form—Request for public record.

**WAC 434-12A-010 Purpose.** The purpose of this chapter shall be to provide an official public record of the information required by RCW 42.17.250 to be adopted by the office of the secretary of state.

[Order 74-2, § 434-12A-010, filed 2/19/74.]

**WAC 434-12A-020 Definitions.** (1) "Public record" includes any writing containing information relating to the conduct or performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency, regardless of physical form or characteristics.

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

[Order 74-2, § 434-12A-020, filed 2/19/74.]

**WAC 434-12A-030 Description of the organization of the office of the secretary of state.** (1) The secretary of state's major activities are to:

(a) Serve as chief election officer under the provisions of RCW 29.04.070;

(b) Register and license all domestic and foreign, profit and nonprofit corporations, and record related filings;

(c) Act as repository for filings required or permitted under the Uniform Commercial Code;

(d) Register and attest to the official acts of the legislature and the governor;

(e) Affix the state seal and attest to commissions, pardons, and other public instruments to which the signature of the governor is required;

(f) Record conveyances made to the state, certified copies of franchises, or other papers filed in the office;

(g) Receive and file official bonds of those officers required by law to submit them to the secretary of state;

(h) Certify to the legislature all matters required by the law to be certified;

(i) Attest to and authenticate certificates and other documents issued by the secretary of state's office;

(j) Serve as an agent for official communications to the public disclosure commission and provide certain administrative services to that agency.

(2) The offices of the secretary of state and their staff are located at:

(a) Main Administrative Office, Legislative Building, Olympia.

(b) Corporations Division, Legislative Building, Olympia.

(c) Uniform Commercial Code Section, Insurance Building, Olympia.

(d) Elections Division, Insurance Building, Olympia.

(3) The organizational chart, attached hereto as Appendix A, illustrates the general structure and organization of the staff of the secretary of state.

[Order 74-2, § 434-12A-030, filed 2/19/74.]

**WAC 434-12A-040 Public records available.** All public records of the office as defined in WAC 434-12-020(1) are deemed to be available for public inspection and copying pursuant to these rules except as provided by RCW 42.17.310 and WAC 434-12-110.

[Order 74-2, § 434-12A-040, filed 2/19/74.]

**WAC 434-12A-050 Office hours.** Public records shall be available for inspection and copying at all divisional offices of the secretary of state during its customary office hours. For the purpose of this chapter, the customary office hours shall be from 8:00 a.m. to noon, and from 1:00 p.m. to 5:00 p.m. Monday through Friday, excluding legal holidays.

[Order 74-2, § 434-12A-050, filed 2/19/74.]

**WAC 434-12A-060 Public records officer.** (1) A public records officer shall be located in each division of the office.

(a) In the main administrative office, the public records officer shall be the administrative assistant or his designee.

(b) In the corporations division the public records officer shall be the corporations supervisor or his designee.

(c) In the elections division the public records officer shall be the elections supervisor or his designee.

(d) In the Uniform Commercial Code section the public records officer shall be the clerical supervisor of the section or his designee.

(2) The public records officers shall be responsible for the implementation of the office rules and regulations regarding release of public records, preparation and maintenance of the indices to public records of his division or section, and coordination of the staff of the division or section in this regard.

[Order 74-2, § 434-12A-060, filed 2/19/74.]

**WAC 434-12A-070 Protection of public records.** The public records officer shall:

(1) Implement whatever procedures are necessary to assure the retention and integrity of the secretary of state's records.

(2) Establish reasonable measures to provide that the secretary of state's records are not lost, stolen, altered, defaced, or destroyed when such records are made available for inspection and/or copying.

(3) Records of the office of the secretary of state made available for inspection or copying pursuant to these rules, shall not be removed from the divisional offices of the secretary of state.

[Order 74-2, § 434-12A-070, filed 2/19/74.]

**WAC 434-12A-080 Records index.** (1) Index. The secretary of state's office will compile, maintain, and make available to all persons so requesting, a current index which provides identifying information as to the following records issued, adopted, or promulgated after June 30, 1972:

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

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

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

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

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others.

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

(2) Availability. The current index, as and when compiled by the office of the secretary of state, shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 74-2, § 434-12A-080, filed 2/19/74.]

**WAC 434-12A-090 Requests for public records.** Chapter 42.17 RCW requires that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency. Public records may be inspected or copies of public records obtained by the public at each divisional office of the secretary of state upon compliance with the following procedures:

(1) A request shall be made in writing. A request form, prescribed by the secretary of state, shall be available at each divisional office. The written request or prescribed form shall be submitted or presented to a public records officer, or to any member of the office staff, if a public records officer is not available, at any

divisional office of the secretary of state during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the records;

(b) The time of the day, and calendar date, on which the request was received;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index, maintained by the records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Order 74-2, § 434-12A-090, filed 2/19/74.]

**WAC 434-12A-100 Inspection and copying.** (1) No fee shall be charged for the personal inspection of public records.

(2) Where an individual requests a copy, or a certified copy, of a document or instrument which is not a public record, as that term is defined by RCW 42.17.020(24) and WAC 434-12-020(1), the office of the secretary of state shall charge a fee of:

(a) Fifty cents per page for the first ten pages and twenty-five cents per page thereafter for providing copies of corporation records;

(b) Five dollars per document for certified copies of profit corporation records;

(c) Two dollars plus fifty cents per page for certified copies of nonprofit corporation records;

(d) Four dollars for copies of statements listed to an individual debtor from Uniform Commercial Code records;

(e) Fifty cents per page for the first ten pages, and twenty-five cents per page for each additional page for a copy of any law, resolution, record or other document filed in the office of the secretary of state.

(3) Where an individual requests a copy of a document or record which is a public record, as that term is defined by RCW 42.17.020(24) and WAC 434-12-020(1), and which has been filed with the office of the secretary of state pursuant to a specific statutory requirement to file such documents, the office of the secretary of state shall charge fifty cents per page for the first ten pages and twenty-five cents per page for each additional page of such document or record.

(4) Where an individual requests a copy of a document or record which is a public record, as that term is defined by RCW 42.17.020(24) and WAC 434-12-020(1) but which has not been filed with the office of the secretary of state pursuant to a specific statutory requirement to file such documents, the office of the secretary of state shall charge a fee of ten cents per page for each page of such document or record. This charge is

intended to reimburse the office of the secretary of state for a portion of the actual costs of copying, but not to exceed such actual costs.

(5) Where an individual requests to personally make a copy of a document or record referred to in subsection (3) or (4) of this section and the public records officer determines that this would not result in excessive interference with other essential functions of the agency, the charge shall be equal to the amount necessary to reimburse the office of the secretary of state for its actual costs incidental to such copying as determined by the public records officer of that section or division.

[Order 74-2, § 434-12A-100, filed 2/19/74.]

**WAC 434-12A-110 Exemptions, deletions, and denials.** (1) The secretary of state reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 434-12-090 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260 the secretary of state reserves the right to delete identifying details when he makes available or publishes any public record, in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW.

(3) All denials of requests for public records will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Order 74-2, § 434-12A-110, filed 2/19/74.]

**WAC 434-12A-120 Review of denials of public records request.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by so indicating in the space provided for this purpose on the standard request form adopted by WAC 434-12-130 or by tendering a written request for review. The request for review shall specifically refer to, or be accompanied by, a copy of the written statement by the public records officer, or other staff member, which constituted or accompanied the denial.

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

(3) Administrative remedies shall not be considered exhausted until the secretary of state or his designee has returned the petition with a decision or until the close of

the second business day following denial of inspection, whichever first occurs.

[Order 74-2, § 434-12A-120, filed 2/19/74.]

**WAC 434-12A-130 Adoption of standard request form.** The office of the secretary of state hereby adopts the form attached hereto as Appendix B, entitled "Request for public record," which may be used by persons, requesting inspection and/or copying or copies of its records, where other forms are not already provided or in use.

[Order 74-2, § 434-12A-130, filed 2/19/74.]

**WAC 434-12A-140 Communications and submissions relating to public records.** All communications with the office including, but not limited to, the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules shall be addressed as follows: Office of the Secretary of State, Legislative Building, Olympia, Washington 98504.

[Order 74-2, § 434-12A-140, filed 2/19/74.]

**WAC 434-12A-150 Revolving fund.** Pursuant to RCW 43.07.130, and subject to the current availability of such materials, the office of the secretary of state will supply any of the following items of printed matter to the public for a charge equal to the costs of printing, reprinting, and distributing such printed matter:

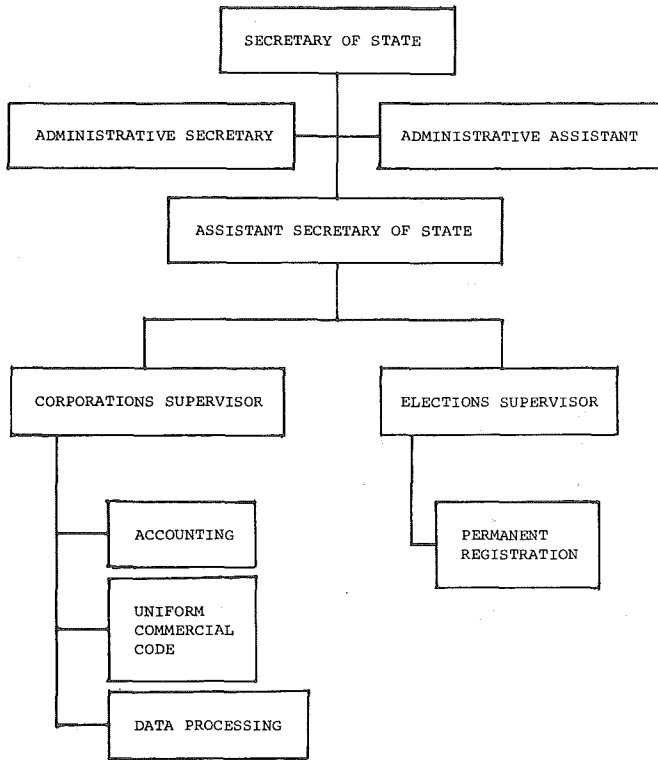
- (1) Lists of active corporations;
- (2) The provisions of Title 23 RCW;
- (3) The provisions of Title 23A RCW;
- (4) The provisions of Title 24 RCW;
- (5) The provisions of Title 29 RCW;
- (6) The provisions of Title 62A RCW;
- (7) The provisions of chapter 18.100 RCW;
- (8) The provisions of chapter 19.77 RCW;
- (9) The provisions of chapter 43.07 RCW;
- (10) The provisions of the Washington state constitution;
- (11) The provisions of initiative measure 276 and rules and regulations adopted by the public disclosure commission; and
- (12) Rules and regulations related to the statutory provisions set forth above.

Upon request, any person may receive a list of such printed matter currently available, the cost of each such item of printed matter, and instructions for ordering one or more items. The revenue derived in this manner shall be placed in the secretary of state's revolving fund.

[Order 74-2, § 434-12A-150, filed 2/19/74.]

WAC 434-12A-990 Appendix A--Form--Organization chart.

(APPENDIX A)



[Order 74-2, Appendix A (codified as WAC 434-12A-990), filed 2/19/74.]

WAC 434-12A-99001 Appendix B--Form--Request for public record.

OFFICE OF THE SECRETARY OF STATE  
REQUEST FOR PUBLIC RECORD

DATE: \_\_\_\_\_ TIME: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DESCRIPTION OF RECORD(S) REQUESTED: \_\_\_\_\_

\_\_\_\_\_

I certify that the information obtained through this request for public records will not be used for commercial purposes.

INITIALS OF PRO \_\_\_\_\_ SIGNATURE \_\_\_\_\_

FOR OFFICE USE ONLY

Number of pages \_\_\_\_\_

Number of copies \_\_\_\_\_

Per copy charge \$ \_\_\_\_\_

TOTAL CHARGE \$ \_\_\_\_\_

Request granted

Request granted with exceptions or deletions noted below

Request denied

REQUEST FOR REVIEW OF EXEMPTION, DELETION OR DENIAL

I hereby appeal for a review of the denial of this request for access to or copies of public records. I have attached a copy of the written denial furnished to me by this office.

DATE: \_\_\_\_\_

SIGNATURE \_\_\_\_\_

[Order 74-2, Appendix B (codified as WAC 434-12A-99001), filed 2/19/74.]

Chapter 434-15 WAC  
PUBLIC RECORDS--ARCHIVES

WAC

- 434-15-010 Purpose.
- 434-15-020 Definitions.
- 434-15-030 Description of central and field organization of the division of archives and records management.
- 434-15-040 Operations and procedures.
- 434-15-050 Public records available.
- 434-15-060 Public records officer.
- 434-15-070 Office hours.
- 434-15-080 Requests for public records--Archives--Scheduled.
- 434-15-090 Fees.
- 434-15-100 Exemptions.
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**WAC 434-15-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the office of the secretary of state, division of archives and records management with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure--Campaign finances--Lobbying--Records; and in particular with sections 25-32 of that act, dealing with public records.

[Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-010, filed 6/10/85.]

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

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

maps, magnetic tape, punched cards, discs, drums and other documents."

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

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

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

(6) **Scheduled records.** Those public records scheduled for transfer to and disposition from the records center but which remain under the jurisdiction of the agency of record origin.

[Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-020, filed 6/10/85.]

**WAC 434-15-030 Description of central and field organization of the division of archives and records management. Division of archives and records management.** The division is an administrative service and regulatory agency. The administrative office of the division and its staff are located at the Archives and Records Center Building, Olympia, Washington.

[Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-030, filed 6/10/85.]

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

- (1) Manages the archives of the state of Washington;
- (2) Centralizes the archives of the state of Washington, to make them available for reference and scholarship, and to insure their proper preservation;
- (3) Inspects, inventories, catalogs, and arranges retention and transfer schedules on all record files of all state departments and other agencies of state government;
- (4) Insures the maintenance and security of all state public records and establishes safeguards against unauthorized removal or destruction;
- (5) Establishes and operates such state records centers as may from time to time be authorized by appropriation for the purpose of preserving, servicing, screening and protecting all state public records which must be preserved temporarily or permanently, but which need not be retained in office space and equipment;

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

(7) Operates a central microfilm bureau which will microfilm, at cost, records approved for filming by the head of the office of origin and the archivist; approves microfilming projects undertaken by state departments and all other agencies of state government; and maintains proper standards for this work;

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

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

(10) Manages a state-wide essential records protection program including the operation of an essential records storage facility, and serves as depository for essential record microfilms for local government agencies.

[Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-040, filed 6/10/85.]

**WAC 434-15-050 Public records available.** All public records of the division as defined in WAC 434-15-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 434-15-100.

[Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-050, filed 6/10/85.]

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

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

(3) The scheduled records in the custody of the division shall be in the charge of the public records officer designated by the agency of record origin. The public records officer of the agency of records origin shall be responsible for implementation of the agency's rules and regulations regarding the release of public records and coordinating with the staff of the state archives in this regard insofar as records of his agency in the custody of the state archivist are concerned.

[Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-060, filed 6/10/85.]

**WAC 434-15-070 Office hours.** Divisional records, archives and scheduled records shall be available for inspection and copying during the customary office hours of the division. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-070, filed 6/10/85.]

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

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

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

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

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

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

[Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-080, filed 6/10/85.]

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

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

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

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

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

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

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

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

These charges are the amounts necessary to reimburse the division for costs incident to copying and other services.

[Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-090, filed 6/10/85.]

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

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

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-100, filed 6/10/85.]

**WAC 434-15-110 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request

for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

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

(3) Administrative remedies shall not be considered exhausted until the secretary of state has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-110, filed 6/10/85.]

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

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

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

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

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

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

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

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

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

(9) Records will be returned to the state archivist or his designee by the requestor when no longer required and no later than the end of the customary office hours as set forth in WAC 434-15-070.

[Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-120, filed 6/10/85.]

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

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

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

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

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

"(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others;

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

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

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

(2) **Availability.** The current index promulgated by the division shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-130, filed 6/10/85.]

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

[Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-140, filed 6/10/85.]

**WAC 434-15-150 Adoption of form.** The division hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix B entitled "Request for public record."

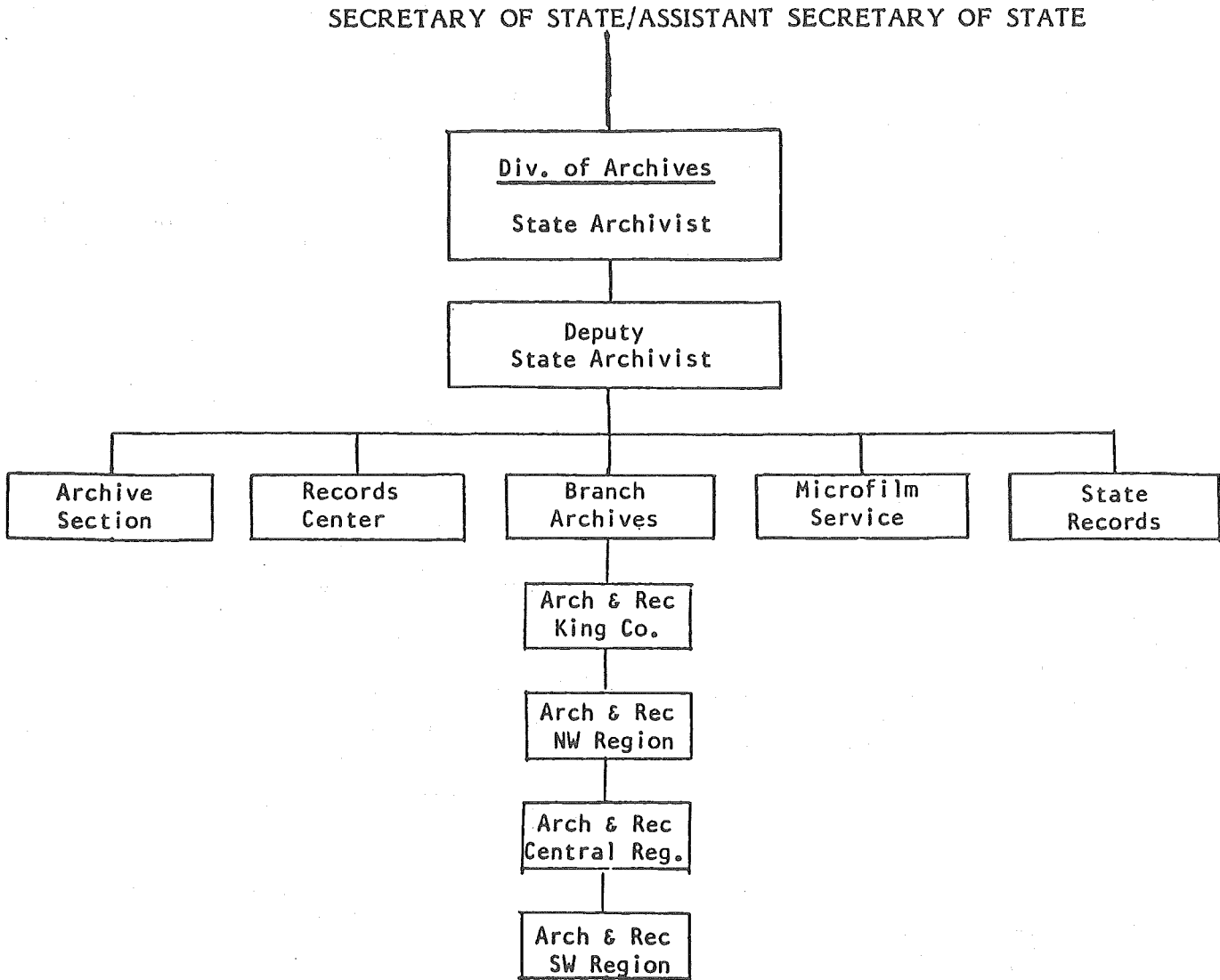
[Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-150, filed 6/10/85.]



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

APPENDIX A

ORGANIZATIONAL CHART, Division of Archives, Office of the Secretary of State



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

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

Name of Requestor:

Address:

Phone:

Date of Request:

Time of Request:

APPENDIX B

REQUEST FOR PUBLIC RECORDS

Nature of Request:

1. Index Reference -----

Signature -----

For Office Use Only:

- |                                  |                                   |                                  |
|----------------------------------|-----------------------------------|----------------------------------|
|                                  |                                   | Record                           |
| (1) Request                      | Record                            | Withheld                         |
| Granted <input type="checkbox"/> | Withheld <input type="checkbox"/> | In Part <input type="checkbox"/> |
- (2) If withheld, name the exemption contained in RCW 42.17.310 which authorizes the withholding of the record or part of record: Subsection (1) ( ).
- (3) If withheld, briefly explain how the exemption applies to the record withheld.
- (4) If request granted, time -----, day -----

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

Chapter 434-19 WAC CHARITABLE SOLICITATIONS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 434-19-090 Charitable organizations and independent fundraisers—Contract registration form—Timing. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-090, filed 4/14/88.] Repealed by 90-22-021, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.315.
- 434-19-113 Conditions applicable to solicitations—New organization. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-113, filed 4/14/88.] Repealed by 90-22-021, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.315.

## 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  
505 East Union, Mailstop: PM-21  
Olympia, WA 98504-0419

[Statutory Authority: RCW 19.09.315. 90-22-021 and 90-23-040, § 434-19-012, filed 10/30/90 and 11/15/90, effective 11/30/90 and 12/16/90. 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 eighteen 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 thirty days before and thirty days after the promotion; and

(B) The charitable organization's has given its written permission to use 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 twenty-five percent 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;

(iii) Product fundraiser, as defined in subsection (7) of this section;

(iv) Professional fundraising counsel, as defined in subsection (8) of this section.

(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) "Product fundraiser" shall mean an independent fundraiser:

(a) Whose fundraising services are limited to providing product at wholesale for resale by only employees and volunteers of the charitable organization; and

(b) Which does not engage in any of the activities described in RCW 19.09.190 (1), (2), or (3).

(8) "Professional fundraising counsel" shall mean an independent fundraiser:

(a) Whose fundraising services are limited to providing planning advice or consultation; and

(b) Which does not engage in, nor is contractually associated with any entity which engages in, the activities described in RCW 19.09.190 (1), (2), or (3).

(9) "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.

(10) "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 19.09.315, 90-22-021, § 434-19-020, filed 10/30/90, effective 11/30/90. 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 indicate on the registration form whether the registration required by RCW 19.09.075 is based

only upon the activities under the supervision and control of the fundraising or development portion of the organization, or whether it is based upon the activities of the entire organization.

(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 19.09.315. 90-22-021, § 434-19-052, filed 10/30/90, effective 11/30/90. 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:

(1) 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.

(2) Shall not include:

(a) Appropriated funds except as provided in this section;

(b) Tuition, fees, or contractual revenue for services rendered;

(c) Admission fees to events (such as athletic contests and theatrical performance, etc.) or registration fees for conferences, or similar events conducted as part of the charitable organization's purpose.

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-053, filed 10/30/90, effective 11/30/90. 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 and reported as disbursed for the stated purpose in the year of deposit to the reserve account. Funds reported in this manner shall not be reported as expended for the charitable purpose in the year when withdrawn or liquidated from the reserve account and applied to the stated purpose.

(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 19.09.315. 90-22-021, § 434-19-054, filed 10/30/90, effective 11/30/90. 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:

(1) Compensates a temporary employee, independent contractor, independent fundraiser or an entity other than a bona fide employee for fundraising services; and

(2) 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, in a form prescribed by the secretary, as part of its annual registration.

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-056, filed 10/30/90, effective 11/30/90. 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. The absence of such information shall not be grounds for denying an application to register.

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-059, filed 10/30/90, effective 11/30/90. 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:

(1) Has not been required to complete, or has not completed, an IRS Form 990 for the preceding accounting year; or

(2) Has not filed registrations required by the states of California and New York for the preceding accounting year, must complete the forms required by RCW 19.09.075.

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-060, filed 10/30/90, effective 11/30/90. 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 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's application to register shall be based upon unaudited 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 twenty-five thousand dollars 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 19.09.078.

(3) Reporting funds received on behalf of a charitable organization by another entity.

As required by RCW 19.09.075 (7)(b), the application to register as a charitable organization shall include, as part of "gross revenue from all sources," the gross amount received as a result of a solicitation by the charitable organization or any other entity, without regard to which entity retained "care, custody or control" of the funds.

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-061, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-061, filed 4/14/88.]

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### 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 organization shall clearly identify that the reported figures are budget estimates and not based upon actual funds expended.

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-075, filed 10/30/90, effective 11/30/90. 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 percentage waived.** An independent fundraiser, product fundraiser, or professional fundraising counsel which:

(1) Is not involved in the conduct of a solicitation campaign, as defined in WAC 434-19-114; and

(2) Does not receive contributions on behalf of a charitable organization, as defined in WAC 434-19-195(1); shall not be required to provide financial information or a list of clients as part of the independent fundraisers annual registration, as required by RCW 19.09.079 (7)(b) and (c).

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-084, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-084, filed 4/14/88.]

**WAC 434-19-085 Independent fundraiser registration--Responsibility for reporting finances.** An independent fundraiser which, under WAC 434-19-114, is deemed to conduct a solicitation, shall determine and report all expenses and contributions associated with the

solicitation, regardless of whether such expenses were incurred and/or contributions handled by another entity which was contractually associated with the independent fundraiser.

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-085, filed 10/30/90, effective 11/30/90.]

**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 434-19-097 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 19.09.315. 90-22-021, § 434-19-097, filed 10/30/90, effective 11/30/90.]

**WAC 434-19-098 Charitable organizations and independent fundraisers—Contract registration form—Fee waived.** The secretary shall accept, without fee, a registration form required under RCW 19.09.097 if the independent fundraiser is either a registered product fundraiser or professional fundraising counsel.

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-098, filed 10/30/90, effective 11/30/90.]

## 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:

(1) All disclosures required by RCW 19.09.100(1) are physically provided in written form to the entity solicited during the first contact when a solicitation is made; and

(2) All disclosures required by RCW 19.09.100 are physically provided in written form to the entity solicited at least once every six months; and

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

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-101, filed 10/30/90, effective 11/30/90. 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.** (1) Written disclosures made under RCW 19.09.100(1):

(a) 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

(b) Shall be readable in the manner in which it is customarily presented in a form that is (i) intended to be

read from a distance or (ii) not to be retained by an individual; including but not limited to a flyer, poster, petition, banner, photograph, televised picture or billboard.

(2) As a result of the decision of The United States Supreme Court in the case of "Riley v. National Federation of the Blind of North Carolina (108 S. Ct. 2667 (1988)), the office of the secretary of state will not seek enforcement against apparent violations of the written disclosure provisions of RCW 19.09.100 (2) and (3).

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-110, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-110, filed 4/14/88.]

**WAC 434-19-114 Conditions applicable to solicitations—Solicitation conducted.** A solicitation is considered conducted by the entity which is responsible for:

(1) The manner in which the message is communicated, or the individuals who communicate the solicitation message; and

(2) The receipt of contributions from the public. Where a charitable organization is not responsible for both functions, the solicitation shall be considered conducted by the independent fundraiser if the independent fundraiser or any entity contractually associated with the independent fundraiser engages in any of the activities described in RCW 19.09.190 (1), (2), or (3).

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-114, filed 10/30/90, effective 11/30/90. 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 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 19.09.315. 90-22-021, § 434-19-115, filed 10/30/90, effective 11/30/90. 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) shall apply to solicitations conducted via television or radio, except (a) announcements of one minute duration or less which are provided by the station at no charge to the charitable organization or its agent, including but not limited to public service announcements; and (b) news reports of any duration.

(2) A solicitation, such as a telethon or similar event, conducted via television or radio over a period exceeding thirty minutes of on-air time originating within the state during any twenty-four hour period shall contain the disclosures required under RCW 19.09.100(1) at least once during each thirty minutes of on-air time originating within the state.

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-118, filed 10/30/90, effective 11/30/90. 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) To be eligible to be deemed exempt from the bonding requirement of RCW 19.09.190, an independent fundraiser shall not have had a registration as an independent fundraiser suspended under WAC 434-19-193; and

(a) Shall have been registered with the secretary as an independent fundraiser for at least the most recently completed accounting year, during which shall not have engaged in any of the activities described in RCW 19.09.190 (1), (2), and (3); or

(b) Shall be currently registered as either a product fundraiser or professional fundraising counsel, as defined in WAC 434-19-020 (7) or (8), respectively.

(2) To be deemed exempt from the bonding requirement of RCW 19.09.190, an independent fundraiser shall:

(a) Be eligible to be deemed exempt, as described in WAC 434-19-191(1); and

(b) Provide notice to the secretary that the independent fundraiser claims exemption from the bond required under RCW 19.09.190.

(3) The notice required under WAC 434-19-191 (2)(b) shall be submitted by the independent fundraiser in writing, on the letterhead of the independent fundraiser, and shall contain a statement, under penalty of perjury that:

(a) The fundraiser has reviewed the requirements to be eligible for being deemed exempt from the bonding requirement of RCW 19.09.190; and

(b) The fundraiser has not, during the most recently completed accounting year, engaged in any of the activities described in RCW 19.09.190 (1), (2), and (3); and

(c) The fundraiser shall not engage in any of the activities described in RCW 19.09.190 (1), (2), and (3),

unless the fundraiser shall first (i) notify the secretary, in writing, of the intent to begin engaging in such activities; and (ii) obtain and submit evidence of obtaining the bonding required by RCW 19.09.190 and these regulations.

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-191, filed 10/30/90, effective 11/30/90. 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) To be eligible to request a reduction of the bonding requirement of RCW 19.09.190, an independent fundraiser shall not have had a registration as an independent fundraiser suspended under WAC 434-19-193.

(2) To request a reduction of the bonding requirement of RCW 19.09.190, an independent fundraiser shall:

(a) Be eligible to request a reduction of the bonding requirement, as described in WAC 434-19-192(1); and

(b) Provide notice to the secretary that the independent fundraiser desires to reduce the bond required under RCW 19.09.190 from fifteen thousand dollars to five thousand dollars.

(3) The notice required under WAC 434-19-192 (2)(b) shall be submitted by the independent fundraiser in writing, on the letterhead of the independent fundraiser, and shall contain a statement, under penalty of perjury that:

(a) The fundraiser has reviewed the requirements to be eligible for requesting the bonding requirement of RCW 19.09.190; and asserts that the fundraiser is eligible to request a reduction in the bonding requirement; and

(b) The fundraiser has not, during the most recently completed accounting year, engaged in more than one of any of the activities described in RCW 19.09.190 (1), (2), and (3); and

(c) The fundraiser shall not engage in more than one of any of the activities described in RCW 19.09.190 (1), (2), and (3), unless the fundraiser shall first (i) notify the secretary, in writing, of the intent to begin engaging in such activities; and (ii) obtain and submit evidence of obtaining the bonding required by RCW 19.09.190 and these regulations.

[Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-192, filed 10/30/90, effective 11/30/90. 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 or 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 suspending the registration of the independent fundraiser until evidence of sufficient bonding 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 judgment, 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 19.09.315. 90-22-021, § 434-19-193, filed 10/30/90, effective 11/30/90. 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.

[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 434-20 WAC

#### VOTER REGISTRATION FORMS--MANUAL VOTER REGISTRATION

##### WAC

434-20-010	Permanent registration Form 1.
434-20-020	Registrar's certificate of registered voters.
434-20-030	Certificate of transfer of registrations.
434-20-040	Certificate of cancellation of registrations.
434-20-050	Use of forms previously prescribed.

**WAC 434-20-010 Permanent registration Form 1.** In counties which do not maintain voter registration records on data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030, the county auditor shall complete, for each newly registered voter, a manual record on a form substantially similar to the sample included below. The form, designated as Permanent Registration Form 1, shall measure eight and one-half inches by eleven inches and be printed on paper stock of twenty-five percent rag index bristol or a comparable substitute approved by the office of the secretary of state. For each registered voter, the county auditor shall record the voter's name, address, date of registration, sex, the month and day of birth, the name of the precinct in which the voter resides, and the names of all municipal corporations or special taxing districts in which the voter resides.



CERTIFICATE OF AUTHENTICITY OF REGISTERED VOTERS OF _____PRECINCT	
STATE OF WASHINGTON, COUNTY OF _____	PRECINCT NO. _____
1. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
2. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
3. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
4. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
5. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
6. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
7. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
8. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
9. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
10. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
11. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
12. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
13. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
14. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____
15. I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE RECORD CONTAINED HEREIN IS A COMPLETE AND AUTHENTIC RECORD OF THE REGISTERED VOTERS OF THIS PRECINCT AS OF _____ 19____	REGISTRAR OF VOTERS _____

[Order 74-4, § 434-20-020, filed 6/3/74. Formerly WAC 434-20-020 entitled Use of forms previously prescribed, Order 4 and Emergency Order 3, § 434-20-020, filed 8/10/71.]

**WAC 434-20-030 Certificate of transfer of registrations.** In counties which do not maintain voter registration records on data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters of the precinct polling place as provided by RCW 29.48.030, the county auditor shall notify the office of the secretary of state of all transfers

of voter registrations, in the manner provided by RCW 29.10.100. He shall transmit, on a form substantially similar to the sample included below and designated as Permanent Registration Form 7, the name, previous address, date of registration, and new address for each voter whose registration has been transferred since the last previous report. The form shall measure eight and three-eighths inches by ten and seven-eighths inches and be printed on pink paper stock of sixteen pound rag bond or a comparable substitute approved by the office of the secretary of state.



### Registrar of Voters' Certificate of Cancellation of Registration

State of Washington, Pierce County \_\_\_\_\_ Saturday, \_\_\_\_\_, 19 \_\_\_\_\_

SECRETARY OF STATE,  
Olympia, Washington.

I hereby certify that I have CANCELLED registrations on the registration records of Pierce County as follows:

NAME OF VOTER	RESIDENCE	Date Registered			PRECINCT
		Month	Day	Year	

Signed \_\_\_\_\_  
*Pierce County Auditor*  
By \_\_\_\_\_  
*Deputy.*

Z-1147

[Order 74-4, § 434-20-040, filed 6/3/74.]

WAC 434-20-050 Use of forms previously prescribed. All voter registration forms provided, adopted, or specified by the division of municipal corporations of

[Title 434 WAC—p 30]

the office of the state auditor or by the office of the secretary of state prior to January 1, 1974, are hereby repealed effective July 1, 1975. Existing supplies of forms provided, adopted, or specified prior to January 1, 1974, may be used prior to the effective date of this section,

but no new supplies of such forms shall be acquired after July 1, 1974. After July 1, 1975, all county auditors, their deputy registrars, and their agents shall use only those voter registration forms adopted and specified by chapters 434-20 and 434-24 WAC as now or hereafter amended.

[Order 74-4, § 434-20-050, filed 6/3/74.]

**Chapter 434-24 WAC**

**MAINTENANCE OF VOTER REGISTRATION RECORDS ON ELECTRONIC DATA PROCESSING SYSTEMS**

**WAC**

- 434-24-010 Contents of computer file of registered voters.
- 434-24-015 Uniform control number.
- 434-24-020 County codes.
- 434-24-025 Precinct codes.
- 434-24-030 Taxing district codes.
- 434-24-035 Maintenance of recent voting record.
- 434-24-040 Oath of deputy registrars.
- 434-24-050 Basic voter registration form.
- 434-24-055 Voter registration worksheet.
- 434-24-060 Transmittal of signature cards to the secretary of state.
- 434-24-070 Voters' request for transfer.
- 434-24-080 Transmittal of transfers to the secretary of state.
- 434-24-085 Notice of new registration or transfer.
- 434-24-090 Voters' authorization to cancel registration.
- 434-24-095 Cancellation due to death.
- 434-24-100 Cancellation for failure to vote.
- 434-24-105 Notification of cancellation for failure to vote.
- 434-24-110 Transmittal of cancellations to the secretary of state.
- 434-24-115 Challenge of voter's registration.
- 434-24-120 Contents of precinct list of registered voters.
- 434-24-130 Contents of list of registered voters for the public.
- 434-24-140 Requests for list of registered voters.
- 434-24-150 Subsidies for establishment of automated voter registration systems.
- 434-24-155 Subsidies for maintenance of records on automated voter registration systems.
- 434-24-160 Approval of automated voter registration systems.
- 434-24-170 Continuing review of automated voter registration systems.

**WAC 434-24-010 Contents of computer file of registered voters.** In counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030, a record or records containing the following information shall be maintained on each registered voter in the computer file: Name, address, registration number, sex, date of birth, date of registration, applicable district and precinct codes, and up to five dates upon which the individual has voted since establishing that registration record. The county may assign numeric or alphabetic codes for city names in order to facilitate economical storage of the voter's address. When existing manual voter registration records are converted to data processing, the county auditor shall record the last date upon which the individual voted: *Provided*, That if the individual has not voted since establishing that record no data shall be recorded.

Subsequent dates upon which the individual votes shall be recorded and retained as provided by WAC 434-24-035 as now or hereafter amended.

[Order 74-4, § 434-24-010, filed 6/3/74; Order 6, § 434-24-010, filed 3/3/72.]

**WAC 434-24-015 Uniform control number.** All counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030 shall assign to each voter registration record in the computer file a permanent control number composed of two alphabetic characters representing the county in which the voter is registered, followed by two numeric characters which shall be the last two digits of the year in which the registration was taken, followed by a six digit item number assigned in sequence: *Provided*, That for those registrations taken prior to the time at which a county has placed all its current registrations on the computer file, the two numeric characters, which normally correspond to the year of registration, may be assigned arbitrarily, and: *Provided further*, That the components of the uniform registration number need not be stored in the computer file as a single item of information.

[Order 74-4, § 434-24-015, filed 6/3/74.]

**WAC 434-24-020 County codes.** All counties which maintain voter registration records on electronic data processing systems under the provisions of subsection (2) of RCW 29.07.150 and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030, shall use the following system of two character codes for designating the county in which the voter is registered:

- |              |      |              |      |
|--------------|------|--------------|------|
| Adams        | - AD | Lewis        | - LE |
| Asotin       | - AS | Lincoln      | - LI |
| Benton       | - BE | Mason        | - MA |
| Chelan       | - CH | Okanogan     | - OK |
| Clallam      | - CM | Pacific      | - PA |
| Clark        | - CR | Pend Oreille | - PE |
| Columbia     | - CU | Pierce       | - PI |
| Cowlitz      | - CZ | San Juan     | - SJ |
| Douglas      | - DG | Skagit       | - SK |
| Ferry        | - FE | Skamania     | - SM |
| Franklin     | - FR | Snohomish    | - SN |
| Garfield     | - GA | Spokane      | - SP |
| Grant        | - GR | Stevens      | - ST |
| Grays Harbor | - GY | Thurston     | - TH |
| Island       | - IS | Wahkiakum    | - WK |
| Jefferson    | - JE | Walla Walla  | - WL |
| King         | - KI | Whatcom      | - WM |
| Kitsap       | - KP | Whitman      | - WT |
| Kittitas     | - KS | Yakima       | - YA |
| Klickitat    | - KT |              |      |

[Order 74-4, § 434-24-020, filed 6/3/74; Order 6, § 434-24-020, filed 3/3/72.]

**WAC 434-24-025 Precinct codes.** Counties shall assign numeric codes of up to six digits in length to designate for each voter registration record the precinct in which that individual voter is located.

[Order 74-4, § 434-24-025, filed 6/3/74. Formerly WAC 434-24-030, Order 6, filed 3/3/72.]

**WAC 434-24-030 Taxing district codes.** Counties shall assign numeric codes of up to six digits in length to designate for each voter registration record the taxing district or combination of taxing districts in which that individual voter is located.

[Order 74-4, § 434-24-030, filed 6/3/74. Formerly WAC 434-24-040, Order 6, filed 3/3/72.]

**WAC 434-24-035 Maintenance of recent voting record.** After each primary or election, in counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling as provided by RCW 29.48-.030, a date shall be entered in the voter registration record of each individual who cast a proper ballot at that election, either at the polling place or by absentee. In the

case of each individual record, the five most recent of such dates shall be retained in that record: *Provided*, That if the voter has not voted at least five times since establishing his current registration record, only the available dates shall be recorded. If there are already five such dates being maintained in a given record, the least recent date shall be deleted at the time that any new date is added to that record.

[Order 74-4, § 434-24-035, filed 6/3/74.]

**WAC 434-24-040 Oath of deputy registrars.** Pursuant to RCW 29.07.050, each county auditor shall require each deputy voter registrar to take the oath provided therein and to sign a certificate on a form substantially similar to the sample included below. The form shall be designated as Permanent Registration Form 6A. The county auditor shall acknowledge the oath and file it in his office.

**OATH OF REGISTRATION OFFICER**

STATE OF WASHINGTON

County of..... City of..... Precinct.....

"I, ....., do swear (or affirm) that I will truly, faithfully and impartially perform my duties as registration officer, to the best of my judgement and abilities, and that I will register no person except upon his personal application before me."

Subscribed and sworn to before me this..... day of..... 19.....

.....  
Registrar

This oath must be administered and certified to by an officer legally authorized to administer oaths, and shall be filed with the Registrar of Voters.

[Order 74-4, § 434-24-040, filed 6/3/74. Formerly WAC 434-24-040, Taxing district codes, Order 6, § 434-24-040, filed 3/3/72.]

**WAC 434-24-050 Basic voter registration form.** Each original voter registration shall be recorded on a form substantially similar to the sample included below.

The form, designated Permanent Registration Form 2A, shall measure eight inches by eight inches and be printed on paper stock of one hundred pound index or a comparable substitute approved by the office of the secretary of state.



<b>ORIGINAL REGISTER OF VOTER</b>	FIRST NAME	INITIAL	LAST NAME
RESIDENCE ADDRESS		STATE OF WASHINGTON County of _____	
CITY OR TOWN		ZIP CODE	
RESIDENCE LOCATION (IF ADDRESS ABOVE IS ROUTE OR BOX)		I, the undersigned, on oath or affirmation, do hereby declare that the facts set forth herein relating to my qualifications as a voter, recorded by the registration officer in my presence, are true. I further certify that I am not presently denied my civil rights as a result of being convicted of an infamous crime and that I will be at least eighteen years of age at the time of voting. <b>SIGN HERE</b> _____ SIGNATURE OF VOTER	
MALE <input type="checkbox"/> FEMALE <input type="checkbox"/> DATE OF BIRTH <input type="text"/> - <input type="text"/> - <input type="text"/>			
U. S. CITIZENSHIP <input type="checkbox"/>		HOME PHONE _____	
IDENTIFICATION PRODUCED YES <input type="checkbox"/> NO <input type="checkbox"/>		SOCIAL SECURITY NUMBER _____	
LAST PREVIOUS REGISTRATION		ACCOUNT NUMBER _____ SIGNATURE OF REGISTRATION OFFICER _____	
RESIDENCE ADDRESS		<b>TRANSFERS</b> In order to use this form to transfer an existing registration, enter the name and new address of the voter under the appropriate headings at the top of this form; enter the old address in the space for "last previous registration"; have the voter sign below the oath, and place a check in the box at the right. <input type="checkbox"/>	
CITY OR TOWN			
<b>FOR OFFICE USE ONLY</b>	REGISTRATION NUMBER		DATE OF REGISTRATION
	PRECINCT CODE		PRECINCT NAME
	PRECINCT NAME		DISTRICT/LEVY CODE
	PRECINCT NAME		DISTRICT/LEVY CODE
<b>Record Signing of Petitions Here (In Pencil)</b>			
<b>PENALTY PROVISION</b> RCW 29.36.110: Any person who violates any of the provisions relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment of not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.			
<b>INSTRUCTIONS</b> 1. Enter the applicant's name, address, and other pertinent information in the appropriate spaces at the top, left-hand side of the form. 2. Administer the affidavit at the top, right-hand side of the form. 3. Have the applicant sign beneath the affidavit AND on the 3x5 form immediately to the right. Acknowledge the voter's signature on the main form. 4. Return the completed form to the County Auditor or Department of Elections.			
LAST NAME (PRINT)		FIRST NAME	INITIAL
REGISTRATION NUMBER	<b>SIGN HERE</b>		
COUNTY	SIGNATURE OF VOTER		
STREET AND NUMBER OR RURAL ROUTE	DATE	PRECINCT	
CITY	ZIP CODE		
Moved to			
RECORD SIGNING OF PETITIONS HERE (IN PENCIL)			



PRECINCT \_\_\_\_\_

## VOTER REGISTRATION WORK SHEET

Voter's Telephone No. \_\_\_\_\_ Parents Telephone No. \_\_\_\_\_

Please print name as signed \_\_\_\_\_

Address (mailing) \_\_\_\_\_ Post Office \_\_\_\_\_ Zip \_\_\_\_\_

\*Whenever mailing address does not contain street numbers to precisely locate place of residence, additional information is necessary to determine the precinct and districts in which the prospective voter resides.

\*Residence location (indicate one) (A) Same as above  (B) Unit No. \_\_\_\_\_ Block No. \_\_\_\_\_  
 (C) Sec. \_\_\_\_\_ Twn. \_\_\_\_\_ Rg. \_\_\_\_\_ (D) Other \_\_\_\_\_

1. Male  Female  2. Date of birth \_\_\_\_\_  
Month Day Year 3. U.S. Citizenship


4. Identification Produced Yes  No  5. Social Security Number \_\_\_\_\_

6. Last registered in this state: County \_\_\_\_\_ Address \_\_\_\_\_  
 City or Town \_\_\_\_\_ Zip \_\_\_\_\_ (If presently registered elsewhere complete Cancellation Card.)

7. The following is the affidavit concerning your answers to the questions above.

**Please do not sign until you are in the presence of the registrar.**

"I, the undersigned, on oath or affirmation, do hereby declare that the facts set forth herein relating to my qualifications as a voter, recorded by the registration officer in my presence, are true. I further certify that I am not presently denied my civil rights as a result of being convicted of an infamous crime and that I will be at least eighteen years of age at the time of voting."

SIGN  
HERE  \_\_\_\_\_  
 Signature of Voter

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

\_\_\_\_\_  
 Signature of Registration Officer

**REGISTRAR PLEASE NOTE: Have all forms been signed and acknowledged?**

CEME- TERY	P.U.D.	HOSPITAL	LIBRARY	PORT	WATER	FIRE	SEWER	SCHOOL			PRECINCT

[Order 74-4, § 434-24-055, filed 6/3/74.]

**WAC 434-24-060 Transmittal of signature cards to the secretary of state.** Each group of initiative and referendum signature cards transmitted to the office of the secretary of state under the provisions of RCW 29.07-.120 shall be accompanied by a properly executed certificate on a form substantially similar to the sample included below. The form, designated Permanent Registration Form 5A shall measure five inches by eight

inches and be printed on paper stock of sixteen pound bond or a comparable substitute approved by the office of the secretary of state.

**Registrar of Voters' Certificate  
of Original Third Cards**

State of Washington, County of..... 19.....

SECRETARY OF STATE,  
Olympia, Washington.

Herewith I transmit to you.....registration cards, and I hereby certify that they are the original third cards, signed by the voters whose names appear thereon, respectively, and that these voters are duly registered in the precincts and from the addresses shown thereon, respectively.

Signed.....  
Registrar of Voters.

County of.....Washington

[Order 74-4, § 434-24-060, filed 6/3/74. Formerly WAC 434-24-060, Voters' request for transfer, Order 6, filed 3/3/72.]

**WAC 434-24-070 Voters' request for transfer.** All registrars shall maintain a supply of, and furnish to the public on request, forms substantially similar to the sample included below for the purpose of allowing registered voters to request the transfer of their voter registration record under the provisions of RCW 29.10.020:

*Provided, That Permanent Registration Form 2A, as provided by WAC 434-24-040, may be used to record a request to transfer the existing registration of a voter in the manner provided thereon. The form, designated Permanent Registration Form 9A, shall measure three and one-fourth inches by five and one-half inches and be printed on paper stock of one hundred twenty-five pound index or a comparable substitute approved by the office of the secretary of state.*

<b>VOTER'S REQUEST FOR TRANSFER</b>	<b>REGISTRATION NUMBER</b>																				
I hereby request that my registration be transferred																					
<b>FROM</b> _____	<table border="1" style="width: 100%; height: 20px;"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>																				
ADDRESS (OLD RESIDENCE)	<b>PRECINCT CODE</b> _____																				
CITY	<b>LEVY CODE</b> _____																				
<b>In</b> _____	<b>REGISTRATION DATE</b> _____																				
OLD PRECINCT (IF KNOWN)	PRECINCT NAME OR NUMBER _____																				
<b>TO</b> _____	RECEIVED BY _____																				
ADDRESS (NEW RESIDENCE)	<b>X</b> _____																				
CITY	SIGNATURE OF VOTER																				
Zip _____	PLEASE TYPE OR PRINT NAME ON THIS LINE _____																				
CITY																					
DESCRIPTION OF LOCATION																					
<b>NOTE:</b> SIGNATURE OF VOTER MAKING REQUEST MUST CORRESPOND WITH SIGNATURE ON ORIGINAL REGISTRATION RECORD.																					
<b>Date</b> _____, 197																					

[Order 74-4, § 434-24-070, filed 6/3/74. Formerly WAC 434-24-070, Voters' authorization to cancel registration, Order 6, filed 3/3/72.]

**WAC 434-24-080 Transmittal of transfers to the secretary of state.** Pursuant to the requirements of RCW 29.10.100, the registration officer of each county which

maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030, shall prepare an alphabetical list of all voter registration records transferred within that county since the last previous report. The list shall be printed on paper stock measuring eight and one-half inches by fourteen and seven-eighths inches and shall be of substantially the following form:

State of Washington }  
County of ----- } ss.

I, -----, hereby certify that I have transferred the following registered voters on the registration records of this county:

Signed: -----

REGISTRATION NUMBER	NAME OF VOTER	DATE OF REGISTRATION	REGISTRAR OF VOTERS DATE OF NEW REGISTRATION	NEW ADDRESS
-----	-----	-----	-----	-----

(An alphabetical list of names, registration numbers, date of registration, and new addresses for each registered voter whose residence has been transferred follows.)

[Order 74-4, § 434-24-080, filed 6/3/74. Formerly WAC 434-24-080, Transmittal of signature cards to the Secretary of State, Order 6, filed 3/3/72.]

**WAC 434-24-085 Notice of new registration or transfer.** Whenever an individual registers to vote pursuant to RCW 29.07.070, 29.07.080, and 29.07.090 or transfers his registration record pursuant to RCW 29.10.100 or whenever a change in precinct boundaries requires that the existing record of a voter be moved from one precinct to another or be placed in a new precinct, the registration officer of the county shall notify by first class nonforwardable mail, the individual or voter of such new registration, transfer, or change of precinct boundary acknowledging that the request of the individual or voter with respect to his record has been processed. Such notices and acknowledgment shall be provided on a form substantially similar to the sample included below. The form, designated Permanent Registration Form 11A shall be printed on paper stock of one hundred pound index or a comparable substitute approved by the office of the secretary of state.

**YOUR NEW VOTER REGISTRATION CARD**

Your precinct has been changed From \_\_\_\_\_ To \_\_\_\_\_

PLEASE SIGN AND DETACH

**CERTIFICATE OF REGISTRATION**

COUNTY, STATE OF WASHINGTON

THIS IS TO CERTIFY THAT:

\_\_\_\_\_  
is a registered voter in  
Precinct of county of \_\_\_\_\_  
under date of \_\_\_\_\_

If the address shown incorrect, or if you move from the address shown on this card you must register the change with the County Auditor:

**NEW CARD IS ISSUED PURSUANT TO:**

- 1. New registration
- 2. Transfer
- 3. New address given by you at a recent election.
- 4. Precinct correction by this office
- 5. Change of precinct boundaries

[Order 74-4, § 434-24-085, filed 6/3/74.]

**WAC 434-24-090 Voters' authorization to cancel registration.** All registrars shall maintain a supply of, and furnish to the public on request, forms substantially similar to the sample included below, for the purpose of allowing registered voters to request that their registration under a former name or at a former residence be cancelled. The form, designated Permanent Registration

Form 10A, shall measure three and one-fourth inches by five and one-half inches and be printed on paper stock of one hundred twenty-five pound index or a comparable substitute approved by the office of the secretary of state.

<p style="text-align: center;"><b>VOTER'S REQUEST FOR CANCELLATION</b></p> <p>I hereby request that my registration be cancelled</p> <p>FROM _____ ADDRESS (OLD RESIDENCE)</p> <p>_____ CITY ZIP COUNTY</p> <p>In _____ PRECINCT (IF KNOWN)</p> <p><input type="checkbox"/> CHANGE OF RESIDENCE</p> <p><input type="checkbox"/> CHANGE OF NAME</p> <p><b>X</b> _____ SIGNATURE OF VOTER (OLD NAME)</p> <p>_____</p> <p style="text-align: center; font-size: small;">PLEASE TYPE OR PRINT NAME ON THIS LINE</p> <p><b>NOTE:</b> SIGNATURE OF VOTER MAKING REQUEST MUST CORRESPOND WITH SIGNATURE ON ORIGINAL REGISTRATION RECORD</p> <p>Date _____, 197__</p>	<p style="text-align: center;"><b>REGISTRATION NUMBER</b></p> <table border="1" style="width: 100%; height: 20px;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table> <p>PRECINCT CODE <table border="1" style="width: 100%; height: 20px;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table></p> <p>LEVY CODE <table border="1" style="width: 100%; height: 20px;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table></p> <p>REGISTRATION DATE <table border="1" style="width: 100%; height: 20px;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table></p> <p>_____ DATE RECEIVED</p>																												

[Order 74-4, § 434-24-090, filed 6/3/74. Formerly WAC 434-24-090, Transmittal of transfers to the Secretary of State, Order 6, filed 3/3/72.]

**WAC 434-24-095 Cancellation due to death.** Pursuant to RCW 29.10.090, the registration officer shall maintain a supply of, furnish to the public upon request, and include in the supplies sent to each precinct for use by the precinct election officials, forms substantially

similar to the sample included below for the purpose of permitting registered voters to request that the voter registration record of any person, whom they personally know to be deceased, be cancelled. The form, designated Permanent Registration Form 13A, shall measure three and one-fourth inches by five and one-half inches and shall be printed on paper stock of one hundred twenty-five pound index or a comparable substitute approved by the office of the secretary of state.

<p style="text-align: center;"><b>REQUEST FOR CANCELLATION OF REGISTRATION BECAUSE OF DEATH</b></p> <p>I hereby declare, under penalties of perjury, that I am a Registered Voter and according to my personal knowledge or belief:</p> <p>_____ (NAME OF DECEASED VOTER)</p> <p>_____ (ADDRESS GIVEN ON REGISTRATION RECORD)</p> <p>_____ has died and I am requesting that the voting registration records of said deceased person be cancelled.</p> <p>_____ (SIGNATURE OF VOTER) _____ (ADDRESS) _____ (DATE)</p> <p style="font-size: x-small;"><b>NOTE:</b> This record is to be attached to Permanent Registration Form No. 2 and the Secretary of State notified of cancellation (Chapter 32, Laws of 1961).</p>	<p style="text-align: center;"><b>REGISTRATION NUMBER</b></p> <table border="1" style="width: 100%; height: 20px;"> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </table> <p>PRECINCT CODE <table border="1" style="width: 100%; height: 20px;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table></p> <p>LEVY CODE <table border="1" style="width: 100%; height: 20px;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table></p> <p>REGISTRATION DATE <table border="1" style="width: 100%; height: 20px;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table></p> <p>_____ PRECINCT NAME OR NUMBER</p>																												

[Order 74-4, § 434-24-095, filed 6/3/74.]

**WAC 434-24-100 Cancellation for failure to vote.** On the first day of April of each odd-numbered year, or

as soon thereafter as is practical and expedient, the registration officer of each county shall cancel the registrations of all persons who have not voted at any time during the thirty months immediately preceding the first

day of April of that year. No registration shall be cancelled for which the date of registration is not prior to thirty months preceding the first day of April of that year.

[Order 74-4, § 434-24-100, filed 6/3/74. Formerly WAC 434-24-100, Transmittal of cancellations to the secretary of state, Order 6, filed 3/3/72.]

**WAC 434-24-105 Notification of cancellation for failure to vote.** The registration officer shall notify, by

mail, each registered voter whose registration has been cancelled for failure to vote pursuant to RCW 29.10.080 and WAC 434-24-100. Such notice shall be on a form substantially similar to the sample included below. The form, designated Permanent Registration Form 12A, shall measure three and one-quarter inches by five and one-half inches and be printed on paper stock of one hundred twenty-five pound index or a comparable substitute approved by the office of the secretary of state.

<p><b>NOTIFICATION TO VOTER OF CANCELLATION OF REGISTRATION</b></p> <p>IN ACCORDANCE WITH THE PROVISIONS OF THE PERMANENT REGISTRATION LAW (RCW 29.10.080) YOU ARE HEREBY NOTIFIED THAT, BECAUSE YOU HAVE NOT VOTED DURING THE PAST THIRTY (30) MONTHS, YOUR VOTING REGISTRATION IS NOW CANCELLED. PLEASE UNDERSTAND THAT YOU ARE NOT ENTITLED TO VOTE AT ANY ELECTION UNTIL YOU RE-REGISTER. SHOULD YOU HAVE ANY QUESTION, PLEASE FEEL FREE TO CONTACT MY OFFICE AT:</p> <p style="text-align: right;">Respectfully yours,</p> <p style="text-align: right;">COUNTY AUDITOR</p>	<p>RETURN POSTAGE GUARANTEED</p>
--	----------------------------------

[Order 74-4, § 434-24-105, filed 6/3/74.]

**WAC 434-24-110 Transmittal of cancellations to the secretary of state.** Pursuant to the requirements of RCW 29.10.100, the registration officer in each county which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the polling place as provided by RCW 29.48-.030 shall prepare an alphabetical list of all voter registrations cancelled from the registration records of that county since the last previous report. The list shall be printed on paper stock measuring eight and one-half inches by fourteen and seven-eighths inches and shall be of substantially the following form:

State of Washington }  
County of ----- } ss.

I, -----, hereby certify that I have cancelled from the registration records of this county, the following persons:

Signed: -----  
Registrar of Voters

REGISTRATION NUMBER	NAME OF VOTER	DATE OF REGISTRATION	ADDRESS
-----			

(An alphabetical list of names, addresses, registration numbers, and date of registration, for each person whose registration record has been cancelled follows.)

[Order 74-4, § 434-24-110, filed 6/3/74. Formerly WAC 434-24-110, Contents of precinct list of registered voters, Order 6, filed 3/3/72.]

**WAC 434-24-115 Challenge of voter's registration.** All registrars shall maintain a supply of, and furnish to the public on request, forms substantially similar to sample included below for the purpose of allowing: (1) A registered voter to challenge the registration of another voter on the basis of residence pursuant to RCW 29.59-.010; or (2) a precinct committeeman or precinct election officer to challenge the registration of any voter on the basis of residence pursuant to RCW 29.10.130. The form, designated as Permanent Registration Form 15A, shall be in duplicate, the original to be retained by the registration officer and the duplicate copy to be sent to the voter, whose residence has been challenged, at the address at which the challenger asserts that the voter presently resides.

ORIGINAL: To be retained by registration officer.

### CHALLENGE OF VOTER'S REGISTRATION

I \_\_\_\_\_ declare, under penalties of perjury,  
(Please print name)

that I reside at \_\_\_\_\_  
(Street and number, or rural route) (City or Town)

County of \_\_\_\_\_ State of Washington, and pursuant to Chapter  
 225, Laws of 1967, I herewith challenge the registration of the following named voter on the  
 grounds that according to my personal knowledge and belief said voter does not actually  
 reside and maintain an abode at the address as given on his permanent registration record:

\_\_\_\_\_  
(Print name of challenged voter) (Precinct)

Residence as given on permanent registration record:  
 \_\_\_\_\_  
(Street and number, or rural route) (Name of city or town) (County)

I further declare, under penalties of perjury, that the actual residence of said voter is as stated below and that said voter is not protected  
 from loss of legal residence by the constitutional and statutory provisions as listed on the reverse side of this form.

**ACTUAL RESIDENCE: (This information must be valid in order for any challenge to be valid)**

\_\_\_\_\_  
(Street and number, or rural route) (Name of city or town) (State)

I further understand that in the event said challenged voter denies my allegation as to his present actual residence and appears at the  
 required time at your office or files an affidavit — state law requires that I also must be present or file an affidavit, otherwise no further  
 consideration will be given to this challenge.

\_\_\_\_\_  
(Date) \* \_\_\_\_\_  
(Signature of voter making challenge)

**\* WARNING: To properly execute this form it is necessary to check the appropriate square  
 (one only) as described below:**

A.  **REGISTERED VOTER:**  
 If this challenge is being initiated by a registered voter not acting either as a precinct committeeman or a precinct election officer, there is no  
 geographical limitation but the challenge must be filed with the registration officer (city clerk or county auditor as the case may be) **NO  
 LATER THAN 60 DAYS** prior to any approaching primary or election, general or special (RCW 29.53.010).

B.  **PRECINCT COMMITTEEMAN OR PRECINCT ELECTION OFFICER:**  
 If this challenge is being initiated by a precinct committeeman or precinct election officer, the challenge must be restricted to voters of the  
 same precinct wherein such officers serve but the forms may be filled out at the polling place on the day of the election. However, it must be  
 understood that such action cannot stop the challenged voter from casting his ballot at the time the challenge is being made (RCW 29.10.130).

**IMPORTANT:** Please read the constitutional and statutory provisions listed on reverse side which protects the voting residence of certain persons,  
 before filling out this form.

[Order 74-4, § 434-24-115, filed 6/3/74.]

**WAC 434-24-120 Contents of precinct list of registered voters.** The precinct list of registered voters as required by RCW 29.48.030 shall contain the name, address, sex, month and day of birth, and voter registration number of each voter in the precinct, a listing of the districts in which that voter resides, and a designation of the applicable county, legislative district, and precinct. The names shall be listed alphabetically by surname. The list may also contain a space for each voter to sign his name and his current address and a space for the inspector or judge to credit the voter with having participated in a particular election as provided in RCW 29.51.070. Each county shall submit its output format

for listing to the Secretary of State who shall determine whether such format is suitable for use at the polls. If so, he shall approve that format for use in all elections in that county.

[Order 74-4, § 434-24-120, filed 6/3/74. Formerly WAC 434-24-120, contents of lists of registered voters for the public, Order 6, filed 3/3/72.]

**WAC 434-24-130 Contents of list of registered voters for the public.** Pursuant to the provisions of RCW 29.04.100, the registration officer in each county which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the place as provided by RCW 29.48.030 shall



furnish to any person, upon request, current lists of registered voters at actual reproduction cost. The registration officer shall, upon request, select names from the voter registration records on the basis of the precinct code, the district code, date of registration, or voting history of each individual voter in that portion of the voter registration file. Such lists may contain any information maintained on the computer file except the date of birth of each registered voter and may be in the form of computer printouts, computer-prepared labels, microfilm duplicates, or magnetic tape copies of such information. Such voter registration lists shall be used only for political purposes; commercial use of this information shall be punishable as provided in RCW 29.04.120 as now or hereafter amended.

[Order 74-4, § 434-24-130, filed 6/3/74. Formerly WAC 434-24-130, Requests for lists of registered voters, Order 6, filed 3/3/72.]

**WAC 434-24-140 Requests for list of registered voters.** In counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030, the county auditor shall require each person who requests a list of registered voters under the authority of RCW 29.04.100 and WAC 434-24-130 to sign a request on a form substantially similar to the sample included below. The form shall be designated as Permanent Registration Form 14A.

REQUEST FOR LIST OF REGISTERED VOTERS

\_\_\_\_\_ County Auditor \_\_\_\_\_ Date

I request a listing of registered voters for the following precinct and/or taxing districts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- computer printed list
- mailing labels
- magnetic tape

I understand that the County Auditor is required by law to furnish copies of current registration lists of registered voters in his possession to any person, upon request, PROVIDED: That such lists be used only for political purposes and shall not be used for commercial purposes. (RCW 29.04.100)

I further understand that any violation of RCW 29.04.100 relating to the use of lists of registered voters is a felony and shall be punished by imprisonment in the state penitentiary for a period of not more than five years or a fine of not more than five thousand dollars, or both such fine and imprisonment, in addition to possible civil penalties.

_____ (Name of Requester (please print))	_____ (Witness)
_____ (Address)	_____ (Approved by)
_____ (Signature)	

[Order 74-4, § 434-24-140, filed 6/3/74. Formerly WAC 434-24-130.]

**WAC 434-24-150 Subsidies for establishment of automated voter registration systems.** Pursuant to section 13, chapter 127, Laws of 1974, and subject to the approval of the automated voter registration system as provided by WAC 434-24-160, the office of the secretary of state shall pay, from the voter registration assistance account, to each county, with fewer than thirty thousand registered voters at the time of the state general election held in the previous calendar year, which has established an automated voter registration system after February 19, 1974, and prior to July 1, 1975, an

amount equal to thirty cents times the number of registered voters in that county at the time of that election. A county shall be deemed to have established an automated voter registration system when all of the voter registration records of that county are maintained on the automated system and no original, manual records are used at the precinct in the conduct of the election. One half of the subsidy to any county shall be paid upon approval of the automated voter registration system as provided by WAC 434-24-160 and the remainder shall be paid when all of the existing voter registration records of that county have been converted to maintenance solely on the automated system.

[Order 74-4, § 434-24-150, filed 6/3/74.]

**WAC 434-24-155 Subsidies for maintenance of records on automated voter registration systems.** Pursuant to section 13, chapter 127, Laws of 1974, and subject to the approval of the operating system as provided by WAC 434-24-160, and 434-27-170, the office of the secretary of state shall pay annually, from the voter registration assistance account, to each county with fewer than ten thousand registered voters at the time of the state general election held in the previous calendar year, an amount equal to thirty cents times the number of registered voters in that county at the time of that election: *Provided*, That prior to July 1, 1975, the office of the secretary of state shall pay quarterly, from the voter registration assistance account, to each such county for each full calendar quarter after all of the existing voter registration records of that county have been converted to maintenance on the automated system, an amount equal to seven and one-half cents times the number of registered voters in that county at the time of the state general election held in the previous calendar year.

[Order 74-4, § 434-24-155, filed 6/3/74.]

**WAC 434-24-160 Approval of automated voter registration systems.** Each county which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030 shall submit to the office of the secretary of state a summary description of the automated voter registration system used by that county or by the governmental unit or firm with which the county contracts for maintenance of voter registration records. Such summary description shall contain, but not be limited to the following:

- (1) Input formats;
- (2) Data storage formats or record layouts;
- (3) Output formats;
- (4) Samples of the outputs required by WAC 434-24-080, 434-24-085, 434-24-105, 434-24-110, 434-24-120, and 434-24-130;
- (5) Samples of any edit listings or other working output not specifically required by these regulations; and
- (6) Any manuals of administrative procedure prepared for use by the elections staff of the county auditor or the data processing staff of that county or the governmental unit or firm with which the county contracts for maintenance of voter registration records.

If the automated voter registration system conforms to all of the requirements of state law and of these regulations, the office of the secretary of state shall approve and certify that system for use. If the automated voter registration system fails to conform to all of the requirements of state law and these regulations, the office of the secretary of state shall notify the county auditor of the nature of the nonconformity. The county auditor shall correct the nonconforming aspects of the automated voter registration system and provide to the office of the secretary of state such evidence of the change or changes in the system as that office may deem appropriate.

[Order 74-4, § 434-24-160, filed 6/3/74.]

**WAC 434-24-170 Continuing review of automated voter registration systems.** (1) Whenever, through action of the state legislature, federal congress or any division of the state or federal judiciary, changes occur in the voter registration laws which require modifications of the automated voter registration systems of the counties which maintain voter registration records on electronic data processing systems, the office of the secretary of state shall notify each county auditor of the nature of the modifications required. The county auditor shall effect such modifications to the operating system and provide to the office of the secretary of state such evidence of those modifications as he may deem appropriate.

(2) Whenever a county substantially modifies the input formats, data storage formats, output formats, or manuals of administrative procedure for its automated voter registration system, it shall notify the office of the secretary of state. Such modifications shall be reviewed and approved in the manner provided for review and approval of new automated voter registration systems in WAC 434-24-160.

[Order 74-4, § 434-24-170, filed 6/3/74.]

**Chapter 434-28 WAC  
DECLARATIONS OF CANDIDACY AND FILING  
PROCEDURES**

**WAC**

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

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS  
CHAPTER**

- 434-28-010 Declaration of candidacy—Partisan offices other than precinct committeeman. [Order 75-1, § 434-28-010, filed 6/26/75.] Repealed by 80-05-014 (Order 80-1), filed 4/8/80. Statutory Authority: RCW 29.04.080.
- 434-28-030 Declaration of candidacy—Nonpartisan offices subject to a primary. [Order 75-1, § 434-28-030, filed 6/26/75.] Repealed by 80-05-014 (Order 80-1), filed 4/8/80. Statutory Authority: RCW 29.04.080.
- 434-28-040 Declaration of candidacy—Nonpartisan offices not subject to a primary. [Order 75-1, § 434-28-040, filed 6/26/75.] Repealed by 84-15-050 (Order 84-2), filed 7/16/84. Statutory Authority: RCW 29.04.080.

**WAC 434-28-012 Declaration and affidavit of candidacy—Offices subject to a primary.** Declarations and affidavits of candidacy for all partisan and nonpartisan offices shall be filed in substantially the following form:

**DECLARATION AND AFFIDAVIT OF CANDIDACY**

1. I, \_\_\_\_\_  
(print name as you are registered to vote)  
am a registered voter residing at:
  2. \_\_\_\_\_ (street address or rural route) \_\_\_\_\_ (telephone no.)  
\_\_\_\_\_, Washington  
(city) (county) (zip code)
- and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of:

(name of office)
(congressional or legislative district, county, city, or other jurisdiction)

(position number if applicable) (director or commissioner district, if any)

- 4. For the following term of office:
5. At the primary in September, 19...
6. This office is:
7. Filing Fee (Check one):
8. Please print my name on the ballot exactly as follows:

(please print)

I swear, or affirm, that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

9. Sign Here (signature of candidate as registered to vote)

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

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

(signature of acknowledging official)

(title of acknowledging official)

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

The forms shall measure eight and one-half inches by eleven inches and may also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29.18.040. One copy of each properly executed and filed declaration and affidavit of candidacy, containing such information on the requirements of chapter 42.17 RCW as may be provided by resolution of the public disclosure commission, shall be returned to the candidate.

[Statutory Authority: RCW 29.04.080. 84-15-050 (Order 84-2), § 434-28-012, filed 7/16/84; 80-05-014 (Order 80-1), § 434-28-012, filed 4/8/80.]

WAC 434-28-020 Declaration of candidacy--Precinct committeeman. Declarations and affidavits of candidacy for the office of precinct committeeman, shall be filed in the form hereinafter set forth:

DECLARATION AND AFFIDAVIT OF CANDIDACY

State of Washington }
County of ----- } ss.

I, (Name as it will appear on ballot), declare that I am a registered voter residing at (Street and Number or Rural Route), (City or Town), County of -----, state of Washington; that, at the time of filing this declaration, I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of precinct committeeman to be elected at the general election to be held on the ---- day of November, 19--, and hereby request that my name be printed upon the official general election ballots as a candidate of the ----- party, and:

I accompany herewith the sum of ----- dollars, the fee required by law of me for becoming a candidate; or

AFFIDAVIT

FURTHER, I do solemnly swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Signature of candidate)

Subscribed and sworn to before me this ---- day of -----, 19--.

(Signature of acknowledging official)

(SEAL)

(Title of acknowledging official)

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of twenty pound bond or a comparable substitute. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number.

[Statutory Authority: RCW 29.04.080. 84-15-050 (Order 84-2), § 434-28-020, filed 7/16/84; Order 75-1, § 434-28-020, filed 6/26/75.]

Chapter 434-32 WAC
NEW RESIDENT VOTERS

WAC 434-32-010 Definition of new resident voter extended.

WAC 434-32-010 Definition of new resident voter extended. Pursuant to section 202(d) of Public Law 91-285, citizens of the United States and of the state of Washington otherwise qualified to vote for president and vice-president who are temporarily residing outside of the state of Washington and their spouses and dependents otherwise qualified to vote for president and vice-president when residing with or accompanying them

shall be qualified to vote for the choice of electors for president and vice-president or for president and vice-president consistent with the procedures for new resident voters established in chapter 29.72 RCW.

[Order 8, § 434-32-010, filed 6/15/72.]

### Chapter 434-36 WAC VOTE-BY-MAIL

#### WAC

434-36-010	Authority and purpose.
434-36-020	Definitions.
434-36-030	Request for mail ballot special election.
434-36-040	Mail ballot special election plan.
434-36-050	Review of the plan by the secretary of state.
434-36-060	Notice of election.
434-36-070	Delivery of ballot to voter.
434-36-080	Envelope specifications.
434-36-090	Instructions to voters.
434-36-100	Depositing of ballots.
434-36-110	Obtaining replacement ballots.
434-36-120	Unsigned affidavit.
434-36-130	Signature verification—Personnel.
434-36-140	Verification of signatures—Process.
434-36-150	County canvassing board.
434-36-160	Master list of voters.
434-36-170	Logic and accuracy test.
434-36-180	Tallying of ballots.
434-36-190	Canvassing of ballots.
434-36-200	Maintenance of records.
434-36-210	Report to the secretary of state.

**WAC 434-36-010 Authority and purpose.** These rules are adopted under the authority of section 8, chapter 71, Laws of 1983 1st ex. sess., for the purpose of establishing standards and procedures to prevent fraud and to facilitate the accurate processing of mail ballot elections, to ensure that standards and procedures are established to insure the secrecy of the ballot, and to ensure that uniformity exists among the counties in the conduct of mail ballot elections.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-010, filed 11/1/83.]

**WAC 434-36-020 Definitions.** As used in this chapter:

(1) "County auditor" means the county auditor in a noncharter county or the officer, irrespective of title, having the overall responsibility to maintain voter registration information and conduct state and local elections in a charter county, and his or her deputies or staff, where the context indicates;

(2) "Mail ballot special election" means an election conducted entirely by mail ballot where:

(a) Only issues or nonpartisan offices are on the ballot;

(b) The election is not being held in conjunction with a primary or general election; and

(c) The election involves precincts not regularly voting by mail at primary and general elections.

(3) "Mail ballot" means a ballot used in a mail ballot special election and does not include a ballot used in a precinct with fewer than one hundred registered voters

regularly voting by mail in primary and general elections or an absentee ballot issued at the request of the voter;

(4) "Ballot security envelope" means the envelope which fits inside of the return envelope and in which the voter is instructed to seal his or her ballot so that, following the verification of the signature of that voter, the ballot cannot be distinguished from other valid ballots;

(5) "Return envelope" means the envelope in which the voter is instructed to seal his or her ballot security envelope and on which the voter signs and dates the affidavit that he or she has cast a vote in that special election;

(6) "Transmittal envelope" means the envelope in which the ballot, ballot security envelope, return envelope, and instructions are sent to the voter in a mail ballot special election; and

(7) "Secure storage" means a locked room, cabinet, or other space, where access is controlled by the county auditor and where a record is maintained by the auditor of the date, time, and name of any person, other than an employee of the auditor's office, to whom access is permitted.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-020, filed 11/1/83.]

**WAC 434-36-030 Request for mail ballot special election.** At any nonpartisan, special election not conducted in conjunction with a primary or general election, the jurisdiction requesting the election may also request that the election be conducted entirely by mail ballot. Such a request may be included in the resolution calling for the special election adopted pursuant to RCW 29.13.010 or 29.13.020, or it may be done by separate resolution. Not less than forty days prior to the date for which a mail ballot special election has been requested, the county auditor shall inform the requesting jurisdiction, in writing, that either (1) the request for the mail ballot special election is granted, pending approval of an election plan by the secretary of state, or (2) that the request for the mail ballot special election is not granted, for reasons specified. At the same time, the county auditor shall mail to the secretary of state a copy of the resolution for the mail ballot special election and a copy of the auditor's response.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-030, filed 11/1/83.]

**WAC 434-36-040 Mail ballot special election plan.** A county auditor planning to conduct mail ballot special elections shall, not less than sixty days prior to the first such election, submit a standard mail ballot special election plan to the secretary of state. This plan shall remain on file in the office of the secretary of state and shall remain in effect for all mail ballot special elections unless amended by the county auditor. The election plan shall be in check list form and shall specify the number of days before the election when certain activities are expected to be completed. The checklist may contain other activities, in addition to those listed here and may be arranged in a different chronological order, but otherwise shall be in substantially the following form:

DAYS PRECEDING THE ELECTION	ACTIVITY
_____	Ordering of ballots and ballot envelopes
_____	Layout ballot
_____	Materials to printer (including instructions to voters)
_____	Notification of postal authorities
_____	Notification of news media
_____	Receipt of ballot pages, ballot cards, or paper ballots and other printed material
_____	Preparation of mail ballot special election material
_____	Ballots mailed
_____	Extra personnel hired
_____	Extra personnel trained
_____	Begin initial verification of signatures
_____	Notice of election
_____	Last day to mail notification of lack of signature

The standard mail ballot election plan may be amended at any time up to thirty-five days before the date of any mail ballot special election by notifying the secretary of state, in writing, of any changes. In addition to the standard mail ballot special election plan, the county auditor shall, for the first three mail ballot special elections in his or her county, provide the secretary of state with the following material:

- (1) A brief narrative of the arrangements made with the postal authorities;
- (2) A copy of the ballot layout, including the ballot title(s);
- (3) A brief narrative of the procedures to be followed from the time the ballots are received until they are tabulated;
- (4) A floor plan of the working area where ballots will be processed, including approximate dimensions;
- (5) Samples of ballot materials, instructions, legal notices, press releases, newspaper articles, and any other printed materials as they become available; and
- (6) An estimate of the number of additional personnel to be hired.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-040, filed 11/1/83.]

**WAC 434-36-050 Review of the plan by the secretary of state.** (1) Within five business days after the receipt of a standard mail ballot special election plan, an amendment to a special election plan, or election materials for a specific election, the secretary of state shall

review the plan. If the secretary of state finds that, in his or her judgment, elements of the election plan, amendments to a plan, or election materials do not adequately provide for secrecy of the ballots, prevention of fraud, or the accurate processing and canvassing of ballots, he or she shall immediately notify the county auditor of these exceptions. The county auditor and the secretary of state shall attempt to reach mutually acceptable modifications to the election plan, amendments to a plan, or election materials. In the event that no mutually acceptable agreement is reached, the secretary of state shall notify the county auditor, in writing, that he or she takes formal exception to the disputed elements of the plan, amendment to a plan, or election materials and of the reasons for his or her objections. He or she shall also provide copies of that notification to the other members of the county canvassing board and, if he or she deems appropriate, to the governing body of any jurisdiction for which a mail ballot special election has been scheduled in that county.

(2) The secretary of state may not take formal exception to any policies, procedures, or materials developed by the county auditor for the conduct of a mail ballot special election which do not directly affect secrecy of the ballot, prevention of fraud, or accurate processing and canvassing of the ballots. He or she may recommend changes to these policies, procedures, or materials where, in his or her judgment, such changes would improve the administration of the election.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-050, filed 11/1/83.]

**WAC 434-36-060 Notice of election.** In any mail ballot special election, the notice of election published pursuant to RCW 29.27.080 shall include the following:

- (1) The title of each office to be voted upon, if any;
- (2) The names and addresses of all candidates; and
- (3) The ballot titles of all ballot measures.

The notice shall also list:

- (a) The precincts that are voting by mail ballot only;
- (b) The location where voters may obtain replacement ballots; and
- (c) The location(s) where unmailed ballots may be deposited between the hours of 7:00 a.m. and 8:00 p.m. on the day of the election.

The auditor shall additionally notify local radio, television, and newspapers, if applicable, that the election is to be conducted by mail ballot only.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-060, filed 11/1/83.]

**WAC 434-36-070 Delivery of ballot to voter.** Not sooner than twenty-five days nor later than fifteen days before any mail ballot special election, the county auditor shall send to each registered voter in the election district a ballot, a return envelope, a ballot security envelope, and instructions regarding the mail ballot election.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-070, filed 11/1/83.]

WAC 434-36-080 Envelope specifications. All ballots, ballot security envelopes, and return envelopes shall be of uniform color and size for each jurisdiction conducting a mail ballot special election. The county auditor may, however, use ballots, security envelopes, and return envelopes of uniform size for all jurisdictions conducting a mail ballot special election should he or she so desire. The envelope in which the ballot is mailed to the voter shall be clearly marked, "DO NOT FORWARD — RETURN TO SENDER — RETURN POSTAGE GUARANTEED." The return envelope shall bear the address of the issuing officer and the words, "OFFICIAL BALLOT — DO NOT DELAY" prominently displayed on the front, and shall also bear the words "POSTAGE REQUIRED" in the upper right hand corner. The envelope shall contain a space for the voters name and address to be listed and shall also contain the following statement:

I, the undersigned, hereby state that I am a registered voter in Washington; that I am entitled to vote in this election; that I have not voted another ballot; and that I have completed this ballot in secret. I further understand that any person attempting to vote when he or she is not entitled or who falsely signs this affidavit shall be guilty of a felony, punishable by imprisonment of not more than five years or a fine of not more than five thousand dollars, or both such fine and imprisonment.

(signed) .....

(date of oath) .....

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-080, filed 11/1/83.]

WAC 434-36-090 Instructions to voters. Instructions shall be included with the mail ballot, the return envelope, and ballot envelope delivered to the voter. The instructions shall detail the mechanical process which must be followed in order to properly cast the ballot. The instructions shall also:

- (1) Advise the voter that the election is to be by mail ballot, the amount of postage required on the return envelope, and that regular polling places will not be open;
- (2) List the location of the place where the voter may obtain a replacement ballot if his or her ballot is destroyed, spoiled, or lost;
- (3) List the location of the place(s) where the voter may deposit his or her ballot on election day in the event the ballot is not mailed;
- (4) Advise the voter that in order for his or her ballot to be counted it must be either postmarked not later than the day of the election or deposited at the designated place between the hours of 7:00 a.m. and 8:00 p.m. on the day of the election;
- (5) Advise the voter that his or her ballot must be marked in secret; and
- (6) Advise the voter that any person attempting to vote when he or she is not entitled or who falsely signs the affidavit shall be guilty of a felony, punishable by imprisonment for not more than five years or a fine of

not more than five thousand dollars, or both such fine and imprisonment.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-090, filed 11/1/83.]

WAC 434-36-100 Depositing of ballots. Ballots may be deposited in the auditor's office at any time, during normal business hours, prior to the day of the election and from 7:00 a.m. to 8:00 p.m. on election day. The county auditor shall designate at least one other place of deposit within the jurisdiction holding the mail ballot special election whenever, in his or her judgment, having only the auditor's office as a place of deposit would unduly inconvenience the voter. If other places of deposit are designated, each shall be staffed by an employee of the auditor's office or by another person designated by the auditor. The person designated by the auditor shall not be an employee of the jurisdiction conducting the special election and shall subscribe to an oath regarding the discharge of his or her duties, administered by the county auditor. All designated place of deposit shall be open from 7:00 a.m. until 8:00 p.m. on the day of the election and shall have a secure ballot box. The ballot box shall be constructed in such a manner that return envelopes, once deposited, may be removed only by the county auditor or the person appointed to staff the place of deposit. That person shall ensure that the affidavit on the return envelope is signed before the ballot is deposited in the ballot box. On election day, the person(s) staffing the designated place(s) of deposit shall place their initials and time of deposit on the return envelope.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-100, filed 11/1/83.]

WAC 434-36-110 Obtaining replacement ballots. Each county auditor shall designate his or her office or any other location within the jurisdiction requesting the mail ballot special election as the single place where voters may obtain a replacement ballot. Any voter seeking a replacement ballot must, prior to 8:00 p.m. on election day, return the original ballot if it was spoiled and sign a sworn statement in substantially the following form:

REPLACEMENT BALLOT REQUEST

I, ....., do hereby request a replacement ballot for the mail ballot special election to be held on .... in ..... county, Washington, for the following reason (check one):

I did not receive the ballot mailed to me.

or

The ballot mailed to me has been damaged, lost, or destroyed.

I hereby certify, under penalty of law, that the above information is true and correct, and that I understand that attempting to vote more than once

in any election is a violation of Washington election law.

.....  
Signature of voter

.....  
Address at which I  
am registered to vote

.....

The above named individual appeared before me and has been issued a replacement ballot pursuant to the provisions of chapter 71, Laws of 1983 1st ex. sess.

.....  
Signature of  
issuing officer

.....  
Date

The county auditor shall maintain a record of each replacement ballot so issued. Any absentee ballot request made wherein the voter lists an address different from that to which his or her mail ballot has been or is to be mailed shall be handled as provided by RCW 29.36.030.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-110, filed 11/1/83.]

**WAC 434-36-120 Unsigned affidavit.** If the voter neglects to sign the affidavit on the return envelope, the auditor shall notify the voter, either by telephone or by first class mail, of that fact. He or she shall advise the voter that, in order for the ballot to be counted, the voter must appear in person at the auditor's office not later than 8:00 p.m. on election day. A record shall be kept on the return envelope of the date on which the voter was contacted or on which the notice was mailed. Any notice by mail shall be in substantially the following form:

Dear Voter:

Your ballot for the forthcoming mail ballot special election to be held on ..... has been received by this office. Unfortunately, you neglected to sign the affidavit on the reverse side of the return envelope, as required by state law.

Please appear in person at the location listed on this card and sign this affidavit no later than 8:00 p.m. on ..... Your ballot cannot be counted unless the return envelope is signed.

ADDRESS: .....

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-120, filed 11/1/83.]

**WAC 434-36-130 Signature verification--Personnel.** A mail ballot shall be counted only if:

- (1) It is returned in the return envelope;
- (2) The envelope is signed by the registered voter to whom it was issued;
- (3) The signature has been verified by the county auditor; and

(4) It is postmarked not later than the day of the election or deposited not later than 8:00 p.m. on election day.

The auditor must compare the signature on the return envelope with the voter's signature as it appears on the voter registration card, and shall hire as many persons as he or she deems necessary to assist in this process. All personnel assigned to the duty of signature verification shall subscribe to an oath regarding the discharge of his or her duties, administered by the county auditor. The auditor shall instruct his or her employees in the signature verification process prior to actually canvassing any signatures and may request that local law enforcement officials instruct those employees in techniques used to identify forgeries.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-130, filed 11/1/83.]

**WAC 434-36-140 Verification of signatures--Process.** If the auditor determines that the signature on the return envelope matches that on the voter registration card, he or she shall indicate on the envelope that a signature comparison has been made. No indication of a voter having cast a ballot shall be made on the voter registration file until a signature comparison has been made. In the event the auditor determines that the signatures do not match, or that the voter has voted more than once, he or she shall refer all such ballots and any other related materials to the county canvassing board. No ballot so referred shall be counted unless subsequent investigation reveals it to be a valid ballot and the canvassing board directs the auditor to accept it. The signature verification process shall be open to the public, subject to reasonable procedures promulgated by the county auditor to insure that order is maintained and to safeguard the integrity of the process.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-140, filed 11/1/83.]

**WAC 434-36-150 County canvassing board.** The county canvassing board shall examine each ballot and related material referred by the auditor and shall determine whether or not the ballot is to be counted. The canvassing board may employ local law enforcement officials or any other persons they deem necessary to assist them in this effort. In the event the canvassing board determines that the ballot is to be counted, they shall direct the county auditor to do so. In the event the canvassing board determines that the signature on the ballot was not made by the voter to whom the ballot was issued or that the voter has attempted to vote more than once, they shall direct the auditor to refer all such ballots and related materials to the prosecuting attorney. The county auditor must also notify the attorney general of any persons attempting to vote more than once.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-150, filed 11/1/83.]

**WAC 434-36-160 Master list of voters.** The county auditor shall maintain in his or her office a list of all



voters eligible to vote in any mail ballot election. An indication shall be made on this master list of the status of all ballots returned and verified, and this list shall be available for public inspection and copying at a reasonable cost.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-160, filed 11/1/83.]

**WAC 434-36-170 Logic and accuracy test.** At least three days before any mail ballot special election, if an electronic vote tallying system is to be used, the auditor shall conduct a logic and accuracy test of all programming. Wherever applicable, this test shall be conducted in accordance with RCW 29.34.163, except that the secretary of state need not be present. The test shall be repeated immediately prior to any tabulation of ballots on election day.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-170, filed 11/1/83.]

**WAC 434-36-180 Tallying of ballots.** The county canvassing board, upon the request of the county auditor, may direct that, after 12:00 noon on election day, mail ballots on hand be counted. Any such count made prior to 8:00 p.m. must be done in secret and the results not revealed until after 8:00 p.m. Whenever any ballot is to be counted, the county auditor shall ensure that at least three election officers are present. Such officers shall be appointed as provided by RCW 29.45.010. Any violation of the secrecy of the count shall be subject to the penalties provided in RCW 29.54.035. During either the early count of ballots or the regular tabulation of ballots on election night in counties using electronic voting devices, political party observers may select up to ten precincts and count by hand either the total number of ballots or the total number of votes cast for any single office or issue. This hand count may take place at any time after the ballots have been officially tabulated by the electronic vote tallying system, but must take place prior to the official certification of the election results.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-180, filed 11/1/83.]

**WAC 434-36-190 Canvassing of ballots.** Except as otherwise provided by law, mail ballots shall be canvassed in the same manner as absentee ballots issued at the request of the voter. To be counted such mail ballots must be deposited at the designated place not later than 8:00 p.m. on election day or postmarked not later than the day of the election. In the event the postmark is missing or illegible, the county canvassing board may rely on the date of the oath signed by the voter on the outside of the return envelope. Any mail ballot may be challenged in the same manner as absentee ballots are challenged, and the county canvassing board must determine that any challenged ballot is valid before it may be counted.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-190, filed 11/1/83.]

**WAC 434-36-200 Maintenance of records.** Each county auditor conducting a mail ballot special election shall maintain and retain complete documentation of that election. The documentation maintained shall include, but not be limited to, the following:

- (1) A copy of the resolution calling for the mail ballot election;
- (2) A copy of the legal notice identifying the election as a mail ballot election;
- (3) The return envelopes which have been marked to indicate the signature had been verified;
- (4) The sworn statement of each voter issued a replacement ballot; and
- (5) The master list indicating which voters cast ballots.

The retention period for this material and for the ballots themselves shall be the same as for absentee ballots, or until the resolution of any litigation arising out of the mail ballot election. Ballots and all related material shall be held in secure storage both before they are mailed and after they are returned.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-200, filed 11/1/83.]

**WAC 434-36-210 Report to the secretary of state.** Not later than seven calendar days following the official canvass of any mail ballot special election, the county auditor shall report the results of that election to the secretary of state. Included in that report shall be:

- (1) The total number of eligible voters in the district;
- (2) The total number of ballots mailed;
- (3) The total number of ballots returned (listing those returned by mail and by deposit as separate subtotals);
- (4) The total number of replacement ballots issued (with separate subtotals for destroyed, lost, spoiled or not received original ballots);
- (5) The total number of ballots accepted as valid and counted;
- (6) The total number of ballots rejected; included in the rejected ballot total shall be subtotals listing:
  - (a) The number of ballots received late;
  - (b) The number of ballots rejected because the return envelope bore no signature;
  - (c) The number of ballots rejected because the signature on the return envelope was not that of the registered voter to whom the ballot was issued; and
  - (d) The number of ballots rejected because the voter attempted to vote more than once;
- (7) The official results of the election; and
- (8) An itemization of the cost of the mail ballot special election to the jurisdiction which requested it.

The auditor shall retain a copy of this report in his or her files, and shall provide a copy to the jurisdiction for which the mail ballot special election was conducted.

[Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-210, filed 11/1/83.]

**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 prepaid 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.]

**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

- checkbox The individual challenged is not a U.S. Citizen
checkbox The individual challenged is not at least 18 years old
checkbox The individual challenged is currently being denied his or her civil rights
checkbox 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:

Two horizontal lines for providing an address.

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 434-50 WAC

### CORPORATION FILING PROCEDURES AND SPECIAL FEES

#### WAC

434-50-010	Purpose.
434-50-015	Office address.
434-50-020	Office hours.
434-50-025	Telephone services.

(1990 Ed.)

434-50-030	Mail-in service.
434-50-035	In-person or expedited counter service—Special fees.
434-50-040	Miscellaneous charges—Special service fees.
434-50-045	Fee prepayment, when required.
434-50-050	Original signature requirement—Original retained.
434-50-055	Registered office address—Requirements.

**WAC 434-50-010 Purpose.** These rules are adopted to establish certain procedures and fee schedules applicable to filings made at the corporations, trademarks and limited partnerships division of the office of the secretary of state, and to provide general information concerning that division. These rules are adopted pursuant to the corporations laws of Washington, including sections 67, 114, 159 and 187, chapter 35, Laws of 1982.

[Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-010, filed 7/30/82.]

**WAC 434-50-015 Office address.** (1) Mailing address for the corporations division is: Corporations Division, Office of the Secretary of State, Olympia, Washington 98504. Use of any other address may delay mail delivery.

(2) The offices of the corporations division are located at 500-A State Modular Office Building, Airdustrial Way and Armstrong Street SW, Tumwater, Washington. To reach the division's offices, take Exit 102, Interstate 5 (Trosper Road exit), go east two blocks to Capitol Boulevard, turn south on Capitol Boulevard, drive one mile to Airdustrial Way, turn on Airdustrial Way, go one-half mile. The state modular office building is on the south side of Airdustrial Way; the division is located in the northwest corner of the building.

[Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-015, filed 7/30/82.]

**WAC 434-50-020 Office hours.** (1) Hours of operation for personnel in the division are from 8:00 a.m. to 12:00 noon and 1:00 to 4:30 p.m. daily, Monday through Friday.

(2) Over-the-counter or walk-in, same-day processing of documents, or inspection of public records is available between 8:30 to 11:30 a.m. and 1:00 to 3:30 p.m. each day. Counter service at other times is available only under exigent circumstances or by approval of the supervisor of corporations.

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

(4) Documents, including substitute service-of-process on the secretary of state, which are delivered after normal working hours will be deemed to have been received on the next working day. As used in this section, "received after normal working hours" includes delivery by posting/taping/tacking documents to the office's doors, placing documents on doormats or in office mailboxes, or other forms of delivery not physically received by an employee of the office of the secretary of state during working hours.

[Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-020, filed 7/30/82.]

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**WAC 434-50-025 Telephone services.** (1) The telephone number for corporation information is (206) 753-7115.

(2) The following information on active corporations is available by telephone:

(a) Exact name of corporation according to secretary of state's records;

(b) Expiration date of corporate license;

(c) Registered agent's name;

(d) Registered office address;

(e) Date Washington firm incorporated;

(f) Date out-of-state corporation qualified to do business in Washington;

(g) Amount of capital corporation is authorized to issue;

(h) Filing period of most recent annual report (list of officers and directors).

(3) Name availability review is not available by telephone. Names and addresses of officers and directors, records of very recent incorporations, dissolutions or other information requiring file and/or archival research cannot be responded to immediately by telephone.

(4) The corporations division receptionist does not have access to corporate information records. Receptionist's phone number, for general information, is (206) 753-7120.

[Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-025, filed 7/30/82.]

**WAC 434-50-030 Mail-in service.** (1) Expedited services for mail-in requests are currently not available.

(2) Documents for filing are processed in order of date of receipt. If acceptable, documents will be marked "filed" as of the date of receipt, under RCW 23A.04.010(18). If requested in a cover letter, personnel will call (collect) and advise when documents are filed. Requests for specific filing dates not more than thirty days in advance will be observed; documents must be received in proper order with correct fees by the specified date.

(3) Information requests are processed in order of date of receipt, when related to active files. However, inquiries requiring search of nonactive or archived files are processed on a time-available basis.

[Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-030, filed 7/30/82.]

**WAC 434-50-035 In-person or expedited counter service--Special fees.** (1) Same-day processing of corporate documents is available during counter-service hours (8:30-11:30 a.m., 1:00-3:30 p.m.) at the offices of the corporations division. Expedited services available include charter document review and filing, name reservation review and filing, document certification, document copying, processing of service-of-process filings, trademark filings and other services related to corporation records and filings. Special service fees apply to same-day services.

(2) Fees for same-day services provided in-person, over-the-counter at the corporations division are as follows:

(a) A copy of corporate or other records: Five dollars expedited service fee plus statutory fees (one dollar for first page copied, twenty cents per page thereafter);

(b) Certificate or certified copies: Five dollars expedited service fee, plus statutory fee (\$5.00 each certificate, plus twenty cents per page copied);

(c) Same-day processing of corporate charter documents, such as articles of incorporation, amendments, mergers, dissolutions, qualification of foreign corporation: Ten dollars expedited service fee per document, plus statutory fees for the form of the filing;

(d) Same-day processing of name reservation or registration requests: Ten dollars expedited service fee, plus regular statutory filing fee for each action or document processed;

(e) Processing of trademark filing, same-day basis: Ten dollars expedited service fee, plus statutory fee for the form of the filing, for each action or document processed;

(f) Processing of service-of-process on the secretary of state under Title 23A RCW or RCW 46.64.040, on a same-day basis: Ten dollars expedited service fee, plus statutory \$25.00 service-of-process fee, for each action or document filed;

(g) Same-day processing of any other documents or materials submitted for filing under the corporations, trademarks or limited partnership laws: Ten dollars expedited service fee, plus any other applicable statutory fee, for each action or document processed;

(h) Search of nonactive corporation or trademark archival files (corporations dissolved, merged out of existence or otherwise defunct): Ten dollars expedited search fee, for each request.

(3)(a) Special service fees, as established above, will be charged when same-day, over-the-counter service is requested. (Allow four-hour turn-around time for same-day service.) If the office of the secretary of state is unable to complete the requested action, by approval, denial or other definite disposition of the matter, by 4:30 p.m. of the day of receipt, the documents or other work will be processed first on the following business day.

(b) If special emergency services beyond same-day or over-the-counter services are provided by the division, including but not limited to delivery of documents, employee overtime, special copying, certifying or approval of materials, special research, or making long-distance phone calls related to the emergency situation, a special emergency fee of \$75.00 per hour will be charged, in addition to regular fees which may be due for the form of the filing. When a request qualifying as an emergency is received by the agency, the agency will notify the requestor of the emergency service fee. The requestor must agree to the fee and any other reasonable conditions set by the agency before emergency services will be provided. Emergency requests require intensive amounts of agency effort for a short period, and will not be accepted by the agency except under exigent and compelling circumstances.

(4) Because of limited staff, the corporations division reserves the right to limit the availability of counter service or to limit the number of service requests submitted

by one person during one day. Generally, the agency will limit to three the separate service requests which may be submitted by one person in one day. In the case of documents submitted by courier services or document-handling companies, no more than five separate service requests may be submitted per day for handling the same day unless alternate arrangements have been made with the agency or unless agency workload permits.

(5) There are no special fees or other expedited service charges for:

(a) In-person inspection or review of corporate or other public records located at the corporation division offices;

(b) Documents or other service requests left at the corporations division for regular, nonexpedited processing. Such documents will be receipt-stamped only, and reviewed and processed as if otherwise received in the mail.

[Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-035, filed 7/30/82.]

**WAC 434-50-040 Miscellaneous charges—Special service fees.** (1) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a seven-dollar reprocessing fee, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

(2) Error in document—Resubmission fees. If a person, corporation or other entity submits a document for filing to the office of the secretary of state and the document contains one or more of the errors listed below, subsections (a)–(e), a three-dollar resubmittal fee to cover postage and handling will be charged each time the office of the secretary of state must return the documents to sender for correction or completion and the corrected documents are subsequently resubmitted to the office of the secretary of state for action. Reasons for document rejection which will trigger a resubmission fee are:

(a) Submission corporate charter document(s) lacking required signature(s) on any copy of the document, or not accompanied by supportive documents, such as certificate of good standing, second set of charter documents;

(b) Submission of corporate charter document(s) without required filing or license fees;

(c) Submission of corporate charter documents which fail to state a registered office address or to appoint a registered agent, if the document filing is of a type which requires such designation (i.e., articles of incorporation), or if agent's signed consent to serve is not included;

(d) Submission of articles of incorporation wherein the name of the corporation is not consistently spelled in the same manner throughout the articles (i.e., where page one refers to the "ABC Company," but page six refers to "ABCD Company").

(e) Submission of documents wherein the capital value is inconsistent or which fail to set an aggregate value for nonpar shares.

(3) The office of the secretary of state may provide certain photocopies or services free of charge as a cost-effective measure and convenience of office administration.

[Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-040, filed 7/30/82.]

**WAC 434-50-045 Fee prepayment, when required.**

(1) The following fees due to the office of the secretary of state must be prepaid (check or money submitted concurrently with the document(s)) before action can be taken:

(a) Filing fees, under Titles 23A, 18, 23 and 24 RCW;

(b) Corporate annual license fees;

(c) Trademark filing fees;

(d) Special service fees for expedited document processing;

(e) Service-of-process fees;

(f) Copy or copying charges;

(g) Certificate or certified copy charges;

(h) Special archival search service fees;

(i) Document resubmission fees or dishonored check fees;

(j) Purchase of publications, such as the corporate laws or microfiche subscription.

(2) Anyone desiring a certificate, certified copies or photocopies or other service for which the statutes have set a variable rate may send in his request accompanied by a check made payable to the "secretary of state," with the phrase "not to exceed (specified dollar amount)" above the space intended for the written dollar amount. The clerk who processes the request will fill in the exact fee amount, and a memo indicating the exact amount filled in on the check will accompany the returned certificate or other document.

[Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-045, filed 7/30/82.]

**WAC 434-50-050 Original signature requirement—Original retained.** RCW 23A.04.010(16) and related sections in the Washington profit and nonprofit corporation statutes permit documents which are to be submitted to the office of the secretary of state in duplicate original form to be submitted as "one original with original signatures and one copy thereof." In the case of documents submitted with only one original-signature version and one copy thereof, the office of the secretary of state will retain as its official file copy the document version bearing the original signature(s), and will return to the submitter that document version bearing the copy of the signature(s).

[Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-050, filed 7/30/82.]

**WAC 434-50-055 Registered office address—Requirements.** By law, the registered office address for a corporation registered in Washington state must be at a geographic location in this state. However, a post office box address may be used in conjunction with the registered office address. A post office address may be used when:

(1) The U.S. Postal Service cannot or will not deliver to the "street address," and the agent will therefore not receive mail communications from the office of the secretary of state, including the annual license fee billing; and

(2) The post office box address the agent desires to use is in the same Washington city or town as the registered office address; and

(3) The agent notifies the office of the secretary of state and the corporation of any changes in address, whether of the official registered office address or of the mail (post office box) address.

[Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-055, filed 7/30/82.]

#### 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.
434-55-030	Filing domestic limited partnerships—Optional index sheet.
434-55-040	Execution of documents, duplicate originals and reproduction quality.
434-55-050	Name reservation or registration.
434-55-055	Pre-October 1, 1982, limited partnership filings.
434-55-060	Document filing fees—Limited partnerships.
434-55-065	In-person or expedited counter service—Special fees.
434-55-066	Miscellaneous charges—Special service fees.

##### 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 434-55-030 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 434-55-040 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 434-55-050 Name reservation or registration.** A name for a limited partnership may be reserved by filing an application therefor and paying the applicable fee. The applicant may use the secretary of state's regular form for reservation of name, or may submit a written request. A written request must identify the name desired, the fact that it is requested for a limited partnership, the entity for which the name is to be reserved,

the agent making the request and his/its address, and must be signed by the agent, partner or other authorized representative of the limited partnership.

In view of the increasing competition for business names, persons making name reservation requests are advised to submit up to three prioritized names per request. The secretary of state will review the names requested in order of priority indicated and will reserve the available name of highest priority. If no name reservation can be accepted, the reservation fee is returned to the requestor.

[Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-050, 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.]

**WAC 434-55-065 In-person or expedited counter service--Special fees.** (1) Same-day processing of limited partnership documents is available during counter-service hours (8:30 - 11:30 a.m., 1:00 - 3:30 p.m.) at the offices of the corporations division.

(2) Fees for same-day services provided in-person, over-the-counter at the corporations division are as follows:

(a) A copy of limited partnership records: Five dollars expedited service fee plus regular fees;

(b) Certificate or certified copies: Five dollars expedited service fee, plus regular fee

(c) Same-day processing of limited partnership charter documents: Ten dollars expedited service fee per document, plus regular fees for the form of the filing;

(d) Same-day processing of name reservation or registration requests: Ten dollars expedited service fee, plus regular filing fee for each action or document processed;

(e) Processing of service-of-process on the secretary of state on a same-day basis: Ten dollars expedited service fee, plus regular \$25.00 service-of-process fee, for each action or document filed;

(f) Same-day processing of any other documents or materials submitted for filing under the limited partnership laws: Ten dollars expedited service fee, plus any other applicable statutory fee, for each action or document processed;

(g) Search of pre-October 1, 1982, limited partnerships: Ten dollars expedited search fee, for each request.

(3)(a) Special service fees, as established above, will be charged when same-day, over-the-counter service is requested. (Allow four-hour turn-around time for same-day service.) If the office of the secretary of state is unable to complete the requested action, by approval, denial or other definite disposition of the matter, by 4:30 p.m. of the day of receipt, the documents or other work will be processed first on the following business day.

(b) If special emergency services beyond same-day or over-the-counter services are provided by the division, including but not limited to delivery of documents, employee overtime, special copying, certifying or approval of materials, special research, or making long-distance phone calls related to the emergency situation, a special emergency fee of \$75.00 per hour will be charged, in addition to regular fees which may be due for the form of the filing. When a request qualifying as an emergency is received by the agency, the agency will notify the requestor of the emergency service fee. The requestor must agree to the fee and any other reasonable conditions set by the agency before emergency services will be provided. Emergency requests require intensive amounts of agency effort for a short period, and will not be accepted by the agency except under exigent and compelling circumstances.

(4) Because of limited staff, the corporations division reserves the right to limit the availability of counter service or to limit the number of service requests submitted by one person during one day.

(5) There are no fees or other expedited service charges for:

(a) In-person inspection or review of limited partnership or other public records located at the corporation division offices;

(b) Documents or other service requests left at the corporations division for regular, nonexpedited processing. Such documents will be receipt stamped only, and reviewed and processed as if otherwise received in the mail.

[Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-065, filed 10/6/82.]

**WAC 434-55-066 Miscellaneous charges--Special service fees.** (1) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a

check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a seven-dollar reprocessing fee, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be cancelled and all other late filing fees and penalties will be instituted.

(2) Error in document - Resubmission fees. If a person or limited partnership submits a limited partnership document for filing to the office of the secretary of state and the document must be returned to sender for correction of one or more of the errors identified below, a resubmission fee of three dollars to cover postage and handling will be assessed by the secretary of state when the documents are returned to sender. Reasons for document rejection which will trigger a resubmission fee are:

(a) Submission of limited partnership document(s) lacking required signature(s), required duplicate copies, information required by the limited partnership statute for the form of the filing, or required supportive documents.

(b) Submission of limited partnership filings without proper document filing fees (WAC 434-55-060) attached.

[Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-066, filed 10/6/82.]

**Chapter 434-57 WAC**

**REGULATIONS ON ACCESSIBILITY OF POLLING PLACES AND PERMANENT VOTER REGISTRATION FACILITIES TO ELDERLY VOTERS OR DISABLED VOTERS**

WAC	
434-57-010	Purpose.
434-57-020	Definitions.
434-57-030	Standards for accessible polling places and permanent voter registration facilities.
434-57-040	Use of public buildings as polling places.
434-57-050	Assistance from persons with disabilities.
434-57-070	Report of precincts and polling places.
434-57-080	Examination of inaccessible polling places.
434-57-090	Accessible polling places—Exceptions.
434-57-100	Procedures for inaccessible polling places.
434-57-120	Accessible permanent voter registration facilities.
434-57-130	Voting and registration instructions.
434-57-150	Notice of accessibility.

**WAC 434-57-010 Purpose.** These regulations are adopted pursuant to RCW 29.57.170 to implement the provisions of chapter 29.57 RCW and the requirements of Public Law 98-435 regarding the accessibility of polling places and voter registration facilities for federal elections.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-010, filed 3/27/86.]

**WAC 434-57-020 Definitions.** As used in these regulations:

(1) "Accessible" means the combination of factors which create an environment free of barriers to the mobility or functioning of voters who are elderly or disabled. The environment consists of the routes of travel to and through buildings or facilities used for the purpose of voting or voter registration.

(2) "Alternative polling place" means an accessible location which could be used as a polling place in the event that the existing site is inaccessible and which is reasonably convenient to assigned voters as determined by the county auditor.

(3) "County auditor" means the county auditor or county election official.

(4) "Election" means any primary, special or general election for any federal office.

(5) "Federal election" means a primary, special or general election for the office of president, vice-president, United States senator or United States representative.

(6) "Permanent voter registration facilities" means any offices or other locations specifically required to provide voter registration services under chapter 29.07 RCW or the location of any deputy registrar appointed by the county auditor to serve for an indefinite period of time.

(7) "State of emergency" means any condition which, in the opinion of the county auditor and secretary of state, would interfere with the safe and efficient conduct of an election.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-020, filed 3/27/86.]

**WAC 434-57-030 Standards for accessible polling places and permanent voter registration facilities.** A polling place is accessible if each of the following standards is met or exceeded. If each of the following standards cannot be met, alternative accommodations may be permitted under RCW 29.57.090. A permanent voter registration facility is accessible if each of the following standards is met or exceeded, except in subsections 3 and 4 where the standard specifically applies to a polling place.

(1) **PARKING.** Where off-street parking is provided, there is at least one existing or temporary parking place at a polling place designated for use on the day of the election by voters [on the day of the primary or election, for each nine hundred persons registered to vote at that polling place] whose vehicle displays a special card, decal or license plate as required by RCW 64.61.381 [46.16.381]. A polling place, where off-street parking is not available, is considered accessible only if there is no other equally accessible alternative polling place where off-street parking is available which would be suitable for a precinct or group of precincts. Where off-street parking is provided, there is at least one existing parking place at a permanent voter registration facility designated for use by persons who are elderly or disabled. The designated parking place(s) is in close proximity to the accessible entrance to the building containing the

polling place or permanent voter registration facility and is no less than twelve feet six inches wide. The area surrounding the [designated] parking place(s) [for voters with disabilities] is a firm, stable surface and generally level, with a maximum slope in any direction of one inch in fifty inches. A slope of one inch in thirty inches in the area surrounding the designated parking place[(s)] is considered accessible only if all other potential polling places within [the] [a] precinct [or group of precincts] are not and cannot be made to meet this standard.

(2) ACCESSIBLE ROUTE OF TRAVEL. A continuous, unobstructed pathway exists from the accessible parking place(s), where provided, to and through the accessible building entrance and to the polling place or permanent voter registration facility. The accessible route of travel is a minimum of thirty-six inches of clear width and seventy-nine inches in clear height unless otherwise specified in these standards.

(a) WALKWAYS AND RAMPS. Walkways or ramps which occur within the accessible route of travel have a minimum clear width of forty-four inches, no abrupt edge over one-half inch in height, no grating with openings larger than one-half inch, and a maximum slope in the direction of travel less than one inch in twenty inches with a cross slope no more than one inch in fifty inches. The width of walkways and ramps may be thirty-six inches only in instances where it is impractical or unreasonable to provide forty-four inches. If the slope of the accessible route of travel is between one inch in twenty inches and one inch in twelve inches, a level five foot by five foot landing is provided for each thirty inches of rise. Ramps and curb cuts have a slope no more than one inch in twelve inches. Ramps one inch in twenty or steeper have handrails. Curb cuts have a clear width of thirty-six inches and side slopes no more than one inch in six inches.

(b) ENTRANCES. The entrance to the building containing the polling place or permanent voter registration facility is at least thirty-two inches of clear width with a threshold no more than one-half inch in height. The entrance to the building containing a polling place with a threshold of one and one-half inches in height is considered accessible if there is no other equally accessible alternative polling place where the entrance with a threshold of one-half inch in height is available which would be suitable for a precinct or a group of precincts. There is a level, firm, stable and slip resistant surface at least fifty inches wide, at least eighteen inches of which is directly adjacent to the latch side of the door, and five feet deep on both the inside and outside of the door. If the entrance to the building containing the polling place remains in an open position during polling hours, the requirement for the eighteen inches adjacent to the latch side of the door does not apply. If the door is power operated, it is equipped with a time delay.

(c) INTERIOR CORRIDORS. If the entrance to the building containing the polling place or permanent voter registration facility does not open directly to the polling place or permanent voter registration facility, there is an unobstructed route of travel from the entrance of the

building to the entrance of the polling place or permanent voter registration facility which is at least forty-four inches wide. If there is an elevator on the only accessible route of travel, it is in close proximity to the entrance to the building, it has a minimum interior depth of forty-eight inches, the doors have at least thirty-two inches clear width, and the floor has a firm, stable surface.

(3) POLLING PLACE. There is seating and adequate, unobstructed space for reasonable movement of voters who are elderly or disabled within the polling place.

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

(5) ILLUMINATION. There is sufficient illumination at all points along the accessible route of travel and within the polling place or permanent voter registration facility.

(6) SIGNS. There are signs with large, high contrast lettering which identify any available accessible parking spaces and the accessible route of travel to the polling place or permanent voter registration facility if it is different from the primary route of travel to the polling place or permanent voter registration facility. Signs shall prominently display the international symbol of access as provided by RCW 70.92.120.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-030, filed 3/27/86. Statutory Authority: Chapter 29.57 RCW as amended by 1985 c 205. 85-18-003 (Order 85-3), § 434-57-030, filed 8/22/85.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 434-57-040 Use of public buildings as polling places.** A county auditor may request the legislative authority of a county, municipality or special district for the use of their facility as a polling place when, in the judgment of the county auditor, that facility would provide a location that would best satisfy the requirements of chapter 29.57 RCW. The county auditor shall notify the secretary of state if authorization to use such a facility is not granted and no other accessible location is available.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-040, filed 3/27/86.]

**WAC 434-57-050 Assistance from persons with disabilities.** The secretary of state shall maintain a list of qualified persons from the disability community and other service organizations from which county auditors may seek assistance in reviewing sites.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-050, filed 3/27/86.]



**WAC 434-57-070 Report of precincts and polling places.** (1) No later than April 1 of each even-numbered year, each county auditor shall report to the secretary of state, on a form prescribed and provided by the secretary of state, a list of all precincts and assigned polling places within that county. This report shall specify those polling places which are inaccessible, a summary of the efforts to locate alternative polling places and any measures taken to temporarily modify existing inaccessible polling places.

(2) In 1986, the secretary of state may, on the request of a county auditor, extend the deadline of this report to no later than July 1.

(3) No later than thirty days before the next election in an even-numbered year, a county auditor shall notify the secretary of state of any changes in polling place locations. No changes in polling place locations may be made after that time except where it has been determined that a state of emergency exists.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-070, filed 3/27/86.]

**WAC 434-57-080 Examination of inaccessible polling places.** (1) No later than July 1 in each even-numbered year, or August 1, 1986 when the reporting deadline has been extended, the secretary of state shall review the reports of polling places submitted by each county auditor. The secretary of state shall verify that every effort has been made to locate alternative polling places for each inaccessible polling place and shall check each inaccessible polling place to verify its inaccessibility.

(2) Any polling place for which a report has not been submitted shall be considered inaccessible and shall not be used in an election unless it has been determined that a state of emergency exists.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-080, filed 3/27/86.]

**WAC 434-57-090 Accessible polling places--Exceptions.** An inaccessible polling place shall not be used in federal elections unless the following conditions have been met:

(1) The secretary of state has reviewed and verified the inaccessible polling place, that a reasonable effort has been made to locate an alternative polling place and that measures to temporarily modify the existing polling place are not feasible, and

(2) The registered voters assigned to such an inaccessible polling place have been notified as required, or

(3) It has been determined that a state of emergency exists.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-090, filed 3/27/86.]

**WAC 434-57-100 Procedures for inaccessible polling places.** (1) No later than thirty days before a special election for a federal office or a primary in each even-numbered year, the county auditor shall mail a notice to each registered voter assigned to an inaccessible polling

place which has been authorized for use under these rules and shall contain the following information:

(a) The polling place for that precinct is inaccessible, for the election or elections indicated in the notice, according to the accessibility standards established for voters who are elderly and disabled. The extent and nature of inaccessibility shall be specified.

(b) No later than twenty days before the election or elections indicated in the notice, voters who are elderly or disabled may request to be assigned to an alternative polling place as listed in the notice, or may request to vote by absentee ballot.

(c) An absentee ballot request form or instructions for requesting an absentee ballot for the specific election or elections indicated in the notice.

(2) Subsequent to the transmittal of a notice under (1) of this section and no later than thirty days before the next election, the county auditor shall also notify any person who registers to vote and is assigned to a precinct for which the polling place is inaccessible.

(3) The county auditor shall make the following accommodations in voting procedures necessary to allow the use of alternative polling places by voters who are elderly and disabled:

(a) The county auditor shall assemble election materials for voters who request to vote at an alternative polling place. The following materials shall be separated according to the precinct in which the voters are registered and placed into an envelope which clearly identifies that precinct:

(i) A poll book or precinct list which contains the names of only those voters from that precinct assigned to the alternative polling place;

(ii) A ballot for each voter from the precinct in which that voter is registered;

(iii) An envelope for voted ballots which is clearly marked "Ballots for Precinct ----- from Alternative Polling Place ----- for Elderly and Disabled Voters";

(iv) Instructions for the precinct election officers.

(b) The procedures for voting and ballot tabulation for all ballots cast by a voter who is elderly or disabled at an alternative polling place shall be as follows:

(i) The voter shall be given a ballot from the precinct in which that voter is registered and contains all the issues and candidates for which that voter is legally qualified to vote. For lever machine precincts, the voter shall be provided with an appropriate paper ballot.

(ii) After the voter has cast his or her ballot, the ballot shall be placed in a separate ballot box or an envelope designated for ballots cast in an alternative polling place.

(iii) Following the close of the polls, ballots shall be transmitted in the designated envelopes to the county auditor's office. Within each county, all ballots cast at alternative polling places shall be canvassed and reported by legislative district separately from absentee or question ballots.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-100, filed 3/27/86.]

**WAC 434-57-120 Accessible permanent voter registration facilities.** Each county auditor shall provide a reasonable number of accessible permanent voter registration facilities. Each county auditor shall report to the secretary of state, on a form provided by the secretary of state, a list and address of all permanent voter registration facilities. This list shall identify those facilities which meet the accessibility standards as provided in these rules. Each county auditor shall submit this list with the report of polling places. The secretary of state shall review such lists and determine if the number of accessible permanent voter registration facilities is adequate to meet the needs of persons who are elderly or disabled. If the secretary of state determines that the number of facilities is inadequate, he or she shall notify the county auditor and request additional facilities be provided.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-120, filed 3/27/86.]

**WAC 434-57-130 Voting and registration instructions.** Each county auditor shall conspicuously display voting instructions, printed in at least 16-point bold type, at each polling place on the day of the election. Each county auditor shall also conspicuously display registration instructions, printed in at least 16-point bold type, at each permanent voter registration facility.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-130, filed 3/27/86.]

**WAC 434-57-150 Notice of accessibility.** Each county auditor shall include a list of polling places, indicating those polling places which are accessible according to the standards for voters who are elderly or disabled, in the notice of election published under RCW 29.27.030 and 29.27.080.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-150, filed 3/27/86.]

### Chapter 434-62 WAC

#### CANVASSING AND CERTIFICATION OF PRIMARIES AND ELECTIONS

##### WAC

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434-62-130	Certification of special primaries and special elections.
434-62-140	Microfilm copies of election returns.

**WAC 434-62-005 Authority and purpose.** These rules are adopted pursuant to RCW 29.04.080 and chapter 34.04 RCW in order to establish uniform procedures governing the canvass of primaries and elections, general and special, and to ensure the accurate and timely certification of those election returns.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-005, filed 10/3/80.]

**WAC 434-62-010 Definitions.** As used in these regulations:

(1) "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 to safeguard the integrity of the election process.

(2) "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 the verifying all unofficial returns as listed in the auditor's abstract of votes, and the producing of the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chairman of the board of the county legislative authority, or their designated representatives.

(3) "Preliminary abstract of votes" is that report prepared by the county auditor which lists registered voters, votes cast, and all vote totals by precinct, or by combination of precincts if applicable, but it shall not include any absentee ballot totals or any subtotals or county-wide totals.

(4) "Auditor's abstract of votes" is that report prepared by the county auditor which lists registered voters, votes cast, all of the vote totals by precinct, or by combination of precincts if applicable, and which includes absentee ballot totals, legislative district subtotals, if any, and county-wide totals. Vote totals in the auditor's abstract of votes shall be unofficial until verified and certified by the county canvassing board.

(5) "Verification of the auditor's abstract of votes" is that process whereby the county canvassing board determines that all of the individual precinct and absentee ballot totals, as shown on the auditor's abstract of votes, have been correctly listed and that the various subtotals are an accurate reflection of the sum of those individual precinct and absentee ballot totals.

(6) "County canvass report" is the auditor's abstract of votes after verification by the county canvassing board and shall contain a certificate which shall include the oath as specified in RCW 29.62.040, the original signatures of each member of the county canvassing board, the county seal, and all other material pertinent to the election.

(7) "Certified copy of the county canvass report" is that report transmitted by the county auditor to the secretary of state which contains registered voters and votes cast by precinct, or combination of precincts if applicable, votes cast for and against state measures, and votes

cast for candidates for federal and state-wide offices and for any office whose jurisdiction encompasses more than one county, absentee ballot totals for those measures and candidates, subtotals if applicable, and county-wide totals. It shall also include a certificate, bearing original signatures and an original county seal, identical to that included in the official county canvass report, and any other material which may be pertinent to the canvass of the election.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-010, filed 10/3/80.]

**WAC 434-62-020 Preliminary abstract of votes.** Following the election and prior to the official canvass, the county auditor shall prepare an abstract of votes, listing registered voters and votes cast, votes cast for and against measures, and votes cast for candidates, by precinct or groups of precincts in the event precincts have been combined pursuant to RCW 29.04.055.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-020, filed 10/3/80.]

**WAC 434-62-030 Auditor's abstract of votes.** No later than the tenth day following any primary or special election and the fifteenth day following any general election the county canvassing board shall meet and canvass all absentee ballots not previously processed under the provisions of chapter 29.36 RCW, together with all questioned and challenged ballots. Upon completion of this canvass the board shall direct the county auditor to include all absentee ballot totals and all challenged and questioned ballot totals, or legislative district subtotals if applicable, in the preliminary abstract of votes prepared pursuant to WAC 434-62-020. The county auditor shall then add these totals to the existing precinct totals. The ensuing report, containing a count of all ballots cast in the election, subtotal reports by legislative district, and county-wide totals shall constitute the auditor's abstract of votes.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-030, filed 10/3/80.]

**WAC 434-62-040 Verification of auditor's abstract of votes.** The county canvassing board shall examine the auditor's abstract of votes and shall verify that all of the individual precinct and absentee ballot totals have been included in the abstract and that the subtotals and county-wide totals for registered voters and votes cast are an accurate reflection of the sum of those individual precinct and absentee ballot totals. This verification shall be accomplished, in counties with fewer than 100,000 registered voters, by directing the county auditor or his or her representative to add these individual precinct and absentee ballot totals in the presence of the canvassing board manually or by using an adding machine. The canvassing board shall then compare the subtotals and totals produced in this manner against the subtotals and totals as they appear on the auditor's abstract of votes and verify that the figures are identical. In counties with more than 100,000 registered voters the adding machine tapes or manual totals may be produced

prior to the meeting of the canvassing board, but in such counties the canvassing board shall carefully compare the preproduced subtotals and totals against the subtotals and totals as they appear on the official abstract of votes and verify that the two sets of figures are identical.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-040, filed 10/3/80.]

**WAC 434-62-050 Errors or discrepancies discovered during the verification of the auditor's abstract of votes.** In the event that the county canvassing board, during the verifications process, discovers that errors exist in the auditor's abstract of votes or that discrepancies exist between that abstract and the manual or adding machine totals for registered voters and votes cast produced pursuant to WAC 434-62-040, the board shall investigate those errors and discrepancies. They shall be empowered to take whatever corrective steps a majority of the board deems necessary, including changing or modifying the auditor's abstract of votes if the error or discrepancy is discovered in that document. The canvassing board may then proceed to verify votes cast on measures or for candidates if a majority of the board believes that the nature of the errors or discrepancies discovered warrant such further action on their part.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-050, filed 10/3/80.]

**WAC 434-62-060 Documentation of corrective action taken.** If the canvassing board decides to take corrective action with respect to any part of the auditor's abstract of votes, they shall prepare a written narrative of the errors or discrepancies discovered, the cause of those errors, if known, and the corrective action taken. In the event the auditor's abstract of votes is altered or modified by the canvassing board, those alterations and modifications shall be initialed by each member of the canvassing board, additionally, the written narrative shall be signed by each member of the board.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-060, filed 10/3/80.]

**WAC 434-62-070 Official county canvass report.** Upon completion of the verification of the auditor's abstract of votes and the documentation of any corrective action taken, the county canvassing board shall sign a certification that the abstract is a full, true, and correct representation of the votes cast for the issues and offices listed thereon. The certification shall also state the total number of registered voters and votes cast in the county. The certification shall contain the oath required by RCW 29.62.040, signed by the county auditor and attested to by the chairman of the board of the county legislative authority, and shall have a space where the official seal of the county shall be attached. This certification, the auditor's abstract of votes, any adding machine tapes produced during the verification process, and the written narrative of errors and discrepancies discovered and corrected, if applicable, shall constitute the official county canvass report. This report may not be subsequently amended or altered, except in the event a

recount conducted pursuant to chapter 29.64 RCW, or upon order of the superior court, or by the county canvassing board reconvened specifically for that purpose. The vote totals contained therein shall constitute the official returns of that election.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-070, filed 10/3/80.]

**WAC 434-62-080 Auditor's abstract of votes--Secretary of state to receive certified copy--Transmittal.** No later than the next business day following the certification of the returns of any primary, special, or general election at which votes were cast for or against state measures or for candidates for federal and state-wide office or for offices whose jurisdiction encompasses more than one county, the county auditor shall send a certified copy of that part of the auditor's abstract of votes covering those issues and offices to the secretary of state. This copy must be no larger than eleven inches by fourteen inches and have a certificate identical to that accompanying the official county canvass report, bearing the county seal and original signatures of the officers required to sign that document attached or affixed thereto. A copy of the written narrative documenting errors and discrepancies discovered and corrective action taken shall accompany the abstract if applicable. Copies of the adding machine tapes used during the verification process need not be sent to the secretary of state.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-080, filed 10/3/80.]

**WAC 434-62-090 Receipt of certified copy of auditor's abstract of votes by secretary of state.** The secretary of state shall ensure that all material required to be submitted pursuant to state law and these regulations has been included in the certified copy of the auditor's abstract of votes transmitted to his or her office. In the event the secretary of state determines that the certified copy of the auditor's abstract of votes is incomplete, he or she shall notify the county auditor of that fact and shall request that the missing part of the abstract be forwarded immediately. No county's certified copy of the abstract of votes shall be considered as complete for acceptance by the secretary of state until all of the material required by statute and regulation has been received by the secretary of state. In the event the certified copy of the official abstract is illegible or in improper form, the secretary of state shall return that abstract and require an immediate re-submission of the abstract in proper or legible form.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-090, filed 10/3/80.]

**WAC 434-62-100 Canvass of returns by the secretary of state--Powers and duties.** Upon receipt of a complete certified copy of the auditor's abstract of votes from a county auditor, the secretary of state shall proceed to include the results from that abstract in the official canvass of the primary, special, or general election prepared by that office. This shall be done by adding the certified returns from each completed county abstract of

votes in order to determine the final results for those offices and issues he or she is required by law to certify. The secretary of state shall accept the certified copy of the official abstract of votes from each county as being full, true, and correct in all respects. The secretary of state may include in the official canvass, a narrative which details or describes any apparent discrepancies discovered during the canvassing procedure, and may notify the county or counties involved of such discrepancies.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-100, filed 10/3/80.]

**WAC 434-62-110 Certification of primary returns by the secretary of state.** Upon completion of the canvass of each county's certified copy of the auditor's abstract of votes and no later than the third Tuesday following the primary, the secretary of state shall certify to the appropriate county auditors the returns for all candidates for federal and state-wide offices, for those offices whose jurisdiction encompasses more than one county, and the ballot titles for all state measures. In the event the secretary of state is unable to certify all or part of a primary election by the third Tuesday following that primary because he or she has not received completed certified copies of the auditor's abstract of votes from one or more counties, he or she shall certify the state ballot measures and those candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the county auditors, those reasons which render him or her unable to certify the entire primary. The certification of the remainder of the primary shall take place when all outstanding certified copies of official abstracts have been received and filed.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-110, filed 10/3/80.]

**WAC 434-62-120 Certification of general election returns by the secretary of state.** Upon completion of the canvass of each county's certified copy of the auditor's abstract of votes and no later than the thirtieth day following a general election the secretary of state shall certify to the governor the returns for all candidates for federal and statewide offices, for those offices whose jurisdiction encompasses more than one county, and for all state ballot measures. In the event the secretary of state is unable to certify all or part of a general election by the thirtieth day following that election because he or she has not received completed certified copies of the auditor's abstract of votes from one or more counties, he or she shall certify those candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the governor, those reasons which render him or her unable to certify the entire election. The certification of the remainder of the election shall take place when all outstanding certified copies of official abstracts have been received.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-120, filed 10/3/80.]

**WAC 434-62-130 Certification of special primaries and special elections.** Insofar as practicable, the procedures governing the certification of special primaries by the secretary of state shall be the same as those governing the certification of primaries, and the procedures governing the certification of special elections shall be the same as those governing general elections.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-130, filed 10/3/80.]

**WAC 434-62-140 Microfilm copies of election returns.** The secretary of state shall produce and make available for public inspection and copying pursuant to chapter 434-12 WAC microfilm or microfiche copies of all county canvass reports submitted to his or her office. The charges for microfilm duplicates or photocopies produced from the microfilm originals shall be equal to the actual cost of reproduction including personnel time and any cost of mailing.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-140, filed 10/3/80.]

**Chapter 434-69 WAC  
MAPS AND CENSUS CORRESPONDENCE  
LISTINGS**

**WAC**

434-69-005	Authority and purpose.
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434-69-020	Precinct maps—Availability and distribution.
434-69-030	Precinct lists—Preparation and filing.
434-69-040	Base maps, census overlay maps, and related information—Duties of the secretary of state.
434-69-050	Precinct overlay maps—Preparation.
434-69-060	Census correspondence listings—Preparation.
434-69-070	Detail maps and census correspondence listings—Maintenance, distribution, and filing.
434-69-080	Compensation to county auditors for direct expenses.

**WAC 434-69-005 Authority and purpose.** These rules are adopted under authority of RCW 29.04.140 pursuant to chapter 34.04 RCW to establish and govern the procedures in the census mapping project by the secretary of state.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-005, filed 4/8/80.]

**WAC 434-69-010 Definitions.** As used in these regulations:

(1) "Census mapping project" includes all functions performed by the secretary of state and each county auditor in the preparation, maintenance, distribution, and filing of precinct maps, detail maps, and census correspondence listings pursuant to RCW 29.04.130.

(2) "Secretary of state" includes the secretary of state, assistant secretary of state, deputy secretary of state, or any other person authorized by the secretary of state to act in his or her behalf in the census mapping project.

(3) "County auditor" includes each county auditor, county elections official, or any other person authorized

by the county auditor to act in his or her behalf in the census mapping project.

(4) "Census maps" refers to the maps provided by the U.S. Census Bureau which indicate census unit boundaries and numeric identification of such census units.

(5) "Census units" refers to the census geographic area designations for which the population count will be reported including census tracts, block groups, blocks, enumeration districts, and county census divisions.

(6) "Precinct maps" refers to the maps prepared by each county auditor pursuant to RCW 29.04.130 which indicate the boundaries and numeric identification of each precinct in that county.

(7) "Precinct lists" refers to the lists prepared by each county auditor pursuant to RCW 29.04.050(3) which indicate the names and consecutively assigned numbers of each precinct in that county.

(8) "Base maps" refers to the sets of mylar maps of each county which are provided by the secretary of state on which final detail maps will be prepared.

(9) "Census overlay maps" refers to the mylar overlay maps prepared by the secretary of state which indicate census unit boundaries and numeric identification for the area covered by each base map.

(10) "Precinct overlay maps" refers to the mylar overlay maps prepared by each county auditor which indicate precinct boundaries and numeric identification for the area covered by each base map.

(11) "Detail map" refers to the sets of maps produced by the combination of the base maps with the corresponding census and precinct overlay maps for each county.

(12) "Census correspondence listings" refers to the lists prepared by each county auditor pursuant to RCW 29.04.130 which indicate the census units or portions of census units contained in each precinct in that county.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-010, filed 4/8/80.]

**WAC 434-69-020 Precinct maps—Availability and distribution.** (1) Pursuant to the provisions of RCW 29.04.130, on or before July 1, 1980, each county auditor shall prepare for public inspection and use precinct maps of that county.

(2) On or before July 18, 1980, each county auditor shall transmit to the secretary of state one complete set of precinct maps of that county.

(3) Each county auditor shall also send one copy of the precinct maps of each city or town in that county to the clerk of that city or town.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-020, filed 4/8/80.]

**WAC 434-69-030 Precinct lists—Preparation and filing.** On or before July 18, 1980, each county auditor shall prepare and transmit to the secretary of state a precinct list of that county. Precinct names shall be listed in alphabetical order and shall also be numbered consecutively.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-030, filed 4/8/80.]

**WAC 434-69-040 Base maps, census overlay maps, and related information—Duties of the secretary of state.** On or before September 15, 1980, the secretary of state shall prepare and transmit to each county auditor the following: (1) A set of base maps of that county; (2) a set of census overlay maps for each base map of that county; and (3) a sequential census unit listing, provided by the U.S. Census Bureau, which indicates all census units delineated on the census and base maps of that county.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-040, filed 4/8/80.]

**WAC 434-69-050 Precinct overlay maps—Preparation.** Pursuant to the provisions of RCW 29.04.130, each county auditor shall prepare precinct overlay maps for each base map of the county and each city and town within that county according to the following procedures:

(1) Precinct overlay maps shall be prepared on the reproducible mylar overlays provided by the secretary of state; (2) each county auditor shall transfer all precinct boundaries and numeric identification in red ink onto the mylar overlay for each base map of that county; and (3) each overlay map shall include the following identification in the lower left hand corner: (a) The name of the area covered by the map; (b) an arrow indicating north; and (c) the preparation date of the precinct overlay map.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-050, filed 4/8/80.]

**WAC 434-69-060 Census correspondence listings—Preparation.** Pursuant to the provisions of RCW 29.04.130, each county auditor shall prepare a census correspondence listing according to the following procedures: (1) Record the census tracts or county census divisions (CCD) and the smallest census units in each area for which population counts are to be reported from the sequential census unit listing supplied by the U.S. Census Bureau. (The order of census information on the census correspondence listing shall be identical to the sequential census unit listing.) (2) Record the number or numbers, as assigned pursuant to RCW 29.04.050(3), of each precinct which is wholly or partially coextensive with the census unit; (3) wherever census unit or precinct boundaries are not coincident, estimate for each portion of a split census unit, the proportion of the total number of registered voters residing in each precinct containing a portion of the split census unit. (Each county auditor shall refer to current voter registration lists and other available information to determine such estimated proportion of registered voters. Such estimates shall be expressed to at least the nearest 10 percent of the total number of registered voters within the precinct.)

The census correspondence listings shall be prepared in substantially the following form:

County _____		Map sheets _____	
Census Tract CCD	Block ED	Precinct Number	% of Registered Voters

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-060, filed 4/8/80.]

**WAC 434-69-070 Detail maps and census correspondence listings—Maintenance, distribution, and filing.**

(1) On or before November 1, 1980, each county auditor shall send to the secretary of state the complete set of mylar detail maps and census correspondence listings for that county; (2) the secretary of state shall maintain the original sets of mylar detail maps of each county; (3) the secretary of state shall reproduce and distribute copies of detail maps to each county auditor for the actual cost of reproduction; and (4) each county auditor shall maintain copies of precinct maps, detail maps, and census correspondence listings of the county. Such maps shall be available for public inspection during normal office hours. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction under such rules as the county auditor has adopted pursuant to RCW 42.17.260.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-070, filed 4/8/80.]

**WAC 434-69-080 Compensation to county auditors for direct expenses.** (1) Each county auditor may be reimbursed for direct expenses incurred for the preparation of precinct overlay maps and census correspondence listings. Compensation shall be made at a maximum rate of \$15.00 per 1,000 registered voters, as of the 1980 general election, for personnel costs, and \$2.00 per 1,000 registered voters, as of the 1980 general election, for supply costs.

(2) On or before April 1, 1981, each county auditor may submit to the secretary of state an invoice voucher for compensation for direct expenses. For auditing purposes, a detailed summary indicating the number of personnel, number of hours worked, and supplies used in the census mapping project must be submitted with the invoice voucher.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-080, filed 4/8/80.]

**Chapter 434-79 WAC**  
**VERIFICATION OF SIGNATURES ON**  
**REFERENDUM AND INITIATIVE PETITIONS**

WAC

434-79-010 Random sampling procedure.

**WAC 434-79-010 Random sampling procedure.** In the verification of signatures on initiative and referendum petitions, pursuant to RCW 29.79.200 and 29.79.220, when the number of signatures submitted is more than 110 percent of the number of signatures required by Article II, Section 1A of the Washington State Constitution, the following statistical test may be employed:

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

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

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

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

(5) Determine the maximum allowable number of pairs of signatures in the population by subtracting the sum of 110 percent of the number of signatures required by Article II, Section 1A of the Washington state constitution and the estimate of the upper limit of the number of invalid signatures in the population from the number of signatures submitted;

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

(7) Determine the acceptable number of pairs of signatures in the sample by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample;

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

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

[Statutory Authority: RCW 29.79.200, 78-08-032 (Order 78-2), § 434-79-010, filed 7/17/78.]

**Chapter 434-80 WAC**  
**OFFICIAL CANDIDATES' PAMPHLET--**  
**STATEMENTS AND PHOTOGRAPHS**

WAC

434-80-010 Deadline for submission of statements and photographs.  
 434-80-020 Rejection of statement or photograph.  
 434-80-030 Photographs.  
 434-80-040 Length of statements.  
 434-80-050 Restrictions on style for candidates' statement.  
 434-80-060 Content of statements for candidates' pamphlet.  
 434-80-070 Editing and review.

**WAC 434-80-010 Deadline for submission of statements and photographs.** Statements and photographs of candidates submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 shall be filed in the office of the secretary of state not later than 5:00 p.m. on the Friday prior to the state primary held pursuant to RCW 29.13.070. Publication of statements and photographs received after this date will be solely dependent on the schedule for composition of those portions of candidates' pamphlet in which that statement is to appear.

[Statutory Authority: RCW 29.80.070, 78-09-018 (Order 78-4), § 434-80-010, filed 8/9/78.]

**WAC 434-80-020 Rejection of statement or photograph.** Any statement of a candidate submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 which, in the opinion of the secretary of state, contains any obscene, profane, libelous, or defamatory matter or any language or matter the circulation of which by mail is prohibited by federal law shall be rejected. Any photograph showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance shall be rejected. Within five days of the rejection of a statement or photograph, the candidate may appeal such rejection to a board of review consisting of the governor, lieutenant governor, and attorney general. The board shall render a decision within three business days of the appeal and such decision to accept or reject the statement or photograph shall be final.

[Statutory Authority: RCW 29.80.070, 78-09-018 (Order 78-4), § 434-80-020, filed 8/9/78.]

**WAC 434-80-030 Photographs.** Photographs of candidates submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 shall be no more than five years old. Such photographs shall be black and white glossy prints of the head and shoulders only and shall be no larger than eight inches by ten inches or smaller than four inches by five inches.

[Statutory Authority: RCW 29.80.070, 78-09-018 (Order 78-4), § 434-80-030, filed 8/9/78.]

**WAC 434-80-040 Length of statements.** The maximum number of words for statements of candidates to be published in the official candidates' pamphlet pursuant to RCW 29.80.040 shall be determined according to the office sought as follows:

OFFICE	WORDS
State representative .....	100
State senator, judge of the superior court, judge of the court of appeals, judge of the supreme court, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner .....	200
Governor, United States representative, and United States senator .....	300

If a statement contains more than the maximum number of words permitted for that particular office, all material after the last complete sentence which is not in excess of the maximum length, counting from the beginning of the statement, will be omitted in the publication of the official candidates' pamphlet.

[Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-040, filed 8/9/78.]

**WAC 434-80-050 Restrictions on style for candidates' statement.** The secretary of state finds that it is in the public interest that all statements published in the official candidates' pamphlet pursuant to RCW 29.80.050 be of substantially similar format and style. To promote such consistency:

(1) All statements shall be typeset in block paragraph style without tables; lists, or other material requiring multiple indentation; and

(2) Words or other material which are underlined, in italics, or all in upper case letters will be typeset in italics.

[Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-050, filed 8/9/78.]

**WAC 434-80-060 Content of statements for candidates' pamphlet.** The secretary of state finds that it is in the public interest that all statements published in the official candidates' pamphlet pursuant to RCW 29.80.050 be accurate as to form and syntax. To promote such accuracy:

(1) All statements submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 shall be typewritten on plain sheets of white paper measuring eight and one-half inches by eleven inches and containing the name, mailing address, and telephone number of the candidate;

(2) The secretary of state shall not make any change in the content of any statement submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 which alters the meaning or substance of the statement; and

(3) The secretary of state shall correct any incidental errors of spelling, grammar, and punctuation which he feels would unfairly prejudice the statement of that candidate or confuse the voter.

[Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-060, filed 8/9/78.]

[Title 434 WAC—p 72]

**WAC 434-80-070 Editing and review.** If the secretary of state finds it necessary to make changes in the length or format of a statement or corrections in grammar, spelling, or punctuation in the text of a statement of a candidate submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 on or before the third Friday prior to the state primary held pursuant to RCW 29.13.070, a proof copy of the statement to be published showing the changes in length or format shall be sent to the candidate at the address on his or her statement. Candidates who submit statements after the third Friday prior to the state primary held pursuant to RCW 29.13.070 will not be notified of changes in the length or format of their statements or of other corrections made pursuant to WAC 434-80-040, 434-80-050, and 434-80-060.

[Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-070, filed 8/9/78.]

## Chapter 434-81 WAC VOTERS' PAMPHLET

WAC	
434-81-010	Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature.
434-81-020	Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures.
434-81-030	Additional members on committees to draft arguments for the voters pamphlets.
434-81-040	Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet.
434-81-050	Advisory committees.
434-81-060	Length of statements and rebuttals.
434-81-070	Restrictions on the style of statements in the voters pamphlets.
434-81-080	Submission of statements and rebuttals.
434-81-090	Rejection of statements for the voters pamphlet.
434-81-100	Editing of statements for the voters pamphlet.

**WAC 434-81-010 Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature.** Within forty-five days of the final passage of any constitutional amendment, referendum bill, or alternative to an initiative to the legislature by both houses of the state legislature, the presiding officer of the state senate shall appoint one senator known to favor the measure and one senator known to have opposed the measure to serve on the respective committees to draft arguments for and against the measure in the official voters pamphlet and the presiding officer (or officers acting concurrently) of the house of representatives shall appoint one representative known to favor the measure and one representative known to oppose the measure to serve on the respective committees. If no senator or representative consents to serve on a committee to draft an argument for or against a measure appearing in the voters pamphlet, the presiding officer of the senate, the presiding officer or officers of the house of representatives, and the secretary of state, acting concurrently, shall appoint



up to two persons who wish to support or oppose that measure, as the case may be.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-010, filed 4/17/79.]

**WAC 434-81-020 Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures.** Within thirty days after the submission of signatures in support of a proposed initiative or referendum measure or within thirty days after the adjournment of a regular session of the legislature at which an initiative to the legislature was not approved, the presiding officer of the state senate, the presiding officer or officers of the state house of representatives, and the secretary of state, acting concurrently, shall appoint for each such initiative, referendum measure or initiative to the legislature two persons known to favor such measure and two persons known to oppose such measure to serve on the respective committees to draft arguments for and against that measure to appear in the voters pamphlet.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-020, filed 4/17/79.]

**WAC 434-81-030 Additional members on committees to draft arguments for the voters pamphlets.** Within ten days after the appointment of the latter of the two persons appointed pursuant to WAC 434-81-010 or 434-81-020 to serve on a committee to draft arguments for or against a measure appearing in the voters pamphlet, such persons shall appoint a third person to serve with them on that committee and shall, within ten days, notify the secretary of state in writing of the name and address of the person so appointed.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-030, filed 4/17/79.]

**WAC 434-81-040 Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet.** Within ten days after the selection of a third person to serve on a committee to draft an argument for or against a measure appearing in the voters pamphlet, the committee shall elect from among their members a chairperson and shall immediately notify the secretary of state of the name, address and telephone number of the person so elected.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-040, filed 4/17/79.]

**WAC 434-81-050 Advisory committees.** Committees appointed to write arguments for or against measures appearing in the voters pamphlet may select up to five other persons to serve as an advisory committee. They shall notify the secretary of state of such appointments prior to the first day of August prior to the election at which the measure is to be submitted. Persons serving on advisory committees to committees drafting arguments for or against measures appearing in the voters pamphlet who are officers, employees, or representatives of any organization may only be designated as such

if that organization has taken an official action to support or oppose the measure, as the case may be.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-050, filed 4/17/79.]

**WAC 434-81-060 Length of statements and rebuttals.** Arguments for and against measure[s] appearing in the voters pamphlet shall not exceed two hundred and fifty words, except that the committee may use up to four headings to summarize and identify major arguments or portions of the statement for the convenience of the reader and such headings shall not be included in the computation of the number of words in the statement. Rebuttals to arguments for and against measures appearing in the voters pamphlet shall not exceed seventy-five words and must address issues raised in the opposing argument without injecting issues not previously discussed by either the argument for or against that measure. Headings are not permitted in connection with rebuttal statements.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-060, filed 4/17/79.]

**WAC 434-81-070 Restrictions on the style of statements in the voters pamphlets.** The secretary of state find[s] that it is in the public interest that all statements published in the voters pamphlet be of substantially similar format and style. To promote such consistency, all statements submitted for publication in the voters pamphlet shall be typewritten on plain sheets of white paper measuring eight and one half inches by eleven inches and containing the name, address, and telephone number of the chairperson of the committee submitting such statement. All statements shall be typeset in block paragraph style without tables, lists, or other material requiring multiple indentation and words which are underlined, in italics, or all in upper-case letters will be typeset in italics.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-070, filed 4/17/79.]

**WAC 434-81-080 Submission of statements and rebuttals.** Arguments for or against measures appearing in the voters pamphlet shall be submitted to the secretary of state by the chairperson of the committee appointed to draft that argument within sixty days after the appointment of said chairperson or by September 1 whichever is earlier. Rebuttals of arguments to statements for or against measures appearing in the voters pamphlet shall be submitted to the secretary of state by the chairperson of the opposing committee within thirty days following receipt of said argument by the committee or by September 15, whichever is earlier.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-080, filed 4/17/79.]

**WAC 434-81-090 Rejection of statements for the voters pamphlet.** Any statement submitted for publication in the voters pamphlet pursuant to WAC 434-81-080 which, in the opinion of the secretary of state, contains any obscene, libelous, or defamatory matter or any

language or matter the circulation of which is prohibited by federal law shall be rejected. Within five days of the rejection of any statement, the committee proposing such statement may appeal the rejection to a board of review consisting of the governor, lieutenant governor, and the superintendent of public instruction. The board shall render a decision within three business days of the appeal and such decision to accept or reject the statement shall be final.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-090, filed 4/17/79.]

**WAC 434-81-100 Editing of statements for the voters pamphlet.** The secretary of state finds that it is in the public interest that all statements published in the voters pamphlet be accurate as to form and syntax. To promote such accuracy, the secretary of state may correct any incidental errors of spelling, grammar, and punctuation which he feels would unfairly prejudice the statement or confuse the voters so long as such corrections do not alter the meaning or substance of the statement.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-100, filed 4/17/79.]

#### Chapter 434-91 WAC

### SPECIAL ELECTIONS FOR MAJOR PUBLIC ENERGY PROJECT BOND MEASURES

#### WAC

434-91-010	Purpose.
434-91-020	Submission of a preliminary and a final cost-effectiveness study of a major public energy project.
434-91-030	Request for an election pursuant to RCW 80.52.040.
434-91-040	Designation of the bond issue on the ballot.
434-91-050	Ballot title.
434-91-060	Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title.
434-91-070	Actions to contest contents of the ballot title or summary of the final cost-effectiveness study.
434-91-080	Certification of the request for a special election to the county auditors.
434-91-090	Recommendations for committees to draft statements for the voters pamphlet.
434-91-100	Appointment of committees.
434-91-110	Advisory committees.
434-91-120	Submission of arguments and rebuttals.
434-91-130	Permissible costs in allocation of election expenses.
434-91-140	Allocation of costs.
434-91-150	Documentation of charges for proportional share of election costs.
434-91-160	Proportional costs of voters pamphlet and other costs to the secretary of state.
434-91-170	Reimbursement to counties for proportional share of election costs.

**WAC 434-91-010 Purpose.** The regulations in this chapter are adopted to implement the special election provisions of chapter 6, Laws of 1981 2nd ex. sess. (Initiative Measure 394) and chapter 88, Laws of 1982, in a manner reasonably consistent with the laws and procedures for referring initiatives, referendums, and constitutional amendments at a state general election.

[Title 434 WAC—p 74]

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-010, filed 5/25/82.]

**WAC 434-91-020 Submission of a preliminary and a final cost-effectiveness study of a major public energy project.** (1) Any public agency which intends to hold a special election pursuant to RCW 80.52.040 shall file with the secretary of state a preliminary, independent cost-effectiveness study of the project under consideration. This study shall be available for public inspection, review, and copying as provided by WAC 434-12A-040 through 434-12A-140.

(2) Any person who wishes to comment on the contents and conclusions of the preliminary cost-effectiveness study shall submit such comments in writing to the secretary of state no later than thirty days after the preliminary cost-effectiveness study was filed with the secretary of state. Copies of all such comments shall be promptly forwarded to the public agency which filed the preliminary cost-effectiveness study.

(3) After the thirty day period for public comment has expired, the public agency shall prepare a final draft of the cost-effectiveness study which includes any public comment on the preliminary draft of that study. The final cost-effectiveness study and a summary of the final cost-effectiveness study shall be filed with the secretary of state no later than the date on which the public agency requests a special election pursuant to RCW 80.52.040.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-020, filed 5/25/82.]

**WAC 434-91-030 Request for an election pursuant to RCW 80.52.040.** Any public agency which desires to hold a special election pursuant to RCW 80.52.040 shall submit to the secretary of state a certified copy of the ordinance, resolution, order, or other evidence of legislative action requesting such an election and specifying:

(1) The name, location, and type of major public energy project, expressed in common terms;

(2) The dollar amount and type of bonds being requested;

(3) If the bond revenues are intended to finance the acquisition of all or a portion of a major public energy project, the anticipated total cost of the acquisition of the project;

(4) If the bond revenues are intended to finance the planning or construction of all or a portion of a major public energy project, the anticipated total cost of construction of the project;

(5) The projected average rate increase for consumers of the electricity to be generated by the project (that amount necessary to repay the total indebtedness incurred for the project, including estimated interest);

(6) A summary of the final cost effectiveness study as required by RCW 80.52.050(4);

(7) The anticipated functional life of the project;

(8) The anticipated decommissioning costs of the project;

(9) The reasons for requesting a special election; and

(10) If the applicant is a joint operating agency, a list of all of the participating public agencies which are a part of that joint operating agency and the names of the counties which contain all or parts of each of these public agencies.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-030, filed 5/25/82.]

**WAC 434-91-040 Designation of the bond issue on the ballot.** When a public agency submits a request for a special election pursuant to RCW 80.52.040, the secretary of state shall sequentially number each bond measure to appear on the ballot, beginning with the number "101," and shall designate each bond measure with the title, "Major Public Energy Project Bond Measure \_\_\_\_" to distinguish it from other major public energy project bond measures and from other types of state measures. Such measure may be further designated on the ballot and in connection with the voters pamphlet arguments for and against the measure by any project name or number by which it is publicly known and identified.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-040, filed 5/25/82.]

**WAC 434-91-050 Ballot title.** Within seven days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the attorney general shall prepare and file with the secretary of state a ballot title for each major public energy project bond measure formulated as required by RCW 80.52.060.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-050, filed 5/25/82.]

**WAC 434-91-060 Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title.** The secretary of state shall furnish copies of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title promptly upon receipt to any individual who has submitted a written request for such notification.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-060, filed 5/25/82.]

**WAC 434-91-070 Actions to contest contents of the ballot title or summary of the final cost-effectiveness study.** Any registered voter may appeal to the superior court of Thurston County to review the contents of the ballot title or the summary of the final cost-effectiveness study on a major public energy project bond measure up to ten days following the filing of such document with the secretary of state. Such appeals shall be conducted in the same manner as appeals of ballot titles on initiatives as provided in RCW 29.79.060.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-070, filed 5/25/82.]

**WAC 434-91-080 Certification of the request for a special election to the county auditors.** Within ten days

of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall certify the title of the measure and the ballot title to the county auditor in each county containing a portion of the public agency requesting the election.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-080, filed 5/25/82.]

**WAC 434-91-090 Recommendations for committees to draft statements for the voters pamphlet.** Any person who wishes to be appointed to serve on a committee to draft the arguments in favor of or in opposition to a major public energy project bond measure or any person who wishes to recommend any individual to serve on such a committee may submit such request or recommendation in writing to the secretary of state up to ten days following the receipt of a request to hold a special election pursuant to WAC 434-91-030.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-090, filed 5/25/82.]

**WAC 434-91-100 Appointment of committees.** Within fifteen days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall appoint a committee of three persons to write the arguments and rebuttals in favor of the major public energy project bond measure and a committee of three persons to write the arguments and rebuttals in opposition to the major public energy project bond measure. The secretary of state shall designate one of the members of each committee to serve as the chairperson of that committee.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-100, filed 5/25/82.]

**WAC 434-91-110 Advisory committees.** The persons appointed to a committee to write arguments and rebuttals on a major public energy project may, within fifteen days of their appointment, select an advisory committee of up to five persons to assist them in drafting the arguments and rebuttals on that measure. The names of the members of the advisory committee shall be certified to the secretary of state by the chairperson of that committee within three days of their selection.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-110, filed 5/25/82.]

**WAC 434-91-120 Submission of arguments and rebuttals.** At least sixty days prior to the special election on the major public energy project bond measure, each committee appointed pursuant to WAC 434-91-100 shall submit an argument for or against that measure to the secretary of state in the form and style prescribed for other voters pamphlet statements in WAC 434-81-060 through 434-81-070. As soon as both arguments on a major public energy bond measure have been received, the secretary of state shall transmit each argument to the opposing committee. At least fifty days prior to the special election on the major public energy project bond measure, each committee shall submit a rebuttal of the opposing argument in the form and style prescribed for

other voters pamphlet rebuttals in WAC 434-81-060 through 434-81-070.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-120, filed 5/25/82.]

**WAC 434-91-130 Permissible costs in allocation of election expenses.** County auditors may include in the election costs to be allocated pursuant to RCW 29.04.047 [29.13.047] any of the following types of charges:

(1) Salaries, wages, and benefits for precinct officers and part-time or temporary employees whose responsibilities are directly attributable to the election, and for that portion of the time of regular employees (other than the county auditor) which is directly attributable the election;

(2) Supplies specifically required for the election, including stationery, forms, other office supplies, and items for the repair and maintenance of equipment;

(3) Telephone and postage costs which are directly attributable to the election;

(4) Cartage or freight charges for moving or delivering voting machines, voting devices, voting booths, or delivery of precinct supplies and travel expenses for delivery of precinct returns;

(5) Legal notices and published instructions in connection with the election, closing of registration, or canvassing;

(6) Printing of ballots, poll books, tally books, instructions, signs, and other precinct supplies;

(7) Repairs and maintenance of voting and vote tallying equipment;

(8) Rentals for polling places and storage facilities for voting machines or devices;

(10) Depreciation for voting equipment so long as such charges over the useful life of such equipment do not exceed the original value of the equipment;

(11) That portion of the overhead cost of buildings or office space which is equal to the total of such costs multiplied by the ratio of the number of employee hours directly attributable to the major public energy project bond measure and the total number of employee hours for that office;

(12) Data processing costs for programming related to the election and for machine time for program testing, and vote tallying.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-130, filed 5/25/82.]

**WAC 434-91-140 Allocation of costs.** The portion of total election costs in each county which shall be allocated to the public agency requesting a special election pursuant to RCW 80.52.040 shall be equal to the total cost of conducting that election multiplied by a quotient the numerator of which is the product of the number of registered voters in that county eligible to vote on the major public energy project bond measure or measures and the number of such measures submitted at that election and the denominator of which is the sum of the products of the number of registered voters in each jurisdiction for which candidates or measures appeared on

the ballot at that election and the number of offices or issues attributable to that jurisdiction.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-140, filed 5/25/82.]

**WAC 434-91-150 Documentation of charges for proportional share of election costs.** The county auditor of each county in which a major public energy project bond measure appeared on the ballot shall submit to the secretary of state a summary of the total cost of the election in that county, a description of the allocation of that cost among the jurisdiction participating in that election and an invoice voucher for the proportional share of those costs attributable to the major public energy bond measure or measures. The secretary of state shall review and audit all such claims and combine them into one or more billings for the public agency which requested the election.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-150, filed 5/25/82.]

**WAC 434-91-160 Proportional costs of voters pamphlet and other costs to the secretary of state.** The secretary of state may include in the election costs to be allocated pursuant to RCW 80.52.050(5) any of the following types of charges:

(1) That portion of the salaries, wages, and benefits for regular employees (other than the secretary of state) and part-time or temporary employees which is directly attributable to the preparation and distribution of the voters pamphlet or other aspects of the administration and conduct of the major public energy project bond election;

(2) That portion of the cost of office supplies, equipment, telephones, postage, freight, travel, and data processing which is equal to the total of such costs multiplied by the ratio of the number of employee hours of the employees of the administrative division and the elections division of the office of the secretary of state directly attributable to the major public energy project bond measure and the total number of employee hours for such employees over the same period of time;

(3) That portion of the costs of typesetting, composition, printing, postage, and distribution of the voters pamphlet which is equal to the total of such costs multiplied by the ratio of the number of pages of the pamphlet directly attributable to the major public energy project bond measure and the total number of pages in the pamphlet; and

(4) The costs of any litigation related to the administration and conduct of a special election on a major public energy project bond measure other than for such actions which have been commenced prior to July 1, 1982.

The secretary of state shall include a detailed summary of any costs attributable to the major public energy project bond measure in one or more of the billings for the public agency which requested the election.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-160, filed 5/25/82.]

**WAC 434-91-170 Reimbursement to counties for proportional share of election costs.** Upon receipt of payment by the applicant, the secretary of state shall disburse the appropriate amounts to each county in the same manner as election costs are reimbursed pursuant to RCW 29.13.047.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-170, filed 5/25/82.]