

less than two hundred thousand dollars as of a particular assessment date shall not be required to pay an asset charge for the semiannual period immediately preceding such assessment date. Assets included in total assets include all assets held by a Washington chartered credit union whether held within this state or a branch in another state and assets of foreign credit unions held through branches within the state of Washington, provided that the supervisor shall have the authority to waive the assessment of asset fees held by Washington chartered credit unions in branches within other states based upon reciprocal agreements with the foreign state's regulatory authority.

[Statutory Authority: RCW 31.12.535 and 31.12.545. 91-06-062, § 419-18-040, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 31.12.545(1). 85-07-008 (Order 85-2), § 419-18-040, filed 3/8/85. Statutory Authority: RCW 31.12.320. 83-20-027 (Order 83-4), § 419-18-040, filed 9/26/83; 82-13-016 (Order 82-5), § 419-18-040, filed 6/7/82.]

WAC 419-18-050 Hourly charge for legal assistance. The hourly charge for consultation involving an assistant attorney general shall be assessed at the rate of \$60.00 per hour. Legal assistance shall include, but not be limited to, supervisory committee meetings and board meetings requiring legal assistance, preparation and enforcement of removal actions, involuntary liquidations, declarations of insolvency, cease and desist orders, and other agreements or actions requiring legal advice; and to administrative hearings and preparation of memorandum opinions which relate to a specific credit union.

[Statutory Authority: RCW 31.12.535 and 31.12.545. 91-06-062, § 419-18-050, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 31.12.320. 83-20-027 (Order 83-4), § 419-18-050, filed 9/26/83.]

WAC 419-18-060 Supervisory review of examinations. Upon completion of each examination the analyst's report shall be reviewed and an examination letter prepared by administrative personnel. The hourly charge for the review and preparation of the examination letter shall be assessed at the rate of \$50.00 per hour.

[Statutory Authority: RCW 31.12.535 and 31.12.545. 91-06-062, § 419-18-060, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 31.12.545(1). 85-07-008 (Order 85-2), § 419-18-060, filed 3/8/85. Statutory Authority: RCW 31.12.320. 83-20-027 (Order 83-4), § 419-18-060, filed 9/26/83.]

WAC 419-18-070 Special examinations. Special examinations shall be assessed at the rate of \$50.00 per hour, per examiner. Special examinations shall include, but not be limited to electronic data processing examinations, special investigations, special examinations involving the division's staff supervisory personnel, and other special examinations and reviews the supervisor deems necessary.

[Statutory Authority: RCW 31.12.535 and 31.12.545. 91-06-062, § 419-18-070, filed 3/1/91, effective 4/1/91. Statutory Authority: RCW 31.12.545(1). 85-07-008 (Order 85-2), § 419-18-070, filed 3/8/85. Statutory Authority: RCW 31.12.320. 83-20-027 (Order 83-4), § 419-18-070, filed 9/26/83.]

Title 434 WAC SECRETARY OF STATE

Chapters

434-15	Public records--Archives.
434-26	Motor voter.
434-40	Absentee voting.
434-75	Presidential preference primary.
434-690	Archives--Access to public records.
434-840	Address confidentiality program.

Chapter 434-15 WAC PUBLIC RECORDS--ARCHIVES

WAC

434-15-010 through 434-15-99001 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-15-010	Purpose. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-010, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-020	Definitions. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-020, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-030	Description of central and field organization of the division of archives and records management. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-030, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-040	Operations and procedures. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-040, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-050	Public records available. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-050, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-060	Public records officer. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-060, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-070	Office hours. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-070, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-080	Requests for public records—Archives—Scheduled. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-080, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-090	Fees. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-090, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
434-15-100	Exemptions. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-100, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.

- 434-15-110 Review of denials of public records requests. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-110, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-120 Protection of public records. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-120, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-130 Records index. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-130, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-140 Communication with division—Address. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-140, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-150 Adoption of form. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-150, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-990 Appendix A—Management organization chart of state archivist. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-990, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-99001 Appendix B—Form—Request for public records. [Statutory Authority: RCW 42.17.250. 85-13-017 (Order 85-1), § 434-15-99001, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.

WAC 434-15-010 through 434-15-99001 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 434-26 WAC MOTOR VOTER

WAC	Authority and purpose.
434-26-005	Authority and purpose.
434-26-010	Definitions.
434-26-015	Voter registration at driver license facilities.
434-26-020	Registration procedure.
434-26-025	Obtaining additional information from the applicant.
434-26-030	Oaths and warnings.
434-26-035	Cancellation of previous name registration.
434-26-040	Transfer of information from the department of licensing to the secretary of state.
434-26-045	Weekly transmittal of data from the department of licensing to the secretary of state.
434-26-050	Transfer of data, and reports from the secretary of state to the county auditors.
434-26-055	Transfer of voter registration forms to counties.
434-26-060	Processing records received from the secretary of state.
434-26-065	Reimbursement of county auditors and the department of licensing for routine transaction costs.
434-26-900	Reimbursement of county auditors and the department of licensing for costs associated with implementation of this chapter.

WAC 434-26-005 Authority and purpose. These rules are adopted under the authority of chapter 143, Laws of 1990, for the purpose of establishing standards and procedures for the registration of voters by driver license agents, at driver licensing facilities.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-005, filed 8/26/91, effective 9/26/91.]

WAC 434-26-010 Definitions. As used in this chapter.

(1) "County auditor" and "auditor" mean the county auditor in a noncharter county or the officer, irrespective of title, having the overall responsibility to maintain voter registration information and his or her deputies as the context indicates;

(2) "Licensing agent" or "agent" mean the employees serving the public at the driver licensing offices operated by the department of licensing;

(3) "Applicant" means a United States citizen who is applying for, or renewing, a driver license or state identification card, under chapter 46.20 RCW.

(4) "Data" means computer information concerning an applicant that is common to both driver license and voter registration records. This includes name, address, date of birth, sex, the date of the application, the location of the office where the application was submitted, the applicant's driver license number, the applicant's Social Security number (if provided), and the applicant's previous driver license number if the applicant has changed names.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-010, filed 8/26/91, effective 9/26/91.]

WAC 434-26-015 Voter registration at driver license facilities. Pursuant to RCW 29.07.260 a person may register to vote or transfer a voter registration when he or she applies for or renews a driver license or state identification card. Nothing in these rules should be interpreted as allowing voter registration by mail.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-015, filed 8/26/91, effective 9/26/91.]

WAC 434-26-020 Registration procedure. When processing each applicant, at a driver license agency, the agent will inquire whether the applicant wishes to register to vote or transfer their voter registration address. If the applicant wishes, the agent shall present a voter registration application (Exhibit A) and the applicant shall provide the following information in writing:

(1) His or her full name;

(2) The applicant's residence address for voting purposes, if it is different from the address on the driver license;

(3) His or her mailing address, if it is different from the voter registration residence address;

(4) Additional information on the physical location of the voting address if it is only identified by route or box. If the address is identified by route or box, the agent will require that the form contain either the legal description of the residence, or the names and locations of the nearest cross streets;

(5) The last address at which he or she was registered to vote;

Additionally the applicant may provide the following information in writing:

(a) Daytime phone number;

(b) Place of birth;

(c) Social Security number.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-020, filed 8/26/91, effective 9/26/91.]

WAC 434-26-025 Obtaining additional information from the applicant. No other data will be required of the applicant. Additional information about the applicant will be gathered electronically from the applicant's department of licensing driver license computer record or driver license application.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-025, filed 8/26/91, effective 9/26/91.]

WAC 434-26-030 Oaths and warnings. The agent will request that the applicant read the warning concerning fraudulent registration. The applicant will then sign an oath attesting to his or her citizenship. The applicant will also sign the application portion for an initiative signature record for the secretary of state's files.

The agent will then note the applicant's registration on the licensing system computer.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-030, filed 8/26/91, effective 9/26/91.]

WAC 434-26-035 Cancellation of previous name registration. If the applicant is changing his or her name the agent shall offer a cancellation card to be completed in applicant's previous name and returned to the agent to be forwarded to the secretary of state and the auditor in his or her county.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-035, filed 8/26/91, effective 9/26/91.]

WAC 434-26-040 Transfer of information from the department of licensing to the secretary of state. The completed voter registration application forms will be transmitted by the department of licensing to the office of the secretary of state at least once each week.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-040, filed 8/26/91, effective 9/26/91.]

WAC 434-26-045 Weekly transmittal of data from the department of licensing to the secretary of state. Once each week the data processing division of the department of licensing will electronically transmit that week's computer data record of the voter registration transactions, to the office of the secretary of state. There will be one record for each transaction, each record will contain at least the following information:

The name, address, date of birth, sex, and driver's license number of the applicant, the applicant's Social Security number (if provided), the applicant's previous driver license number in the case of a name change, the date on which the application was submitted, and the location of the office at which the application was submitted.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-045, filed 8/26/91, effective 9/26/91.]

WAC 434-26-050 Transfer of data, and reports from the secretary of state to the county auditors. Each

week the secretary of state will amend any computer record that requires an address for voting purposes that is different from the one supplied to the department of licensing. The computer records will then be sorted according to the county in which the voter applicant resides. The records will then be placed in the Uniform Transfer Format (Exhibit b) and copied to a disk or tape for shipment to the appropriate county auditor.

An exception report will be created for use by the secretary of state for voter applications where the address for voting purposes is different from the address provided by the department of licensing. Each county will receive a copy of this report with the computer disk.

The secretary of state shall produce a list of voter transactions by county. This list shall accompany the computer disk shipped to each county. This list shall contain at least the voter name, address, and mailing address.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-050, filed 8/26/91, effective 9/26/91.]

WAC 434-26-055 Transfer of voter registration forms to counties. The completed voter registration application forms will be sorted by county. If the voter has listed a previous address that is in another county or state the secretary of state shall copy the original registration and forward such copy to the appropriate county or state for cancellation of the former registration. The portion of the voter registration form that is the initiative signature card shall be detached and retained by the secretary of state. These forms will then be shipped to the county auditors along with the disk or tape copy of the matching computer records. This shipment will be made as soon as possible, no later than ten days after the secretary of state receives the data from the department of licensing. The shipment shall be made by first class mail with the following exception; within forty-five days of any primary, general, or presidential preference primary the shipment shall be made via a "next day delivery" package delivery courier. If there are no applications for a county the secretary of state shall immediately notify the county auditor.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-055, filed 8/26/91, effective 9/26/91.]

WAC 434-26-060 Processing records received from the secretary of state. Whenever a county auditor receives a shipment of voter registration information from the secretary of state, he or she will process these records in a timely manner. Any voter registrations that the auditor receives for a voter residing in another county shall be forwarded to the appropriate county auditor as soon as possible after receipt, a hard copy of the computer data must accompany the card.

These records shall be processed into the auditor's existing data base by adding a voter identification number, precinct codes, levy codes and any other usual information. The signature card shall be included in the auditor's signature file.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-060, filed 8/26/91, effective 9/26/91.]

WAC 434-26-065 Reimbursement of county auditors and the department of licensing for routine transaction costs. Each year at the end of the calendar year the county auditor and the state department of licensing may file a voucher with the secretary of state for reimbursement of costs. These costs must be associated with the data processing and shipping, incurred through the registration of voters by the department of licensing.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-065, filed 8/26/91, effective 9/26/91.]

WAC 434-26-900 Reimbursement of county auditors and the department of licensing for costs associated with implementation of this chapter. By June 1, 1992, county auditors and the department of licensing shall file all claims for reimbursement for expenses related to the development, testing, and implementation of this program and chapter, including the conversion to the Uniform Transfer Format. This will be the only opportunity for reimbursement of these expenses.

[Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-900, filed 8/26/91, effective 9/26/91.]

Chapter 434-40 WAC ABSENTEE VOTING

WAC	
434-40-010	Definitions.
434-40-050	Ongoing absentee ballot application.
434-40-060	Termination of ongoing absentee voter status.
434-40-070	Notice of termination as ongoing absentee voter.
434-40-080	Renewal of status as ongoing absentee voter.
434-40-180	Service and overseas voters—Material and postage.

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," "protected records 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, are members of a religious group or welfare agency officially attached to and serving with the armed forces of the United States, or are certified participants in the address confidentiality program authorized by chapter 23, Laws of 1991.

(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, and provided to voters who are certified participants in the address confidentiality program, pursuant to the provisions of chapter 23, Laws of 1991;

(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: 1991 c 23. 91-20-074, § 434-40-010, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-010, 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 or is a certified participant in the address confidentiality program authorized by chapter 23, Laws of 1991;

(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 absentee 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: 1991 c 23. 91-20-074, § 434-40-050, filed 9/26/91, effective 10/27/91. 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;

A service voter, as defined in RCW 29.01.155, who is a certified participant in the address confidentiality program authorized by chapter 23, Laws of 1991, shall maintain ongoing absentee voter status throughout the term of their program participation;

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: 1991 c 23. 91-20-074, § 434-40-060, filed 9/26/91, effective 10/27/91. 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.

Whenever the program authorization term has expired for a service voter, as defined in RCW 29.01.155, who was formerly a certified participant in the address confidentiality program authorized by chapter 23, Laws of 1991, the county auditor shall notify the secretary of state of the expiration and the secretary of state shall provide a status report on this program participant to the county auditor.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-40-070, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-070, filed 1/12/88.]

WAC 434-40-080 Renewal of status as ongoing absentee voter. Included with the notice of termination as required by WAC 434-40-070 shall be a postage pre-paid return form enabling the terminated ongoing absentee voter to renew his or her status as an ongoing

absentee voter. Upon receipt and verification of the signature on the renewal form, the voter shall be considered as being restored to status as an ongoing absentee voter.

Upon notification by the county auditor to the secretary of state of the authorization expiration of an address confidentiality program participant, as provided by chapter 23, Laws of 1991, the secretary of state shall notify in writing the program participant that:

(1) Their ongoing absentee voter status has terminated; and

(2) Renewal of their ongoing absentee voter status is necessary.

[Statutory Authority: 1991 c 23, 91-20-074, § 434-40-080, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150, 88-03-019 (Order 88-1), § 434-40-080, 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 except those who are certified participants in the address confidentiality program authorized by chapter 23, Laws of 1991, 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: 1991 c 23, 91-20-074, § 434-40-180, filed 9/26/91, effective 10/27/91. Statutory Authority: RCW 29.36.150, 88-03-019 (Order 88-1), § 434-40-180, filed 1/12/88.]

Chapter 434-75 WAC

PRESIDENTIAL PREFERENCE PRIMARY

WAC

434-75-010	Authority and purpose.
434-75-020	Definitions.
434-75-030	Presidential preference primary—When held.
434-75-040	Presidential preference primary—Changing the date.
434-75-050	Procedures to be followed when changing primary date.
434-75-060	Designation of candidates by secretary of state.
434-75-070	Removal from list of designees.
434-75-080	Petition process for ballot access.
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WAC 434-75-010 Authority and purpose. These rules are adopted under the authority of RCW 29.19-.070 for the purposes of assuring uniformity in the conduct of a presidential preference primary and to facilitate the operation of the procedures mandated by that chapter.

[Statutory Authority: RCW 29.19.070, 91-18-012, § 434-75-010, filed 8/26/91, effective 9/26/91.]

WAC 434-75-020 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) "Northwest states" means the states of Washington, Oregon, Idaho, Montana, and Alaska;

(3) "Regional primary" means whenever Washington and at least one other northwest state hold a presidential primary on the same day;

(4) "Major political party" means a political party of which at least one nominee for president, vice-president, United States senator, or state-wide office received at least five percent of the total vote cast at the last preceding state general election in an even-numbered year, or as defined by RCW 29.01.090 if that definition is different;

(5) "Members of a political party" means those persons who, in conjunction with a presidential primary, sign a statement of intent to file a nominating petition or sign a nominating petition, and indicate on that statement or petition that they consider themselves to be members of a particular major political party;

(6) "Ballot" means, as the context implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a presidential preference primary;

(b) A facsimile of the contents of a particular ballot, whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

(c) A physical or electronic record of the choices of an individual voter at a presidential preference primary;

(d) A physical document on which the voter's choices are to be recorded;

(7) "Paper ballot" means a piece of paper on which the ballot for a presidential primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

(8) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure, and that is to be tabulated on a vote-tallying system;

(9) "Voting system" means a voting device, vote tallying system, or combination of these together with ballots and other supplies or equipment used to conduct a presidential preference primary or to canvass votes cast in a presidential preference primary;

(10) "Voting device" means a piece of equipment used for the purpose of marking, or to facilitate the marking, of a ballot to be tabulated by a vote tallying system, or a piece of mechanical or electronic equipment used to directly record votes and to accumulate results for a number of issues or offices from a series of voters; and

(11) "Vote tallying system" means a piece of mechanical or electronic equipment and associated data processing software used to tabulate votes cast on ballot cards or otherwise recorded on a voting device or to prepare that system to tabulate ballot cards or count votes.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-020, filed 8/26/91, effective 9/26/91.]

WAC 434-75-030 Presidential preference primary--When held. Washington's presidential preference primary shall be held on the fourth Tuesday in May of each year in which a president of the United States is to be elected, or on a date selected by the secretary of state pursuant to the provisions of RCW 29.19.020, WAC 434-75-040, and 434-75-050.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-030, filed 8/26/91, effective 9/26/91.]

WAC 434-75-040 Presidential preference primary--Changing the date. The secretary of state may, pursuant to the provisions of RCW 29.19.020 and in the manner provided by WAC 434-75-050, change the date of the presidential preference primary in order to advance the cause of a regional primary.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-040, filed 8/26/91, effective 9/26/91.]

WAC 434-75-050 Procedures to be followed when changing primary date. In the event the secretary of state chooses to change the date of the presidential primary from the fourth Tuesday in May to another date, he or she shall, not later than June 1 of the odd-numbered year immediately preceding the year in which a president is to be elected, notify the following persons or organizations, in writing, of his or her intent to change the date:

- (1) The governor of the state of Washington;
- (2) The speaker of the Washington state house of representatives;
- (3) The president of the Washington state senate;
- (4) The county auditors of the state of Washington;
- (5) The chairpersons of each major political party's state central committee;
- (6) The chairpersons of each major political party's national committee;

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(7) The secretaries of state of the northwest states;

(8) The Federal Election Commission;

(9) Any other person or organization he or she deems appropriate.

Not later than thirty days following the notification of intent to change the date, the secretary shall notify the above listed persons of his or her final decision regarding the date of the primary.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-050, filed 8/26/91, effective 9/26/91.]

WAC 434-75-060 Designation of candidates by secretary of state. Not less than ninety days prior to the date set for the presidential primary, the secretary of state shall compile a list of persons whose candidacy for the office of President of the United States is generally advocated or whose candidacy is generally recognized in the national news media. He or she shall promptly notify, in writing, all persons and organizations listed in WAC 434-75-050 and all candidates so designated.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-060, filed 8/26/91, effective 9/26/91.]

WAC 434-75-070 Removal from list of designees.

Each candidate designated by the secretary of state shall appear on the primary ballot unless, not later than thirty-five days prior to the primary, the candidate files with the secretary of state a signed, notarized statement that he or she is not now and will not become a candidate for president. The secretary of state shall promptly notify all persons and organizations notified under the provisions of WAC 434-75-050, and all remaining candidates, of any names removed from the list of candidates.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-070, filed 8/26/91, effective 9/26/91.]

WAC 434-75-080 Petition process for ballot access.

Members of a major political party may petition the secretary of state to include on the presidential primary ballot the name of any candidate not designated by the secretary. Petitions may be circulated for signatures not earlier than the first day following the designation of candidates by the secretary of state pursuant to the provisions of WAC 434-75-060. Such petitions must be filed with the secretary of state not later than the thirty-ninth day preceding the primary, shall be accompanied by a signed, notarized statement by the candidate concerned giving his or her consent to the nomination, and must bear the signatures of at least one thousand persons registered to vote in the state of Washington at the time the petition signatures are verified.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-080, filed 8/26/91, effective 9/26/91.]

WAC 434-75-090 Form of the nominating petition.

Nominating petitions shall be addressed to the secretary of state, be uniform in size, and shall contain the following:

- (1) The name of the candidate and his or her political party;

(2) A statement that the persons signing the petition are registered voters of the state of Washington, that they are members of the political party of the person on whose behalf the petition is filed, and that they have only signed the petition once;

(3) Numbered lines for no more than twenty signatures;

(4) Space for the signature, printed name, and address at which each petition signer is registered to vote, including county of residence;

(5) Space for the signer to list the name or number of his or her precinct, if known;

(6) Space for the signer to indicate his or her party affiliation.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-090, filed 8/26/91, effective 9/26/91.]

WAC 434-75-100 Verification of signatures by secretary of state. Upon receipt of any nominating petition filed pursuant to WAC 434-75-080, the secretary of state shall promptly canvass and verify the signatures in order to determine the validity of the petition. The secretary may reject, without verification of signatures, any petition that clearly bears insufficient signatures, any petition that is not accompanied by a consent to the nomination by the candidate, or any petition that is in a form inconsistent with the provisions of WAC 434-75-090. To the extent that it is not inconsistent with other provisions of these rules, the canvass and verification process may be observed in the same manner as that specified in RCW 29.79.200 for the observation of the canvass and verification of initiative signatures. The secretary of state shall reject the signature of any person not registered to vote in Washington, and any multiple signatures from the same voter. No signature may be rejected solely on the basis that it is not accompanied by the precinct name or number of the signer.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-100, filed 8/26/91, effective 9/26/91.]

WAC 434-75-110 Determination of insufficient signatures. In the event the secretary of state determines that the petition contains insufficient valid signatures he or she shall notify the person filing the petition and the candidate on whose behalf the petition was filed. Persons so notified may submit additional signatures in support of the nomination as long as those signatures are submitted prior to the deadline established by RCW 29.19.030. The secretary's final determination of the sufficiency or insufficiency of any petition filed pursuant to the provisions of WAC 434-75-080 may be appealed to the superior court of Thurston County. The court shall promptly hear such challenges and the superior court decision shall be final.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-110, filed 8/26/91, effective 9/26/91.]

WAC 434-75-120 Certification of candidates. In the event the secretary determines a petition bears sufficient signatures he or she shall include the name of the candidate concerned on his or her official certification of

candidates to the county auditors. This certification shall be done as soon as possible following the last day for candidates to withdraw, but in any event not later than the fourth Tuesday prior to the primary. The secretary shall send a copy of this certification to all persons notified of the original list of designated candidates.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-120, filed 8/26/91, effective 9/26/91.]

WAC 434-75-130 Conduct of the presidential preference primary. All procedures relevant to the conduct of a presidential preference primary pursuant to chapter 29.19 RCW, including the form of the ballot, the arrangement of candidate names, and the processing of absentee ballots and vote-by-mail ballots shall be the same as the procedures for the conduct of any partisan primary within the state except as may be modified by chapter 29.19 RCW or the rules contained in this chapter.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-130, filed 8/26/91, effective 9/26/91.]

WAC 434-75-140 Party declaration by voter. Each registered voter desiring to participate in the presidential preference primary shall, prior to being issued either an absentee or a regular ballot, sign a statement in substantially the following form:

I, the undersigned registered voter of the state of Washington, hereby declare my desire to participate in the presidential preference primary of the party designated on this form, and I further request that the ballot of that party be provided to me.

Signature of voter	Address if different from registration address

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-140, filed 8/26/91, effective 9/26/91.]

WAC 434-75-150 Ballot request form used at the polling place. (1) The ballot request statement required by RCW 29.19.050 and WAC 434-75-140, when provided to a voter desiring to vote at a polling place, may appear on either:

(a) A paper form of uniform size. The form shall identify the primary and the date, and shall have space for the voter to sign his or her name and address and shall also provide a method whereby the voter can indicate party preference. The voter's precinct shall be clearly indicated on the form. Multiple-part reproducible forms may be used for this purpose. The signed ballot request forms shall be collected by the precinct election officers and transmitted to the county auditor at the end of the voting day; or

(b) A special format printed in the poll book which would permit the voter to sign his or her name and address and to indicate his or her political party preference; or

(c) Separate poll books for each major political party.

(2) The county auditor shall provide appropriate instructions for the precinct election officers regarding the

handling, maintaining, and transportation of the ballot request forms or statements.

[Statutory Authority: RCW 29.19.070, 91-18-012, § 434-75-150, filed 8/26/91, effective 9/26/91.]

WAC 434-75-160 Ballot—Separation of political parties. Separate ballots for each major political party shall be maintained as follows:

(1) Where a paper ballot is used, a separate ballot shall be prepared for each major political party containing the names certified by the secretary of state pursuant to the provisions of WAC 434-75-120;

(2) Where a ballot card is used, separate ballot cards shall be provided for each political party and for any alternate ballot issued pursuant to the provisions of WAC 434-75-200. Additionally, counties using voting systems which have ballot pages shall use a separate page or pages for each party. Counties may also employ separate voting devices to distinguish the types of ballots used within a precinct. Ballot cards must contain a machine readable pre-punch or a machine readable ballot code to distinguish, within each precinct, each ballot type used;

(3) Where a voting device is used that directly records the vote on mechanical equipment or on direct recording electronic equipment, separate voting labels shall be prepared for each major political party. The labels with the slate of candidates for each major political party shall be easily discernible on the voting panel. The mechanical voting device or direct recording electronic voting device shall be programmed so that the individual voter shall be able to vote only for candidates listed on the slate of the major political party indicated on the ballot request form.

[Statutory Authority: RCW 29.19.070, 91-18-012, § 434-75-160, filed 8/26/91, effective 9/26/91.]

WAC 434-75-170 Secretary of state to designate color of ballots and election materials. Not later than six months prior to the date of the presidential preference primary, the secretary of state shall determine the color of ballot to be used for each political party participating in the primary, and shall notify the county auditors of the colors designated. In the event Oregon and/or Idaho conduct a presidential preference primary on the same day as Washington, and either or both states are using specific colors for each political party, the secretary shall, wherever practical, designate the same colors for use in Washington. If Oregon and Idaho are both holding a primary, and have selected different colors, the secretary shall designate colors that, in his or her judgment, best serve the interests of the voters. All absentee ballots, ballot cards, ballot pages, paper ballots, and voting labels used at the presidential primary shall conform to the colors designated by the secretary of state.

[Statutory Authority: RCW 29.19.070, 91-18-012, § 434-75-170, filed 8/26/91, effective 9/26/91.]

WAC 434-75-180 Ballots—Arrangement of names—Instructions. The names of all candidates for a party's nomination for the office of president shall be listed alphabetically in a column on the ballot. On paper

ballots, a printed box shall be placed adjacent to each candidate's name. Provision for the voter to write-in the name of another candidate shall be provided on each ballot. Unless the voter indicates otherwise, or unless the write-in vote is made for a person whose name appears on the ballot of another political party, the political party of the person whose name is written in shall be presumed to be the same as that indicated on the ballot request form. The names of candidates on the presidential preference primary ballot shall not be rotated. The ballot shall contain instructions to the voters in substantially the following form:

"VOTE FOR ONE. IF YOU VOTE FOR MORE THAN ONE CANDIDATE OR IF YOU VOTE FOR THE CANDIDATE OF A PARTY OTHER THAN THE PARTY INDICATED ON YOUR BALLOT REQUEST FORM, YOUR VOTE IN THE PRESIDENTIAL PREFERENCE PRIMARY WILL NOT BE COUNTED."

The instructions shall be printed large enough to be easily read by the voter.

[Statutory Authority: RCW 29.19.070, 91-18-012, § 434-75-180, filed 8/26/91, effective 9/26/91.]

WAC 434-75-190 Special election held in conjunction with the presidential preference primary. If a special election is scheduled concurrently with the presidential preference primary pursuant to RCW 29.13.010 or 29.13.020, all measures or candidates for office for which the voters are eligible to vote shall be listed on the ballot in such a manner that each voter can identify and vote on those candidates or measures in addition to the presidential preference primary candidates. However, nothing in this section shall prevent the use of an alternate ballot for special elections as provided by WAC 434-75-200.

[Statutory Authority: RCW 29.19.070, 91-18-012, § 434-75-190, filed 8/26/91, effective 9/26/91.]

WAC 434-75-200 Questioned ballots/alternate ballots—Use by poll workers when voter declines to identify party. In those instances where a special election is being held in conjunction with a presidential primary and the voter either declines to specify political party or indicates that he or she intends to vote only in a special election being held in conjunction with the primary, the voter may be issued a questioned ballot and informed that votes cast for candidates in the primary will not be counted. In lieu of issuing a questioned ballot, county auditors may provide for an alternate ballot which would permit voters to indicate their votes in any special election but which would not list the candidates of any political party.

[Statutory Authority: RCW 29.19.070, 91-18-012, § 434-75-200, filed 8/26/91, effective 9/26/91.]

WAC 434-75-210 Provisions regarding ballots applicable to absentees. Wherever applicable, the provisions regarding the arrangement and form of the presidential preference primary ballot shall apply to both absentee ballots and to those ballots used at the polling place.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-210, filed 8/26/91, effective 9/26/91.]

WAC 434-75-220 Absentee ballot request form.

Any absentee ballot request form produced for use in the presidential primary must include a space for the voter to indicate in which party primary he or she desires to participate, as provided by RCW 29.19.050 and WAC 434-75-140. The absentee request shall also contain a statement in substantially the following form:

"Unlike the regular state primary, under Washington's presidential preference primary law you may only request the ballot of one political party. Please indicate below which party ballot you are requesting. You will be sent a ballot containing only the names of candidates from that party."

Absentee ballot requests for the presidential primary shall in all other respects contain the information required, and be in the form specified, by chapter 29.36 RCW and chapter 434-40 WAC. The secretary of state shall design an absentee ballot application form for the presidential preference primary and shall provide to each county auditor, and to any other person or organization upon request, a sample of that request form.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-220, filed 8/26/91, effective 9/26/91.]

WAC 434-75-230 Incomplete absentee ballot requests. Except as otherwise provided by these rules, incomplete absentee ballot applications for the presidential primary shall be handled in the manner provided by WAC 434-40-130 through 434-40-160.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-230, filed 8/26/91, effective 9/26/91.]

WAC 434-75-240 Lack of party designation. In the event the auditor receives a request for an absentee ballot that does not include party designation, he or she shall send the ballots of each major political party to the voter, together with instructions in substantially the following form:

Dear Voter:

We are in receipt of your Presidential Preference Primary absentee ballot application. However, your application is incomplete in that you did not indicate which political party's ballot you are requesting. Under Washington's Presidential Primary law, this information must be provided prior to your ballot being counted. We have, therefore, enclosed the ballots of each political party. You are entitled to vote the ballot of only one political party, and that must be the party indicated on the party designation/request form. Please complete the enclosed information and return it together with, BUT SEPARATE FROM, the appropriate party ballot. DO NOT PLACE THE PARTY REQUEST FORM IN THE BALLOT SECURITY ENVELOPE.

I hereby request a ballot for the following major political party: (CHECK ONE)

_____ DEMOCRATIC _____ REPUBLICAN
X _____
(signature of voter)

Each county auditor shall devise a method of ensuring that the ballot returned by the voter is of the party indicated on the request form without compromising the secrecy of the ballot.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-240, filed 8/26/91, effective 9/26/91.]

WAC 434-75-250 Ongoing absentee voters. Each county auditor shall, prior to each presidential preference primary, either:

(1) Send to each ongoing absentee voter the ballots of each major political party, together with instructions and a ballot request form similar to those specified in WAC 434-75-240; or

(2) Send a ballot request form to each ongoing absentee voter in advance of the presidential preference primary, requesting that the voter indicate on that form which party ballot he or she desires. In the event a voter does not return a ballot request form in advance of the date for mailing ongoing absentee ballots, the county auditor shall mail the ballots of both parties in the manner specified under subsection (1) of this section.

Returned ballots issued in the manner specified by subsection (2) of this section shall be processed in the same manner as absentees issued under the provisions of WAC 434-75-240.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-250, filed 8/26/91, effective 9/26/91.]

WAC 434-75-260 Canvassing and tabulation of presidential primary absentee ballots. Unless otherwise provided by law or these rules, absentee ballots for the presidential preference primary shall be processed, canvassed, and tabulated, by legislative and congressional district, in the same manner as absentee ballots for other elections.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-260, filed 8/26/91, effective 9/26/91.]

WAC 434-75-270 Vote-by-mail precincts. Whenever applicable, presidential preference primary ballots for voters in vote-by-mail precincts shall be issued and processed in the same manner as ballots issued to ongoing absentee voters, as provided by statute and these rules.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-270, filed 8/26/91, effective 9/26/91.]

WAC 434-75-280 Ballots not tabulated. The county auditor shall not count presidential primary ballots in the following cases:

- (1) Where the voter has no request on file indicating which political party ballot he or she requested;
- (2) Where the voter has voted the ballot of a party other than the one he or she requested;

(3) Where the voter has attempted to vote more than once;

(4) Where the voter has voted for candidates of more than one political party, in which case all such votes shall be rejected;

(5) Where a write-in vote is made for a person who has declined the nomination as provided by WAC 434-75-070;

(6) Where a write-in vote is made with the incorrect party designation;

(7) Where the person issued a questioned or challenged ballot does not otherwise satisfy the constitutional or statutory requirements for voting.

In those instances where the auditor is not sure whether a ballot should be counted, he or she shall refer that ballot to the county canvassing board for their determination. The auditor shall maintain a record of those ballots not counted and the reason why they were not part of the official canvass of the primary.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-280, filed 8/26/91, effective 9/26/91.]

WAC 434-75-290 Canvassing and certification of presidential preference primary. County canvassing boards shall certify the results of the presidential primary, by congressional district, not later than the seventh day following the primary. The county auditor shall send one original copy of the returns by mail and one copy by electronic facsimile transmission or by messenger on the same day the returns are certified. Wherever applicable, the other procedures established by chapter 29.62 RCW for the canvassing of state primaries shall apply to the canvassing of a presidential preference primary. Not later than the tenth day following the presidential preference primary, the secretary of state shall notify the persons and organizations listed in WAC 434-75-050 of the votes cast for each candidate listed on the ballot of each major political party, of write-in votes cast for any candidate receiving at least five percent of the votes cast for candidates of that party, and the aggregate total of votes cast for all write-in candidates receiving less than five percent of the total votes cast.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-290, filed 8/26/91, effective 9/26/91.]

WAC 434-75-300 Canvassing and tabulation of other special elections. In those instances where other special elections are being held in conjunction with the presidential primary and where either the county auditor or the canvassing board has decided not to count a presidential primary ballot for one of the reasons specified in WAC 434-75-280, the votes cast for other issues on the ballot shall be counted if the voter has otherwise satisfied the constitutional, statutory, and regulatory requirements for voting.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-300, filed 8/26/91, effective 9/26/91.]

WAC 434-75-310 Mandatory recount provisions do not apply. The provisions of chapter 29.64 RCW

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regarding mandatory recounts do not apply to the conduct of a presidential preference primary. However, recounts may be requested pursuant to the provisions of that chapter.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-310, filed 8/26/91, effective 9/26/91.]

WAC 434-75-320 Political party preference data—Transmittal to the major political parties. No later than thirty days following the certification of the returns of the presidential preference primary by the secretary of state, the county auditor shall provide to the state central committee of each major political party, at actual reproduction cost, the names and addresses of those voters participating in the primary for that major political party. This may be accomplished by either:

(1) Integrating the ballot request and party preference data with the regular voter registration file and producing a registered voter report containing the consolidated data in either machine-readable or printed format, which is provided to each major political party; or

(2) Providing to each major political party copies of the ballot request forms that indicate the primary in which the voter participated, segregated by precinct; or

(3) Providing each major political party with a copy of the poll book pages upon which the voter has indicated the primary in which he or she participated, segregated by precinct, and a separate report covering the preferences of absentee voters.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-320, filed 8/26/91, effective 9/26/91.]

WAC 434-75-330 Retention of election material. The county auditor shall maintain all presidential preference primary material, including ballot request forms, absentee ballot envelopes, poll books, and ballots, for a period of twenty-two months following the primary. Except for the ballot request form, the auditor shall, within sixty days following the certification of the returns by the secretary of state, remove from his or her files any other record of the party designation of any voter casting a ballot at the presidential preference primary.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-330, filed 8/26/91, effective 9/26/91.]

WAC 434-75-340 Claims for reimbursement. Following the presidential preference primary each county auditor shall provide to the secretary of state a completed claim for reimbursement of expenses incurred by the county in conducting the primary. This cost shall be prorated with any other jurisdictions holding special elections in conjunction with the primary. The procedures for allocating such costs shall be the same as those prescribed by the office of the state auditor for election cost allocations to the state, cities, towns, and special purpose districts.

[Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-340, filed 8/26/91, effective 9/26/91.]

WAC 434-75-350 Time for submission and payment of claims for reimbursement. Claims for reimbursement

and supporting documents shall be submitted to the secretary of state not later than sixty days following the certification of the returns of the presidential preference primary. The secretary of state shall compile such claims and present them to the state legislature at the next succeeding legislative session. Upon the granting of the relief claims by the legislature the secretary of state shall issue a warrant to each county submitting a claim.

[Statutory Authority: RCW 29.19.070, 91-18-012, § 434-75-350, filed 8/26/91, effective 9/26/91.]

Chapter 434-690 WAC

ARCHIVES--ACCESS TO PUBLIC RECORDS

WAC	
434-690-010	Purpose.
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434-690-060	Office hours.
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434-690-080	Fees.
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434-690-100	Review of denials of public records requests.
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434-690-120	Records index.
434-690-130	Communication with division--Address.
434-690-140	Adoption of form.
434-690-990	Appendix A--Management organization chart of state archivist.
434-690-99001	Appendix B--Form--Request for public records.

WAC 434-690-010 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, 91-23-024, § 434-690-010, filed 11/12/91, effective 12/13/91.]

WAC 434-690-020 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, 91-23-024, § 434-690-020, filed 11/12/91, effective 12/13/91.]

WAC 434-690-030 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, operating units, and regional offices it carries on the functions cited in chapter 434-620 WAC.

[Statutory Authority: RCW 42.17.250, 91-23-024, § 434-690-030, filed 11/12/91, effective 12/13/91.]

WAC 434-690-040 Public records available. All public records of the division as defined in WAC 434-15-610 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 434-690-100.

[Statutory Authority: RCW 42.17.250, 91-23-024, § 434-690-040, filed 11/12/91, effective 12/13/91.]

WAC 434-690-050 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, 91-23-024, § 434-690-050, filed 11/12/91, effective 12/13/91.]

WAC 434-690-060 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 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.250, 91-23-024, § 434-690-060, filed 11/12/91, effective 12/13/91.]

WAC 434-690-070 Requests for public records--Archives--Scheduled records. 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 434-690-150

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/her office, or if he/she 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 specific subject and date and/or state archives record group, sub-group, series and date information to facilitate record retrieval.

(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, unless the division has other access authority granted by agency of record. 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 requested.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-070, filed 11/12/91, effective 12/13/91.]

WAC 434-690-080 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 may impose a reasonable charge for providing copies of public records, regardless of media, and for the use by any person of division equipment to copy public records. Charges shall not exceed the amount necessary to reimburse the division for its actual costs incident to such copying.

(4) The division may charge a fee for research services prorated on salary benefit and overhead costs with a half-hour minimum.

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

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-080, filed 11/12/91, effective 12/13/91.]

WAC 434-690-090 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 434-690-070 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. 91-23-024, § 434-690-090, filed 11/12/91, effective 12/13/91.]

WAC 434-690-100 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 secretary of state. 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. 91-23-024, § 434-690-100, filed 11/12/91, effective 12/13/91.]

WAC 434-690-110 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; also 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 434-690-060.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-110, filed 11/12/91, effective 12/13/91.]

WAC 434-690-120 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. 91-23-024, § 434-690-120, filed 11/12/91, effective 12/13/91.]

WAC 434-690-130 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, Olympia, Washington 98504-0000.

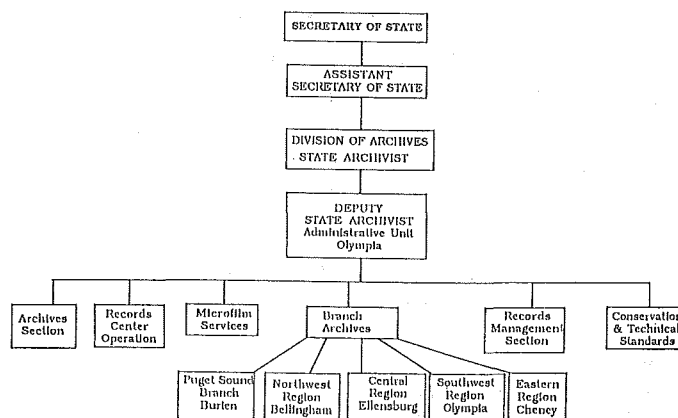
[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-130, filed 11/12/91, effective 12/13/91.]

WAC 434-690-140 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. 91-23-024, § 434-690-140, filed 11/12/91, effective 12/13/91.]

WAC 434-690-990 Appendix A--Management organization chart of state archivist.

APPENDIX A



[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-990, filed 11/12/91, effective 12/13/91.]

WAC 434-690-99001 Appendix B--Form--Request for public records.

APPENDIX B

REQUEST FOR PUBLIC RECORDS

Name of Requestor:

Address:

Phone:

Date of Request:

Time of Request:

Nature of Request:

1. Index Reference -----

Signature -----

For Office Use Only:

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

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

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

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

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-99001, filed 11/12/91, effective 12/13/91.]

Chapter 434-840 WAC ADDRESS CONFIDENTIALITY PROGRAM

WAC

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434-840-300 Notification for voting record confidentiality.
434-840-310 Protected records voter application.
434-840-320 Maintaining protected records voter information.
434-840-330 Mailing protected records voter ballots.
434-840-340 Processing protected records voter ballot.
434-840-350 Canvassing procedure for a questioned ballot of a protected records voter.
434-840-360 Undeliverable ballot.
434-840-370 Election challenges.

WAC 434-840-001 Authority and purpose. These rules are adopted pursuant to chapter 40, RCW (sections 3(1), 3(3) and 9, chapter 23, Laws of 1991). The purpose of this chapter is to provide the administrative procedures necessary to implement chapter 23, Laws of 1991; to provide a procedure for state and local agencies to respond to requests for public records without disclosing the location of a program participant; to provide a procedure to facilitate interagency cooperation in providing record address confidentiality for a program participant; to establish uniform statewide procedures for maintaining the confidentiality of a program participant's name and address information in marriage and voting records; and to provide a procedure for state and local agencies to accept a program participant's use of a substitute mailing address.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-001, filed 9/26/91, effective 10/27/91.]

WAC 434-840-005 Definitions. For the purposes of this chapter:

"Address confidentiality program manager" means the agency employee designated by the secretary of state with responsibility for developing and administering the program that implements the provisions of chapter 23, Laws of 1991.

"Agency" means an office, department, division, bureau, board, commission, or other statutory unit of state or local government or any functional subdivision of that agency.

"Application assistant" means an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, or shelter services to victims of domestic violence, who has been designated by the respective agency, and accepted and registered by the secretary of state to assist individuals in the completion of program participation applications.

"Authorization card form" means the incomplete form for an authorization card on which no identifying program participant information has been entered.

"Authorized personnel" means an employee of a county auditor's office, a county recording office, the Washington state department of health, or the office of the secretary of state who has been designated by the chief executive officer of the respective agency, to process and have access to voter application, voting records, and marriage applications and records pertaining to program participants.

"Bona fide statutory or administrative requirement" means that without possession of an individual's actual

address the agency is unable to fulfill its statutory duties and obligations.

"Protected records voter" means a program participant who has applied and qualified as a service voter, as provided under RCW 29.01.155, with ongoing absentee ballot voter status, as provided under RCW 29.36.013.

"Record" means any information relating to the conduct or performance of a governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

"Substitute mailing address for voting purposes" means a mailing address designated on the program participant's service voter application as the address to which the program participant's absentee ballots shall be sent, but which shall not be the program participant's residential address as designated on her or his application for program participation.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-005, filed 9/26/91, effective 10/27/91.]

WAC 434-840-010 Application and certification process. (1) An applicant shall complete, date, sign, and provide all the information required under section 3, chapter 23, Laws of 1991, and as requested on the standard application form and the authorization card form provided by the secretary of state. An applicant shall specify a Washington state residential address and the new address(es) in Washington state for which confidentiality is requested. The standard application form shall include the application preparation date, and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant, as provided in section 8, chapter 23, Laws of 1991.

(2) A properly completed application shall be filed on the day that it is received by the address confidentiality program manager.

(3) An individual who has filed a properly completed application shall be certified as a program participant and issued a program participant authorization card which includes the program participant's name, authorization code, substitute mailing address, certification expiration date, and applicant's signature.

(4) The term of a program participant's certification shall be four years following the filing date of her or his application unless the certification is withdrawn or invalidated before that date.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-010, filed 9/26/91, effective 10/27/91.]

WAC 434-840-020 Exercise of program participant's privileges. (1) A program participant may request, at the time of creation of a new record, that an agency use the mailing address designated by the secretary of state as her or his address.

(2) A program participant shall show her or his authorization card to the agency official creating a new record and request address confidentiality through use of

the designated address in lieu of her or his actual location. The designated address shall appear on the program participant's authorization card.

(3) Authorized personnel may make a file photocopy of the authorization card and shall immediately return the authorization card to the program participant.

(4) An agency shall accept the designated address unless the agency has received a written record exemption determination from the secretary of state.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-020, filed 9/26/91, effective 10/27/91.]

WAC 434-840-030 Certification renewal. (1) A program participant may renew her or his program participation certification by filing with the address confidentiality program manager: (a) Her or his current authorization card; (b) a properly completed certification renewal form; and (c) a new authorization card form provided by the secretary of state. The program participant shall complete, date, sign, and provide all the information required on the certification renewal form.

(2) The address confidentiality program manager shall: (a) Certify a program participant, who has filed a properly completed certification renewal form, to participate in the program for an additional four year term unless the certification is withdrawn or invalidated before that date; (b) issue to the program participant a new authorization card which includes the program participant's name, authorization code, substitute mailing address, certification expiration date, and signature; and (c) notify in writing authorized personnel of the appropriate county auditor's office, county recording office, and department of health of the certification renewal of a program participant.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-030, filed 9/26/91, effective 10/27/91.]

WAC 434-840-040 Certification withdrawal, invalidation, expiration, and termination. (1) A program participant may withdraw from program participation by submitting to the address confidentiality program manager: (a) Written notification of withdrawal and (b) her or his current authorization card. Certification shall be terminated on the date of receipt of this notification.

(2) The address confidentiality program manager may terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant's certification term has expired and certification renewal has not been completed; (b) the address confidentiality program manager has determined that (i) false information was used in the application process or (ii) participation in the program is being used as a subterfuge to avoid detection of illegal or criminal activity or apprehension by law enforcement; (c) the program participant no longer resides at the residential address listed on the application, and has not provided seven days' prior notice in writing of a change in address; (d) a service of process document or mail forwarded to the program participant by the address confidentiality program is returned as nondeliverable; (e) the program participant obtains a legal name

change; (f) the program participant fails to attend a specified meeting or fails to meet agency regulatory compliance standards as provided in WAC 434-840-090; or (g) the program participant fails to submit program experience and information survey forms requested by the address confidentiality program manager.

(3) If termination is a result of subsection (2)(a), or (c) through (g) of this section, the address confidentiality program manager shall send written notification of the intended termination to the program participant. The program participant shall have five business days in which to appeal the termination under procedures developed by the secretary of state.

(4) The address confidentiality program manager shall notify in writing authorized personnel of the appropriate county auditor's office, county recording office, and department of health of the program participant's certification withdrawal, invalidation, expiration, or termination.

(5) Upon receipt of this termination notification: (a) Authorized personnel shall transmit to the address confidentiality program manager all appropriate administrative records pertaining to the program participant, using the confidential record transmission envelopes specially designed for this purpose; and (b) the record transmitting agency is no longer responsible for maintaining a terminated program participant's record confidentiality as provided under chapter 23, Laws of 1991.

(6) Following termination of program participant certification as a result of subsection (2)(b) of this section, the address confidentiality program manager may disclose information contained in the program participant's application.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-040, filed 9/26/91, effective 10/27/91.]

WAC 434-840-050 Notification of program participant status. The address confidentiality program manager shall notify in writing authorized personnel of the appropriate county auditor's office, county recording office, and department of health of a program participant's renewal, withdrawal, invalidation, or termination. This notification shall contain the program participant's name, authorization code, and expiration date.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-050, filed 9/26/91, effective 10/27/91.]

WAC 434-840-060 Information release to law enforcement or upon court order. The disclosure of any marriage application or record, or voter application record, or information about a program participant, requested by a law enforcement agency or by direction of court order pursuant to sections 6, 7, and 12, chapter 23, Laws of 1991: (1) Shall be in response to receipt of a written or faxed request directed to a county auditor, a county recording officer, the secretary of state, or the secretary of health: (a) A request from a law enforcement agency shall be on agency letterhead stationery, and shall contain (i) the signature of the agency's chief law enforcement officer as defined in RCW 10.98.040,

(ii) the request date, (iii) the name of the program participant, (iv) the cause or reason for the requested information disclosure, and (v) state the purpose which the requested information will serve; (b) the county auditor, county recording officer, secretary of state, secretary of health, or authorized personnel may disclose the requested information to the chief officer of the law enforcement agency or to the person identified in the court order; and (c) unless specifically prohibited by court order, the county auditor, county recording officer, secretary of health, or authorized personnel shall immediately notify the address confidentiality program manager and the program participant of this information disclosure and provide a copy of the information disclosure request; or

(2) May be made by the address confidentiality program manager in response to her or his determination that an emergency situation exists and that the safety or health of a program participant is imperiled by withholding this information.

(3) Program participant information disclosed to a law enforcement agency or to a person identified in a court order shall be maintained in strict confidentiality by the party receiving information.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-060, filed 9/26/91, effective 10/27/91.]

WAC 434-840-070 Agency exemption request. (1) An agency requesting an exemption under section 5, chapter 23, Laws of 1991, must provide in writing to the secretary of state: (a) Identification of the statute or administrative rule which demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual; (b) identification of the specific record or record series for which the exemption is requested; (c) description of the specific record or record series; (d) identification of the individuals who will have access to the record; (e) explanation of how the agency's acceptance of a substitute address will prevent the agency from meeting its obligations under the statute or rule identified above; and (f)(i) explanation of why the agency cannot meet its statutory or administrative obligations by a change in its internal procedures; and, where appropriate, (ii) description of any agency procedural change(s) that could be made that would allow it to accept the substitute address and meet its statutory or administrative obligations and an estimate of implementation time needed.

(2) The secretary of state shall file and review an agency's request for an exemption.

(3) During the review, evaluation and appeal of an agency's exemption request, the agency shall accept the use of a program participant's substitute address.

(4) The secretary of state's determination to grant or withhold a requested exemption shall be based on, but not limited to, an evaluation of the information provided under subsection (1) of this section in conformance with the statutory standard of a bona fide statutory or administrative requirement for the use of a program participant's actual address.

(5) If the secretary of state determines that an agency has a bona fide statutory or administrative requirement for the use of a program participant's actual address information and that the actual address information will be used only for those statutory and administrative purposes, the secretary may issue a written exemption determination for the agency. When granting an exemption, the secretary may include: (a) an agency's obligation to maintain the confidentiality of a program participant's address information; (b) limitations on use and access to that address information; (c) term during which the exemption is authorized for the agency; (d) designation of the record format on which the address information may be maintained; (e) designation of an address information disposition date after which the agency may no longer maintain a record of the address information; and (f) any other provisions and qualifications determined appropriate by the secretary of state.

(6) When a program participant requests use of the substitute address in a record, and the agency has received an exemption determination for that record, the agency shall immediately provide a copy of the written determination to the requesting program participant. The agency shall notify the address confidentiality program manager of the occurrence and denial of the program participant's request.

(7) The secretary of state's denial of an agency exemption request shall be made in writing and include a statement of the specific reasons therefor.

(8) An agency may appeal the denial of its request by resubmitting its written request together with additional data, information, and an explanation of corrective action taken to alleviate concerns and considerations included in the secretary of state's denial determination.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-070, filed 9/26/91, effective 10/27/91.]

WAC 434-840-080 Service of process. (1) The secretary of state shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served.

(2) Service on the secretary of state of any such summons, writ, demand, notice, or process shall be made by delivering to the address confidentiality program manager of the office of the secretary of state: (a) Two copies of the summons, writ, notice, demand, or process; and (b) twenty-five dollars service-of-process fee for each action or document filed.

(3) If a summons, writ, notice, demand, or process is served on the secretary of state, the secretary of state shall immediately cause a copy to be forwarded to the program participant at the address as shown on the records of the address confidentiality program.

(4) The secretary of state shall keep a record of all summonses, writs, notices, demands, and processes served upon the secretary of state under section 3(b) of chapter 23, Laws of 1991, and shall record the time of such service and the secretary of state's action.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-080, filed 9/26/91, effective 10/27/91.]

WAC 434-840-090 Program participant compliance with agency rules. (1) An agency that cannot locate a program participant for regulatory compliance purposes may request that the address confidentiality program manager arrange a meeting between an agency representative and a program participant. The requesting agency shall: (a) Explain the necessity for the meeting and the reason why the agency has been unable to locate the program participant; and (b) provide a suggested list of dates, times, and locations for the requested meeting.

(2) The address confidentiality program manager shall: (a) Contact the program participant; (b) convey the nature and cause of the requesting agency's need for a meeting; and (c) confirm a mutually acceptable date, time, and location for such meeting.

(3) The program participant and the agency representative shall meet and discuss the agency's regulatory compliance concerns at the date, time, and location specified by the address confidentiality program manager.

(4) Within three business days following the specified meeting, the address confidentiality program manager shall contact both the agency representative and the program participant to confirm that the meeting was held and that the program participant has met the agency's compliance standards.

(5) The address confidentiality program manager may cancel and terminate a program participant's certification, as provided in WAC 434-840-040, when a program participant fails to attend the specified meeting or fails to meet agency regulatory compliance standards.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-090, filed 9/26/91, effective 10/27/91.]

WAC 434-840-100 Acknowledgement for marriage and voting record confidentiality. (1) When a program participant requests name and address confidentiality for marriage records, both the program participant and her or his fiancé(e) shall sign and date an acknowledgement form, provided by the secretary of state, that specifies record access limitations on confidential marriage records.

(2) When a program participant requests name and address confidentiality for voting records, the program participant shall sign an acknowledgement form, provided by the secretary of state, that documents the date of this request and outlines the ongoing absentee ballot voting process to be used by protected record voters.

(3) The county auditor, county recording officer, or authorized personnel shall keep the original copy of this signed acknowledgement, forward a duplicate copy to the address confidentiality program in an envelope provided especially for that purpose, and give a duplicate copy to the program participant.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-100, filed 9/26/91, effective 10/27/91.]

WAC 434-840-110 Proof of program participant's authority. When a program participant requests name and address confidentiality for marriage or voting records, authorized personnel shall check the authorization

card to confirm that the term of program participation has not expired and the signature of the program participant on the authorization card matches that on the acknowledgement form.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-110, filed 9/26/91, effective 10/27/91.]

WAC 434-840-120 Record confidentiality. (1) A marriage application or record or a voting record created by a program participant who has requested name and address information confidentiality when creating the record is confidential and accessible only to authorized personnel, except as provided in WAC 434-840-060.

(2) Authorized personnel may make a photocopy of the program participant's authorization card. The authorization card shall be immediately returned to the program participant. The photocopy shall be kept with the confidential marriage or voting records for this program participant during the time the records are filed and maintained by the county auditor or county recording officer.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-120, filed 9/26/91, effective 10/27/91.]

WAC 434-840-130 Agency response to public disclosure requests. In response to a public disclosure request for access to, inspection, or copying of an address confidentiality program participant's voting or marriage record, an agency shall neither disclose nor acknowledge the presence or filing of such a record.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-130, filed 9/26/91, effective 10/27/91.]

WAC 434-840-200 Notification for marriage record confidentiality. A program participant shall notify the appropriate county auditor or county recording officer of her or his request for name and address information confidentiality in marriage records by appearing in person with her or his fiancé(e) before the county auditor or county recording officer.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-200, filed 9/26/91, effective 10/27/91.]

WAC 434-840-210 Marriage application. (1) Authorized personnel shall verify that the application for a marriage license and certificate of marriage form are correctly completed. The certificate of marriage form shall contain the program participant's authorization code and expiration date.

(2) Authorized personnel shall provide the program participant with a "confidential records" envelope in which the program participant shall transmit all completed marriage documents to the county auditor or county recording officer.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-210, filed 9/26/91, effective 10/27/91.]

WAC 434-840-220 Marriage record filing. Upon recording a completed marriage license application, certificate, or record, if the county auditor or county recording officer notes the presence of a confidential

record in the recording index, this notation shall be made in a manner appropriate to maintaining the confidentiality of name and address information contained in that document.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-220, filed 9/26/91, effective 10/27/91.]

WAC 434-840-230 Marriage record transmission to department of health. The county auditor, county recording officer, or authorized personnel shall transmit a correctly completed marriage certificate containing the name and address of a program participant to the department of health in an envelope distinctly marked "confidential records."

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-230, filed 9/26/91, effective 10/27/91.]

WAC 434-840-240 Certified copy of marriage certificates. A certified copy of a marriage certificate containing the name of a program participant is only available through the address confidentiality program. The address confidentiality program manager may request in writing a certified copy of a program participant's marriage certificate. This written request may be directed to the originating county auditor, county recording office, or the department of health. The request shall accompany a complete application for certified copy and correspondent fee. The requested certified copy shall be provided to the address confidentiality program manager, who is responsible for its subsequent release.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-240, filed 9/26/91, effective 10/27/91.]

WAC 434-840-300 Notification for voting record confidentiality. A program participant shall notify the appropriate county auditor or county recording officer of her or his request for name and address information confidentiality in voting records by appearing in person before the county auditor, county recording officer, or appropriate authorized personnel. The program participant shall present her or his program authorization card and request name and address confidentiality for the voter record that she or he will be creating.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-300, filed 9/26/91, effective 10/27/91.]

WAC 434-840-310 Protected records voter application. (1) The program participant shall: (a) Cancel any previously existing voter registration; and (b) apply to vote by providing all the information required on the address confidentiality program ongoing absentee ballot application.

(2) The program participant shall designate a substitute mailing address for voting purposes.

(3) The program participant shall disclose the actual address of her or his residence only for the purpose of determining proper precinct and district designations.

(4) Application for protected records voter status may be made no later than the day before an election. Application for a ballot to be mailed to a substitute mailing address for voting purposes shall be made no later than

twenty working days before the first election in which the program participant wishes to vote.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-310, filed 9/26/91, effective 10/27/91.]

WAC 434-840-320 Maintaining protected records voter information. All records pertaining to a protected records voter shall be confidentially maintained in a manner ensuring that these records are accessible only to authorized personnel, except as provided by WAC 434-840-060. A protected records voter shall not be included in any registered voter list, absentee ballot list, tape, label, or poll book. Information pertaining to a protected records voter shall not be publicly accessible regardless of the type of records management system.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-320, filed 9/26/91, effective 10/27/91.]

WAC 434-840-330 Mailing protected records voter ballots. At least twenty days before every special, primary, or general election, authorized personnel shall review all protected records voter files and forward the appropriate ongoing absentee ballot for each protected records voter via the designated substitute mailing address for voting purposes.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-330, filed 9/26/91, effective 10/27/91.]

WAC 434-840-340 Processing protected records voter ballot. (1) The ongoing absentee ballot for a protected records voter shall be processed by authorized personnel in the following manner:

(a) The ballot, corresponding reader guide, or paper ballot shall be grouped and placed with ballot security envelope, return envelope with oath, mailing envelope, and protected records voter envelope;

(b) The voter's name, authorization code, and substitute mailing address for voting purposes shall be entered onto the mailing envelope;

(c) The information shall be completed on the protected records voter envelope to ensure that the returned ballot will be segregated and routed to authorized personnel for processing;

(d) The signature on the returned ballot envelope shall be compared with the signature on the service voter ongoing absentee ballot application;

(e) If the signature does not correspond to the signature on file, indication of this discrepancy shall be entered onto the return envelope; and

(f) Whenever the signature on a protected records voter ongoing absentee ballot return envelope does not match the signature on the application on file the address confidentiality program manager shall (i) be notified of the discrepancy, (ii) locate the program participant and determine the cause of the discrepancy, and (iii) notify the county auditor or county recording officer of the cause of the discrepancy.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-340, filed 9/26/91, effective 10/27/91.]

WAC 434-840-350 Canvassing procedure for a questioned ballot of a protected records voter. A questioned ballot, as defined in WAC 434-40-010, of a protected records voter shall be presented to the canvassing board, meeting in executive session. The canvassing board shall designate authorized personnel to verify the contents of the ballot. Authorized personnel shall remove the protected records voter envelope, prepare the ballot in the ballot security envelope, and verify the contents of the ballot for tabulation. The return envelope and the protected records voter envelope shall be placed in security with all other voting records for the program participant. The discardable envelopes may be destroyed under statutory provisions applicable to election materials.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-350, filed 9/26/91, effective 10/27/91.]

WAC 434-840-360 Undeliverable ballot. If any protected records voter's ongoing absentee ballot is declared undeliverable by the post office and returned, the county auditor or county recording officer shall notify the address confidentiality program manager. The address confidentiality program manager shall determine the cause of this occurrence and inform the county auditor or county recording officer of the reason for the ballot's return.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-360, filed 9/26/91, effective 10/27/91.]

WAC 434-840-370 Election challenges. If any postelection challenges are brought pertaining to the outcome of any election and it becomes necessary to check the validity of all absentee ballots cast in the election by verifying the names and addresses of all voters casting absentee ballots, a protected records voter's ballot shall not be included in the review unless the county canvassing board determines that this ballot would be determinative of the election outcome. When the county canvassing board has determined that review of a protected records voter's ballot is necessary, authorized personnel shall verify the protected records voter's ballot using extreme caution to ensure continued confidentiality.

[Statutory Authority: 1991 c 23. 91-20-074, § 434-840-370, filed 9/26/91, effective 10/27/91.]

Title 440 WAC

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF (GENERAL PROVISIONS)

Chapter

440-44

Fees.