

# Title 434 WAC

## SECRETARY OF STATE

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### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

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

- 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 Repealed by 91-21-045, filed 10/14/91, effective 11/14/91.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 Repealed by 91-21-045, filed 10/14/91, effective 11/14/91.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 Repealed by 91-21-045, filed 10/14/91, effective 11/14/91.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 Repealed by 91-21-045, filed 10/14/91, effective 11/14/91.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 Repealed by 91-21-045, filed 10/14/91, effective 11/14/91.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 Repealed by 91-21-045, filed 10/14/91, effective 11/14/91.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 Repealed by 91-21-045, filed 10/14/91, effective 11/14/91.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 Repealed by 91-21-045, filed 10/14/91, effective 11/14/91.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 Repealed by 91-21-045, filed 10/14/91, effective 11/14/91.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Repealed by 91-21-045, filed 10/14/91, effective 11/14/91.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.

#### Chapter 434-16

#### FILING UNDER UNIFORM COMMERCIAL CODE

- 434-16-010 Authority and purpose. [Regulation 1, § 1, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-010.
- 434-16-020 Applicable statute. [Regulation 1, § 2, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-020.
- 434-16-030 Definitions. [Regulation 1, § 3, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-030.
- 434-16-040 Standard forms. [Regulation 1, § 4, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-040, 308-400-044, 308-400-046, and 308-400-048.
- 434-16-050 Official approval of forms. [Regulation 1, § 5, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-050.
- 434-16-060 Rejection of filings. [Regulation 1, § 6, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-060.
- 434-16-070 Prefiled financing statements. [Regulation 1, § 7, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2.
- 434-16-080 Request for information or copies. [Regulation 1, § 8, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-070.
- 434-16-090 Amendment fees. [Regulation 1, § 9, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-090.

#### Chapter 434-19

#### CHARITABLE SOLICITATIONS

- 434-19-010 Authority and purpose. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-010, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-010.
- 434-19-012 Official address. [Statutory Authority: RCW 19.09.315. 90-22-021 and 90-23-040, § 434-19-012, filed 10/30/90 and 11/15/90, effective 11/30/90 and 12/16/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-012, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-015.
- 434-19-013 Toll-free telephone number. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-013, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-015.
- 434-19-014 Office hours. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-014, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-020.
- 434-19-015 Public records. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-015, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-030.
- 434-19-016 Public records copying charge—Exemptions. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-016, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-017 Registration applications—Grounds for denial. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-017, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-018 Registration applications—Computation of time. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-018, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-020 Definitions. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-020, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-020, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-025.
- 434-19-050 Charitable organization registration—Financial information consistent with Federal Income Tax Form 990. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-050, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority:

- Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-051 Charitable organization registration—Federal Income Tax Form 990 not acceptable. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-051, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-052 Charitable organization registration—Other financial standards. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-052, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-052, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-053 Charitable organization registration—Treatment of appropriated funds. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-053, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-053, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-054 Charitable organization registration—Financial reporting adjustments. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-054, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-054, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-055 Charitable organization registration—Change in exemption status. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-055, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-056 Charitable organization registration—Combined program and paid fundraising effort. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-056, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-056, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-059 Charitable organization registration—Voluntary verification information. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-059, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-059, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-060 Charitable organization registration—Out of state organizations. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-060, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-060, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-061 Charitable organization registration—Federal Income Tax Form 990 conditions not applicable. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-061, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-061, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-075 Charitable organization registration—Nonprofit fundraiser—Newly formed organization. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-075, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-075, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-077 Charitable organization registration—Nonprofit fundraiser registration—Combined fee. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-077, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-078 Charitable organization registration—Nonprofit fundraiser—Registration fee. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-078, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-080 Independent fundraiser registration—Identification of other independent fundraisers retained. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-080, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-081 Independent fundraiser registration—Single business name required. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-081, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-082 Independent fundraiser registration—Physical address required. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-082, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-083 Independent fundraiser registration—Registration fee. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-083, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-084 Independent fundraiser registration—Calculation of percentage waived. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-084, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-084, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-085 Independent fundraiser registration—Responsibility for reporting finances. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-085, filed 10/30/90, effective 11/30/90.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-086 Independent fundraiser registration—Newly formed organization. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-086, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.

- Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-087 Independent fundraiser reregistration—Change in business structure. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-087, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-088 Independent fundraiser reregistration—Evidence of continuation of bonding required. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-088, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-090 Charitable organizations and independent fundraisers—Contract registration form—Timing. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-090, filed 4/14/88.] Repealed by 90-22-021, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.315.
- 434-19-097 Charitable organizations and independent fundraisers—Contract registration form—Timing. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-097, filed 10/30/90, effective 11/30/90.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-098 Charitable organizations and independent fundraisers—Contract registration form—Fee waived. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-098, filed 10/30/90, effective 11/30/90.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-100 Conditions applicable to solicitations—Exempt organizations exempted. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-100, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-101 Conditions applicable to solicitations—Multiple contacts deemed single solicitation. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-101, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-101, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-102 Conditions applicable to solicitations—Name of solicitor. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-102, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-110 Conditions applicable to solicitations—Written disclosure—Standard. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-110, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-110, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-113 Conditions applicable to solicitations—New organization. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-113, filed 4/14/88.] Repealed by 90-22-021, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.315.
- 434-19-114 Conditions applicable to solicitations—Solicitation conducted. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-114, filed 10/30/90, effective 11/30/90.
- Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-114, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-115 Conditions applicable to solicitations—Responsibility for content of solicitation. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-115, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-115, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-118 Conditions applicable to solicitations—Solicitation conducted via electronic media. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-118, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-118, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-190 Surety bond—Bond extended to other independent fundraiser. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-190, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-191 Surety bond—Notice of exemption from bond requirement. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-191, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-191, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-192 Surety bond—Reduction in bond amount. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-192, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-192, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-193 Surety bond—Reinstatement of bond amount. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-193, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-193, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-194 Surety bond—Impairment of bond. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-194, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-195 Surety bond—Conditions defined. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-195, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-230 Using the name of another entity—Reference to unnamed beneficiary. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-230, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.

## Chapter 434-50

## CORPORATION FILING PROCEDURES AND SPECIAL FEES

- 434-50-010 Purpose. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-010, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-015 Office address. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-015, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-020 Office hours. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-020, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-025 Telephone services. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-025, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-030 Mail-in service. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-030, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-035 In-person or expedited counter service—Special fees. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-035, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-040 Miscellaneous charges—Special service fees. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-040, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-045 Fee prepayment, when required. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-045, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-050 Original signature requirement—Original retained. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-050, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-055 Registered office address—Requirements. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187. 82-16-059 (Order 82-1), § 434-50-055, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.

## Chapter 434-75

## PRESIDENTIAL PREFERENCE PRIMARY

- 434-75-010 Authority and purpose. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-010, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-020 Definitions. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-020, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-030 Presidential preference primary—When held. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-030,

- filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-040 Presidential preference primary—Changing the date. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-040, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-050 Procedures to be followed when changing primary date. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-050, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-060 Designation of candidates by secretary of state. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-060, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-070 Removal from list of designees. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-070, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-080 Petition process for ballot access. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-080, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-090 Form of the nominating petition. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-090, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-100 Verification of signatures by secretary of state. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-100, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-110 Determination of insufficient signatures. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-110, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-120 Certification of candidates. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-120, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-130 Conduct of the presidential preference primary. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-130, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-140 Party declaration by voter. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-140, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-150 Ballot request form used at the polling place. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-150, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-160 Ballot—Separation of political parties. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-160, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-170 Secretary of state to designate color of ballots and election materials. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-170, filed 8/26/91, effective 9/26/91.] Repealed by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-180 Ballots—Arrangement of names—Instructions. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-180, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-

- 141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-190 Special election held in conjunction with the presidential preference primary. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-190, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-200 Questioned ballots/alternate ballots—Use by poll workers when voter declines to identify party. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-200, filed 8/26/91, effective 9/26/91.] Repealed by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-210 Provisions regarding ballots applicable to absentees. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-210, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-220 Absentee ballot request form. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-220, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-230 Incomplete absentee ballot requests. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-230, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-240 Lack of party designation. [Statutory Authority: RCW 29.19.070. 92-08-032, § 434-75-240, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-240, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-250 Ongoing absentee voters. [Statutory Authority: RCW 29.19.070. 92-08-032, § 434-75-250, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-250, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-260 Canvassing and tabulation of presidential primary absentee ballots. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-260, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-270 Vote-by-mail precincts. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-270, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-280 Ballots not tabulated. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-280, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-290 Canvassing and certification of presidential preference primary. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-290, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-300 Canvassing and tabulation of other special elections. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-300, filed 8/26/91, effective 9/26/91.] Repealed by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-310 Mandatory recount provisions do not apply. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-310, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-320 Political party preference data—Transmittal to the major political parties. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-320, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

- 434-75-330 Retention of election material. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-330, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-340 Claims for reimbursement. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-340, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-350 Time for submission and payment of claims for reimbursement. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-350, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.

Reviser's note: Later promulgation, see chapter 434-219 WAC.

## Chapter 434-04 WAC

### USE OF THE STATE SEAL

#### WAC

- 434-04-010 Authority and purpose.
- 434-04-015 Definitions.
- 434-04-017 Description of seal for use on state flags.
- 434-04-020 General permitted uses.
- 434-04-030 Permitted uses of the embossed seal.
- 434-04-040 General prohibitions.
- 434-04-050 Application process.
- 434-04-060 Approval and denial of use—Applications.
- 434-04-070 Nonexclusive licensing agreement—Contents.
- 434-04-075 Renewal of licensing agreement.
- 434-04-080 Revocation of use.
- 434-04-090 Uses exempt from application process.

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

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

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

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

(2) "State seal" or "seal" is the seal of the state of Washington, used in any form (embossed, displayed, printed, physical representation or any other reproduction) as described in RCW 1.20.080 and in WA. Const., Article XVIII, Section 1, or the seal as used on the state flag according to specifications detailed in WAC 434-04-017, or the seal produced by the seal making device designed and created by the Talcott brothers of Olympia in 1889, unless context indicates otherwise;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (a) Flag background - Irish green, cable #70, 168;
  - (b) State seal background - Oriental blue, cable #70, 209;
  - (c) State seal (portrait, lettering, outer and inner rings) - black;
  - (d) Gold used in state seal and fringe (if any) - nugget gold, cable #70, 215;
  - (e) Face of George Washington - PMS - 169 (flesh tint).
- (4) All colors shall be of colorfast washable dyes.

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

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

(a) Use and display of the seal by state agencies and state elected officials in connection with official state business. However, no state agency nor state elected official other than the secretary shall have authority to permit a

contractor or other entity associated with a state agency or state elected official to use the seal for commercial purposes;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) In any gambling activity except:

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

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

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

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

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

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

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

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

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

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

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

#### **WAC 434-04-060 Approval and denial of use—**

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

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

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

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

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

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

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

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

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

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

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

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

#### **WAC 434-04-070 Nonexclusive licensing agreement—**

**Contents.** A license agreement issued by authority of this chapter shall contain provisions including, but not limited to, the following:

(1) The agreement shall be nonexclusive;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

(2) The use is not commercial.

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

### Chapter 434-08 WAC ELECTIONS

#### WAC

434-08-010	Advisory election upon contemplation of classification advancement.
434-08-020	Remedial steps—Third class city under mayor-council government.
434-08-030	Determination of original terms of councilmen— Second, third, or fourth class city or town.
434-08-040	Appointment of clerks.
434-08-050	Restrictions on write-in or sticker votes.
434-08-060	Filing of electronic facsimile documents.
434-08-070	Electronic facsimile filings not accepted.
434-08-080	Electronic facsimile filings followed by original document.
434-08-090	Rejection of electronic facsimile filings.

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

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

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

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

**WAC 434-08-020 Remedial steps—Third class city under mayor-council government.** Whenever any third class city operating under the mayor-council form of government shall inadvertently advise candidates subject to a city primary that four councilmanic positions are to be filled, each for a four year term, when by law only three councilmanic positions are to be filled for a four year term and the fourth position is to be filled for a two year term and the filing period is closed, then the following remedial steps shall be taken:

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

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

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

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

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

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

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

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

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

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

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

(4) **Second, third and fourth class cities organized under the council-manager plan:** The staggering of terms of councilmen shall be as set forth by RCW 35.18.020 (relating to existing cities adopting council-manager plan).

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

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

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

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

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

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

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

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

**WAC 434-08-060 Filing of electronic facsimile documents.** In addition to those documents specified by RCW 29.04.230, the secretary of state or the county auditor shall accept and file in his or her office electronic facsimile transmissions of the following documents:

(1) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;

(2) Any minor party or independent candidate filing material except nominating petitions;

(3) Lists of presidential electors selected by political parties or independent candidates;

(4) Voted ballots, provided the voter agrees to waive the secrecy of his or her ballot;

(5) Resolutions from cities, towns, and other districts calling for a special election;

(6) Filling of vacancies on the ticket by a major political party.

[Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-060, filed 9/2/92, effective 10/3/92.]

**WAC 434-08-070 Electronic facsimile filings not accepted.** No filing by electronic facsimile shall be accepted where a filing fee must accompany the filing unless the person making the filing has also provided for that fee to be paid in conjunction with the electronic facsimile filing. No initiative, referendum, or recall petition signatures may be filed by electronic facsimile.

[Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-070, filed 9/2/92, effective 10/3/92.]

**WAC 434-08-080 Electronic facsimile filings followed by original document.** The filing officer shall require that, except for requests for absentee ballots, any acceptance of an electronic facsimile filing be followed by the original document not later than seven calendar days after the receipt of the facsimile filing. If a voted ballot is faxed, a ballot bearing the original signature of the voter must be received not later than ten days following a primary or special election or fifteen days following a general election.

[Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-080, filed 9/2/92, effective 10/3/92.]

**WAC 434-08-090 Rejection of electronic facsimile filings.** The acceptance of any facsimile filing is conditional upon the person filing the document satisfying the requirements of state law and these rules with respect to such filings. The filing officer shall reject any electronic facsimile filing that does not satisfy these requirements and is not,

where required, followed by the receipt of the original document in a timely manner.

[Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-090, filed 9/2/92, effective 10/3/92.]

## Chapter 434-09 WAC

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

#### WAC

434-09-010	Statement of purpose.
434-09-020	Definitions.
434-09-030	Qualification requirements.
434-09-040	Transmitting and compiling the data file of records of registered voters.
434-09-050	Conducting the selection of names by lot.
434-09-060	Notifying persons selected by lot.
434-09-070	Determination of commission appointees from congressional districts.
434-09-080	Names of selected persons to governor.
434-09-090	Vacancy on the commission.

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

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

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

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

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

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

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

**WAC 434-09-030 Qualification requirements.** Qualification requirements for the citizen members selected in accordance with this chapter to serve on the commission shall be as required by the state constitution and RCW 43.03.305: 1) Any person selected under section 7 of this chapter to serve must have been a registered voter and eligible to vote at the previous state general election in the even-numbered year in the congressional district from which that person was selected; 2) Any person selected under section 9 of this chapter to serve must have been a registered voter and eligible to vote at the time of selection; 3) No state official, public employee or lobbyist or immediate family

member of such official, public employee or lobbyist shall be eligible to serve.

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

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

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

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

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

**WAC 434-09-060 Notifying persons selected by lot.**  
 (1) No later than January 20, 1987 and every four years thereafter, the secretary of state shall notify by certified mail each person selected by lot under section 5 of this chapter. The notification shall contain a response form and pre-stamped, self-addressed return envelope. The notification shall include the statutory qualifications for membership on the commission as specified in RCW 43.03.305 and describe the duties of the position under RCW 43.03.310. The notification shall request the person selected to confirm on the form whether or not they meet the statutory qualifications to serve on the commission and to indicate if they are willing to serve on the commission in the specified capacity. Each person shall be requested to return the form no later than February 10 of that year. Any selected person, by appropriate indication on the form, may decline to serve on the commission. The secretary of state shall take as conclusive indication that the person has declined to serve if the form is not received by the secretary of state on or before February 10 of that year. The notification shall include an appropriate notice of this deadline.

(2) The secretary of state shall compile a list by congressional district of each qualified person who has responded to the notification, confirmed that they meet the specified qualifications and are willing to serve on the commission as requested in section 6(1) of this chapter.

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

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

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

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

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

**WAC 434-09-090 Vacancy on the commission.** Unless voter registration information has been provided to the secretary of state under RCW 29.04.150 within the thirty days prior to the vacancy, each county auditor shall, no later than seven days after a vacancy in a position on the commission as selected under section 7 of this chapter, submit to the secretary of state a data file of records of registered voters eligible to vote at the time of the vacancy. Except for the revision of timelines under this section, the process for compiling the data file of records of registered voters by congressional district, conducting the selection by lot, notifying persons selected, determining appointees, and forwarding to the governor the certified list of the name of the registered voter selected shall be substantially the same as specified in the sections 3-8 of this chapter.

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

**Chapter 434-12 WAC  
 TRADEMARKS**

<b>WAC</b>	
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434-12-020	Applicable statute.
434-12-030	Definitions.
434-12-040	Form of papers.
434-12-050	Caption.
434-12-060	Signing papers.
434-12-070	Verification.
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434-12-090	Appearance and practice before secretary.
434-12-100	Service of process.
434-12-110	Joinder, consolidation.
434-12-120	Withdrawal of petition.
434-12-130	Notice of hearing.
434-12-140	Hearing examiner.
434-12-150	Motions.

434-12-160	Discovery.
434-12-170	Subpoenas.
434-12-180	Prehearing conference.
434-12-190	Intervention.
434-12-200	Hearings are public.
434-12-210	Rules of evidence.
434-12-220	Record.
434-12-230	Form and content of decision.

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

[Regulation 1, § 1, filed 2/15/66.]

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

[Regulation 1, § 2, filed 2/15/66.]

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

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

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

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

[Regulation 1, § 3, filed 2/15/66.]

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

[Regulation 1, § 4, filed 2/15/66.]

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

BEFORE THE SECRETARY OF STATE OF THE STATE OF WASHINGTON

JOHN DOE,	}	Trademark File
Petitioner,		
vs.		
ROE TRADING CO., INC.,	}	No. . . . . (Title of paper)
Registrant of		
ZBFC as a Trademark.		

[Regulation 1, § 5, filed 2/15/66.]

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

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

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

[Regulation 1, § 6, filed 2/15/66.]

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

STATE OF WASHINGTON }  
COUNTY OF . . . . . } ss

JOHN DOE, being first duly sworn, on oath deposes and says: I am the petitioner in this case. I have read the foregoing petition and know its contents, and I believe that the statements in it are true.

.....  
(Signature)

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

.....  
(SEAL) NOTARY PUBLIC in and for  
the state of Washington,  
residing at .....

[Regulation 1, § 7, filed 2/15/66.]

**WAC 434-12-080 Computation of time.** In computing any period of time prescribed or allowed by these rules, by order of the secretary, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last

day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

[Regulation 1, § 8, filed 2/15/66.]

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

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

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

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

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

[Regulation 1, § 9, filed 2/15/66.]

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

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

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

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

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

[Regulation 1, § 10, filed 2/15/66.]

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

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

[Regulation 1, § 11, filed 2/15/66.]

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

[Regulation 1, § 12, filed 2/15/66.]

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

(1) The date, time and place of hearing;

(2) The name of the hearing examiner;

(3) The issues to be considered;

(4) The fact that the hearing will be conducted in accordance with the Administrative Procedure Act, chapter 34.04 RCW, and these rules; and

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

[Regulation 1, § 13, filed 2/15/66.]

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

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

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

[Regulation 1, § 14, filed 2/15/66.]

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

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

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

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

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

[Regulation 1, § 15, filed 2/15/66.]

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

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

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

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

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

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

[Regulation 1, § 16, filed 2/15/66.]

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

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

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

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

[Title 434 WAC—page 14]

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

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

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

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

[Regulation 1, § 17, filed 2/15/66.]

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

(a) The simplification of the issues;

(b) The necessity of amendments to the pleadings;

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

(d) Limiting the number of expert witnesses; or

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

(2) The secretary shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties or their representatives as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admissions or agreements. The order shall control the subsequent course of the trademark case unless modified for good cause by subsequent order.

[Regulation 1, § 18, filed 2/15/66.]

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

[Regulation 1, § 19, filed 2/15/66.]

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

[Regulation 1, § 20, filed 2/15/66.]

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

(2) When objection is made to the admissibility of evidence, such evidence may be received subject to a later

ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. A party objecting to the introduction of evidence shall state the precise grounds for objection promptly following the time such evidence is offered.

[Regulation 1, § 21, filed 2/15/66.]

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

[Regulation 1, § 22, filed 2/15/66.]

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

- (1) Be captioned as provided in WAC 434-12-050;
- (2) Designate all parties and counsel attending the proceeding;
- (3) Include a concise statement of the nature and background of the proceeding;
- (4) Be accompanied by appropriate findings of fact, when issues of fact have been determined, and conclusions of law, when issues of law have been determined.

[Regulation 1, § 23, filed 2/15/66.]

**Chapter 434-12A WAC**

**PUBLIC RECORDS AND RULES OF PROCEDURE**

**WAC**

434-12A-010	Purpose.
434-12A-020	Definitions.
434-12A-030	Description of the organization of the office of the secretary of state.
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434-12A-060	Public records officer.
434-12A-070	Protection of public records.
434-12A-080	Records index.
434-12A-090	Requests for public records.
434-12A-100	Inspection and copying.
434-12A-110	Exemptions, deletions, and denials.
434-12A-120	Review of denials of public records request.
434-12A-130	Adoption of standard request form.
434-12A-140	Communications and submissions relating to public records.
434-12A-150	Revolving fund.
434-12A-990	Appendix A—Form—Organization chart.
434-12A-99001	Appendix B—Form—Request for public record.

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

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

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

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

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

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

- (a) Serve as chief election officer under the provisions of RCW 29.04.070;
- (b) Register and license all domestic and foreign, profit and nonprofit corporations, and record related filings;
- (c) Act as repository for filings required or permitted under the Uniform Commercial Code;
- (d) Register and attest to the official acts of the legislature and the governor;
- (e) Affix the state seal and attest to commissions, pardons, and other public instruments to which the signature of the governor is required;
- (f) Record conveyances made to the state, certified copies of franchises, or other papers filed in the office;
- (g) Receive and file official bonds of those officers required by law to submit them to the secretary of state;
- (h) Certify to the legislature all matters required by the law to be certified;
- (i) Attest to and authenticate certificates and other documents issued by the secretary of state's office;
- (j) Serve as an agent for official communications to the public disclosure commission and provide certain administrative services to that agency.

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

- (a) Main Administrative Office, Legislative Building, Olympia.
- (b) Corporations Division, Legislative Building, Olympia.
- (c) Uniform Commercial Code Section, Insurance Building, Olympia.
- (d) Elections Division, Insurance Building, Olympia.

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

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

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

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

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

to 5:00 p.m. Monday through Friday, excluding legal holidays.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The nature of the request;

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

**WAC 434-12A-120 Review of denials of public records request.** (1) Any person who objects to the denial of a request for a public record may petition for prompt

review of such decision by so indicating in the space provided for this purpose on the standard request form adopted by WAC 434-12-130 [434-12A-130] or by tendering a written request for review. The request for review shall specifically refer to, or be accompanied by, a copy of the written statement by the public records officer, or other staff member, which constituted or accompanied the denial.

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

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

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

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

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

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

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

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

- (1) Lists of active corporations;
- (2) The provisions of Title 23 RCW;
- (3) The provisions of Title 23A RCW;
- (4) The provisions of Title 24 RCW;
- (5) The provisions of Title 29 RCW;
- (6) The provisions of Title 62A RCW;
- (7) The provisions of chapter 18.100 RCW;
- (8) The provisions of chapter 19.77 RCW;
- (9) The provisions of chapter 43.07 RCW;
- (10) The provisions of the Washington state constitution;

(11) The provisions of initiative measure 276 and rules and regulations adopted by the public disclosure commission; and

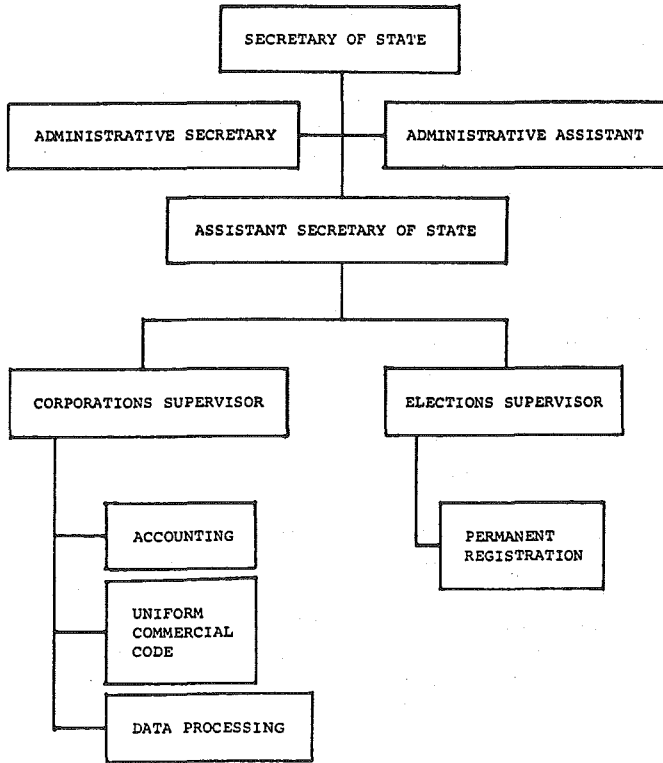
(12) Rules and regulations related to the statutory provisions set forth above.

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

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

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

(APPENDIX A)



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

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

OFFICE OF THE SECRETARY OF STATE  
REQUEST FOR PUBLIC RECORD

DATE: ..... TIME: .....

NAME: .....

ADDRESS: .....

DESCRIPTION OF RECORD(S) REQUESTED: .....

.....

.....

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

.....  
INITIALS OF PRO SIGNATURE

FOR OFFICE USE ONLY

Number of pages .....

Number of copies .....

Per copy charge \$ .....

TOTAL CHARGE \$ .....

Request granted

Request granted with exceptions or deletions noted below

Request denied

REQUEST FOR REVIEW OF EXEMPTION, DELETION OR DENIAL

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

DATE: .....

SIGNATURE .....

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

Chapter 434-20 WAC  
VOTER REGISTRATION FORMS—MANUAL  
VOTER REGISTRATION

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

**WAC 434-20-010 Permanent registration Form 1.**

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

ORIGINAL REGISTER OF VOTER		GIVEN NAME	SURNAME
STATE OF WASHINGTON, } ss. <u>          </u> Sign Here <u>          </u> COUNTY OF <u>          </u>		SIGNATURE OF VOTER <u>          </u>	
"I, the undersigned, on oath or affirmation, do hereby declare that the foregoing facts touching my qualifications as a voter, recorded in my presence by the registration officer, are true. I further certify that I will be at least 18 years of age at the time of voting and that I am a taxpayer in the State of Washington."		PRINT NAME HERE FOR POSITIVE IDENTIFICATION <u>          </u>	
This <u>          </u> day of <u>          </u> 19 <u>          </u>		SIGNATURE OF REGISTRATION OFFICER <u>          </u>	
1. SEX: <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		2. U. S. CITIZENSHIP <input type="checkbox"/> CITIZEN BY BIRTH <input type="checkbox"/> NATURALIZED <input type="checkbox"/>	
ADDRESS <u>          </u>		PRECINCT <u>          </u>	
MOVED TO <u>          </u>		DATE <u>          </u> PRECINCT <u>          </u>	
REGISTRATION OFFICER <u>          </u>		RECORD SIGNING OF PETITIONS HERE (IN PENCIL)	
REGISTRATION CANCELLED <u>          </u>		83	
REASON <u>          </u>		84	
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		87	
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[Order 74-4, § 434-20-010, filed 6/3/74; Order 8, § 434-20-010, filed 6/15/72; Order 4 and Emergency Order 3, § 434-20-010, filed 8/10/71.]

**WAC 434-20-020 Registrar's certificate of registered voters.** In counties which do not maintain voter registration records on data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030, the county auditor shall certify, prior to any primary or election, as to the authenticity of the voter registration records of each precinct, or portion of a precinct, in the jurisdiction for which such primary or election is being held. A form for this purpose, similar to the sample included below and designated as Permanent Registration Form 4, shall be included with the records in each precinct binder. The form shall measure eight and one-half inches by eleven inches and be printed on paper stock of twenty-five percent rag index bristol or a comparable substitute approved by the office of the secretary of state.

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

[Order 74-4, § 434-20-020, filed 6/3/74; Order 4 and Emergency Order 3, § 434-20-020, filed 8/10/71.]

**WAC 434-20-030 Certificate of transfer of registrations.** In counties which do not maintain voter registration records on data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters of the precinct polling place as provided by RCW 29.48.030, the county auditor shall notify the office of the secretary of state of all transfers of voter registrations, in the manner provided by RCW 29.10.100. He shall transmit, on a form substantially similar to the sample included below and designated as Permanent Registration Form 7, the name, previous address, date of registration, and new address for each voter whose registration has been transferred since the last previous report. The form shall measure eight and three-eighths inches by ten and seven-eighths inches and be printed on pink paper stock of sixteen pound rag bond or a comparable substitute approved by the office of the secretary of state.

Registrar of Voters' Certificate of Transfer of Registration

State of Washington, CITY of \_\_\_\_\_, Saturday, \_\_\_\_\_, 19\_\_\_\_ COUNTY

SECRETARY OF STATE, Olympia, Washington.

I hereby certify that I have TRANSFERRED on the registration records of this COUNTY, the registered voters as follows:

Table with 5 columns: NAME OF VOTER, TRANSFERRED FROM (Residence, Precinct), TRANSFERRED TO (Residence, Precinct). The table contains 15 empty rows for data entry.

Signed \_\_\_\_\_ City Clerk, or County Auditor and Registrar of Voters.

By \_\_\_\_\_ Deputy Registrar.

[Order 74-4, § 434-20-030, filed 6/3/74; Order 4 and Emergency Order 3, § 434-20-030, filed 8/10/71.]

WAC 434-20-040 Certificate of cancellation of registrations. In counties which do not maintain voter registration records on data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030, the county auditor shall notify the office of the secretary of state of all cancellations of voter registrations in the manner provided by RCW 29.10.100. He shall transmit, on a form substantially similar to the sample included below and designated as Permanent Registration Form 8, the name, previous address, and date of registration for each voter whose registration has been cancelled since the last previous report. The form shall measure eight and three-eighths inches by ten and seven-eighths inches and be printed on blue paper stock of sixteen pound rag bond or a comparable substitute approved by the office of the secretary of state.

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

State of Washington, <sup>Pierce</sup> County \_\_\_\_\_ Saturday, \_\_\_\_\_, 19 \_\_\_\_\_

SECRETARY OF STATE,  
Olympia, Washington.

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

NAME OF VOTER	RESIDENCE	Date Registered			PRECINCT
		Month	Day	Year	

Signed \_\_\_\_\_  
*Pierce County Auditor*

By \_\_\_\_\_  
*Deputy.*

2-1147

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

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

[Title 434 WAC—page 22]

office of the state auditor or by the office of the secretary of state prior to January 1, 1974, are hereby repealed effective July 1, 1975. Existing supplies of forms provided, adopted, or specified prior to January 1, 1974, may be used prior to the effective date of this section, but no new supplies of such forms shall be acquired after July 1, 1974. After July 1,

1975, all county auditors, their deputy registrars, and their agents shall use only those voter registration forms adopted and specified by chapters 434-20 and 434-24 WAC as now or hereafter amended.

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

**Chapter 434-24 WAC**

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

**WAC**

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

**WAC 434-24-010 Contents of computer file of registered voters.** In counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030, a record or records containing the following information shall be maintained on each registered voter in the computer file: Name, address, registration number, sex, date of birth, date of registration, applicable district and precinct codes, and up to five dates upon which the individual has voted since establishing that registration record. The county may assign numeric or alphabetic codes for city names in order to facilitate economical storage of the voter's address. When existing manual voter registration records are converted to data processing, the county auditor shall record the last date upon which the individual voted: *Provided*, That if the individual has not voted since establishing that record no data shall be recorded. Subsequent dates upon which the individual votes shall be recorded and retained as provided by WAC 434-24-035 as now or hereafter amended.

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

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

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

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

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

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

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

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

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

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

**WAC 434-24-035 Maintenance of recent voting record.** After each primary or election, in counties which maintain voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provide precinct lists of registered voters at the precinct polling as provided by RCW 29.48.030, a date shall be entered in the voter registration record of each individual who cast a proper ballot at that election, either at the polling place or by absentee. In the case of each

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

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

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

**OATH OF REGISTRATION OFFICER**

STATE OF WASHINGTON

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

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

.....

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

.....  
Registrar

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

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



**WAC 434-24-050 Basic voter registration form.**  
 Each original voter registration shall be recorded on a form substantially similar to the sample included below. The form, designated Permanent Registration Form 2A, shall measure eight inches by eight inches and be printed on paper stock of one hundred pound index or a comparable substitute approved by the office of the secretary of state.

<b>ORIGINAL REGISTER OF VOTER</b>	FIRST NAME	INITIAL	LAST NAME																									
RESIDENCE ADDRESS		STATE OF WASHINGTON } County of _____																										
CITY OR TOWN		I, the undersigned, on oath or affirmation, do hereby declare that the facts set forth herein relating to my qualifications as a voter, recorded by the registration officer in my presence, are true. I further certify that I am not presently denied my civil rights as a result of being convicted of an infamous crime and that I will be at least eighteen years of age at the time of voting.																										
RESIDENCE LOCATION (IF ADDRESS ABOVE IS ROUTE OR BOX)		<b>SIGN HERE</b> <input type="checkbox"/>																										
MALE <input type="checkbox"/> FEMALE <input type="checkbox"/>		SIGNATURE OF VOTER _____																										
DATE OF BIRTH [ ][ ]-[ ][ ]-[ ][ ][ ]		PRINT NAME HERE FOR POSITIVE IDENTIFICATION _____																										
U. S. CITIZENSHIP [ ][ ]		Subscribed and sworn to before me this _____ day of _____, 19____																										
HOME PHONE [ ][ ]-[ ][ ][ ][ ]		ACCOUNT NUMBER _____ SIGNATURE OF REGISTRATION OFFICER _____																										
IDENTIFICATION PRODUCED YES [ ][ ] NO [ ][ ]		<b>TRANSFERS</b>																										
SOCIAL SECURITY NUMBER [ ][ ][ ]-[ ][ ][ ]-[ ][ ][ ][ ]		In order to use this form to transfer an existing registration, enter the name and new address of the voter under the appropriate headings at the top of this form, enter the old address in the space for "last previous registration", have the voter sign below the oath, and place a check in the box at the right. <input type="checkbox"/>																										
LAST PREVIOUS REGISTRATION		RESIDENCE ADDRESS																										
CITY OR TOWN		ZIP CODE																										
<b>FOR OFFICE USE ONLY</b>	REGISTRATION NUMBER		DATE OF REGISTRATION																									
	[ ][ ][ ][ ] [ ][ ][ ][ ][ ][ ][ ][ ][ ]		[ ][ ]-[ ][ ]-[ ][ ][ ]																									
	PRECINCT CODE		PRECINCT NAME																									
	[ ][ ][ ][ ][ ]		DISTRICT / LEVY CODE																									
		[ ][ ][ ][ ][ ]																										
<b>Record Signing of Petitions Here (In Pencil)</b>																												
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:35%;"><b>PENALTY PROVISION</b> RCW 29.36.110. Any person who violates any of the provisions relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment of not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.</td> <td style="width:15%;">LAST NAME (PRINT)</td> <td style="width:35%;">FIRST NAME</td> <td style="width:15%;">INITIAL</td> </tr> <tr> <td rowspan="4" style="vertical-align:top;"><b>INSTRUCTIONS</b> 1. Enter the applicant's name, address, and other pertinent information in the appropriate spaces at the top, left-hand side of the form. 2. Administer the affidavit at the top, right-hand side of the form. 3. Have the applicant sign beneath the affidavit AND on the 3x5 form immediately to the right. Acknowledge the voter's signature on the main form. 4. Return the completed form to the County Auditor or Department of Elections.</td> <td>REGISTRATION NUMBER</td> <td colspan="2"><b>SIGN HERE</b> <input type="checkbox"/></td> </tr> <tr> <td>COUNTY</td> <td colspan="2">SIGNATURE OF VOTER _____</td> </tr> <tr> <td>STREET AND NUMBER OR RURAL ROUTE</td> <td>DATE</td> <td>PRECINCT</td> </tr> <tr> <td>CITY</td> <td>ZIP CODE</td> <td></td> </tr> <tr> <td></td> <td>MOVED TO</td> <td></td> <td></td> </tr> <tr> <td></td> <td colspan="3" style="text-align:center;">RECORD SIGNING OF PETITIONS HERE (IN PENCIL)</td> </tr> </table>				<b>PENALTY PROVISION</b> RCW 29.36.110. Any person who violates any of the provisions relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment of not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.	LAST NAME (PRINT)	FIRST NAME	INITIAL	<b>INSTRUCTIONS</b> 1. Enter the applicant's name, address, and other pertinent information in the appropriate spaces at the top, left-hand side of the form. 2. Administer the affidavit at the top, right-hand side of the form. 3. Have the applicant sign beneath the affidavit AND on the 3x5 form immediately to the right. Acknowledge the voter's signature on the main form. 4. Return the completed form to the County Auditor or Department of Elections.	REGISTRATION NUMBER	<b>SIGN HERE</b> <input type="checkbox"/>		COUNTY	SIGNATURE OF VOTER _____		STREET AND NUMBER OR RURAL ROUTE	DATE	PRECINCT	CITY	ZIP CODE			MOVED TO				RECORD SIGNING OF PETITIONS HERE (IN PENCIL)		
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	STREET AND NUMBER OR RURAL ROUTE	DATE	PRECINCT																									
	CITY	ZIP CODE																										
	MOVED TO																											
	RECORD SIGNING OF PETITIONS HERE (IN PENCIL)																											



PRECINCT \_\_\_\_\_

**VOTER REGISTRATION WORK SHEET**

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

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

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

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

\*Residence location (indicate one) (A) Same as above  (B) Unit No. \_\_\_\_\_ Block No. \_\_\_\_\_

(C) Sec. \_\_\_\_\_ Twn. \_\_\_\_\_ Rg. \_\_\_\_\_ (D) Other \_\_\_\_\_

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

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


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

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

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

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

SIGN  
HERE

 \_\_\_\_\_  
 Signature of Voter

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

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

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

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

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

**WAC 434-24-060 Transmittal of signature cards to the secretary of state.** Each group of initiative and referendum signature cards transmitted to the office of the secretary of state under the provisions of RCW 29.07.120 shall be accompanied by a properly executed certificate on a form substantially similar to the sample included below. The form, designated Permanent Registration Form 5A shall measure five inches by eight inches and be printed on paper stock of sixteen pound bond or a comparable substitute approved by the office of the secretary of state.

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

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

SECRETARY OF STATE,  
Olympia, Washington.

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

Signed.....  
Registrar of Voters.

County of.....Washington

[Order 74-4, § 434-24-060, filed 6/3/74; Order 6, filed 3/3/72.]

**WAC 434-24-070 Voters' request for transfer.** All registrars shall maintain a supply of, and furnish to the public on request, forms substantially similar to the sample included below for the purpose of allowing registered voters to request the transfer of their voter registration record under the provisions of RCW 29.10.020: *Provided*, That Permanent Registration Form 2A, as provided by WAC 434-24-040, may be used to record a request to transfer the existing registration of a voter in the manner provided thereon. The form, designated Permanent Registration Form 9A, shall measure three and one-fourth inches by five and one-half inches and be printed on paper stock of one hundred twenty-five pound index or a comparable substitute approved by the office of the secretary of state.

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

[Order 74-4, § 434-24-070, filed 6/3/74; Order 6, filed 3/3/72.]

**WAC 434-24-080 Transmittal of transfers to the secretary of state.** Pursuant to the requirements of RCW 29.10.100, the registration officer of each county which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the precinct polling place as provided by RCW 29.48.030, shall prepare an alphabetical list of all voter registration records transferred within that county since the last previous report. The list shall be printed on paper stock measuring eight and one-half inches by fourteen and seven-eighths inches and shall be of substantially the following form:

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

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

Signed: .....  
Registrar of Voters

REGISTRATION NUMBER	NAME OF VOTER	DATE OF REGISTRATION	NEW ADDRESS
.....	.....	.....	.....

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

[Order 74-4, § 434-24-080, filed 6/3/74; Order 6, filed 3/3/72.]

**WAC 434-24-085 Notice of new registration or transfer.** Whenever an individual registers to vote pursuant to RCW 29.07.070, 29.07.080, and 29.07.090 or transfers his registration record pursuant to RCW 29.10.100 or whenever a change in precinct boundaries requires that the existing

record of a voter be moved from one precinct to another or be placed in a new precinct, the registration officer of the county shall notify by first class nonforwardable mail, the individual or voter of such new registration, transfer, or change of precinct boundary acknowledging that the request of the individual or voter with respect to his record has been processed. Such notices and acknowledgment shall be provided on a form substantially similar to the sample included below. The form, designated Permanent Registration Form 11A shall be printed on paper stock of one hundred pound index or a comparable substitute approved by the office of the secretary of state.

**YOUR NEW VOTER REGISTRATION CARD**

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

PLEASE SIGN AND DETACH

**CERTIFICATE OF REGISTRATION**

COUNTY, STATE OF WASHINGTON

THIS IS TO CERTIFY THAT:

• \_\_\_\_\_

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

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

**NEW CARD IS ISSUED PURSUANT TO:**

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

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

**WAC 434-24-090 Voters' authorization to cancel registration.** All registrars shall maintain a supply of, and furnish to the public on request, forms substantially similar to the sample included below, for the purpose of allowing registered voters to request that their registration under a former name or at a former residence be cancelled. The form, designated Permanent Registration Form 10A, shall measure three and one-fourth inches by five and one-half inches and be printed on paper stock of one hundred twenty-five pound index or a comparable substitute approved by the office of the secretary of state.

**VOTER'S REQUEST FOR CANCELLATION**

I hereby request that my registration be cancelled

FROM \_\_\_\_\_  
ADDRESS (OLD RESIDENCE)

CITY ZIP COUNTY

In \_\_\_\_\_  
PRECINCT (IF KNOWN)

CHANGE OF RESIDENCE

CHANGE OF NAME

X \_\_\_\_\_  
SIGNATURE OF VOTER (OLD NAME)

PLEASE TYPE OR PRINT NAME ON THIS LINE

**NOTE:** SIGNATURE OF VOTER MAKING REQUEST MUST CORRESPOND WITH SIGNATURE ON ORIGINAL REGISTRATION RECORD

Date \_\_\_\_\_, 197\_\_

**REGISTRATION NUMBER**

--	--	--	--	--	--	--	--	--	--

**PRECINCT CODE**

--	--	--	--	--	--

**LEVY CODE**

--	--	--	--	--	--

**REGISTRATION DATE**

--	--	--	--	--	--

DATE RECEIVED \_\_\_\_\_

[Order 74-4, § 434-24-090, filed 6/3/74; Order 6, filed 3/3/72.]

**WAC 434-24-095 Cancellation due to death.** Pursuant to RCW 29.10.090, the registration officer shall maintain a supply of, furnish to the public upon request, and include in the supplies sent to each precinct for use by the precinct election officials, forms substantially similar to the sample included below for the purpose of permitting registered voters to request that the voter registration record of any person, whom they personally know to be deceased, be cancelled. The form, designated Permanent Registration Form 13A, shall measure three and one-fourth inches by five and one-half inches and shall be printed on paper stock of one hundred twenty-five pound index or a comparable substitute approved by the office of the secretary of state.

<b>REQUEST FOR CANCELLATION OF REGISTRATION BECAUSE OF DEATH</b>		<b>REGISTRATION NUMBER</b>	
I hereby declare, under penalties of perjury, that I am a Registered Voter and according to my personal knowledge or belief:  _____ <small>(NAME OF DECEASED VOTER)</small>  _____ <small>(ADDRESS GIVEN ON REGISTRATION RECORD)</small>  _____ <small>PRECINCT NAME OR NUMBER</small>		<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>
		<input type="text"/>	<input type="text"/>
_____ <small>(SIGNATURE OF VOTER)</small>		<input type="text"/>	<input type="text"/>
_____ <small>(ADDRESS)</small>		_____ <small>DATE</small>	
NOTE: This record is to be attached to Permanent Registration Form No. 2 and the Secretary of State notified of cancellation (Chapter 32, Laws of 1961).			

has died and I am requesting that the voting registration records of said deceased person be cancelled.

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

**WAC 434-24-100 Cancellation for failure to vote.** On the first day of April of each odd-numbered year, or as soon thereafter as is practical and expedient, the registration officer of each county shall cancel the registrations of all persons who have not voted at any time during the thirty months immediately preceding the first day of April of that year. No registration shall be cancelled for which the date of registration is not prior to thirty months preceding the first day of April of that year.

[Order 74-4, § 434-24-100, filed 6/3/74; Order 6, filed 3/3/72.]

**WAC 434-24-105 Notification of cancellation for failure to vote.** The registration officer shall notify, by mail, each registered voter whose registration has been cancelled for failure to vote pursuant to RCW 29.10.080 and WAC 434-24-100. Such notice shall be on a form substantially similar to the sample included below. The form,

designated Permanent Registration Form 12A, shall measure three and one-quarter inches by five and one-half inches and be printed on paper stock of one hundred twenty-five pound index or a comparable substitute approved by the office of the secretary of state.

**NOTIFICATION TO VOTER OF  
CANCELLATION OF REGISTRATION**

IN ACCORDANCE WITH THE PROVISIONS OF THE PERMANENT REGISTRATION LAW (RCW 29.10.080) YOU ARE HEREBY NOTIFIED THAT, BECAUSE YOU HAVE NOT VOTED DURING THE PAST THIRTY (30) MONTHS, YOUR VOTING REGISTRATION IS NOW CANCELLED. PLEASE UNDERSTAND THAT YOU ARE NOT ENTITLED TO VOTE AT ANY ELECTION UNTIL YOU RE-REGISTER. SHOULD YOU HAVE ANY QUESTION, PLEASE FEEL FREE TO CONTACT MY OFFICE AT:

Respectfully yours,

COUNTY AUDITOR

RETURN POSTAGE GUARANTEED

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

**WAC 434-24-110 Transmittal of cancellations to the secretary of state.** Pursuant to the requirements of RCW 29.10.100, the registration officer in each county which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the polling place as provided by RCW 29.48.030 shall prepare an alphabetical list of all voter registrations cancelled from the registration records of that county since the last previous report. The list shall be printed on paper stock measuring eight and one-half inches by fourteen and seven-eighths inches and shall be of substantially the following form:

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

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

Signed: .....  
Registrar of Voters

REGISTRATION NUMBER	NAME OF VOTER	DATE OF REGISTRATION	ADDRESS
.....	.....	.....	.....

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

[Order 74-4, § 434-24-110, filed 6/3/74; Order 6, filed 3/3/72.]

**WAC 434-24-115 Challenge of voter's registration.** All registrars shall maintain a supply of, and furnish to the public on request, forms substantially similar to sample

included below for the purpose of allowing: (1) A registered voter to challenge the registration of another voter on the basis of residence pursuant to RCW 29.59.010; or (2) a precinct committeeman or precinct election officer to challenge the registration of any voter on the basis of residence pursuant to RCW 29.10.130. The form, designated as Permanent Registration Form 15A, shall be in duplicate, the original to be retained by the registration officer and the duplicate copy to be sent to the voter, whose residence has been challenged, at the address at which the challenger asserts that the voter presently resides.



ORIGINAL: To be retained by registration officer.

### CHALLENGE OF VOTER'S REGISTRATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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determine whether such format is suitable for use at the polls. If so, he shall approve that format for use in all elections in that county.

[Order 74-4, § 434-24-120, filed 6/3/74; Order 6, filed 3/3/72.]

**WAC 434-24-130 Contents of list of registered voters for the public.** Pursuant to the provisions of RCW 29.04.100, the registration officer in each county which maintains voter registration records on electronic data processing systems under the provisions of RCW 29.07.150(2) and provides precinct lists of registered voters at the place as provided by RCW 29.48.030 shall furnish to any person, upon request, current lists of registered voters at actual reproduction cost. The registration officer shall, upon request, select names from the voter registration records on the basis of the precinct code, the district code, date of

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registration, or voting history of each individual voter in that portion of the voter registration file. Such lists may contain any information maintained on the computer file except the date of birth of each registered voter and may be in the form of computer printouts, computer-prepared labels, microfilm duplicates, or magnetic tape copies of such information. Such voter registration lists shall be used only for political purposes; commercial use of this information shall be punishable as provided in RCW 29.04.120 as now or hereafter amended.

[Order 74-4, § 434-24-130, filed 6/3/74; Order 6, filed 3/3/72.]

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

REQUEST FOR LIST OF REGISTERED VOTERS

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

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

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

- computer printed list
- mailing labels
- magnetic tape

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

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

\_\_\_\_\_  
(Name of Requester (please print))

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Approved by)

\_\_\_\_\_  
(Signature)

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

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

registration system after February 19, 1974, and prior to July 1, 1975, an amount equal to thirty cents times the number of registered voters in that county at the time of that election. A county shall be deemed to have established an automated voter registration system when all of the voter registration records of that county are maintained on the automated system and no original, manual records are used at the precinct in the conduct of the election. One half of the subsidy to any county shall be paid upon approval of the automated voter registration system as provided by WAC 434-24-160 and the remainder shall be paid when all of the

existing voter registration records of that county have been converted to maintenance solely on the automated system.

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

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

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

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

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

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

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

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

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

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

## Chapter 434-26 WAC MOTOR VOTER

### WAC

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 434-28 WAC

### DECLARATIONS OF CANDIDACY AND FILING PROCEDURES

#### WAC

434-28-012	Declaration of candidacy—Offices subject to a primary.
434-28-020	Declaration of candidacy—Precinct committee officer.
434-28-050	Use of title or rank prohibited.
434-28-060	Duplication of names.

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

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

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

FILING DATA . . . FOR OFFICE USE ONLY

Date \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_ File No. \_\_\_\_\_  
 Paid By (Check one)  
 AM  Check  Other  
 PM  Cash  Nom. Petition  
 Time \_\_\_\_\_ Clerk/Cashier Initials \_\_\_\_\_

## DECLARATION OF CANDIDACY

1. I, \_\_\_\_\_ am a registered voter residing at:

(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. \_\_\_\_\_  
(STREET ADDRESS OR RURAL ROUTE) (TELEPHONE NUMBER)

(MAILING ADDRESS--IF DIFFERENT)

\_\_\_\_\_, Washington \_\_\_\_\_  
(CITY) (COUNTY) (ZIP CODE)

and at the time of filing this declaration I am legally qualified to assume office if elected.

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

(NAME OF OFFICE)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

(POSITION NUMBER IF APPLICABLE)

(DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- a full term or a full term and a short term, or
- an unexpired term

5. This office is:

- Nonpartisan, or
- Partisan, and I am:  a candidate of the \_\_\_\_\_ party, or  
 an independent candidate nominated pursuant to chapter 29.24 RCW

6. Filing Fee (Check one):

- There is no filing fee because the office has no fixed annual salary, or
- I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
- I am submitting a filing fee of \$\_\_\_\_\_, an amount equal to 1% of the annual salary, or
- I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.18.050.

7. Please print my name on the ballot exactly as follows: \_\_\_\_\_

(PLEASE PRINT)

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

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

8. Sign Here **X** \_\_\_\_\_  
(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

\_\_\_\_\_  
(SIGNATURE OF ACKNOWLEDGING OFFICIAL)

\_\_\_\_\_  
(TITLE OF ACKNOWLEDGING OFFICIAL)

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

Candidate: Return all copies of this declaration to the filing officer. Distribution by the filing officer: White—County; Yellow—PDC; Pink—Candidate

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form shall also contain space for recording the date and time

of filing and a sequential filing and receipt number. One copy of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29.15.030, and one copy of each properly executed and filed declaration and affidavit of candidacy shall be returned to the candidate.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-28-012, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. 84-15-050 (Order 84-2), § 434-28-012, filed 7/16/84; 80-05-014 (Order 80-1), § 434-28-012, filed 4/8/80.]

**WAC 434-28-020 Declaration of candidacy—Precinct committee officer.** Declarations of candidacy for the office of precinct committee officer, shall be filed in substantially the following form:

DECLARATION OF CANDIDACY

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

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

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

AFFIDAVIT

FURTHER, I declare, under penalty of perjury, that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

.....  
(Signature of candidate)

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number. County auditors may design and use a declaration of candidacy different in form and style from that specified by this rule as long as it contains all of the information required by this rule.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-28-020, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. 84-15-050 (Order 84-2), § 434-28-020, filed 7/16/84; Order 75-1, § 434-28-020, filed 6/26/75.]

**WAC 434-28-050 Use of title or rank prohibited.** No person when filing for office shall be permitted to use any title instead of, or in conjunction with, his or her name, except as may be provided by law or administrative rule.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-28-050, filed 6/2/92, effective 7/3/92.]

**WAC 434-28-060 Duplication of names.** Whenever, in the judgment of the filing officer, two or more candidates have filed for the same office whose names are so similar as to be confusing to voters, he or she shall differentiate between the candidates by the inclusion of additional information in connection with the name as it appears on the ballot. Such differentiation may be made by the inclusion of the candidate's occupation, status as incumbent or challenger, or by any other means which, in the judgment of the filing officer, fairly and impartially distinguishes the candidates. The filing officer may solicit suggestions and input from the candidates involved in order to resolve the situation.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-28-060, filed 6/2/92, effective 7/3/92.]

Chapter 434-30 WAC  
BALLOTS

WAC

- 434-30-010 Sample ballots.
- 434-30-020 Placement of state ballot measures.
- 434-30-030 Placement of ballot measures for local units of government.
- 434-30-040 Candidate's political party designation—Primary to general.
- 434-30-050 Candidate nominated by two or more political parties or for two or more offices.
- 434-30-060 Primary votes required for appearance on general election ballot.
- 434-30-070 Method for billing expense for printing and distributing ballot materials.
- 434-30-080 Judicial ballots—Form.
- 434-30-090 Determining nominees for multiple positions.
- 434-30-100 Mechanical voting device ballot label uniformity.
- 434-30-110 Mechanical voting device instructions.
- 434-30-120 Mechanical voting devices—Office title label.
- 434-30-130 Mechanical voting devices—Ballot form.
- 434-30-140 Mechanical voting device diagrams.
- 434-30-150 Electronic voting device ballot uniformity.
- 434-30-160 Electronic voting device instructions.
- 434-30-170 Electronic voting devices—Ballot form.
- 434-30-180 Ballot cards—Numbering.
- 434-30-190 Paper ballot uniformity.
- 434-30-200 Paper ballot instructions.
- 434-30-210 Paper ballots—Ballot form.
- 434-30-220 Paper ballots—Numbering.

**WAC 434-30-010 Sample ballots.** Sample paper ballots shall be printed in substantially the same form as official ballots, but shall be a different color than the official ballot. Sample ballots for counties using electronic or mechanical voting systems shall be printed in a manner that makes them easily distinguishable from the official ballot. Sample ballots shall be available starting fifteen days prior to an election. Such sample ballots shall be made available through the office of the county auditor and at least one shall be available at all polling places on election day.

Names of the candidates in each office to appear on the primary ballot shall be arranged on the sample ballot in the order provided by RCW 29.30.020. The names of the candidates in each office to appear on the general election ballot shall be listed on the sample ballot in the order in which their names appear on the official ballot. State



measures and local measures shall be in the same order as they appear on the official ballot.

At any primary or election when a local voters' pamphlet is published which contains a full sample ballot, a separate sample ballot need not be printed.

Counties with populations of over five hundred thousand may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appears on at least one of the various sample ballots printed for such county. Each regional sample ballot shall contain all offices and issues to be voted upon within that region. A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each polling place and to other locations within the appropriate region or area.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-010, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-020 Placement of state ballot measures.** State ballot measures shall appear first on all sample ballots and on all general election ballots. In the event state ballot measures are to appear on the primary ballot, they shall also appear first. Measures shall appear in sequential number in the following order:

- (1) Initiatives to the people;
- (2) Referendum measures;
- (3) Referendum bills;
- (4) Initiatives to the legislature and alternate proposals, if any;
- (5) Proposed Constitutional amendments (senate joint resolutions, then house joint resolutions).

Ballot measures submitted by local governmental units shall be placed as described in WAC 434-30-030.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-020, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-030 Placement of ballot measures for local units of government.** All county-wide ballot measures shall be listed immediately following state measures or issues. For other local ballot measures and offices, each county shall establish written procedures to determine the order in which local units of government are to be listed on the ballot. Such order of local governmental units shall be consistent on official, absentee, and sample ballots. The order may be determined by, but is not limited to the following: Size of jurisdictional area, alphabetical order by jurisdictional area, or such order as to provide for efficient use of ballot spacing and voting positions. Such procedures are to provide consistency from election to election within a county.

Except for county-wide ballot measures, local ballot measures and offices, if any, may be positioned in the area dedicated for that jurisdiction; or, local ballot measures may be grouped in a separate area dedicated to special measures only. This may be an area on the ballot separate from the candidates of such local government unit.

(1997 Ed.)

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-030, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-040 Candidate's political party designation—Primary to general.** No person who has offered himself or herself as a candidate for the nomination of one party at the primary, shall have his or her name printed on the ballot of the succeeding general election as the candidate of another political party.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-040, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-050 Candidate nominated by two or more political parties or for two or more offices.** In the event a candidate, as a result of write-in votes, is the nominee of two or more political parties for the same office, such candidate shall designate in writing, under which political party designation he or she desires to be listed on the ballot. Such written notice shall be submitted to the county auditor within three days of the certification of the primary.

In the event a candidate, as a result of write-in votes in the primary, is a nominee for two or more offices, the candidate shall notify the county auditor within three days of the primary certification, in writing, of the single office for which he or she desires to appear on the general election ballot. Any void in candidacy for other positions thus created will be handled as provided by law.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-050, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-060 Primary votes required for appearance on general election ballot.** Following any nonpartisan primary, no candidate's name shall be entitled to appear on the general election ballot unless he or she receives the greatest or the next greatest number of votes for the office and additionally receives at least one percent of the total votes cast for the office.

Following any partisan primary, no political party candidate's name shall be entitled to appear on the general election ballot unless he or she receives a plurality of votes cast for the candidates of his or her party for that office and additionally at least one percent of the total votes cast for the office. An independent candidate must receive one percent of the total votes cast for the office in the primary in order for his or her name to appear on the general election ballot. The filing officer shall notify, in writing, all candidates who satisfy other requirements but who fail to meet the one percent requirement of the fact that their name will not appear on the general election ballot.

In those charter counties where provision is made in the county charter for the qualification of minor party and independent candidates, the charter provisions shall apply if the candidates has chosen that method for ballot qualification.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-060, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-070 Method for billing expense for printing and distributing ballot materials.** As provided by RCW 29.30.130, the cost of printing ballots, ballot cards,

and instructions and the delivery of materials to the precinct election officers shall be an election cost that shall be borne as determined under RCW 29.13.045 and 29.13.047. These costs shall include all expenses associated with, but not limited to, the printing of election related materials including costs associated with the ordering, administration, design, typesetting, layout, and printing of ballots, ballot cards, instructions, election signs, sample ballots, official tally sheets, and other related materials. Costs associated with the delivery of supplies include, but are not limited to, the transportation and delivery of election materials and voting devices; plus costs associated with coordinating the delivery and return of these items. Each jurisdiction or entity shall be responsible for its proportionate share of these election printing costs. Counties may choose to compute election costs utilizing the state auditor's allocation formula.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-070, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-080 Judicial ballots—Form.** Judicial positions and candidates shall appear separately on the nonpartisan portion of the ballot in the following order: Judges of the supreme court, judges of the court of appeals, judges of the superior court, and district court judge. Each such office shall be designated with position numbers and vote for one, two, etc., (as the case may be). Any position for an unexpired term or short/full term shall be listed on the ballot after positions scheduled for full term elections, stating the length of the term, followed by the words "unexpired" or "short/full term," as the case may be.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-080, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-090 Determining nominees for multiple positions.** If there are two or more places to be filled for a nonpartisan office, the number of candidates equalling the number of positions to be filled who receive the highest number of votes at the primary and an equal number who receive the next highest number of votes shall appear under the designation for that office.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-090, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-100 Mechanical voting device ballot label uniformity.** All ballot labels for an election in counties using voting machines shall be uniform in color and size.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-100, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-110 Mechanical voting device instructions.** Prominently displayed in the polling place and on mechanical voting device diagrams prepared for each precinct, shall appear instructions directing the voter how to operate the voting device and correctly cast votes on issues and candidates, including write-in votes. The instructions shall read substantially as follows: Move the handle of the device to right as far as it will go and leave it there. To vote on measures, pull the lever down over the "Yes" or "No" and leave it there. To vote for a candidate, pull the

lever down over the name of each candidate you wish to vote for and leave it there (a graphical representation of the lever being moved to a voting position may be displayed). To vote for a person not listed on the ballot, lift the slot cover at the top of the device, above the correct office, and write in the name of the person for which you wish to vote. If the office is partisan, political party must also be listed. Move the handle of the device to the left as far as it will go, and your voting has been completed.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-110, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-120 Mechanical voting devices—Office title label.** On the office title label, each office to be elected shall be identified along with a statement designating how many candidates are to be voted on for such office (e.g., vote for . . . . , with the words, "one," "two," or a spelled number). Office term shall be included on the ballot label if such term is other than a full, regular term (e.g., short/full term, two year unexpired term, etc.).

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-120, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-130 Mechanical voting devices—Ballot form.** Listed below each office title shall be the names of all candidates for that position, each followed by the name or abbreviation of the political party, if any, with which the candidate desires to affiliate, or the word "nonpartisan," or "NP" if such office is nonpartisan. Each office listed on the ballot shall be separated by a bold line. Candidate names shall be printed in a type style and point size which can be easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps are necessary to place the name on the ballot label in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

There shall be a lever above the name of each candidate so that a voter may clearly indicate the candidate or candidates for whom they wish to cast their vote. If the election is in a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each political party shall be grouped together. Each group shall be enclosed in brackets with a single lever above, with which the voter may indicate their choice.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-130, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-140 Mechanical voting device diagrams.** Mechanical voting device diagrams prepared for each device shall be identical to the ballot labels for that device, containing all offices and issues to be decided. The voting device diagram shall indicate the type of election, the election date, the county name and instructions as prescribed in WAC 434-30-110 (see Mechanical voting device instructions). Two diagrams shall be prepared and provided for each device. These diagrams are to be displayed at the polling place and shall also be used by the election precinct officials to proof each device ballot prior to the opening of the polls.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-140, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-150 Electronic voting device ballot uniformity.** All ballot cards for an election in counties using electronic voting devices shall be uniform in size. Counties may use varying colors of ballot cards if such color is used consistently throughout a region, area or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying color may also be used to designate absentee ballots, official ballots or vote by mail ballots, and in the case of a presidential preference primary, political party ballots.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-150, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-160 Electronic voting device instructions.** The ballot shall identify the type of primary or election, the county, and the date of the primary or election. Prominently displayed in the voting booth or on the ballot shall appear instructions directing the voter how to operate the voting device and correctly cast votes on issues and candidates, including write-in votes. The instructions shall read substantially as follows: To vote for a candidate or for or against a measure, punch or mark the voting position to the right of the measure or of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write the title of the office, (if applicable), the name of the candidate, and party affiliation if for a partisan office, in the space provided on the ballot card or ballot envelope and punch or mark such write-in position (if applicable).

Absentee ballots shall be designated with "absent voter" or "absentee ballot" printed at the top of the ballot card.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-160, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-170 Electronic voting devices—Ballot form.** On the ballot each office to be elected shall be identified along with a statement designating how many candidates are to be voted on for such office (e.g., vote for . . . ., with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full, regular term (e.g., short/full term, two-year unexpired term, etc.). Offices shall be listed on the ballot in the manner prescribed by law and these rules. Immediately following shall be the names of all candidates for that position, each followed by the name or abbreviation of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan," or "NP" with an arrow, box, or other notation at the right edge of the ballot indicating where the voter is to punch or mark the ballot for the candidate. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with one vote response position for each party, where the voter may indicate their choice.

Candidate names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take

whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

Each position, with the candidates running for that office, shall be separated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate, if desired, on the ballot card, or a write-in space provided on the ballot envelope.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-170, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-180 Ballot cards—Numbering.** All ballot cards shall be sequentially numbered, but done in such a way to permit removal of such numbers without leaving any identifying marks on the ballot card. The sequential number shall be used in a manner to inventory ballots issued at a precinct on election day, and may be used in a manner to facilitate the auditing process for certification of an election. At no time may there be a tracking system to trace a specific ballot back to an individual voter. There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-180, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-190 Paper ballot uniformity.** All paper ballots used in an election shall be uniform in size. Counties may use varying colors of paper ballots if such color is used consistently throughout a region, area, or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying colors may also be used to designate absentee ballots, official ballots, or vote by mail ballots, and in the case of a presidential preference primary, political party ballots.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-190, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-200 Paper ballot instructions.** All paper ballots shall identify the type of primary or election, the county, and the date of the primary or election. The ballot shall contain instructions on the proper method of recording a vote, including write-in votes. The instructions shall read substantially as follows: If you desire to vote for or against any measure, place an X in the appropriate square following such measure. To vote for a person, mark an X in the square to the right of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write in the name of the candidate, and the party affiliation, if for a partisan office, in the space provided. (If desired a graphical representation of a box can be used in lieu of the word "square" in the instructions.)

Absentee ballots shall be designated with "absent voter" or "absentee ballot" printed at the top of the ballot.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-200, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-210 Paper ballots—Ballot form.** Following ballot measures, each office to be elected shall be identified along with a statement designating how many candidates are to be voted on for such office (e.g., vote for . . . . ., with the words, "one," "two," or a spelled number). Office term shall be included on the ballot if such term is other than a full, regular term (e.g., short/full term, two-year unexpired term, etc.). Offices shall be arranged in the manner described in RCW 29.30.020. Immediately following shall be the names of all candidates for that position, followed by the name or abbreviation of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan" or "NP." Each office to be elected shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with a single square to the right in which the voter indicates their choice.

Candidates names shall be printed in a type style and point size which is easily read. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

There shall be a box at the right of the name of each candidate so that a voter may clearly indicate the candidate or candidates for whom they wish to cast their vote.

Immediately following the list of candidates for a given position shall appear a blank space or spaces for writing in the name of a candidate, followed by a box to the right of the blank space.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-210, filed 5/4/92, effective 6/4/92.]

**WAC 434-30-220 Paper ballots—Numbering.** All paper ballots shall be sequentially numbered, but done in such a way to permit removal of such numbers without leaving any identifying marks on the ballot. The sequential number shall be used in a manner to inventory ballots issued at a precinct on election day, and shall be used in a manner to facilitate the auditing process for certification of an election. At no time may there be a tracking system to trace a specific ballot back to an individual voter. There shall be no marks on the paper ballot which would distinguish an individual voter's paper ballot from other paper ballots.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-220, filed 5/4/92, effective 6/4/92.]

### Chapter 434-32 WAC NEW RESIDENT VOTERS

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

**WAC 434-32-010 Definition of new resident voter extended.** Pursuant to section 202(d) of Public Law 91-285, citizens of the United States and of the state of Washington

otherwise qualified to vote for president and vice-president who are temporarily residing outside of the state of Washington and their spouses and dependents otherwise qualified to vote for president and vice-president when residing with or accompanying them shall be qualified to vote for the choice of electors for president and vice-president or for president and vice-president consistent with the procedures for new resident voters established in chapter 29.72 RCW.

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

### Chapter 434-34 WAC ELECTRONIC VOTING REQUIREMENTS

WAC	
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434-34-025	Vendor deposit for examination expenses.
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434-34-075	Logic and accuracy testing of voting systems and equipment—State primary and general election.
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434-34-090	Logic and accuracy test certification—State primary and general election.
434-34-095	Logic and accuracy testing of voting systems and equipment—Special elections.
434-34-100	Logic and accuracy test deck preparation—Special elections.
434-34-105	Logic and accuracy test scheduling and preparation—Special election.
434-34-110	Logic and accuracy test certification—Special election.
434-34-115	Logic and accuracy tests for direct recording electronic equipment.

**WAC 434-34-010 Certification of vote tallying equipment.** All voting systems, voting devices, and vote tallying systems must be certified and approved by the secretary of state before they can be used or sold in Washington state. In order for a system to be certified in Washington state it must meet the Federal Elections Commission standards, must comply with Washington state law, and must be certified and in use in at least one other state.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-010, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-015 Application for certification.** A vendor may apply to the secretary of state at any time during the year. However, certification examinations and hearings will only be performed in the period between the end of the legislative session and August 15th of each year. The application shall include at least the following information:

(1) Information about the vendor, location, customer lists, and product lists.

(2) Information about the product that is being reviewed, version numbers, release numbers, operating and maintenance manuals, training materials, technical and operational specifications, installed customer lists, etc.

(3) The vendor shall include certification documents for all other states that have certified the equipment.

(4) The vendor shall provide reports for all tests conducted, on the product being reviewed for certification, by any independent testing authority or laboratory. The independent authority must meet the criteria established by the Federal Elections Commission for such agents.

(5) The vendor shall provide documentation proving that the product meets the Federal Elections Commission Voting Equipment guidelines.

(6) The vendor shall identify what portion of the software remains proprietary.

(7) A monetary deposit as described in WAC 434-34-025.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-015, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-020 Additional information and equipment required.** The vendor shall provide a working model of the equipment that is being reviewed to the secretary of state for the duration of the review. The secretary of state may, at the expense of the vendor, contract with independent testing authorities or laboratories, experts in mechanical engineering, electrical engineering, or data processing while examining the equipment.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-020, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-025 Vendor deposit for examination expenses.** The vendor shall pay the secretary of state a deposit to reimburse the cost of any contract for consultation or any other unrecoverable costs associated with the examination of a voting system or component.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-025, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-030 Examination of equipment.** Only after the secretary of state has received a completed application from the vendor may an examination begin. The examination consists of a series of functional application tests designed to insure that the system or equipment meets all guidelines and laws. The examination may include an additional independent testing authority test if the secretary of state is not satisfied with the documentation made available by the vendor. The examination shall include the set-up and conduct of two mock elections. The vendor shall provide ballot materials and programming to create these elections.

(1) The first election shall replicate an even year primary, to test the use of rotation.

(2) The second election shall replicate an odd year general election, to test the use of split precincts.

Both elections shall feature at least ten precincts with at least ten ballots in each precinct.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-030, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-035 Public hearing.** Only after the secretary of state is satisfied that the equipment being examined meets all of the guidelines for certification shall a public hearing be scheduled. The public hearing will be scheduled at the convenience of the secretary of state. At the hearing the vendor will be expected to demonstrate the equipment and explain its function. The vendor will be expected to answer questions from the secretary of state staff as well as any other persons in attendance. The vendor may be asked to submit answers in writing if the secretary of state is not satisfied with the completeness of answers given at the hearing.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-035, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-040 Issuance of certification.** After the secretary of state is satisfied that the system meets all requirements, a report or certification will be issued. If the system fails to meet any of the requirements, the vendor will be notified and given thirty days to submit an improved version of the system. The improved version will be tested as if it had not been seen by the office of the secretary of state before.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-040, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-045 Modification of certified equipment, guidelines for re-examination.** Any modification, change, or improvement to a voting system or component that impairs its accuracy, efficiency, or capacity or extends its function may require examination or certification before it may be used or sold in Washington state.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-045, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-050 Application for certification or examination of modified voting systems or devices.** A vendor may apply to the secretary of state for the review of a modification of an existing certified system at any time during the year. Evaluation of the need for recertification or examination will occur at the convenience of the secretary of state. If possible the secretary of state will focus review and examination on the modified component of the equipment or system. If the system, or its component, is found to be sufficiently modified that it requires examination or recertification, the process for original certification shall be followed. Certification examinations and hearings will only be performed in the period between the end of the legislative session and August 15th of each year. The application for examination of a modification shall include at least the following information:

(1) Information about the vendor, location, customer lists, and product lists.

(2) Information about the product that is being reviewed, version numbers, release numbers, operating and maintenance manuals, training materials, technical and operational specifications, installed customer lists, etc.

(3) The vendor shall include certification documents for all other states that have certified the equipment.

(4) The vendor shall provide reports for all tests conducted, on the product being reviewed for certification, by any independent testing authority or laboratory. The independent authority must meet the criteria established by the Federal Elections Commission for such agents.

(5) The vendor shall provide documentation proving that the product meets the Federal Elections Commission voting equipment guidelines.

(6) A document prepared by the vendor that describes in complete operational and technical detail all differences between the originally certified equipment or system and the modified equipment or system.

(7) The vendor shall identify what portion of the software remains proprietary.

(8) A monetary deposit as described in WAC 434-34-025.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-050, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-055 Acceptance testing of voting systems and equipment.** Whenever a county acquires a new system or an upgrade to an existing system that has been certified by the secretary of state, the county must perform acceptance tests of the equipment before it may be used to count votes at any election. The equipment must be operating correctly, pass all tests and must be identical to the equipment certified by the secretary of state. The minimum testing standards are described as follows:

(1) The model number, version number, release number, and any other number, name or description that identifies the product must be the same as the identifying numbers for the product that has been certified by the secretary of state.

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

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

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-055, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-060 Inclusion of the federal election commission standards for voting equipment.** The Federal Election Commission standards concerning voting systems and software escrow are hereby included by reference except where otherwise modified by these rules and the Revised Code of Washington.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-060, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-065 Logic and accuracy test conduct.** The county shall provide adequate personnel to properly operate the ballot counting equipment. Whenever possible, the equipment should be operated by the same persons who will be conducting the actual ballot count on election day.

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At the scheduled time the test decks shall be run through the ballot counting system and ballot results produced. The results shall then be compared with the preaudit expected results. If any error is detected, the cause shall be determined and corrected, and an errorless total produced before the primary or election.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-065, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-070 Logic and accuracy test observers.** The logic and accuracy test shall be observed by at least one representative of each major political party, if representatives have been appointed by the parties and are present at the test. The observers shall be instructed as election observers, by the county auditor, prior to observing an election. The logic and accuracy test shall be open to candidates, the press, and the public. If a party observer hinders or disturbs the L & A process, the county election authority may remove that observer from the test area. The observer may also be barred from future tests.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-070, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-075 Logic and accuracy testing of voting systems and equipment—State primary and general election.** At least three days before each state primary or general election the programming for each vote tallying system to be used at that primary or election shall be tested by the office of the secretary of state. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall be conducted by processing a preaudited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office where there are two or more candidates and for each measure there will be an undervote and overvote.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-075, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-080 Logic and accuracy test deck preparation—State primary and general election.** The test deck or decks used for the official logic and accuracy test may be prepared by either the office of the secretary of state, the county, or the vendor. Information describing the candidates, offices, ballot formats, ballot positions, pages applicable or planning matrix, accurate list of prepunches, list of the number of appearances of each office and each rotation, and all other information required to create the test decks must be available to the office of the secretary of state at the very latest by the 30th day prior to the primary or election. If a county is delayed due to complications related to lawsuits or late filing periods, the county should advise the office of the secretary of state before the 30th day prior to the primary or election.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-080, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-085 Logic and accuracy test scheduling and preparation—State primary and general election.** Prior to each state primary and general election the office of

the secretary of state will prepare a schedule of logic and accuracy tests. The office of the secretary of state will notify each county of the date and time of their test at least two weeks before the test. The county is responsible for preparing the counting system and testing it before the actual logic and accuracy test. The ballot counting system shall be one hundred percent programmed, tested and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the date and time of the test.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-085, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-090 Logic and accuracy test certification—State primary and general election.** The secretary of state, the county auditor, and any political party observers shall certify that the test has been conducted in accordance with RCW 29.34.163. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or election.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-090, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-095 Logic and accuracy testing of voting systems and equipment—Special elections.** At least three days before each special election the programming for each vote tallying system to be used at that election shall be tested for logic and accuracy. The test should verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test shall be conducted by processing a preaudited group of ballots, marked with a predetermined number of votes, for each candidate and for or against each measure. For each office where there are two or more candidates and for each measure there will be an undervote and overvote.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-095, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-100 Logic and accuracy test deck preparation—Special elections.** The test deck or decks used for the official logic and accuracy test will be prepared by the county elections office.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-100, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-105 Logic and accuracy test scheduling and preparation—Special election.** The county is responsible for preparing the counting system and testing it before the actual logic and accuracy test. The ballot counting system shall be one hundred percent programmed, tested, and functional before the official logic and accuracy test. The county shall notify the parties, the press, the public, and candidates of the date and time of the test.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-105, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-110 Logic and accuracy test certification—Special election.** The county auditor, and any political party observers shall certify that the test has been

conducted in accordance with RCW 29.34.163. Copies of this certification shall be retained by the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary of election.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-110, filed 6/2/92, effective 7/3/92.]

**WAC 434-34-115 Logic and accuracy tests for direct recording electronic equipment.** Direct recording electronic (DRE) voting equipment shall be tested for logic and accuracy. Counties using DRE equipment must fully test each voting device to see that it is fully functional including tests of all mechanical and electronic circuits. This testing must be documented as part of the logic and accuracy test procedure. For the state primary and general election, the office of the secretary of state will perform a test of the vote tallying capabilities of the DRE system. For special elections the county will perform a test of the vote tallying capabilities of the DRE system. Observers may attend the logic and accuracy test in accordance with WAC 434-34-090. Following the test the DRE machines shall be sealed and the seals shall remain unbroken until election day.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-34-115, filed 6/2/92, effective 7/3/92.]

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

### WAC

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

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

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

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

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

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

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

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

(3) "Mail ballot" means a ballot used in a mail ballot special election and does not include a ballot used in a precinct with fewer than one hundred registered voters regularly voting by mail in primary and general elections or an absentee ballot issued at the request of the voter;

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

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

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

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

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

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

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

**WAC 434-36-040 Mail ballot special election plan.**

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

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

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

(1) A brief narrative of the arrangements made with the postal authorities;

(2) A copy of the ballot layout, including the ballot title(s);

(3) A brief narrative of the procedures to be followed from the time the ballots are received until they are tabulated;

(4) A floor plan of the working area where ballots will be processed, including approximate dimensions;

(5) Samples of ballot materials, instructions, legal notices, press releases, newspaper articles, and any other printed materials as they become available; and

(6) An estimate of the number of additional personnel to be hired.



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

**WAC 434-36-050 Review of the plan by the secretary of state.** (1) Within five business days after the receipt of a standard mail ballot special election plan, an amendment to a special election plan, or election materials for a specific election, the secretary of state shall review the plan. If the secretary of state finds that, in his or her judgment, elements of the election plan, amendments to a plan, or election materials do not adequately provide for secrecy of the ballots, prevention of fraud, or the accurate processing and canvassing of ballots, he or she shall immediately notify the county auditor of these exceptions. The county auditor and the secretary of state shall attempt to reach mutually acceptable modifications to the election plan, amendments to a plan, or election materials. In the event that no mutually acceptable agreement is reached, the secretary of state shall notify the county auditor, in writing, that he or she takes formal exception to the disputed elements of the plan, amendment to a plan, or election materials and of the reasons for his or her objections. He or she shall also provide copies of that notification to the other members of the county canvassing board and, if he or she deems appropriate, to the governing body of any jurisdiction for which a mail ballot special election has been scheduled in that county.

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

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

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

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

The notice shall also list:

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

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

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

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

ballot, a return envelope, a ballot security envelope, and instructions regarding the mail ballot election.

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

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

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

(signed) . . . . .

(date of oath) . . . . .

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

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

- (1) Advise the voter that the election is to be by mail ballot, the amount of postage required on the return envelope, and that regular polling places will not be open;
- (2) List the location of the place where the voter may obtain a replacement ballot if his or her ballot is destroyed, spoiled, or lost;
- (3) List the location of the place(s) where the voter may deposit his or her ballot on election day in the event the ballot is not mailed;
- (4) Advise the voter that in order for his or her ballot to be counted it must be either postmarked not later than the day of the election or deposited at the designated place between the hours of 7:00 a.m. and 8:00 p.m. on the day of the election;
- (5) Advise the voter that his or her ballot must be marked in secret; and

(6) Advise the voter that any person attempting to vote when he or she is not entitled or who falsely signs the affidavit shall be guilty of a felony, punishable by imprisonment for not more than five years or a fine of not more than five thousand dollars, or both such fine and imprisonment.

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

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

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

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

REPLACEMENT BALLOT REQUEST

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

I did not receive the ballot mailed to me.

or

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

I hereby certify, under penalty of law, that the above information is true and correct, and that I understand that attempting to vote more than once in any election is a violation of Washington election law.

.....  
Signature of voter

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

.....

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

.....  
Signature of  
issuing officer

.....  
Date

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

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

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

Dear Voter:

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

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

ADDRESS: .....

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

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

- (1) It is returned in the return envelope;
- (2) The envelope is signed by the registered voter to whom it was issued;
- (3) The signature has been verified by the county auditor; and
- (4) It is postmarked not later than the day of the election or deposited not later than 8:00 p.m. on election day.

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

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

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

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

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

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

**WAC 434-36-160 Master list of voters.** The county auditor shall maintain in his or her office a list of all voters eligible to vote in any mail ballot election. An indication shall be made on this master list of the status of all ballots returned and verified, and this list shall be available for public inspection and copying at a reasonable cost.

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

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

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

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

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

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

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

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

- (1) A copy of the resolution calling for the mail ballot election;
- (2) A copy of the legal notice identifying the election as a mail ballot election;

(3) The return envelopes which have been marked to indicate the signature had been verified;

(4) The sworn statement of each voter issued a replacement ballot; and

(5) The master list indicating which voters cast ballots.

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

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

#### **WAC 434-36-210 Report to the secretary of state.**

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

(1) The total number of eligible voters in the district;

(2) The total number of ballots mailed;

(3) The total number of ballots returned (listing those returned by mail and by deposit as separate subtotals);

(4) The total number of replacement ballots issued (with separate subtotals for destroyed, lost, spoiled or not received original ballots);

(5) The total number of ballots accepted as valid and counted;

(6) The total number of ballots rejected; included in the rejected ballot total shall be subtotals listing:

(a) The number of ballots received late;

(b) The number of ballots rejected because the return envelope bore no signature;

(c) The number of ballots rejected because the signature on the return envelope was not that of the registered voter to whom the ballot was issued; and

(d) The number of ballots rejected because the voter attempted to vote more than once;

(7) The official results of the election; and

(8) An itemization of the cost of the mail ballot special election to the jurisdiction which requested it.

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

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

### **Chapter 434-40 WAC ABSENTEE VOTING**

#### **WAC**

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

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

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

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

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

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

(c) Is a citizen of the United States;

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

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

(2) "Out-of-state voters," "overseas voters," "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 434-40-020 Applications for absentee ballots.**

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

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

#### **WAC 434-40-025 Telephone requests for absentee ballots.**

Any registered voter may, by telephone, request an absentee ballot for his or her use and for any member of his or her immediate family. Whenever a request for an absentee ballot is made by telephone, the county auditor shall record the date on which the request was made and the name of the person making the request. The county auditor may, at his or her discretion, require the person making the request to identify the relationship with, and the date of birth of, each person for whom such a request is made. The county auditor may refuse to issue an absentee ballot in those instances where the person is either unable or unwilling to provide the date of birth information. The auditor shall inform the person making the request that those persons for whom a telephone request has been denied may request an absentee ballot by mail.

[Statutory Authority: RCW 29.36.010. 92-18-093, § 434-40-025, filed 9/2/92, effective 10/3/92.]

**WAC 434-40-030 Application form for a regular absentee ballot.** Each county auditor shall provide an application form for a regular absentee ballot. The form

shall be no smaller than five inches by eight inches and may be produced in any format deemed suitable to each county. The form shall include, but not be limited to, the following:

- (1) A space for the voter to print his or her name and address at which he or she is registered to vote;
- (2) A space for the out-of-state or service voter to indicate his or her last permanent residence within the state of Washington;
- (3) An address to which the ballot is to be mailed;
- (4) A space for the voter to indicate for which election(s) the application is made;
- (5) A space for the voter to sign his or her name and the date the application is made.

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

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

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

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

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

- (1) A place to indicate that the voter is eligible for an ongoing absentee ballot because he or she is either disabled or over the age of sixty-five 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 absent ballots shall be verified in the same manner as signatures on applications for regular absentee ballots. Ongoing absentee ballots shall be mailed to the address specified by the applicant on the application form.

[Statutory Authority: 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 prepaid return form enabling the terminated ongoing absentee voter to renew his or her status as an ongoing absentee voter. Upon receipt and verification of the signature on the renewal form, the voter shall be considered as being restored to status as an ongoing absentee voter.

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

- (1) The applicant's printed name and the address at which he or she is registered to vote or, if an elector, the last physical residence for voting purposes in Washington;
- (2) The address to which the special ballot is to be mailed;
- (3) An indication of the election for which the ballot is requested;
- (4) The voter's signature;
- (5) A box for the voter to check indicating that they want a regular absentee ballot forwarded to them as soon as it is available;

The application shall also state that the applicant believes that he or she will be residing or stationed outside the continental United States and that he or she believes that they will be unable to vote and return a regular absentee ballot by mail during the period provided by law for the return of regular absentee ballots. The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section.

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

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

- (1) Instructions for voting the ballot;
- (2) Instructions for correcting a spoiled ballot;
- (3) The fact that political party designation should be included with all write-ins for partisan office;
- (4) A listing of all offices and measures that will appear upon the ballot, together with a listing of all persons who have filed for office or who have indicated their intention to file for office;
- (5) The fact that the voter may vote for as many, or as few offices or measures as he or she desires;
- (6) The fact that the voter is entitled to request, and subsequently vote a regular absentee ballot, and that if the regular absentee is received during the time period provided by law for the canvassing of absentee ballots it will be tabulated and the special absentee ballot will be voided.

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

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

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

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

- (1) A statement by the voter that he or she was admitted to the hospital no earlier than five days prior to a primary or general election;
- (2) A statement by the voter that he or she will be confined to the hospital on the day of the primary or election;
- (3) A place for the voter to print his or her name and address;
- (4) A place for the voter to sign the application;
- (5) A place for the hospital administrator or his or her designee to verify the voter's date of admission and status as a patient;

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

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

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

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

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

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

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

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

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

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

NOTICE TO ABSENTEE BALLOT APPLICANT

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

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

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

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

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

**WAC 434-40-180 Service and overseas voters—Material and postage.** The secretary of state shall furnish all envelopes and instructions for service voters 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.]

**WAC 434-40-190 Absentee ballot envelopes.** Included with any absentee ballot provided to a voter shall be instructions for correctly voting the absentee ballot, a security envelope which shall bear no markings identifying the voter, and a return envelope which shall bear the return address of the issuing officer and shall have a space for the voter to sign his or her name. The return envelope shall also have a statement in substantially the following form:

AFFIDAVIT OF ABSENTEE BALLOT APPLICANT

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

.....  
Date Ballot Voted                      Signature of Voter

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

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

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

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

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



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

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

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

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

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

OPEN PUBLIC MEETING NOTICE

The Canvassing Board of (Name of County) County, pursuant to RCW 29.62.020, will hold a public meeting at (Time), (Day), (Date), 19. . ., at (Location), to (Purpose of the Meeting). This meeting of the Canvassing Board is an open, public meeting

under the applicable provisions of chapter 42.30 RCW, and shall be continued until the activity for which the meeting is held has been completed. A record of the proceedings of the county canvassing board shall be made and maintained in the county auditor's office, and shall be available for public inspection and copying. The record shall be retained for the same time period required by law for the retention of absentee ballots. A separate notice shall be published whenever the canvassing board meets to determine the status of questioned ballots, challenged ballots, or to certify the results of the election.

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

**WAC 434-40-230 Processing of absentee ballots.** All absentee ballot return envelopes may be opened and subsequently processed no earlier than the tenth day prior to any primary or election. In counties tabulating absentee ballots by hand, the inner security envelope may not be opened until after 8:00 p.m. on election day. In counties tabulating absentee ballots on an electronic vote tallying system, the ballots may be removed from the inner envelope not earlier than the tenth day prior to a primary or election and the ballots then prepared for processing. All absentee ballots, whether removed from the inner security envelope or not, must be kept in sealed or locked containers and in secure storage until they are ready to be tabulated.

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

**WAC 434-40-240 Verification of the signature and postmark on absentee ballots.** The county canvassing board shall examine the signature on the return envelope of all absentee ballots to ensure that the applicant is qualified to cast the ballot. The provisions of WAC 434-40-140 shall be applicable in determining the validity of the signature as it appears on the return envelope. For service voters, overseas voters, and out-of-state voters the date of mailing shall be the date indicated by the voter on the return envelope, and any envelope which shows a date subsequent to the date of the primary or general election shall be referred to the county canvassing board for disposition. For all other absentee ballots, the date of mailing shall be the postmark, if present and legible. If the postmark is not present or legible, the date of mailing shall be considered the date indicated by the voter on the return envelope. All absentee ballots showing a postmark subsequent to the date of the primary or election, or a date indicated by the voter subsequent to the date of the primary or election if the postmark is missing or illegible, shall be referred to the county canvassing board for their disposition.

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

**WAC 434-40-250 Absentee voter attempting to vote at the polls.** In addition to maintaining a record of all persons requesting and being issued an absentee ballot, each county auditor will, to the extent time allows, make a notation on each poll list of the persons who have been issued an absentee ballot. Whenever any voter whose name has been so marked attempts to vote at the polling place, the precinct

election officers shall issue that voter a questioned ballot. The questioned ballot shall be placed in an envelope, on the outside of which the words "questioned ballot" shall be printed. The envelope should then be sealed and care shall be taken to ensure that no marks appear on the outside of that envelope which might identify that voter. This envelope should then be placed in a larger envelope, on the outside of which shall be printed the words "questioned ballot." There shall also be space on this outer envelope for the precinct election officers to indicate the name and number of the precinct, the printed name, address, and telephone number of the questioned voter, and the reason why the ballot is being questioned. The ballot should then be referred to the canvassing board for their disposition.

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

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

**WAC 434-40-260 Absentee ballots returned after the poll lists have been marked.** Absentee ballots which are issued and returned to the county auditor after the poll lists have been marked to indicate those persons who have been issued an absentee ballot shall be segregated from other absentee ballots, and shall not be tabulated until the poll lists have been examined following the election to ensure that those persons did not vote at the polls on election day. In the event the county auditor determines that an individual voted at the polls and returned an absentee ballot, the absentee ballot shall not be counted and a copy of the poll list and the returned absentee shall be forwarded to the prosecuting attorney for his consideration. Any county manually tabulating absentee ballots that is unable to comply with the provisions of this regulation shall, not later than January 1, 1989, adopt an automated absentee ballot system that will permit compliance with this regulation.

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

**WAC 434-40-270 Maintenance of an audit trail on absentee ballots.** Each county auditor shall maintain an audit trail with respect to the processing of absentee ballots which shall include, but not be limited to, the following:

- (1) A record of when each absentee ballot application was received, the date the ballot was mailed or issued, and the date the absentee ballot was received;
- (2) The number of absentee ballots issued and returned, by legislative and congressional district, for each primary and general election;
- (3) A record of the disposition of each request for an absentee ballot not honored;
- (4) A record of the disposition of each returned absentee ballot not counted;
- (5) A record of the time and place of each time the county canvassing board met to process absentee ballots;
- (6) A documentation of the security procedures undertaken to protect the integrity of the ballots after receipt, including the seal numbers used to secure the ballots during all facets of the absentee ballot process.

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

**WAC 434-40-280 Challenge to the registration of absentee voters.** The voter registration of any person requesting an absentee ballot may be challenged under the provisions of chapter 29.10 RCW by any registered voter who completes and files with the county auditor a form substantially similar to the following:

VOTER'S REGISTRATION CHALLENGE FORM

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

REASON FOR CHALLENGE

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

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

PROVISIONS RELATING TO VOTING RESIDENCE

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

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

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

AFFIDAVIT OF CHALLENGER

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

DATE

SIGNATURE OF CHALLENGER

## VOTER'S REGISTRATION CHALLENGES

## A SUMMARY OF ADMINISTRATIVE PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

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

In the event the challenge is filed more than thirty days prior to a primary or election, the challenge shall be processed in the manner provided by RCW 29.10.140. If the voter votes and returns his or her absentee ballot prior to the county auditor making his or her determination as to the validity of the challenge, the returned ballot shall be segre-

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

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

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

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

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

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

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

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

## Chapter 434-53 WAC

THE POLLING PLACE—BEFORE, DURING AND  
AFTER THE ELECTION

## WAC

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434-53-290	Counting and tabulation of paper ballots where more than one set of precinct election officers are ap- pointed—Procedure.
434-53-300	Paper ballots—Count continuous—When duties com- pleted.
434-53-310	Paper ballots—Unofficial results—Copies—Posting— Transmittal.
434-53-320	Rejection of ballots or parts of ballots—Questions on the legality of ballots.

**WAC 434-53-010 Activities prohibited within the polling place.** The county auditor shall ensure that all precinct election officers receive instruction regarding activities that are not permitted within the polling place, including electioneering, circulation of campaign material, soliciting petition signatures, or impeding the voting process. Whenever it is necessary to maintain order within the polling place and the surrounding environs, the inspector may, if circumstances warrant and if the means to do so are available, contact the county auditor, who shall determine the corrective action required. Such corrective action may include contacting a law enforcement agency for their assistance.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-010, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-020 Election supplies—Polling place.** Polling places shall be provided, at a minimum, with the following supplies at every election:

- (1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter;
- (2) Inspector's poll book;
- (3) Required oaths/certificates for inspectors and judges;
- (4) Sufficient number of ballots as determined by election officer;
- (5) Ballot containers;
- (6) United States flag;
- (7) Instruction signs for voters;
- (8) Challenge/questioned ballot envelopes;
- (9) Cancellation cards due to death;
- (10) Voting equipment instructions;
- (11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;
- (12) Keys and/or extra seals;
- (13) Pay voucher;
- (14) Ballots stub envelope (purpose of audit trail).

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[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-020, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-030 Securing the ballot box.** After the ballot box is determined to be empty it shall be locked or sealed with a numbered seal as directed by the county auditor. If a lock is used, the key shall be retained by the inspector or the numbered seal shall remain on the ballot box until it is opened following the closing of the polls or to permit the early tabulation of paper ballots or the early pickup and transfer of ballots to the counting center.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-030, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-040 Verification of voter's name.** All voters must provide their names to the precinct election officers so that verification can be made that the voter's name appears in the poll book or precinct list of registered voters. Upon verifying that the voter's name is in the poll book or precinct list of registered voters (hereafter referred to as list) any precinct election officer may challenge that voter's right to vote, as provided by law. If no challenge is made, the voter shall be issued a ballot and the sequence number of the ballot issued recorded next to the voter's name.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-040, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-050 Voter unable to sign name—Authority to vote.** Whenever a registered voter's name appears in the poll book or list but the voter is unable to sign his/her name, the voter shall be provided a questioned ballot. The questioned ballot shall be processed in the same manner as other questioned ballots.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-050, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-060 Credit for voting.** All voters who are issued a ballot shall be credited for participating in that primary or election by an appropriate notation in the poll books. The county auditor shall ensure that each person for whom a notation appears in the precinct list of registered voters receives credit for voting on his or her permanent registration record.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-060, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-070 Accounting for ballot stub.** Before any ballot is placed in the ballot box the numbered ballot stub must be recorded, and then removed and kept by the precinct election officer. All stubs shall be returned to the county auditor's office with all other election material. The stubs shall be retained with other election material.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-070, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-080 Voter leaving polling place without voting.** Whenever it is noted by a precinct election officer that a voter has been issued a ballot and leaves a polling place without returning the ballot, a notation shall be

made in the poll book or list along with the ballot stub number of the ballot issued.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-080, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-090 Designation of poll watchers.** All persons designated as poll watchers by any political party or committee shall be so designated in writing by the party or committee. Such designation shall be signed by an appropriate officer of the party or committee. The auditor may require that a copy of this designation be filed with his or her office not later than the day prior to the primary or election and shall, whenever possible, ensure that a copy of the designation is provided to each affected polling place inspector. The inspector shall ensure that poll watchers have access to a record of who has voted but shall also ensure that absolutely no interference with voting takes place.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-090, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-100 Electronic voting devices—Identified for specific candidates or measures.** In those counties using electronic voting devices and a separate ballot, and where not all voters within a precinct or polling place are entitled to vote on all candidates or measures appearing on the ballot in that precinct or polling place, the voter shall be directed to a voting device where the ballot contains only the appropriate offices and measures. Unless otherwise provided by law or these rules, if the ballots are segregated by the use of a prepunch or other machine-readable code, the voter may be directed to any voting device provided, the prepunch or code is designed to permit the tabulation of only those responses for which the voter was entitled to vote. Instructions shall be provided to the voter by identifying in each device which ballot pages or sections of ballot pages are applicable to the various ballot codes assigned to the voting device.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-100, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-110 Examination of voting devices.** Precinct election officers charged with periodically examining the voting devices to ensure that they have not been tampered with shall do so at least once every hour while the polls are open.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-110, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-120 Spoiled ballot procedures.** If the voter spoils his or her ballot by mismarking it or otherwise damaging the ballot in such a way that it cannot be accurately tabulated to reflect the voter's intent, the voter shall return the spoiled ballot to the precinct election officer. The precinct election officer shall then render the spoiled ballot unusable, make the appropriate notation on the poll book or list, and issue the voter a new ballot or ballot card. Spoiled ballots shall be clearly identified as such, and returned to the county auditor in a manner which permits the segregation of such ballots from other ballots. Precinct election officers

shall ensure that an adequate audit trail exists for all spoiled ballots.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-120, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-130 Assistance to voters.** Where it appears in the judgment of the inspector that a particular voter is having difficulty casting his/her vote, and as a result, is impeding other voters from voting, the inspector may provide assistance to that voter in the same manner as provided by law for those voters who request assistance.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-130, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-140 Voter intentionally causing delay.** Where it is the judgment of the inspector that a voter is impeding other voters from voting to simply cause delay, the inspector shall ask the voter to expedite the voting process. In the event the voter refuses to cooperate, the inspector shall, whenever practical, contact the county auditor, who may request assistance from the appropriate law enforcement agencies if he or she deems such action necessary.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-140, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-150 Closing the polls.** At the prescribed closing time, the inspector shall announce aloud that the polls are closed, the doors to the polling place shall be shut, and no further persons shall be allowed to enter to vote. All persons within the polling place at the time the closing is announced shall be permitted to complete the process of voting. The doors to the polling place shall remain unlocked until the election officials depart at the completion of their work so that work of accounting for the ballots and other voting material may be observed by interested parties.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-150, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-160 Ballot accountability—Form for recording.** Precinct election officials shall maintain accountability for all ballots issued for each precinct. The county auditor shall provide a ballot accountability sheet with each poll book or list for each precinct or combination of precincts, upon which shall be recorded, at a minimum, the following information:

- (1) Identification of the precinct or combination of precincts;
- (2) The number of ballots issued;
- (3) The number of used ballots which are questioned or challenged;
- (4) The number of issued ballots that are spoiled.

At the closing of the polls, the ballots of each category enumerated in subsections (1) through (4) of this section shall be counted and recorded on the ballot accountability sheet as required by these rules. The accountability sheet shall be maintained with the poll book or list. The election officials shall attest to the ballot accountability sheet by each signing in the spaces provided. The ballot accountability sheet, along with the poll book or list, shall be placed in the

appropriate container for return to the counting center or auditor's office. The inspector shall remove and retain a copy of the list of participating voters as the "inspector's copy" for the statutorily required retention period.

In addition, whenever anything occurs at a polling place that the precinct election officers feel may assist the auditor in explaining any discrepancies that may be discovered when the auditor's office reconciles the various election totals prior to certification, the election officers shall note such events. The auditor may direct that such comments be included with the ballot accountability form or may be included on a separate comments sheet. If a separate sheet is used, it shall be signed by the precinct election officers.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-160, filed 6/2/92, effective 7/3/92.]

#### **WAC 434-53-170 Audit trail for unused ballots.**

After the polls have closed and before the container holding the voted ballots is opened, the unused ballots shall be rendered unusable. The unusable ballots shall then be placed in a special envelope or container marked "unused ballots," the envelope or container sealed, and placed into the pouch or container provided for the return of voting materials to the counting center or auditor's office. The unused ballots must not be placed in the same container as the regular voted ballots.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-170, filed 6/2/92, effective 7/3/92.]

#### **WAC 434-53-180 Recording of spoiled ballots.**

After the polls close, the number of spoiled ballots, if any, shall be recorded on the ballot accountability sheet. The spoiled ballots shall then be placed in an envelope or container identified for that purpose.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-180, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-190 Disposition of irregularly voted ballots.** All irregularly voted ballots, including questioned, challenged, and absentee ballots, if any, shall be sorted from the regular voted ballots. The questioned and challenged ballots, if any, shall be counted and the number recorded on the ballot accountability sheet. The irregularly voted ballots in their own individual sealed and marked envelopes shall then be placed in a transfer case or other secure container and sealed therein. The number of irregularly voted ballots may also be recorded on the outside of the container. The sealed container shall then be returned to the counting center or auditor's office.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-190, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-200 Count of voted ballots.** After the irregularly voted ballots have been sorted, counted and secured, the other voted ballots shall be removed from the ballot box and counted, and the number recorded on the ballot accountability sheet. County auditors may require additional procedures to permit the segregation of various types of voted ballots.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-200, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-210 Preparing voted ballots for transfer.** After the ballot accountability sheet is signed, in those counties where ballots are not tabulated at the polling place, the voted ballots shall be placed in a transfer container for transfer to the counting center, either directly or via a ballot collection station. There shall be placed either inside the container or attached to the outside of the container, a transmittal sheet which as a minimum shall identify the precinct or precincts represented by the ballots, the number of ballots in the container, and, if a seal is used, the seal number of the seal to be used on the container. The inspector and one judge from each political party shall sign the transmittal sheet attesting to the number of ballots and the serial number of the seal. The transfer container shall then be locked and the seal fastened.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-210, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-220 Transfer of ballots prior to closing of the polls.** The county auditor may authorize an early pick up of ballots from designated polling places prior to the closing of the polls. Where so authorized, the precinct election officers at the designated polling places shall remove the voted ballots from the ballot box or pouch at the specified time and count them. The count shall be entered on the ballot accountability sheet, a transmittal sheet completed and signed, and the ballots sealed in a transfer container in the same manner as for the closing of the polls. The transmittal sheet may be sealed with the ballots or it may be attached to the outside of the transfer container. The election officials shall not leave the polling place. A ballot pickup team or teams, consisting of representatives of each major political party and appointed by the county auditor for that purpose, shall be assigned to pick up the transfer containers for return to the counting center.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-220, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-230 Sealing the ballot pages appearing in voting devices.** In polling places where voting devices are used, the county auditor shall ensure that adequate procedures are in place to permit the ballot pages within the voting device to be sealed following the election. This shall be done in such a way so that the ballot pages cannot be altered or otherwise tampered with, and in a manner that will provide an audit trail from ballot to precinct. This may be accomplished by securing the entire device by means of an external seal, or by securing and sealing the ballot itself.

If a unique numbered wire seal is used, a certificate shall be placed inside the device signed by the precinct election officials witnessing the serial number of the seal. If some other means of sealing is used, a certificate, signed by the election officials, shall be provided to identify the seal by some appropriate means. The certificate, if not secured inside, will be returned to and retained by the county auditor.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-230, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-240 Return of election supplies and materials.** Supplies and voting materials, including spoiled ballots and ballot stubs, irregularly voted ballots, and unused ballots shall be secured and returned to the counting center, the county auditor's office, or any other location designated by the auditor.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-240, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-250 Paper ballot precincts—General applicability of rules.** The rules governing the closing of polls and the accountability of ballots shall apply to precincts and polling places using paper ballots except as provided in the following sections.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-250, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-260 Counting and tabulation prior to closing of the polls—Secrecy of the returns.** In those precincts designated by the auditor for an early return of the votes, the opening of the ballot box and the counting and tabulation of the votes shall be conducted in private except for accredited political party witnesses. The witnesses shall sign an oath which shall state substantially, "I understand that the divulgence of the ballot count that I have witnessed before the polls officially close is a violation of state law and punishable as a misdemeanor under chapter 9A.20 RCW."

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-260, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-270 Counting of ballots after polls close.** The counting and tabulation of ballots after the polls close for voting shall be public and may be witnessed by any citizen.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-270, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-280 Paper ballots—Counting and tabulation—Procedure.** The procedure for the counting and tabulation of paper ballots at polling places shall be as follows:

- (1) The inspector shall carefully examine each ballot and shall read aloud the name of each person receiving a vote and the office for which the vote for that person is cast, and the vote for and against each proposition on the ballot;
- (2) The judge, representing the opposite political party of the inspector, shall observe the reading of the votes;
- (3) The second judge shall tally the votes as read in the vote tally books provided by and to be returned to the county auditor at the election center;
- (4) The clerk, if one is assigned, representing the opposite political party of the second judge shall, at the same time, tally the votes as read in the tally book provided by the auditor but retained by the inspector;
- (5) The inspector and the judge observing the reading of the votes may rotate their duties from time to time upon agreement.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-280, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-290 Counting and tabulation of paper ballots where more than one set of precinct election officers are appointed—Procedure.** In paper ballot precincts, when two or more teams of precinct election officers have been appointed as provided in RCW 29.45.050 the following procedure shall apply:

(1) The teams or teams designated as the counting board or boards shall commence the tabulation of the primary or election ballots at a time set by the county auditor;

(2) A second ballot container for receiving ballots shall be used, and the first ballot container shall be closed and delivered to the counting board or boards: *Provided*, That there have been at least ten ballots cast. The counting board or boards shall at a time set by the auditor proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot container to the inspector and judges conducting the election and the latter shall then deliver to the counting board or boards the second ballot container, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot containers shall continue until the polls are closed after which the election board conducting the election shall conclude their duties and the counting board or boards shall continue until all ballots are counted;

(3) The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies, to the county auditor;

(4) The oaths of office for all precinct election officials when two or more sets of officials are employed shall be as required by law.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-290, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-300 Paper ballots—Count continuous—When duties completed.** In a paper ballot precinct, the ballot container shall not be removed from the polls nor shall the counting of the votes be discontinued until all are counted except as provided in WAC 434-xx-xxx. The duties of the precinct election officers counting ballots in such precincts shall not be complete until it is determined that:

(1) A recheck of the tally marks accurately reflect the total vote credited to each candidate and the total vote credited for and against each proposition;

(2) The total number of votes cast for all candidates for a single position to be filled does not exceed the number of voters who have signed the poll book;

(3) The records of the votes in each tally book are the same.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-53-300, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-310 Paper ballots—Unofficial results—Copies—Posting—Transmittal.** Before adjourning from the polling place, following a primary or an election in any precinct where votes are cast on paper ballots, the precinct election official shall enter the unofficial results in duplicate upon sample ballots or suitable forms furnished for that purpose by the county auditor or other election officer.

One copy shall be posted conspicuously on the outside of the polling place and the other transmitted to the county auditor.

[Statutory Authority: 1990 c 59, 92-12-083, § 434-53-310, filed 6/2/92, effective 7/3/92.]

**WAC 434-53-320 Rejection of ballots or parts of ballots—Questions on the legality of ballots.** Rules governing the rejection of all or part of a ballot, or the process for handling a question regarding the validity of a ballot in a precinct using paper ballots where the tabulation of votes is conducted at the polling place shall be the same as the rules applicable to the counting of ballots at a counting center.

[Statutory Authority: 1990 c 59, 92-12-083, § 434-53-320, filed 6/2/92, effective 7/3/92.]

### Chapter 434-55 WAC LIMITED PARTNERSHIP FILINGS— CENTRALIZED SYSTEM

#### WAC

434-55-010	Purpose and authority.
434-55-015	Official address and telephone number.
434-55-016	Office hours.
434-55-040	Original signature required.
434-55-050	Name reservation or registration.
434-55-055	Pre-October 1, 1982, limited partnership filings.
434-55-060	Document filing fees—Limited partnerships.
434-55-065	In-person or expedited counter service—Special fees.
434-55-066	Miscellaneous charges—Special service fees.
434-55-070	Telephone services.
434-55-080	Registered office address—Requirements.

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

434-55-020	Domestic limited partnerships—Requirements for filing. [Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-020, filed 10/6/82.] Repealed by 87-17-002 (Order 87-04), filed 8/6/87. Statutory Authority: RCW 25.10.610 and 1987 c 55.
434-55-030	Filing domestic limited partnerships—Optional index sheet. [Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-030, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-030, filed 10/6/82.] Repealed by 94-19-003, filed 9/8/94, effective 10/9/94. Statutory Authority: Chapter 25.10 RCW.
434-55-035	Foreign (out-of-state) limited partnerships—Requirements for filing. [Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-035, filed 10/6/82.] Repealed by 87-17-002 (Order 87-04), filed 8/6/87. Statutory Authority: RCW 25.10.610 and 1987 c 55.

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

[Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-010, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-010, filed 10/6/82.]

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

(2) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504-0234.

(3) In-person transactions may be made at the Corporations Division, 505 E. Union, Second Floor, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(4) The telephone number is (360) 753-7115 or (360) 753-7120. Callers will hear a menu system of prerecorded messages. Direct access to an information officer is available by pressing the appropriate number.

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-015, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-015, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-015, filed 10/6/82.]

**WAC 434-55-016 Office hours.** (1) Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday except holidays. Over-the-counter service is available to provide same day service for individuals requests brought in before 4:30 p.m. and telephone service is available from 8:00 a.m. to 5:00 p.m.

(2) Documents, including substitute service-of-process on the secretary of state, delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

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

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-016, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-016, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-016, filed 10/6/82.]

**WAC 434-55-040 Original signature required.** (1) At any time that the statute requires a limited partnership document filing with the secretary of state to be in duplicate form, the secretary of state will accept the following:

(a) Two original copies, each with original signatures; or

(b) One original with original signatures and a true and correct photocopy thereof.

In the case of duplicate originals submitted with only one original and one copy thereof, the secretary of state will retain as its official file copy the certificate or document with original signatures and will return to the limited partnership for its records the document version bearing copied signatures. If the entity provides only the original copy, the division may charge a photocopy fee to make an exact copy.

(2) All documents presented to the secretary of state for filing under the Limited Partnership Act shall be of no larger



size than standard legal paper (8-1/2 x 14). The materials shall be submitted in form and quality which is suitable for future microfilming or reproduction by a similar photographic process. The secretary of state will not accept documents for filing which are not typed, or with illegible text.

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-040, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-040, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-040, filed 10/6/82.]

#### WAC 434-55-050 Name reservation or registration.

A name for a limited partnership may be reserved by filing an application therefor and paying the applicable fee. The applicant may use the secretary of state's regular form for reservation of name, or may submit a written request. A written request must identify the name desired, the fact that it is requested for a limited partnership, the entity for which the name is to be reserved, the agent making the request and his/its address, and must be signed by the agent, partner or other authorized representative of the limited partnership.

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

[Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-050, filed 10/6/82.]

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

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

Nothing in this section is intended to limit any judicial remedies which may be available to a pre-October 1, 1982, limited partnership for protection of its business name. In addition, if the probable existence of a name conflict between (a) a specific pre-October 1, 1982, limited partnership, and (b) a post-October 1, 1982, limited partnership filing that would have been filed in that same county if the

centralized system had not been established, is brought to the attention of the secretary of state, the secretary of state may determine that an unacceptable conflict exists and/or would be perpetuated if the proposed name of the post-October 1, 1982, limited partnership were accepted. Under those circumstances, the secretary of state may refuse to accept the proposed name without modification, or without consent of the existing pre-October 1, 1982, limited partnership, sufficient to comply with RCW 25.10.020.

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

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-055, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-055, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-055, filed 10/6/82.]

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

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

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

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

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

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

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

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

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

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

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

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

(12) For each certified copy of any document the fee is ten dollars plus the copy fee.

(13) For certificates of existence fees are as follows:

(a) With complete or specific historical data, under embossed seal, thirty dollars;

(b) Computer generated, under embossed seal, twenty dollars;

(c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(14) For photocopies fees are as follows:

(a) Certificate of limited partnership or any single document, ten dollars;

(b) Amendments to certificates and mergers, twenty dollars;

(c) All charter documents, thirty dollars;

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

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

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-060, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-060, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-060, filed 10/6/82.]

**WAC 434-55-065 In-person or expedited counter service—Special fees.** (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 4:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 3:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying and status certificates;
- (e) Status change filings;
- (f) Service of process;
- (g) International student exchange agency registration.

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

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

- (a) Reinstatements;
- (b) In-person inspection or review of limited partnership files or other public documents located in the corporations division office;
- (c) Documents left at the counter for processing with mail-in documents received the same day; or
- (d) A search for nonactive limited partnership files less than twenty years old.

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

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending

in documents, if a sudden, unexpected situation occurs during the business day.

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

[Statutory Authority: RCW 43.07.120. 95-16-130, § 434-55-065, filed 8/2/95, effective 9/2/95. Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-065, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-065, filed 10/6/82.]

**WAC 434-55-066 Miscellaneous charges—Special service fees.** Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five dollar penalty, payable to the secretary of state.

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

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-066, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-066, filed 10/6/82.]

**WAC 434-55-070 Telephone services.** The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited partnerships and on filing a new limited partnership immediately available at this number includes the following:

- (1) Exact name of limited partnership on file in the secretary of state's records;
- (2) Unified business identifier (UBI) number;
- (3) Date filed on the secretary of state's records;
- (4) Name of registered agent;
- (5) Registered office address;
- (6) Status of limited partnership;
- (7) Name of general partner(s);
- (8) State of registration;
- (9) Requirements for filing documents with the secretary of state's office.

Customers may also request that forms be mailed to them by using the menu system.

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-070, filed 9/8/94, effective 10/9/94.]

**WAC 434-55-080 Registered office address—Requirements.** A post office box address may be used in conjunction with a registered geographic office address when:

- (1) The United States Postal Service cannot or will not deliver to the street address; and
- (2) The post office box address is in the same Washington city or town as the registered office address; and
- (3) The agent notifies the office of the secretary of state and the corporation of any changes in either the street address or the post office box address.

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-080, filed 9/8/94, effective 10/9/94.]

**Chapter 434-57 WAC**  
**REGULATIONS ON ACCESSIBILITY OF POLLING**  
**PLACES AND PERMANENT VOTER**  
**REGISTRATION FACILITIES TO ELDERLY**  
**VOTERS OR DISABLED VOTERS**

**WAC**

434-57-010	Purpose.
434-57-020	Definitions.
434-57-030	Standards for accessible polling places and permanent voter registration facilities.
434-57-040	Use of public buildings as polling places.
434-57-050	Assistance from persons with disabilities.
434-57-070	Report of precincts and polling places.
434-57-080	Examination of inaccessible polling places.
434-57-090	Accessible polling places—Exceptions.
434-57-100	Procedures for inaccessible polling places.
434-57-120	Accessible permanent voter registration facilities.
434-57-130	Voting and registration instructions.
434-57-150	Notice of accessibility.

**WAC 434-57-010 Purpose.** These regulations are adopted pursuant to RCW 29.57.170 to implement the provisions of chapter 29.57 RCW and the requirements of Public Law 98-435 regarding the accessibility of polling places and voter registration facilities for federal elections.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-010, filed 3/27/86.]

**WAC 434-57-020 Definitions.** As used in these regulations:

(1) "Accessible" means the combination of factors which create an environment free of barriers to the mobility or functioning of voters who are elderly or disabled. The environment consists of the routes of travel to and through buildings or facilities used for the purpose of voting or voter registration.

(2) "Alternative polling place" means an accessible location which could be used as a polling place in the event that the existing site is inaccessible and which is reasonably convenient to assigned voters as determined by the county auditor.

(3) "County auditor" means the county auditor or county election official.

(4) "Election" means any primary, special or general election for any federal office.

(5) "Federal election" means a primary, special or general election for the office of president, vice-president, United States senator or United States representative.

(6) "Permanent voter registration facilities" means any offices or other locations specifically required to provide voter registration services under chapter 29.07 RCW or the location of any deputy registrar appointed by the county auditor to serve for an indefinite period of time.

(7) "State of emergency" means any condition which, in the opinion of the county auditor and secretary of state, would interfere with the safe and efficient conduct of an election.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-020, filed 3/27/86.]

(1997 Ed.)

**WAC 434-57-030 Standards for accessible polling places and permanent voter registration facilities.** A polling place is accessible if each of the following standards is met or exceeded. If each of the following standards cannot be met, alternative accommodations may be permitted under RCW 29.57.090. A permanent voter registration facility is accessible if each of the following standards is met or exceeded, except in subsections 3 and 4 where the standard specifically applies to a polling place.

(1) **Parking.** Where off-street parking is provided, there is at least one existing or temporary parking place at a polling place designated for use on the day of the election by voters [on the day of the primary or election, for each nine hundred persons registered to vote at that polling place] whose vehicle displays a special card, decal or license plate as required by RCW 64.61.381 [46.16.381]. A polling place, where off-street parking is not available, is considered accessible only if there is no other equally accessible alternative polling place where off-street parking is available which would be suitable for a precinct or group of precincts. Where off-street parking is provided, there is at least one existing parking place at a permanent voter registration facility designated for use by persons who are elderly or disabled. The designated parking place(s) is in close proximity to the accessible entrance to the building containing the polling place or permanent voter registration facility and is no less than twelve feet six inches wide. The area surrounding the [designated] parking place(s) [for voters with disabilities] is a firm, stable surface and generally level, with a maximum slope in any direction of one inch in fifty inches. A slope of one inch in thirty inches in the area surrounding the designated parking place[(s)] is considered accessible only if all other potential polling places within [the] [a] precinct [or group of precincts] are not and cannot be made to meet this standard.

(2) **Accessible route of travel.** A continuous, unobstructed pathway exists from the accessible parking place(s), where provided, to and through the accessible building entrance and to the polling place or permanent voter registration facility. The accessible route of travel is a minimum of thirty-six inches of clear width and seventy-nine inches in clear height unless otherwise specified in these standards.

(a) **Walkways and ramps.** Walkways or ramps which occur within the accessible route of travel have a minimum clear width of forty-four inches, no abrupt edge over one-half inch in height, no grating with openings larger than one-half inch, and a maximum slope in the direction of travel less than one inch in twenty inches with a cross slope no more than one inch in fifty inches. The width of walkways and ramps may be thirty-six inches only in instances where it is impractical or unreasonable to provide forty-four inches. If the slope of the accessible route of travel is between one inch in twenty inches and one inch in twelve inches, a level five foot by five foot landing is provided for each thirty inches of rise. Ramps and curb cuts have a slope no more than one inch in twelve inches. Ramps one inch in twenty or steeper have handrails. Curb cuts have a clear width of thirty-six inches and side slopes no more than one inch in six inches.

(b) **Entrances.** The entrance to the building containing the polling place or permanent voter registration facility is at least thirty-two inches of clear width with a threshold no

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more than one-half inch in height. The entrance to the building containing a polling place with a threshold of one and one-half inches in height is considered accessible if there is no other equally accessible alternative polling place where the entrance with a threshold of one-half inch in height is available which would be suitable for a precinct or a group of precincts. There is a level, firm, stable and slip resistant surface at least fifty inches wide, at least eighteen inches of which is directly adjacent to the latch side of the door, and five feet deep on both the inside and outside of the door. If the entrance to the building containing the polling place remains in an open position during polling hours, the requirement for the eighteen inches adjacent to the latch side of the door does not apply. If the door is power operated, it is equipped with a time delay.

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

(3) **Polling place.** There is seating and adequate, unobstructed space for reasonable movement of voters who are elderly or disabled within the polling place.

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

(5) **Illumination.** There is sufficient illumination at all points along the accessible route of travel and within the polling place or permanent voter registration facility.

(6) **Signs.** There are signs with large, high contrast lettering which identify any available accessible parking spaces and the accessible route of travel to the polling place or permanent voter registration facility if it is different from the primary route of travel to the polling place or permanent voter registration facility. Signs shall prominently display the international symbol of access as provided by RCW 70.92.120.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-030, filed 3/27/86. Statutory Authority: Chapter 29.57 RCW as amended by 1985 c 205. 85-18-003 (Order 85-3), § 434-57-030, filed 8/22/85.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 434-57-040 Use of public buildings as polling places.** A county auditor may request the legislative authority of a county, municipality or special district for the

use of their facility as a polling place when, in the judgment of the county auditor, that facility would provide a location that would best satisfy the requirements of chapter 29.57 RCW. The county auditor shall notify the secretary of state if authorization to use such a facility is not granted and no other accessible location is available.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-040, filed 3/27/86.]

**WAC 434-57-050 Assistance from persons with disabilities.** The secretary of state shall maintain a list of qualified persons from the disability community and other service organizations from which county auditors may seek assistance in reviewing sites.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-050, filed 3/27/86.]

**WAC 434-57-070 Report of precincts and polling places.** (1) No later than April 1 of each even-numbered year, each county auditor shall report to the secretary of state, on a form prescribed and provided by the secretary of state, a list of all precincts and assigned polling places within that county. This report shall specify those polling places which are inaccessible, a summary of the efforts to locate alternative polling places and any measures taken to temporarily modify existing inaccessible polling places.

(2) In 1986, the secretary of state may, on the request of a county auditor, extend the deadline of this report to no later than July 1.

(3) No later than thirty days before the next election in an even-numbered year, a county auditor shall notify the secretary of state of any changes in polling place locations. No changes in polling place locations may be made after that time except where it has been determined that a state of emergency exists.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-070, filed 3/27/86.]

**WAC 434-57-080 Examination of inaccessible polling places.** (1) No later than July 1 in each even-numbered year, or August 1, 1986 when the reporting deadline has been extended, the secretary of state shall review the reports of polling places submitted by each county auditor. The secretary of state shall verify that every effort has been made to locate alternative polling places for each inaccessible polling place and shall check each inaccessible polling place to verify its inaccessibility.

(2) Any polling place for which a report has not been submitted shall be considered inaccessible and shall not be used in an election unless it has been determined that a state of emergency exists.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-080, filed 3/27/86.]

**WAC 434-57-090 Accessible polling places—Exceptions.** An inaccessible polling place shall not be used in federal elections unless the following conditions have been met:

(1) The secretary of state has reviewed and verified the inaccessible polling place, that a reasonable effort has been

made to locate an alternative polling place and that measures to temporarily modify the existing polling place are not feasible, and

(2) The registered voters assigned to such an inaccessible polling place have been notified as required, or

(3) It has been determined that a state of emergency exists.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-090, filed 3/27/86.]

**WAC 434-57-100 Procedures for inaccessible polling places.** (1) No later than thirty days before a special election for a federal office or a primary in each even-numbered year, the county auditor shall mail a notice to each registered voter assigned to an inaccessible polling place which has been authorized for use under these rules and shall contain the following information:

(a) The polling place for that precinct is inaccessible, for the election or elections indicated in the notice, according to the accessibility standards established for voters who are elderly and disabled. The extent and nature of inaccessibility shall be specified.

(b) No later than twenty days before the election or elections indicated in the notice, voters who are elderly or disabled may request to be assigned to an alternative polling place as listed in the notice, or may request to vote by absentee ballot.

(c) An absentee ballot request form or instructions for requesting an absentee ballot for the specific election or elections indicated in the notice.

(2) Subsequent to the transmittal of a notice under (1) of this section and no later than thirty days before the next election, the county auditor shall also notify any person who registers to vote and is assigned to a precinct for which the polling place is inaccessible.

(3) The county auditor shall make the following accommodations in voting procedures necessary to allow the use of alternative polling places by voters who are elderly and disabled:

(a) The county auditor shall assemble election materials for voters who request to vote at an alternative polling place. The following materials shall be separated according to the precinct in which the voters are registered and placed into an envelope which clearly identifies that precinct:

(i) A poll book or precinct list which contains the names of only those voters from that precinct assigned to the alternative polling place;

(ii) A ballot for each voter from the precinct in which that voter is registered;

(iii) An envelope for voted ballots which is clearly marked "Ballots for Precinct . . . . . from Alternative Polling Place . . . . . for Elderly and Disabled Voters";

(iv) Instructions for the precinct election officers.

(b) The procedures for voting and ballot tabulation for all ballots cast by a voter who is elderly or disabled at an alternative polling place shall be as follows:

(i) The voter shall be given a ballot from the precinct in which that voter is registered and contains all the issues and candidates for which that voter is legally qualified to vote. For lever machine precincts, the voter shall be provided with an appropriate paper ballot.

(ii) After the voter has cast his or her ballot, the ballot shall be placed in a separate ballot box or an envelope designated for ballots cast in an alternative polling place.

(iii) Following the close of the polls, ballots shall be transmitted in the designated envelopes to the county auditor's office. Within each county, all ballots cast at alternative polling places shall be canvassed and reported by legislative district separately from absentee or question ballots.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-100, filed 3/27/86.]

**WAC 434-57-120 Accessible permanent voter registration facilities.** Each county auditor shall provide a reasonable number of accessible permanent voter registration facilities. Each county auditor shall report to the secretary of state, on a form provided by the secretary of state, a list and address of all permanent voter registration facilities. This list shall identify those facilities which meet the accessibility standards as provided in these rules. Each county auditor shall submit this list with the report of polling places. The secretary of state shall review such lists and determine if the number of accessible permanent voter registration facilities is adequate to meet the needs of persons who are elderly or disabled. If the secretary of state determines that the number of facilities is inadequate, he or she shall notify the county auditor and request additional facilities be provided.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-120, filed 3/27/86.]

**WAC 434-57-130 Voting and registration instructions.** Each county auditor shall conspicuously display voting instructions, printed in at least 16-point bold type, at each polling place on the day of the election. Each county auditor shall also conspicuously display registration instructions, printed in at least 16-point bold type, at each permanent voter registration facility.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-130, filed 3/27/86.]

**WAC 434-57-150 Notice of accessibility.** Each county auditor shall include a list of polling places, indicating those polling places which are accessible according to the standards for voters who are elderly or disabled, in the notice of election published under RCW 29.27.030 and 29.27.080.

[Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-150, filed 3/27/86.]

**Chapter 434-60 WAC  
ELECTION REVIEW PROCESS**

**WAC**

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## CERTIFICATION OF ELECTION ADMINISTRATORS

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**WAC 434-60-010 Intent.** It is the intent of this chapter to provide procedures to be followed in the conduct of election reviews as required by chapter 29.60 RCW.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-010, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-020 Definitions.** As used in this chapter:

(1) "Election review" means the process of examining all or a part of a county's election policies and procedures and includes the review of any documentation of those procedures;

(2) "Election review staff" means the person or persons employed by the secretary of state for the purpose of conducting election reviews;

(3) "Scheduled election review" means an election review conducted in each county at least once every four years. A scheduled election review may be held on one or more contiguous dates or may be conducted in phases;

(4) "Election review checklists" means a document listing the various activities and tasks required to be completed in order to conduct an election in accordance with state law and administrative rules;

(5) "Special election review" means an election review conducted in a county or counties whenever the unofficial returns of a primary or election indicate that a mandatory recount is likely in a race for the state legislature, congress, or state-wide office;

(6) "Preliminary scheduled review report" means that report made by the election review staff to the county auditor and the county canvassing board and which contains a copy of the election review checklist, any recommenda-

tions made by the review staff, and a preliminary conclusion/evaluation of the county's election procedures;

(7) "Final scheduled review report" means that report made by the election review staff which contains a copy of the election review checklist, recommendations made by the review staff, any response to those recommendations made by the county auditor or the county canvassing board, and an evaluation/conclusion written by the staff;

(8) "Special review recommendations" means recommendations made by the review staff to the county auditor and the county canvassing board following the conduct of any special review;

(9) "Election certification and training board" means that board created pursuant to the provisions of RCW 29.60.010 which is responsible for hearing and ruling on any appeals made by a county auditor or any member of the county canvassing board following the conduct of an election review;

(10) "County auditor designee" is that person designated by the county auditor to participate in the review process, pursuant to the provisions of RCW 29.60.080. Such a designee must be certified as qualified as required by chapter 29.60 RCW.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-020, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-030 Scheduled reviews—Auditor request.** Not later than March 1, any county auditor may request that the secretary of state designate his or her county for a scheduled review during that calendar year. The secretary of state shall, whenever practical, honor that request. In the event the secretary is unable to schedule a county that has requested review, he or she shall, not later than March 15, notify the county of his or her decision and the reasons for that decision.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-030, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-040 Scheduled reviews—Secretary of state to designate.** Not later than March 15 the secretary of state shall designate, in writing, the counties selected for a scheduled review during that calendar year. The designation may include tentative dates for the conduct of the reviews. Whenever possible, scheduled reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor, except that those parts of the review process dealing with the actual conduct and canvassing of the election itself must be conducted between election day and the certification of the election returns. In designating counties to be reviewed, the secretary shall take into consideration any complaints filed with his or her office pursuant to the provisions of RCW 29.60.070 (1)(b).

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-040, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-050 Notice of review.** Whenever any scheduled review is to be held in a county, the secretary of state shall provide written notice to the county auditor and to the chairs of the state committees of any major political party of the date and time the review is scheduled to begin. Notice for scheduled reviews shall be provided at least thirty

days in advance of the review. Notice of a special review shall be provided to the county auditor and the political party chairs, by telephone or by electronic facsimile transmission, not later than twenty-four hours after the determination has been made to conduct the special review.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-050, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-060 Notification of review process.** At least five days prior to a scheduled review, or as soon as possible prior to a special review, the review staff shall notify the county auditor of the number of persons conducting the review, any policies and procedures of special interest, and of any needs incidental to their review. The county auditor will provide adequate working accommodations, and copies of any county election policies or procedures, at the time scheduled for the review. Review staff will make every effort to minimize any disruption to the normal work of the county during the review process.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-060, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-070 Frequency of scheduled reviews.** Each county shall be designated for a scheduled review at least once every four years, but nothing in this section shall prevent a county from being reviewed more than once in a four-year period should either the county auditor or the secretary of state desire such a review. Special reviews conducted because of potential mandatory recounts shall not constitute a scheduled review, except that the review staff may take into consideration the results of any special review conducted when the scheduled review is held.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-070, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-080 Special review—Legislative district race.** A special review shall be conducted in any legislative district contained entirely within one county whenever the unofficial returns from a legislative race indicate that a mandatory recount is likely. Such a review may be as extensive as a scheduled review or may, at the secretary of state's discretion, concentrate only on those aspects of the election process dealing with ballot accountability, audit trail procedures, and ballot security. In any legislative district encompassing more than one county where the unofficial returns indicate that a mandatory recount is likely for a legislative district race, the secretary of state may direct a partial review in each county or may prioritize the review process. In prioritizing the review process, the secretary shall take into consideration the following factors:

- (1) The date and results of the last scheduled review held in each county;
- (2) Any request from a county auditor for a special review;
- (3) Any written complaints filed with the secretary pursuant to the provisions of RCW 29.60.070 (1)(b);
- (4) Any written complaints, from any resident of the county regarding the specific election in question;
- (5) Any media stories or reports alleging election irregularities with respect to the election in question.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-080, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-090 Special review of congressional or state-wide races.** In conducting special reviews for congressional or state-wide offices, the secretary of state may prioritize the review process, using the same criteria as is used in prioritizing special reviews in joint legislative districts.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-090, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-100 Expense of reviews.** The expenses of reviews, including review staff salaries and travel expenses, will not be charged to the county being reviewed. However reasonable and necessary office expenses incidental to the review process, such as copying charges, computer printouts, and telephones, will be provided by the county being reviewed.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-100, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-110 Election review checklist.** The secretary of state shall develop an election review checklist, which shall be the basis for any scheduled election review and which shall also serve, in whole or in part, as the basis for any special review. The checklist shall be provided to every county auditor and to the chairs of the state central committees of each major political party. The checklist shall be provided to any other person requesting it at actual reproduction cost.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-110, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-120 Adoption of election review checklist.** The election certification and training board shall approve, by majority vote, the checklist to be used and additionally shall, in conjunction with the office of the secretary of state, adopt rules to cover those checklist activities not currently mandated by either statute or rule.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-120, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-130 Preliminary scheduled review report.** As soon as practical, but in any event not later than January 15 of the year following a scheduled review, the review staff shall issue a preliminary scheduled review report. The report shall be made to the county auditor and the county canvassing board only, and shall include, but not be limited to, the following:

- (1) A copy of the completed election review checklist;
- (2) A narrative description of recommendations made by the review staff;
- (3) Any other information the review staff deems pertinent;
- (4) A preliminary conclusion/evaluation of the county's election procedures.

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

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-130, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-140 Response from county auditor/canvassing board.** The county auditor or the county canvassing board may respond, in writing, to the preliminary report issued by the review staff. Such a response shall be provided to the review staff not later than thirty days following the issuance of the preliminary report, and may take issue with any aspect of the preliminary report or may detail what action is being taken by the county in response to any recommendations made by the review staff.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-140, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-150 Final scheduled review report.** As soon as practicable, but in any event not later than March 1 of the year following a scheduled review, the review staff shall issue a final scheduled review report. The report shall be made to the county auditor and the county canvassing board, and shall include, but not be limited to, the following:

- (1) A copy of the completed review checklist;
- (2) A narrative description of any general observations by the review staff;
- (3) A narrative description of any recommendations made by the review staff;
- (4) A response by the county auditor or the county canvassing board, if any;
- (5) A conclusive/evaluation by the review staff. A copy of the final scheduled review report shall be provided to the chairperson of the election certification and training board and a copy shall also be kept on file by the secretary of state.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-150, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-160 Special review recommendations.** After conducting a special review, the review staff shall make any recommendations to the county auditor and the county canvassing board that they deem necessary to minimize the possibilities of any administrative errors being made either prior to or during the conduct of a mandatory recount. Such recommendations shall be in writing and shall be made not later than five days following the certification of the election returns or twenty-four hours in advance of the conduct of a mandatory recount, whichever occurs first. The county auditor and/or the canvassing board may respond in writing to any recommendations, and such response shall become part of the official record of the special review.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-160, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-170 Distribution of special review recommendations and response.** In addition to those persons specified in WAC 434-60-160 as receiving a copy of the special review recommendations, the review staff shall, after the county auditor and county canvassing board has had an opportunity to respond, provide a copy of its recommendations and any response to any person requesting them at actual reproduction costs. Nothing in this section shall prevent the review staff from modifying or amending its

recommendations, based on the response received from the county auditor or county canvassing board. In the event the special review recommendations are modified or amended, only the final recommendations and any response by the county shall be made available for inspection and copying. A copy of the special review recommendations and any response shall be provided to the chairperson of the election certification and training board and a copy shall also be kept on file by the secretary of state.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-170, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-180 Appeal from scheduled review report.** Any county auditor or member of the county canvassing board may appeal the recommendations or the conclusion/evaluation of any final scheduled review report to the election certification and training board. Any appeal must be in writing, must detail the specific exceptions made to the final scheduled review report, and must be filed with the board not later than thirty days following the issuance of the report.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-180, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-190 Processing of appeal.** Within thirty days of an appeal being filed, the election certification and training board shall meet to consider the appeal. The board may request that the county auditor, the review staff, or any other persons they deem appropriate, appear before them and assist them in their consideration of the appeal. The board shall have access to all written material prepared by the review staff, including a copy of the preliminary scheduled review report. The board, by majority vote, may accept the final report, may modify all or part of the final report, or may reject the report in total. In the event the board rejects the report, they shall direct that a new review be conducted and shall detail, in writing, the reasons for rejecting the original report. The board shall issue a written summary of its findings following any consideration of any appeal. The summary shall include the minutes of any meeting of the board to consider the appeal, a summary of the testimony of any witnesses appearing before them, and the reasons for any decision made.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-190, filed 8/30/93, effective 9/30/93.]

**WAC 434-60-200 Standards for evaluating appeals.** In determining whether or not an appeal filed pursuant to RCW 29.60.070 and WAC 434-60-160 should be upheld and the final scheduled review report either modified or set aside, the certification and training board shall consider the following factors:

- (1) Whether or not the course of action or activity recommended by the review staff is required by federal or state law or by administrative rule;
- (2) Whether or not the findings or the course of action or activity recommended by the review staff enhances the standardization and uniformity of election practices and procedures throughout the state;
- (3) Whether or not the findings or the course of action or activity recommended by the review staff enhances the



security or integrity of the ballots or the ballot counting process;

(4) Whether or not the course of action or activity recommended by the review staff would cause unnecessary hardship or expense to the county making the appeal.

[Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-200, filed 8/30/93, effective 9/30/93.]

### CERTIFICATION OF ELECTION ADMINISTRATORS

**WAC 434-60-210 Intent.** It is the intent of this chapter to provide procedures to be followed for the certification and training of election administrators, deputy election administrators, and the training of county canvassing board members, and election observers as required by chapter 29.60 RCW.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-210, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-215 Definitions.** As used in this chapter:

(1) "Election administrator" means the person or persons appointed by the county auditor of each county to conduct primaries and elections, general or special, as required by RCW 36.22.220 and those persons employed by the secretary of state elections division;

(2) "County canvassing board members" means the county auditor, the county prosecuting attorney, and the chair of the county legislative authority or their designated representatives, for each county;

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

(4) "Deputy election administrator" means any person employed as a regular employee of an elections division other than those designated as election administrators;

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

(6) "Creditable training hours" means each creditable training hour contemplated in WAC 434-60-230 shall feature a minimum of fifty minutes of instructional activity programmed for the purpose of mastering information beneficial to the performance of the duties of administering elections.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-215, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-220 Certification of election administrators and deputy election administrators.** Election administrators and deputy election administrators may not become certified under this section until they have been involved in the administration of an even-year general election and an odd-year general election. For initial certification, an accumulation of fifteen credits is required which must include as a minimum:

(1) Mandatory orientation (two credits);

(2) Two years' service in election administration (up to five credits);

(3) Taking and passing an open book written test on Title 29 RCW, Title 434 WAC, and applicable state and federal election laws (two credits);

(4) Participation in conferences and workshops sponsored by: (Five credits minimum including two from (a) and/or (b) of this subsection)

(a) Washington Association of County Auditors;

(b) Secretary of state;

(c) The elections center;

(d) The International Association of Clerks, Recorders, Election Officials and Treasurers (IACREOT);

(e) The Federal Election Commission;

(f) Other national associations related to elections or government administration, approved by the Election Administration and Certification Board; or

(g) Other conferences or courses approved by the Election Administration and Certification Board.

(5) Any combination of the following:

(a) Formal education (up to five credits);

(b) Participation in other education activities (up to five credits).

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-220, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-230 Certification credit system.** The credit system gives measured values to a number of different activities which contribute to developing skills and knowledge appropriate to the duties of an election administrator.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-230, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-240 Mandatory orientation.** (1) All election administrators and deputy election administrators shall, within eighteen months of undertaking those responsibilities or by July 1, 1994, whichever is later, attend a mandatory orientation workshop sponsored by the secretary of state to be eligible for certification. Mandatory orientation workshops will be offered for new election administrators and deputy election administrators annually.

(2) Mandatory orientation will consist of twelve hours of training in election-related subjects. The twelve hours will be worth two credits.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-240, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-250 Experience as an election administrator, or as a deputy election administrator.** For initial certification a minimum of two years service in elections administration and working in an election related capacity during an even-year general election and an odd-year general election is required. Up to five of the total initial certification credits can be earned for experience.

(1) One credit for each year served as an election supervisor or director.

(2) One credit for every two years of experience in any other election administration position.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-250, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-260 Open book written test.** The secretary of state elections division will prepare an open book written test on Title 29 RCW, Title 434 WAC and applicable state and federal laws to be given annually to election administrators at the completion of the mandatory orientation session. Taking and passing the test will be worth two credits for initial certification.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-260, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-270 Participation in conferences and workshops.** A minimum of five credits must be earned for conference participation for initial certification of which two shall be from conferences or workshops sponsored by the Washington Association of County Auditors or the secretary of state.

(1) One credit for each eight hours of attendance at training events;

(2) One credit each for serving as a panelist, speaker, or chairperson at training events in which a minimum of two hours of preparation time is documented.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-270, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-280 Formal education.** No more than five of the total initial certification credits can be earned for formal education.

(1) One credit for a high school diploma or equivalent;

(2) One credit, up to a maximum of two, for each successfully completed year of postsecondary higher education in a college or a business school;

(3) One credit for each academic or professional degree earned;

(4) One credit for each professional certification related to the duties of an election administrator.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-280, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-290 Participation in other education activities.** No more than five of the initial certification credits can be earned for other education activities.

One credit for each eight hours of other education activities which are approved by the election administration and certification board.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-290, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-300 Maintaining certification.** After attaining initial certification the election administrator is responsible for maintenance of his or her certification on an ongoing basis. Maintenance of certification shall consist of:

(1) Election administration: The continued conduct of elections as an elections administrator or deputy elections administrator;

(2) Continuing education: It is the position of the election administration and certification board that attendance at the annual election administrator's conference is of critical importance in maintaining certification as an election administrator. In addition to the annual election conference, continuing education shall consist of training programs

which emphasize the duties and functions of administering elections. Participation in a minimum of eighteen hours of continuing education shall be required each year to maintain certification. These training programs may include the following:

(a) Public administration;

(b) Public and media relations;

(c) Election and voter registration law;

(d) Personnel management;

(e) Organizational management;

(f) Information systems management;

(g) Voting systems and equipment;

(h) Budget or fiscal management;

(i) Stress management;

(j) Visiting other county election departments for training and/or orientation purposes;

(k) Additional professional or academic degrees;

(l) Any election oriented training offered by the organizations listed in WAC 434-60-220 (4)(a) through (g).

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-300, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-310 Certification of minimum requirements.** The secretary of state shall distribute applications for certification annually to the county auditors, or equivalent. The county auditors shall, before December 1 of each year, certify to the election administration and certification board the completion of the requirements for initial certification for members of his or her staff.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-310, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-320 Training program for county canvassing board members.** The secretary of state elections division shall prepare a training program for county canvassing board members or their designated representatives. The training program shall be made available to county canvassing board members annually at their respective conferences sponsored by the Washington Association of County Officials. Upon completion of the training program, county canvassing board members shall receive a certificate of completion. The training program for county canvassing board members or their designated representatives may include the following:

(1) Election law (Title 29 RCW; Title 434 WAC);

(2) Voting systems;

(3) Canvassing board policies and procedures.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-320, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-330 Training program for election observers.** The secretary of state elections division shall prepare a training program for election observers. The training shall be made available regionally on an annual basis. Upon completion of the training, election observers shall receive a certificate from the office of the secretary of state. The training for election observers may include the following:

(1) Election law (Title 29 RCW, Title 434 WAC);

(2) Voting systems;

(3) Logic and accuracy test procedures.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-330, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-340 Training video tapes available.** An election administrator, canvassing board member, or election observer who is unable to travel to training programs conducted under this chapter may request audio or video recordings of the training programs and shall receive a certificate of completion by the secretary of state, county auditor or equivalent.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-340, filed 3/8/94, effective 4/8/94.]

**WAC 434-60-350 Approval of training programs.** All training and orientation programs referenced in these rules shall be subject to review and approval of the election administration and certification board.

[Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-350, filed 3/8/94, effective 4/8/94.]

## Chapter 434-61 WAC COUNTING CENTER PROCEDURES

### WAC

434-61-010	Counting center location—Direction of proceedings.
434-61-020	Counting center—Political party observers.
434-61-030	Transfer of ballots to counting center or collection station.
434-61-040	Receipt of ballots at the counting center.
434-61-050	Handling of transfer container discrepancies.
434-61-060	Vote tallying system—A manual count of random precincts.

**WAC 434-61-010 Counting center location—Direction of proceedings.** In counties using voting devices and vote tallying systems where the ballots are to be processed and/or tabulated at a location other than the precinct, the county auditor shall designate a location to serve as the counting center. If that location is other than the courthouse or county election office, the auditor shall include the location of the counting center in the published notice of elections. The county auditor shall be responsible for all counting center functions. Within the counting center, no person except those authorized by the county auditor may touch any ballot or ballot container, or operate a vote tallying system. The auditor shall identify either by roster or identification tag, or both, those persons so authorized. The vote tallying process shall be open to the public to the extent that public observation does not interfere with the proceedings or jeopardize the security of the ballots. The auditor shall establish local administrative rules pertaining to public observers including the media and how they may be accommodated and the necessary limitations thereto. A copy of any local administrative rules under this section shall be filed with the secretary of state.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-010, filed 5/4/92, effective 6/4/92.]

**WAC 434-61-020 Counting center—Political party observers.** Counting center operations shall be observed by at least one representative from each political party, if

representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request that each major political party appoint representatives to fill the requirements. Where more than one observer is to be appointed, the political party shall designate one of their observers as supervisor. Counting center observers shall be provided training with respect to ballot processing procedures and the vote tallying system as required by RCW 29.33.340.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained as provided in subsection (2) of this section.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-020, filed 5/4/92, effective 6/4/92.]

**WAC 434-61-030 Transfer of ballots to counting center or collection station.** After all the business at the polling place is completed, two of the election officials, one representing each major political party, shall transfer the sealed ballot containers to the counting center, or to a designated collection station. At the discretion of the county auditor, a ballot pickup team composed of a representative of each major political party may be directed to stop at the polling place and pick up the sealed containers of voted ballots for return to the counting center as an alternative. Until the voted ballots are received at the counting center or intermediate collection station, they must always be accompanied by a representative of each of the two major political parties. These representatives may be either precinct election officers or the ballot pickup team.

If an intermediate collection station is used, the station will be staffed by a representative or representatives of the county auditor who shall be responsible for receiving the voted ballot transfer containers from the precinct election officers or ballot pickup team. The collection station staff shall maintain a ballot transfer container receipt log on which shall be recorded the precinct name or number, the date and time of receipt, the seal number of each container, and any other information the auditor deems appropriate. When the last transfer container has been received and logged, or when so directed by the county auditor, the containers shall be transferred to the counting center in an enclosed vehicle accompanied by representatives of each major political party, appointed for that purpose by the auditor, or as provided in this rule. The transfer container log sheets shall accompany the containers.

The appointed officials accompanying the ballot transfer containers from the collection station to the counting center shall not be of the same political party. Officials used for this purpose, if not political party representatives or affiliated with a political party, may meet the requirements of this rule by declaring in writing nonpolitical party affiliation. These declarations shall be retained by the auditor along with the transfer container log sheets for sixty days after the election.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-030, filed 5/4/92, effective 6/4/92.]

**WAC 434-61-040 Receipt of ballots at the counting center.** Immediately upon the receipt of voted ballots in transfer containers from the polling places or collection stations, the seal or lock on each ballot container shall be examined to ensure that it is intact. The precinct name or number, time of receipt, and seal number of each container shall be recorded on a transfer case receipt log, and the log shall be initialed by the persons receiving them.

Upon the breaking of the seal and the opening of the container, a comparison with the transmittal sheet accompanying the container shall be made. If no lock or seal exists, or if a discrepancy is noted between the information recorded on the transmittal sheet and the seal, the county auditor shall immediately be notified. The nature of the discrepancy shall be entered on the receipt log, the container set aside, and the ballots contained therein not tallied until the discrepancy is resolved. If the container has no seal or the seal has already been broken, it shall be considered a discrepancy and handled in the same manner. If the auditor cannot resolve the discrepancy or arrive at a satisfactory explanation for the discrepancy, the ballots shall be set aside and referred to the canvassing board for their consideration as provided by this rule.

If no discrepancy exists, a notation shall be made on the ballot receipt log and the ballots shall be forwarded to the next station in the counting center process.

Where a discrepancy does exist and the matter cannot be resolved, the ballots shall be treated as ballots for which a question of validity has arisen, and shall be processed as provided for by law or administrative rule (see chapter 434-62 WAC).

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-040, filed 5/4/92, effective 6/4/92.]

**WAC 434-61-050 Handling of transfer container discrepancies.** The auditor shall maintain a separate log on which shall be recorded all transfer container discrepancies. The log shall list the precinct, the nature of the discrepancy, and the corrective action taken. In the event the ballots are to be referred to the canvassing board, they shall be set aside and the nature of the discrepancy and the seal number noted on the discrepancy log.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-050, filed 5/4/92, effective 6/4/92.]

**WAC 434-61-060 Vote tallying system—A manual count of random precincts.** The political party observer supervisors may, upon mutual agreement, select up to three precincts at random after receipt of the ballots at the counting center and prior to the ballots being tabulated. They

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may then request that a manual count be made of the number of ballots and the votes cast for any one office or issue on the ballots.

The party observer supervisors may select the precinct or precincts to be manually tabulated at the receiving station or may identify the precincts in advance and request that the auditor segregate them at the time of receipt.

The auditor or designee shall conduct the manual count of the ballots using the method for counting paper ballots described by law or rules, or may count them utilizing any other method acceptable to the party observer supervisors. On completion, the manual tally results shall be written on a sheet signed by the auditor or designee and the party observer supervisors.

When the manual tally results sheet is signed by all parties, the ballots for that precinct will be reinserted into the counting center process. The results for that precinct or precincts shall be printed at the time the ballots are tabulated, and the returns then compared to the manual tally. If a discrepancy exists, it shall be noted on the result sheet and given to the auditor for resolution.

[Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-060, filed 5/4/92, effective 6/4/92.]

## Chapter 434-62 WAC CANVASSING AND CERTIFICATION OF PRIMARIES AND ELECTIONS

### WAC

434-62-005	Authority and purpose.
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434-62-180	Tabulation of ballots to be continuous—Exception.
434-62-190	Canvassing board—Opening ballot container.
434-62-200	Retention of records.

**WAC 434-62-005 Authority and purpose.** These rules are adopted pursuant to RCW 29.04.080 and chapter 34.04 RCW in order to establish uniform procedures governing the canvass of primaries and elections, general and special, and to ensure the accurate and timely certification of those election returns.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-005, filed 10/3/80.]

**WAC 434-62-010 Definitions.** As used in these regulations:

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

(2) "County canvassing board" is that body charged by law with the duty of canvassing absentee ballots, of ruling on the validity of questioned or challenged ballots, of the verifying all unofficial returns as listed in the auditor's abstract of votes, and the producing of the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chairman of the board of the county legislative authority, or their designated representatives.

(3) "Preliminary abstract of votes" is that report prepared by the county auditor which lists registered voters, votes cast, and all vote totals by precinct, or by combination of precincts if applicable, but it shall not include any absentee ballot totals or any subtotals or county-wide totals.

(4) "Auditor's abstract of votes" is that report prepared by the county auditor which lists registered voters, votes cast, all of the vote totals by precinct, or by combination of precincts if applicable, and which includes absentee ballot totals, legislative district subtotals, if any, and county-wide totals. Vote totals in the auditor's abstract of votes shall be unofficial until verified and certified by the county canvassing board.

(5) "Verification of the auditor's abstract of votes" is that process whereby the county canvassing board determines that all of the individual precinct and absentee ballot totals, as shown on the auditor's abstract of votes, have been correctly listed and that the various subtotals are an accurate reflection of the sum of those individual precinct and absentee ballot totals.

(6) "County canvass report" is the auditor's abstract of votes after verification by the county canvassing board and shall contain a certificate which shall include the oath as specified in RCW 29.62.040, the original signatures of each member of the county canvassing board, the county seal, and all other material pertinent to the election.

(7) "Certified copy of the county canvass report" is that report transmitted by the county auditor to the secretary of state which contains registered voters and votes cast by precinct, or combination of precincts if applicable, votes cast for and against state measures, and votes cast for candidates for federal and state-wide offices and for any office whose jurisdiction encompasses more than one county, absentee ballot totals for those measures and candidates, subtotals if applicable, and county-wide totals. It shall also include a certificate, bearing original signatures and an original county seal, identical to that included in the official county canvass report, and any other material which may be pertinent to the canvass of the election.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-010, filed 10/3/80.]

**WAC 434-62-020 Preliminary abstract of votes.** Following the election and prior to the official canvass, the

county auditor shall prepare an abstract of votes, listing registered voters and votes cast, votes cast for and against measures, and votes cast for candidates, by precinct or groups of precincts in the event precincts have been combined pursuant to RCW 29.04.055.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-020, filed 10/3/80.]

**WAC 434-62-030 Auditor's abstract of votes.** No later than the tenth day following any primary or special election and the fifteenth day following any general election the county canvassing board shall meet and canvass all absentee ballots not previously processed under the provisions of chapter 29.36 RCW, together with all questioned and challenged ballots. Upon completion of this canvass the board shall direct the county auditor to include all absentee ballot totals and all challenged and questioned ballot totals, or legislative district subtotals if applicable, in the preliminary abstract of votes prepared pursuant to WAC 434-62-020. The county auditor shall then add these totals to the existing precinct totals. The ensuing report, containing a count of all ballots cast in the election, subtotal reports by legislative district, and county-wide totals shall constitute the auditor's abstract of votes.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-030, filed 10/3/80.]

**WAC 434-62-040 Verification of auditor's abstract of votes.** The county canvassing board shall examine the auditor's abstract of votes and shall verify that all of the individual precinct and absentee ballot totals have been included in the abstract and that the subtotals and county-wide totals for registered voters and votes cast are an accurate reflection of the sum of those individual precinct and absentee ballot totals. This verification shall be accomplished, in counties with fewer than 100,000 registered voters, by directing the county auditor or his or her representative to add these individual precinct and absentee ballot totals in the presence of the canvassing board manually or by using an adding machine. The canvassing board shall then compare the subtotals and totals produced in this manner against the subtotals and totals as they appear on the auditor's abstract of votes and verify that the figures are identical. In counties with more than 100,000 registered voters the adding machine tapes or manual totals may be produced prior to the meeting of the canvassing board, but in such counties the canvassing board shall carefully compare the preproduced subtotals and totals against the subtotals and totals as they appear on the official abstract of votes and verify that the two sets of figures are identical.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-040, filed 10/3/80.]

**WAC 434-62-050 Errors or discrepancies discovered during the verification of the auditor's abstract of votes.** In the event that the county canvassing board, during the verifications process, discovers that errors exist in the auditor's abstract of votes or that discrepancies exist between that abstract and the manual or adding machine totals for registered voters and votes cast produced pursuant to WAC 434-62-040, the board shall investigate those errors and

discrepancies. They shall be empowered to take whatever corrective steps a majority of the board deems necessary, including changing or modifying the auditor's abstract of votes if the error or discrepancy is discovered in that document. The canvassing board may then proceed to verify votes cast on measures or for candidates if a majority of the board believes that the nature of the errors or discrepancies discovered warrant such further action on their part.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-050, filed 10/3/80.]

**WAC 434-62-060 Documentation of corrective action taken.** If the canvassing board decides to take corrective action with respect to any part of the auditor's abstract of votes, they shall prepare a written narrative of the errors or discrepancies discovered, the cause of those errors, if known, and the corrective action taken. In the event the auditor's abstract of votes is altered or modified by the canvassing board, those alterations and modifications shall be initialed by each member of the canvassing board, additionally, the written narrative shall be signed by each member of the board.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-060, filed 10/3/80.]

**WAC 434-62-070 Official county canvass report.** Upon completion of the verification of the auditor's abstract of votes and the documentation of any corrective action taken, the county canvassing board shall sign a certification that the abstract is a full, true, and correct representation of the votes cast for the issues and offices listed thereon. The certification shall also state the total number of registered voters and votes cast in the county. The certification shall contain the oath required by RCW 29.62.040, signed by the county auditor and attested to by the chairman of the board of the county legislative authority, and shall have a space where the official seal of the county shall be attached. This certification, the auditor's abstract of votes, any adding machine tapes produced during the verification process, and the written narrative of errors and discrepancies discovered and corrected, if applicable, shall constitute the official county canvass report. This report may not be subsequently amended or altered, except in the event a recount conducted pursuant to chapter 29.64 RCW, or upon order of the superior court, or by the county canvassing board reconvened specifically for that purpose. The vote totals contained therein shall constitute the official returns of that election.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-070, filed 10/3/80.]

**WAC 434-62-080 Auditor's abstract of votes—Secretary of state to receive certified copy—Transmittal.** No later than the next business day following the certification of the returns of any primary, special, or general election at which votes were cast for or against state measures or for candidates for federal and state-wide office or for offices whose jurisdiction encompasses more than one county, the county auditor shall send a certified copy of that part of the auditor's abstract of votes covering those issues and offices to the secretary of state. This copy must be no larger than eleven inches by fourteen inches and have a

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certificate identical to that accompanying the official county canvass report, bearing the county seal and original signatures of the officers required to sign that document attached or affixed thereto. A copy of the written narrative documenting errors and discrepancies discovered and corrective action taken shall accompany the abstract if applicable. Copies of the adding machine tapes used during the verification process need not be sent to the secretary of state.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-080, filed 10/3/80.]

**WAC 434-62-090 Receipt of certified copy of auditor's abstract of votes by secretary of state.** The secretary of state shall ensure that all material required to be submitted pursuant to state law and these regulations has been included in the certified copy of the auditor's abstract of votes transmitted to his or her office. In the event the secretary of state determines that the certified copy of the auditor's abstract of votes is incomplete, he or she shall notify the county auditor of that fact and shall request that the missing part of the abstract be forwarded immediately. No county's certified copy of the abstract of votes shall be considered as complete for acceptance by the secretary of state until all of the material required by statute and regulation has been received by the secretary of state. In the event the certified copy of the official abstract is illegible or in improper form, the secretary of state shall return that abstract and require an immediate re-submission of the abstract in proper or legible form.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-090, filed 10/3/80.]

**WAC 434-62-100 Canvass of returns by the secretary of state—Powers and duties.** Upon receipt of a complete certified copy of the auditor's abstract of votes from a county auditor, the secretary of state shall proceed to include the results from that abstract in the official canvass of the primary, special, or general election prepared by that office. This shall be done by adding the certified returns from each completed county abstract of votes in order to determine the final results for those offices and issues he or she is required by law to certify. The secretary of state shall accept the certified copy of the official abstract of votes from each county as being full, true, and correct in all respects. The secretary of state may include in the official canvass, a narrative which details or describes any apparent discrepancies discovered during the canvassing procedure, and may notify the county or counties involved of such discrepancies.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-100, filed 10/3/80.]

**WAC 434-62-110 Certification of primary returns by the secretary of state.** Upon completion of the canvass of each county's certified copy of the auditor's abstract of votes and no later than the third Tuesday following the primary, the secretary of state shall certify to the appropriate county auditors the returns for all candidates for federal and state-wide offices, for those offices whose jurisdiction encompasses more than one county, and the ballot titles for all state measures. In the event the secretary of state is

unable to certify all or part of a primary election by the third Tuesday following that primary because he or she has not received completed certified copies of the auditor's abstract of votes from one or more counties, he or she shall certify the state ballot measures and those candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the county auditors, those reasons which render him or her unable to certify the entire primary. The certification of the remainder of the primary shall take place when all outstanding certified copies of official abstracts have been received and filed.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-110, filed 10/3/80.]

**WAC 434-62-120 Certification of general election returns by the secretary of state.** Upon completion of the canvass of each county's certified copy of the auditor's abstract of votes and no later than the thirtieth day following a general election the secretary of state shall certify to the governor the returns for all candidates for federal and statewide offices, for those offices whose jurisdiction encompasses more than one county, and for all state ballot measures. In the event the secretary of state is unable to certify all or part of a general election by the thirtieth day following that election because he or she has not received completed certified copies of the auditor's abstract of votes from one or more counties, he or she shall certify those candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the governor, those reasons which render him or her unable to certify the entire election. The certification of the remainder of the election shall take place when all outstanding certified copies of official abstracts have been received.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-120, filed 10/3/80.]

**WAC 434-62-130 Certification of special primaries and special elections.** Insofar as practicable, the procedures governing the certification of special primaries by the secretary of state shall be the same as those governing the certification of primaries, and the procedures governing the certification of special elections shall be the same as those governing general elections.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-130, filed 10/3/80.]

**WAC 434-62-140 Microfilm copies of election returns.** The secretary of state shall produce and make available for public inspection and copying pursuant to chapter 434-12 WAC microfilm or microfiche copies of all county canvass reports submitted to his or her office. The charges for microfilm duplicates or photocopies produced from the microfilm originals shall be equal to the actual cost of reproduction including personnel time and any cost of mailing.

[Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-140, filed 10/3/80.]

**WAC 434-62-150 Rejection of ballots or parts of ballots.** Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

- (1) Where two ballots are found folded together, or where a voter has voted more than one ballot;
- (2) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine voter's intent;
- (3) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;
- (4) Where the voter has voted for more candidates for an office than are permissible;

Additionally, the canvassing board shall reject any ballot cast by a voter not qualified to vote, and shall reject absentee ballots where such rejection is required by law or administrative rule.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-62-150, filed 6/2/92, effective 7/3/92.]

**WAC 434-62-160 Write-in-voting—Voter intent.** In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. Write-in votes are to be counted where abbreviations are used for office, position, or political party. Write-in votes are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding primary. If a write-in declaration of candidacy has been filed, the voter need only write in that candidate's name in order for the vote to be counted. If no declaration of write-in candidacy has been filed, the voter must write in the name of the candidate, the political party, if applicable, and if the office and/or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-62-160, filed 6/2/92, effective 7/3/92.]

**WAC 434-62-170 Referral of ballots to canvassing board.** Whenever a precinct election officer in a precinct where ballots are being tabulated, or counting center personnel in a county where ballots are being centrally tabulated, have a question about the validity of a ballot or the votes contained on the ballot that they are unable to resolve, the ballot shall be placed in a special envelope marked "for canvassing board." On the outside of the envelope, they shall record as a minimum the following information:

- (1) Identification of the precinct from which the ballot originated;
- (2) The facts giving rise to the question of validity including, if applicable, the office or issue on the ballot which is affected by the question;
- (3) An identification number by which the envelope containing the ballot may be tracked.

If the question arises at a precinct or polling place, the precinct inspector shall annotate the ballot accountability sheet in a manner similar to recording other irregularly voted ballots, shall seal the envelope and transfer it to the elections office in the special envelope for irregularly voted ballots.

If the question arises in the counting center, the counting center supervisor shall record the ballot on an irregularly voted ballot log sheet and shall record the precinct, the

identification number of the envelope, and shall indicate "canvassing board" for disposition activity.

Ballots being held for determination of validity or voter's intent shall be provided the same security as regular voted ballots and shall be kept in a secure area when not being processed. As long as they are in the sealed envelope it is not necessary to seal them in other containers within the counting center provided they are otherwise safeguarded. Once the issue of validity has been determined, the ballots will be tabulated if applicable, stored, and retained the same as regular voted ballots.

When the determination of validity is made, the disposition of the ballot shall be entered on the envelope and, if applicable, the irregularly voted ballot log sheet.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-62-170, filed 6/2/92, effective 7/3/92.]

**WAC 434-62-180 Tabulation of ballots to be continuous—Exception.** The tabulation of ballots on the day of a primary or election at a polling place or counting center shall proceed without interruption or adjournment until all the ballots cast at the polls at that primary or election have been tabulated except as follows:

(1) In the case of a vote tallying system, ballots that have been found defective and not capable of being processed by the automated system, may at the discretion of the county auditor, be held over until the working day following the election or primary, duplicated, and the duplicates then tallied no later than the day before the certification of the primary or election;

(2) In the case of a vote tallying system, if the system should become inoperative, the tally may be interrupted until the system is repaired, and if necessary, resumed the day following the election using the repaired system or an alternative method if necessary. If the election or primary includes offices or issues which the secretary of state is required by law to canvass, the auditor shall notify the secretary of state at the time of interruption, its cause and best estimate for resumption, along with the status of the tally, at the first practical opportunity. The public shall be informed of the situation as soon as possible after the interruption if it is evident the tally will not be resumed the same day.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-62-180, filed 6/2/92, effective 7/3/92.]

**WAC 434-62-190 Canvassing board—Opening ballot container.** Whenever it is determined there is a need to open all containers to conduct a mandatory or requested recount, or when such action is directed by court order, the containers shall be opened and the security of the ballots verified only by those persons designated to do so, in writing, by the canvassing board.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-62-190, filed 6/2/92, effective 7/3/92.]

**WAC 434-62-200 Retention of records.** All records and materials are to be maintained for a period of sixty days after certification of each election. Where the election involves federal offices the records and material must be

kept for the appropriate time frame as set forth in federal statutes.

[Statutory Authority: 1990 c 59. 92-12-083, § 434-62-200, filed 6/2/92, effective 7/3/92.]

## Chapter 434-69 WAC

### MAPS AND CENSUS CORRESPONDENCE LISTINGS

#### WAC

434-69-005	Authority and purpose.
434-69-010	Definitions.
434-69-020	Precinct maps—Availability and distribution.
434-69-030	Precinct lists—Preparation and filing.
434-69-040	Base maps, census overlay maps, and related information—Duties of the secretary of state.
434-69-050	Precinct overlay maps—Preparation.
434-69-060	Census correspondence listings—Preparation.
434-69-070	Detail maps and census correspondence listings—Maintenance, distribution, and filing.
434-69-080	Compensation to county auditors for direct expenses.

**WAC 434-69-005 Authority and purpose.** These rules are adopted under authority of RCW 29.04.140 pursuant to chapter 34.04 RCW to establish and govern the procedures in the census mapping project by the secretary of state.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-005, filed 4/8/80.]

**WAC 434-69-010 Definitions.** As used in these regulations:

(1) "Census mapping project" includes all functions performed by the secretary of state and each county auditor in the preparation, maintenance, distribution, and filing of precinct maps, detail maps, and census correspondence listings pursuant to RCW 29.04.130.

(2) "Secretary of state" includes the secretary of state, assistant secretary of state, deputy secretary of state, or any other person authorized by the secretary of state to act in his or her behalf in the census mapping project.

(3) "County auditor" includes each county auditor, county elections official, or any other person authorized by the county auditor to act in his or her behalf in the census mapping project.

(4) "Census maps" refers to the maps provided by the U.S. Census Bureau which indicate census unit boundaries and numeric identification of such census units.

(5) "Census units" refers to the census geographic area designations for which the population count will be reported including census tracts, block groups, blocks, enumeration districts, and county census divisions.

(6) "Precinct maps" refers to the maps prepared by each county auditor pursuant to RCW 29.04.130 which indicate the boundaries and numeric identification of each precinct in that county.

(7) "Precinct lists" refers to the lists prepared by each county auditor pursuant to RCW 29.04.050(3) which indicate the names and consecutively assigned numbers of each precinct in that county.



(8) "Base maps" refers to the sets of mylar maps of each county which are provided by the secretary of state on which final detail maps will be prepared.

(9) "Census overlay maps" refers to the mylar overlay maps prepared by the secretary of state which indicate census unit boundaries and numeric identification for the area covered by each base map.

(10) "Precinct overlay maps" refers to the mylar overlay maps prepared by each county auditor which indicate precinct boundaries and numeric identification for the area covered by each base map.

(11) "Detail map" refers to the sets of maps produced by the combination of the base maps with the corresponding census and precinct overlay maps for each county.

(12) "Census correspondence listings" refers to the lists prepared by each county auditor pursuant to RCW 29.04.130 which indicate the census units or portions of census units contained in each precinct in that county.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-010, filed 4/8/80.]

**WAC 434-69-020 Precinct maps—Availability and distribution.** (1) Pursuant to the provisions of RCW 29.04.130, on or before July 1, 1980, each county auditor shall prepare for public inspection and use precinct maps of that county.

(2) On or before July 18, 1980, each county auditor shall transmit to the secretary of state one complete set of precinct maps of that county.

(3) Each county auditor shall also send one copy of the precinct maps of each city or town in that county to the clerk of that city or town.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-020, filed 4/8/80.]

**WAC 434-69-030 Precinct lists—Preparation and filing.** On or before July 18, 1980, each county auditor shall prepare and transmit to the secretary of state a precinct list of that county. Precinct names shall be listed in alphabetical order and shall also be numbered consecutively.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-030, filed 4/8/80.]

**WAC 434-69-040 Base maps, census overlay maps, and related information—Duties of the secretary of state.** On or before September 15, 1980, the secretary of state shall prepare and transmit to each county auditor the following: (1) A set of base maps of that county; (2) a set of census overlay maps for each base map of that county; and (3) a sequential census unit listing, provided by the U.S. Census Bureau, which indicates all census units delineated on the census and base maps of that county.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-040, filed 4/8/80.]

**WAC 434-69-050 Precinct overlay maps—Preparation.** Pursuant to the provisions of RCW 29.04.130, each county auditor shall prepare precinct overlay maps for each base map of the county and each city and town within that county according to the following procedures:

(1) Precinct overlay maps shall be prepared on the reproducible mylar overlays provided by the secretary of state; (2) each county auditor shall transfer all precinct boundaries and numeric identification in red ink onto the mylar overlay for each base map of that county; and (3) each overlay map shall include the following identification in the lower left hand corner: (a) The name of the area covered by the map; (b) an arrow indicating north; and (c) the preparation date of the precinct overlay map.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-050, filed 4/8/80.]

**WAC 434-69-060 Census correspondence listings—Preparation.** Pursuant to the provisions of RCW 29.04.130, each county auditor shall prepare a census correspondence listing according to the following procedures: (1) Record the census tracts or county census divisions (CCD) and the smallest census units in each area for which population counts are to be reported from the sequential census unit listing supplied by the U.S. Census Bureau. (The order of census information on the census correspondence listing shall be identical to the sequential census unit listing.) (2) Record the number or numbers, as assigned pursuant to RCW 29.04.050(3), of each precinct which is wholly or partially coextensive with the census unit; (3) wherever census unit or precinct boundaries are not coincident, estimate for each portion of a split census unit, the proportion of the total number of registered voters residing in each precinct containing a portion of the split census unit. (Each county auditor shall refer to current voter registration lists and other available information to determine such estimated proportion of registered voters. Such estimates shall be expressed to at least the nearest 10 percent of the total number of registered voters within the precinct.)

The census correspondence listings shall be prepared in substantially the following form:

County _____		Map sheets _____	
Census Tract CCD	Block ED	Precinct Number	% of Registered Voters

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-060, filed 4/8/80.]

**WAC 434-69-070 Detail maps and census correspondence listings—Maintenance, distribution, and filing.** (1) On or before November 1, 1980, each county auditor shall send to the secretary of state the complete set of mylar detail maps and census correspondence listings for that county; (2) the secretary of state shall maintain the original sets of mylar detail maps of each county; (3) the secretary of

state shall reproduce and distribute copies of detail maps to each county auditor for the actual cost of reproduction; and (4) each county auditor shall maintain copies of precinct maps, detail maps, and census correspondence listings of the county. Such maps shall be available for public inspection during normal office hours. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction under such rules as the county auditor has adopted pursuant to RCW 42.17.260.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-070, filed 4/8/80.]

**WAC 434-69-080 Compensation to county auditors for direct expenses.** (1) Each county auditor may be reimbursed for direct expenses incurred for the preparation of precinct overlay maps and census correspondence listings. Compensation shall be made at a maximum rate of \$15.00 per 1,000 registered voters, as of the 1980 general election, for personnel costs, and \$2.00 per 1,000 registered voters, as of the 1980 general election, for supply costs.

(2) On or before April 1, 1981, each county auditor may submit to the secretary of state an invoice voucher for compensation for direct expenses. For auditing purposes, a detailed summary indicating the number of personnel, number of hours worked, and supplies used in the census mapping project must be submitted with the invoice voucher.

[Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-080, filed 4/8/80.]

#### Chapter 434-79 WAC

##### VERIFICATION OF SIGNATURES ON REFERENDUM AND INITIATIVE PETITIONS

###### WAC

434-79-010 Random sampling procedure.

**WAC 434-79-010 Random sampling procedure.** In the verification of signatures on initiative and referendum petitions, pursuant to RCW 29.79.200 and 29.79.220, when the number of signatures submitted is more than 110 percent of the number of signatures required by Article II, Section 1A of the Washington State Constitution, the following statistical test may be employed:

(1) Take an unrestricted random sample of the signatures submitted;

(2) Check each signature sampled to determine the number of valid signatures in the sample, the number of signatures in the sample which are invalid because the individual signing is not registered or the signature is improper in form, and the number of signatures which are duplicated in the sample;

(3) Calculate an allowance for the chance error of sampling by multiplying the square root of the number of invalid signatures in the sample by 1.5;

(4) Estimate the upper limit of the number of signatures in the population which are invalid by dividing the sum of the invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio, i.e. the number of signatures sampled divided by the number of signatures submitted;

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(5) Determine the maximum allowable number of pairs of signatures in the population by subtracting the sum of 110 percent of the number of signatures required by Article II, Section 1A of the Washington state constitution and the estimate of the upper limit of the number of invalid signatures in the population from the number of signatures submitted;

(6) Determine the expected number of pairs of signatures in the sample by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures in the population;

(7) Determine the acceptable number of pairs of signatures in the sample by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample;

(8) If the number of pairs of signatures in the sample is greater than the acceptable number of pairs of signatures in the sample, each signature shall be canvassed to determine the exact number of valid signatures;

(9) If the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, the petition shall be deemed to contain sufficient signatures and the serial number and ballot title shall be certified to the state legislature as provided in RCW 29.79.200 or to the county auditors as provided in RCW 29.79.230.

[Statutory Authority: RCW 29.79.200. 78-08-032 (Order 78-2), § 434-79-010, filed 7/17/78.]

#### Chapter 434-80 WAC

##### OFFICIAL CANDIDATES' PAMPHLET—STATEMENTS AND PHOTOGRAPHS

###### WAC

434-80-010	Deadline for submission of statements and photographs.
434-80-020	Rejection of statement or photograph.
434-80-030	Photographs.
434-80-040	Length of statements.
434-80-050	Restrictions on style for candidates' statement.
434-80-060	Content of statements for candidates' pamphlet.
434-80-070	Editing and review.

**WAC 434-80-010 Deadline for submission of statements and photographs.** Statements and photographs of candidates submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 shall be filed in the office of the secretary of state not later than 5:00 p.m. on the Friday prior to the state primary held pursuant to RCW 29.13.070. Publication of statements and photographs received after this date will be solely dependent on the schedule for composition of those portions of candidates' pamphlet in which that statement is to appear.

[Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-010, filed 8/9/78.]

**WAC 434-80-020 Rejection of statement or photograph.** Any statement of a candidate submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 which, in the opinion of the secretary of state, contains any obscene, profane, libelous, or defamatory matter

or any language or matter the circulation of which by mail is prohibited by federal law shall be rejected. Any photograph showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance shall be rejected. Within five days of the rejection of a statement or photograph, the candidate may appeal such rejection to a board of review consisting of the governor, lieutenant governor, and attorney general. The board shall render a decision within three business days of the appeal and such decision to accept or reject the statement or photograph shall be final.

[Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-020, filed 8/9/78.]

**WAC 434-80-030 Photographs.** Photographs of candidates submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 shall be no more than five years old. Such photographs shall be black and white glossy prints of the head and shoulders only and shall be no larger than eight inches by ten inches or smaller than four inches by five inches.

[Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-030, filed 8/9/78.]

**WAC 434-80-040 Length of statements.** The maximum number of words for statements of candidates to be published in the official candidates' pamphlet pursuant to RCW 29.80.040 shall be determined according to the office sought as follows:

OFFICE	WORDS
State representative . . . . .	100
State senator, judge of the superior court, judge of the court of appeals, judge of the supreme court, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner . . . . .	200
Governor, United States representative, and United States senator . . . . .	300

If a statement contains more than the maximum number of words permitted for that particular office, all material after the last complete sentence which is not in excess of the maximum length, counting from the beginning of the statement, will be omitted in the publication of the official candidates' pamphlet.

[Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-040, filed 8/9/78.]

**WAC 434-80-050 Restrictions on style for candidates' statement.** The secretary of state finds that it is in the public interest that all statements published in the official candidates' pamphlet pursuant to RCW 29.80.050 be of substantially similar format and style. To promote such consistency:

- (1) All statements shall be typeset in block paragraph style without tables; lists, or other material requiring multiple indentation; and
- (2) Words or other material which are underlined, in italics, or all in upper case letters will be typeset in italics.

[Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-050, filed 8/9/78.]

**WAC 434-80-060 Content of statements for candidates' pamphlet.** The secretary of state finds that it is in the public interest that all statements published in the official candidates' pamphlet pursuant to RCW 29.80.050 be accurate as to form and syntax. To promote such accuracy:

- (1) All statements submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 shall be typewritten on plain sheets of white paper measuring eight and one-half inches by eleven inches and containing the name, mailing address, and telephone number of the candidate;
- (2) The secretary of state shall not make any change in the content of any statement submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 which alters the meaning or substance of the statement; and
- (3) The secretary of state shall correct any incidental errors of spelling, grammar, and punctuation which he feels would unfairly prejudice the statement of that candidate or confuse the voter.

[Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-060, filed 8/9/78.]

**WAC 434-80-070 Editing and review.** If the secretary of state finds it necessary to make changes in the length or format of a statement or corrections in grammar, spelling, or punctuation in the text of a statement of a candidate submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 on or before the third Friday prior to the state primary held pursuant to RCW 29.13.070, a proof copy of the statement to be published showing the changes in length or format shall be sent to the candidate at the address on his or her statement. Candidates who submit statements after the third Friday prior to the state primary held pursuant to RCW 29.13.070 will not be notified of changes in the length or format of their statements or of other corrections made pursuant to WAC 434-80-040, 434-80-050, and 434-80-060.

[Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-070, filed 8/9/78.]

**Chapter 434-81 WAC  
VOTERS' PAMPHLET**

WAC	
434-81-010	Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature.
434-81-020	Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures.
434-81-030	Additional members on committees to draft arguments for the voters pamphlets.
434-81-040	Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet.
434-81-050	Advisory committees.
434-81-060	Length of statements and rebuttals.
434-81-070	Restrictions on the style of statements in the voters pamphlets.
434-81-080	Submission of statements and rebuttals.
434-81-090	Rejection of statements for the voters pamphlet.

434-81-100 Editing of statements for the voters pamphlet.

**WAC 434-81-010 Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature.** Within forty-five days of the final passage of any constitutional amendment, referendum bill, or alternative to an initiative to the legislature by both houses of the state legislature, the presiding officer of the state senate shall appoint one senator known to favor the measure and one senator known to have opposed the measure to serve on the respective committees to draft arguments for and against the measure in the official voters pamphlet and the presiding officer (or officers acting concurrently) of the house of representatives shall appoint one representative known to favor the measure and one representative known to oppose the measure to serve on the respective committees. If no senator or representative consents to serve on a committee to draft an argument for or against a measure appearing in the voters pamphlet, the presiding officer of the senate, the presiding officer or officers of the house of representatives, and the secretary of state, acting concurrently, shall appoint up to two persons who wish to support or oppose that measure, as the case may be.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-010, filed 4/17/79.]

**WAC 434-81-020 Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures.** Within thirty days after the submission of signatures in support of a proposed initiative or referendum measure or within thirty days after the adjournment of a regular session of the legislature at which an initiative to the legislature was not approved, the presiding officer of the state senate, the presiding officer or officers of the state house of representatives, and the secretary of state, acting concurrently, shall appoint for each such initiative, referendum measure or initiative to the legislature two persons known to favor such measure and two persons known to oppose such measure to serve on the respective committees to draft arguments for and against that measure to appear in the voters pamphlet.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-020, filed 4/17/79.]

**WAC 434-81-030 Additional members on committees to draft arguments for the voters pamphlets.** Within ten days after the appointment of the latter of the two persons appointed pursuant to WAC 434-81-010 or 434-81-020 to serve on a committee to draft arguments for or against a measure appearing in the voters pamphlet, such persons shall appoint a third person to serve with them on that committee and shall, within ten days, notify the secretary of state in writing of the name and address of the person so appointed.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-030, filed 4/17/79.]

**WAC 434-81-040 Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet.** Within ten days after

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the selection of a third person to serve on a committee to draft an argument for or against a measure appearing in the voters pamphlet, the committee shall elect from among their members a chairperson and shall immediately notify the secretary of state of the name, address and telephone number of the person so elected.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-040, filed 4/17/79.]

**WAC 434-81-050 Advisory committees.** Committees appointed to write arguments for or against measures appearing in the voters pamphlet may select up to five other persons to serve as an advisory committee. They shall notify the secretary of state of such appointments prior to the first day of August prior to the election at which the measure is to be submitted. Persons serving on advisory committees to committees drafting arguments for or against measures appearing in the voters pamphlet who are officers, employees, or representatives of any organization may only be designated as such if that organization has taken an official action to support or oppose the measure, as the case may be.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-050, filed 4/17/79.]

**WAC 434-81-060 Length of statements and rebuttals.** Arguments for and against measure[s] appearing in the voters pamphlet shall not exceed two hundred and fifty words, except that the committee may use up to four headings to summarize and identify major arguments or portions of the statement for the convenience of the reader and such headings shall not be included in the computation of the number of words in the statement. Rebuttals to arguments for and against measures appearing in the voters pamphlet shall not exceed seventy-five words and must address issues raised in the opposing argument without injecting issues not previously discussed by either the argument for or against that measure. Headings are not permitted in connection with rebuttal statements.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-060, filed 4/17/79.]

**WAC 434-81-070 Restrictions on the style of statements in the voters pamphlets.** The secretary of state find[s] that it is in the public interest that all statements published in the voters pamphlet be of substantially similar format and style. To promote such consistency, all statements submitted for publication in the voters pamphlet shall be typewritten on plain sheets of white paper measuring eight and one half inches by eleven inches and containing the name, address, and telephone number of the chairperson of the committee submitting such statement. All statements shall be typeset in block paragraph style without tables, lists, or other material requiring multiple indentation and words which are underlined, in italics, or all in upper-case letters will be typeset in italics.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-070, filed 4/17/79.]

**WAC 434-81-080 Submission of statements and rebuttals.** Arguments for or against measures appearing in

the voters pamphlet shall be submitted to the secretary of state by the chairperson of the committee appointed to draft that argument within sixty days after the appointment of said chairperson or by September 1 whichever is earlier. Rebuttals of arguments to statements for or against measures appearing in the voters pamphlet shall be submitted to the secretary of state by the chairperson of the opposing committee within thirty days following receipt of said argument by the committee or by September 15, whichever is earlier.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-080, filed 4/17/79.]

**WAC 434-81-090 Rejection of statements for the voters pamphlet.** Any statement submitted for publication in the voters pamphlet pursuant to WAC 434-81-080 which, in the opinion of the secretary of state, contains any obscene, libelous, or defamatory matter or any language or matter the circulation of which is prohibited by federal law shall be rejected. Within five days of the rejection of any statement, the committee proposing such statement may appeal the rejection to a board of review consisting of the governor, lieutenant governor, and the superintendent of public instruction. The board shall render a decision within three business days of the appeal and such decision to accept or reject the statement shall be final.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-090, filed 4/17/79.]

**WAC 434-81-100 Editing of statements for the voters pamphlet.** The secretary of state finds that it is in the public interest that all statements published in the voters pamphlet be accurate as to form and syntax. To promote such accuracy, the secretary of state may correct any incidental errors of spelling, grammar, and punctuation which he feels would unfairly prejudice the statement or confuse the voters so long as such corrections do not alter the meaning or substance of the statement.

[Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-100, filed 4/17/79.]

**Chapter 434-91 WAC**

**SPECIAL ELECTIONS FOR MAJOR PUBLIC ENERGY PROJECT BOND MEASURES**

**WAC**

- 434-91-010 Purpose.
- 434-91-020 Submission of a preliminary and a final cost-effectiveness study of a major public energy project.
- 434-91-030 Request for an election pursuant to RCW 80.52.040.
- 434-91-040 Designation of the bond issue on the ballot.
- 434-91-050 Ballot title.
- 434-91-060 Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title.
- 434-91-070 Actions to contest contents of the ballot title or summary of the final cost-effectiveness study.
- 434-91-080 Certification of the request for a special election to the county auditors.
- 434-91-090 Recommendations for committees to draft statements for the voters pamphlet.
- 434-91-100 Appointment of committees.
- 434-91-110 Advisory committees.
- 434-91-120 Submission of arguments and rebuttals.

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- 434-91-130 Permissible costs in allocation of election expenses.
- 434-91-140 Allocation of costs.
- 434-91-150 Documentation of charges for proportional share of election costs.
- 434-91-160 Proportional costs of voters pamphlet and other costs to the secretary of state.
- 434-91-170 Reimbursement to counties for proportional share of election costs.

**WAC 434-91-010 Purpose.** The regulations in this chapter are adopted to implement the special election provisions of chapter 6, Laws of 1981 2nd ex. sess. (Initiative Measure 394) and chapter 88, Laws of 1982, in a manner reasonably consistent with the laws and procedures for referring initiatives, referendums, and constitutional amendments at a state general election.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-010, filed 5/25/82.]

**WAC 434-91-020 Submission of a preliminary and a final cost-effectiveness study of a major public energy project.** (1) Any public agency which intends to hold a special election pursuant to RCW 80.52.040 shall file with the secretary of state a preliminary, independent cost-effectiveness study of the project under consideration. This study shall be available for public inspection, review, and copying as provided by WAC 434-12A-040 through 434-12A-140.

(2) Any person who wishes to comment on the contents and conclusions of the preliminary cost-effectiveness study shall submit such comments in writing to the secretary of state no later than thirty days after the preliminary cost-effectiveness study was filed with the secretary of state. Copies of all such comments shall be promptly forwarded to the public agency which filed the preliminary cost-effectiveness study.

(3) After the thirty day period for public comment has expired, the public agency shall prepare a final draft of the cost-effectiveness study which includes any public comment on the preliminary draft of that study. The final cost-effectiveness study and a summary of the final cost-effectiveness study shall be filed with the secretary of state no later than the date on which the public agency requests a special election pursuant to RCW 80.52.040.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-020, filed 5/25/82.]

**WAC 434-91-030 Request for an election pursuant to RCW 80.52.040.** Any public agency which desires to hold a special election pursuant to RCW 80.52.040 shall submit to the secretary of state a certified copy of the ordinance, resolution, order, or other evidence of legislative action requesting such an election and specifying:

- (1) The name, location, and type of major public energy project, expressed in common terms;
- (2) The dollar amount and type of bonds being requested;
- (3) If the bond revenues are intended to finance the acquisition of all or a portion of a major public energy project, the anticipated total cost of the acquisition of the project;

(4) If the bond revenues are intended to finance the planning or construction of all or a portion of a major public energy project, the anticipated total cost of construction of the project;

(5) The projected average rate increase for consumers of the electricity to be generated by the project (that amount necessary to repay the total indebtedness incurred for the project, including estimated interest);

(6) A summary of the final cost effectiveness study as required by RCW 80.52.050(4);

(7) The anticipated functional life of the project;

(8) The anticipated decommissioning costs of the project;

(9) The reasons for requesting a special election; and

(10) If the applicant is a joint operating agency, a list of all of the participating public agencies which are a part of that joint operating agency and the names of the counties which contain all or parts of each of these public agencies.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-030, filed 5/25/82.]

**WAC 434-91-040 Designation of the bond issue on the ballot.** When a public agency submits a request for a special election pursuant to RCW 80.52.040, the secretary of state shall sequentially number each bond measure to appear on the ballot, beginning with the number "101," and shall designate each bond measure with the title, "Major Public Energy Project Bond Measure" to distinguish it from other major public energy project bond measures and from other types of state measures. Such measure may be further designated on the ballot and in connection with the voters pamphlet arguments for and against the measure by any project name or number by which it is publicly known and identified.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-040, filed 5/25/82.]

**WAC 434-91-050 Ballot title.** Within seven days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the attorney general shall prepare and file with the secretary of state a ballot title for each major public energy project bond measure formulated as required by RCW 80.52.060.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-050, filed 5/25/82.]

**WAC 434-91-060 Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title.** The secretary of state shall furnish copies of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title promptly upon receipt to any individual who has submitted a written request for such notification.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-060, filed 5/25/82.]

**WAC 434-91-070 Actions to contest contents of the ballot title or summary of the final cost-effectiveness**

**study.** Any registered voter may appeal to the superior court of Thurston County to review the contents of the ballot title or the summary of the final cost-effectiveness study on a major public energy project bond measure up to ten days following the filing of such document with the secretary of state. Such appeals shall be conducted in the same manner as appeals of ballot titles on initiatives as provided in RCW 29.79.060.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-070, filed 5/25/82.]

**WAC 434-91-080 Certification of the request for a special election to the county auditors.** Within ten days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall certify the title of the measure and the ballot title to the county auditor in each county containing a portion of the public agency requesting the election.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-080, filed 5/25/82.]

**WAC 434-91-090 Recommendations for committees to draft statements for the voters pamphlet.** Any person who wishes to be appointed to serve on a committee to draft the arguments in favor of or in opposition to a major public energy project bond measure or any person who wishes to recommend any individual to serve on such a committee may submit such request or recommendation in writing to the secretary of state up to ten days following the receipt of a request to hold a special election pursuant to WAC 434-91-030.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-090, filed 5/25/82.]

**WAC 434-91-100 Appointment of committees.** Within fifteen days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall appoint a committee of three persons to write the arguments and rebuttals in favor of the major public energy project bond measure and a committee of three persons to write the arguments and rebuttals in opposition to the major public energy project bond measure. The secretary of state shall designate one of the members of each committee to serve as the chairperson of that committee.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-100, filed 5/25/82.]

**WAC 434-91-110 Advisory committees.** The persons appointed to a committee to write arguments and rebuttals on a major public energy project may, within fifteen days of their appointment, select an advisory committee of up to five persons to assist them in drafting the arguments and rebuttals on that measure. The names of the members of the advisory committee shall be certified to the secretary of state by the chairperson of that committee within three days of their selection.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-110, filed 5/25/82.]

**WAC 434-91-120 Submission of arguments and rebuttals.** At least sixty days prior to the special election on the major public energy project bond measure, each committee appointed pursuant to WAC 434-91-100 shall submit an argument for or against that measure to the secretary of state in the form and style prescribed for other voters pamphlet statements in WAC 434-81-060 through 434-81-070. As soon as both arguments on a major public energy bond measure have been received, the secretary of state shall transmit each argument to the opposing committee. At least fifty days prior to the special election on the major public energy project bond measure, each committee shall submit a rebuttal of the opposing argument in the form and style prescribed for other voters pamphlet rebuttals in WAC 434-81-060 through 434-81-070.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-120, filed 5/25/82.]

**WAC 434-91-130 Permissible costs in allocation of election expenses.** County auditors may include in the election costs to be allocated pursuant to RCW 29.04.047 [29.13.047] any of the following types of charges:

- (1) Salaries, wages, and benefits for precinct officers and part-time or temporary employees whose responsibilities are directly attributable to the election, and for that portion of the time of regular employees (other than the county auditor) which is directly attributable the election;
- (2) Supplies specifically required for the election, including stationery, forms, other office supplies, and items for the repair and maintenance of equipment;
- (3) Telephone and postage costs which are directly attributable to the election;
- (4) Cartage or freight charges for moving or delivering voting machines, voting devices, voting booths, or delivery of precinct supplies and travel expenses for delivery of precinct returns;
- (5) Legal notices and published instructions in connection with the election, closing of registration, or canvassing;
- (6) Printing of ballots, poll books, tally books, instructions, signs, and other precinct supplies;
- (7) Repairs and maintenance of voting and vote tallying equipment;
- (8) Rentals for polling places and storage facilities for voting machines or devices;
- (10) Depreciation for voting equipment so long as such charges over the useful life of such equipment do not exceed the original value of the equipment;
- (11) That portion of the overhead cost of buildings or office space which is equal to the total of such costs multiplied by the ratio of the number of employee hours directly attributable to the major public energy project bond measure and the total number of employee hours for that office;
- (12) Data processing costs for programming related to the election and for machine time for program testing, and vote tallying.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-130, filed 5/25/82.]

**WAC 434-91-140 Allocation of costs.** The portion of total election costs in each county which shall be allocated to the public agency requesting a special election pursuant to

RCW 80.52.040 shall be equal to the total cost of conducting that election multiplied by a quotient the numerator of which is the product of the number of registered voters in that county eligible to vote on the major public energy project bond measure or measures and the number of such measures submitted at that election and the denominator of which is the sum of the products of the number of registered voters in each jurisdiction for which candidates or measures appeared on the ballot at that election and the number of offices or issues attributable to that jurisdiction.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-140, filed 5/25/82.]

**WAC 434-91-150 Documentation of charges for proportional share of election costs.** The county auditor of each county in which a major public energy project bond measure appeared on the ballot shall submit to the secretary of state a summary of the total cost of the election in that county, a description of the allocation of that cost among the jurisdiction participating in that election and an invoice voucher for the proportional share of those costs attributable to the major public energy bond measure or measures. The secretary of state shall review and audit all such claims and combine them into one or more billings for the public agency which requested the election.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-150, filed 5/25/82.]

**WAC 434-91-160 Proportional costs of voters pamphlet and other costs to the secretary of state.** The secretary of state may include in the election costs to be allocated pursuant to RCW 80.52.050(5) any of the following types of charges:

- (1) That portion of the salaries, wages, and benefits for regular employees (other than the secretary of state) and part-time or temporary employees which is directly attributable to the preparation and distribution of the voters pamphlet or other aspects of the administration and conduct of the major public energy project bond election;
- (2) That portion of the cost of office supplies, equipment, telephones, postage, freight, travel, and data processing which is equal to the total of such costs multiplied by the ratio of the number of employee hours of the employees of the administrative division and the elections division of the office of the secretary of state directly attributable to the major public energy project bond measure and the total number of employee hours for such employees over the same period of time;
- (3) That portion of the costs of typesetting, composition, printing, postage, and distribution of the voters pamphlet which is equal to the total of such costs multiplied by the ratio of the number of pages of the pamphlet directly attributable to the major public energy project bond measure and the total number of pages in the pamphlet; and
- (4) The costs of any litigation related to the administration and conduct of a special election on a major public energy project bond measure other than for such actions which have been commenced prior to July 1, 1982.

The secretary of state shall include a detailed summary of any costs attributable to the major public energy project

bond measure in one or more of the billings for the public agency which requested the election.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-160, filed 5/25/82.]

**WAC 434-91-170 Reimbursement to counties for proportional share of election costs.** Upon receipt of payment by the applicant, the secretary of state shall disburse the appropriate amounts to each county in the same manner as election costs are reimbursed pursuant to RCW 29.13.047.

[Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-170, filed 5/25/82.]

### Chapter 434-110 WAC CORPORATION FILING PROCEDURES AND SPECIAL FEES

#### WAC

434-110-010	Purpose.
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434-110-120	Initial and annual reports—Form of content.
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434-110-140	Inactive profit domestic corporations—Proof.

**WAC 434-110-010 Purpose.** These rules establish procedures and fee schedules for filings, for expedited and telephone services, and for access to public records in the corporations division of the office of the secretary of state. These rules are adopted pursuant to Titles 23, 23B, 24, and 46 RCW, and chapters 19.77 and 43.07 RCW.

[Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-010, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-010, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-020 Office address.** (1) The mailing address is: Corporations Division, Office of the Secretary of State, Post Office Box 40234, Olympia, Washington 98504-0234.

(2) The offices of the corporations division are located on the second floor of the Republic Building at 505 E. Union Avenue, Olympia, Washington.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-020, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-030 Office hours.** (1) Business office hours are from 8:00 a.m. to 5:00 p.m. daily, Monday through Friday. Walk-in, counter services are available for an expedited fee specified in WAC 434-110-060. Emergency counter service at other times is available under terms of WAC 434-110-060 (5)(b).

(2) Documents, including substitute service-of-process on the secretary of state, delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-030, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-040 Telephone services.** (1) The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on active corporations and on filing a new corporation immediately available at this number includes the following:

- (a) Exact name of corporation on file in the secretary of state's records;
- (b) Whether the corporation is for profit or nonprofit;
- (c) Unified business identifier (UBI) number;
- (d) Expiration date of corporate license;
- (e) Whether the corporation is designated a public benefits corporation;
- (f) Name of registered agent;
- (g) Registered office address;
- (h) Incorporation date of Washington firm;
- (i) Qualification to-do-business-in-Washington date for foreign corporation;
- (j) Filing date of most recent annual report;
- (k) Status of corporation;
- (m) Requirements for renewal or filing annual reports;

and

- (n) Filing requirements for new corporations.

Customers may also request that forms be mailed to them by using the menu system.

(2) When customers request information requiring a file search, such as names of the board of directors and officers, the information officer will provide the information by return call.

(3) A customer may request a copy of the most recent annual report including a list of officers and directors by calling the annual report line on (360) 753-7115. While there is no copy fee for these telephone requests, the sum of four dollars to cover postage and handling should be mailed to the Corporations Division, Office of Secretary of State, P.O. Box 40234, Olympia, WA 98504-0234.

(4) Name reservations cannot be made by telephone. An information operator will respond to a name search request with a review of the existing computer data base only.

(5) The telephone number for information about charitable trusts or charitable organizations is (360) 753-7118. Persons calling within Washington may call 1-800-332-GIVE (1-800-332-4483).

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-040, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-050 Mail-in service.** (1) Expedited services for mail-in requests are currently not available.



(2) All mailed-in documents are processed and filed in order of date of receipt unless incomplete or incorrect. At the customer's request, a staff member will call (collect) to confirm the filing date of a document. A specific filing date may be reserved for up to thirty days in advance. The necessary documents, in appropriate format with correct fees, must be in the office by the specified date. Requests for information in a nonactive or archived file, will be processed on a time-available basis.

(3) Requests for name searches coupled with a name reservation are completed in order of date received. A name reservation may be made by completing the form provided by the corporations division or in a letter clearly containing all the following information:

- (a) The corporate name desired, with two alternate names;
- (b) The name, address, and telephone number of the applicant;
- (c) The signature of the applicant; and
- (d) The application date.

An application on behalf of a client should also include the client's name and complete address.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-050, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-060 In-person or expedited counter service—Special fees.** (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 5:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying or status certificates;
- (e) Status change filings; and
- (f) Trademark filings.

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

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

- (a) Registered agent or address change;
- (b) Initial reports;
- (c) License renewal and required annual report;
- (d) Amended annual reports;
- (e) Reinstatements;
- (f) In-person inspection or review of corporation files or other public documents located in the corporations division office;
- (g) Documents left at the counter for processing with mail-in documents received the same day; or
- (h) A search for nonactive corporations less than twenty years old or trademark files less than six years old.

A request for search of nonactive corporation files more than twenty years old or trademark files more than six years old should be made directly to the archives division of the office of the secretary of state.

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

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

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

[Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-060, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-060, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-070 Fees.** (1) For Washington registered profit domestic and foreign corporations fees are as follows:

(a) Articles of amendment, restatement, correction, or revocation of dissolution, thirty dollars;

(b) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the statutory fee of fifty dollars and the department of licensing handling fee of nine dollars.

(c) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;

(d) Articles of merger or exchange, twenty-dollars for each listed company;

(e) Resignation of registered agent, twenty dollars;

(f) Resignation of officer or director, an initial report or amended annual report, and the appointment or change of registered agent or change of registered address, ten dollars;

(g) Registration, reservation, or transfer of name, thirty dollars;

(h) Articles of dissolution, certificate of withdrawal, dissolution by judicial decree, or revocation of certificate of authority by either failure to renew or judicial decree, no fee;

(i) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and

(j) Other statement or report filed, ten dollars.

(2) For Washington registered domestic and foreign nonprofit corporations, nonprofit miscellaneous and mutual corporations, and building corporations fees, when applicable, are as follows:

(a) Articles of amendment, restatement, or correction, twenty dollars;

(b) Articles of dissolution or certificate of withdrawal, no fee;

(c) Revocation of dissolution, twenty dollars;

(d) Reinstatement following administrative dissolution, thirty dollars plus all delinquent annual fees and a five dollar penalty;

(e) Articles of merger or exchange, twenty dollars for each listed corporation;

(f) Resignation of officer or director, an initial report or amended annual report, the appointment or change of registered agent, or change of registered address, ten dollars;

(g) Resignation of registered agent, twenty dollars;

(h) Registration, reservation, or transfer of reservation of name, twenty dollars;

(i) Certificate of election adopting provisions of chapter 24.03 RCW as described in RCW 24.03.017, thirty dollars; and

(j) Other statement or report filed, ten dollars.

(3) For registering trademarks for use within the state, the fees are as follows:

(a) For a six-year registration or renewal, fifty dollars;

(b) For recording the assignment of a trademark and its registration or application for registration, ten dollars;

(c) For a new certificate with the name of the new assignee, five dollars;

(d) For reservation of a trademark for one hundred eighty days, thirty dollars;

(e) Cancellation of trademark, no fee; and

(f) Other statement or report filed, ten dollars.

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

[Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-070, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-070, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-075 Miscellaneous fees.** (1) For photocopies, fees are as follows:

(a) Each annual report, five dollars;

(b) Application for registration or any single document, ten dollars;

(c) Application and amended notices, twenty dollars;

(d) Copy of annual notice, five dollars;

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

(2) For certificates of existence fees are as follows:

(a) With complete historical data, under embossed seal, thirty dollars;

(b) Computer generated, under embossed seal, twenty dollars;

(c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(3) For verifying the signature of a notary or public official for an apostille or certification authenticating a sworn document, the fee is ten dollars in addition to the fee for the apostille or certificate under RCW 43.07.120 (1)(b).

(4) For each certified copy of any document the fee is ten dollars plus a ten-dollar copy fee per document.

(5) For any service of process the fee is fifty dollars.

(6) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five-dollar penalty, payable to the secretary of state.

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

[Statutory Authority: RCW 43.07.120. 95-16-130, § 434-110-075, filed 8/2/95, effective 9/2/95. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-075, filed 9/8/94, effective 10/9/94. Statutory Authority: Chapters 34.05 and 43.07 RCW, Titles b, 24 and 46 RCW and 1993 c 269. 94-01-074, § 434-110-075, filed 12/9/93, effective 1/10/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-075, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-080 Fee prepayment—When required.** (1) All fees must be prepaid before the corporations division can take action.

(2) Anyone desiring a service for which the exact fee may not be known in advance may send a request accompanied by a check made payable to the "secretary of state," with the phrase "not to exceed (specified dollar amount)" above the space intended for the written dollar amount. The staff person who processes the request will fill in the exact fee amount and include a memo indicating the exact amount of the check with the certificate or other document.

(3) The annual report copy fee may be waived for requests made on the annual-report-telephone-line, (360) 753-7115. A billing of four dollars for postage and handling will accompany the report.

(4) With permission of the secretary, a customer may set up a prepaid account by depositing a specified sum of money with the fiscal office. The customer will receive a statement each month showing its transactions and the balance in the account.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-080, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-090 Original signature requirement—Original retained.** The corporations division will retain the original document when a profit or non-profit organization submits for filing an original document with original signature and an exact or conformed copy. If the organization provides only the original copy, the division may charge a photocopy fee to make an exact copy. The copy returned to the organization will be date stamped on the day it was processed and filed.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-090, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-100 Registered office address—Requirements.** A post office box address may be used in conjunction with a registered geographic office address when:

(1) The United States Postal Service cannot or will not deliver to the street address; and

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

(3) The agent notifies the office of the secretary of state and the corporation of any changes in either the street address or the post office box address.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-100, filed 10/1/93, effective 11/1/93.]

#### **WAC 434-110-120 Initial and annual reports—**

**Form of content.** (1) Any corporation filing under the Washington Business Corporations Act shall file its initial (annual) report on the form provided by the secretary of state or shall clearly and concisely provide the information topically sectioned exactly in the following manner:

(a) Section 1. Corporate name and registered agent and office address currently on file with the corporations division, the unified business identification number, corporations account number, state of incorporation, and original date filed in Washington;

(b) Section 2. If there has been a change in registered agent or registered office address include the effective date and the new agent's signature signifying acceptance of the appointment or the new address;

(c) Section 3. Address of principal place of business in Washington or, if a foreign corporation, the principal office address in state of original incorporation, the corporation telephone number, and a brief statement of nature of business;

(d) Section 4. A list of names and addresses of all corporate officers and directors; and

(e) Section 5. Signature of either the chair or president of the board of directors or an officer listed within the report.

(2) All profit and nonprofit corporations shall file their annual reports on the form prescribed by the secretary of state or clearly and concisely topically sectioned exactly in the following manner:

(a) Section 1. Corporate name and registered agent and office address currently on file with the corporations division, the unified business identification number, corporations account number, state of incorporation and original date filed in Washington;

(b) Section 2. If there has been a change in registered agent or registered office address include the effective date and the new agent's signature signifying acceptance of the appointment or the new address;

(c) Section 3. A list of names and addresses of all corporate officers and directors; and

(d) Section 4. The signature of either the chair or president of the board of directors or an officer listed within the report.

All annual reports must be accompanied by the statutory fee in RCW 23B.01.530 or 24.03.450 (1)(b).

[Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-120, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-120, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-130 Annual reports—Due date for all nonprofit corporations.** Beginning in January 1994, and for every year thereafter, each nonprofit corporation shall file its annual report on the last day of the month of its original registration as a corporation. The fee paid to file the 1993 annual report or for filing new articles of incorporation in 1993 shall be sufficient to maintain an organization's good standing until its 1994 renewal date comes due. The corporations division shall notify all nonprofit corporations of this change in renewal dates by mail sent on December 15, 1993. Thereafter, beginning in January of 1994, the division shall notify each nonprofit corporation of its annual renewal date forty-five days in advance by a mailing that includes the annual report form. Failure to receive an annual report notice is insufficient reason for failing to file the statutorily required annual report.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-130, filed 10/1/93, effective 11/1/93.]

**WAC 434-110-140 Inactive profit domestic corporations—Proof.** (1) Any corporation wishing to claim inactive status as described in RCW 23B.01.530 shall file a statement with the corporations division by the annual license renewal date. The statement shall include the following information: (a) That the corporation has not received any revenue and had not been doing business during the preceding licensed year; and (b) That the corporation has no intent of engaging in business during the coming license year. If the status changes during the license year, the corporation shall notify the corporations division immediately and pay the full annual license fee.

(2) A corporation claiming this statutory exemption to the full annual license fee shall file an annual report concurrently with the statement described in subsection (1) of this section and with the annual reduced license fee. Failure to file the reason for exemption statement, annual report, and fee shall result in administrative dissolution.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-140, filed 10/1/93, effective 11/1/93.]

### **Chapter 434-120 WAC**

#### **CHARITABLE SOLICITATION ORGANIZATIONS AND CHARITABLE TRUSTS**

##### **WAC**

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## SECTION I

## GENERAL PROVISIONS AND DEFINITIONS

**WAC 434-120-010 Authority and purpose.** These rules are adopted under authority of chapter 19.09 RCW, the Charitable Solicitations Act, hereafter referred to as "the Solicitations Act," chapter 11.110 RCW, the Charitable Trust Act, hereafter referred to as "the Trust Act," and chapter 43.07 RCW to provide for the efficient administration of these acts.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-010, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-010.]

**WAC 434-120-015 Official address and telephone number.** (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, 505 Union S.E., Second Floor, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each charitable organization or commercial fund raiser file.

(3) The telephone number is (360) 753-7118 or (360) 753-7120. The toll free number in Washington is 1-800-332-GIVE (1-800-332-4483).

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-015, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-012 and 434-19-013.]

**WAC 434-120-020 Office hours.** Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. Over-the-counter service is available to provide same day service for individual requests brought in before 4:30 p.m. (see WAC 434-110-060) and telephone service is available from 8:00 a.m. to 5:00 p.m.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-020, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-014.]

**WAC 434-120-025 Definitions.** (1) "Charitable organization" means any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable activity, but does not include any commercial fund-raiser or commercial fund-raising entity as defined in this section. "Charitable":

(a) Is not limited to its common law meaning unless the context clearly requires a narrower meaning;

(b) Does not include religious or political activities; and

(c) Includes, but is not limited to, educational, recreational, social, patriotic, legal defense, benevolent, and health causes.

(2) "Charitable trust" means any real or personal property right held by an entity or person that is intended to be used for a charitable purpose(s). The trust may be created by will, deed, articles of incorporation, or other governing instrument. It may be express or constructive.

(3) "Compensation," means salaries, wages, fees, commissions, or any other remuneration or valuable consideration. Compensation shall not include reimbursement for expenses incurred and documented or noncash awards or prizes, valued at one hundred dollars or less, given annually to each volunteer.

(4) "Revenue" means all proceeds from charitable solicitations or from similar activities which would be charitable solicitations except that they are exempt from chapter 19.09 RCW by virtue of being regulated by the gambling commission.

(5) "Solicitation," means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made that implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization; or

(d) The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

(6) "Solicitation," as defined in RCW 19.09.020(15), for the purposes of these regulations, shall not include any of the following:

(a) An application or request for application for a grant, contract, or similar funding from any foundation, corpora-

tion, governmental agency or similar entity which has an established application and review procedure for reviewing such requests;

(b) The attempt to sell a service or good which constitutes the basis of the charitable organization's activities under which the federal income tax exemption was granted, or is the primary purpose for the existence of the charitable organization. This includes, but is not limited to, admission to a theatrical or other performance presented by a charitable organization that is a drama, musical, dance, or similar group and fees for services such as a hospital provides or use of the charitable organization's facilities; or

(c) Bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission.

(7) "Cost of solicitation" means and includes all direct and indirect costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation. Cost of solicitation does not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as part of its fund-raising activities.

(8) "Commercial fund-raiser" or "commercial fund-raising entity" means any entity that for compensation or other consideration within this state directly or indirectly solicits, receives or raises contributions for or on behalf of any charitable organization or charitable purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting or receiving contributions for such purposes. However, the following shall not be deemed a "commercial fund-raiser" or "commercial fund-raising entity":

(a) Any entity that provides fund-raising advice or consultation to a charitable organization within this state but neither directly nor indirectly solicits or receives or raises any contribution for or on behalf of any such charitable organization; or

(b) A bona fide officer or other employee of a charitable organization.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-025, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-025, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-020.]

**WAC 434-120-030 Public records.** Except as provided by RCW 42.17.310, all public records of the corporations division, which includes the charitable organization registration and charitable trust section, are available for public inspection and copying pursuant to rules of procedures in chapter 434-120 WAC and WAC 434-110-075. Registrations of trusts with several or mixed purposes shall not be made public under RCW 11.110.040 and 11.110.075.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-030, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-015.]

## SECTION II CHARITABLE ORGANIZATION REGISTRATION REQUIREMENTS

**WAC 434-120-100 Who shall register.** (1) Any entity that will conduct a charitable solicitation or solicit funds from the general public for charitable purposes shall register with the corporations division under the solicitations act.

(2) Entities exempt from registration are the following:

(a) Any entity that provides fund-raising advice or consultation to a charitable organization within this state but neither directly nor indirectly solicits or receives any contribution for or on behalf of any such charitable organization;

(b) Any entity whose sole purpose is religious or political;

(c) Any entity who raises less than twenty-five thousand dollars in revenue in any accounting year, all of whose activities including fund-raising are conducted by volunteers, and whose officers or members do not receive assets of or benefits from the organization;

(d) A bona fide officer or other employee of the charitable organization for which the funds are solicited; and

(e) Charitable organizations located outside of the state of Washington that meet the statutory requirements under RCW 19.09.076(2).

(3) Any entity exempt from registration by these regulations soliciting or conducting a solicitation shall comply with the conditions for solicitations as described in RCW 19.09.100.

(4) Interpretive note: The secretary of state does not interpret RCW 19.09.065 as requiring a registration by an employee of an educational institution who, as part of his or her employment with the institution, solicits contributions on behalf of a nonprofit charitable foundation affiliated with that institution, if the foundation is registered and the educational institution is either:

(a) A public school, college, or university operated by the state of Washington, one of its school districts, or a comparable public institution of another state or nation; or

(b) A private entity that is nonprofit and charitable, having a program of primary, secondary, or collegiate instruction comparable in scope to that of any public school or college operated by the state of Washington or any of its school districts.

[Statutory Authority: RCW 19.09.315 and 19.09.075. 96-10-021, § 434-120-100, filed 4/24/96, effective 5/25/96. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-100, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-103 Required filings.** (1) A charitable organization complies with the filing and registration requirements of this chapter by filing the following documents with the secretary of state at the times, and in the manner, prescribed by these rules:

(a) Uniform Registration Statement - Charitable/Public Benefit Form. This form is used as an original registration form, as well as a periodic renewal form. The purpose of this report is to provide basic information about the organization, as described in RCW 19.09.075; and

(b) Solicitation report. This form is filed periodically by all charitable organizations, except those exempted by these rules. The purpose of this report is to provide information regarding solicitations conducted during the reporting period, of an informational nature to the public. Solicitation reports are filed as part of a periodic renewal, and as provided by WAC 434-120-105(4) for newly registered organizations; and

(c) All contracts between the commercial fund-raiser and all charitable organizations for which it solicits, as provided by WAC 434-120-240.

(2) The financial statement required by WAC 434-120-130 does not need to be filed with the office of the secretary of state. The purpose of this statement is to verify and support the information filed in the solicitation report. This statement must be available upon request as provided in this chapter.

(3) This section is intended to be explanatory of other rules in this chapter, and not to modify or diminish the requirements of those rules.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-103, filed 5/24/95, effective 6/24/95.]

**WAC 434-120-105 Form.** Charitable organizations registering under this act shall use the combined charitable organization, charitable trust, and public benefit form available in the office of the corporations division or shall provide, by letter, the required information organized and topically sectioned in exactly the following manner:

(1) Section I. The name, address, and telephone number of the charitable organization; and the name under which the organization will solicit contributions.

(2) Section II. The name, address, and telephone number of the corporate officers, directors of the board, or persons accepting responsibility for the organization; and the names of the three officers, directors, or employees who receive the greatest amount of compensation from the organization. If this is a consolidated registration, then list the names of the three officers or employees of the parent organization.

(3) Section III. The purpose of the charitable organization; the names and addresses of beneficiaries or the selected group of persons or activities which the charitable organization supports; and to whom assets would be given in the event of dissolution.

(4) Section IV. Whether or not the organization has a federal income tax exempt status, and, if so, the basis. Attach a copy of the letter or other written proof of the status declaration if granted under 26 U.S.C. 501 (c)(3) by the Internal Revenue Service. Include the name, address, and telephone number of the entity that prepares, compiles, reviews, or audits the financial statement of the charitable organization.

(5) Section V. A financial statement in the form of a solicitation report, which includes the following information:

(a) From a newly formed entity that has not completed its first accounting year, the annual budget expenditures approved by the board of directors or other responsible person(s), which must clearly identify the reported figures as budget estimates not based upon actual funds expended; or,

from an entity that has completed one or more accounting years but has not previously registered under this act, its actual expenditures from the preceding fiscal year, and its proposed budget for the coming fiscal year; and

(i) The number and types of solicitations planned; and  
(ii) From the existing entity, total revenue for the preceding year and the amount that was used for the charitable purpose;

In addition, seven months after registration all newly formed entities shall file a six month report containing actual budget figures.

(b) From charitable organizations registering for the second or more years, the following information from the preceding fiscal year:

(i) The number and types of solicitations conducted;  
(ii) The total dollar value of gross revenue received from solicitations conducted by or on behalf of the organization and from all other sources (including revenue from activities regulated by the gambling commission) received, which must equal the total revenue of the organization;

(iii) A solicitation report that contains the gross revenue applied to charitable purposes, fund raising costs, and other expenses, which are figured in accordance with WAC 434-120-125, including the amount of any compensation allocated to charitable purposes and paid to a commercial fund raiser or other entity, who is not a bona fide employee, as defined in RCW 19.09.020(1), for fund raising services; and

(iv) The name, physical address, and telephone number of any commercial fund raiser used by the organization.

A parent organization may file a consolidated solicitation report when registering including the solicitation information required for each of its related foundations, supporting organizations, chapters, branches, or affiliates in the state of Washington. Alternatively, it may file a single combined solicitation report including funds raised by all such units of the parent organization and listing the individual names of all units who raised five thousand dollars or more in the preceding year.

(6) Section VI: A signed statement from the entity who prepares, compiles, reviews, or audits the financial statement who is listed under the requirement of WAC 434-120-105(4), attesting that the figures of the solicitation report are consistent with the organization's annual financial statement; and a written list of the copies of any annual or periodic reports on file that were made by the charitable organization and its subsidiaries, or affiliates, if any, which substantiate the figures; and

(7) An irrevocable appointment of the secretary to receive service of process in non-criminal proceedings.

All charitable solicitation organization registrations shall be signed by the president, treasurer, or comparable officer of the organization or, in the absence of officers, person responsible for the organization, whose signature shall be notarized.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-105, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-115 Treatment of appropriated funds.** A government subdivision or publicly supported educational facility that is also a charitable organization shall report government appropriated funds only to the extent such

funds are directly expended to support fund raising efforts or to defray costs of administering the organization's fund raising programs.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-115, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-125 Record retention.** Organizations shall keep, for a three-year period, the annual solicitation reports and the supporting documents including books, ledgers, prepared statements, compilations, reviews, or audit reports, or any other records on which they were based, making them available to the attorney general or county prosecutor on request.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-125, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-125, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-130 Auditing standards and requirements.** A charitable organization's solicitation report shall be signed by the following entities who attest that the figures are consistent with the annual financial statement:

(1) Those with a gross revenue of less than three hundred fifty thousand dollars a year, shall submit an annual solicitation report signed by the president and treasurer, or absent a board of directors and officers, two persons responsible for the organization, and the entity listed in the registration form as required by WAC 434-120-105(4) who prepared the financial statement or made the compilation, review, or audit report that supports the solicitation report; and

(2) Those having a gross revenue of more than three hundred fifty thousand dollars annually, shall submit an annual solicitation report signed by the president, treasurer, and the entity listed in the registration form according to WAC 434-120-105(4) who made the "audit report" of the solicitation report.

Upon the written request of the secretary, attorney general, or county prosecutor, an organization shall submit an audit report for the year requested within thirty working days from the date of request.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-130, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-135 Contributor lists.** All charitable organizations registered under this act shall keep records of all contributors to the organization for three years. If a commercial fund raiser manages a campaign for a charitable organization, either the commercial fund raiser or the charitable organization shall be the entity responsible for maintaining the contributor records for that campaign. These records shall include the names of the following contributors:

(1) Each contributing entity that collects individual donations from an employee or member group or a business, turning them over to the charitable organization as a single sum, such as the United Way;

(2) Each corporation that contributed; and

(3) Each individual who contributed more than twenty-five dollars.

The records must be retrievable and compilable for a period of three years and shall be turned over within ten

working days upon written request of the Attorney General or the county prosecutor, although the organization is not required to keep the names in a standard list format at all times.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-135, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-140 How and when.** (1) Original registration: An entity required to register as a charitable organization shall complete the form described in WAC 434-120-105 and submit it with the fee in WAC 434-120-145 prior to conducting any solicitation.

(2) Annual renewal:

(a) An entity shall renew its charitable registration by no later than the fifteenth day of the fifth month after the end of its fiscal year.

(b) The renewal shall include the same information required for registration as described in WAC 434-120-105 and RCW 19.09.075, except that a determination letter from the Internal Revenue Service need not be attached if it was previously filed. The solicitation report will be based on the most recent filing with the Internal Revenue Service or if the organization does not file with the Internal Revenue Service, the solicitation report will be based on the most recently completed fiscal year. No organization may submit the same fiscal information for two consecutive years.

(c) No change in an entity's fiscal year shall cause the due date of a renewal to be more than one year after the previous registration or renewal. For purposes of renewals that include financial information for a partial year, due to a change of fiscal year, threshold levels for registration and financial statement requirements shall be determined on a prorated basis.

(3) Change in status, notification: An organization shall notify the corporations division of a change in principal officer, owner, Washington representative, tax status, fiscal year, or any other information filed under RCW 19.09.075 or WAC 434-120-105, within thirty days after the change.

[Statutory Authority: RCW 19.09.315 and 19.09.075. 96-10-021, § 434-120-140, filed 4/24/96, effective 5/25/96. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-140, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-140, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-145 Fees.** (1) Original registration: Entities registering as charitable organizations shall pay a fee of twenty dollars for the first year of registration. The fee shall be waived for those who first register under this act at the same time as filing nonprofit incorporation papers.

(2) Annual reregistration: Organizations reregistering shall pay a fee of ten dollars. If reregistering at the same time as filing nonprofit corporation annual reports, the organization shall pay a combined fee of fifteen dollars. If an organization files renewals under the Nonprofit Corporation Act, the Charitable Solicitations Act, and the Charitable Trusts Act, the fee shall be thirty dollars for all three. The fee shall be thirty dollars if renewing under the Charitable Trusts Act, the Charitable Solicitations Act, the public benefits provision, and filing a nonprofit corporation annual report.

(3) Information changes: Organizations filing changes

of information described in WAC 434-120-220(3), shall pay a fee of ten dollars for each submittal of change(s).

(4) Photocopy fees: For copy of a charitable organization registration form or letter, including the finance and solicitation reports, the fee is five dollars.

(5) Expedited service fees: For in-person service at the counter, the fee is twenty dollars for one or more transactions in each charitable organization file requested.

[Statutory Authority: RCW 11.110.070 and 19.09.315, 95-11-135, § 434-120-145, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-145, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-155 Public benefit nonprofit corporation registration—Annual fee.** Any corporation filing under the Nonprofit Corporation Act and possessing an exemption under 26 U.S.C. Sec. 501 (c)(3), or is not required to apply for its tax exempt status, may register as a "public benefit nonprofit corporation" with the corporations division for a fee of ten dollars.

The corporation must reregister annually, pay a ten dollar fee, and retain its 26 U.S.C. Sec. 501 (c)(3) exemption or other tax exempt status. The annual fee shall be waived for organizations reregistering at the same time as filing nonprofit corporation annual reports, charitable organization, or charitable trust reregistration.

An organization registered under this section may list the designation, "public benefit nonprofit corporation," in all its literature and media materials.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-155, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-160 Penalty for late registration.** The corporations division will send notice of the time to renew the charitable solicitations registration when it mails notice of the annual report or license renewal due date. A charitable organization that fails to reregister at the time the corporation annual report or license renewal is due, shall pay a late penalty fee of twenty-five dollars when the reregistration is made, if made prior to administrative corporate dissolution. If the corporation has been administratively dissolved, it shall pay an additional fifty dollar penalty for each year, including the current year, it was not registered under this act for which it wishes to reinstate its corporation registration. A charitable organization not registered as a corporation shall be assessed a penalty of twenty-five dollars if registering within sixty-five days of the renewal date. Thereafter, the penalty fee shall be fifty dollars for each year, including the current year, it has failed to register. If the registration has lapsed for a period of more than two years, the entity shall register as a new charitable organization.

The penalty fees for late registration shall be in addition to any other remedies that may be imposed by law, including penalties for soliciting without being registered.

Under special circumstances the charitable organization may ask the Secretary of State to waive all penalty fees for late registration that are imposed by these regulations.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-160, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-170 Use of particular names in solicitations.** (1) In addition to registration under this act, any entity conducting a solicitation using the name police, sheriff, fire fighter, firemen, or similar name shall file with the corporations division, an original copy of the authorization to use the name in the solicitation. The authorization shall be signed by two officers or other persons responsible for carrying out the purpose of the bona fide department or organization that is giving its permission to use one of the above names. For the purposes of this section, "bona fide organization" shall mean a government department or agency of police, sheriffs, fire fighters, firemen, or similarly named government employer or an entity in which some or all of its members are employed by a government department or agency of police, sheriffs, fire fighters, firemen, or similar name.

(2) In addition to registration under this act, any entity conducting a solicitation using the name of a military veterans' service organization listed in the most current annual *Directory of Veterans Service Organizations* published by The Department of Veterans Affairs, Office of the Secretary, in Washington, D.C., shall file with the corporations division an original copy of the signed authorization to use the name in the solicitation. The signatory shall be the highest ranking official of the organization in the state who is listed in the "commanders list" maintained by the Washington department of veterans affairs.

(3) In addition to registration under this act, any entity using the name of a military veterans' service organization that is not affiliated with a national military veterans' service organization shall file with the corporations division an original copy of the authorization granting permission to use the name. The signatory shall be the service organization's highest ranking official in the state of Washington.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-170, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-175 Voluntary verification information.** Each organization registering under the act may submit additional information, not required by law, for its file if the information is intended to inform the public about its programs and activities and to verify its existence. The corporations division may place such information in the organization's file for a specified period of time. Persons coming into the office may read such information; however, no voluntary verification information shall be mailed out.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-175, filed 12/1/93, effective 1/1/94.]

### SECTION III COMMERCIAL FUND RAISER REGISTRATION REQUIREMENTS

**WAC 434-120-200 Required filings.** (1) A commercial fund-raiser complies with the filing and registration requirements of this chapter by filing the following documents with the secretary of state at the times, and in the manner, prescribed by these rules:

(a) Commercial fund-raiser registration form. This form is used as an original registration form, as well as an annual renewal form. The purpose of this report is to provide basic



information about the organization, as described in RCW 19.09.079;

(b) Solicitation report. These reports are filed periodically by all commercial fund-raisers, except those exempted by these rules. The purpose of these reports are to provide information regarding solicitations conducted during the reporting period, of an informational nature to the public. These reports must be filed in the time and manner specified in WAC 434-120-215;

(c) All surety bonds required by WAC 434-120-260; and

(d) All contracts between the commercial fund-raiser and all charitable organizations for which it solicits, as provided by WAC 434-120-240.

(2) The financial statement required by WAC 434-120-255 does not need to be filed with the office of the secretary of state. The purpose of this statement is to verify and support the information filed in the solicitation report. This statement must be available upon request as provided in this chapter.

(3) This section is intended to be explanatory of other rules in this chapter, and not to modify or diminish the requirements of those rules.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-200, filed 5/24/95, effective 6/24/95.]

**WAC 434-120-210 Who shall register.** (1) Every commercial fund raiser, as described in RCW 19.09.020(8), shall register each year.

(2) Entities exempt from registration shall include the following:

(a) Suppliers of goods and services, to charitable organizations for fund raising purposes, if they are not otherwise engaged in the business of charitable fund raising; or

(b) Retail establishments, not otherwise engaged in the business of charitable fund raising, in which the retail business promises to contribute a portion of the regular sales price of a product or service to a named charitable organization, when:

(i) The price of the product or service is no more than the price thirty days before and thirty days after the promotion;

(ii) There is a written agreement executed before the promotion begins that is signed by an officer of the charitable organization and the person in charge of the retail establishment. This agreement must include the retail establishment's contribution to the organization as a result of this promotion and the charitable organization's permission to use its name. It must be filed with the corporations division by the party specified in the contract and each party must have a copy on file;

(iii) The retail establishment has a financial statement of the fund raising campaign on file, which, upon the attorney general's written request, it can produce within ten working days; and

(iv) The retail establishment complies with the requirements of RCW 19.09.100, which control the conditions of solicitations.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-210, filed 12/1/93, effective 1/1/94.]

(1997 Ed.)

**WAC 434-120-215 Form.** Commercial fund-raisers registering under this act shall use the commercial fund-raiser registration form available from the corporations division. The secretary's acceptance of a registration or other filing which violates these rules or chapter 19.09 RCW shall not excuse the violation. A registration form is not complete, and will not be accepted for filing, unless it includes:

(a) The organization's name, physical and mailing address, and telephone number of the commercial fund-raising entity and all names and addresses including without limitation all public or private postal box addresses under which contributions are solicited.

(b) The name(s); address(es); and telephone number(s); of the individual(s); responsible for the activities of the entity in Washington; and a list of the states and Canadian provinces in which the entity has solicited funds;

(2) The name(s), address(es), and telephone number(s) of the owner(s) and principal officer(s) of the commercial fund-raising entity; and the names of the three officers or employees receiving the greatest amount of compensation from the organization;

(3) The name and address of the entity that prepares, reviews, or audits the financial statement;

(4)(a) For an entity that has never before registered under the Solicitations Act, a solicitation report based on the aggregate financial fund-raising conducted in other states or, if an accounting year has not been completed in any state, a solicitation report filed by the end of the fourth operating month which reports actual financial information regarding the organization's first three months of operations in Washington, a three-month report containing actual financial information.

(b) For those who have previously conducted solicitations in Washington state, a solicitation report based on the previous accounting year. The report shall contain the following information:

(i) The number and types of fund-raising services conducted;

(ii) The name of each charitable organization to whom this entity has provided fund-raising services;

(iii) The total value of contributions received on behalf of each charitable organizations by or as response to the commercial fund-raiser, its affiliate or another entity retained by the commercial fund-raiser;

(iv) The actual amounts of money raised for each charitable organization after the fund-raising costs paid by each charitable organization has been deducted in accordance with the written agreement made prior to the solicitation;

(v) The name, address, and telephone number of any other commercial fund-raiser retained in the conduct of providing fund-raising services;

(5)(a) For funds that were raised and paid on a net revenue basis to each contracting organization or for each campaign in which the charitable organization paid any portion of the expenses, a solicitation report consistent with the audited annual financial statement signed by the entity who is listed as required by subsection (3) of this regulation; or

(b) For funds that were raised and paid on a percentage of gross revenue basis, a solicitation report, which shows the total revenue from each campaign conducted for each

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individual organization and the amount received by each charitable organization. This report must be verified and signed by the entity, who is required to be listed in subsection (3) of this section, and the president or treasurer of the charitable organization for which the funds were raised. The fund-raiser shall submit individual solicitation reports for each campaign.

(6) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings.

All commercial fund-raiser registrations shall be signed by an officer or owner of the commercial fund-raiser.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-215, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004 and 94-02-011, § 434-120-215, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94.]

**WAC 434-120-218 Solicitation reports by commercial fund-raisers who subcontract.** (1) A commercial fund-raiser who engages another registered commercial fund-raiser to solicit funds or conduct a solicitation on behalf of a charitable organization is responsible for reporting and shall include the total contributions and the total expenses related to that campaign in its solicitations report and financial statement.

(2) If a reporting commercial fund-raiser's contributions and expenses for a campaign are also included in another commercial fund-raiser's solicitations report, the reporting fund-raiser shall list in its report the name of that fund-raiser, the name of the charitable organization, the dates of the campaign, and the total contributions and expenses for which it was responsible.

(3) Regardless of whether a commercial fund-raiser which acts as a contractor reports the contributions and expenses of its subcontractor(s), each subcontracting commercial fund-raiser, must independently register, post bond, report its own contributions and expenses, and comply with all other provisions of these rules and chapter 19.09 RCW as they apply to commercial fund-raisers.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-218, filed 5/24/95, effective 6/24/95.]

**WAC 434-120-220 Change in status, notification.** A commercial fund raiser shall do the following:

(1) Notify the corporations division of a change in principal officer, owner, or Washington representative within thirty days after the change.

(2) Notify the corporations division of a change in business structure within thirty days, register the restructured or newly named entity as a new commercial fund raiser and include evidence of separate bonding.

(3) Notify the corporations division of a change in business name within thirty days, register the new name, and include evidence of bonding in the new name. If the fund raiser will use both the existing name and the new name, include evidence of separate bonding for each name and include a fee of ten dollars.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-220, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-225 Annual reregistration.** (1) Each commercial fund-raiser shall reregister annually by no later than the fifteenth day of the fifth month after the end of its fiscal year.

(2) A fund-raiser that changes its fiscal year shall notify the secretary of state of the change, in writing, within thirty days of making the change. No change in a fund-raiser's fiscal year shall cause the due date of a renewal to be more than one year after the previous registration or renewal. For purposes of renewals that include financial information for a partial year, due to a change of fiscal year, threshold levels for financial statement requirements shall be determined on a prorated basis.

[Statutory Authority: RCW 19.09.315 and 19.09.075. 96-10-021, § 434-120-225, filed 4/24/96, effective 5/25/96. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-225, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-240 Contract between a commercial organization and a charitable organization.** A commercial fund raiser and charitable organization entering into a contract shall register the contract by completing the corporations division contract registration form and attaching a copy of the written contract. It shall be filed before the commencement of the campaign. There is a ten dollar fee for filing the copy of the contract in the corporations division. Both the contract and registration form shall be signed by the commercial fund raiser owner or principal and the charitable organization president, treasurer, or comparable officer. In addition to the statutory requirements of RCW 19.09.097, the terms of the contract shall include who will maintain the donor list. The commercial fund raiser shall be responsible for filing the contract.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-240, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-250 Fees.** All commercial fund raisers shall pay an original registration fee at the time of filing and a yearly reregistration fee.

(1) The fee for original registration in this state is two hundred fifty dollars.

(2) The annual renewal fee is one hundred seventy-five dollars.

(3) The fee for filing changes in any information previously filed under RCW 19.09.075, 19.09.079, and WAC 434-120-215 or for filing a contract is ten dollars.

(4) The penalty is fifty dollars for failing to reregister within sixty days of the due date. Beginning on the sixty-sixth day or following administrative dissolution of the corporation, whichever is later, the commercial fund raiser shall pay an additional penalty of one hundred dollars for each unregistered year for up to two years or shall register as a new entity. These penalties are cumulative.

Any commercial fund raiser failing to reregister and conducting business may be subject to other penalties and remedies, which may be cumulative and not exclusive and be imposed by law.

(5) The fee for expedited in-person service is twenty dollars for any and all transactions within one commercial fund raiser file.

(6) The photocopy fee is ten dollars for copies of the annual registration form or letter.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-250, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-255 Auditing standards.** Each commercial fund raiser shall make one or more annual solicitation reports for each campaign conducted or in which it participated, whether engaged by another commercial fund raiser or by a charitable organization to solicit or conduct a solicitation. Each solicitation report shall be signed by the entity listed under WAC 434-120-215(3), who attests that the figures are consistent with the annual financial statement:

(1) Those whose solicitations or offers to solicit result in less than three hundred fifty thousand dollars from all contributions made on behalf of charitable organizations in Washington shall have on file for three years the complete compilation, review, or audit report of the financial statement that was filed in the form of a solicitations report and signed by the entity named as required by WAC 434-120-215(3).

(2) Those whose solicitations and offers to solicit result in more than three hundred fifty thousand dollars from all contributions made on behalf of charitable organizations in the state of Washington shall have on file an audit report of the financial statement that was filed in the form of a solicitation report and signed by the entity named as required by WAC 434-120-215(3).

(3)(a) A commercial fund raiser who engages another commercial fund raiser to solicit funds or conduct a solicitation on behalf of a charitable organization is responsible for and shall include the total contributions and the total expenses related to that campaign in its solicitations report of that campaign.

(b) If a reporting commercial fund raiser's contributions and expenses for a campaign are included in another commercial fund raiser's solicitations report, the reporting fund raiser shall list in its report the name of that fund raiser, the name of the charitable organization, the dates of the campaign, and the total contributions and expenses for which it was responsible.

The annual financial statement in the form of a solicitation report, as verified in accordance with the auditing standards, shall be filed with the application required in WAC 434-124-215.

(4) Upon written demand by the secretary, the attorney general, or the county prosecutor, a commercial fund raiser shall submit an audit report for the year requested within thirty working days.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004 and 94-02-011, § 434-120-255, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94.]

**WAC 434-120-260 Surety bonds.** (1) In compliance with RCW 19.09.190 a registering commercial fund-raiser, as principal, shall submit proof of execution of a surety bond with one or more sureties whose liability in the aggregate will equal at least fifteen thousand dollars. Except as provided in WAC 434-120-265, commercial fund-raisers must provide proof of bonding in the following year if the commercial fund-raiser engages, or plans to engage, in one

or more of the following practices:

(a) The fund-raiser directly or indirectly receives contributions from the public on behalf of any charitable organization; or

(b) The fund-raiser is compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any similar method, even if the fund-raiser does not directly or indirectly receive the contributions; or

(c) The fund-raiser incurs or is authorized to incur expenses on behalf of the charitable organization; or

(d) Has not been registered with the secretary as a commercial fund-raiser for the preceding accounting year shall execute a surety bond as principal with one or more sureties whose liability in the aggregate as such sureties will equal at least fifteen thousand dollars.

(2) A commercial fund-raiser is considered to solicit or receive contributions from the public directly if they are solicited or received by the fund-raiser or by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members. Contributions are solicited or received indirectly if they are solicited or received by:

(a) Any organization owned or controlled by the commercial fund-raiser or owned or controlled by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members; or

(b) Any person or organization, other than the charitable organization for which funds are solicited, with which the commercial fund-raiser has a contractual relationship governing the solicitation or receipt of contributions. Solicitations shall be deemed received by the fund-raiser if they are deposited into bank accounts wholly or partially owned or controlled by the commercial fund-raiser or other entity with which the commercial fund-raiser maintains a contractual relationship.

(3) If a commercial fund-raiser does business under more than one name, each name used by that entity must be registered and bonded separately.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-260, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-260, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-265 Exemption from surety bond.** A commercial fund-raiser who can be classified as "product seller," as defined in RCW 7.72.010, may be exempt from the surety bond requirement in WAC 434-120-260 when:

(i) All proceeds for the life of the entity, including shareholder dividends, are dedicated to a single registered charitable trust or single registered charitable organization;

(ii) A written contract with the charitable trust or organization stating the agreement of the receiver to accept and the product seller to donate all proceeds is executed;

(iii) The contract is filed by the product seller with the corporations division;

(iv) "All proceeds" is the remainder left after subtracting indirect and direct expenses of bringing the product to the buyer; and

(v) An annual solicitation report, signed by the entity making the audit report and the president, is filed with the corporations division (see WAC 434-120-215(4)).

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-

120-265, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-265, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-270 Impairment of surety bond.** In the event that a final judgement shall impair the liability of a surety bond and the full amount required is not in effect, the secretary shall suspend the registration of such commercial fund raiser. The commercial fund raiser may request reinstatement when it has restored the full amount of the required bond liability and satisfied all judgement claims.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-270, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-280 Signing off on the surety bond.** A commercial fund raiser bonded in accordance with chapter 19.09 RCW and these regulations, shall retain the protection of the bond until all claims against it can be filed in accordance with the statute of limitations as listed in chapter 4.16 RCW. The secretary of state has not been granted authority to sign off on a surety bond signifying that all outstanding claims have been filed prior to the expiration of the statute of limitations.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-280, filed 12/1/93, effective 1/1/94.]

#### SECTION IV CHARITABLE TRUST REGISTRATION REQUIREMENTS

**WAC 434-120-300 Who shall register.** (1) Any trustee as defined in RCW 11.110.020 of a trust subject to Washington jurisdiction holding property in trust for a public charitable purpose and any corporation formed for the administration of a charitable trust or holding assets subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes shall register with the office of the secretary of state, corporations division.

(2) A trust is subject to Washington jurisdiction if:

(a) It is created pursuant to a trust instrument that specifies that it is subject to the jurisdiction of the state of Washington or that its terms are to be construed pursuant to the laws of the state of Washington;

(b) It is a testamentary trust, and the will was probated or recorded, or letters testamentary and of administration were granted in the state of Washington;

(c) The trust was created pursuant to order of a Washington court or by operation of Washington law;

(d) The trust was created by or pursuant to the articles of incorporation of a Washington corporation; or

(e) No state, territory, or nation may assert a superior claim of jurisdiction, and:

(i) The trust was created pursuant to an inter vivos agreement or document executed or recorded within the state of Washington but which does not expressly vest jurisdiction in another state, territory, or nation; or

(ii) The trust corpus consists predominantly of property located in or administered from Washington; or

(iii) A basis exists upon which to assert or concede jurisdiction in the state of Washington.

(3) Exempt from registration under the Trust Act are the following:

(a) Any trustee making distributions only to individuals or organizations expressly named in the governing instrument or mere titleholders, custodians, or depositaries of property held for charitable purposes who have no powers or duties to administer such property;

(b) Governmental bodies such as the United States, any state, territory, or possession of the United States, the District of Columbia, Puerto Rico, or any of their agencies or governmental subdivisions;

(c) Religious bodies incorporated as tax exempt religious organizations, and subsidiary organizations under their auspices including but not limited to:

(i) Charitable agencies or organizations affiliated with and forming an integral part of the religious body, or operated, supervised, or controlled directly by the religious body; or

(ii) Any officer of a religious body holding property for religious purposes;

To be exempt under this act, a newly formed religious body, or subsidiary organizations must be able to show that it is seeking tax exempt status from the federal Internal Revenue Service. If a written declaration granting the tax exempt status is not received within two years of formation, the organization must register the trust immediately.

(d) Nonprofit educational institutions having a course of studies equivalent to that of a public school or college operated by a Washington state school district or by Washington state.

[Statutory Authority: RCW 11.110.070. 96-08-049, § 434-120-300, filed 4/1/96, effective 5/2/96. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-300, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-300, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-305 When to register.** (1) A trustee of a charitable or mixed purpose trust must register within two months of receiving control of the body of the trust.

(2) A trustee of a trust in which the only property held for a charitable purpose is a vested charitable remainder preceded by a life estate or other present interest must register within two months after commencement of the life estate or other present interest.

(3) A trustee of an instrument containing only contingent gifts or remainders to charitable purposes, shall register within two months of the authorization or requirement to use the trust principal or income for a charitable purpose.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-305, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-305, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-310 How to register—Form.** Charitable trusts using the assets for charitable purposes and registering under the Trust Act shall use the charitable trust form available in the corporations division.

(1) The name, address, and telephone number of the charitable trust, foundation, corporation, or trustee and the type of instrument creating or governing the organization, corporation, or trust, the date of the governing instrument, and the location where it is filed;

(2) The names and addresses of the trustees or corporate officers and directors;

(3) The purpose of the charitable trust; the names and addresses of beneficiaries or the selected group of persons (class or classes) or activities which the charitable trust designates;

(4) Whether or not the trust has a federal Internal Revenue Service tax exempt status or Washington state real or personal property exemptions, and the basis for each exemption. Attach a copy of the application for federal tax exempt status, or the declaration of this status if granted by the Internal Revenue Service under 26 U.S.C. 501 (c)(3), and a copy of the application for exemption from the state of Washington;

(5) An inventory with a description and value of the charitable corporation or trust assets, including a statement of the current market value of such assets, and statement of liabilities of the trust. An audited statement made according to GAAP may be submitted to comply with this section only. Include the name and address of the entity that prepares, compiles, reviews, or audits the financial statement of the charitable trust;

(6) The titles of the trust instruments or articles of incorporation, copies of which must be attached to the registration report; and

(7) All charitable solicitation trust registrations shall be signed by the responsible trustee or president, treasurer, or comparable officer of the organization.

A copy of the governing instrument creating the trust shall not be deemed sufficient to meet the requirements of this section.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-310, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-310, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-315 Exemption from annual reporting.** Trustees exempt from the annual reporting requirement of RCW 11.110.070 and WAC 434-120-320 because of RCW 11.110.073 shall file:

(1) At the time of registration or qualifying for the exemption, a copy of the declaration of the federal income tax-exempt status, if one is required under federal tax law, or other basis for the claim for exemption; and

(2) Annually, a copy of each publicly available United States tax or information return or report of the trust that is filed with the Internal Revenue Service.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-315, filed 5/24/95, effective 6/24/95.]

**WAC 434-120-317 Abbreviated reporting for qualifying trusts.** (1) Any trustee may file an abbreviated annual report under this section if:

(a) The report is filed on behalf of a charitable organization, properly registered with the secretary of state under chapter 19.09 RCW, that at the time of reporting:

(i) Retains in trust no more than ten percent of the proceeds of charitable solicitations, net of all deductions or exclusions reported under chapter 19.09 RCW;

(ii) Retains in trust no more than twenty-five thousand dollars in income-producing assets; or

(b) The total value of all trust assets never exceeded five thousand dollars during the reporting year.

(2) An abbreviated annual report shall state the facts satisfying either subsection (1)(a) or (b) of this section, upon a form filed with the secretary of state. The report shall be signed under oath and executed by one or more trustees or an officer of the corporation, association, or organization.

(3) Trustees reporting under this section shall be included on the register of trustees, pursuant to RCW 11.110.050. The trustee may, optionally, provide information for inclusion in the register that is not otherwise required by this section, but that is included as to other trustees.

(4) Nothing in this section shall be construed to exempt qualifying trustees from any provision of law other than the annual reporting requirements under chapter 11.110 RCW. This section does not relate to initial registration under WAC 434-120-300.

(5) Organizations shall use the abbreviated trust form location in the corporations division.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-317, filed 5/24/95, effective 6/24/95.]

**WAC 434-120-320 Content of annual reports.** The reports shall contain the information as required by the United States Internal Revenue Service 1993 Form 990, 990PF, or 990EZ. The report shall also include the name of the trust and trustee(s) or officers. It shall specifically contain and highlight a statement of the current market value of assets of the charitable trust or organization. Information may be submitted in any of the following forms:

(1) The Form 990, *Return of Organization Exempt from Income Tax*, the Form 990EZ, *Short Form, Return of Organization Exempt from Income Tax*, or the Form 990PF, *Return of Private Foundation*, filed with the federal Internal Revenue Service; or

(2) A copy of the annual account filed by the trustee in any court having jurisdiction of the trust; or

(3) A copy of an audit certified as being true and correct and in accordance with generally accepted accounting principles by any certified public accountant and containing substantially the information required as an annual report; or

(4) An organization not required to file a federal tax return because its gross receipts are not more than twenty-five thousand dollars annually, and not required to have an audited annual statement shall submit a statement signed by the president, treasurer, and one other officer showing the information required by this section.

This annual report shall be filed, under oath and executed by an affidavit, by one or more trustees responsible for the trust or an officer of the corporation, association, or organization.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-320, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-330 Annual fees.** (1) Charitable trusts registering for the first time shall pay a fee of twenty-five dollars. If an organization files a noncombined renewal, the fee shall be twenty-five dollars. When renewal is combined with filing an annual nonprofit corporation report the fee shall be twenty-five dollars. If an organization simulta-

neously files renewals under the Nonprofit Corporations Act, the Charitable Solicitations Act, and the Charitable Trust Act, the annual renewal fee shall be thirty dollars for all three, or if renewing under the Charitable Trusts Act, the Charitable Solicitations Act, the public benefits provision, and filing a nonprofit corporation annual report, the fee shall be thirty dollars for all four.

(2) For all expedited in-person service, the fee is twenty dollars for one or more transactions within one charitable trust file.

(3) For a photocopy of an Internal Revenue Service Form 990EZ the fee is five dollars and for a copy of Form 990 or 990-PF the fee is ten dollars with a surcharge for forms exceeding 100 pages of copy, which is thirteen dollars for each fifty page increment.

[Statutory Authority: RCW 11.110.070 and 19.09.315, 95-11-135, § 434-120-330, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471, 94-01-004, § 434-120-330, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-335 When to file annual reports.** (1) Annual reports or other information required to be filed annually by WAC 434-120-315, shall be filed by no later than the fifteenth day of the fifth month after the end of its fiscal year.

(2) Annual reporting of trusts for several or mixed purposes, or in which the only property to be used for charitable purposes consists of a vested or contingent charitable remainder, shall commence within one year after trust income or principal is authorized or required to be used for a charitable purpose.

[Statutory Authority: RCW 11.110.070, 96-08-049, § 434-120-335, filed 4/1/96, effective 5/2/96. Statutory Authority: RCW 11.110.070 and 19.09.315, 95-11-135, § 434-120-335, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471, 94-01-004, § 434-120-335, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-340 Annual reports suspended under certain conditions.** The secretary may suspend the filing of annual reports of a particular trust for a reasonable, specifically designated time upon written application of the trustee to the secretary. The secretary, upon agreement to suspend, will file in the register of charitable trusts a statement that the interests of the beneficiaries will not be prejudiced and periodic reports are not required by the secretary. Trusts that may be included in this category are those that designate a specific beneficiary at formation but permit the officers to exercise some discretion in choosing beneficiaries at the time of dissolution. The trust or organization shall continue to pay the annual renewal fee, even if reports are not due.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471, 94-01-004, § 434-120-340, filed 12/1/93, effective 1/1/94.]

**WAC 434-120-350 Notifying the Attorney General of litigation.** In accordance with WAC 44-01-140, the trustee has a duty to notify the attorney general in writing of all judicial proceedings involving or affecting the charitable trust or its administration.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471, 94-01-004, § 434-120-350, filed 12/1/93, effective 1/1/94.]

## Chapter 434-130 WAC LIMITED LIABILITY COMPANIES

### WAC

434-130-010	Purpose and authority.
434-130-020	Official address and telephone number.
434-130-030	Office hours.
434-130-040	Telephone services.
434-130-050	Original signature required.
434-130-060	Registered office address—Requirements.
434-130-070	Annual reports—Due date.
434-130-080	In-person or expedited counter service—Special fees.
434-130-090	Fees.
434-130-100	Miscellaneous fees.

**WAC 434-130-010 Purpose and authority.** These rules are adopted under authority of chapter 25.15 RCW (Limited liability companies), the Washington Limited Liability Company Act.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211, 94-19-005, § 434-130-010, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-020 Official address and telephone number.** (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington, 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, 505 East Union, Second Floor, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(3) The telephone number is (360) 753-7115. Callers will hear a menu of prerecorded messages. Direct access to an information officer is available by pressing the appropriate number.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211, 94-19-005, § 434-130-020, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-030 Office hours.** (1) Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. Over-the-counter service is available to provide same-day service for individual requests brought in before 4:30 p.m. (see WAC 434-110-060) and telephone service is available from 8:00 a.m. to 5:00 p.m.

(2) Documents, including substitute service-of-process on the secretary of state, delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211, 94-19-005, § 434-130-030, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-040 Telephone services.** The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited liability companies and on filing a document relating to a new limited liability company which is immediately available at this number includes the following:

- (1) Exact name of limited liability company on file in the secretary of state's records;
- (2) Unified business identifier (UBI) number;
- (3) Date filed on the secretary of state's records;
- (4) Expiration date of license;
- (5) Name of registered agent;
- (6) Scheduled dissolution date (if any);
- (7) Registered office address;
- (8) Status of limited liability company;
- (9) Filing date of most recent annual report;
- (10) Whether management is vested in members or managers;
- (11) Name of members or managers;
- (12) State of formation;
- (13) Requirements for filing documents with the secretary of state's office.

Customers may also request that forms be mailed to them by using the menu system and pressing the appropriate number.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-040, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-050 Original signature required.** The corporations division will retain the original document when a limited liability company submits for filing an original document with original signature and an exact or conformed copy. If the organization provides only the original copy, the division may charge a photocopy fee to make an exact copy. The copy returned to the organization will be date stamped on the day it was processed and filed.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-050, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-060 Registered office address—Requirements.** A post office box address may be used in conjunction with a registered geographic office address when:

- (1) The United States Postal Service cannot or will not deliver to the street address; and
- (2) The post office box address is in the same Washington city or town as the registered office address; and
- (3) The agent notifies the office of the secretary of state and the corporation of any changes in either the street address or the post office box address.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-060, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-070 Annual reports—Due date.** Each limited liability company shall file an annual report by the last day of the month of its original registration as a limited liability company. The corporations division shall notify all limited liability companies of its annual renewal date forty-five days in advance by a mailing that includes the annual report form. Failure to receive an annual report notice is insufficient reason for failure to file the statutorily required annual report.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-070, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-080 In-person or expedited counter service—Special fees.** (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 4:30 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying and status certificates;
- (e) Status change filings.

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

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

- (a) Initial reports;
- (b) License renewal and required annual report;
- (c) Amended annual reports;
- (d) Reinstatements;
- (e) In-person inspection or review of limited liability company files or other public documents located in the corporations division office;
- (f) Documents left at the counter for processing with mail-in documents received the same day; or
- (g) A search for nonactive limited company files less than twenty years old.

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

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

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

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-080, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-090 Fees.** For Washington registered domestic and foreign limited liability companies fees are as follows:

- (1) Certificate of formation or application for registration, one hundred seventy-five dollars;
- (2) Annual license renewal, fifty dollars;

(3) Amendment, restated certificate, or amended and restated certificate, thirty dollars;

(4) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the renewal fee of fifty dollars;

(5) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;

(6) Articles of merger, twenty dollars for each listed company;

(7) Certificate of change of registered agent, registered office address, resignation of registered agent or designation of new registered agent, thirty dollars per entity name;

(8) An initial report or amended annual report, ten dollars;

(9) Registration, reservation, or transfer of name, thirty dollars;

(10) Certificate of cancellation, administrative dissolution or dissolution by judicial decree, or revocation of certificate of authority, no fee;

(11) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and

(12) Other statement or report filed, ten dollars.

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

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-090, filed 9/8/94, effective 10/1/94.]

**WAC 434-130-100 Miscellaneous fees.** (1) For photocopies, fees are as follows:

(a) Each annual report, five dollars;

(b) Certificate of formation or any single document, ten dollars;

(c) Amendments to articles and mergers, twenty dollars;

(d) All charter documents, thirty dollars;

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

(2) For certificates of existence fees are as follows:

(a) With complete or specific historical data, under embossed seal, thirty dollars;

(b) Computer generated, under embossed seal, twenty dollars;

(c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(3) For each certified copy of any document the fee is ten dollars plus the copy fee.

(4) For any service of process the fee is fifty dollars.

(5) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five dollar penalty, payable to the secretary of state.

In the event a valid replacement check and dishonor charge is not received in the office of the secretary of state within the time prescribed by its accounting division, the transaction covered by the dishonored check will be

cancelled and all other late filing fees and penalties will be instituted.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-100, filed 9/8/94, effective 10/1/94.]

## Chapter 434-135 WAC

### LIMITED LIABILITY PARTNERSHIPS

#### WAC

434-135-010	Purpose and authority.
434-135-020	Official address and telephone number.
434-135-030	Office hours.
434-135-040	Telephone services.
434-135-050	Filing requirements.
434-135-060	Execution of document.
434-135-070	Filing duty of secretary of state.
434-135-080	Filed date.
434-135-090	Annual notice—Due date—Whom notified.
434-135-120	Limited liability partnership name.
434-135-150	Initial registration—Form of content.
434-135-160	Annual notice—Form of content.
434-135-170	Amended notice—Form of content.
434-135-190	Filing fees.

**WAC 434-135-010 Purpose and authority.** These rules are adopted under authority of chapter 25.04 RCW, the Washington Limited Liability Partnership Act.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-010, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-020 Official address and telephone number.** (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington, 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, 505 East Union, Second Floor, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(3) The telephone number is (360) 753-7115 or (360) 753-7120. Callers will hear a menu of five prerecorded messages. For direct access to an information officer press number five at the beginning of the recorded message.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-020, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-030 Office hours.** (1) Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. Over-the-counter service is available to provide same-day service for individual requests brought in before 4:00 pm. and telephone service is available from 8:00 a.m. to 5:00 p.m.

(2) Documents delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-030, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-040 Telephone services.** (1) The telephone numbers of the corporations information unit are



(360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited liability partnerships and on filing a document relating to new limited liability partnership which is available at this number includes the following:

- (a) Exact name of limited liability partnership on file in the secretary of state's records;
- (b) Unified business identifier (UBI) number;
- (c) Date registered on the secretary of state's records;
- (d) Expiration date of registration;
- (e) Name and address of registered agent if any;
- (f) Scheduled dissolution date (if any);
- (g) Principal office address;
- (h) Status of limited liability partnership;
- (i) Filing date of most recent annual notice;
- (j) Number of partners;
- (k) State of registration;
- (l) Requirements for filing documents with the secretary of state's office.

(2) Customers may also request that forms be mailed to them by using the menu system and pressing one.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-040, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-050 Filing requirements.** (1) Duplicate copies of any documents to be filed under this chapter shall be submitted to the secretary of state. One copy must bear an original signature. The second copy may be signed with an original signature, photocopied, or be a conformed copy.

(2) Document must contain all the elements required by this chapter. It may contain other information as well.

(3) All documents shall be of no larger size than standard legal paper (8 1/2 x 14). The documents shall be submitted in form and quality which is suitable for photocopying, microfilming, or reproduction by a similar photographic process. Documents must be typed or printed in ink legibly.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-050, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-060 Execution of document.** Documents submitted for filing to the secretary of state must be executed by:

- (1) A majority in interest of the partners; or
- (2) One or more partners authorized to execute the document.

The person(s) executing the documents shall print or type beneath or beside their signature their name and title indicating in what capacity they are signing.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-060, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-070 Filing duty of secretary of state.**

(1) If the secretary of state determines that the documents conform to the filing provisions of this chapter and all required filing fees have been paid, he or she shall:

- (a) Endorse each signed original and duplicate copy the word "filed" and the date of its acceptance.
- (b) Retain the signed original as the official copy in the secretary of state's files.

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(c) Return the duplicate original to the person who filed it or the person's representative.

(2) If the secretary of state refuses to file a document under this chapter the secretary of state shall return it to the domestic or foreign limited liability partnership or its representative stating the reason(s).

(3) The duties of the secretary of state in filing documents under this chapter are ministerial.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-070, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-080 Filed date.** Documents received that conform to the requirements of this chapter shall be filed as of the date of receipt in the secretary of state's office. If the secretary of state is unable to process the documents immediately upon receipt, the documents shall be dated as of the date of receipt when processed.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-080, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-090 Annual notice—Due date—Whom notified.** Each limited liability partnership shall file an annual notice by the last day of the month of its original registration as a limited liability partnership. The corporations division shall notify each limited liability partnership of its annual notice date forty-five days in advance by mailing to the partnership at its principal office or, if its principal office is not in this state, to its registered agent in care of the registered office address, in either case, as listed on the records of the secretary of state and provide the annual notice form. Failure to receive an annual notice form with such notice is insufficient reason for failure to file the statutory required annual notice.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-090, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-120 Limited liability partnership name.** The name of a limited liability partnership shall contain the words "limited liability partnership," "L.L.P.," or "LLP."

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-120, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-150 Initial registration—Form of content.** (1) Any domestic or foreign limited liability partnership registering under this chapter shall file its registration on the form provided by the secretary of state. The information that shall be provided is:

- (a) The name of the limited liability partnership;
- (b) Principal office of the limited liability partnership in Washington or if no principal office is located in this state, the registered office address and name and address of the registered agent for service of process in this state;
- (c) Number of partners of the limited liability partnership;
- (d) Brief statement of the business in which the partnership engages;
- (e) That the partnership thereby applies for status as a limited liability partnership; and

(f) Any other matters the partnership determines to include.

(2) Application shall be executed by a majority in interest of the partners or one or more authorized partners.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-150, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-160 Annual notice—Form of content.** Any limited liability partnership filing under this chapter shall file its annual notice on the form provided by the secretary of state. The information that shall be filed on the annual notice is as follows:

Section 1.

- (a) Limited liability partnership name;
- (b) Principal office of the limited liability partnership in Washington or if no principal office is located in this state, the registered office address and name and address of registered agent for service of process in this state;
- (c) Unified business identification number;
- (d) Internal account number;
- (e) Date registered in Washington;

Section 2.

(a) If there has been a change in the address of principal place of business in Washington or, if the limited liability partnership's principal place of business is not located in this state, the address of the registered office and name and address of the registered agent, the correct address and name;

(b) Any other material changes in the information included in limited liability, partnership application or subsequent annual notices;

(c) Number of partners; and

Section 3. Signature of either a majority in interest of the partners or one or more authorized partners. The registration application shall include beneath or beside the signature the name and title of the person(s) signing the document.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-160, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-170 Amended notice—Form of content.** (1) A limited liability partnership may, but is not required to, file an amended notice to notify the secretary of state of any material changes on the application or annual notice. These changes may include the following:

- (a) Change of limited liability partnership name;
- (b) Change of principal office address;
- (c) Change of registered agent or registered office address;
- (d) Change in the number of partners;
- (e) Change in the type of business the partnership engages; or
- (f) The addition of any information the partnership determines to include.

(2) The amended notice must be signed by a majority of interest of the partners or by one or more authorized partners. The amended notice shall include beneath or beside the signature the printed name and title of the person(s) signing the document.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-170, filed 8/2/95, effective 9/2/95.]

**WAC 434-135-190 Filing fees.** For Washington registered domestic and foreign limited liability partnerships, fees are as follows:

(1) Application for registration, both domestic and foreign, one hundred seventy-five dollars;

(2) Amended notice, both domestic and foreign, thirty dollars;

(3) Annual notice with required information, fifty dollars;

(4) Annual notice with required information filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the notice fee of fifty dollars;

(5) Resignation of registered agent, twenty dollars;

(6) Registered agent's consent to appointment to act as agent or agent's resignation if appointed without consent, no fee;

(7) Voluntary withdrawal, administrative dissolution or dissolution by judicial decree, no fee;

(8) Service of process, per defendant, fifty dollars;

(9) Reservation of name, thirty dollars; and

(10) Any other statement or form, ten dollars.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-190, filed 8/2/95, effective 9/2/95.]

## Chapter 434-166 WAC

### INTERNATIONAL STUDENT EXCHANGE AGENCY REGISTRATION

#### WAC

##### PART A GENERAL PROVISIONS AND DEFINITIONS

434-166-010	Authority.
434-166-020	Purpose of regulations.
434-166-030	Official address, telephone number of the office of the secretary of state, international student exchange division.
434-166-040	Office hours.
434-166-050	Public records.
434-166-060	Public records copying charge—Exemptions.
434-166-070	Registration applications—Grounds for denial.
434-166-080	Definitions.

##### PART B INTERNATIONAL STUDENT EXCHANGE AGENCY REGISTRATION STANDARDS

434-166-090	Selection of student.
434-166-100	Orientation of students and host families.
434-166-110	Health and accident insurance.
434-166-120	Acceptance of students.
434-166-130	Selection of host family.
434-166-140	Host family housing requirements for students.
434-166-150	Change in host family assignment.
434-166-160	Employment of students.
434-166-170	Supervision by organization.
434-166-180	Travel responsibility of organization.
434-166-190	Information to be provided.
434-166-200	Agency records requirements.

##### PART C CONDITIONS APPLICABLE TO REGISTRATION

434-166-210	Appointment of a responsible officer and responsible officer address.
434-166-220	Change of responsible officer and/or responsible officer address.
434-166-230	Resignation of responsible officer.
434-166-240	Duties of the responsible officer.
434-166-250	Individual located in state of Washington.

434-166-260	Requirement to register.
434-166-270	Transaction of business or conducting affairs.
434-166-280	Application for registration.
434-166-290	Application for reregistration.
434-166-300	Fees.

## PART D

## TERMINATION AND REVOCATION OF INTERNATIONAL STUDENT EXCHANGE ORGANIZATION'S REGISTRATIONS

434-166-310	Termination.
434-166-320	Responsibilities of organization upon termination.

## PART E

## MISCELLANEOUS PROVISIONS

434-166-330	Adherence to regulations.
434-166-340	Requests by secretary of state.
434-166-350	Inquiries and investigations.

## PART A

## GENERAL PROVISIONS AND DEFINITIONS

**WAC 434-166-010 Authority.** These rules are adopted under the authority of RCW 19.166.040 and 19.166.060 to provide for the administration of the International Student Exchange Agency Registration Act, hereafter referred to as the "act." These regulations shall be considered a supplement to and not a replacement for the act.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-010, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-020 Purpose of regulations.** The purpose of the regulations is to set minimum standards to implement the "act" in an effective and efficient manner.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-020, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-030 Official address, telephone number of the office of the secretary of state, international student exchange division.** The address to be used for delivery and receipt of mail, information, registration applications, amendments, fees, and other material required by the act is:

Office of the Secretary of State  
International Student Exchange Division  
505 E Union, 2nd Floor  
PO Box 40234  
Olympia WA 98504-0234

The telephone to be used for inquiries relating to this act and to be disclosed by the organization as required by RCW 19.166.070, is: (360) 753-7120.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-030, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-040 Office hours.** Customary hours of operation of the International Student Exchange Division are 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays. Registration documents received after 4:00 p.m. will not be processed until the next day.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-040, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-050 Public records.** Except as provided by RCW 42.17.310, all documents relating to the International Student Exchange Division are public record and are available for public inspection and copying pursuant to rules of procedure, chapter 434-12A WAC.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-050, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-060 Public records copying charge—Exemptions.** Requests for copies or certificates relating to the public records of this act shall be charged per registered organization, as follows:

(1) A photocopy shall be fifty cents per page for the first ten pages and twenty-five cents per page for each additional page.

(2) A certified copy or certificate of fact shall be five dollars for the certification plus any additional copying charges.

(3) Requests for copies (whether photo or certified) or a certificate of fact by a Washington state agency in the pursuit of business shall be provided without charge.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-060, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-070 Registration applications—Grounds for denial.** Any application or form shall not be accepted by the secretary of state if it is not on the form prescribed by the secretary, or is unsigned, incomplete, illegible, or does not include all required fees, information, and documents.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-070, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-080 Definitions.** Terms defined in RCW 19.166.020 shall apply in these regulations. In addition, the following definitions shall be applicable when used in these regulations:

(1) "Secretary" means the secretary of state or an employee of the secretary acting under the authority of the secretary.

(2) "Act" means the International Student Exchange Agency Registration Act, chapter 128, Laws of 1991 and Title 19 RCW.

(3) "International student exchange visitor placement organization" or "organization" means any organization which arranges for the placement of two or more international student exchange visitors in the state of Washington during any consecutive five-year period.

(4) "International student exchange visitor" or "student" means any foreign national who:

(a) Is eighteen years of age or under, or up to the age of twenty-one; and

(b) Is engaged in full-time participation in a prescribed course of study in this state conducted by any secondary public institution of learning; and

(c) Has been selected to participate in an exchange visitor program sponsored by an international student exchange visitor placement organization; and

(d) Enters the state of Washington with a nonimmigrant visa.

(5) "Responsible officer" means the officer or employee of the international student placement organization who has primary authority for supervising placements in the state of Washington.

(6) "Responsible officer address" means the physical location of the responsible officer.

(7) "Immediate family" means the parent(s) or legal guardian(s) of an international student exchange visitor.

(8) "Nonimmigrant visa" means a visa category used by nonresident aliens whose primary purpose for visiting the United States is to study full time at an approved institution.

(9) "Host family" means the family residing in the state of Washington that the international student exchange visitor resides with during his or her period of academic study.

(10) "USIA" shall mean United States Information Agency.

(11) "USIA regulations" means regulations promulgated by the United States Information Agency (USIA) governing exchange visitor programs designated by them.

(12) "USIA designation letter" means the letter from USIA showing acceptance into its' program.

(13) "CSIET" means the Council on Standards for International Educational Travel.

(14) "CSIET standards" means standards published by CSIET and used by the CSIET to evaluate the operations of international student exchange visitor placement organizations.

(15) "CSIET's approval for listing letter" means the letter from CSIET showing that the placement organization meets the standards set by the CSIET and has been accepted for the current listing.

(16) "High school" means any secondary public institution of learning in the state of Washington.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-080, filed 4/29/92, effective 5/30/92.]

## PART B

### INTERNATIONAL STUDENT EXCHANGE AGENCY REGISTRATION STANDARDS

**WAC 434-166-090 Selection of student.** The organization shall be fully responsible for the selection of suitable students for participation in its international student exchange visitor program. Selection shall be limited to students who have a sufficient command of the English language to enable them to function well in an English-speaking academic and community environment. Students shall also be screened for demonstrated maturity, good character, and ability to derive maximum benefit from the program experience.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-090, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-100 Orientation of students and host families.** (1) The organization shall provide:

(a) Each student and immediate family of each student with suitable orientation prior to departure from their home and upon arrival in the state of Washington to acquaint them in advance with the customs of the state of Washington and the United States. In addition, they shall be provided with detailed knowledge of the school and academic program in

which he or she will be participating and information relating to their host family.

(b) Each host family with suitable orientation in advance of the student's arrival, including information on family, school, and cultures of the student's native country, as well as information relating to the academic program in which the student will be enrolled in.

(2) Each organization shall maintain in their records a copy of the letters used to notify the student, immediate family, and host family of the above information.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-100, filed 4/29/92, effective 5/30/92.]

### WAC 434-166-110 Health and accident insurance.

(1) Each organization shall ensure that every student participating in the exchange program has health and accident insurance from the time of departure from home to the time the student returns to his or her home country. Minimum acceptable insurance is:

(a) Medical and accident coverage of fifty thousand dollars per illness or accident;

(b) Preparation and transportation of remains to the student's home country (minimum of five thousand dollars) in the event of death. Coverage may be provided in one of the following ways:

(i) By the student;

(ii) By the organization.

(2) The organization is responsible for providing each student, each student's immediate family and the host family detailed printed information regarding the terms and limits of insurance coverage and procedures for filing a claim (including forms wherever possible).

(3) The organization shall maintain in its files proof of health and accident insurance.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-110, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-120 Acceptance of students.** No student shall be brought into the state of Washington by the organization unless he or she has been accepted in writing as a student by the legally authorized designee of the admitting high school. The organization shall maintain in its files copies of such documents authorizing enrollment.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-120, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-130 Selection of host family.** (1) The organization is responsible for making all arrangements for the placement of each student with a host family whose home is located in a place convenient to the educational institution in which the student is to be enrolled.

(2) The organization shall make every effort to assure the maximum degree of compatibility between the family and the student, including, wherever possible, the presence in the family of a teenage student.

(3) The organization's representative shall visit the home of, and personally interview, each host family before a student is assigned to such family.

(4) The organization shall ensure that its representative selects only those homes which reflect the high quality

expected of the International Student Exchange Agency Program.

(5) A written record shall be made of this visit and interview by the representative, a copy of which shall be maintained by the organization.

(6) Selection of host families and assignment of students shall be made as far in advance of the student's arrival as possible, but in no event less than three weeks prior to departure from the student's home.

(7) No organization shall bring a student into the United States without written acceptance from the host family.

(8) The host family shall be advised in writing of the name, age, educational status, other background information, and anticipated arrival time of the assigned student.

(9) The student's immediate family shall be advised in writing of the name, address, family composition, and other background information concerning the host family at the earliest possible time, to permit the exchange of correspondence between the respective families in advance of the student's arrival.

(10) Copies of these notifications shall be maintained in its files by the organization.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-130, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-140 Host family housing requirements for students.** (1) Each organization shall be responsible for placing the student with a host family which can provide housing which:

(a) Furnishes separate private sleeping quarters for each sex;

(b) A bed of his or her own; and

(c) No more than four persons to a bedroom.

(2) The host family's home, and household equipment shall be maintained in a clean and sanitary condition, free of hazards, and in good repair. The home shall be accessible to other resources in the event of an emergency (e.g., telephone, emergency services, etc.).

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-140, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-150 Change in host family assignment.** If unforeseen events occur and it is in the best interest of the student, the organization may make a change in the host family assignment of a student. Reports of any such changes and the reasons therefore shall be retained by the organization. Notification of any change shall be sent within twenty-four hours to the immediate family, host families, and the school of placement.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-150, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-160 Employment of students.** (1) Each organization shall advise its students that they may not accept or undertake regular employment while enrolled in the program.

(2) Students may engage in occasional intermittent jobs, such as tutoring, grass-cutting, baby-sitting and the like.

(3) Students may not perform the duties of a household domestic for compensation or otherwise in the home of the host family.

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(4) Students may be asked to assist in normal daily chores in the host family household which other members of the family perform.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-160, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-170 Supervision by organization.** The organization shall maintain continuous personal contact with each of its' students, the host family, and the high school in which each student is enrolled. The organization shall initiate action to attempt to resolve any problems which may arise with respect to the student's participation in his or her academic program or with respect to the student's relationship with his or her host family.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-170, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-180 Travel responsibility of organization.** (1) Each organization shall be responsible for maintaining records of prepaid travel arrangements of all students placed in the state of Washington by the organization.

(2) Transportation must be provided both to and from the student's home to their destination by air and/or surface modes of commercial transportation.

(3) Travel arrangements shall be carried out by the purchase of a roundtrip ticket or tickets to their final destinations for each student prior to the entry of each student into the state of Washington. These travel arrangements may be made either:

(a) By the organization; or

(b) By the student.

(4) A copy of the travel itinerary and a copy of the prepaid roundtrip ticket shall be maintained by the organization in their files.

(5) A copy of the prepaid roundtrip ticket shall be given to the host family.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-180, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-190 Information to be provided.** (1) An international student placement agency shall provide each student, each student's immediate family, and the host family with an informational document regarding the agency services, in English, which shall contain at a minimum: Disclosure of all monies paid to the agency which are to be paid to the host family, students, or for special or additional activities during the program period. The timing and method of payment are to be specified.

(2) In addition, each student and host family shall receive a statement which includes the amount of the fee to be charged to the student.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-190, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-200 Agency records requirements.** (1) Each organization shall keep records at the organizational office of services rendered to host families and students. The records and obligations shall include:

(a) The name, home address, and telephone number of the student (in that student's home country) to whom services are provided or promised.

(b) The name, address, and telephone number of the host family with whom the student is placed, which shall be on file at least seven days prior to the student's arrival in the state of Washington.

(c) Document that each student entered the state with a nonimmigrant visa and is enrolled in a public secondary educational institution.

(d) Document that authorizes enrollment in school of acceptance.

(e) Copy of written records of interview between the organization's representative and the host family.

(f) Copy of correspondence to the student's immediate family advising them of the name, address, family composition, and other background information concerning the host family.

(g) Copy of correspondence to host family(ies) advising them of the name, age, educational status, other background information, and anticipated arrival time of student.

(h) The amount of the organization's fee(s) charged to a student and an itemization of the services attributable to individual portions of the fee(s).

(i) A complete copy of any written agreements entered into between the organization, students, and the host families.

(j) Copy of health and accident insurance policy covering participating students and a statement of how coverage shall be provided.

(2) The records shall be maintained for a period of one year from the date on which the student departs from the state of Washington. For purposes of investigating a complaint or otherwise assuring compliance with this chapter and rules adopted thereunder, the records shall be subject to inspection by the secretary, upon request.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-200, filed 4/29/92, effective 5/30/92.]

### PART C CONDITIONS APPLICABLE TO REGISTRATION

**WAC 434-166-210 Appointment of a responsible officer and responsible officer address.** (1) Each organization shall appoint and continuously maintain a responsible officer, as required by RCW 19.166.050, who has primary responsibility for supervising placements within the state of Washington.

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

(3) The person who signs the application as responsible officer as required by RCW 19.166.050 shows acceptance of assuming the duties of the responsible officer.

(4) The responsible officer shall have an address which shall be a specific geographic location, and be identified by number, if any, and street, or building address, or rural route, city, state, and zip code or, if a commonly known street or rural route does not exist, by legal description. The responsible officer's address may not be identified by post office box number or other nongeographic address. For purposes of communicating by mail, the secretary may

permit the use of a post office address in conjunction with the geographic location if they are located in same city, if, the organization also maintains on file the specific geographic address of the Washington office.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-210, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-220 Change of responsible officer and/or responsible officer address.** An organization may change its responsible officer or responsible officer address by delivering to the secretary, within thirty days of the change, a statement of change that sets forth:

(1) The name of the organization;

(2) If the current officer address is to be changed, the street address of the new officer address in accordance with WAC 434-166-210;

(3) If the current responsible officer is to be changed, the name of the new responsible officer and the new officer's written consent accepting the responsibility of the responsible officer.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-220, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-230 Resignation of responsible officer.** (1) A responsible officer may resign by signing and delivering to the secretary of state for filing a statement of resignation. The statement must also include a statement that the responsible officer address is also discontinued.

(2) After filing the statement the secretary of state shall mail a copy of the filed statement to the organization at its organizational address.

(3) The organization shall appoint a new responsible officer and responsible officer address within thirty days of notification.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-230, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-240 Duties of the responsible officer.** The officer who signs the application consenting to serve as responsible officer, shall:

(1) Accept all official communications and inquiries from the secretary on behalf of the organization.

(2) Maintain copies of all documentation, as required by WAC 434-166-200, on behalf of the organization for each individual student placed in the state of Washington.

(3) Furnish all documentation, information, reports, documents, books, files, and other records requested by the secretary on all matters relating to the students placed in Washington by the organization.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-240, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-250 Individual located in state of Washington.** (1) The organization shall maintain an in-state telephone number as required by RCW 19.166.070. This telephone number shall be registered to an individual residing in the state of Washington, which may be:

(a) An employee for the organization; or

(b) An officer for the organization; or

(c) A volunteer for the organization.

(2) The organization shall insure that this individual has:

(a) A listing of all placements of students by the organization and the location of each in the state of Washington;

(b) Knowledge of emergency procedures;

(c) Twenty-four-hour contact with the organization for emergencies;

(d) Knowledge and capability to assist and advise the students in their relationship with the organization.

(3) Each individual maintaining the in-state telephone number for the organization shall sign a written agreement with the organization. A copy of which shall be submitted to the secretary with the registration application.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-250, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-260 Requirement to register.** Each organization operating in Washington is required to register with the secretary, if two or more students are placed in Washington public high schools within a five year period. Registration is due in the office of the secretary during the enrollment period of March 1st through June 15th preceding the beginning of the next school year.

Organizations governed by chapter 19.166 RCW and also registered as a nonprofit corporation under Title 24 RCW shall renew both registrations concurrently in the enrollment period specified in this section.

The secretary shall provide, annually, a list of all international student exchange agencies registered as of June 15th to the superintendent of public instruction on or before August 5th of the same year.

[Statutory Authority: RCW 19.166.030, 19.166.040 and 19.166.060. 96-10-052, § 434-166-260, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-260, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-270 Transaction of business or conducting affairs.** No organization that is a foreign corporation or limited partnership defined in RCW 23B.01.400(2), 24.03.005(2), 24.06.005(2) and 25.10.010(4) will be registered under this program unless and until the organization complies with foreign corporation or limited partnership registration requirements.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-270, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-280 Application for registration.** (1) Any organization meeting the requirements set forth in chapters 19.166 RCW and 434-166 WAC shall register with the secretary of state. Such registration shall be made on a form prescribed by the secretary of state and filed with the secretary's office.

(2) The applicant must also provide evidence that they have met the established standards as an international student exchange visitor placement organization, by:

(a) Submitting a copy of the USIA's Designation Letter showing current registration; or

(b) Submitting a copy of the CSIET's Approval for Listing Letter showing current registration; or

(c) Submitting a notarized statement, on a form prescribed by the secretary of state, declaring that the organiza-

tion has met all standards and obligations as required by chapters 19.166 RCW and 434-166 WAC.

(3) Registrations filed during the enrollment period specified in WAC 434-166-260 are valid until June 15th of the next year. All other registrations expire June 15th of the next enrollment period.

[Statutory Authority: RCW 19.166.030, 19.166.040 and 19.166.060. 96-10-052, § 434-166-280, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-280, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-290 Application for reregistration.**

(1) Prior to the expiration of the registration period, organizations may seek reregistration within the enrollment period specified in WAC 434-166-260 by completing the registration requirements as set forth in RCW 19.166.050 and WAC 434-166-280.

(2) The secretary may mail a reregistration form to the responsible officer/responsible officer address within forty-five days prior to the registration expiration.

(3) Failure of the secretary to notify the organization of reregistration does not relieve the organization's obligation for filing its' reregistration documents.

(4) Applications to reregister must be filed by the due date specified by RCW 19.166.050; no extensions will be granted by the secretary.

[Statutory Authority: RCW 19.166.030, 19.166.040 and 19.166.060. 96-10-052, § 434-166-290, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-290, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-300 Fees.** (1) Organizations required to register or reregister under RCW 19.166.030 and chapter 434-166 WAC shall pay a fee of fifty dollars per application.

(2) A notification of change of information required under RCW 19.166.050 shall be accepted without fee.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-300, filed 4/29/92, effective 5/30/92.]

**PART D  
TERMINATION AND REVOCATION OF  
INTERNATIONAL STUDENT EXCHANGE  
ORGANIZATION'S REGISTRATIONS**

**WAC 434-166-310 Termination.** Registrations of organizations shall be terminated when any of the following circumstances set forth occur:

(1) Voluntary termination. An organization may voluntarily terminate its registration by notifying the secretary of such intent. The organization's registration shall terminate upon such notification.

(2) Failure to apply for reregistration. Failure to apply for reregistration will result in the automatic termination of the organization's registration. If so terminated, the former organization must apply for a new registration.

(3) Loss of license, permit or accreditation. An organization's registration shall automatically terminate in the event that the organization fails to remain in compliance with local, state statute and regulations, federal, or professional requirements necessary to carry out the activities for which it was registered.

(4) Ownership change. An organization's registration shall automatically terminate in the event of a change of structure of the organization.

(5) Failure to notify. An organization's registration shall automatically terminate in the event the organization fails to notify the secretary within thirty days of any changes in their registration documents within thirty days, as required by RCW 19.166.050.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-310, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-320 Responsibilities of organization upon termination.** (1) The termination of the organization's registration shall not relieve the organization's obligation to all students who are in the state of Washington.

(2) The organization shall immediately cancel any student's exchange visit prior to entry to the state of Washington unless a transfer to another registered program can be obtained.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-320, filed 4/29/92, effective 5/30/92.]

## PART E MISCELLANEOUS PROVISIONS

**WAC 434-166-330 Adherence to regulations.** Organizations are required to adhere to regulations set forth in chapters 19.166 RCW and 434-166 WAC.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-330, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-340 Requests by secretary of state.** Organizations shall furnish all information, reports, documents, books, files, and other records requested by the secretary on all matters related to the organization's international student exchange visitor placement programs.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-340, filed 4/29/92, effective 5/30/92.]

**WAC 434-166-350 Inquiries and investigations.** Organizations shall cooperate fully with any inquiry or investigation that may be undertaken by the secretary.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-350, filed 4/29/92, effective 5/30/92.]

### Chapter 434-219 WAC PRESIDENTIAL PREFERENCE PRIMARY (Formerly chapter 434-75 WAC)

WAC	
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434-219-040	Presidential primary—Changing the date.
434-219-050	Procedures to be followed when changing primary date.
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434-219-100	Verification of signatures by secretary of state.
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434-219-210	Provisions regarding ballots applicable to absentees.
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434-219-240	Processing absentee ballot requests.
434-219-250	Ongoing absentee voters.
434-219-260	Canvassing and tabulation of presidential primary absentee ballots.
434-219-270	Vote-by-mail precincts.
434-219-280	Ballots not tabulated.
434-219-290	Canvassing and certification of presidential primary.
434-219-310	Mandatory recount provisions do not apply.
434-219-320	Political party preference data—Transmittal to the major political parties.
434-219-330	Retention of election material.
434-219-340	Claims for reimbursement.
434-219-350	Time for submission and payment of claims for reimbursement.

**WAC 434-219-010 Authority and purpose.** These rules are adopted under RCW 29.19.070 to provide uniformity in the conduct of the presidential primary and to facilitate the amendments to chapter 29.19 RCW in Chapter 20, Laws of 1995, 1st. Special Session and the national and state rules of the major political parties.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-010, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-010, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-020 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) "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 for that office in an even-numbered year;

(3) "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 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 device;

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

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

(4) "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;



(5) "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;

(6) "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 primary or to canvass votes cast in a presidential primary;

(7) "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

(8) "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;

(9) "Ad-hoc committee" means the committee created under RCW 29.19.020 that has the authority to change the date of the presidential primary.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-020, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-020, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-030 Presidential primary—When held.** A presidential 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 the alternate date selected by the ad-hoc committee under RCW 29.19.020 and WAC 434-75-040.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-030, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-030, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-040 Presidential primary—Changing the date.** (1) The ad-hoc committee may, under RCW 29.19.020, change the date of the presidential primary from the date specified in RCW 29.19.020 to any other date recommended under that statute.

(2) The secretary of state shall convene the ad-hoc committee when either:

(a) The secretary of state proposes an alternate date on which to hold the presidential primary; or

(b) The state committee of a major political party delivers to the secretary of state a written proposal to change the date of the presidential primary.

(3) The secretary of state shall notify all of the members of the ad-hoc committee in writing, at least seven days in advance of the meeting, of the time and place of the meeting to consider changes to the date of the presidential primary.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-040, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-040, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-050 Procedures to be followed when changing primary date.** If the date of the presidential primary is changed under RCW 29.19.020 and WAC 434-75-040 from the fourth Tuesday in May to another date, the secretary of state shall promptly notify the county auditors

and the chairperson of the national committee of each major political party, in writing, of that date.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-050, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-050, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-060 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, the county auditors, the chairperson of each major political party, and each of the candidates whose names will be placed on the ballot at the presidential primary unless the candidate withdraws under WAC 434-75-070.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-060, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-060, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-070 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 the county auditors, the chairperson of the national political party of that candidate, and all remaining candidates of any names removed from the list of candidates for the presidential primary under this section.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-070, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-070, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-080 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 of that party not designated by the secretary of state under WAC 434-75-060. Petitions may be circulated for signatures not earlier than the first day following the designation of candidates by the secretary of state under 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. 96-03-141, recodified as § 434-219-080, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-080, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-090 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 affiliated with 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.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-090, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-090, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-100 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 address or precinct name or number of the signer.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-100, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-100, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-110 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.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-110, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-110, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-120 Certification of candidates.** In the event the secretary determines a petition bears sufficient signatures he or she shall include the name of that candidate in the official certification of candidates to the county auditors. This certification shall be completed and transmitted to the county auditors not later than the thirty-fourth [day] prior to the primary.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-120, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-120, filed 8/26/91, effective 9/26/91.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 434-219-130 Conduct of the presidential primary.** All procedures relevant to the conduct of a presidential primary under 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 the rules of the national or state party of a major political party, chapter 29.19 RCW, or the rules in this chapter.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-130, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-130, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-140 Party declaration by voter.** (1) Each registered voter desiring to participate in the presidential primary shall, prior to being issued either an absentee or a regular ballot, be given the opportunity to subscribe to any declaration provided under the national or state political party rules of a major political party for participation in the presidential nominating process of that party.

(2) For the 1996 presidential nominating process, the state democratic party has adopted the following declaration:

"I declare that I consider myself to be a Democrat and I have not participated in the nominating process of any other political party for the 1996 presidential election."

(3) For the 1996 presidential nominating process, the republican state party has adopted the following declaration:

"I declare that I consider myself a Republican and I have not participated in the 1996 precinct caucus system of any other party."

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

**WAC 434-219-150 Ballot request form used at the polling place.** (1) The political party declaration provided under 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 for each voter. The form shall identify the presidential primary, the major political party, and the date, and shall have space for the voter to sign his or her name and address. 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 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, if any; or

(c) Separate poll books for each major political party distinct from the poll books for voters who do not subscribe to the declaration of any major political party.

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

handling, maintaining, and transportation of the political party declarations.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-150, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-150, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-160 Ballot—Separation of political parties.** Separate ballots for each major political party shall be provided as follows:

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

(2) Where a ballot card is used, separate ballot cards shall be provided for each major political party. Counties shall employ separate voting devices within each polling place for each major political party. Ballot cards must contain a machine readable pre-punch or a machine readable ballot code to distinguish, within each precinct, each ballot type used.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-160, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-160, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-180 Ballots—Arrangement of names—Instructions.** (1) Voters who do not make a political party declaration under WAC 434-75-140 shall be issued a ballot containing the names of all of the candidates certified by the secretary of state under WAC 434-75-120 listed alphabetically under the designation of the office (president of the United States) together with any other issues being submitted to the voters at special elections held in conjunction with the presidential primary.

(2) Voters who make a political party declaration under WAC 434-75-140 shall be issued a ballot containing the names of all of the candidates certified by the secretary of state under WAC 434-75-120 for that party's nomination listed alphabetically under the designation of the office (president of the United States) together with any other issues being submitted to the voters at special elections held in conjunction with the presidential primary.

(3) 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. The names of candidates on the presidential primary ballot shall not be rotated.

(4) The ballot shall contain instructions to the voters in substantially the following form:

"VOTE FOR ONE. If you vote for more than one candidate for this office, your vote in the presidential 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. 96-03-141, recodified as § 434-219-180, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-180, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-190 Special election held in conjunction with the presidential primary.** If a special election is scheduled concurrently with the presidential primary under

RCW 29.13.010 or 29.13.020, all measures or candidates for office for which the voters are eligible to vote at that special election shall be listed on the ballot in such a manner that each voter can identify and vote on those candidates or measures separately from the presidential primary candidates.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-190, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-190, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-210 Provisions regarding ballots applicable to absentees.** Wherever applicable, the provisions regarding the arrangement and form of the presidential primary ballot shall apply to both absentee ballots and to those ballots used at the polling place.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-210, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-210, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-220 Absentee ballot request form.** Any absentee ballot request form produced for use in the presidential primary must include an option for the voter to subscribe to the declaration of a major political party under WAC 434-219-140 and participate only in the presidential primary of that party. The absentee request shall also contain a statement in substantially the following form:

"Under Washington's presidential primary law, you may subscribe to a declaration required by the rules of a major political party and receive a ballot containing only the candidates of that political party. The rules of that major political party may provide that votes cast by persons subscribing to this declaration at the presidential primary be used to determine the allocation of delegates and alternates from this state to the national nominating convention of that party. If you wish to receive a ballot containing only the names of presidential candidates for one political party, be sure to sign the declaration for 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 primary and shall provide this form to each county auditor, and to any other person or organization, upon request.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-220, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-220, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-230 Incomplete absentee ballot requests.** 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. 96-03-141, recodified as § 434-219-230, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-230, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-240 Processing absentee ballot requests.** (1) In the event the auditor receives a written request for an absentee ballot that does not include any signed political party declaration or receives a phone request for an unaffiliated absentee ballot, he or she shall send that

voter a ballot containing the names of all of the candidates certified by the secretary of state under WAC 434-75-120.

(2) In the event the auditor receives a phone request for an absentee ballot of a major political party, he or she shall send the voter a ballot containing the names of all of the candidates of that party certified by the secretary of state under WAC 434-75-120. The auditor shall include with the ballot and return envelopes the appropriate political party oath together with instructions for executing and returning the signed oath. The political party oath may be affixed to the return envelope or may be on a separate piece of paper to be returned separately from the security envelope.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-240, filed 1/24/96, effective 2/24/96; 92-08-032, § 434-75-240, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-240, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-250 Ongoing absentee voters. (1)**

Each county auditor shall, prior to the presidential primary, send a ballot request form similar to the one provided under WAC 434-75-220 to each ongoing absentee voter and to all voters in vote-by-mail precincts in advance of the presidential primary, giving those voters the opportunity to request a ballot containing only the presidential candidates of one major political party. In the event an ongoing absentee voter does not return a ballot request form at least twenty-five days before the date of the primary, that voter shall be sent a ballot containing all of the candidates certified by the secretary of state under WAC 434-75-120.

(2) If the auditor receives a written or phone request for the ballot of a major political party from any ongoing absentee voter or voter in a vote-by-mail precinct to whom an unaffiliated ballot has already been sent, that request shall be processed as provided under WAC 434-75-240(2).

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-250, filed 1/24/96, effective 2/24/96; 92-08-032, § 434-75-250, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-250, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-260 Canvassing and tabulation of presidential primary absentee ballots.** Unless otherwise provided by law, by the rules of the national or state party of a major political party, or by these rules, absentee ballots for the presidential 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. 96-03-141, recodified as § 434-219-260, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-260, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-270 Vote-by-mail precincts.** Wherever applicable, presidential 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, by the rules of the national or state committee of a major political party, and by these rules.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-270, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-270, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-280 Ballots not tabulated.** The county auditor shall not count votes cast for the office of  
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president of the United States in the presidential primary in the following cases:

(1) Where the voter has attempted to vote more than once for that office;

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

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

(4) Where the person issued a special 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 or part of 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. 96-03-141, recodified as § 434-219-280, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-280, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-290 Canvassing and certification of presidential primary.** County canvassing boards shall certify the results of the presidential primary, by congressional district, not later than the tenth day following the primary. The county auditor shall send one original copy of the returns by mail to the secretary of state 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 primary. Not later than the twentieth day following the presidential primary, the secretary of state shall notify the candidates and the chairperson of the national and state committees of each major political party of the votes cast for each candidate listed on the ballot and of the write-in votes cast for any qualified write-in candidates.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-290, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-290, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-310 Mandatory recount provisions do not apply.** The provisions of RCW 29.64.015 regarding mandatory recounts do not apply to a presidential primary. However, recounts may be requested under the other provisions of that chapter.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-310, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-310, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-320 Political party preference data—Transmittal to the major political parties.** No later than thirty days following the certification of the returns of the presidential primary by the secretary of state, the county auditor shall provide to the county and state committee of each major political party, at actual reproduction cost, the names and addresses of those voters participating in the presidential primary of that major political party. This may be accomplished by either:

(1) Integrating the ballot request and party preference data with the county 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 political party declarations that indicate the primary in which the voter participated; or

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

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-320, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-320, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-330 Retention of election material.**

The county auditor shall maintain all presidential primary material, including ballot request forms, absentee ballot envelopes, poll books, and ballots, for a period of twenty-two months following the presidential primary. The auditor may, at any time after sixty days following the certification of the returns by the secretary of state, remove from his or her automated voter registration files any record of the party designation of any voter casting a ballot at the presidential primary.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-330, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-330, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-340 Claims for reimbursement.**

Following the presidential 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 under RCW 29.13.045. 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. 96-03-141, recodified as § 434-219-340, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-340, filed 8/26/91, effective 9/26/91.]

**WAC 434-219-350 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 primary by the secretary of state. 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. 96-03-141, recodified as § 434-219-350, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-350, filed 8/26/91, effective 9/26/91.]

**Chapter 434-600 WAC  
PROMULGATION**

**WAC**

434-600-010 General purpose.

**WAC 434-600-010 General purpose.** These regulations are adopted under the provisions of chapter 40.14 RCW as amended by section 1, chapter 10, Laws of 1971 ex. sess. and chapter 54, Laws of 1973, in order to furnish procedures for the management, disposition, and preservation of public records of state and local agencies.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-600-010, filed 1/21/93, effective 2/21/93.]

**Chapter 434-610 WAC  
DEFINITIONS**

**WAC**

- 434-610-010 "Agency" defined.
- 434-610-020 "Public record" defined.
- 434-610-025 "Writing" defined.
- 434-610-030 "Records classification" defined.
- 434-610-040 "Official public records" defined.
- 434-610-050 "Office files and memoranda" defined.
- 434-610-060 "Record series" defined.
- 434-610-070 "Retention period" defined.
- 434-610-080 "Long term records" defined.
- 434-610-090 "Archival records" defined.
- 434-610-100 "Retention schedule" defined.
- 434-610-110 "Scheduled records" defined.
- 434-610-120 "Division records" defined.

**WAC 434-610-010 "Agency" defined.** "Agency" means any department, office, commission, board, or division of state government; and any county, city, district, or other political subdivision or municipal corporation or any department, office, commission, court, or board or any other state or local government unit, however designated.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-010, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-020 "Public record" defined.** "Public records" means any paper, correspondence, completed form, record book, photograph, map, or drawing, regardless of physical form or characteristics, and including records stored on magnetic, electronic, or optical media, and including all copies thereof, that have been made by any agency or received by it in connection with the transaction of public business. And includes any writing containing information relating to the conduct of government or the performance of government or proprietary function prepared, owned, used, or retained by the state or local agency regardless of physical form or characteristics.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-020, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-025 "Writing" defined.** "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and all

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

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-025, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-030 "Records classification" defined.**

"Records classification" means the designation of a record as either an official public record or as an office file and memorandum, as those terms are defined by RCW 40.14.010 and by these regulations.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-030, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-040 "Official public records" defined.**

"Official public records" means all original or most important copies of vouchers, receipts, and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use, and disposition of all public property and public income from all sources whatever; all agreements and contracts to which the state of Washington or any agency thereof may be a party; all fidelity, surety, and performance bonds; all claims filed against the state of Washington or any agency thereof; all records and documents required by law to be filed with or kept by the state of Washington or any agency thereof; all legislative records as defined in section 2, chapter 1, Laws of 1971, ex. sess., and chapter 2, Laws of 1971 ex. sess.; and all other documents or records determined by the state or local records committees to be official public records.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-040, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-050 "Office files and memoranda" defined.**

"Office files and memoranda" means all records, correspondence, exhibits, record books, booklets, drawings, maps, completed forms, or documents produced or received by the agency but not defined and classified as official public records; all documents and reports made for the internal administration of the office to which they pertain, but not required by law to be filed or kept with such agency; and all other documents or records determined by the state or local records committees to be office files and memoranda.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-050, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-060 "Record series" defined.**

"Record series" means any group of related records which is filed and used as a unit and which permits evaluation as a unit for disposition purposes.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-060, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-070 "Retention period" defined.**

"Retention period" means the period of time that must elapse before a specific record is eligible for disposal or transfer in accord with approved retention schedules.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-070, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-080 "Long term records" defined.**

"Long term records" means records which have an enduring administrative, legal, or financial value and in consequence thereof, must be retained and preserved more than six year.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-080, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-090 "Archival records" defined.**

"Archival records" means those public records of state and local government agencies which are determined by the state archivist as having continued historical value, must be permanently preserved and have been or may be transferred to the custody of the division of archives after their approved retention has been met.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-090, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-100 "Retention schedule" defined.**

"Retention schedule" means a compilation of records of an office by name and description which indicates the length of time each record series must be retained and authorizing its disposition.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-100, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-110 "Scheduled records" defined.**

"Scheduled records" are those public records which have been inventoried in accord with these regulations and approved for disposition and/or transfer to the records center but remain under the jurisdiction of the agency of origin.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-110, filed 1/21/93, effective 2/21/93.]

**WAC 434-610-120 "Division records" defined.**

"Division records" are those records pertaining to the operations of the division of archives and records management.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-120, filed 1/21/93, effective 2/21/93.]

**Chapter 434-615 WAC**

**CUSTODY OF PUBLIC RECORDS**

**WAC**

434-615-010	Public records as public property.
434-615-020	Custody.
434-615-030	Authority to transfer records.

**WAC 434-615-010 Public records as public property.**

All public records shall be and remain the property of the state or local agency. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of chapter 40.14 RCW or as otherwise provided for by law and by these regulations.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-615-010, filed 1/21/93, effective 2/21/93.]

**WAC 434-615-020 Custody.** Unless otherwise provided by law, public records must remain in the legal custody of the office in which they were originally filed, which shall be considered the office of record, or shall be destroyed or transferred pursuant to instructions from the state or local records committee as required by chapter 40.14 RCW. They shall not be placed in the legal or physical custody of any other person or agency, public or private, or released to individuals, except for disposition pursuant to law or unless otherwise expressly provided by law or by these regulations.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-615-020, filed 1/21/93, effective 2/21/93.]

**WAC 434-615-030 Authority to transfer records.** All state agency records not required in the current operation of the office where they are made or kept, and all records of every state agency, commission, committee, or any other activity of state or local government which may be abolished or discontinued, shall be transferred to the state archives in accord with approved records retention schedules.

State records designated by the state archivist as being archival or potentially archival shall be transferred to the legal and physical custody of the state archives so that the valuable historical records of the state may be centralized, made more widely available for research, and insured permanent preservation.

Transfer of archival records to the state archives must take place within fifty years of the creation of the records so that they may be preserved for posterity in archival-quality conditions. Records which the state is required to keep permanently will be maintained intact by the state archivist, who will assume all responsibility for the access, care and preservation of such records.

Local government agency records designated by the state archivist as of primarily historical interest may be transferred to the state archives, or one of its designated regional depositories, in order to relieve local offices of the burden of housing them, to insure their preservation, and to make them available for reference or study. Officials of local agencies are authorized to transfer records in their custody which are no longer in current use to the Washington state archives. The state archives is not under obligation to acquire such records and will accept only records deemed valuable as a historical source. Any transfer must be by concurrent agreement, excepting wherein records are selected for preservation as historical sources from records retention schedules submitted to the local records committee for disposition authorization.

Records designated as archival on records retention schedules must be either transferred to the state archives system or retained by the originating agency in accord with standards for the maintenance of and access to archival records issued by the state archivist.

[Statutory Authority: RCW 40.14.020. 94-21-089, § 434-615-030, filed 10/19/94, effective 11/19/94. Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-615-030, filed 1/21/93, effective 2/21/93.]

## Chapter 434-620 WAC POWERS AND DUTIES OF THE STATE ARCHIVIST

WAC

434-620-010 Powers and duties of the state archivist.

**WAC 434-620-010 Powers and duties of the state archivist.** The division of archives and records management is established in the office of the secretary of state. The division is administered by the state archivist and is the primary archival and records management agency of Washington state government. In order to insure the proper management and safekeeping of public records, the state archivist, through the several sections of the division, carries out the following functions:

- (1) Manages the archives of the state of Washington;
- (2) Centralizes the archives of the state of Washington to make them available for reference and scholarship, and to insure their proper preservation;
- (3) Inspects, inventories, catalogs, and arranges records retention and transfer schedules on all record files of all state departments and other agencies of state government;
- (4) Insures the maintenance and security of all state public records and establishes safeguards against unauthorized removal or destruction;
- (5) Establishes and operates such state records centers as may from time to time be authorized by appropriation for the purpose of preserving, servicing, screening, and protecting all state public records which must be retained temporarily or permanently, but which need not be kept in office space and equipment;
- (6) Adopts rules under chapter 34.05 RCW:
  - (a) Establishing standards for the durability and permanence of public records maintained by state and local agencies;
  - (b) Governing procedures for the creation, maintenance, transmission, or reproduction of public documents or records in a manner consistent with current standards, policies, and procedures of the department of information services for the acquisition of information technology;
  - (c) Governing the accuracy and durability of photographic, optical, electronic, or other images used as public records;
  - (d) Carrying out other provisions of chapter 40.14 RCW.
- (7) Operates a central microfilm bureau which will microfilm, at cost, records approved for filming by the head of the office of origin and the archivist; approves microfilming projects undertaken by state departments and other agencies of state government; and maintains proper standards for this work;
- (8) Maintains necessary facilities for the review of records approved for destruction and for their economical disposition; directly supervise such destruction of records as should be authorized by law;
- (9) Provides assistance to agencies of local government in records management related matters;
- (10) Manages a state-wide essential records protection program including the operation of an essential records

storage facility, and serves as depository for essential record microfilms for state and local government agencies.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-620-010, filed 1/21/93, effective 2/21/93.]

### Chapter 434-624 WAC

#### POWERS AND DUTIES OF THE STATE RECORDS COMMITTEE

##### WAC

434-624-010	Membership.
434-624-020	Committee officers—Duties.
434-624-030	General powers of the committee.
434-624-040	General duties of the committee.
434-624-050	Committee meetings.

**WAC 434-624-010 Membership.** The chief examiner of the division of departmental audits of the state auditor's office, the state archivist, a representative appointed by the attorney general and a representative appointed by the director of the office of financial management shall constitute a committee to be known as the state records committee.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-624-010, filed 1/21/93, effective 2/21/93.]

**WAC 434-624-020 Committee officers—Duties.** The chief examiner of the division of departmental audits of the state auditor's office shall be ex officio chairperson of the state records committee. The representative appointed by the attorney general shall be vice-chairperson. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-624-020, filed 1/21/93, effective 2/21/93.]

**WAC 434-624-030 General powers of the committee.** The state records committee may adopt appropriate procedures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of state agencies; may exercise such further powers as are granted by chapter 40.14 RCW or by any other statute.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-624-030, filed 1/21/93, effective 2/21/93.]

**WAC 434-624-040 General duties of the committee.** The committee shall review records retention and disposition schedules submitted to it for authorization and may veto, approve, or amend the schedule or any or all records series contained therein. Approval of a schedule or amended schedule shall be by majority vote of the state records committee members.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-624-040, filed 1/21/93, effective 2/21/93.]

**WAC 434-624-050 Committee meetings.** The state records committee shall meet in open session on the first Wednesday of each month at 9:00 a.m. to consider all business relevant to the duties of the committee, at the office of the state archivist, Olympia, Washington.

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[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-624-050, filed 1/21/93, effective 2/21/93.]

### Chapter 434-626 WAC

#### POWERS AND DUTIES OF THE STATE AGENCY RECORDS OFFICERS

##### WAC

434-626-010	Designation.
434-626-020	Powers and duties of agency records officers.

**WAC 434-626-010 Designation.** The head of each agency of state government shall designate a records officer to supervise the agency records management program and to represent the agency in all its contacts with the state records committee and the division of archives and records management.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-626-010, filed 1/21/93, effective 2/21/93.]

**WAC 434-626-020 Powers and duties of agency records officers.** To facilitate the state records management program, agency records officers shall have reasonable access to all records of the agency, wherever kept, for the purposes of inventorying and scheduling their retention and transfer and shall perform the following duties.

(1) Approve all records inventory and destruction requests which are submitted to the state records committee by agency offices.

(2) Review the inventory, or manage the inventory, of all agency public records at least once during a biennium for disposition scheduling and transfer action, in accordance with procedures prescribed by the state archivist and the state records committee.

(3) Analyze records inventory data, examine and compare divisional or unit inventories for duplication of records, and recommend to the state archivist and state records committee minimal retentions for all copies commensurate with legal, financial, and administrative needs.

(4) Review established records retention schedules at least biennially to insure that they are complete and current.

(5) Consult with other staff of the agency responsible for the maintenance of specific records regarding records retention and transfer recommendations.

(6) Administer the agency essential records program including an annual review and update of the agency essential records schedule in accordance with chapter 40.10 RCW and procedures established by the state archivist. Participate in the agency disaster preparedness plan as it relates to records protection and recovery in accord with guidelines provided by the state archivist.

(7) Exercise internal control over the acquisition of filing, microfilming, and other recording equipment and services.

(8) Coordinate other aspects of the agency records management program pursuant to law or these regulations.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-626-020, filed 1/21/93, effective 2/21/93.]



**Chapter 434-630 WAC****POWERS AND DUTIES OF THE LOCAL RECORDS COMMITTEE****WAC**

434-630-010	Membership.
434-630-020	Committee officers—Duties.
434-630-030	General powers of the committee.
434-630-040	General duties of the committee.
434-630-050	Duties of the state archivist.
434-630-060	Committee meetings.

**WAC 434-630-010 Membership.** The chief examiner of the division of municipal corporations of the state auditor's office, the state archivist, and a representative appointed by the attorney general shall constitute a committee to be known as the local records committee. Reference: RCW 40.14.070.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-010, filed 8/28/92, effective 9/28/92.]

**WAC 434-630-020 Committee officers—Duties.** The chief examiner of the division of municipal corporations shall be ex officio chairperson of the local records committee. The representative appointed by the attorney general shall be vice-chairperson. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-020, filed 8/28/92, effective 9/28/92.]

**WAC 434-630-030 General powers of the committee.** The local records committee may adopt appropriate procedures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of local government agencies, and may exercise such further powers as are granted by chapter 40.14 RCW or any other statute.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-030, filed 8/28/92, effective 9/28/92.]

**WAC 434-630-040 General duties of the committee.** The local records committee shall review lists of records submitted to it for destruction authorization and may veto the destruction of any or all items contained therein.

The local records committee shall also review recurring disposition schedules recommended to it by agencies of local government and may veto, approve, or amend such schedules. Approval of a schedule or amended schedule shall be by unanimous vote of the local records committee members.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-040, filed 8/28/92, effective 9/28/92.]

**WAC 434-630-050 Duties of the state archivist.** To facilitate the work of the local records committee, the state archivist shall have reasonable access to all public records, wherever kept, for the purposes of information, surveying, or cataloging them and shall perform the following duties:

(1) Provide guidelines to local governmental agencies for their assistance in preparing lists and schedules for destruction authorization.

(2) Record final actions and maintain the official files of the committee.

(3) Designate those records of county, municipal, or other local government agencies which are of primarily historical interest and arrange for document transfer to a recognized depository agency in order to relieve local officers of the burden of housing such records and to insure their preservation.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-050, filed 8/28/92, effective 9/28/92.]

**WAC 434-630-060 Committee meetings.** The local records committee shall meet in open public session on the last Thursday of each month at 10:00 a.m. to consider all business relevant to the duties of the committee, at the office of the state archivist, Olympia, Washington.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-060, filed 8/28/92, effective 9/28/92.]

**Chapter 434-635 WAC****LOCAL RECORDS DISPOSITION AUTHORIZATION****WAC**

434-635-010	Statutory requirements.
434-635-020	Types of destruction authorizations.
434-635-030	Listed nonrecurring authorization.
434-635-040	Recurring disposition schedules.
434-635-050	General schedules may be adopted.
434-635-060	Records retention and disposition guidelines.

**WAC 434-635-010 Statutory requirements.** No public record other than office files and memoranda of any local government agency shall be destroyed until it is six years old or until the six-year retention is reduced by the local records committee for records that are shown by the requesting agency that a six-year retention is both unnecessary and uneconomical or that a lesser federal retention guideline has been established; or until the record has been authorized for microfilming or for conversion to any other document imaging system approved by the state archivist.

Except as otherwise provided by law, no public record, including office files and memoranda, shall be destroyed until approved for destruction by the local records committee. Reference chapter 40.14 RCW.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-010, filed 8/28/92, effective 9/28/92.]

**WAC 434-635-020 Types of destruction authorizations.** Requests to destroy public records in the possession of local government agencies shall be approved only by the local records committee and shall be of two types as further set forth in these regulations; namely:

- (1) Listed nonrecurring authorization; and
- (2) Recurring disposition schedules.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-020, filed 8/28/92, effective 9/28/92.]

**WAC 434-635-030 Listed nonrecurring authorization.** County, municipal, and other local government agencies may request authority to destroy noncurrent public

records having no further administrative or legal value by submitting to the local records committee lists of such records on forms provided by the division of archives and records management. Such lists, when approved by the local records committee, constitute authority to destroy the specifically dated records indicated. Listed authorizations are valid only for the dates specified and are not recurring for subsequently dated records without submittal of a new list.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-030, filed 8/28/92, effective 9/28/92.]

#### **WAC 434-635-040 Recurring disposition schedules.**

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management, to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedules or amended schedules shall be by unanimous vote of the local records committee.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-040, filed 8/28/92, effective 9/28/92.]

**WAC 434-635-050 General schedules may be adopted.** The local records committee may approve and issue records retention/disposition schedules which shall constitute authority to dispose of specific records, held commonly by like agencies, after a required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-050, filed 8/28/92, effective 9/28/92.]

**WAC 434-635-060 Records retention and disposition guidelines.** The state archivist may furnish suggestions and guidelines to local governmental agencies for their assistance in the preparation of lists and schedules and may furnish information relating to any other matter relating to the retention, preservation, or destruction of public records. Such guidelines may be published and include suggestions relative to the minimal retentions of records and recommendations for microfilming. The guidelines are suggestive only and are not records destruction authorizations.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-060, filed 8/28/92, effective 9/28/92.]

### **Chapter 434-640 WAC**

#### **METHODS OF RECORDS DISPOSAL**

##### **WAC**

434-640-010	Records disposal—Generally.
434-640-020	Disposal of confidential records.
434-640-030	Disposal by recycling.

#### **WAC 434-640-010 Records disposal—Generally.**

When the state or local records committee has authorized the destruction of public records in accord with chapter 40.14 RCW, it shall be the responsibility of the agency having

requested or received such authorization to cause such records to be disposed of promptly and effectively, after the approved retention period.

[Statutory Authority: RCW 40.14.020. 92-05-060, § 434-640-010, filed 2/14/92, effective 3/16/92.]

#### **WAC 434-640-020 Disposal of confidential records.**

It is the agency's responsibility to insure that records exempt from disclosure per chapter 42.17 RCW, or which are otherwise considered confidential, are protected from unauthorized access during any disposal process. The primary purpose of such disposal shall be that of reducing the records to an illegible condition.

[Statutory Authority: RCW 40.14.020. 92-05-060, § 434-640-020, filed 2/14/92, effective 3/16/92.]

**WAC 434-640-030 Disposal by recycling.** Pursuant to disposal authorization from the state or local records committee, an agency may dispose of records by recycling, under the following conditions:

(1) The prompt destruction of the records shall be insured, and the responsibility for such destruction shall continue to be that of the agency until effectuated.

(2) The recycling agent or entity shall have any required licenses and shall be insured or bonded.

(3) Records shall not be kept in unattended and unprotected storage awaiting their destruction.

(4) The agency or its authorized agent shall have in effect a contract or written agreement with the recycling entity which includes these conditions.

[Statutory Authority: RCW 40.14.020. 92-05-060, § 434-640-030, filed 2/14/92, effective 3/16/92.]

### **Chapter 434-660 WAC**

#### **STANDARDS FOR THE ACCURACY, DURABILITY AND PERMANENCE OF PUBLIC RECORDS**

##### **WAC**

434-660-010 Statutory authority.

**WAC 434-660-010 Statutory authority.** The state archivist shall adopt rules under chapter 34.05 RCW setting standards for the durability and permanence of public records maintained by state and local agencies:

(1) Governing procedures for the creation, maintenance, transmission, or reproduction of photographic, optical, electronic, or other images of public documents or records in a manner consistent with current standards, policies, and procedures of the department of information services;

(2) Governing the accuracy and durability of photographic, optical, electronic or other images used as public records. Reference RCW 40.14.020.

[Statutory Authority: Chapter 40.14 RCW. 93-19-051, § 434-660-010, filed 9/10/93, effective 10/11/93.]

## Chapter 434-663 WAC

IMAGING SYSTEMS, STANDARDS FOR  
ACCURACY AND DURABILITY

## WAC

LEGALITY OF ELECTRONIC IMAGING SYSTEMS USED  
FOR MANAGING AND STORING PUBLIC RECORDS

434-663-100 Legality.

## DEFINITIONS

434-663-200 Electronic document imaging system.  
 434-663-210 Document scanning.  
 434-663-220 Image.  
 434-663-230 Enhancement.  
 434-663-240 Archival records.  
 434-663-250 Open system.  
 434-663-260 De facto standard.

## QUALITY OF DIGITAL IMAGES

434-663-300 Quality of digital images.  
 434-663-310 Enhancement of original image.  
 434-663-320 Compressing image data for storage.

## USABILITY OF IMAGE AND INDEX DATA OVER TIME

434-663-400 Usability of image and index data over time.  
 434-663-410 Defining indexing requirements.  
 434-663-420 Preservation strategy.  
 434-663-430 Header on image files.  
 434-663-440 Backup for recovery.  
 434-663-450 Ensuring usability.  
 434-663-460 Stability of media.  
 434-663-470 Storage media.  
 434-663-480 Optical media durability.  
 434-663-490 Archival, permanent, and long-term off-line storage environment.

## FUNCTIONALITY OF SYSTEM COMPONENTS

434-663-500 Open systems architecture.  
 434-663-510 Backward compatibility.  
 434-663-520 Availability of index data base for off-line media.  
 434-663-530 Technical documentation.

## RETENTION AND DISPOSITION OF RECORDS

434-663-600 Retention and disposition of public records.  
 434-663-610 Records retention scheduling for records on imaging system.  
 434-663-620 Security copies.  
 434-663-630 Agency acquisition—Department of information services approval.

LEGALITY OF ELECTRONIC IMAGING SYSTEMS  
USED FOR MANAGING AND STORING PUBLIC  
RECORDS

**WAC 434-663-100 Legality.** Electronic imaging systems may be legally used for recording, producing, reproducing, maintaining, and storing public records provided that they materially meet the standards set forth in this regulation; and the retention and disposition of the original and copies regardless of media are scheduled in accordance with chapter 40.14 RCW. Nothing in this chapter can be construed to limit the admissibility as evidence of any public record. The purpose of this regulation is the preservation of information, and the facilitation of the migration of archival, permanent, and long-term records.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-100, filed 2/1/94, effective 3/7/94.]

## DEFINITIONS

**WAC 434-663-200 Electronic document imaging system.** An electronic document imaging system is a computer-based configuration of equipment and software that stores machine-readable document images and their associated character-coded index data for on-demand retrieval. Electronic images can be computer generated, or created through document scanning.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-200, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-210 Document scanning.** A specially designed input workstation is required to convert documents or images to machine-readable form for computer processing and storage. At a minimum, the input workstation includes a document scanner, an image processor unit, a video display unit, keyboard, and access to storage. Using a solid-state array or other photo-sensitive components, the document scanner measures the amount of light associated with successively encountered PELs (Picture Element) and transmits a corresponding electrical signal that is converted to computer compatible digital codes.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-210, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-220 Image.** An image can be a document, picture, or graphic. An image can be produced by scanning paper or film documents, producing images through a computer program, receiving an image by means of a fax, or by other means.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-220, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-230 Enhancement.** Any method including adjusting brightness and contrast, or algorithm employed with the objective of producing an accurate and legible copy.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-230, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-240 Archival records.** Archival records are records that have permanent and/or historical value and are scheduled as archival. Long-term records are records having a retention period in excess of ten years. Permanent records are those records that are required by specific statute to be retained permanently.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-240, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-250 Open system.** Open system is defined to be a system that implements sufficient public specifications for interfaces, services and supporting formats to enable applications software to be ported across a wide range of systems, to interoperate or interchange with other applications on local and remote systems, and to interact with users in a style that facilitates portability. Public specifications are maintained by open, public consensus process to accommodate new technology over time, and which are consistent with international standards.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-250, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-260 De facto standard.** A de facto standard is a widely accepted industry standard without official recognition by a standards group.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-260, filed 2/1/94, effective 3/7/94.]

## QUALITY OF DIGITAL IMAGES

**WAC 434-663-300 Quality of digital images.** Ensuring the quality of digital images requires exercising control over six processes: Conversion of the original image to digital data, enhancement of the digital image if necessary, compression of the digital data for storage, decompression of digital data for retrieval, displaying the image, and printing.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-300, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-310 Enhancement of original image.** Enhancement can be used to ensure readability of the documents and to improve the accuracy of the copy by scanning these documents using varying enhancement algorithm settings. Use the best scanned images as the operational criteria for acceptable image quality.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-310, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-320 Compressing image data for storage.** Imaging systems containing archival, permanent, or long-term information must use a compression technique that meets either a published or de facto standard. If such a technique cannot be used, the software vendor must provide a bridge to a standard.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-320, filed 2/1/94, effective 3/7/94.]

## USABILITY OF IMAGE AND INDEX DATA OVER TIME

**WAC 434-663-400 Usability of image and index data over time.** Maintaining access to and usability of electronic records requires ensuring continuous readability and intelligibility. Readability means the ability to process images both on the computer system on which they were created and on different computer systems without loss of information. Intelligibility means that humans can comprehend the information the computer reads. Ensuring readability and intelligibility of electronic records over time entails maintenance of environmental conditions, periodic recopying, and strategies to preserve data by migration from one generation of technology to another through a commitment to open architecture.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-400, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-410 Defining indexing requirements.** The selection of indexing parameters is based on an analysis

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of retrieval requirements associated with a particular application, and must insure rapid and accurate retrieval of information. For systems containing archival, permanent, or long-term records, index design must take into account the retrieval requirements of both current and future users of the records, including government agency personnel as well as researchers and the general public.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-410, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-420 Preservation strategy.** A preservation strategy must be developed and implemented for each image system containing long-term, permanent, or archival information. Four preservation strategy options are acceptable:

- (1) Retain the original paper documents; or
- (2) Microfilm the original documents; or
- (3) Recopy optical media when necessary to insure the integrity of the information, and recopy magnetic media every ten years; or
- (4) Print images on microfilm.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-420, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-430 Header on image files.** A de facto or industry standard header label on image files or a gateway to a nonproprietary header label shall be used for imaging systems that contain long-term, permanent, or archival information. This will allow access to the information by dissimilar systems now and in the future.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-430, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-440 Backup for recovery.** In order to facilitate a recovery of lost information and the restoration of system operations in the event of a malfunction or other disaster, properly implemented backup procedures must be in place. Backup security copies of document images and indexes through either simultaneous recording or periodic batch mode backup.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-440, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-450 Ensuring usability.** At a minimum, the system must include an electronic error checking utility that will check the integrity of the data when written to the media.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-450, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-460 Stability of media.** Records and their indexes having a permanent or archival retention or a retention of over ten years require long-term stability of the media used. Three interrelated issues impact long-term stability:

- (1) Media selection, including storage and recording technology;
- (2) Quality of data stored;
- (3) Media protection.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-460, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-470 Storage media.** Write-once-read-many (WORM) media should be used for records having a permanent or archival retention or a retention of over ten years. If WORM technology is not practical for an application, and rewritable media is used, ensure that read/write privileges are carefully controlled and that an audit trail of rewrites is maintained.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-470, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-480 Optical media durability.** Durability for optical media is defined as post-write shelf life. For records having a permanent or archival retention or a retention of over ten years, use media with a minimum twenty-year post-write life. Vendors must document that aging tests have been conducted.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-480, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-490 Archival, permanent, and long-term off-line storage environment.** Media should be stored in a dust-free area with a stable temperature between sixty and seventy degrees Fahrenheit with a fluctuation of plus or minus two degrees, and relative humidity between twenty and forty-five percent with a fluctuation of plus or minus five percent. Media should be stored in a suitable container to protect against particulate and fingerprints. Optical disks and magnetic tapes should be stored vertically. The reliability of the data should be tested every ten years. Magnetic tape should be precision rewound every five years and before each use. Every ten years, data stored on magnetic tape shall be transferred to pretested fresh stock.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-490, filed 2/1/94, effective 3/7/94.]

## FUNCTIONALITY OF SYSTEM COMPONENTS

**WAC 434-663-500 Open systems architecture.** Ensuring the usability of digital images to serve the functions for which they were designed involves long-term commitment to an open systems architecture and an approach to component upgrading, data transfer, and migration path that guarantees the portability of current data to be used with future technologies.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-500, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-510 Backward compatibility.** System upgrades or new systems acquired after the effective date of this regulation containing archival, long-term, or permanent records must provide backward compatibility to any existing systems containing the same records series, or be able to provide for the conversion of existing stored data to the new system.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-510, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-520 Availability of index data base for off-line media.** The index data must be available for media containing archival permanent or long-term documents.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-520, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-530 Technical documentation.** Technical documentation on system components, application software and operating systems is essential, and shall be maintained to facilitate long-term access to archival, permanent, and long-term records.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-530, filed 2/1/94, effective 3/7/94.]

## RETENTION AND DISPOSITION OF RECORDS

**WAC 434-663-600 Retention and disposition of public records.** Conversion to an imaging system does not automatically authorize the destruction of the original records. Destruction of, or changes to the retention of any public records due to conversion to or the use of a new media requires legal approval of the state or local records committee of the state of Washington through the retention and disposition scheduling process in accordance with chapter 40.14 RCW and chapter 434-635 WAC.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-600, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-610 Records retention scheduling for records on imaging system.** The retention scheduling of information to be placed on an imaging system must be done prior to the creation or copying of the records, and may require a cost benefit analysis. Decisions about the retention value of information stored on an imaging system are related to the value of the original information included in the system.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-610, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-620 Security copies.** Records with permanent legal value, stored on electronic media should have a security backup copy on another type of media. If this is impractical, the user must obtain permission to retain electronic copies as the sole media from the state records committee or the local records committee on a case-by-case basis as part of the records scheduling process. Such permission will be granted if there are strong backup systems in place, and systems and procedures in place for periodic recopying.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-620, filed 2/1/94, effective 3/7/94.]

**WAC 434-663-630 Agency acquisition—Department of information services approval.** State agencies intending to utilize an imaging system for the storage or conversion of public records must include such plans in their biennial information technology plan submitted to the department of information services and comply with other requirements of DIS as may apply.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-630, filed 2/1/94, effective 3/7/94.]

### Chapter 434-677 WAC SECURITY MICROFILM

#### WAC

434-677-010	Security microfilm.
434-677-020	Storage of security microfilm.
434-677-030	Use of state archives security storage facility.
434-677-040	Retention of security microfilm.
434-677-050	Access to security film.
434-677-060	Use and removal of security microfilm.
434-677-070	Inspection and notification.
434-677-080	Right to refuse or return security film.

**WAC 434-677-010 Security microfilm.** Security microfilm is generated to protect records identified as essential to the continuity of state and local government, or as otherwise provided by law. Reference: Chapter 40.10 RCW.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-010, filed 3/20/92, effective 4/20/92.]

**WAC 434-677-020 Storage of security microfilm.** Security microfilm shall be stored off-site from the original records, working copies of the microfilm, or other media containing the same information or documents. Security microfilm shall be stored in facilities under the public domain. Storage must meet atmospheric, fire, and security criteria established by technical standards for the storage of public records issued by the state archivist. Reference: Chapter 40.14 RCW.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-020, filed 3/20/92, effective 4/20/92.]

**WAC 434-677-030 Use of state archives security storage facility.** State agencies shall store security microfilm in facilities provided by the division of archives and records management. Local agencies may store security microfilm with the division of archives or at other sites which meet archival microfilm vault storage standards.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-030, filed 3/20/92, effective 4/20/92.]

**WAC 434-677-040 Retention of security microfilm.** Microfilm accepted for security storage will be retained per records retention schedules approved by the state or local records committee established in accord with chapter 40.14 RCW or per agency-approved essential records schedules established in accord with chapter 40.10 RCW. If the film is determined by the division of archives microfilm quality control examiner to be substandard, and the office of record has refused to take corrective or remedial action, the division reserves the right to return the film prior to the expiration of the scheduled retention.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-040, filed 3/20/92, effective 4/20/92.]

**WAC 434-677-050 Access to security film.** Access to security microfilm stored by the state archives is restricted

to authorized staff of the state archives for purposes of filing, inventory, inspection maintenance and approved duplication; and to authorized staff of the office of record depositing the film, for purposes of inspection.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-050, filed 3/20/92, effective 4/20/92.]

**WAC 434-677-060 Use and removal of security microfilm.** Security microfilm is for use only as a master for authorized film duplication. Security microfilm will not be removed from the state archives storage facility except for permanent return to the agency of origin upon a sixty-day notification by the agency or the division of archives. Any relocation of security microfilm must be to facilities meeting security film storage standards.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-060, filed 3/20/92, effective 4/20/92.]

**WAC 434-677-070 Inspection and notification.** Security microfilm will be inspected upon receipt for film type, condition, density, and resolution quality. Security microfilm shall be spot checked throughout its storage life for evidence of deterioration. Agencies will be notified of substandard film and advised of recommended remedial actions.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-070, filed 3/20/92, effective 4/20/92.]

**WAC 434-677-080 Right to refuse or return security film.** The division reserves the right to refuse or return microfilm sent for security storage under certain conditions including the following:

(1) The film is not the silver halide camera negative or first copy positive.

(2) The film does not meet state quality standards for density and resolution.

(3) The film has microscopic blemishing, mold, or other forms of deterioration or damage, or will not produce a usable work copy.

(4) The film is not packaged, identified, and transmitted in accord with division guidelines.

(5) The records being secured on microfilm do not qualify as essential records per chapter 40.10 RCW, or are not appraised as historically valuable.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-080, filed 3/20/92, effective 4/20/92.]

### Chapter 434-690 WAC ARCHIVES—ACCESS TO PUBLIC RECORDS

#### WAC

434-690-010	Purpose.
434-690-020	Description of central and field organization of the division of archives and records management.
434-690-030	Operations and procedures.
434-690-040	Public records available.
434-690-050	Public records officer.
434-690-060	Office hours.
434-690-070	Requests for public records—Archives—Scheduled records.
434-690-080	Fees.
434-690-090	Exemptions.

434-690-100	Review of denials of public records requests.
434-690-110	Protection of public records.
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:

- The name of the person requesting the record;
- The time of day and calendar date on which the request was made;
- The nature of the request;
- 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;
- 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.

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[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.

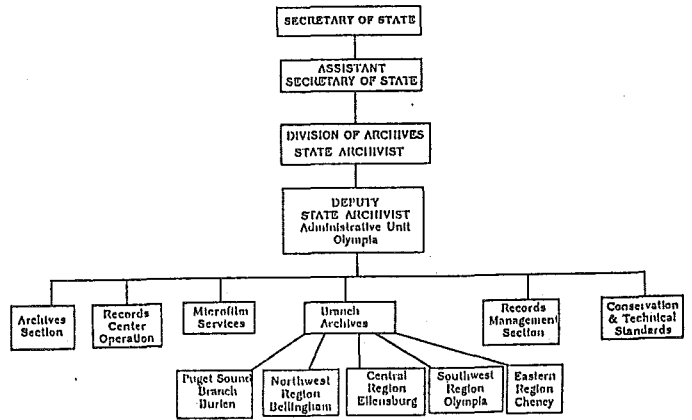
[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-130, filed 11/12/91, effective 12/13/91.]

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

434-840-001	Authority and purpose.
434-840-005	Definitions.
434-840-010	Application and certification process.
434-840-020	Exercise of program participant's privileges.
434-840-030	Certification renewal.
434-840-040	Certification withdrawal, invalidation, expiration, and termination.
434-840-050	Notification of program participant status.
434-840-060	Information release to law enforcement or upon court order.
434-840-070	Agency exemption request.
434-840-080	Service of process.
434-840-090	Program participant compliance with agency rules.
434-840-100	Acknowledgement for marriage and voting record confidentiality.
434-840-110	Proof of program participant's authority.
434-840-120	Record confidentiality.
434-840-130	Agency response to public disclosure requests.
434-840-200	Notification for marriage record confidentiality.
434-840-210	Marriage application.
434-840-220	Marriage record filing.
434-840-230	Marriage record transmission to department of health.
434-840-240	Certified copy of marriage certificates.
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 domes-

tic 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 confidential-

ity 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.]