

regarding when payout is to begin, payout will begin on the central payroll date nearest the twenty-fifth day of the month following the month in which the election period ends, and will be made, in a lump sum if the accumulated deferrals as of the end of the election period are less than twenty-five thousand dollars or, if the accumulated deferrals are twenty-five thousand dollars or more, in equal monthly installments over a period of one hundred twenty months or such lesser period:

(a) As may be necessary under the minimum payout requirements of Section 457 (d)(2)(B)(i)(I) of the Internal Revenue Code, requiring amounts to be paid not later than as determined under Section 401 (a)(9)(G) of the Internal Revenue Code; or

(b) As may be necessary under Section 457 (d)(2)(B)(i)(II) of the Internal Revenue Code, requiring amounts not distributed to the participant during his/her life to be distributed at least as rapidly as they were being distributed as of the participant's death.

(5) Effects of certain employment changes. Transfers from the plan are allowed in the circumstances described in WAC 415-512-015(2).

(6) Consequences in absence of a timely election regarding method of payment. In the absence of a timely election regarding the period of time over which payment will be made, payment will be made in the manner described in subsection (4) of this section.

(7) Payment to an organization, estate, or trust. Any amount payable to an organization, estate, or trust shall be paid in a lump sum as prescribed in WAC 415-512-110(3).

[Statutory Authority: RCW 41.50.780(1) and 41.50.050. 97-05-009, § 415-512-090, filed 2/7/97, effective 3/10/97. Statutory Authority: RCW 41.50.050 and 41.50.780(11). 96-16-020, § 415-512-090, filed 7/29/96, effective 7/29/96.]

Title 434 WAC SECRETARY OF STATE

Chapters

- 434-09 Selection and notification of persons by secretary of state for citizens' commission for salaries of elected officials.**
- 434-20 Voter registration forms—Manual voter registration.**
- 434-24 Maintenance of voter registration records on electronic data processing systems.**
- 434-28 Declarations of candidacy and filing procedures.**
- 434-30 Ballots.**
- 434-34 Electronic voting requirements.**
- 434-36 Vote-by-mail.**
- 434-40 Absentee voting.**
- 434-53 The polling place—Before, during and after the election.**
- 434-61 Counting center procedures.**

- 434-62 Canvassing and certification of primaries and elections.**
- 434-79 Verification of signatures on referendum and initiative petitions.**
- 434-120 Charitable solicitation organizations and charitable trusts.**
- 434-180 Electronic authentication.**
- 434-209 Selection and notification of persons by secretary of state for citizens' commission for salaries of elected officials.**
- 434-228 Declarations of candidacy and filing procedures.**
- 434-230 Ballots.**
- 434-236 Vote-by-mail.**
- 434-240 Absentee voting.**
- 434-253 The polling place—Before, during and after the election.**
- 434-261 Counting center procedures.**
- 434-262 Canvassing and certification of primaries and elections.**
- 434-324 Maintenance of voter registration records on electronic data processing systems.**
- 434-334 Electronic voting requirements.**
- 434-379 Verification of signatures on referendum and initiative petitions.**
- 434-840 Address confidentiality program.**

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 through 434-09-090 Decodified.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 434-09-010 Statement of purpose. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-010, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-09-020 Definitions. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-020, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-09-030 Qualification requirements. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-030, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-09-040 Transmitting and compiling the data file of records of registered voters. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-040, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-09-050 Conducting the selection of names by lot. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-050, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-09-060 Notifying persons selected by lot. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-060,

434-09-070 filed 2/19/87.] Decodified by 97-21-045, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

Determination of commission appointees from congressional districts. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-070, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-09-080 Names of selected persons to governor. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-080, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-09-090 Vacancy on the commission. [Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-090, filed 2/19/87.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

WAC 434-09-010 through 434-09-090 Decodified.
See Disposition Table at beginning of this chapter.

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

WAC

434-20-010 through 434-20-050 Repealed.

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

434-20-010 Permanent registration Form 1. [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.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-20-020 Registrar's certificate of registered voters. [Order 74-4, § 434-20-020, filed 6/3/74; Order 4 and Emergency Order 3, § 434-20-020, filed 8/10/71.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-20-030 Certificate of transfer of registrations. [Order 74-4, § 434-20-030, filed 6/3/74; Order 4 and Emergency Order 3, § 434-20-030, filed 8/10/71.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-20-040 Certificate of cancellation of registrations. [Order 74-4, § 434-20-040, filed 6/3/74.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-20-050 Use of forms previously prescribed. [Order 74-4, § 434-20-050, filed 6/3/74.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

WAC 434-20-010 through 434-20-050 Repealed.
See Disposition Table at beginning of this chapter.

**Chapter 434-24 WAC
MAINTENANCE OF VOTER REGISTRATION
RECORDS ON ELECTRONIC DATA PROCESSING
SYSTEMS**

WAC

434-24-010 Decodified.

434-24-015 Decodified.
434-24-020 Decodified.
434-24-025 Decodified.
434-24-030 Decodified.
434-24-035 Decodified.
434-24-040 Repealed.
434-24-050 Decodified.
434-24-055 Repealed.
434-24-060 Decodified.
434-24-065 Exemption of transmittal of signature cards to the secretary of state.
434-24-070 Repealed.
434-24-080 Repealed.
434-24-085 Decodified.
434-24-090 Repealed.
434-24-095 Decodified.
434-24-100 Repealed.
434-24-105 Decodified.
434-24-110 Decodified.
434-24-115 Decodified.
434-24-120 Decodified.
434-24-130 Decodified.
434-24-140 Decodified.
434-24-150 Repealed.
434-24-155 Repealed.
434-24-160 Decodified.
434-24-170 Repealed.

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

434-24-010 Contents of computer file of registered voters. [Order 74-4, § 434-24-010, filed 6/3/74; Order 6, § 434-24-010, filed 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-24-015 Uniform control number. [Order 74-4, § 434-24-015, filed 6/3/74.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-24-020 County codes. [Order 74-4, § 434-24-020, filed 6/3/74; Order 6, § 434-24-020, filed 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-24-025 Precinct codes. [Order 74-4, § 434-24-025, filed 6/3/74. Formerly WAC 434-24-030, Order 6, filed 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-24-030 Taxing district codes. [Order 74-4, § 434-24-030, filed 6/3/74. Formerly WAC 434-24-040, Order 6, filed 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-24-035 Maintenance of recent voting record. [Order 74-4, § 434-24-035, filed 6/3/74.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-24-040 Oath of deputy registrars. [Order 74-4, § 434-24-040, filed 6/3/74; Order 6, § 434-24-040, filed 3/3/72.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-24-050 Basic voter registration form. [Order 74-4, § 434-24-050, filed 6/3/74; Order 8, § 434-24-050, filed 6/15/72; Order 6, § 434-24-050, filed 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-24-055 Voter registration worksheet. [Order 74-4, § 434-24-055, filed 6/3/74.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-24-060 Transmittal of signature cards to the secretary of state. [Order 74-4, § 434-24-060, filed 6/3/74; Order 6, filed

- 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-070 Voters' request for transfer. [Order 74-4, § 434-24-070, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-080 Transmittal of transfers to the secretary of state. [Order 74-4, § 434-24-080, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-085 Notice of new registration or transfer. [Order 74-4, § 434-24-085, filed 6/3/74.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-090 Voters' authorization to cancel registration. [Order 74-4, § 434-24-090, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-095 Cancellation due to death. [Order 74-4, § 434-24-095, filed 6/3/74.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-100 Cancellation for failure to vote. [Order 74-4, § 434-24-100, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-105 Notification of cancellation for failure to vote. [Order 74-4, § 434-24-105, filed 6/3/74.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-110 Transmittal of cancellations to the secretary of state. [Order 74-4, § 434-24-110, filed 6/3/74; Order 6, filed 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-115 Challenge of voter's registration. [Order 74-4, § 434-24-115, filed 6/3/74.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-120 Contents of precinct list of registered voters. [Order 74-4, § 434-24-120, filed 6/3/74; Order 6, filed 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-130 Contents of list of registered voters for the public. [Order 74-4, § 434-24-130, filed 6/3/74; Order 6, filed 3/3/72.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-140 Requests for list of registered voters. [Order 74-4, § 434-24-140, filed 6/3/74. Formerly WAC 434-24-130.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-150 Subsidies for establishment of automated voter registration systems. [Order 74-4, § 434-24-150, filed 6/3/74.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-155 Subsidies for maintenance of records on automated voter registration systems. [Order 74-4, § 434-24-155, filed 6/3/74.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-160 Approval of automated voter registration systems. [Order 74-4, § 434-24-160, filed 6/3/74.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-24-170 Continuing review of automated voter registration systems. [Order 74-4, § 434-24-170, filed 6/3/74.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- WAC 434-24-010 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-24-015 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-24-020 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-24-025 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-24-030 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-24-035 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-24-040 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 434-24-050 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-24-055 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 434-24-060 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-24-065 Exemption of transmittal of signature cards to the secretary of state.** Pursuant to the requirements of RCW 29.07.120, a county auditor shall be exempted from transmitting voter registration cards required by RCW 29.07.090 and 29.10.100, by providing the secretary of state access to electronic voter registration and electronic voter signature information, provided that access to the electronic data shall meet the specifications defined by the secretary of state and agreed to by the county auditor through interlocal agreement. If access to the electronic data is suspended by the county auditor, the county auditor shall provide a complete alphabetical copy of all voter registration records in that county. The records shall contain the voter's name, date of registration, voter registration number, and a facsimile of the voter's signature. The office of the county auditor shall pay for all costs incurred by the secretary of state in reestablishing a voter registration card file system.
[Statutory Authority: RCW 20.04.080 and 29.07.120. 97-18-014, § 434-24-065, filed 8/25/97, effective 9/25/97.]
- WAC 434-24-070 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 434-24-080 Repealed.** See Disposition Table at beginning of this chapter.

WAC 434-24-085 Decodified. See Disposition Table at beginning of this chapter.

WAC 434-24-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 434-24-095 Decodified. See Disposition Table at beginning of this chapter.

WAC 434-24-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 434-24-105 Decodified. See Disposition Table at beginning of this chapter.

WAC 434-24-110 Decodified. See Disposition Table at beginning of this chapter.

WAC 434-24-115 Decodified. See Disposition Table at beginning of this chapter.

WAC 434-24-120 Decodified. See Disposition Table at beginning of this chapter.

WAC 434-24-130 Decodified. See Disposition Table at beginning of this chapter.

WAC 434-24-140 Decodified. See Disposition Table at beginning of this chapter.

WAC 434-24-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 434-24-155 Repealed. See Disposition Table at beginning of this chapter.

WAC 434-24-160 Decodified. See Disposition Table at beginning of this chapter.

WAC 434-24-170 Repealed. See Disposition Table at beginning of this chapter.

Chapter 434-28 WAC

DECLARATIONS OF CANDIDACY AND FILING PROCEDURES

WAC

434-28-012 through 434-28-060 Decodified.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-28-012 Declaration of candidacy—Offices subject to a primary. [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.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-28-020

Declaration of candidacy—Precinct committee officer. [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.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-28-050

Use of title or rank prohibited. [Statutory Authority: 1990 c 59. 92-12-083, § 434-28-050, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-28-060

Duplication of names. [Statutory Authority: 1990 c 59. 92-12-083, § 434-28-060, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

WAC 434-28-012 through 434-28-060 Decodified. See Disposition Table at beginning of this chapter.

**Chapter 434-30 WAC
BALLOTS**

WAC

434-30-010 Decodified.
434-30-020 Decodified.
434-30-030 Decodified.
434-30-040 Decodified.
434-30-050 Decodified.
434-30-060 Decodified.
434-30-070 Decodified.
434-30-080 Decodified.
434-30-090 Decodified.
434-30-100 Repealed.
434-30-110 Repealed.
434-30-120 Repealed.
434-30-130 Repealed.
434-30-140 Repealed.
434-30-160 Decodified.
434-30-170 Decodified.
434-30-180 Decodified.
434-30-190 Decodified.
434-30-200 Decodified.
434-30-210 Decodified.
434-30-220 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-30-010 Sample ballots. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-010, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-30-020 Placement of state ballot measures. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-020, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-30-030 Placement of ballot measures for local units of government. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-030, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-30-040 Candidate's political party designation—Primary to general. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-040, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97,

- effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-050 Candidate nominated by two or more political parties or for two or more offices. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-050, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-060 Primary votes required for appearance on general election ballot. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-060, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-070 Method for billing expense for printing and distributing ballot materials. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-070, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-080 Judicial ballots—Form. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-080, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-090 Determining nominees for multiple positions. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-090, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-100 Mechanical voting device ballot label uniformity. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-100, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-110 Mechanical voting device instructions. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-110, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-120 Mechanical voting devices—Office title label. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-120, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-130 Mechanical voting devices—Ballot form. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-130, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-140 Mechanical voting device diagrams. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-140, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-160 Electronic voting device instructions. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-160, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-170 Electronic voting devices—Ballot form. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-170, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-180 Ballot cards—Numbering. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-180, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-190 Paper ballot uniformity. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-190, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-200 Paper ballot instructions. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-200, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-210 Paper ballots—Ballot form. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-210, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-30-220 Paper ballots—Numbering. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-220, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- WAC 434-30-010 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-30-020 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-30-030 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-30-040 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-30-050 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-30-060 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-30-070 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-30-080 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-30-090 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-30-100 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 434-30-110 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 434-30-120 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 434-30-130 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 434-30-140 Repealed.** See Disposition Table at beginning of this chapter.
- WAC 434-30-160 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-30-170 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-30-180 Decodified.** See Disposition Table at beginning of this chapter.
- WAC 434-30-190 Decodified.** See Disposition Table at beginning of this chapter.

WAC 434-30-200 Decodified. See Disposition Table at beginning of this chapter.

WAC 434-30-210 Decodified. See Disposition Table at beginning of this chapter.

WAC 434-30-220 Repealed. See Disposition Table at beginning of this chapter.

Chapter 434-34 WAC

ELECTRONIC VOTING REQUIREMENTS

WAC

434-34-010 through 434-34-115 Decodified.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-34-010 Certification of vote tallying equipment. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-010, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-015 Application for certification. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-015, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-020 Additional information and equipment required. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-020, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-025 Vendor deposit for examination expenses. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-025, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-030 Examination of equipment. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-030, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-035 Public hearing. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-035, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-040 Issuance of certification. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-040, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-045 Modification of certified equipment, guidelines for re-examination. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-045, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-050 Application for certification or examination of modified voting systems or devices. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-050, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-055 Acceptance testing of voting systems and equipment. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-055, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-060 Inclusion of the federal election commission standards for voting equipment. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-060, filed 6/2/92, effective 7/3/92.]

Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-065 Logic and accuracy test conduct. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-065, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-070 Logic and accuracy test observers. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-070, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-075 Logic and accuracy testing of voting systems and equipment—State primary and general election. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-075, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-080 Logic and accuracy test deck preparation—State primary and general election. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-080, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-085 Logic and accuracy test scheduling and preparation—State primary and general election. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-085, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-090 Logic and accuracy test certification—State primary and general election. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-090, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-095 Logic and accuracy testing of voting systems and equipment—Special elections. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-095, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-100 Logic and accuracy test deck preparation—Special elections. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-100, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-105 Logic and accuracy test scheduling and preparation—Special election. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-105, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-110 Logic and accuracy test certification—Special election. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-110, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-34-115 Logic and accuracy tests for direct recording electronic equipment. [Statutory Authority: 1990 c 59. 92-12-083, § 434-34-115, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

WAC 434-34-010 through 434-34-115 Decodified.
See Disposition Table at beginning of this chapter.

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

WAC

434-36-010 through 434-36-210 Repealed or decodified.

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

434-36-010 Authority and purpose. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-010, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-020 Definitions. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-020, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-030 Request for mail ballot special election. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-030, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-040 Mail ballot special election plan. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-040, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-050 Review of the plan by the secretary of state. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-050, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-060 Notice of election. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-060, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-070 Delivery of ballot to voter. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-070, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-080 Envelope specifications. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-080, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-090 Instructions to voters. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-090, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-100 Depositing of ballots. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-100, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-110 Obtaining replacement ballots. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-110, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-120 Unsigned affidavit. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-120, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-130 Signature verification—Personnel. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-130, filed 11/1/83.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-140 Verification of signatures—Process. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-140, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-150 County canvassing board. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-150, filed 11/1/83.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-160 Master list of voters. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-160, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-170 Logic and accuracy test. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-170, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-180 Tallying of ballots. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-180, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-190 Canvassing of ballots. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-190, filed 11/1/83.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-200 Maintenance of records. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-200, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-36-210 Report to the secretary of state. [Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-210, filed 11/1/83.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

**WAC 434-36-010 through 434-36-210 Repealed or
decodified. See Disposition Table at beginning of this
chapter.**

**Chapter 434-40 WAC
ABSENTEE VOTING**

WAC

434-40-005 through 434-40-310 Repealed or decodified.

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

434-40-005 Authority and purpose. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-005, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-010 Definitions. [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.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-020 Applications for absentee ballots. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-020, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

434-40-025 Telephone requests for absentee ballots. [Statutory Authority: RCW 29.36.010. 92-18-093, § 434-40-025,

- filed 9/2/92, effective 10/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-030 Application form for a regular absentee ballot. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-030, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-040 Absentee ballot application forms originating outside the state of Washington. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-040, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-050 Ongoing absentee ballot application. [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.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-060 Termination of ongoing absentee voter status. [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.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-070 Notice of termination as ongoing absentee voter. [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.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-080 Renewal of status as ongoing absentee voter. [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.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-090 Special absentee ballot application form. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-090, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-100 Special absentee ballot—Material to be included. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-100, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-110 Special absentee ballot—Time application received. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-110, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-120 Hospital absentee ballot application form. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-120, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-130 Incomplete application. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-130, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-140 Signature discrepancies. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-140, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-150 Verification of absentee ballot application. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-150, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-160 Notification to voter of incomplete application. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-160, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-170 Security of absentee ballot applications. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-170, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-180 Service and overseas voters—Material and 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.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-190 Absentee ballot envelopes. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-190, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-200 Absentee ballot—Instructions to voters. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-200, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-210 Canvassing board—Delegation of authority. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-210, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-220 Canvassing board—Notice of open public meeting. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-220, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-230 Processing of absentee ballots. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-230, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-240 Verification of the signature and postmark on absentee ballots. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-240, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-250 Absentee voter attempting to vote at the polls. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-250, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-260 Absentee ballots returned after the poll lists have been marked. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-260, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-270 Maintenance of an audit trail on absentee ballots. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-270, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-280 Challenge to the registration of absentee voters. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-280, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-290 Security of absentee ballots. [Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-290, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

- 434-40-300 Absentee ballot process to be expedited. [Statutory Authority: RCW 29.36.150, 88-03-019 (Order 88-1), § 434-40-300, filed 1/12/88.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-40-310 Absentee ballot—Credit for having voted. [Statutory Authority: RCW 29.36.150, 88-03-019 (Order 88-1), § 434-40-310, filed 1/12/88.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-110 Examination of voting devices. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-110, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-120 Spoiled ballot procedures. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-120, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-130 Assistance to voters. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-130, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-140 Voter intentionally causing delay. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-140, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-150 Closing the polls. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-150, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-160 Ballot accountability—Form for recording. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-160, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-170 Audit trail for unused ballots. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-170, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-180 Recording of spoiled ballots. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-180, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-190 Disposition of irregularly voted ballots. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-190, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-200 Count of voted ballots. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-200, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-210 Preparing voted ballots for transfer. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-210, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-220 Transfer of ballots prior to closing of the polls. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-220, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-230 Sealing the ballot pages appearing in voting devices. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-230, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-240 Return of election supplies and materials. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-240, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-250 Paper ballot precincts—General applicability of rules. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-

WAC 434-40-005 through 434-40-310 Repealed or decodified. See Disposition Table at beginning of this chapter.

Chapter 434-53 WAC

THE POLLING PLACE—BEFORE, DURING AND AFTER THE ELECTION

WAC

434-53-010 through 434-53-320 Decodified.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 434-53-010 Activities prohibited within the polling place. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-010, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-020 Election supplies—Polling place. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-020, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-030 Securing the ballot box. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-030, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-040 Verification of voter's name. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-040, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-050 Voter unable to sign name—Authority to vote. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-050, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-060 Credit for voting. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-060, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-070 Accounting for ballot stub. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-070, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-080 Voter leaving polling place without voting. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-080, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-090 Designation of poll watchers. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-090, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-100 Electronic voting devices—Identified for specific candidates or measures. [Statutory Authority: 1990 c 59, 92-

- 434-53-260 250, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. Counting and tabulation prior to closing of the polls—Secrecy of the returns. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-260, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-270 Counting of ballots after polls close. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-270, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-280 Paper ballots—Counting and tabulation—Procedure. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-280, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-290 Counting and tabulation of paper ballots where more than one set of precinct election officers are appointed—Procedure. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-290, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-300 Paper ballots—Count continuous—When duties completed. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-300, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-310 Paper ballots—Unofficial results—Copies—Posting—Transmittal. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-310, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-53-320 Rejection of ballots or parts of ballots—Questions on the legality of ballots. [Statutory Authority: 1990 c 59, 92-12-083, § 434-53-320, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

WAC 434-53-010 through 434-53-320 Decodified.
See Disposition Table at beginning of this chapter.

**Chapter 434-61 WAC
COUNTING CENTER PROCEDURES**

WAC
434-61-010 through 434-61-060 Repealed or decodified.

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

- 434-61-010 Counting center location—Direction of proceedings. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-61-010, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-61-020 Counting center—Political party observers. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-61-020, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-61-030 Transfer of ballots to counting center or collection station. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-61-030, filed 5/4/92, effective 6/4/92.]

- 434-61-040 Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. Receipt of ballots at the counting center. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-61-040, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-61-050 Handling of transfer container discrepancies. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-61-050, filed 5/4/92, effective 6/4/92.] Repealed by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-61-060 Vote tallying system—A manual count of random precincts. [Statutory Authority: RCW 29.04.080 and 29.04.210, 92-10-038, § 434-61-060, filed 5/4/92, effective 6/4/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

WAC 434-61-010 through 434-61-060 Repealed or decodified. See Disposition Table at beginning of this chapter.

**Chapter 434-62 WAC
CANVASSING AND CERTIFICATION OF
PRIMARIES AND ELECTIONS**

WAC
434-62-005 through 434-62-200 Decodified.

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

- 434-62-005 Authority and purpose. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-005, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-010 Definitions. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-010, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-020 Preliminary abstract of votes. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-020, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-030 Auditor's abstract of votes. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-030, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-040 Verification of auditor's abstract of votes. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-040, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-050 Errors or discrepancies discovered during the verification of the auditor's abstract of votes. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-050, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-060 Documentation of corrective action taken. [Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-060, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

- 434-62-070 Official county canvass report. [Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-070, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-080 Auditor's abstract of votes—Secretary of state to receive certified copy—Transmittal. [Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-080, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-090 Receipt of certified copy of auditor's abstract of votes by secretary of state. [Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-090, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-100 Canvass of returns by the secretary of state—Powers and duties. [Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-100, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-110 Certification of primary returns by the secretary of state. [Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-110, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-120 Certification of general election returns by the secretary of state. [Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-120, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-130 Certification of special primaries and special elections. [Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-130, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-140 Microfilm copies of election returns. [Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-140, filed 10/3/80.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-150 Rejection of ballots or parts of ballots. [Statutory Authority: 1990 c 59. 92-12-083, § 434-62-150, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-160 Write-in-voting—Voter intent. [Statutory Authority: 1990 c 59. 92-12-083, § 434-62-160, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-170 Referral of ballots to canvassing board. [Statutory Authority: 1990 c 59. 92-12-083, § 434-62-170, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-180 Tabulation of ballots to be continuous—Exception. [Statutory Authority: 1990 c 59. 92-12-083, § 434-62-180, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-190 Canvassing board—Opening ballot container. [Statutory Authority: 1990 c 59. 92-12-083, § 434-62-190, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.
- 434-62-200 Retention of records. [Statutory Authority: 1990 c 59. 92-12-083, § 434-62-200, filed 6/2/92, effective 7/3/92.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

WAC 434-62-005 through 434-62-200 Decodified.
See Disposition Table at beginning of this chapter.

Chapter 434-79 WAC

VERIFICATION OF SIGNATURES ON REFERENDUM AND INITIATIVE PETITIONS

WAC

434-79-010 Decodified.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-79-010 Random sampling procedure. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-005, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.79.200 and 29.04.080. 97-17-035, § 434-79-010, filed 8/13/97, effective 9/13/97. Statutory Authority: RCW 29.79.200. 78-08-032 (Order 78-2), § 434-79-010, filed 7/17/78.] Decodified by 97-21-045, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200.

WAC 434-79-010 Decodified. See Disposition Table at beginning of this chapter.

Chapter 434-120 WAC

CHARITABLE SOLICITATION ORGANIZATIONS AND CHARITABLE TRUSTS

WAC

434-120-025 Definitions.
434-120-040 Public information derived from registration.
434-120-105 Form.
434-120-130 Financial standards.
434-120-210 Who shall register.
434-120-212 Registration by commercial coventurers.
434-120-215 Form.
434-120-250 Fees.
434-120-255 Financial standards.

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) "Commercial coventurer" means a corporation, partnership, sole proprietorship, limited liability company,

limited partnership, limited liability partnership, individual, or other entity that:

(a) Is regularly and primarily engaged in making sales of goods or services for profit directly to the general public; and

(b) Is not otherwise regularly or primarily engaged in making charitable solicitations in this state or otherwise raising funds in this state for one or more charitable organizations; and

(c) Represents to prospective purchasers that if they purchase a good or service from the commercial coventurer, a specified portion of the sales price or a certain sum of money or some other specified thing of value will be donated to a named charitable organization; and

(d) Does not ask purchasers to make checks or other instruments payable to a named charitable organization or any entity other than the commercial coventurer itself under its regular commercial name.

(4) "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.

(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, corporation, 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) "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 19.09.079, 19.09.190 and 19.09.315. 97-16-036, § 434-120-025, filed 7/30/97, effective 8/30/97. 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 434-120-040 Public information derived from registration. Registration forms, and attachments, filed by charitable organizations and commercial fund-raisers pursuant to WAC 434-120-105 and WAC 434-120-215 are available for public inspection or copying. For purposes of public reports derived from that registration information, the secretary shall calculate, and make available to the public, the following information:

(1) For charitable organizations, the percentage of total expenditures in a reporting year allocated to charitable program services. This shall be calculated as follows:

(a) For organizations required to file a federal information tax return, by dividing the amount reported as "program services" (e.g., line 13 of the form 990) by the amount reported as "total expenses" (e.g., line 17 of form 990) and multiplying by 100; or

(b) For organizations not required to file a federal informational tax return, by dividing the amount reported as expended for charitable purposes by the amount reported as total expenses.

(2) For commercial fund-raisers the percentage of the proceeds of charitable solicitations which are paid to or retained by charitable organizations. This shall be calculated by dividing the amount reported pursuant to WAC 434-120-215 (2)(n)(iii)(B) by the amount reported pursuant to WAC 434-120-215 (2)(n)(iii)(A), and multiplying by 100.

[Statutory Authority: RCW 19.09.075, 19.09.079 and 19.09.210. 97-16-035, § 434-120-040, filed 7/30/97, effective 8/30/97.]

WAC 434-120-105 Form. (1) Charitable organizations registering under this act shall use the registration form available in the office of the corporations division. The secretary of state shall develop a form in compliance with this rule. The secretary's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 19.09 RCW shall not excuse the failure to comply. The secretary may accept the Uniform Registration Statement developed by the National Association of State Charity Officials if accompanied by an addendum developed by the secretary for use in

Washington, if the uniform form and addendum contain all of the information required by this rule.

(2) A registration form is not complete, and will not be accepted for filing, unless it includes:

(a) The name of the organization, and every address (including both physical address and any mailing address if different), telephone number(s), FAX number(s), and taxpayer identification number, including those of all offices, chapters, branches, and affiliates used in charitable solicitations reflected in the registration including any electronic mail or Internet addresses used by the organization;

(b) All of the names under which the organization will solicit contributions;

(c) If incorporated, the corporate name, unified business identifier number, state and date of incorporation, or if not incorporated, the type of organization and date established;

(d) The end date of its current fiscal year;

(e) The court or other forum, case number and title of all legal actions, if any, in which a judgment or final order was entered, or action is currently pending, against any organization or individual required to be identified in the registration. "Actions" include any administrative or judicial proceeding alleging that the entity has failed to comply with these rules, chapter 19.09 RCW, or state or federal laws pertaining to taxation, revenue, charitable solicitation, or recordkeeping, whether such action has been instituted by a public agency or a private person or entity;

(f) A list of all states where the organization is registered for charitable solicitations, including any other names under which the organization is currently registered or has been registered in the past three years;

(g) The name, address, and telephone number of the officers or of persons accepting responsibility for the organization;

(h) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(i) The purpose of the charitable organization, including, if applicable, the names and addresses of any specific beneficiaries which the charitable organization supports and to whom assets would be distributed to in the event of dissolution;

(j) Whether the charitable organization is exempt from federal income tax, and, if so, attaching to its initial registration a copy of the letter by which the Internal Revenue Service granted such status;

(k) The name and address of the person or entity with authority for the preparation of financial statements or the maintenance of financial information on behalf of the organization;

(l) The name, address, and telephone number of an individual with expenditure authority who can respond to questions regarding expenditures of funds, and the names and addresses of any commercial fund-raiser and any commercial coventurer who have the authority to expend funds or incur obligations on behalf of the organization;

(m) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305;

(n) A solicitation report of the charitable organization for the preceding fiscal year including:

(i) The types of solicitations conducted; and

(ii) The name, physical address, and telephone number of any commercial fund-raiser, including any commercial coventurer conducting solicitations on behalf of the organization in Washington during the period covered by this report; and

(iii) Either:

(A) A copy of the charitable organization's federal informational tax return (Form 990 or Form 990 PF, but not Form 990 EZ) covering the period covered by this report. The form shall include lines on which to report the amounts reported on the return as "program services" and "total expenses"; or

(B) If, for the fiscal year covered by the report, the charitable organization either filed a federal informational tax return using Form 990 EZ, or did not file a federal informational tax return, (I) the total dollar value of all support received from solicitations, (II) the total dollar value of revenue from all other sources, (III) total expenditures, including amounts paid to or retained by a commercial fund-raiser, during the reporting period and (IV) the amount of those expenditures devoted directly to charitable program services. Amounts paid to or retained by a commercial fund-raiser include all revenue, as defined by WAC 434-120-025, including, without limitation, fees for services, contributions, proceeds from the sale of goods or services (including tickets to events), and all other revenue from solicitations;

(o) The form shall also include a space within which any charitable organization may provide additional information which the organization believes would be of assistance in understanding other reported information, or to provide context for reported information.

(3) Solicitation reports shall not report estimates, but shall report actual figures. If the organization did not directly or indirectly conduct any charitable solicitations in the previous accounting year, it shall file a supplemental registration form no later than the end of the ninth month after registering which provides a complete solicitation report with actual figures from the first six months of activity after registering, if its gross revenue from solicitations exceeds twelve thousand five hundred dollars during that six-month period or otherwise ceases to qualify for an exemption under WAC 434-120-100 (2)(c).

(4) A parent organization may file a consolidated registration form, including the 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, which are supervised or controlled by the parent organization. A parent organization may report financial information either separately or in consolidated form for all subsidiary organizations. A filing by the parent organization relieves each subsidiary organization identified in that filing of any duty to file independently.

(5) 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: RCW 19.09.075, 97-19-043, § 434-120-105, filed 9/11/97, effective 10/12/97. 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 434-120-130 Financial standards. Upon the request of the attorney general, secretary or the county prosecutor, a charitable organization shall submit a financial statement containing, but not limited to, the following information within thirty days from date of request.

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to commercial fund-raisers or charitable organizations.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

[Statutory Authority: RCW 19.09.075, 19.09.079 and 19.09.210. 97-16-035, § 434-120-130, filed 7/30/97, effective 8/30/97. 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 434-120-210 Who shall register. (1) Every commercial fund raiser, as described in RCW 19.09.020(8), shall register each year, pursuant to WAC 434-120-215, except that commercial coventurers may instead register pursuant to WAC 434-120-212.

(2) Suppliers of goods and services to charitable organizations for fund raising purposes are exempt from registration, if they are not otherwise engaged in the business of charitable fund raising.

[Statutory Authority: RCW 19.09.079, 19.09.190 and 19.09.315. 97-16-036, § 434-120-210, filed 7/30/97, effective 8/30/97. 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.]

WAC 434-120-212 Registration by commercial coventurers. (1) A commercial coventurer shall register with the secretary as either a commercial fund raiser or a commercial coventurer before conducting any solicitations. If a commercial coventurer chooses to register as a commercial fund raiser, it shall comply with all registration requirements for commercial fund raisers as set forth in chapter 19.09 RCW and chapter 434-120 WAC. If a commercial coventurer chooses to register as a commercial coventurer, it shall do all of the following:

(a) Pay a registration fee as specified in WAC 434-120-250 and file the registration form required by this rule. An entity which is entitled to and does register as a commercial coventurer need not:

(i) File the form specified in WAC 434-120-215; nor

(ii) Post a bond pursuant to RCW 19.09.190; and

(b) File with the secretary a copy of its written agreement with each charitable organization for which it solicits. This agreement must state the name, address and telephone number of the commercial coventurer and the charitable organization; must be signed by an officer of the charitable organization and the person in charge of the commercial coventurer; must specify how the commercial coventurer's contribution to the organization as a result of this promotion shall be calculated, based upon an aggregate fixed dollar

amount, a fixed dollar amount per sale, or a fixed percentage of gross sales revenue; and must state the charitable organization's permission to use its name; and

(c) Keep on file at its principal place of business a financial statement reflecting the results of its campaign(s) on behalf of each charitable organization for which it raises funds, which shall include at a minimum all of the information required by RCW 19.09.079(7), and shall produce this statement upon demand to the attorney general within ten business days.

(2) The registration form required by this rule shall be the same as the form described in WAC 434-120-215 except as follows:

(a) It shall omit the information required by WAC 434-120-215 (2)(e); and

(b) Instead of the solicitation report described by WAC 434-120-215 (2)(n), the form shall include a solicitation report on which the commercial coventurer must report:

(i) A brief description of the fund raising activity;

(ii) The name of each charitable organization with which it has contracted as a commercial coventurer; and

(iii) A disclosure of the planned financial contribution pursuant to contract with the named charitable organizations. A commercial coventurer shall comply with this requirement by specifying how the commercial coventurer's contribution to the organization as a result of this promotion shall be calculated, based upon an aggregate fixed dollar amount, a fixed dollar amount per sale, or a fixed percentage of gross sales revenue.

(3) Interpretive note: An entity that is regularly engaged in the business of promoting events, including but not limited to concerts, circuses, rodeos, and sporting events, by selling tickets to such events through the use of a charitable solicitation, shall be deemed to be regularly or primarily engaged in making charitable solicitations or otherwise raising funds for one or more charitable organizations, and therefore is not a commercial coventurer.

(4) Interpretive note: A transaction is not one for the purchase of a good or service, and therefore the seller is not a commercial coventurer, if the item ostensibly sold is of slight or grossly disproportionate value in relation to the price or contribution sought in exchange, or if it is described as a prize, gift, reward or award, or similar term, for contributions made or solicited.

(a) Example: A solicitor tells a prospective contributor that if he or she will contribute one hundred dollars to a named charity, the solicitor will send him or her a paper bookmark embossed with the charity's logo as a reward. The solicitor is not a commercial coventurer.

(b) Example: A solicitor offers to sell an individual a coffee mug, with a fair market value of five dollars, for one hundred dollars, with the representation that fifty percent of the purchase price would be contributed to a named charity. The solicitor is not a commercial coventurer. Caution: A person selling a good or service at fair market value is still not a commercial coventurer if he or she is regularly engaged in charitable fund raising (see WAC 434-120-025 (3)(b)), or is selling tickets to events (see WAC 434-120-212(3)), or otherwise fails to qualify.

(5) Interpretive note: An entity that acts as a commercial coventurer, and that does not engage in any commercial

fund raising in this state other than as a commercial coventurer, may register as a commercial coventurer in Washington even if it acts as a commercial fund raiser in other states.

(6) Interpretive note: A retail establishment that offers for sale a product that is marketed by others as a commercial coventurer, is not required to register unless it makes an independent appeal to charity or otherwise acts as a commercial coventurer or commercial fund raiser.

(a) Example: A supermarket includes in its merchandise line a product, with a label that states that a portion of the purchase price will go to charity, but the supermarket makes no other appeal to charity with regard to the product. The supermarket is not required to register as a commercial coventurer or commercial fund raiser, but the manufacturer will be considered a commercial coventurer if it otherwise satisfies the definition in WAC 434-120-025.

(b) Example: The supermarket in example (a) publishes an advertisement stating that a portion of the purchase price of a product will be devoted to charity. The supermarket is a commercial coventurer if it otherwise satisfies the definition in WAC 434-120-025.

(7) Unless specifically excused by this rule, a commercial coventurer shall comply with all other terms of chapter 19.09 RCW and chapter 434-120 WAC.

[Statutory Authority: RCW 19.09.079, 19.09.190 and 19.09.315. 97-16-036, § 434-120-212, filed 7/30/97, effective 8/30/97.]

WAC 434-120-215 Form. (1) Commercial fund-raisers registering under this act shall use the commercial fund-raiser registration form available in the office of the corporations division. The secretary of state shall develop a form in compliance with this rule. The secretary's failure to affirmatively reject or return an incomplete registration or other filing that does not fully comply with these rules or chapter 19.09 RCW, shall not excuse the failure to comply. 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:

(2) A registration form is not complete, and will not be accepted for filing, unless it includes:

(a) The name of the organization, and every address (including both physical address and any mailing address if different), telephone number(s), FAX number(s), of the commercial fund-raising entity under which contributions are being solicited or received, including any electronic mail or Internet addresses used by the organization;

(b) The name(s); address(es); and telephone number(s) of the individual(s) responsible for fund-raising activities of the entity in Washington;

(c) If incorporated, the corporate name, unified business identifier number, state and date of incorporation, or if not incorporated, the type of organization and date established;

(d) The end date of its current fiscal year;

(e) The court or other forum, case number and title of all legal actions, if any, in which a judgment or final order was entered, or action is currently pending, against any organization or individual required to be identified in the registration. "Actions" include any administrative or judicial proceeding alleging that the entity has failed to comply with

these rules, chapter 19.09 RCW, or state or federal laws pertaining to taxation, revenue, charitable solicitation, or recordkeeping, whether such action has been instituted by a public agency or a private person or entity;

(f) A list of all states where the organization is registered for fund-raising, including any other names under which the organization is currently registered or has been registered in the past three years;

(g) The name, address, and telephone number of the officers or of persons accepting responsibility for the organization;

(h) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(i) The name and address of the person or entity with authority for the preparation of financial statements or the maintenance of financial information on behalf of the organization;

(j) The name, address, and telephone number of an individual with expenditure authority who can respond to questions regarding expenditures of funds, and the names and addresses of any charitable organizations who have given the commercial fund-raiser authority to expend funds or incur obligations on behalf of the organization;

(k) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305;

(l) A solicitation report of the fund-raising activities of the entity for the preceding fiscal year including:

(i) The 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 dollar value of the following:

(A) Contributions received, either by your organization or the charities with whom you contract, as a result of services provided by your organization during the year shown above. (This is the total amount of money raised, regardless of who has possession of funds.)

(B) Funds either retained by, or paid to, the charities with whom you contract, after your fees and any expenses have been subtracted. (This is the portion of money raised that the charities receive or keep after all fund-raising expenses have been deducted.)

(iv) The name, address, and telephone number of any other commercial fund-raiser retained in the conduct of providing fund-raising services;

(m) The form shall also include a space within which any of the organization may provide additional information which the organization believes would be of assistance in understanding other reported information, or to provide context for reported information.

(3) Solicitation reports shall not report estimates, but shall report actual figures. If the organization did not directly or indirectly conduct any fund-raising activities in the previous accounting year, it shall file a supplemental registration form no later than the end of the ninth month after registering which provides a complete solicitation report with actual figures from the first six months of activity after registering.

(4) All commercial fund-raiser registrations shall be signed by an officer or owner of the commercial fund-raiser.

[Statutory Authority: RCW 19.09.075, 19.09.079 and 19.09.210. 97-16-035, § 434-120-215, filed 7/30/97, effective 8/30/97. 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 434-120-250 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.

(7) A commercial coventurer shall pay a registration fee of twenty dollars when it registers with the secretary or renews its registration.

[Statutory Authority: RCW 19.09.079, 19.09.190 and 19.09.315. 97-16-036, § 434-120-250, filed 7/30/97, effective 8/30/97. 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 Financial standards. Upon the request of the attorney general, secretary or the county prosecutor, a commercial fund-raiser shall submit a financial statement containing, but not limited to, the following information within thirty days from date of request.

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, retained by the charitable organization, given or to be given to charitable organizations represented together with details as to the manner of distribution as may be required.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to charitable organizations.

(5) Copies of any annual or periodic reports furnished by the fund-raising organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

[Statutory Authority: RCW 19.09.075, 19.09.079 and 19.09.210. 97-16-035, § 434-120-255, filed 7/30/97, effective 8/30/97. 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.]

Chapter 434-180 WAC ELECTRONIC AUTHENTICATION

WAC

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WAC 434-180-100 Scope and purpose of chapter.

This chapter implements the Washington Electronic Authentication Act, codified as chapter 19.34 RCW.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-100, filed 11/26/97, effective 12/27/97.]

WAC 434-180-110 Office address, hours, and telephone number. All services of the office of the secretary of state related to the Washington Electronic Authentication Act shall be provided through the corporations division.

(1) The mailing address of the division is: Corporations Division, Office of the Secretary of State, Post Office Box 40234, Olympia, Washington 98504-0234.

(2) The offices of the division are located in the Republic Building at 505 E. Union Avenue, Olympia, Washington.

(3) The office hours are from 8:00 a.m. to 5:00 p.m. daily, Monday through Friday, except for state holidays.

(4) The telephone number for the corporations division is (360) 753-7115.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-110, filed 11/26/97, effective 12/27/97.]

WAC 434-180-120 Definitions. For purposes of this chapter, all terms defined in RCW 19.34.020 have the meanings set forth in statute. Additionally, the following terms shall have the following meanings:

(1) "Operative personnel" means one or more natural persons acting as an agent of a licensed certification authority, or in the employment of, or under contract with, a licensed certification authority, and who have:

(a) Managerial or policy making responsibilities for such licensed certification authority; or

(b) Duties directly involving the issuance of certificates (including the identification of persons requesting a certificate from a certification authority), creation of private keys, or administration of a licensed certification authority's computing facilities.

(2) "Managerial or policy making responsibilities" means direct responsibility for the day-to-day operations, security and performance of those business activities that are regulated under chapter 19.34 of the Revised Code of Washington. If a licensed certification authority is a corporation, then it is presumed that the members of the board of directors, among others, exercise managerial or policy making responsibilities, unless the board delegates those duties in writing to one or more officers or employees of the corporation.

(3) "Presiding officer" means the secretary or an administrative law judge assigned to preside over an adjudicative hearing pursuant to this chapter.

(4) "X.509" means the specific set of technical standards identified by that name which were adopted by the international telecommunication union, formerly known as the international telegraph and telephone consultation committee. For purposes of these rules, all references to X.509 shall be construed as referring to version 3. Compliance with only versions 1 or 2 shall not be construed as compliance with X.509.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-120, filed 11/26/97, effective 12/27/97.]

WAC 434-180-130 Fees. Fees for services performed by the secretary of state are established in the following amounts:

(1) For application for a license as a certification authority:

(a) For the applicant's first year doing business as a licensed certification authority in this state: One thousand four hundred dollars;

(b) For the applicant's second year doing business as a licensed certification authority in this state: One thousand eight hundred dollars; and

(c) For the applicant's third or subsequent year doing business as a licensed certification authority in this state: Two thousand eight hundred dollars.

(2) For recognition as a repository, in addition to the license issuance or renewal fee paid pursuant to this section:

(a) For the applicant's first year doing business as a recognized repository in this state: One thousand four hundred dollars;

(b) For the applicant's second year doing business as a recognized repository in this state: One thousand eight hundred dollars; and

(c) For the applicant's third or subsequent year doing business as a recognized repository in this state: Two thousand eight hundred dollars.

(3) For recognition of a foreign license, either:

(a) Two thousand eight hundred dollars; or

(b) Upon certification by the issuer of the foreign license that the applicant has been licensed as a certification authority in that jurisdiction for less than three years, the fee that would be due under subsection (1) of this section for a Washington license under the same circumstances. No applicant may file under this subsection (b) more than two times.

(4) For qualification of operative personnel:

(a) For administering and scoring the examination required by WAC 434-180-215(3), fifty dollars per individual; and

(b) For qualifying operative personnel pursuant to WAC 434-180-215 and 434-180-220, other than (or in addition to) administering and scoring the examination, twenty-five dollars per individual.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-130, filed 11/26/97, effective 12/27/97.]

WAC 434-180-200 Application for license as a certification authority. Any person desiring to be licensed as a certification authority must file an application pursuant to this chapter demonstrating compliance with the requirements of RCW 19.34.100. To apply for a license, an applicant must submit all of the following:

(1) A completed application form as prescribed by WAC 434-180-210;

(2) The fee or fees provided by WAC 434-180-130;

(3) A certificate that shows the applicant as subscriber and is published in a recognized repository;

(4) A suitable guaranty, described by WAC 434-180-225, unless the applicant is a self-insured city, a self-insured county, or the department of information services of the state of Washington;

(5) Demonstration of sufficient working capital, pursuant to WAC 434-180-235;

(6) Documentation, in the form of an information systems audit report, establishing that the applicant has the use of a trustworthy system as defined by WAC 434-180-360. The audit required by this subsection shall be performed pursuant to WAC 434-180-240, except that it is not required to establish anything more than that the applicant has the use of a trustworthy system;

(7) Materials establishing, to the satisfaction of the secretary that each person listed as operative personnel has

qualified to act as operative personnel pursuant to WAC 434-180-215; and

(8) A written certification practice statement as described in WAC 434-180-330.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-200, filed 11/26/97, effective 12/27/97.]

WAC 434-180-205 Issuance of license or renewal.

The secretary shall, within a reasonable time, issue or renew a license as a certification authority if the applicant has:

(1) Submitted all documentation required by WAC 434-180-200 and 434-180-210; and

(2) The secretary has determined that the applicant meets all requirements for licensure.

(3) Issuance or renewal of a license shall be valid for a period of one year. Failure to receive a notice of the need to renew a license is an insufficient reason for failing to file the required application for renewal.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-205, filed 11/26/97, effective 12/27/97.]

WAC 434-180-210 Form. Each application for a license, or renewal of a license, as a certification authority shall be submitted on a form prescribed by the secretary. The completed form shall contain the following:

(1) The name of the applicant;

(2) The applicant's uniform business identifier number, if any;

(3) The mailing address of the applicant, and a physical address if different;

(4) The telephone number of the applicant;

(5) The electronic mail address of the applicant;

(6) The name and address of the applicant's registered agent for service of process, other than the secretary. Address information shall include a physical address, but may additionally provide a mailing address if different;

(7) The names of all operative personnel; and

(8) The appointment of the secretary of state as the applicant's agent for service of process.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-210, filed 11/26/97, effective 12/27/97.]

WAC 434-180-215 Certification of operative personnel. The secretary shall not issue or renew a license as a certification authority unless the licensee documents that every individual employed or acting as operative personnel qualifies to act as operative personnel. This documentation shall include:

(1) Receipt of a completed form, signed by the individual under penalty of perjury, stating:

(a) The name (including all other names used in the past), date of birth, and business address of the individual;

(b) That the individual has not been convicted within the past fifteen years of a felony and has never been convicted of a crime involving fraud, false statement, or deception in any jurisdiction; and

(c) If the individual has resided in any nation other than the United States during the previous five years, the name of that nation and the period of residency.

(2) A criminal background check supporting the declaration required by subsection (1) of this section. This

requirement is excused as to any individual for whom documentation satisfying this paragraph was submitted within the previous two years, even if the individual has changed employment. This check must include both of the following:

(a) A criminal background check compiled by a private sector provider, documenting a background check reasonably sufficient to disclose any criminal convictions within the previous seven years in any state or federal jurisdiction in the United States, its territories, or possessions, and any other jurisdiction specified pursuant to subsection (1)(c) of this section. This background check must contain information that is current to within thirty days of its date of submission; and

(b) The certified results of a criminal background check performed by the Washington state patrol or law enforcement agency where the operative personnel reside and are employed for the previous fifteen years, dated not more than thirty days prior to submission or such other jurisdictions as the secretary may reasonably request.

(3) Satisfactory completion by the individual of a written examination demonstrating knowledge and proficiency in following the requirements of the Washington Electronic Authentication Act and these rules. The secretary shall develop an open book written test covering the subject matter of the act, and provide it upon request, which may include electronic access. The secretary may update or modify the test from time to time. The secretary shall indicate at the top of the test the percentage or number of questions that must be answered correctly in order to constitute satisfactory completion. No individual may take the examination more than once within a period of thirty days. A certification by the secretary that an individual has successfully completed this examination shall be valid for two years, and shall continue to satisfy the requirements of this subsection even if the individual changes employment.

(4) A licensed certification authority must remove a person from performing the functions of operative personnel immediately upon learning that the person has been convicted within the past fifteen years of a felony or has ever been convicted of a crime involving fraud, false statement, or deception, and must notify the secretary of this action within three business days.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-215, filed 11/26/97, effective 12/27/97.]

WAC 434-180-220 Qualification of newly designated operative personnel. No licensed certification authority may assign any individual to perform the functions of operative personnel if that individual has not been certified by the secretary pursuant to WAC 434-180-215. Such certification may be obtained by application to the secretary at any time, without regard to the time at which the certification authority's license is subject to renewal.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-220, filed 11/26/97, effective 12/27/97.]

WAC 434-180-225 Suitable guaranty. (1) The suitable guaranty required for licensure as a certification authority may be in the form of either a surety bond executed by an insurer lawfully operating in this state, or an

irrevocable letter of credit issued by a financial institution authorized to do business in this state.

(2) The suitable guaranty must be in an amount of at least fifty thousand dollars.

(3) As to form, the suitable guaranty must:

(a) Identify the insurer issuing the suitable guaranty or financial institution upon which it is drawn, including name, mailing address, and physical address, and identify by number or copy its licensure or approval as a financial institution, or in the case of an insurer, as an insurer in this state;

(b) Identify the certification authority on behalf of which it is issued;

(c) Be issued payable to the secretary for the benefit of persons holding qualified rights of payment against the licensed certification authority named as principal of the bond or customer of the letter of credit;

(d) State that it is issued for filing under the Washington Electronic Authentication Act; and

(e) Specify a term of effectiveness extending at least as long as the term of the license to be issued to the certification authority.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-225, filed 11/26/97, effective 12/27/97.]

WAC 434-180-235 Sufficient working capital. (1) A certification authority's working capital is sufficient for licensing purposes if, at the time it applies for a license or renewal, its current assets minus current liabilities exceeds twenty-five thousand dollars.

(2) A certification authority may demonstrate the sufficiency of its working capital only through a financial statement signed by a licensed certified public accountant, dated no more than sixty days prior to the date received by the secretary. A state agency shall be deemed to have sufficient working capital without documentation.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-235, filed 11/26/97, effective 12/27/97.]

WAC 434-180-240 Compliance audits. (1) A licensed certification authority shall obtain a compliance audit at least once every year. The auditor shall issue an opinion evaluating the degree to which the certification authority conforms to the requirements of this chapter and of chapter 19.34 RCW. If the certification authority is also a recognized repository, the audit must include the repository.

(2) For purposes of the opinion required by this section, the auditor shall exercise reasonable professional judgment as to whether a condition that does not strictly comply with legal requirements is or is not material, taking into consideration the circumstances and context. Noncompliance as to any of the following shall be deemed material, in addition to any others the auditor may judge to be material:

(a) Any condition of noncompliance with statute or rule that relates to the validity of a certificate;

(b) Any employee performing the functions of operative personnel who has not qualified pursuant to WAC 434-180-215;

(c) Any material indication that the certification authority has used any system other than a trustworthy system.

(3) An audit may be performed by any licensed certified public accountant, or, in the case of a public agency, by the Washington state auditor. Any auditor, or group of auditors, performing an audit pursuant to this section shall include at least one individual who has been issued a current and valid certificate as either a certified information systems auditor, by the information systems audit and control foundation, or as a certified information systems security professional, by the International Information Systems Security Certification Consortium. The names of all individuals possessing such certificates shall be disclosed in the audit report, or in a cover letter accompanying that report.

(4) The certification authority shall file a copy of the audit report with the secretary, prior to the date the certification authority must renew its license pursuant to WAC 434-180-205. At the certification authority's option, it shall be sufficient to file a portion of the report if that report summarizes all audit exceptions and conditions of noncompliance (including, but not limited to, those stated in subsection (2) of this section) stated in the full report, and bears the auditor's signature. The report may be filed electronically, if it is validly digitally signed by the auditor, using a licensed certification authority. The secretary shall publish the report, or summary, in the certification authority disclosure record it maintains for the certification authority.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-240, filed 11/26/97, effective 12/27/97.]

WAC 434-180-245 Recognition of foreign licenses.

(1) A certification authority licensed as such by a governmental entity other than the state of Washington, may act as a licensed certification authority in Washington only if, in addition to meeting any other requirements established by law for the transaction of business, it either:

(a) Obtains a license as a certification authority from the secretary; or

(b) Provides to the secretary a certified copy of a license issued by a governmental entity whose licensing or authorization requirements the secretary has found to be substantially similar to those of Washington, together with the fee required by WAC 434-180-130. A license recognized under this subsection shall be valid in Washington only during the time it is valid in the issuing jurisdiction.

(2) The secretary may certify that the requirements of another jurisdiction are substantially similar to those of Washington if, in order to obtain a license, the controlling law of the other jurisdiction requires that a licensed certification authority:

(a) Issue certificates based upon a system of public key cryptography using a trustworthy system;

(b) Provide a suitable guaranty in an amount of at least twenty-five thousand dollars;

(c) Employ as operative personnel only individuals who have demonstrated knowledge and proficiency in the requirements of the law regarding digital signatures, and who are free of felony criminal conviction for a minimum of seven years;

(d) Be subject to a legally established system of enforcement of licensure requirements.

(3) The secretary shall publish in the *State Register*, and make available upon request, a list of those jurisdictions

which the secretary has certified pursuant to subsection (2) of this section. If a jurisdiction is not included in the list most recently published in the *State Register*, the secretary shall consider whether certification of such jurisdiction should be added, upon request of either the jurisdiction or a certification authority licensed by that jurisdiction and upon receipt of an English language copy of the applicable laws and regulations of that jurisdiction.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-245, filed 11/26/97, effective 12/27/97.]

WAC 434-180-250 Revocation or suspension of license. (1) The secretary may revoke or suspend a license, pursuant to chapter 34.05 RCW, for failure to comply with any requirement of chapter 19.34 RCW or this chapter, for failure to remain qualified for a license pursuant to chapter 19.34 RCW or this chapter, or for failure to comply with a lawful order of the secretary.

(2) The secretary shall inform a licensed certification authority by written order, by mail directed to the mailing address or electronic mail address listed on the licensee's application, of a decision to revoke or suspend the license. The notification shall state when the revocation or suspension shall be effective, which shall not be less than thirty days following the issuance of the order except in the case of a summary suspension pursuant to WAC 434-180-255.

(3) If the licensee files an application for an adjudicative hearing, pursuant to WAC 434-180-500, prior to the effective date of revocation or suspension, the suspension or revocation shall not take effect until so ordered by the presiding officer, except in the case of a summary suspension pursuant to WAC 434-180-255.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-250, filed 11/26/97, effective 12/27/97.]

WAC 434-180-255 Summary suspension of license. The secretary may order the summary suspension of a license pending proceedings for revocation or other action, as described in RCW 19.34.100(4). A summary suspension of a license is effective immediately upon issuance.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-255, filed 11/26/97, effective 12/27/97.]

WAC 434-180-260 Technical assistance program. (1) This section describes the secretary's technical assistance program for licensed certification authorities, including recognized repositories. This section implements RCW 43.05.020, by providing for the dissemination of information to licensed certification authorities regarding the requirements of the Washington Electronic Authentication Act and this chapter. It is not intended as a method of providing general business advice to certification authorities, or technical information to the general public, although any member of the public may receive written materials described in this section upon request.

(2) The technical assistance program shall consist of the following:

(a) Technical assistance visits: The secretary, in his or her discretion, may conduct a technical assistance visit, as described by RCW 43.05.030, either by the request or the

consent of a licensed certification authority. The secretary is not required to conduct a technical assistance visit.

(b) Printed information: The secretary shall develop, and make available upon request, printed information outlining the requirements of chapter 19.34 RCW and this chapter. This information should not be regarded as a comprehensive guide to conducting business as a certification authority.

(c) Information and assistance by telephone: A licensed certification authority or applicant for licensing or recognition, may contact the secretary's office by telephone during normal business hours at the number listed in WAC 434-180-110. The secretary's office shall provide information regarding the licensing and recognition requirements of chapter 19.34 RCW, and this chapter, but no representation or conclusion offered shall be binding upon the secretary.

(d) Training meetings: The secretary may, in his or her discretion, conduct meetings for the purpose of providing training regarding requirements for licensure or recognition.

(e) List of organizations providing technical assistance: The secretary shall compile, and make available upon request, a list of organizations, including private companies, that provide technical assistance to certification authorities. The secretary shall compile this list from information submitted by the organizations and shall not constitute an endorsement by the secretary of any organization.

(3) If the secretary determines, during or within a reasonable time after a technical assistance visit, that the licensed certification authority has violated any statute or rule, the secretary shall notify the certification authority in writing and specify a reasonable period of time to correct the violation before any civil penalty may be imposed. The notification shall include a copy of the specific statute or rule violated. After the expiration of a reasonable time period conveyed to the certification authority, the secretary may revisit the certification authority and issue civil penalties with regard to any uncorrected violations, for which notice was provided.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-260, filed 11/26/97, effective 12/27/97.]

WAC 434-180-265 Civil penalties. The secretary may, by order, impose and collect a civil monetary penalty against a licensed certification authority for a violation of chapter 19.34 RCW as provided by RCW 19.34.120.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-265, filed 11/26/97, effective 12/27/97.]

WAC 434-180-270 Criteria for determining penalty amounts. In determining the appropriate penalty amount against a licensed certification authority for violation of chapter 19.34 RCW or this chapter, the secretary may consider the nature of the violation and the extent or magnitude of the severity of the violation, including:

(1) The damages arising from the violation including:

(a) The financial impact of the violation to any subscriber, relying party, or any other person;

(b) The amount of money obtained, or profit derived, by the certification authority as a result of the violation;

(c) The costs incurred by the state in enforcement, including reasonable investigative costs;

(d) The nonfinancial consequences of the violation, including harm to any subscriber, relying party, or other person;

(2) The nature of the violation, including whether it was continuing in nature, involved criminal conduct, or tended to significantly impair the reliability of any certificate or key pair;

(3) The presence of any aggravating circumstances, including whether the violator:

(a) Intentionally committed the violation with knowledge that the conduct constituted a violation;

(b) Attempted to conceal the violation;

(c) Was untruthful or uncooperative in dealing with the secretary or the secretary's staff;

(d) Had committed prior violations found by the secretary;

(e) Incurred no other sanction as a result of the violation;

(4) The presence of any mitigating circumstances, including whether the violator:

(a) Had taken any prior action to correct the violation or mitigate its consequences;

(b) Had previously paid any damages to any party resulting from the violation;

(c) Acted without intention to commit a violation; or

(d) Acted reasonably in light of any other mitigating factors deemed relevant by the secretary.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-270, filed 11/26/97, effective 12/27/97.]

WAC 434-180-275 Recovery against suitable guaranty. (1) To recover a qualified right to payment against a surety or issuer of a suitable guaranty, pursuant to RCW 34.10.290, the claimant must:

(a) File a signed notice of the claim with the secretary stating the name and address of the claimant, the amount claimed, the grounds for the qualified right to payment, the date of the occurrence of the violation forming the basis of the claim; and

(b) Append to the notice a certified copy of the judgment on which the qualified right to payment is based, except as provided in subsection (2) of this section.

(2) If the notice pursuant to subsection (1)(a) of this section is filed prior to entry of judgment, the secretary shall hold such notice on file, without further action, until the claimant files a copy of the judgment. If the secretary determines that the litigation identified in the notice has been finally resolved without a judgment providing the claimant with a qualified right to payment, the secretary may expunge the notice from his or her records. The secretary shall not expunge a notice until three years have elapsed since it was first filed.

(3) The secretary shall reject a notice for filing if the date of the occurrence of the violation is more than three years prior to the filing of the notice.

(4) If a notice and judgment are filed pursuant to subsection (1) of this section, the secretary shall provide the notice and judgment to the surety or issuer.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-275, filed 11/26/97, effective 12/27/97.]

WAC 434-180-300 Form of certificates. (1) Certificates issued by licensed certification authorities shall follow the Basic Certificate Field Standards specified in standard X.509, part one, section 4.1. Certificate data extension fields are optional. If certificate extension fields are used, usage must conform to the required guidelines referenced in X.509 section 4.1.2.1, section 4.2, and may be displayed on the certificate.

(2) Any certificate issued by a licensed certification authority that is to be used as an acknowledgment, as provided in RCW 19.34.340, shall include a certificate data extension field that specifies the reliance limit, if any, and a certificate data extension field that states that the certificate may be used as an acknowledgment.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-300, filed 11/26/97, effective 12/27/97.]

WAC 434-180-310 Recordkeeping and retention.

(1) Every licensed certification authority shall make, keep, and preserve the following records:

(a) Such records as are necessary to demonstrate compliance with RCW 19.34.100 (1)(b), (c), (e), (f), and (g);

(b) Such records as are necessary to demonstrate compliance with RCW 19.34.210 (1)(a), (b), and (2);

(c) All notices of suspension of certificates pursuant to RCW 19.34.210(4), together with such other documents as required to demonstrate compliance with RCW 19.34.210;

(d) Such records as are necessary to demonstrate compliance with RCW 19.34.250(1);

(e) Such records as are necessary to demonstrate compliance with RCW 19.34.260 (1), (2), (3), (4), and (5); and

(f) Such records as are necessary to demonstrate compliance with RCW 19.34.290(1).

(2) Every licensed certification authority shall maintain a data base file which shall contain records of the identity of the subscriber named in each certificate issued by the certification authority, which identity is to include all the facts represented in the certificate, the date of issuance of the certificate, and number of the certificate.

(3) Every licensed certification authority shall maintain a date base file of every time-stamp issued by the certification authority, to include sufficient information so that the identity of the subscriber and the item being time stamped can be identified.

(4) Every licensed certification authority shall retain in a trustworthy fashion the following records for the following periods:

(a) All records identified in subsections (2) and (3) of this section for a period of at least ten years after the date a certificate is revoked or expired, or after a time-stamp is affixed; and

(b) All other records required to be retained under this section shall be retained for at least five years.

(5) Records may be kept in the form of paper-based documents, retrievable computer-based documents, or any form of reproduction approved by the state archivist for essential records pursuant to chapter 40.10 RCW. Such records shall be indexed, stored, preserved and reproduced so as to be accurate, complete, and accessible to an auditor.

Certificate extension data, referenced in X.509 section 4.2, is not required to be part of any publicly accessible record.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-310, filed 11/26/97, effective 12/27/97.]

WAC 434-180-320 Certification authority disclosure records. (1) The secretary shall compile and maintain certification authority disclosure records for each certification authority that has been issued a current and valid Washington certification authority license. The secretary shall publish them in the secretary's repository and any other recognized repository the secretary deems appropriate. Each certification authority disclosure record shall include, at a minimum, the following:

(a) The information specified in WAC 434-180-210 (1), (2), (3), and (4);

(b) The name, mailing address, telephone number, and electronic mail address of the issuer or surety of the certification authority's suitable guaranty, and the expiration date of the guaranty;

(c) A copy of the certification practice statement filed with the secretary pursuant to WAC 434-180-330;

(d) A copy of the most recent audit report, or summary thereof, filed with the secretary pursuant to WAC 434-180-240;

(e) Information as to the current status of the certification authority's Washington license, including disclosure of any license revocation or suspension. If a suspension or revocation is currently subject to a pending administrative or judicial review, the record shall so note;

(f) Whether the certification authority operates a recognized repository, and, information sufficient to locate or identify any repository it either operates or utilizes;

(g) A list of all judgments filed with the secretary pursuant to WAC 434-180-275, within the previous five years; and

(h) Any other information specified by statute.

(2) The secretary shall update a certification authority disclosure record upon becoming aware that any item of information contained within it has changed or is not accurate.

(3) In compiling and maintaining certification authority disclosure records, the secretary shall utilize the records of the secretary's office, and is not obligated to conduct any affirmative investigation or review beyond the face of those records.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-320, filed 11/26/97, effective 12/27/97.]

WAC 434-180-330 Certification practice statements. Each licensed certification authority must file with the secretary a certification practice statement. This statement must declare the practices the certification authority uses in issuing, suspending, and revoking certificates. Additionally, it must set forth the following:

(1) If certificates are issued by class, the necessary criteria for each class of certificate, including the methods of subscriber identification applicable to each class;

(2) Disclosure of any warnings, liability limitations, warranty disclaimers, and indemnity and hold harmless

provisions, if any, upon which the certification authority intends to rely;

(3) Disclosure of any and all disclaimers and limitations on obligations, losses, or damages, if any, to be asserted by the certification authority;

(4) A written description of all representations required by the certification authority of the subscriber for the subscriber's responsibility to protect the private key; and

(5) Disclosure of any mandatory dispute resolution process, if any, including any choice of forum and choice of law provisions.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-330, filed 11/26/97, effective 12/27/97.]

WAC 434-180-340 Suspension or revocation of a certificate by the secretary. (1) The secretary may order a licensed certification authority to suspend or revoke a certificate that the certification authority issued, if, after giving any required notice and opportunity for the certification authority and the subscriber to be heard in accordance with chapter 34.05 RCW, the secretary determines that:

(a) The certificate was issued without substantial compliance with RCW 19.34.210; and

(b) The noncompliance poses a significant risk to persons reasonably relying on the certificate.

(2) The secretary may issue an order, pursuant to RCW 19.34.210(5), suspending a certificate for a period not to exceed ninety-six hours upon determining that an emergency requires an immediate remedy. The secretary shall issue an order including such a finding, and mail it to the licensed certification authority at the mailing address listed in its application.

(3) The secretary may issue an order, pursuant to RCW 19.34.250(2), suspending a certificate for a period not to exceed ninety-six hours, unless the certificate provides otherwise or the certificate is a transactional certificate, under circumstances described by RCW 19.34.250 (2)(a) and (b). If, upon request by the secretary, the person requesting suspension fails to provide a statement under oath or affirmation regarding his or her identity or authorization to request suspension, the secretary shall not issue an order suspending the certificate unless he or she is satisfied that discretion to enter the order should be exercised because the circumstances provide a sufficient basis for confidence of the person's identity and authority.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-340, filed 11/26/97, effective 12/27/97.]

WAC 434-180-350 Regional services for certificate suspension. The secretary may enter into an agreement, pursuant to RCW 19.35.250(7) and chapter 39.34 RCW, authorizing a state or local agency to perform any of the functions of the secretary under RCW 19.34.250 or WAC 434-180-350 (2) or (3) upon a regional basis. The terms and conditions of such an agreement shall include, at a minimum:

(1) The identity of contracting parties;

(2) The region of the state for which the contract is effective;

(3) The duration of the agreement;

(4) The method by which the contracting agency shall inform the secretary of all actions taken pursuant to the agreement;

(5) The method by which any suspension pursuant to the agreement shall be made effective;

(6) The method by which the secretary shall reimburse the agency for its costs of performance under the agreement;

(7) A provision under which each party agrees to indemnify the other, to the extent permitted by law;

(8) The method by which the contract may be terminated prior to expiration, which shall include the right of either party to terminate the agreement immediately in the event of a loss or withdrawal of funding; and

(9) A method of resolving disputes under the agreement.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-350, filed 11/26/97, effective 12/27/97.]

WAC 434-180-360 Trustworthy system. A system shall be regarded as trustworthy if it materially satisfies the Common Criteria (CC) Protection Profile (PP) for Commercial Security 2 (CS2), (CCPPCS), developed by the National Institute of Standards and Technology (NIST). The determination whether a departure from CCPPCS is material shall be governed by WAC 434-180-240(2). For purposes of this chapter, CCPPCS shall be interpreted in a manner that is reasonable in the context in which a system is used and is consistent with other state and federal laws. Until such time as the referenced standard is adopted by NIST, the standard applicable for purposes of this chapter shall be the draft of CCPPCS dated May 23, 1997.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-360, filed 11/26/97, effective 12/27/97.]

WAC 434-180-370 Procedure upon discontinuance of business. A licensed certification authority that discontinues providing certification authority services without making other arrangements for preservation of the certification authority's records shall either:

(1) Revoke all valid certificates and return all records concerning them to the appropriate subscriber; or

(2) Submit such records to another licensed certification authority or authorities designated by the secretary.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-370, filed 11/26/97, effective 12/27/97.]

WAC 434-180-400 Recognition of repositories. The secretary shall recognize a repository upon determining that it satisfies all requirements set forth in RCW 19.34.400, and upon payment of the required fee and upon receipt and review of a completed form, provided by the secretary, containing the following:

(1) The name of the licensed certification authority, or applicant for licensure as a certification authority, requesting recognition of a repository;

(2) The applicant's uniform business identifier number, if any;

(3) The mailing address of the applicant, and a physical address if different;

(4) The telephone number of the applicant;

(5) The electronic mail address of the applicant; and

(6) A description of the data base and system architecture demonstrating that it satisfies the requirements of RCW 19.34.400(1) and WAC 434-180-420.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-400, filed 11/26/97, effective 12/27/97.]

WAC 434-180-410 Revocation of recognition of a repository. (1) This rule describes the secretary's procedure for revoking the recognition of a repository, without also revoking the license of the certification authority that operates the repository. Because a valid license as a certification authority is a statutory requirement for recognition of a repository, the secretary shall automatically revoke the recognition of any repository operated by a certification authority whose license is revoked, expired, or otherwise inoperative.

(2) The secretary may revoke recognition of a repository, pursuant to chapter 34.05 RCW, for failure to comply with any requirement of RCW 19.34.400 or this chapter, or for failure to comply with a lawful order of the secretary.

(3) The secretary shall inform a licensed certification authority that operates a recognized repository by written order, by mail directed to the mailing address listed on the licensee's application, of a decision to revoke recognition of the repository. The notification shall state when the revocation shall be effective, which shall not be less than thirty days following the issuance of the order.

(4) If the certification authority files an application for an adjudicative hearing, pursuant to WAC 434-180-500, prior to the effective date of revocation, the revocation shall not take effect until so ordered by the presiding officer.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-410, filed 11/26/97, effective 12/27/97.]

WAC 434-180-420 Trustworthy system for recognized repositories. A system shall be regarded as trustworthy for purposes of operating a recognized repository if it satisfies the requirements of WAC 434-180-360, and additionally it:

(1) Provides on-line access to the repository upon a continuous basis, with reasonable allowance for scheduled maintenance;

(2) Possesses the capacity to process transactions in a manner reasonably adequate for anticipated volume; and

(3) Provides for the periodic storage of data at a location other than the principal system utilized for the repository.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-420, filed 11/26/97, effective 12/27/97.]

WAC 434-180-430 Contract for secretary of state repository publication. The secretary may either directly operate, or contract for the operation of, a repository described in WAC 434-180-440. If the secretary contracts for the operation of the repository, with other than DIS, the contractor must be a licensed certification authority and must agree to operate the repository according to all requirements of chapter 19.34 RCW, including RCW 19.34.400. The contract may be rescinded for any reason that would form a basis for revoking recognition of a repository or for failure to meet the requirements of WAC 434-180-440.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-430, filed 11/26/97, effective 12/27/97.]

WAC 434-180-440 Publication in the secretary of state repository. The secretary shall maintain, either directly or under contract, a repository for the purpose of publishing any information required by chapter 19.34 RCW. Information published in the secretary's repository shall include:

- (1) The certification authority disclosure record for each certification authority licensed in Washington;
- (2) A list of all judgments filed with the secretary within the previous five years pursuant to RCW 19.34.290;
- (3) Any advisory statements published by the secretary regarding the activities of a licensed or unlicensed certification authority, together with any protest filed by the certification authority named in the statement and any final decision of the secretary regarding the issues raised in the statement, all as provided by RCW 19.34.130(2);
- (4) Any information published in the secretary's repository pursuant to WAC 434-180-450; and
- (5) Any other information necessary or appropriate for publication in the secretary's repository pursuant to chapter 19.34 RCW or this chapter.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-440, filed 11/26/97, effective 12/27/97.]

WAC 434-180-450 Procedure upon discontinuance of business as repository. A licensed certification authority that discontinues providing services as a recognized repository shall republish the records published in the repository in another recognized repository. If no other repository is available or willing to republish that information, the certification authority shall publish it in the secretary's repository.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-450, filed 11/26/97, effective 12/27/97.]

WAC 434-180-500 Application for adjudicative proceedings. Decisions and actions of the secretary pursuant to chapter 19.34 RCW and this chapter may be reviewed by filing an application of an adjudicative proceeding. An adjudicative proceeding shall be commenced when required by chapter 34.05 RCW, and may be commenced in the secretary's discretion upon such other occasions as may be permitted by statute. An application for an adjudicative proceeding may be on a form provided by the secretary for that purpose or in another paper or electronic writing signed by the applicant or the applicant's representative. The application for an adjudicative proceeding should specify the issue to be adjudicated in the proceeding.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-500, filed 11/26/97, effective 12/27/97.]

WAC 434-180-510 Appointment of administrative law judge—Designation of procedural rules. (1) The secretary hereby appoints the office of administrative hearings and the administrative law judges employed by that office to preside at all hearings that result from the commencement of adjudicative proceedings unless the secretary, by his or her own order, declares his or her intent to preside

at a specific proceeding or the proceeding is an appeal of an initial order issued by an administrative law judge.

(2) All hearings shall be conducted in compliance with these rules, and with chapter 34.05 RCW. The secretary adopts chapter 10-08 WAC as the applicable rules of procedure, except where this chapter provides different, additional or conflicting procedures.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-510, filed 11/26/97, effective 12/27/97.]

WAC 434-180-520 Pleadings in digital form. (1) Unless the presiding officer directs otherwise, any party may file any pleading or other document in an adjudicative proceeding under this chapter in electronic form. If a pleading or document filed electronically requires a signature, that pleading or document shall be signed digitally, pursuant to a valid certificate issued by a licensed certification authority. The certification authority that issued the certificate shall not be a party to the adjudicative proceeding.

(2) Service of electronic pleadings or documents by electronic transmission is effective upon receipt, except that if sent after 5:00 p.m. on a business day or at any time on a weekend or state holiday, service is effective as of 8:00 a.m. on the following business day.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-520, filed 11/26/97, effective 12/27/97.]

WAC 434-180-530 Service of process on the secretary. Service of pleadings or documents upon the secretary or the presiding officer does not constitute service upon the attorney general as counsel to the secretary.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-530, filed 11/26/97, effective 12/27/97.]

WAC 434-180-540 Stay of summary suspension. (1) Upon summary suspension of a license by the secretary pursuant to this chapter and chapter 19.34 RCW, an affected certification authority may petition the secretary for a stay of suspension pursuant to RCW 34.05.467 and 34.05.550(1). Such petition must be received by the secretary within the time specified in RCW 34.05.467.

(2) Within seven days of receipt of a petition for stay, a hearing shall be held before an administrative law judge, or if an administrative law judge is not available during this period, before an individual designated by the secretary. The hearing shall be limited to consideration of whether a stay should be granted, or whether the terms of the suspension may be modified to allow the conduct of limited activities under current licenses.

(3) Any hearing conducted pursuant to subsection (2) of this section shall be conducted under RCW 34.05.485, brief adjudicative proceedings. The agency record for the hearing shall consist of the information upon which the summary suspension was based and may be supplemented by any information obtained by the secretary subsequent to the date of the suspension order. The certification authority shall have the burden of demonstrating by a preponderance of the evidence that:

(a) The certification authority is likely to prevail upon the merits at hearing;

(b) Without relief, the certification authority will suffer irreparable injury. For purposes of this section, elimination of income from licensed activities shall not be deemed irreparable injury;

(c) The grant of relief will not substantially harm other parties to the proceedings; and

(d) The threat to the public safety or welfare is not sufficiently serious to justify continuation of the suspension, or that modification of the terms of the suspension will adequately protect the public interest.

(4) The initial order granting or denying a stay shall be effective immediately upon service unless another date is specified in the order.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-540, filed 11/26/97, effective 12/27/97.]

WAC 434-180-550 Review of orders regarding stay.

(1) Any party may petition the secretary for review of an initial order granting or denying a motion for a stay of suspension. A petition for review must be in writing and received by the secretary within twenty-one days of service of the initial order. If neither party has requested review within twenty-one days of service, the initial order shall be deemed the final order of the secretary for purposes of RCW 34.05.467.

(2) If the secretary receives a timely petition for review, he or she shall consider the petition promptly. Consideration on review shall be limited to the record of the hearing on stay.

(3) The secretary's order on the petition for review shall be effective upon service unless another date is specified in the order and is final pursuant to RCW 34.05.467. Final disposition of the petition for stay shall not affect subsequent administrative proceedings for suspension or revocation of a license.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-550, filed 11/26/97, effective 12/27/97.]

WAC 434-180-560 Adjudicative proceedings—Appearance and practice before the secretary—Who may appear. No person may appear in a representative capacity before the secretary or the designated administrative law judge other than the following:

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

(2) A bona fide officer, authorized manager, partner, or full-time employee of a firm, association, partnership, LLC, or corporation who appears for such firm, association, partnership, corporation, or company.

(3) An individual appearing pro se.

(4) Such interpreters for persons with a limited understanding of the English language or hearing impaired persons as provided for in WAC 10-08-150.

(5) Such other persons as may be permitted by the secretary upon a showing by a party to the hearing of such a necessity or such a hardship as would make it unduly burdensome upon him to have a representative as set forth under subsections (1) and (2) of this section.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-560, filed 11/26/97, effective 12/27/97.]

WAC 434-180-590 Brief adjudicative proceeding regarding certificate suspension. (1) Pursuant to RCW 34.05.482, the secretary may use brief adjudicative proceedings where not violative of law, where in the judgment of the secretary protection of the public interest does not require the secretary to give notice and an opportunity to participate to persons other than the parties, and the issue and interests involved in the controversy do not warrant the use of the procedures of RCW 34.05.413 through 34.05.479.

(2) The secretary finds that prompt review of the suspension of a certificate pursuant to RCW 19.34.210(5), 19.34.250(2), or WAC 434-180-350 by the secretary or a state or local agency under contract with the secretary is appropriate for a brief adjudicative proceeding. The secretary adopts the provisions of RCW 34.05.482 through 34.05.494 for purposes of this category of proceedings.

(3) If any person affected by the suspension requests administrative review, the secretary shall immediately notify, by the most rapid means reasonably calculated to inform the recipient of the proceeding, the subscriber, the certification authority, and any other affected party who has requested notification or has requested the review, of the intent to conduct a proceeding pursuant to this section. Conduct of that review shall be in accordance with RCW 34.05.485 through 34.05.494.

(4) The suspension of a certificate by order of the secretary pursuant to RCW 19.34.210(5) and 19.34.250(2) shall lapse ninety-six hours after the suspension.

(5) The secretary may, in his or her discretion, conduct a full adjudicative proceeding if any affected party requests a full review of the suspension of a certificate pursuant to RCW 19.34.250(2). If a full adjudicative proceeding is held, the suspension lapses ninety-six hours after the suspension, but the review need not be completed within that time.

(6) If, by final order, the secretary determines that the suspension was in error, the certificate shall be deemed valid retroactively to the time of suspension.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111 and 19.34.400. 97-24-053, § 434-180-590, filed 11/26/97, effective 12/27/97.]

Chapter 434-209 WAC

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

WAC

434-209-010	Statement of purpose.
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WAC 434-209-010 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-010, filed 2/19/87.]

WAC 434-209-020 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 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-020, filed 2/19/87.]

WAC 434-209-030 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 WAC 434-209-070 to serve must be a registered voter and eligible to vote at the time of selection in the congressional district from which that person was selected;

(2) Any person selected under WAC 434-209-090 to serve must be 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-030, filed 2/19/87.]

WAC 434-209-040 Transmitting and compiling the data file of records of registered voters. No later than January 1 of the year of selection, 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-040, filed 2/19/87.]

WAC 434-209-050 Conducting the selection of names by lot. No later than January 20 of the year of selection, the secretary of state shall arrange for the random selection of approximately an equal number of names of registered voters from each congressional district. 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 a random sample from the lists compiled under WAC 434-209-040.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-050, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-050, filed 2/19/87.]

WAC 434-209-060 Notifying persons selected by lot.

(1) No later than January 31 of the year of selection, the secretary of state shall notify by nonforwardable 1st class mail each person selected by lot under WAC 434-209-050. The notification shall contain a response form and prestamped, self-addressed return envelope. The notification shall include the statutory qualifications for membership on the commission as specified in RCW 43.03.305 and describe the duties of the position under RCW 43.03.310. The notification shall request the person selected to confirm on the form whether or not they meet the statutory qualifications to serve on the commission and to indicate if they are willing to serve on the commission in the specified capacity. Each person shall be requested to return the form no later than February 10 of that year. Any selected person, by appropriate indication on the form, may decline to serve on the commission. The secretary of state shall take as conclusive indication that the person has declined to serve if the form is not received by the secretary of state on or before February 10 of that year. The notification shall include an appropriate notice of this deadline.

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

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-060, filed 2/19/87.]

WAC 434-209-070 Determination of commission appointees from congressional districts. From the list prepared under WAC 434-209-060(2), the secretary of state shall conduct a separate, noncomputer selection by lot of all

qualified persons responding positively to the notice in WAC 434-209-060 from each congressional district. The persons selected from each congressional district shall be listed in order of selection.

This list shall serve as the list of registered voters for the initial appointment and for filling any subsequent vacancy.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-070, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-070, filed 2/19/87.]

WAC 434-209-080 Names of selected persons to governor. No later than February 15 of the year of selection, 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 WAC 434-209-070. 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 WAC 434-209-070.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-080, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-080, filed 2/19/87.]

WAC 434-209-090 Vacancy on the commission. Whenever a vacancy exists in any of the congressional districts, the governor shall notify the secretary of state of the vacancy. The secretary of state shall forward to the governor for appointment the next name on the list created in WAC 434-209-070 for that congressional district. This procedure will be repeated until this list is exhausted.

If the list from a congressional district becomes depleted, the secretary of state shall create a new list for that congressional district using the most recent voter information obtained from the county auditors. 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 WAC 434-209-030 through 434-209-080.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-209-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. 87-06-009 (Order 87-02), § 434-09-090, filed 2/19/87.]

Chapter 434-228 WAC

DECLARATIONS OF CANDIDACY AND FILING PROCEDURES

WAC

434-228-005	Filing information—Questionnaire—Compiling and dissemination.
434-228-012	Declaration of candidacy—Offices subject to a primary.
434-228-020	Declaration of candidacy—Precinct committee officer.
434-228-050	Use of title or rank prohibited.
434-228-060	Duplication of names.

WAC 434-228-005 Filing information—Questionnaire—Compiling and dissemination. Prior to May 1 of each year, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29.13.010 and 29.13.020. The purpose of the questionnaire shall be to confirm information which the auditor may disseminate to the public regarding the filing for elective offices. The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, the annual salary for the position at the time of the filing period, and the statutory reference for candidate eligibility. Responses should be received prior to June 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-228-005, filed 10/13/97, effective 11/13/97.]

WAC 434-228-012 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 _____ Clark/Cashier Initials _____

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:
(TINY 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)
(PPOSITION 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-012, filed 10/13/97, effective 11/13/97. 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 434-228-020 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-020, filed 10/13/97, effective 11/13/97. 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 434-228-050 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-28-050, filed 6/2/92, effective 7/3/92.]

WAC 434-228-060 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-28-060, filed 6/2/92, effective 7/3/92.]

**Chapter 434-230 WAC
BALLOTS**

WAC

- 434-230-010 Sample ballots.
- 434-230-020 Placement of state ballot measures.
- 434-230-030 Placement of ballot measures for local units of government.
- 434-230-040 Candidate's political party designation—Primary to general.
- 434-230-050 Candidate nominated by two or more political parties or for two or more offices.
- 434-230-060 Primary votes required for appearance on general election ballot.
- 434-230-070 Method for billing expense for printing and distributing ballot materials.
- 434-230-080 Judicial ballots—Form.
- 434-230-090 Determining nominees for multiple positions.
- 434-230-160 Electronic voting device instructions.
- 434-230-170 Electronic voting devices—Ballot form.
- 434-230-180 Paper ballots and ballot cards—Numbering.
- 434-230-190 Paper ballot uniformity.
- 434-230-200 Paper ballot instructions.
- 434-230-210 Paper ballots—Ballot form.

WAC 434-230-010 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, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-230-010, filed 10/13/97, effective 11/13/97. 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 434-230-020 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 [434-230-030].

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-230-020, filed 10/13/97, effective 11/13/97. 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 434-230-030 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.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-230-030, filed 10/13/97, effective 11/13/97. 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 434-230-040 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, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-230-040, filed 10/13/97, effective 11/13/97. 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 434-230-050 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, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-230-050, filed 10/13/97, effective 11/13/97. 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 434-230-060 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-060, filed 10/13/97, effective 11/13/97. 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 434-230-070 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-070, filed 10/13/97, effective 11/13/97. 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 434-230-080 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-080, filed 10/13/97, effective 11/13/97. 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 434-230-090 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-090, filed 10/13/97, effective 11/13/97. 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 434-230-160 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-160, filed 10/13/97, effective 11/13/97. 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 434-230-170 Electronic voting devices—Ballot form. Each office on the ballot 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 term (e.g., short/full term, two-year unexpired term, etc.). Each office shall be listed on the ballot in the manner prescribed by law or administrative rule. Following the office designation the names of all candidates for that position shall be listed together with political party designation or the word "nonpartisan," or "NP" as applicable. 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 clearly delineated 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-170, filed 10/13/97, effective 11/13/97.]

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 434-230-180 Paper ballots and ballot cards—Numbering. All paper ballots and ballot cards shall be sequentially numbered 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 to inventory ballots issued at a precinct on election day, and may be used to facilitate the auditing process for certification of an election. At no time may the numbers be used 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-180, filed 10/13/97, effective 11/13/97. 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 434-230-190 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-190, filed 10/13/97, effective 11/13/97. 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 434-230-200 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-200, filed 10/13/97, effective 11/13/97. 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 434-230-210 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 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, together with the political party designation 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 either the left or 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 either the left or 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-230-210, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-210, filed 5/4/92, effective 6/4/92.]

Chapter 434-236 WAC VOTE-BY-MAIL

WAC

434-236-010	Authority and purpose.
434-236-020	Definitions.
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434-236-170	Logic and accuracy test.
434-236-180	Tallying of ballots.
434-236-200	Maintenance of records.
434-236-210	Report to the secretary of state.

WAC 434-236-010 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-010, filed 10/13/97, effective 11/13/97.]

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

WAC 434-236-020 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 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 state primary or any 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 election and does not include:

(a) A mail ballot precinct ballot;

(b) An absentee ballot issued at the request of the voter;

(4) "Mail ballot precinct ballot" means a ballot used in a precinct with fewer than two hundred active registered voters regularly voting by mail in primary, general, and special elections;

(5) "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;

(6) "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;

(7) "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

(8) "Secure storage" in mail ballot elections shall be the same as "secure storage" defined in chapter 434-240 WAC.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-020, filed 11/1/83.]

WAC 434-236-030 Request for mail ballot 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-030, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-030, filed 11/1/83.]

WAC 434-236-040 Mail ballot election plan.

A county auditor planning to conduct mail ballot elections shall, not less than sixty days prior to the first such election, submit a mail ballot election plan to the secretary of state. This plan shall only be required for and apply to the first mail ballot election in a county. 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 and political parties
.....	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

The 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 mail ballot election plan, the county auditor shall provide the secretary of state with the following material:

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

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

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

(4) An estimate of the number of additional personnel to be hired; and

(5) Any other materials the secretary of state may require.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-040, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-040, filed 11/1/83.]

WAC 434-236-050 Review of the plan by the secretary of state. (1) Within five business days after the receipt of a mail ballot 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 recommend changes to any policies, procedures, or materials where, in his or her judgment, such changes would improve the administration of the election.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-050, filed 11/1/83.]

WAC 434-236-060 Notice of election. In any mail ballot 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, and any other dates and times such locations will be open.

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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-060, filed 11/1/83.]

WAC 434-236-070 Delivery of ballot to voter. Not sooner than twenty-five days nor later than fifteen days before any mail ballot 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-070, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-070, filed 11/1/83.]

WAC 434-236-080 Envelope specifications. The envelopes in which mail ballots are mailed to the voters shall be clearly marked with postal service endorsements to prevent forwarding of the ballot and ensure undeliverable ballots are returned to the county auditor with address corrections. In all other respects, mail ballot election envelopes shall conform to the requirements for absentee ballot envelopes provided in chapter 434-240 WAC.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-080, filed 11/1/83.]

WAC 434-236-090 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-090, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-090, filed 11/1/83.]

WAC 434-236-100 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 two persons designated by the auditor. Whenever possible, the persons designated by the county auditor to staff places of deposit shall be representatives of each political party entitled to nominate precinct election officers pursuant to chapter 29.45 RCW. The person designated by the auditor shall not be an employee of the jurisdiction for whom the election is conducted and shall subscribe to an oath regarding the discharge of his or her duties, administered by the county auditor. All designated places 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 county auditor may designate additional dates and times during which any or all places of deposit may be open prior to election day. 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 persons appointed to staff the place(s) of deposit. These persons shall ensure that the affidavit on the return envelope is signed before the ballot is deposited in the ballot box. The person(s) staffing the designated place of deposit shall add the time and place of deposit to any ballot envelope deposited after 8:00 p.m. on election day. Such ballots shall be referred to the canvassing board for consideration.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-100, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-100, filed 11/1/83.]

WAC 434-236-110 Obtaining replacement ballots.

Each county auditor shall designate his or her office or any other location within the jurisdiction requesting the mail ballot 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 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-110, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-110, filed 11/1/83.]

WAC 434-236-120 Unsigned affidavit. If the voter neglects to sign the affidavit on the return envelope, the auditor shall follow the procedures prescribed for unsigned affidavits in chapter 434-240 WAC.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-120, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-120, filed 11/1/83.]

WAC 434-236-140 Verification of signatures—Process. The county auditor shall verify signatures on the return envelopes in the same manner the canvassing board verifies signatures on absentee ballot return envelopes pursuant to chapter 434-240 WAC.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-140, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-140, filed 11/1/83.]

WAC 434-236-160 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-160, filed 11/1/83.]

WAC 434-236-170 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-170, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-170, filed 11/1/83.]

WAC 434-236-180 Tallying of ballots. The county canvassing board, upon the request of the county auditor, may begin final processing of mail ballots on hand after 7:00 a.m. on election day. The county auditor shall request in writing that each major political party appoint representatives to observe such counts. Anyone present shall subscribe to an oath of secrecy regarding divulging election returns prior to 8:00 p.m. election night. Any violation of the secrecy of the count shall be subject to the penalties provided in RCW 29.85.225. During tabulation of ballots on election night in counties using electronic voting devices, political party observers may select up to three 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. Except as otherwise provided by law or administrative rule, mail ballots shall be processed and canvassed in the same manner as absentee ballots.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-180, filed 11/1/83.]

WAC 434-236-200 Maintenance of records. Each county auditor conducting a mail ballot 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, if applicable;
- (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, or a list containing the same data present on the return envelopes;
- (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 stored in the same manner as materials used in other types of elections.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-36-200, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-200, filed 11/1/83.]

WAC 434-236-210 Report to the secretary of state. Not later than sixty calendar days following the official canvass of any mail ballot 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;
- (4) The total number of replacement ballots issued;
- (5) The total number of ballots accepted as valid and counted;

- (6) The total number of ballots rejected;
- (7) The official results of the election; and
- (8) An itemization of the cost of the mail ballot 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-236-210, filed 10/13/97, effective 11/13/97. Statutory Authority: 1983 1st ex.s. c 71. 83-22-055 (Order 83-2), § 434-36-210, filed 11/1/83.]

Chapter 434-240 WAC ABSENTEE VOTING

WAC

434-240-005	Authority and purpose.
434-240-010	Definitions.
434-240-020	Applications for absentee ballots.
434-240-025	Telephone requests for absentee ballots.
434-240-030	Application form for a regular absentee ballot.
434-240-040	Absentee ballot application forms originating outside the state of Washington.
434-240-050	Ongoing absentee ballot application.
434-240-060	Termination of ongoing absentee voter status.
434-240-090	Special absentee ballot application form.
434-240-100	Special absentee ballot—Material to be included.
434-240-110	Special absentee ballot—Time application received.
434-240-120	Hospital absentee ballot application form.
434-240-130	Incomplete application from elector.
434-240-150	Verification of absentee ballot application.
434-240-160	Notification to voter of incomplete application.
434-240-180	Service and overseas voters—Material and postage.
434-240-190	Absentee ballot envelopes.
434-240-200	Absentee ballot—Instructions to voters.
434-240-205	Replacement absentee ballots.
434-240-225	Definitions regarding absentee ballots.
434-240-230	Processing of absentee ballots.
434-240-240	Verification of the signature and postmark on absentee ballots.
434-240-250	Absentee voter attempting to vote at the polls.
434-240-260	Absentee ballots returned after the poll lists have been marked.
434-240-270	Maintenance of an audit trail on absentee ballots.
434-240-290	Security of absentee ballots.
434-240-300	Absentee ballot process to be expedited.

WAC 434-240-005 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-005, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-005, filed 1/12/88.]

WAC 434-240-010 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 40.24 RCW.

(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 special 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 434-240-210;

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

(7) "Ongoing absentee ballot" is a ballot provided to voters who have requested in writing to automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote, and provided to voters who are certified participants in the address confidentiality program, pursuant to the provisions of chapter 40.24 RCW;

(8) "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;

(9) "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;

(10) "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;

(11) "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. Secure storage shall employ the use of numbered seals and logs or any other security measures which will detect any inappropriate access to the secured materials when such materials are not being prepared or processed by the county auditor or persons authorized by the county canvassing board;

(12) "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;

(13) "Special ballot" is that ballot issued to a voter by precinct election officers pursuant to WAC 434-240-250 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.

(14) "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.

(15) "Mail ballot precinct" is any precinct containing less than two hundred active registered voters at the closing of voter registration under RCW 29.07.160 in which the county auditor has determined to conduct the voting by mail ballot.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-010, filed 10/13/97, effective 11/13/97. 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 434-240-020 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-020, filed 1/12/88.]

WAC 434-240-025 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-025, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.010. 92-18-093, § 434-40-025, filed 9/2/92, effective 10/3/92.]

WAC 434-240-030 Application form for a regular absentee ballot. Each county auditor shall provide an application form for a regular absentee ballot. 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) An address to which the ballot is to be mailed;
- (3) A space for the voter to indicate for which election(s) the application is made;
- (4) 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-030, filed 1/12/88.]

WAC 434-240-040 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 [434-240-030].

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-040, filed 1/12/88.]

WAC 434-240-050 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. The form shall include, as a minimum, the following information:

- (1) Space to provide the voter's printed name, the address at which the voter is registered to vote, including city and zip code;
- (2) A space for the voter to sign his or her name and provide a telephone number;
- (3) A summary of the reasons for termination of status as an ongoing absentee voter.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-050, filed 10/13/97, effective 11/13/97. 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 434-240-060 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;

A service voter, as defined in RCW 29.01.155, who is a certified participant in the address confidentiality program authorized by chapter 40.24 RCW, shall maintain ongoing absentee voter status throughout the term of their program participation.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-060, filed 10/13/97, effective 11/13/97. 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 434-240-090 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-090, filed 1/12/88.]

WAC 434-240-100 Special absentee ballot—Material to be included. In addition to the material required by WAC 434-40-190 [434-240-190], 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-100, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-100, filed 1/12/88.]

WAC 434-240-110 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-110, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-110, filed 1/12/88.]

WAC 434-240-120 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-120, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-120, filed 1/12/88.]

WAC 434-240-130 Incomplete application from elector. 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.

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[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-130, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-130, filed 1/12/88.]

WAC 434-240-150 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-150, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-150, filed 1/12/88.]

WAC 434-240-160 Notification to voter of incomplete application. In addition to notification provisions required by WAC 434-240-130, the county auditor shall notify any person submitting an absentee ballot application that is not accepted of the reason why the application is not accepted.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-160, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-160, filed 1/12/88.]

WAC 434-240-180 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-180, filed 10/13/97, effective 11/13/97. 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 434-240-190 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-190, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-190, filed 1/12/88.]

WAC 434-240-200 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 must be post-marked not later than election day.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-200, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-200, filed 1/12/88.]

WAC 434-240-205 Replacement absentee ballots. The county auditor may issue replacement absentee ballots to a voter who both:

- (1) Requested an absentee ballot prior to election day; and
- (2) Did not receive the absentee ballot or whose absentee ballot was damaged, lost, or destroyed.

A voter may request an absentee replacement ballot in person, by mail, by telephone, or by other electronic transmission for himself or herself and for any member of his or

her immediate family. The request must be received by the auditor prior to 8:00 p.m. on election day.

The county auditor shall maintain a record of each replacement ballot issued, including the date of the request. Replacement absentee ballots shall be counted in the final tabulation of ballots, and shall only be tabulated if the original ballot is not received by the county auditor and the replacement ballot meets all requirements for tabulation necessary for the tabulation of regular absentee ballots.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-240-205, filed 10/13/97, effective 11/13/97.]

WAC 434-240-225 Definitions regarding absentee ballots. For purposes of the counting and canvassing of absentee ballots:

(1) "Initial processing" means all steps taken to prepare absentee ballots for tabulation, except for the reading of ballots by an electronic vote tallying system. Initial processing includes, but is not limited to: Removal of the security envelope from the return envelope; removal of the ballot from the security envelope; manual inspection for damage, for write-in votes, and for incorrect or incomplete marks; duplication of damaged and write-in ballots; and other preparation of ballots for final processing.

(2) "Final processing" means the reading of ballots by an electronic vote tallying system, but does not include tabulation.

(3) "Tabulation" means the production of returns of votes cast regarding candidates or measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-240-225, filed 10/13/97, effective 11/13/97.]

WAC 434-240-230 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-230, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-230, filed 1/12/88.]

WAC 434-240-240 Verification of the signature and postmark on absentee ballots. An absentee ballot shall be counted only if:

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

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

(5) The absentee ballot is received by the certification of the election.

The canvassing board must compare the signature on the return envelope, or on a copy of the return envelope, with the signature as it appears on the voter's voter registration card. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries. 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. The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-240-240, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-240, filed 1/12/88.]

WAC 434-240-250 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 special ballot. The special ballot shall be placed in an envelope, on the outside of which the words "**special 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 "**special 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 special ballot is being issued. The ballot should then be referred to the canvassing board for their disposition.

This regulation and WAC 434-240-260 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-240-250, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-250, filed 1/12/88.]

WAC 434-240-260 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-240-260, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-260, filed 1/12/88.]

WAC 434-240-270 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;

(7) A reconciliation that all absentee ballots counted plus all absentee ballots rejected is equal to the total number of absentee ballots received.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-240-270, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-270, filed 1/12/88.]

WAC 434-240-290 Security of absentee ballots. Following the tabulation of absentee ballots, they shall be kept in sealed 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-290, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-290, filed 1/12/88.]

WAC 434-240-300 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-240-300, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.36.150. 88-03-019 (Order 88-1), § 434-40-300, filed 1/12/88.]

Chapter 434-253 WAC

THE POLLING PLACE—BEFORE, DURING AND AFTER THE ELECTION

WAC

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434-253-300	Paper ballots—Count continuous—When duties completed.
434-253-310	Paper ballots—Unofficial results—Copies—Posting—Transmittal.
434-253-320	Rejection of ballots or parts of ballots—Questions on the legality of ballots.

WAC 434-253-010 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-010, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-010, filed 6/2/92, effective 7/3/92.]

WAC 434-253-020 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/special 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;
- (15) Emergency plan of action.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-020, filed 6/2/92, effective 7/3/92.]

WAC 434-253-030 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. If a numbered seal is used the 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-030, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-030, filed 6/2/92, effective 7/3/92.]

WAC 434-253-040 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 on the precinct list of registered voters. Upon verifying that the voter's name is on the precinct 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-040, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-040, filed 6/2/92, effective 7/3/92.]

WAC 434-253-050 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-050, filed 6/2/92, effective 7/3/92.]

WAC 434-253-060 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-060, filed 6/2/92, effective 7/3/92.]

WAC 434-253-070 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-070, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-070, filed 6/2/92, effective 7/3/92.]

WAC 434-253-080 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-080, filed 6/2/92, effective 7/3/92.]

WAC 434-253-090 Designation of poll watchers. All persons designated as poll watchers shall be designated in writing by the political party or committee that they represent. Such designation shall be signed by an 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 absolutely no interference with voting takes place.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-090, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-090, filed 6/2/92, effective 7/3/92.]

WAC 434-253-100 Electronic voting devices—Identified for specific offices or measures. In counties using electronic voting devices that employ a separate ballot, where not all voters within a precinct or polling place are entitled to vote on all candidates or measures appearing in that precinct or polling place, the voter shall be directed to a voting device that contains only the appropriate offices and measures. Unless otherwise provided by law or administrative rule, 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 identifying within each device which ballot pages, or sections of ballot pages are applicable to the various ballot codes assigned to the voting device.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-100, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-100, filed 6/2/92, effective 7/3/92.]

WAC 434-253-110 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-110, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-110, filed 6/2/92, effective 7/3/92.]

WAC 434-253-120 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 an 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-120, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-120, filed 6/2/92, effective 7/3/92.]

WAC 434-253-130 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-130, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-130, filed 6/2/92, effective 7/3/92.]

WAC 434-253-140 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-140, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-140, filed 6/2/92, effective 7/3/92.]

WAC 434-253-150 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 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 the work of accounting for the ballots and other voting material may be observed by interested parties.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-150, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-150, filed 6/2/92, effective 7/3/92.]

WAC 434-253-160 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 list of registered voters 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 special 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. The accountability sheet shall be maintained with the precinct list. The precinct election officers shall attest to the accuracy of the ballot accountability sheet by each signing in the spaces provided. The ballot accountability sheet and the precinct 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.

Whenever anything occurs at a polling place that the precinct election officers feel may create a discrepancy in accounting for all of the ballots, 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-160, filed 6/2/92, effective 7/3/92.]

WAC 434-253-170 Audit trail for unused ballots. After the polls have closed, and before the container holding the voted ballots is opened, the unvoted ballots shall be rendered unusable. The unusable ballots shall then be placed in an envelope or container marked "unused ballots," the envelope or container shall be sealed, and placed into the 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-170, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-170, filed 6/2/92, effective 7/3/92.]

WAC 434-253-180 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-180, filed 6/2/92, effective 7/3/92.]

WAC 434-253-190 Disposition of irregularly voted ballots. All irregular voted ballots, including special, challenged, and absentee ballots, if any, shall be separated from the regular voted ballots. The number of special and challenged ballots, if any, shall be recorded on the ballot accountability sheet. The irregularly voted ballots, each in their own individual sealed and marked envelopes, shall then be placed in a transfer case or other secure container and the container sealed. 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-190, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-190, filed 6/2/92, effective 7/3/92.]

WAC 434-253-200 Count of voted ballots. After the irregular voted ballots have been sorted, counted and secured, the regular 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-200, filed 10/13/97, effective 11/13/97.]

Statutory Authority: 1990 c 59. 92-12-083, § 434-53-200, filed 6/2/92, effective 7/3/92.]

WAC 434-253-210 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 at 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-210, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-210, filed 6/2/92, effective 7/3/92.]

WAC 434-253-220 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 voted ballot container at a time specified by the auditor and count the number of ballots. 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 used for the closing of the polls. The transmittal sheet may be placed with the ballots or it may be attached to the outside of the transfer container. The election officials shall not leave the polling place. Ballot pickup 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-220, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-220, filed 6/2/92, effective 7/3/92.]

WAC 434-253-230 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 pages themselves.

If a unique numbered seal is used, a certificate shall be placed inside the device signed by the precinct election officials recording 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, shall be returned to and retained by the county auditor.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-230, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-230, filed 6/2/92, effective 7/3/92.]

WAC 434-253-240 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-240, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-240, filed 6/2/92, effective 7/3/92.]

WAC 434-253-250 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-250, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-250, filed 6/2/92, effective 7/3/92.]

WAC 434-253-260 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-260, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-260, filed 6/2/92, effective 7/3/92.]

WAC 434-253-270 Counting of ballots after polls close. The counting and tabulation of ballots after the polls close shall be public and may be witnessed by any citizen.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-253-270, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-270, filed 6/2/92, effective 7/3/92.]

WAC 434-253-280 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 the county auditor. These tally books shall 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-280, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-280, filed 6/2/92, effective 7/3/92.]

WAC 434-253-290 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-290, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-290, filed 6/2/92, effective 7/3/92.]

WAC 434-253-300 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 434-253-260. 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-300, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-300, filed 6/2/92, effective 7/3/92.]

WAC 434-253-310 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-310, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-310, filed 6/2/92, effective 7/3/92.]

WAC 434-253-320 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-253-320, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-53-320, filed 6/2/92, effective 7/3/92.]

**Chapter 434-261 WAC
COUNTING CENTER PROCEDURES**

WAC

- 434-261-005 Definitions.
- 434-261-010 Counting center location—Direction of proceedings.
- 434-261-020 Counting center—Political party observers.
- 434-261-030 Transfer of ballots to counting center or collection station.
- 434-261-040 Receipt of ballots at the counting center.
- 434-261-060 Vote tallying system—A manual count of random precincts.
- 434-261-070 Manual inspection of ballots.
- 434-261-080 Ballot enhancement.
- 434-261-090 Ballot duplication.
- 434-261-100 Written procedures.

WAC 434-261-005 Definitions. (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot upon breaking the seals and

opening the ballot containers from the precincts or, in the case of precinct counting systems, prior to the certification of the election;

(2) "Duplicating ballots" is the process of copying valid votes from ballots that may not be properly counted by the electronic voting equipment to blank ballots of the same type and style, or as directed by the canvassing board;

(3) "Ballot enhancement" is the process of adding or covering marks on a ballot to ensure that the electronic voting equipment will tally the votes on the ballot in the manner intended by the voter, or as directed by the canvassing board.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-261-005, filed 10/13/97, effective 11/13/97.]

WAC 434-261-010 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.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-261-010, filed 10/13/97, effective 11/13/97. 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 434-261-020 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, in writing, 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-261-020, filed 10/13/97, effective 11/13/97. 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 434-261-030 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-261-030, filed 10/13/97, effective 11/13/97. 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 434-261-040 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, the seal number shall be compared with the transmittal sheet accompanying the container. 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.

If no 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. The log shall list the precinct, the nature of the discrepancy, and the corrective action taken. If the county auditor cannot resolve the discrepancy or arrive at a satisfactory explanation for the discrepancy, the ballots shall be treated as ballots for which a question of validity has arisen, and shall be set aside and referred to the canvassing board for their consideration as provided by law or administrative rule (see chapter 434-262 WAC).

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-261-040, filed 10/13/97, effective 11/13/97. 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 434-261-060 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 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-261-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-61-060, filed 5/4/92, effective 6/4/92.]

WAC 434-261-070 Manual inspection of ballots. Upon breaking the seals and opening the ballot containers

from the precincts, all voted ballots shall be manually inspected for damage, write-in votes, incorrect or incomplete marks, and questions of voter intent. The same manual inspection process shall apply to absentee ballots, mail ballot precinct ballots, and vote-by-mail ballots. This manual inspection shall include examining each voter response position, and is a required part of processing ballots used with all electronic vote tabulating systems.

If the manual inspection process detects any ballots which might not be correctly counted by the tabulating equipment, the county may either:

- (1) Refer the ballots to the county canvassing board;
- (2) Duplicate the ballots if the intent of the voters is clear; or
- (3) Enhance the ballots if the intent of the voters is clear and enhancement can be accomplished without permanently obscuring the original marks of the voters.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-261-070, filed 10/13/97, effective 11/13/97.]

WAC 434-261-080 Ballot enhancement. Ballots shall only be enhanced when such enhancement will not permanently obscure the original marks of the voters. Ballots shall be enhanced by teams of two or more people working together. When enhancing ballots, the county shall take the following steps to create and maintain an audit trail of the actions taken with respect to those enhanced ballots:

- (1) Each ballot to be enhanced must be assigned a unique control number, with such number being marked on the face of the enhanced ballot;
- (2) A log shall be kept of the ballots enhanced and shall include at least the following information:
 - (a) The control number of each ballot enhanced;
 - (b) The initials of at least two people who participated in enhancing each ballot; and
 - (c) The total number of ballots enhanced;
- (3) Enhanced ballots and ballots to be enhanced shall be sealed into secure storage at all times, except when said ballots are in the process of being enhanced, are being tabulated, or are being inspected by the canvassing board.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-261-080, filed 10/13/97, effective 11/13/97.]

WAC 434-261-090 Ballot duplication. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots shall be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the actions taken with respect to those duplicated ballots and the corresponding duplicate ballots:

- (1) Each ballot to be duplicated and the corresponding duplicate ballot must be assigned a unique control number, with such number being marked upon the face of each ballot, the purpose being to insure that each duplicate ballot may be tied back to the original ballot;
- (2) A log shall be kept of the ballots duplicated and shall include at least the following information:

(a) The control number of each ballot duplicated and the corresponding duplicate ballot;

(b) The initials of at least two people who participated in the duplication of each ballot; and

(c) The total number of ballots duplicated;

(3) Duplicated ballots and the corresponding duplicate ballots, as well as ballots requiring duplication shall be sealed into secure storage at all times, except when said ballots are in the process of being duplicated, are being tabulated, or are being inspected by the canvassing board.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, § 434-261-090, filed 10/13/97, effective 11/13/97.]

WAC 434-261-100 Written procedures. Written procedures shall be established detailing the situations in which ballots may be enhanced or duplicated. These procedures shall be included as a part of the county canvassing board manual.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, § 434-261-100, filed 10/13/97, effective 11/13/97.]

Chapter 434-262 WAC

CANVASSING AND CERTIFICATION OF PRIMARIES AND ELECTIONS

WAC

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WAC 434-262-005 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, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-262-005, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-005, filed 10/3/80.]

WAC 434-262-010 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, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-262-010, filed 10/13/97, effective 11/13/97.]

Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-010, filed 10/3/80.]

WAC 434-262-015 Canvassing board—Delegation of authority. The county auditor, prosecuting attorney, and chair of the county legislative authority, or designees as per RCW 29.62.015, 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 rules on canvassing adopted by the secretary of state. These duties shall be performed by the members of the board, or they may delegate in writing representatives to perform these duties. This written delegation of authority shall be filed with the county auditor prior to any person 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 special 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-262-015, filed 10/13/97, effective 11/13/97.]

WAC 434-262-020 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-020, filed 10/3/80.]

WAC 434-262-025 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 and that the procedures themselves are performed by the board free of any outside interference. The auditor shall publish notice of the meetings of the canvassing board. Such notice or notices shall be in substantially the following form:

OPEN PUBLIC MEETING NOTICE

The canvassing board of (Name of County) County, pursuant to chapter 29.62 RCW, will hold public meetings at (Time of Meetings), (Dates), at (Locations), to (Purpose of Meetings). These meetings of the canvassing board are open, public meetings, and shall be continued until the activity for which the meetings are 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.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-262-025, filed 10/13/97, effective 11/13/97.]

WAC 434-262-030 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 special 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 special ballot totals, or legislative district subtotals if applicable, in the preliminary abstract of votes prepared pursuant to WAC 434-262-020. 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-030, filed 10/3/80.]

WAC 434-262-035 Canvassing board—Absentee ballot signature verification. The county canvassing board shall examine each absentee ballot and related material 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 the absentee 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 absentee 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.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-262-035, filed 10/13/97, effective 11/13/97.]

WAC 434-262-040 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.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, 80-15-008 (Order 80-3), § 434-62-040, filed 10/3/80.]

WAC 434-262-045 Canvassing mail ballots. Except as otherwise provided by law or administrative rule, 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 a designated place of

return 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 the challenged ballot is valid before it may be counted.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-262-045, filed 10/13/97, effective 11/13/97.]

WAC 434-262-050 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-050, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-050, filed 10/3/80.]

WAC 434-262-060 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-060, filed 10/3/80.]

WAC 434-262-070 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-070, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-070, filed 10/3/80.]

WAC 434-262-080 Auditor's abstract of votes—Secretary of state to receive certified copy—Transmittal. No later than the next business day following the certification of the returns of any primary, special, or general election at which votes were cast for or against state measures or for candidates for federal and state-wide office or for offices whose jurisdiction encompasses more than one county, the county auditor shall send a certified copy of that part of the auditor's abstract of votes covering those issues and offices to the secretary of state. This copy must be no larger than eleven inches by fourteen inches and have a certificate identical to that accompanying the official county canvass report, bearing the county seal and original signatures of the officers required to sign that document attached or affixed thereto. A copy of the written narrative documenting errors and discrepancies discovered and corrective action taken shall accompany the abstract if applicable. Copies of the adding machine tapes used during the verification process need not be sent to the secretary of state.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-080, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-080, filed 10/3/80.]

WAC 434-262-090 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-090, filed 10/3/80.]

WAC 434-262-100 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-100, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-100, filed 10/3/80.]

WAC 434-262-110 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-110, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-110, filed 10/3/80.]

WAC 434-262-120 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-120, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-120, filed 10/3/80.]

WAC 434-262-130 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-130, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-130, filed 10/3/80.]

WAC 434-262-140 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, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-140, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. 80-15-008 (Order 80-3), § 434-62-140, filed 10/3/80.]

WAC 434-262-150 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-150, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-150, filed 6/2/92, effective 7/3/92.]

WAC 434-262-160 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 preced-

ing 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-160, filed 6/2/92, effective 7/3/92.]

WAC 434-262-170 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-170, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-170, filed 6/2/92, effective 7/3/92.]

WAC 434-262-180 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-180, filed 6/2/92, effective 7/3/92.]

WAC 434-262-190 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-190, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-190, filed 6/2/92, effective 7/3/92.]

WAC 434-262-200 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-262-200, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-62-200, filed 6/2/92, effective 7/3/92.]

Chapter 434-324 WAC

MAINTENANCE OF VOTER REGISTRATION RECORDS ON ELECTRONIC DATA PROCESSING SYSTEMS

WAC

434-324-010	Contents of computer file of registered voters.
434-324-015	Uniform control number.
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434-324-025	Precinct codes.
434-324-030	Taxing district codes.
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- 434-324-095 Cancellation due to death.
- 434-324-105 Notification of cancellation for failure to vote.
- 434-324-110 Transmittal of cancellations to the secretary of state.
- 434-324-115 Challenge of voter's registration.
- 434-324-120 Contents of precinct list of registered voters.
- 434-324-130 Contents of list of registered voters for the public.
- 434-324-140 Requests for list of registered voters.
- 434-324-160 Review of automated voter registration systems.

WAC 434-324-010 Contents of computer file of registered voters. 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.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-010, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-010, filed 6/3/74; Order 6, § 434-24-010, filed 3/3/72.]

WAC 434-324-015 Uniform control number. All counties shall assign to each voter registration record in the computer file a permanent control number.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-24-015, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-015, filed 6/3/74.]

WAC 434-324-020 County codes. All counties 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		

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-020, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-020, filed 6/3/74; Order 6, § 434-24-020, filed 3/3/72.]

WAC 434-324-025 Precinct codes. Counties shall assign numeric codes of up to six digits in length to design-

ate for each voter registration record the precinct in which that individual voter is located.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-025, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-025, filed 6/3/74. Formerly WAC 434-24-030, Order 6, filed 3/3/72.]

WAC 434-324-030 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.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-030, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-030, filed 6/3/74. Formerly WAC 434-24-040, Order 6, filed 3/3/72.]

WAC 434-324-035 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.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-035, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-035, filed 6/3/74.]

WAC 434-324-050 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.

ORIGINAL REGISTER OF VOTER	FIRST NAME	INITIAL	LAST NAME	
RESIDENCE ADDRESS		STATE OF WASHINGTON County of _____ 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 _____ PRINT NAME HERE FOR POSITIVE IDENTIFICATION Subscribed and sworn to before me this _____ day of _____, 19____ _____ ACCOUNT NUMBER SIGNATURE OF REGISTRATION OFFICER		
CITY OR TOWN	ZIP CODE			
RESIDENCE LOCATION (IF ADDRESS ABOVE IS ROUTE OR BOX)				
MALE <input type="checkbox"/>	FEMALE <input type="checkbox"/>			DATE OF BIRTH
U. S. CITIZENSHIP		HOME PHONE		
IDENTIFICATION PRODUCED YES <input type="checkbox"/> NO <input type="checkbox"/>		SOCIAL SECURITY NUMBER		
LAST PREVIOUS REGISTRATION		RESIDENCE ADDRESS		
CITY OR TOWN		ZIP CODE		
TRANSFERS 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.				
FOR OFFICE USE ONLY	REGISTRATION NUMBER		DATE OF REGISTRATION	
	PRECINCT CODE		PRECINCT NAME	
	PRECINCT NAME		DISTRICT/LEVY CODE	
	Record Signing of Petitions Here (In Pencil)			
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> PENALTY PROVISION 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. </div>				
INSTRUCTIONS 1. Enter the applicant's name, address, and other pertinent information in the appropriate spaces at the top, left-hand side of the form. 2. Administer the affidavit at the top, right-hand side of the form. 3. Have the applicant sign beneath the affidavit AND on the 3x5 form immediately to the right. Acknowledge the voter's signature on the main form. 4. Return the completed form to the County Auditor or Department of Elections.				
LAST NAME (PRINT)		FIRST NAME		
REGISTRATION NUMBER		INITIAL		
COUNTY	SIGN HERE			
STREET AND NUMBER OR RURAL ROUTE			SIGNATURE OF VOTER	
CITY	DATE	PRECINCT		
MOVED TO		ZIP CODE		
RECORD SIGNING OF PETITIONS HERE (IN PENCIL)				

**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

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-060, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-060, filed 6/3/74; Order 6, filed 3/3/72.]

WAC 434-324-085 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	
<p>Your precinct has been changed from _____ to _____</p> <p style="text-align: center;">PLEASE SIGN AND DETACH</p> <div style="border: 1px solid black; padding: 5px;"> <p style="text-align: center;">CERTIFICATE OF REGISTRATION</p> <p style="text-align: center;">COUNTY, STATE OF WASHINGTON</p> <p>THIS IS TO CERTIFY THAT:</p> <p>•</p> <p>_____ is a registered voter in _____ Precinct of county of _____ under date of _____</p> </div>	<p>If the address shown incorrect, or if you move from the address shown on this card you must register the change with the County Auditor:</p> <p>NEW CARD IS ISSUED PURSUANT TO:</p> <p><input type="checkbox"/> 1. New registration</p> <p><input type="checkbox"/> 2. Transfer</p> <p><input type="checkbox"/> 3. New address given by you at a recent election.</p> <p><input type="checkbox"/> 4. Precinct correction by this office</p> <p><input type="checkbox"/> 5. Change of precinct boundaries</p>

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-085, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-085, filed 6/3/74.]

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-105, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-105, filed 6/3/74.]

WAC 434-324-110 Transmittal of cancellations to the secretary of state. Pursuant to the requirements of RCW 29.10.100, the county auditor 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 contain the following information for each voter: Voter ID number, voter name, date of registration.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-110, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-110, filed 6/3/74. Formerly WAC 434-24-110, Contents of precinct list of registered voters, Order 6, filed 3/3/72.]

WAC 434-324-115 Challenge of voter's registration. All county auditors 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 a registered voter to challenge the registration of another voter pursuant to RCW 29.10.130. A copy of the form shall be sent to the voter, whose voter registration has been challenged and to the challenger pursuant to RCW 29.10.140. The form shall be substantially similar to the following:

VOTER'S REGISTRATION CHALLENGE FORM

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

REASON FOR CHALLENGE

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

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

PROVISIONS RELATING TO VOTING RESIDENCE

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

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

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

AFFIDAVIT OF CHALLENGER

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

DATE SIGNATURE OF CHALLENGER

VOTER'S REGISTRATION CHALLENGES
A SUMMARY OF ADMINISTRATIVE PROCEDURES

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

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

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

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

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

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

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

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

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

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

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

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

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

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-115, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-115, filed 6/3/74.]

WAC 434-324-120 Contents of precinct list of registered voters. The precinct list of registered voters as required by RCW 29.48.030 shall contain the name, address, sex, month and day of birth, and voter registration number of each voter in the precinct, a listing of the districts in which that voter resides, and a designation of the applicable county, legislative district, and precinct. The names shall be listed alphabetically by surname. The list may also contain a space for each voter to sign his name and his current address and a space for the inspector or judge to credit the voter with having participated in a particular election as provided in RCW 29.51.070. Each county shall submit its output format for listing to the secretary of state who shall determine whether such format is suitable for use at the polls. If so, he shall approve that format for use in all elections in that county.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-120, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-120, filed 6/3/74; Order 6, filed 3/3/72.]

WAC 434-324-130 Contents of list of registered voters for the public. Pursuant to the provisions of RCW 29.04.100, the registration officer in each county which maintains voter registration records on electronic data processing systems under the provisions of RCW

29.07.150(2) and provides precinct lists of registered voters at the place as provided by RCW 29.48.030 shall furnish to any person, upon request, current lists of registered voters at actual reproduction cost. The registration officer shall, upon request, select names from the voter registration records on the basis of the precinct code, the district code, date of registration, or voting history of each individual voter in that portion of the voter registration file. Such lists may contain any information maintained on the computer file except the date of birth of each registered voter and may be in the form of computer printouts, computer-prepared labels, microfilm duplicates, or magnetic tape copies of such information. Such voter registration lists shall be used only for political purposes; commercial use of this information shall be punishable as provided in RCW 29.04.120 as now or hereafter amended.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-130, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-130, filed 6/3/74; Order 6, filed 3/3/72.]

WAC 434-324-140 Requests for list of registered voters. The county auditor shall require each person who requests a list of registered voters under the authority of RCW 29.04.100 and WAC 434-324-130 to sign a request on a form substantially similar to the sample included below.

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)

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-140, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-140, filed 6/3/74. Formerly WAC 434-24-130.]

WAC 434-324-160 Review of automated voter registration systems. Each county shall notify the office of the secretary of state of the intent to purchase or install a new automated voter registration system. The county shall submit a summary description of the automated voter registration system to be used by that county. Such summary description shall contain, but not be limited to the following:

- (1) Data storage formats or record layouts;
- (2) Samples of the outputs required by WAC 434-324-085, 434-324-105, 434-324-110, 434-324-120, and 434-324-130;
- (3) Samples of any edit listings or other working output not specifically required by these regulations; and
- (4) 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.

A county's automated voter registration system shall conform to all of the requirements of state law and of these regulations. 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.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-324-160, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-160, filed 6/3/74.]

Chapter 434-334 WAC

ELECTRONIC VOTING REQUIREMENTS

WAC

- 434-334-010 Certification of vote tallying equipment.
- 434-334-015 Application for certification.
- 434-334-020 Additional information and equipment required.
- 434-334-025 Vendor deposit for examination expenses.
- 434-334-030 Examination of equipment.
- 434-334-035 Public hearing.
- 434-334-040 Issuance of certification.

434-334-045	Modification of certified equipment, guidelines for re-examination.
434-334-050	Application for certification or examination of modified voting systems or devices.
434-334-055	Acceptance testing of voting systems and equipment.
434-334-060	Inclusion of the federal election commission standards for voting equipment.
434-334-065	Logic and accuracy test conduct.
434-334-070	Logic and accuracy test observers.
434-334-075	Logic and accuracy testing of voting systems and equipment—State primary and general election.
434-334-080	Logic and accuracy test deck preparation—State primary and general election.
434-334-085	Logic and accuracy test scheduling and preparation—State primary and general election.
434-334-090	Logic and accuracy test certification—State primary and general election.
434-334-095	Logic and accuracy testing of voting systems and equipment—Special elections.
434-334-100	Logic and accuracy test deck preparation—Special elections.
434-334-105	Logic and accuracy test scheduling and preparation—Special election.
434-334-110	Logic and accuracy test certification—Special election.
434-334-115	Logic and accuracy tests for direct recording electronic equipment.

WAC 434-334-010 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-334-010, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-010, filed 6/2/92, effective 7/3/92.]

WAC 434-334-015 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 [434-334-025].

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-334-015, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-015, filed 6/2/92, effective 7/3/92.]

WAC 434-334-020 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-334-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-020, filed 6/2/92, effective 7/3/92.]

WAC 434-334-025 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-334-025, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-025, filed 6/2/92, effective 7/3/92.]

WAC 434-334-030 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-334-030, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-030, filed 6/2/92, effective 7/3/92.]

WAC 434-334-035 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-334-035, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-035, filed 6/2/92, effective 7/3/92.]

WAC 434-334-040 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-334-040, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-040, filed 6/2/92, effective 7/3/92.]

WAC 434-334-045 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-334-045, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-045, filed 6/2/92, effective 7/3/92.]

WAC 434-334-050 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 [434-334-025].

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-334-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-050, filed 6/2/92, effective 7/3/92.]

WAC 434-334-055 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-334-055, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-055, filed 6/2/92, effective 7/3/92.]

WAC 434-334-060 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 97-21-045, recodified as § 434-334-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-060, filed 6/2/92, effective 7/3/92.]

WAC 434-334-065 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. 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-065, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-065, filed 6/2/92, effective 7/3/92.]

WAC 434-334-070 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-070, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-070, filed 6/2/92, effective 7/3/92.]

WAC 434-334-075 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-075, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-075, filed 6/2/92, effective 7/3/92.]

WAC 434-334-080 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-080, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-080, filed 6/2/92, effective 7/3/92.]

WAC 434-334-085 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-085, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-085, filed 6/2/92, effective 7/3/92.]

WAC 434-334-090 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 29.33.350. 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-090, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-090, filed 6/2/92, effective 7/3/92.]

WAC 434-334-095 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-095, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-095, filed 6/2/92, effective 7/3/92.]

WAC 434-334-100 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-100, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-100, filed 6/2/92, effective 7/3/92.]

WAC 434-334-105 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-105, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-105, filed 6/2/92, effective 7/3/92.]

WAC 434-334-110 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 29.33.350. 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 or election.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-110, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-110, filed 6/2/92, effective 7/3/92.]

WAC 434-334-115 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 [434-34-090]. Following the test the DRE machines shall be sealed and the seals shall remain unbroken until election day.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-334-115, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-34-115, filed 6/2/92, effective 7/3/92.]

Chapter 434-379 WAC

VERIFICATION OF SIGNATURES ON REFERENDUM AND INITIATIVE PETITIONS

WAC

434-379-010 Random sampling procedure.

WAC 434-379-010 Random sampling procedure.

In the verification of signatures on initiative and referendum petitions, under RCW 29.79.200, the following statistical test may be employed:

- (1) Take an unrestricted random sample of the signatures submitted;
- (2) Check each signature sampled to determine the number of valid signatures in the sample, the number of signatures in the sample which are invalid because the individual signing is not registered or the signature is improper in form, and the number of signatures which are duplicated in the sample;

(3) Calculate an allowance for the chance error of sampling by multiplying the square root of the number of invalid signatures in the sample by 1.5;

(4) Estimate the upper limit of the number of signatures in the population which are invalid by dividing the sum of the invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio, i.e. the number of signatures sampled divided by the number of signatures submitted;

(5) Determine the maximum allowable number of pairs of signatures in the population by subtracting the sum of 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 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-379-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.79.200 and 29.04.080. 97-17-035, § 434-79-010, filed 8/13/97, effective 9/13/97. Statutory Authority: RCW 29.79.200. 78-08-032 (Order 78-2), § 434-79-010, filed 7/17/78.]

Chapter 434-840 WAC

ADDRESS CONFIDENTIALITY PROGRAM

WAC

434-840-350 Canvassing procedure for a special ballot of a protected records voter.

WAC 434-840-350 Canvassing procedure for a special ballot of a protected records voter. A special ballot, as defined in WAC 434-240-010, 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: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, § 434-840-350, filed 10/13/97, effective 11/13/97. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-350, filed 9/26/91, effective 10/27/91.]

Title 440 WAC

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF (GENERAL PROVISIONS)

Chapters

440-22 Certification requirements for chemical dependency treatment service providers.

Chapter 440-22 WAC

CERTIFICATION REQUIREMENTS FOR CHEMICAL DEPENDENCY TREATMENT SERVICE PROVIDERS

WAC

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WAC 440-22-005 Definitions. Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter:

"**Administrator**" means the person designated responsible for the operation of the certified treatment service;

"**Adult**" means a person eighteen years of age or older.

"**Young adult**" means an adult who is not yet twenty-one years of age;

"**Alcoholic**" means a person who has the disease of alcoholism;

"**Alcoholism**" means a primary, chronic disease with genetic, psychosocial, and environmental factors influencing its development and manifestations. The disease is often progressive and fatal. It is characterized by impaired control over drinking, preoccupation with the drug alcohol, use of alcohol despite adverse consequences, and distortions in thinking, most notably denial. Each of these symptoms may be continuous or periodic;

"**Authenticated**" means written, permanent verification of an entry in a patient treatment record by means of an original signature including first initial, last name, and professional designation or job title, or initials of the name if the file includes an authentication record, and the date of the entry;

"**Authentication record**" means a document which is part of a patient's treatment record, with legible identification of all persons initialing entries in the treatment record, and includes:

(1) Full printed name;

(2) Signature including the first initial and last name;

and

(3) Initials and abbreviations indicating professional designation or job title.

"**Bloodborne pathogens**" means pathogenic microorganisms that are present in human blood and can cause disease in humans. The pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV);

"**Branch service site**" means a physically separate certified unit where qualified staff provide a certified treatment service and are governed by a parent organization;

"**Certified treatment service**" means a discrete program of chemical dependency treatment offered by a service provider who has a certificate of approval from the department of social and health services, as evidence the provider meets the standards of chapter 440-22 WAC;

"**Chemical dependency**" means a person's alcoholism or drug addiction or both;

"**Chemical dependency counseling**" means face-to-face individual or group contact using therapeutic techniques and:

(1) Led by a chemical dependency counselor (CDC), youth chemical dependency counselor (YCDC) or a CDC intern under direct CDC supervision;

(2) Directed toward patients and others who are harmfully affected by the use of mood-altering chemicals or are chemically dependent; and

(3) Directed toward a goal of abstinence for chemically dependent persons.

"**Chemical dependency counselor (CDC)**" means a person who has obtained a certificate of qualification from the department affirming the person has met the counselor