

Title 434 WAC

SECRETARY OF STATE

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Chapter 434-08 ELECTIONS

434-08-010	Advisory election upon contemplation of classification advancement. [Regulation 1, filed 3/24/60.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-08-020	Remedial steps—Third class city under mayor-council government. [Regulation 2, filed 3/24/60.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-08-030	Determination of original terms of councilmen—Second, third, or fourth class city or town. [Regulation 3, filed 3/24/60.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-08-040	Appointment of clerks. [Regulation 4, filed 3/24/60.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-08-050	Restrictions on write-in or sticker votes. [Regulation 5, filed 3/24/60.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-08-060	Filing of electronic facsimile documents. [Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-060, filed 9/2/92, effective 10/3/92.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-08-070	Electronic facsimile filings not accepted. [Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-070, filed 9/2/92, effective 10/3/92.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-08-080	Electronic facsimile filings followed by original document. [Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-080, filed 9/2/92, effective 10/3/92.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-08-090	Rejection of electronic facsimile filings. [Statutory Authority: RCW 29.04.230. 92-18-087, § 434-08-090, filed 9/2/92, effective 10/3/92.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-208 WAC.

Chapter 434-09 SELECTION AND NOTIFICATION OF PERSONS BY SECRETARY OF STATE FOR CITIZENS' COMMISSION FOR SALARIES OF ELECTED OFFICIALS

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, 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.
- 434-09-070 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.
- 434-15-120 Protection of public records. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-120, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-130 Records index. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-130, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-140 Communication with division—Address. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-140, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-150 Adoption of form. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-150, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-990 Appendix A—Management organization chart of state archivist. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-990, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-99001 Appendix B—Form—Request for public records. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-99001, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.

Reviser's note: Later promulgation, see chapter 434-209 WAC.

Chapter 434-15 PUBLIC RECORDS—ARCHIVES

- 434-15-010 Purpose. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-010, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-020 Definitions. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-020, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-030 Description of central and field organization of the division of archives and records management. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-030, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-040 Operations and procedures. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-040, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-050 Public records available. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-050, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-060 Public records officer. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-060, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-070 Office hours. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-070, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-080 Requests for public records—Archives—Scheduled. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-080, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-090 Fees. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-090, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-100 Exemptions. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-100, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-15-110 Review of denials of public records requests. [Statutory Authority: RCW 42.17.250, 85-13-017 (Order 85-1), § 434-15-110, filed 6/10/85.] Repealed by 91-21-045, filed 10/14/91, effective 11/14/91. Statutory Authority: RCW 42.17.250.
- 434-16-010 Authority and purpose. [Regulation 1, § 1, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-010.
- 434-16-020 Applicable statute. [Regulation 1, § 2, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-020.
- 434-16-030 Definitions. [Regulation 1, § 3, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-030.
- 434-16-040 Standard forms. [Regulation 1, § 4, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-040, 308-400-044, 308-400-046, and 308-400-048.
- 434-16-050 Official approval of forms. [Regulation 1, § 5, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-050.
- 434-16-060 Rejection of filings. [Regulation 1, § 6, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-060.
- 434-16-070 Prefiled financing statements. [Regulation 1, § 7, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2.
- 434-16-080 Request for information or copies. [Regulation 1, § 8, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-070.
- 434-16-090 Amendment fees. [Regulation 1, § 9, filed 5/18/67.] Repealed by 82-05-014 (Order 659-DOL), filed 2/9/82. Statutory Authority: 1977 ex.s. c 117 § 2. Later promulgation, see WAC 308-400-090.

Chapter 434-19 CHARITABLE SOLICITATIONS

- 434-19-010 Authority and purpose. [Statutory Authority: RCW 19.09.190 and 19.09.315, 88-09-028 (Order 88-02), § 434-19-010, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-010.
- 434-19-012 Official address. [Statutory Authority: RCW 19.09.315, 90-22-021 and 90-23-040, § 434-19-012, filed 10/30/90 and 11/15/90, effective 11/30/90 and 12/16/90. Statutory Authority: RCW 19.09.190 and 19.09.315, 88-09-028 (Order 88-02), § 434-19-012, filed 4/14/88.]

- Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-015.
- 434-19-013 Toll-free telephone number. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-013, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-015.
- 434-19-014 Office hours. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-014, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-020.
- 434-19-015 Public records. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-015, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-030.
- 434-19-016 Public records copying charge—Exemptions. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-016, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-017 Registration applications—Grounds for denial. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-017, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-018 Registration applications—Computation of time. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-018, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-020 Definitions. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-020, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-020, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. Later promulgation, see WAC 434-120-025.
- 434-19-050 Charitable organization registration—Financial information consistent with Federal Income Tax Form 990. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-050, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-051 Charitable organization registration—Federal Income Tax Form 990 not acceptable. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-051, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-052 Charitable organization registration—Other financial standards. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-052, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-052, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-053 Charitable organization registration—Treatment of appropriated funds. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-053, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-053, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-054 Charitable organization registration—Financial reporting adjustments. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-054, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-054, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-055 Charitable organization registration—Change in exemption status. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-055, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-056 Charitable organization registration—Combined program and paid fundraising effort. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-056, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-056, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-059 Charitable organization registration—Voluntary verification information. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-059, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-059, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-060 Charitable organization registration—Out of state organizations. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-060, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-060, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-061 Charitable organization registration—Federal Income Tax Form 990 conditions not applicable. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-061, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-061, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-075 Charitable organization registration—Nonprofit fundraiser—Newly formed organization. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-075, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-075, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-077 Charitable organization registration—Nonprofit fundraiser registration—Combined fee. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-077, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-078 Charitable organization registration—Nonprofit fundraiser—Registration fee. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-078, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-080 Independent fundraiser registration—Identification of other independent fundraisers retained. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028

- (Order 88-02), § 434-19-080, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-081 Independent fundraiser registration—Single business name required. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-081, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-082 Independent fundraiser registration—Physical address required. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-082, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-083 Independent fundraiser registration—Registration fee. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-083, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-084 Independent fundraiser registration—Calculation of percentage waived. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-084, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-084, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-085 Independent fundraiser registration—Responsibility for reporting finances. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-085, filed 10/30/90, effective 11/30/90.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-086 Independent fundraiser registration—Newly formed organization. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-086, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-087 Independent fundraiser reregistration—Change in business structure. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-087, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-088 Independent fundraiser reregistration—Evidence of continuation of bonding required. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-088, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-090 Charitable organizations and independent fundraisers—Contract registration form—Timing. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-090, filed 4/14/88.] Repealed by 90-22-021, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.315.
- 434-19-097 Charitable organizations and independent fundraisers—Contract registration form—Timing. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-097, filed 10/30/90, effective 11/30/90.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-098 Charitable organizations and independent fundraisers—Contract registration form—Fee waived. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-098, filed 10/30/90, effective 11/30/90.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-100 Conditions applicable to solicitations—Exempt organizations exempted. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-100, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-101 Conditions applicable to solicitations—Multiple contacts deemed single solicitation. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-101, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-101, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-102 Conditions applicable to solicitations—Name of solicitor. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-102, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-110 Conditions applicable to solicitations—Written disclosure—Standard. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-110, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-110, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-113 Conditions applicable to solicitations—New organization. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-113, filed 4/14/88.] Repealed by 90-22-021, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.315.
- 434-19-114 Conditions applicable to solicitations—Solicitation conducted. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-114, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-114, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-115 Conditions applicable to solicitations—Responsibility for content of solicitation. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-115, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-115, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-118 Conditions applicable to solicitations—Solicitation conducted via electronic media. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-118, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-118, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-190 Surety bond—Bond extended to other independent fundraiser. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-190, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-191 Surety bond—Notice of exemption from bond requirement. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-191, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-191, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-192 Surety bond—Reduction in bond amount. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-192, filed 10/30/90, effective 11/30/90. Statutory Authority:

- RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-192, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-193 Surety bond—Reinstatement of bond amount. [Statutory Authority: RCW 19.09.315. 90-22-021, § 434-19-193, filed 10/30/90, effective 11/30/90. Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-193, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-194 Surety bond—Impairment of bond. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-194, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-195 Surety bond—Conditions defined. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-195, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- 434-19-230 Using the name of another entity—Reference to unnamed beneficiary. [Statutory Authority: RCW 19.09.190 and 19.09.315. 88-09-028 (Order 88-02), § 434-19-230, filed 4/14/88.] Repealed by 94-01-004 and 94-02-011, filed 12/1/93 and 12/22/93, effective 1/1/94 and 1/23/94. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471.
- Chapter 434-20**
VOTER REGISTRATION FORMS—MANUAL VOTER REGISTRATION
- 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.
- Chapter 434-24**
MAINTENANCE OF VOTER REGISTRATION RECORDS ON ELECTRONIC DATA PROCESSING SYSTEMS
- 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.
- 434-24-065 Exemption of transmittal of signature cards to the secretary of state. [Statutory Authority: RCW 20.04.080 and 29.07.120. 97-18-014, § 434-24-065, filed 8/25/97, effective 9/25/97.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 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.

Reviser's note: Later promulgation, see chapter 434-324 WAC.

Chapter 434-26 MOTOR VOTER

- 434-26-005 Authority and purpose. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-005, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-010 Definitions. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-010, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-015 Voter registration at driver license facilities. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-015, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-020 Registration procedure. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-020, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-025 Obtaining additional information from the applicant. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-025, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-030 Oaths and warnings. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-030, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-035 Cancellation of previous name registration. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-035, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-040 Transfer of information from the department of licensing to the secretary of state. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-040, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-045 Weekly transmittal of data from the department of licensing to the secretary of state. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-045, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-050 Transfer of data, and reports from the secretary of state to the county auditors. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-050, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-055 Transfer of voter registration forms to counties. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-055, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

- 434-26-060 Processing records received from the secretary of state. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-060, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-065 Reimbursement of county auditors and the department of licensing for routine transaction costs. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-065, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-26-900 Reimbursement of county auditors and the department of licensing for costs associated with implementation of this chapter. [Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-900, filed 8/26/91, effective 9/26/91.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-326 WAC.

Chapter 434-28 DECLARATIONS OF CANDIDACY AND FILING PROCEDURES

- 434-28-010 Declaration of candidacy—Partisan offices other than precinct committeeman. [Order 75-1, § 434-28-010, filed 6/26/75.] Repealed by 80-05-014 (Order 80-1), filed 4/8/80. Statutory Authority: RCW 29.04.080.
- 434-28-012 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.
- 434-28-030 Declaration of candidacy—Nonpartisan offices subject to a primary. [Order 75-1, § 434-28-030, filed 6/26/75.] Repealed by 80-05-014 (Order 80-1), filed 4/8/80. Statutory Authority: RCW 29.04.080.
- 434-28-040 Declaration of candidacy—Nonpartisan offices not subject to a primary. [Order 75-1, § 434-28-040, filed 6/26/75.] Repealed by 84-15-050 (Order 84-2), filed 7/16/84. Statutory Authority: RCW 29.04.080.
- 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.

Reviser's note: Later promulgation, see chapter 434-228 WAC.

Chapter 434-30 BALLOTS

- 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.
- 434-30-150 Electronic voting device ballot uniformity. [Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-150, filed 5/4/92, effective 6/4/92.] Decodified by 98-03-033, filed 1/13/98, effective 2/13/98. 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.

Reviser's note: Later promulgation, see chapter 434-230 WAC.

Chapter 434-32 NEW RESIDENT VOTERS

- 434-32-010 Definition of new resident voter extended. [Order 8, § 434-32-010, filed 6/15/72.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-332 WAC.

Chapter 434-34 ELECTRONIC VOTING REQUIREMENTS

- 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

Reviser's note: Later promulgation, see chapter 434-334 WAC.

- 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.

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

- 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.
- Reviser's note:** Later promulgation, see chapter 434-236 WAC.
- Chapter 434-40**
ABSENTEE VOTING
- 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.

Reviser's note: Later promulgation, see chapter 434-240 WAC.

Chapter 434-50

CORPORATION FILING PROCEDURES AND SPECIAL FEES

- 434-50-010 Purpose. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187, 82-16-059 (Order 82-1), § 434-50-010, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-015 Office address. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187, 82-16-059 (Order 82-1), § 434-50-015, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-020 Office hours. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187, 82-16-059 (Order 82-1), § 434-50-020, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.
- 434-50-025 Telephone services. [Statutory Authority: 1982 c 35 §§ 67, 114, 159 and 187, 82-16-059 (Order 82-1), § 434-50-025, filed 7/30/82.] Repealed by 93-20-072, filed 10/1/93, effective 11/1/93. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW.

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

Chapter 434-53

THE POLLING PLACE—BEFORE, DURING AND AFTER THE ELECTION

- 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. 92-12-083, § 434-53-100, 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.
- 434-53-110 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, § 434-53-250, 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.
- 434-53-260 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.

Reviser's note: Later promulgation, see chapter 434-253 WAC.

Chapter 434-57

REGULATIONS ON ACCESSIBILITY OF POLLING PLACES AND PERMANENT VOTER REGISTRATION FACILITIES TO ELDERLY VOTERS OR DISABLED VOTERS

- 434-57-010 Purpose. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-010, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-020 Definitions. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-020, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-030 Standards for accessible polling places and permanent voter registration facilities. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-030, filed 3/27/86. Statutory Authority: Chapter 29.57 RCW as amended by 1985 c 205. 85-18-003 (Order 85-3), § 434-57-030, filed 8/22/85.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-040 Use of public buildings as polling places. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-040, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-050 Assistance from persons with disabilities. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-050, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-070 Report of precincts and polling places. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-070, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-080 Examination of inaccessible polling places. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-080, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-57-090 Accessible polling places—Exceptions. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02),

	§ 434-57-090, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-160	Special review recommendations. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-160, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-57-100	Procedures for inaccessible polling places. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-100, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-170	Distribution of special review recommendations and response. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-170, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-57-120	Accessible permanent voter registration facilities. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-120, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-180	Appeal from scheduled review report. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-180, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-57-130	Voting and registration instructions. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-130, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-190	Processing of appeal. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-190, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-57-150	Notice of accessibility. [Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-150, filed 3/27/86.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-200	Standards for evaluating appeals. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-200, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
Reviser's note: Later promulgation, see chapter 434-257 WAC.			
Chapter 434-60 ELECTION REVIEW PROCESS			
434-60-010	Intent. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-010, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-210	Intent. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-210, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-020	Definitions. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-020, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-215	Definitions. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-215, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-030	Scheduled reviews—Auditor request. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-030, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-220	Certification of election administrators and deputy election administrators. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-220, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-040	Scheduled reviews—Secretary of state to designate. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-040, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-230	Certification credit system. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-230, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-050	Notice of review. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-050, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-240	Mandatory orientation. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-240, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-060	Notification of review process. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-060, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-250	Experience as an election administrator, or as a deputy election administrator. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-250, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-070	Frequency of scheduled reviews. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-070, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-260	Open book written test. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-260, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-080	Special review—Legislative district race. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-080, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-270	Participation in conferences and workshops. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-270, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-090	Special review of congressional or state-wide races. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-090, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-280	Formal education. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-280, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-100	Expense of reviews. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-100, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-290	Participation in other education activities. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-290, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-110	Election review checklist. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-110, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-300	Maintaining certification. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-300, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-120	Adoption of election review checklist. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-120, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-310	Certification of minimum requirements. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-310, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-130	Preliminary scheduled review report. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-130, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-320	Training program for county canvassing board members. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-320, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-140	Response from county auditor/canvassing board. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-140, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-330	Training program for election observers. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-330, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
434-60-150	Final scheduled review report. [Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-150, filed 8/30/93, effective 9/30/93.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.	434-60-340	Training video tapes available. [Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-340, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

434-60-350 Approval of training programs. [Statutory Authority: RCW 29.60.020, 94-07-018, § 434-60-350, filed 3/8/94, effective 4/8/94.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-260 WAC.

Chapter 434-61

COUNTING CENTER PROCEDURES

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.] 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.

434-61-040 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.

Reviser's note: Later promulgation, see chapter 434-261 WAC.

Chapter 434-62

CANVASSING AND CERTIFICATION OF PRIMARIES AND ELECTIONS

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.

Reviser's note: Later promulgation, see chapter 434-262 WAC.

Chapter 434-69

MAPS AND CENSUS CORRESPONDENCE LISTINGS

- 434-69-005 Authority and purpose. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-005, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-010 Definitions. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-010, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-020 Precinct maps—Availability and distribution. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-020, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-030 Precinct lists—Preparation and filing. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-030, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-040 Base maps, census overlay maps, and related information—Duties of the secretary of state. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-040, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-050 Precinct overlay maps—Preparation. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-050, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-060 Census correspondence listings—Preparation. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-060, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-070 Detail maps and census correspondence listings—Maintenance, distribution, and filing. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-070, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-69-080 Compensation to county auditors for direct expenses. [Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-080, filed 4/8/80.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-369 WAC.

Chapter 434-75

PRESIDENTIAL PREFERENCE PRIMARY

- 434-75-010 Authority and purpose. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-010, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-020 Definitions. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-020, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-030 Presidential preference primary—When held. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-030, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-040 Presidential preference primary—Changing the date. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-040, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-050 Procedures to be followed when changing primary date. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-050, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-060 Designation of candidates by secretary of state. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-060, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-070 Removal from list of designees. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-070, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-080 Petition process for ballot access. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-080, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141,

- 434-75-090 filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-100 Form of the nominating petition. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-090, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-110 Verification of signatures by secretary of state. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-100, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-110 Determination of insufficient signatures. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-110, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-120 Certification of candidates. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-120, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-130 Conduct of the presidential preference primary. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-130, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-140 Party declaration by voter. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-140, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-150 Ballot request form used at the polling place. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-150, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-160 Ballot—Separation of political parties. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-160, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-170 Secretary of state to designate color of ballots and election materials. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-170, filed 8/26/91, effective 9/26/91.] Repealed by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-180 Ballots—Arrangement of names—Instructions. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-180, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-190 Special election held in conjunction with the presidential preference primary. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-190, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-200 Questioned ballots/alternate ballots—Use by poll workers when voter declines to identify party. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-200, filed 8/26/91, effective 9/26/91.] Repealed by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-210 Provisions regarding ballots applicable to absentees. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-210, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-220 Absentee ballot request form. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-220, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-230 Incomplete absentee ballot requests. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-230, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-240 Lack of party designation. [Statutory Authority: RCW 29.19.070. 92-08-032, § 434-75-240, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-240, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141,

- 434-75-250 filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070. Ongoing absentee voters. [Statutory Authority: RCW 29.19.070. 92-08-032, § 434-75-250, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-250, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-260 Canvassing and tabulation of presidential primary absentee ballots. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-260, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-270 Vote-by-mail precincts. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-270, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-280 Ballots not tabulated. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-280, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-290 Canvassing and certification of presidential preference primary. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-290, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-300 Canvassing and tabulation of other special elections. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-300, filed 8/26/91, effective 9/26/91.] Repealed by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-310 Mandatory recount provisions do not apply. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-310, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-320 Political party preference data—Transmittal to the major political parties. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-320, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-330 Retention of election material. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-330, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-340 Claims for reimbursement. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-340, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-75-350 Time for submission and payment of claims for reimbursement. [Statutory Authority: RCW 29.19.070. 91-18-012, § 434-75-350, filed 8/26/91, effective 9/26/91.] Decodified by 96-03-141, filed 1/24/96, effective 2/24/96. Statutory Authority: RCW 29.19.070.
- 434-80-020 Rejection of statement or photograph. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-020, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-80-030 Photographs. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-030, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-80-040 Length of statements. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-040, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-80-050 Restrictions on style for candidates' statement. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-050, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-80-060 Content of statements for candidates' pamphlet. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-060, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-80-070 Editing and review. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-070, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-380 WAC.

Chapter 434-81 VOTERS' PAMPHLET

- 434-81-010 Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-010, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-81-020 Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-020, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-81-030 Additional members on committees to draft arguments for the voters pamphlets. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-030, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-81-040 Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-040, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-81-050 Advisory committees. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-050, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-81-060 Length of statements and rebuttals. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-060, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-81-070 Restrictions on the style of statements in the voters pamphlets. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-070, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-81-080 Submission of statements and rebuttals. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-080, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-81-090 Rejection of statements for the voters pamphlet. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-090, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-81-100 Editing of statements for the voters pamphlet. [Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-100, filed 4/17/79.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- Reviser's note: Later promulgation, see chapter 434-381 WAC.

Chapter 434-79

VERIFICATION OF SIGNATURES ON REFERENDUM AND INITIATIVE PETITIONS

- 434-79-010 Random sampling procedure. [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.

Reviser's note: Later promulgation, see chapter 434-379 WAC.

Chapter 434-80

OFFICIAL CANDIDATES' PAMPHLET—STATEMENTS AND PHOTOGRAPHS

- 434-80-010 Deadline for submission of statements and photographs. [Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-010, filed 8/9/78.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

Reviser's note: Later promulgation, see chapter 434-291 WAC.

Chapter 434-91

SPECIAL ELECTIONS FOR MAJOR PUBLIC ENERGY PROJECT BOND MEASURES

- 434-91-010 Purpose. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-010, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-020 Submission of a preliminary and a final cost-effectiveness study of a major public energy project. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-020, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-030 Request for an election pursuant to RCW 80.52.040. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-030, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-040 Designation of the bond issue on the ballot. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-040, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-050 Ballot title. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-050, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-060 Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-060, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-070 Actions to contest contents of the ballot title or summary of the final cost-effectiveness study. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-070, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-080 Certification of the request for a special election to the county auditors. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-080, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-090 Recommendations for committees to draft statements for the voters pamphlet. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-090, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-100 Appointment of committees. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-100, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-110 Advisory committees. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-110, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-120 Submission of arguments and rebuttals. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-120, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-130 Permissible costs in allocation of election expenses. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-130, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-140 Allocation of costs. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-140, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-150 Documentation of charges for proportional share of election costs. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-150, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-160 Proportional costs of voters pamphlet and other costs to the secretary of state. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-160, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.
- 434-91-170 Reimbursement to counties for proportional share of election costs. [Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-170, filed 5/25/82.] Decodified by 98-08-010, filed 3/18/98, effective 3/18/98.

Chapter 434-04 WAC
USE OF THE STATE SEAL

WAC

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

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

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

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

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

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

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

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

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

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

(i) No public officer or

(ii) The governor.

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

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

(7) "Commercial use" and "commercially distributed" means a use of items containing the seal that will be distrib-

uted for sale. This shall not include those items to be used for official state business.

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

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

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

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

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

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

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

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

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

- (a) Use and display of the seal by state agencies and state elected officials in connection with official state business. However, no state agency nor state elected official other than the secretary shall have authority to permit a contractor or other entity associated with a state agency or state elected official to use the seal for commercial purposes;
- (b) Use of the seal for illustrative purposes by the news media for a publication or broadcast or for a characterization used in a political cartoon;
- (c) Use of the seal on the state flag.

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

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

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

- (1) Sample impressions of the seal provided by the office of the secretary of state;
- (2) Official documents which are authorized and/or required by statute;

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

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

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

- (1) In any advertising or other promotion for a business, organization, product, article or service, except as provided by license;
- (2) In a manner which, in the judgement of the secretary, could mislead the public to believe that a business, organization, product, article or service carries official state sanction or state approval;
- (3) In a political campaign to assist or defeat a candidate;
- (4) In a manner which is deceptively similar in appearance to the seal;
- (5) On wearing apparel including, but not limited to, hats, shirts, sweaters, jackets, shorts, sweatpants and socks, except:
 - (a) By state agencies and state elected officials in connection with official state business;
 - (b) As approved by the secretary for civic purposes such as by organizations officially representing the state.
- (6) In a manner such that any mark, insignia, letter, word, figure, design, picture, or drawing of any nature is placed upon it or on any part of it;
- (7) In any gambling activity except:
 - (a) When an item is to be used in a raffle which is approved and conducted in accordance with chapter 9.46 RCW and the use is approved under WAC 434-04-040; or
 - (b) When an item is to be used for official state business.

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

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

- (a) A detailed description of the item to be manufactured or displayed including:
 - (i) A description of the material with which it will be made;
 - (ii) The manner in which the seal is to be displayed on the item;
 - (b) A detailed description of proposed use, including: Manner, purpose, and place of use, whether it is primarily an educational item, the manner of distribution of the item and the manner in which the item is to be advertised or promoted;
 - (c) A sample, photograph, or detailed sketch of the item.

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

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

WAC 434-04-060 Approval and denial of use—Applications. (1) In determining whether to grant authorization for use of the seal, the secretary shall consider the infor-

mation provided by the applicant and shall apply the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

(1) The agreement shall be nonexclusive;

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

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

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

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

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

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

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

(7) The applicant shall have the option to request renewal of the licensing agreement. The license agreement

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shall contain the procedure for exercising the option to renew;

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

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

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

WAC 434-04-075 Renewal of licensing agreement.

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

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

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

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

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

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

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

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

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

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

(2) The use is not commercial.

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

**Chapter 434-12 WAC
TRADEMARKS**

WAC

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BEFORE THE SECRETARY OF STATE OF THE
STATE OF WASHINGTON

JOHN DOE, <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">vs.</p> ROE TRADING CO., INC., <p style="text-align: center;">Registrant of ZBFC as a Trademark.</p>	}	Trademark File No. (Title of paper)
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[Regulation 1, § 5, filed 2/15/66.]

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

[Regulation 1, § 1, filed 2/15/66.]

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

[Regulation 1, § 2, filed 2/15/66.]

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

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

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

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

[Regulation 1, § 3, filed 2/15/66.]

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

[Regulation 1, § 4, filed 2/15/66.]

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

(2001 Ed.)

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

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

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

[Regulation 1, § 6, filed 2/15/66.]

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

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

.
(Signature)

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

(SEAL)

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

[Regulation 1, § 7, filed 2/15/66.]

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

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

[Regulation 1, § 8, filed 2/15/66.]

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

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

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

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

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

[Regulation 1, § 9, filed 2/15/66.]

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

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

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

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

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

[Regulation 1, § 10, filed 2/15/66.]

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

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

[Regulation 1, § 11, filed 2/15/66.]

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

[Regulation 1, § 12, filed 2/15/66.]

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

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

(2) The name of the hearing examiner;

(3) The issues to be considered;

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

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

[Regulation 1, § 13, filed 2/15/66.]

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

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

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

[Regulation 1, § 14, filed 2/15/66.]

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

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

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

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

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

[Regulation 1, § 15, filed 2/15/66.]

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

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

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

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

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

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

[Regulation 1, § 16, filed 2/15/66.]

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

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

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

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

(2001 Ed.)

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

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

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

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

[Regulation 1, § 17, filed 2/15/66.]

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

(a) The simplification of the issues;

(b) The necessity of amendments to the pleadings;

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

(d) Limiting the number of expert witnesses; or

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

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

[Regulation 1, § 18, filed 2/15/66.]

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

[Regulation 1, § 19, filed 2/15/66.]

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

[Regulation 1, § 20, filed 2/15/66.]

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

(2) When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion,

either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. A party objecting to the introduction of evidence shall state the precise grounds for objection promptly following the time such evidence is offered.

[Regulation 1, § 21, filed 2/15/66.]

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

[Regulation 1, § 22, filed 2/15/66.]

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

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

[Regulation 1, § 23, filed 2/15/66.]

Chapter 434-12A WAC

PUBLIC RECORDS AND RULES OF PROCEDURE

WAC

434-12A-010	Purpose.
434-12A-020	Definitions.
434-12A-030	Description of the organization of the office of the secretary of state.
434-12A-040	Public records available.
434-12A-050	Office hours.
434-12A-060	Public records officer.
434-12A-070	Protection of public records.
434-12A-080	Records index.
434-12A-090	Requests for public records.
434-12A-100	Inspection and copying.
434-12A-110	Exemptions, deletions, and denials.
434-12A-120	Review of denials of public records request.
434-12A-130	Adoption of standard request form.
434-12A-140	Communications and submissions relating to public records.
434-12A-150	Revolving fund.
434-12A-990	Appendix A—Form—Organization chart.
434-12A-99001	Appendix B—Form—Request for public record.

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

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

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

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation,

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including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films or prints, magnetic or punched cards, discs, drums, and other documents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Corporations Division, Legislative Building, Olympia.

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

(d) Elections Division, Insurance Building, Olympia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Correspondence and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine

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or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

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

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

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

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

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

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

(c) The nature of the request;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Title 434 WAC—p. 24]

public records officer, or other staff member, which constituted or accompanied the denial.

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

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

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

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

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

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

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

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

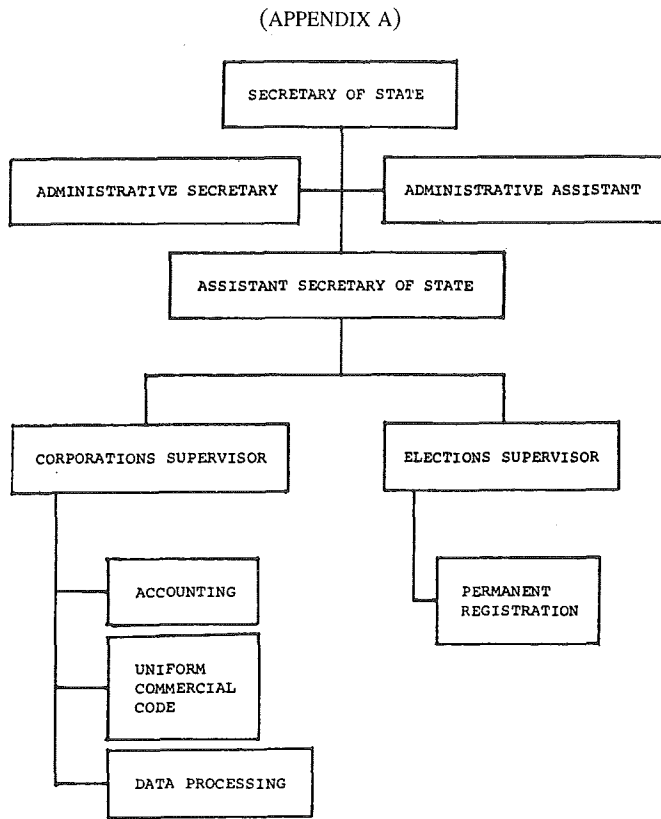
- (1) Lists of active corporations;
- (2) The provisions of Title 23 RCW;
- (3) The provisions of Title 23A RCW;
- (4) The provisions of Title 24 RCW;
- (5) The provisions of Title 29 RCW;
- (6) The provisions of Title 62A RCW;
- (7) The provisions of chapter 18.100 RCW;
- (8) The provisions of chapter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

Upon request, any person may receive a list of such printed matter currently available, the cost of each such item of printed matter, and instructions for ordering one or more

items. The revenue derived in this manner shall be placed in the secretary of state's revolving fund.

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

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



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

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

OFFICE OF THE SECRETARY OF STATE
REQUEST FOR PUBLIC RECORD

DATE: TIME:
 NAME:
 ADDRESS:
 DESCRIPTION OF RECORD(S) REQUESTED:

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

INITIALS OF PRO

SIGNATURE

FOR OFFICE USE ONLY

REQUEST FOR REVIEW OF EXEMPTION, DELETION OR DENIAL

Number of pages

Number of copies
 Per copy charge \$
 TOTAL CHARGE \$

- Request granted
- Request granted with exceptions or deletions noted below
- Request denied

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

DATE:

SIGNATURE

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

**Chapter 434-55 WAC
LIMITED PARTNERSHIP FILINGS—CENTRALIZED SYSTEM**

WAC

- 434-55-010 Purpose and authority.
- 434-55-015 Official address and telephone number.
- 434-55-016 Office hours.
- 434-55-040 Original signature required.
- 434-55-050 Name reservation or registration.
- 434-55-055 Pre-October 1, 1982, limited partnership filings.
- 434-55-060 Document filing fees—Limited partnerships.
- 434-55-065 In-person or expedited counter service—Special fees.
- 434-55-066 Miscellaneous charges—Special service fees.
- 434-55-070 Telephone services.
- 434-55-080 Registered office address—Requirements.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 434-55-020 Domestic limited partnerships—Requirements for filing. [Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-020, filed 10/6/82.] Repealed by 87-17-002 (Order 87-04), filed 8/6/87. Statutory Authority: RCW 25.10.610 and 1987 c 55.
- 434-55-030 Filing domestic limited partnerships—Optional index sheet. [Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-030, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-030, filed 10/6/82.] Repealed by 94-19-003, filed 9/8/94, effective 10/9/94. Statutory Authority: Chapter 25.10 RCW.
- 434-55-035 Foreign (out-of-state) limited partnerships—Requirements for filing. [Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-035, filed 10/6/82.] Repealed by 87-17-002 (Order 87-04), filed 8/6/87. Statutory Authority: RCW 25.10.610 and 1987 c 55.

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

[Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-010, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-010, filed 10/6/82.]

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

(2) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, WA 98504-0234.

(3) In-person transactions may be made at the Corporations Division, 801 Capitol Way S, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(4) The telephone number is (360) 753-7115 or (360) 753-7120. Callers will hear a menu system of prerecorded messages. Direct access to an information officer is available by pressing the appropriate number.

[Statutory Authority: Chapters 25.15, 43.07 RCW. 00-21-083, § 434-55-015, filed 10/17/00, effective 11/17/00. Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-015, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-015, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-015, filed 10/6/82.]

WAC 434-55-016 Office hours. (1) Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday except holidays. Over-the-counter service is available to provide same day service for individuals requests brought in before 4:30 p.m. and telephone service is available from 8:00 a.m. to 5:00 p.m.

(2) Documents, including substitute service-of-process on the secretary of state, delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

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

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-016, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-016, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-016, filed 10/6/82.]

WAC 434-55-040 Original signature required. (1) At any time that the statute requires a limited partnership document filing with the secretary of state to be in duplicate form, the secretary of state will accept the following:

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

In the case of duplicate originals submitted with only one original and one copy thereof, the secretary of state will retain as its official file copy the certificate or document with original signatures and will return to the limited partnership for its records the document version bearing copied signatures. If the entity provides only the original copy, the division may charge a photocopy fee to make an exact copy.

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

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[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-040, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-040, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-040, filed 10/6/82.]

WAC 434-55-050 Name reservation or registration.

A name for a limited partnership may be reserved by filing an application therefor and paying the applicable fee. The applicant may use the secretary of state's regular form for reservation of name, or may submit a written request. A written request must identify the name desired, the fact that it is requested for a limited partnership, the entity for which the name is to be reserved, the agent making the request and his/its address, and must be signed by the agent, partner or other authorized representative of the limited partnership.

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

[Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-050, filed 10/6/82.]

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

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

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

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

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

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-055, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-055, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-055, filed 10/6/82.]

WAC 434-55-060 Document filing fees—Limited partnerships. The following fees are due and must be submitted concurrently with the limited partnership documents presented to the secretary of state for filing under the Washington Uniform Limited Partnership Act:

(1) Filing of a certificate of limited partnership for a domestic limited partnership: One hundred seventy-five dollars.

(2) Filing an application for registration of a foreign limited partnership: One hundred seventy-five dollars.

(3) Dissolution or cancellation by judicial decree: No charge.

(4) Filing of a certificate of cancellation for a domestic or foreign limited partnership: No charge.

(5) Filing of a certificate of amendment for a domestic or foreign limited partnership: Twenty-five dollars.

(6) Filing a certificate of restatement: Thirty dollars.

(7) Filing an application to reserve or transfer a limited partnership name: Ten dollars.

(8) Application for reinstatement: One hundred dollars plus all delinquent fees and a twenty-five percent penalty computed on total amount.

(9) Articles of merger: Twenty dollars for each listed company.

(10) Agent's consent to act as agent or agent's resignation if appointed without consent: No charge.

(11) Filing any other statement or report required by the Limited Partnership Act: Ten dollars.

(12) For certified copies of any document the fee is five dollars plus a photocopy fee of twenty cents for each additional page.

(13) For certificates of existence the fee is ten dollars per certificate.

(14) For photocopies fees are as follows:

(a) Certificate of limited partnership, five dollars;

(b) Any single document, other than a certificate of limited partnership, one dollar plus twenty cents for each additional page;

(c) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies).

(15) Service of process on the office of the secretary of state as agent of a limited partnership: Fifty dollars.

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[Statutory Authority: RCW 25.10.600, 25.10.610, 23B.01.220 and 43.07.120. 99-12-008, § 434-55-060, filed 5/20/99, effective 6/20/99. Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-060, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.610 and 1987 c 55. 87-17-002 (Order 87-04), § 434-55-060, filed 8/6/87. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-060, filed 10/6/82.]

WAC 434-55-065 In-person or expedited counter service—Special fees. (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 4:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 3:30 p.m. on that day. These services are available for the following transactions:

(a) Charter document review and filing;

(b) Name reservation review and filing;

(c) Document certification;

(d) Document copying and status certificates;

(e) Status change filings;

(f) Service of process;

(g) International student exchange agency registration.

(2) The fee for same-day service is ten dollars for single or multiple transactions within each new or existing limited partnership file or each new or existing limited liability partnership file. In addition, a regulatory fee for each transaction may apply.

(3) There is no expedited fee for the following transactions:

(a) Reinstatements;

(b) In-person inspection or review of limited partnership files or other public documents located in the corporations division office;

(c) Documents left at the counter for processing with mail-in documents received the same day; or

(d) A search for nonactive limited partnership files less than twenty years old.

(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: RCW 25.10.600, 25.10.610, 23B.01.220 and 43.07.120. 99-12-008, § 434-55-065, filed 5/20/99, effective 6/20/99. Statutory Authority: RCW 43.07.120. 95-16-130, § 434-55-065, filed 8/2/95, effective 9/2/95. Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-065, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-065, filed 10/6/82.]

WAC 434-55-066 Miscellaneous charges—Special service fees. Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five dollar penalty, payable to the secretary of state.

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

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-066, filed 9/8/94, effective 10/9/94. Statutory Authority: RCW 25.10.600 - 25.10.610, 1982 c 35 §§ 187(2), 191 and 193. 82-20-075 (Order 82-7), § 434-55-066, filed 10/6/82.]

WAC 434-55-070 Telephone services. The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited partnerships and on filing a new limited partnership immediately available at this number includes the following:

- (1) Exact name of limited partnership on file in the secretary of state's records;
- (2) Unified business identifier (UBI) number;
- (3) Date filed on the secretary of state's records;
- (4) Name of registered agent;
- (5) Registered office address;
- (6) Status of limited partnership;
- (7) Name of general partner(s);
- (8) State of registration;
- (9) Requirements for filing documents with the secretary of state's office.

Customers may also request that forms be mailed to them by using the menu system.

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-070, filed 9/8/94, effective 10/9/94.]

WAC 434-55-080 Registered office address—Requirements. A post office box address may be used in conjunction with a registered geographic office address when:

- (1) The United States Postal Service cannot or will not deliver to the street address; and
- (2) The post office box address is in the same Washington city or town as the registered office address; and
- (3) The agent notifies the office of the secretary of state and the corporation of any changes in either the street address or the post office box address.

[Statutory Authority: Chapter 25.10 RCW. 94-19-003, § 434-55-080, filed 9/8/94, effective 10/9/94.]

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Chapter 434-110 WAC CORPORATION FILING PROCEDURES AND SPECIAL FEES

WAC

434-110-010	Purpose.
434-110-020	Office address.
434-110-030	Office hours.
434-110-040	Telephone services.
434-110-050	Mail-in service.
434-110-060	In-person or expedited service—Special fees.
434-110-070	Fees.
434-110-075	Miscellaneous fees.
434-110-080	Fee prepayment—When required.
434-110-090	Original signature requirement—Original retained.
434-110-100	Registered office address—Requirements.
434-110-120	Initial and annual reports—Form of content.
434-110-130	Annual reports—Due date for all nonprofit corporations.
434-110-140	Inactive profit domestic corporations—Proof.

WAC 434-110-010 Purpose. These rules establish procedures and fee schedules for filings, for expedited and telephone services, and for access to public records in the corporations division of the office of the secretary of state. These rules are adopted pursuant to Titles 23, 23B, 24, and 46 RCW, and chapters 19.77 and 43.07 RCW.

[Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-010, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-010, filed 10/1/93, effective 11/1/93.]

WAC 434-110-020 Office address. (1) The mailing address is: Corporations Division, Office of the Secretary of State, Post Office Box 40234, Olympia, Washington 98504-0234.

(2) The offices of the corporations division are located at the James M. Dolliver Building, 801 Capitol Way S., Olympia, Washington.

[Statutory Authority: Titles 23, 23B, 245 and 46 RCW, chapter 43.07 RCW. 00-21-084, § 434-110-020, filed 10/17/00, effective 11/17/00. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-020, filed 10/1/93, effective 11/1/93.]

WAC 434-110-030 Office hours. (1) Business office hours are from 8:00 a.m. to 5:00 p.m. daily, Monday through Friday, excluding legal holidays. Walk-in, counter services are available for an expedited fee specified in WAC 434-110-060. Emergency counter service at other times is available under terms of WAC 434-110-060 (5)(b).

(2) Documents, including substitute service-of-process on the secretary of state, delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

[Statutory Authority: Titles 23, 23B, 245 and 46 RCW, chapter 43.07 RCW. 00-21-084, § 434-110-030, filed 10/17/00, effective 11/17/00. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-030, filed 10/1/93, effective 11/1/93.]

WAC 434-110-040 Telephone services. (1) The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays. Information on active corporations and on filing a

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new corporation immediately available at this number includes the following:

- (a) Exact name of corporation on file in the secretary of state's records;
 - (b) Whether the corporation is for profit or nonprofit;
 - (c) Unified business identifier (UBI) number;
 - (d) Expiration date of corporate license;
 - (e) Whether the corporation is designated a public benefits corporation;
 - (f) Name of registered agent;
 - (g) Registered office address;
 - (h) Incorporation date of Washington firm;
 - (i) Qualification to-do-business-in-Washington date for foreign corporation;
 - (j) Filing date of most recent annual report;
 - (k) Status of corporation;
 - (m) Requirements for renewal or filing annual reports;
- and
- (n) Filing requirements for new corporations.

Customers may also request that forms be mailed to them by using the menu system.

(2) When customers request information requiring a file search, such as names of the board of directors and officers, the information officer will provide the information by return call.

(3) A customer may request a copy of the most recent annual report including a list of officers and directors by calling the annual report line on (360) 753-7115. While there is no copy fee for these telephone requests, the sum of four dollars to cover postage and handling should be mailed to the Corporations Division, Office of Secretary of State, P.O. Box 40234, Olympia, WA 98504-0234.

(4) Name reservations cannot be made by telephone. An information operator will respond to a name search request with a review of the existing computer data base only.

(5) The telephone number for information about charitable trusts or charitable organizations is (360) 753-7118. Persons calling within Washington may call 1-800-332-GIVE (1-800-332-4483).

[Statutory Authority: Titles 23, 23B, 245 and 46 RCW, chapter 43.07 RCW. 00-21-084, § 434-110-040, filed 10/17/00, effective 11/17/00. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-040, filed 10/1/93, effective 11/1/93.]

WAC 434-110-050 Mail-in service. (1) Expedited services for mail-in requests are available for an expedited fee specified in WAC 434-110-060.

(2) All mailed-in documents are processed and filed in order of date of receipt unless incomplete or incorrect. At the customer's request, a staff member will call (collect) to confirm the filing date of a document. A specific filing date may be reserved for up to thirty days in advance. The necessary documents, in appropriate format with correct fees, must be in the office by the specified date. Requests for information in a nonactive or archived file, will be processed on a time-available basis.

(3) Requests for name searches coupled with a name reservation are completed in order of date received. A name reservation may be made by completing the form provided by

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the corporations division or in a letter clearly containing all the following information:

- (a) The corporate name desired, with two alternate names;
- (b) The name, address, and telephone number of the applicant;
- (c) The signature of the applicant; and
- (d) The application date.

An application on behalf of a client should also include the client's name and complete address.

[Statutory Authority: Titles 23, 23B, 245 and 46 RCW, chapter 43.07 RCW. 00-21-084, § 434-110-050, filed 10/17/00, effective 11/17/00. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-050, filed 10/1/93, effective 11/1/93.]

WAC 434-110-060 In-person or expedited service—Special fees. (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 5:00 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30 p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying or status certificates;
- (e) Status change filings; and
- (f) Trademark filings.

(2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing corporation or trademark file. In addition, a regulatory fee for each transaction may apply.

(3) All documents submitted for filing via facsimile transmission are treated as expedited processing requests. Documents transmitted via facsimile will receive expedited forty-eight hour processing when the documents are received between 8:00 a.m. and 5:00 p.m. each business day. The fee for facsimile filings is twenty dollars for single or multiple transactions within each new or existing corporation or trademark file. In addition, a regulatory fee for each transaction may apply.

(4) There is no expedited fee for the following transactions, unless they are submitted via facsimile transmission as set forth under subsection (3) of this section:

- (a) Registered agent or address change;
- (b) Initial reports;
- (c) License renewal and required annual report;
- (d) Amended annual reports;
- (e) Reinstatements;
- (f) In-person inspection or review of corporation files or other public documents located in the corporations division office;
- (g) Documents left at the counter for processing with mail-in documents received the same day; or
- (h) A search for nonactive corporations less than twenty years old or trademark files less than six years old.

A request for search of nonactive corporation files more than twenty years old or trademark files more than six years old should be made directly to the archives division of the office of the secretary of state.

(5)(a) If staff cannot complete the expedited service request before the end of the same day, or the second consecutive business day for facsimile filings, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(6) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the Secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: 1998 c 38 and RCW 43.07.120. 98-17-075, § 434-110-060, filed 8/18/98, effective 9/18/98. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-060, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-060, filed 10/1/93, effective 11/1/93.]

WAC 434-110-070 Fees. (1) For Washington registered profit domestic and foreign corporations fees are as follows:

(a) Articles of amendment, restatement, correction, or revocation of dissolution, thirty dollars;

(b) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the statutory fee of fifty dollars and the department of licensing handling fee of nine dollars.

(c) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;

(d) Articles of merger or exchange, twenty-dollars for each listed company;

(e) Resignation of registered agent, twenty dollars;

(f) Resignation of officer or director, an initial report or amended annual report, and the appointment or change of registered agent or change of registered address, ten dollars;

(g) Registration, reservation, or transfer of name, thirty dollars;

(h) Articles of dissolution, certificate of withdrawal, dissolution by judicial decree, or revocation of certificate of authority by either failure to renew or judicial decree, no fee;

(i) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and

(j) Other statement or report filed, ten dollars.

(2) For Washington registered domestic and foreign non-profit corporations, nonprofit miscellaneous and mutual cor-

porations, and building corporations fees, when applicable, are as follows:

(a) Articles of amendment, restatement, or correction, twenty dollars;

(b) Articles of dissolution or certificate of withdrawal, no fee;

(c) Revocation of dissolution, twenty dollars;

(d) Reinstatement following administrative dissolution, thirty dollars plus all delinquent annual fees and a five dollar penalty;

(e) Articles of merger or exchange, twenty dollars for each listed corporation;

(f) Resignation of officer or director, an initial report or amended annual report, the appointment or change of registered agent, or change of registered address, ten dollars;

(g) Resignation of registered agent, twenty dollars;

(h) Registration, reservation, or transfer of reservation of name, twenty dollars;

(i) Certificate of election adopting provisions of chapter 24.03 RCW as described in RCW 24.03.017, thirty dollars; and

(j) Other statement or report filed, ten dollars.

(3) For registering trademarks for use within the state, the fees are as follows:

(a) For a six-year registration or renewal, fifty dollars;

(b) For recording the assignment of a trademark and its registration or application for registration, ten dollars;

(c) For a new certificate with the name of the new assignee, five dollars;

(d) For reservation of a trademark for one hundred eighty days, thirty dollars;

(e) Cancellation of trademark, no fee; and

(f) Other statement or report filed, ten dollars.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-070, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-070, filed 10/1/93, effective 11/1/93.]

WAC 434-110-075 Miscellaneous fees. (1) For photocopies, fees are as follows:

(a) Each annual report, five dollars;

(b) Application for registration or any single document, ten dollars;

(c) Application and amended notices, twenty dollars;

(d) Copy of annual notice, five dollars;

(e) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies);

(2) For certificates of existence fees are as follows:

(a) With complete historical data, under embossed seal, thirty dollars;

(b) Computer generated, under embossed seal, twenty dollars;

(c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(3) For verifying the signature of a notary or public official for an apostille or certification authenticating a sworn

document, the fee is ten dollars in addition to the fee for the apostille or certificate under RCW 43.07.120 (1)(b).

(4) For each certified copy of any document the fee is ten dollars plus a ten-dollar copy fee per document.

(5) For any service of process the fee is fifty dollars.

(6) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five-dollar penalty, payable to the secretary of state.

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

[Statutory Authority: RCW 43.07.120. 95-16-130, § 434-110-075, filed 8/2/95, effective 9/2/95. Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-075, filed 9/8/94, effective 10/9/94. Statutory Authority: Chapters 34.05 and 43.07 RCW, Titles b, 24 and 46 RCW and 1993 c 269. 94-01-074, § 434-110-075, filed 12/9/93, effective 1/10/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-075, filed 10/1/93, effective 11/1/93.]

WAC 434-110-080 Fee prepayment—When required. (1) All fees must be prepaid before the corporations division can take action.

(2) Anyone desiring a service for which the exact fee may not be known in advance may send a request accompanied by a check made payable to the "secretary of state," with the phrase "not to exceed (specified dollar amount)" above the space intended for the written dollar amount. The staff person who processes the request will fill in the exact fee amount and include a memo indicating the exact amount of the check with the certificate or other document.

(3) The annual report copy fee may be waived for requests made on the annual-report-telephone-line, (360) 753-7115. A billing of four dollars for postage and handling will accompany the report.

(4) With permission of the secretary, a customer may set up a prepaid account by depositing a specified sum of money with the fiscal office. The customer will receive a statement each month showing its transactions and the balance in the account.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-080, filed 10/1/93, effective 11/1/93.]

WAC 434-110-090 Original signature requirement—Original retained. The corporations division will retain the original document when a profit or non-profit organization submits for filing an original document with original signature and an exact or conformed copy. If the organization provides only the original copy, the division may charge a photocopy fee to make an exact copy. The copy returned to the organization will be date stamped on the day it was processed and filed.

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[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-090, filed 10/1/93, effective 11/1/93.]

WAC 434-110-100 Registered office address—Requirements. A post office box address may be used in conjunction with a registered geographic office address when:

(1) The United States Postal Service cannot or will not deliver to the street address; and

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

(3) The agent notifies the office of the secretary of state and the corporation of any changes in either the street address or the post office box address.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-100, filed 10/1/93, effective 11/1/93.]

WAC 434-110-120 Initial and annual reports—Form of content. (1) Any corporation filing under the Washington Business Corporations Act shall file its initial (annual) report on the form provided by the secretary of state or shall clearly and concisely provide the information topically sectioned exactly in the following manner:

(a) Section 1. Corporate name and registered agent and office address currently on file with the corporations division, the unified business identification number, corporations account number, state of incorporation, and original date filed in Washington;

(b) Section 2. If there has been a change in registered agent or registered office address include the effective date and the new agent's signature signifying acceptance of the appointment or the new address;

(c) Section 3. Address of principal place of business in Washington or, if a foreign corporation, the principal office address in state of original incorporation, the corporation telephone number, and a brief statement of nature of business;

(d) Section 4. A list of names and addresses of all corporate officers and directors; and

(e) Section 5. Signature of either the chair or president of the board of directors or an officer listed within the report.

(2) All profit and nonprofit corporations shall file their annual reports on the form prescribed by the secretary of state or clearly and concisely topically sectioned exactly in the following manner:

(a) Section 1. Corporate name and registered agent and office address currently on file with the corporations division, the unified business identification number, corporations account number, state of incorporation and original date filed in Washington;

(b) Section 2. If there has been a change in registered agent or registered office address include the effective date and the new agent's signature signifying acceptance of the appointment or the new address;

(c) Section 3. A list of names and addresses of all corporate officers and directors; and

(d) Section 4. The signature of either the chair or president of the board of directors or an officer listed within the report.

All annual reports must be accompanied by the statutory fee in RCW 23B.01.530 or 24.03.450 (1)(b).

[Statutory Authority: Title 23B RCW and chapter 19.77 RCW. 94-19-004, § 434-110-120, filed 9/8/94, effective 10/9/94. Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-120, filed 10/1/93, effective 11/1/93.]

WAC 434-110-130 Annual reports—Due date for all nonprofit corporations. Beginning in January 1994, and for every year thereafter, each nonprofit corporation shall file its annual report on the last day of the month of its original registration as a corporation. The fee paid to file the 1993 annual report or for filing new articles of incorporation in 1993 shall be sufficient to maintain an organization's good standing until its 1994 renewal date comes due. The corporations division shall notify all nonprofit corporations of this change in renewal dates by mail sent on December 15, 1993. Thereafter, beginning in January of 1994, the division shall notify each nonprofit corporation of its annual renewal date forty-five days in advance by a mailing that includes the annual report form. Failure to receive an annual report notice is insufficient reason for failing to file the statutorily required annual report.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-130, filed 10/1/93, effective 11/1/93.]

WAC 434-110-140 Inactive profit domestic corporations—Proof. (1) Any corporation wishing to claim inactive status as described in RCW 23B.01.530 shall file a statement with the corporations division by the annual license renewal date. The statement shall include the following information: (a) That the corporation has not received any revenue and had not been doing business during the preceding licensed year; and (b) That the corporation has no intent of engaging in business during the coming license year. If the status changes during the license year, the corporation shall notify the corporations division immediately and pay the full annual license fee.

(2) A corporation claiming this statutory exemption to the full annual license fee shall file an annual report concurrently with the statement described in subsection (1) of this section and with the annual reduced license fee. Failure to file the reason for exemption statement, annual report, and fee shall result in administrative dissolution.

[Statutory Authority: 1993 c 269 and 356, Titles 23, 23B, 24 and 46 RCW and chapter 43.07 RCW. 93-20-072, § 434-110-140, filed 10/1/93, effective 11/1/93.]

Chapter 434-120 WAC

CHARITABLE SOLICITATION ORGANIZATIONS AND CHARITABLE TRUSTS

WAC

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434-120-315 Exemption from annual reporting. [Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-315, filed 5/24/95, effective 6/24/95.] Repealed by 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.
434-120-317 Abbreviated reporting for qualifying trusts. [Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-317, filed 5/24/95, effective 6/24/95.] Repealed by 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.
434-120-335 When to file annual reports. [Statutory Authority: RCW 11.110.070. 96-08-049, § 434-120-335, filed 4/1/96, effective 5/2/96. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-335, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-335, filed 12/1/93, effective 1/1/94.] Repealed by 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.
434-120-340 Annual reports suspended under certain conditions. [Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-340, filed 12/1/93, effective 1/1/94.] Repealed by 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.
434-120-350 Notifying the Attorney General of litigation. [Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07

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RCW and 1993 c 471. 94-01-004, § 434-120-350, filed 12/1/93, effective 1/1/94.] Repealed by 98-18-034, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070.

SECTION I GENERAL PROVISIONS AND DEFINITIONS

WAC 434-120-010 Authority and purpose. These rules are adopted under authority of chapter 19.09 RCW, the Charitable Solicitations Act, hereafter referred to as "the Solicitations Act," chapter 11.110 RCW, the Charitable Trust Act, hereafter referred to as "the Trust Act," and chapter 43.07 RCW to provide for the efficient administration of these acts.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-010, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-010.]

WAC 434-120-015 Official address and telephone number. (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, 801 Capitol Way S, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each charitable organization or commercial fund raiser file.

(3) The telephone number is (360) 753-7118 or (360) 753-7120. The toll free number in Washington is 1-800-332-GIVE (1-800-332-4483).

[Statutory Authority: Chapters 34.05, 19.09, 11.110, 43.07 RCW. 00-21-081, § 434-120-015, filed 10/17/00, effective 11/17/00. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-015, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-012 and 434-19-013.]

WAC 434-120-020 Office hours. Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. Over-the-counter service is available to provide same day service for individual requests brought in before 4:30 p.m. (see WAC 434-110-060) and telephone service is available from 8:00 a.m. to 5:00 p.m.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-020, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-014.]

WAC 434-120-025 Definitions. (1) "Charitable organization" means any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable activity, but does not include any commercial fund-raiser or commercial fund-raising entity as defined in this section. "Charitable":

(a) Is not limited to its common law meaning unless the context clearly requires a narrower meaning;

(b) Does not include religious or political activities; and

(c) Includes, but is not limited to, educational, recreational, social, patriotic, legal defense, benevolent, and health causes.

(2) "Charitable trust" means any real or personal property right held by an entity or person that is intended to be

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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 434-120-030 Public records. Except as provided by RCW 42.17.310, all public records of the corporations division, which includes the charitable organization registration and charitable trust section, are available for public inspection and copying pursuant to rules of procedures in chapter 434-120 WAC and WAC 434-110-075. Registrations of trusts with several or mixed purposes shall not be made public under RCW 11.110.040 and 11.110.075.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-030, filed 12/1/93, effective 1/1/94. Formerly WAC 434-19-015.]

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

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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.]

SECTION II CHARITABLE ORGANIZATION REGISTRATION REQUIREMENTS

WAC 434-120-100 Who shall register. (1) Any entity that will conduct a charitable solicitation or solicit funds from the general public for charitable purposes shall register with the corporations division under the solicitations act.

(2) Entities exempt from registration are the following:

(a) Any entity that provides fund-raising advice or consultation to a charitable organization within this state but neither directly nor indirectly solicits or receives any contribution for or on behalf of any such charitable organization;

(b) Any entity whose sole purpose is religious or political;

(c) Any entity who raises less than twenty-five thousand dollars in revenue in any accounting year, all of whose activities including fund-raising are conducted by volunteers, and whose officers or members do not receive assets of or benefits from the organization;

(d) A bona fide officer or other employee of the charitable organization for which the funds are solicited; and

(e) Charitable organizations located outside of the state of Washington that meet the statutory requirements under RCW 19.09.076(2).

(3) Any entity exempt from registration by these regulations soliciting or conducting a solicitation shall comply with the conditions for solicitations as described in RCW 19.09.100.

(4) Interpretive note: The secretary of state does not interpret RCW 19.09.065 as requiring a registration by an employee of an educational institution who, as part of his or her employment with the institution, solicits contributions on behalf of a nonprofit charitable foundation affiliated with that institution, if the foundation is registered and the educational institution is either:

(a) A public school, college, or university operated by the state of Washington, one of its school districts, or a comparable public institution of another state or nation; or

(b) A private entity that is nonprofit and charitable, having a program of primary, secondary, or collegiate instruction comparable in scope to that of any public school or college operated by the state of Washington or any of its school districts.

[Statutory Authority: RCW 19.09.315 and 19.09.075. 96-10-021, § 434-120-100, filed 4/24/96, effective 5/25/96. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-100, filed 12/1/93, effective 1/1/94.]

WAC 434-120-103 Required filings. (1) A charitable organization complies with the filing and registration requirements of this chapter by filing the following documents with

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the secretary of state at the times, and in the manner, prescribed by these rules:

(a) Uniform Registration Statement - Charitable/Public Benefit Form. This form is used as an original registration form, as well as a periodic renewal form. The purpose of this report is to provide basic information about the organization, as described in RCW 19.09.075; and

(b) Solicitation report. This form is filed periodically by all charitable organizations, except those exempted by these rules. The purpose of this report is to provide information regarding solicitations conducted during the reporting period, of an informational nature to the public. Solicitation reports are filed as part of a periodic renewal, and as provided by WAC 434-120-105(4) for newly registered organizations; and

(c) All contracts between the commercial fund-raiser and all charitable organizations for which it solicits, as provided by WAC 434-120-240.

(2) The financial statement required by WAC 434-120-130 does not need to be filed with the office of the secretary of state. The purpose of this statement is to verify and support the information filed in the solicitation report. This statement must be available upon request as provided in this chapter.

(3) This section is intended to be explanatory of other rules in this chapter, and not to modify or diminish the requirements of those rules.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-103, filed 5/24/95, effective 6/24/95.]

WAC 434-120-105 Form. (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 organiza-

tion 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, dur-

ing 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 434-120-115 Treatment of appropriated funds.

A government subdivision or publicly supported educational facility that is also a charitable organization shall report government appropriated funds only to the extent such funds are directly expended to support fund raising efforts or to defray costs of administering the organization's fund raising programs.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-115, filed 12/1/93, effective 1/1/94.]

WAC 434-120-125 Record retention. Organizations shall keep, for a three-year period, the annual solicitation reports and the supporting documents including books, ledgers, prepared statements, compilations, reviews, or audit reports, or any other records on which they were based, mak-

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ing them available to the attorney general or county prosecutor on request.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-125, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-125, filed 12/1/93, effective 1/1/94.]

WAC 434-120-130 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 434-120-135 Contributor lists. All charitable organizations registered under this act shall keep records of all contributors to the organization for three years. If a commercial fund raiser manages a campaign for a charitable organization, either the commercial fund raiser or the charitable organization shall be the entity responsible for maintaining the contributor records for that campaign. These records shall include the names of the following contributors:

(1) Each contributing entity that collects individual donations from an employee or member group or a business, turning them over to the charitable organization as a single sum, such as the United Way;

(2) Each corporation that contributed; and

(3) Each individual who contributed more than twenty-five dollars.

The records must be retrievable and compilable for a period of three years and shall be turned over within ten working days upon written request of the Attorney General or the county prosecutor, although the organization is not required to keep the names in a standard list format at all times.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-135, filed 12/1/93, effective 1/1/94.]

WAC 434-120-140 How and when. (1) Original registration: An entity required to register as a charitable organization shall complete the form described in WAC 434-120-105 and submit it with the fee in WAC 434-120-145 prior to conducting any solicitation.

(2) Annual renewal:

(a) An entity shall renew its charitable registration by no later than the fifteenth day of the fifth month after the end of its fiscal year.

(b) The renewal shall include the same information required for registration as described in WAC 434-120-105 and RCW 19.09.075, except that a determination letter from the Internal Revenue Service need not be attached if it was previously filed. The solicitation report will be based on the most recent filing with the Internal Revenue Service or if the organization does not file with the Internal Revenue Service, the solicitation report will be based on the most recently completed fiscal year. No organization may submit the same fiscal information for two consecutive years.

(c) No change in an entity's fiscal year shall cause the due date of a renewal to be more than one year after the previous registration or renewal. For purposes of renewals that include financial information for a partial year, due to a change of fiscal year, threshold levels for registration and financial statement requirements shall be determined on a prorated basis.

(3) Change in status, notification: An organization shall notify the corporations division of a change in principal officer, owner, Washington representative, tax status, fiscal year, or any other information filed under RCW 19.09.075 or WAC 434-120-105, within thirty days after the change.

[Statutory Authority: RCW 19.09.315 and 19.09.075, 96-10-021, § 434-120-140, filed 4/24/96, effective 5/25/96. Statutory Authority: RCW 11.110.070 and 19.09.315, 95-11-135, § 434-120-140, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471, 94-01-004, § 434-120-140, filed 12/1/93, effective 1/1/94.]

WAC 434-120-145 Fees. (1) Original registration: Entities registering as charitable organizations shall pay a fee of twenty dollars for the first year of registration. The fee shall be waived for those who first register under this act at the same time as filing nonprofit incorporation papers.

(2) Annual reregistration: Organizations reregistering shall pay a fee of ten dollars. If reregistering at the same time as filing nonprofit corporation annual reports, the organization shall pay a combined fee of fifteen dollars. If an organization files renewals under the Nonprofit Corporation Act, the Charitable Solicitations Act, and the Charitable Trusts Act, the fee shall be thirty dollars for all three. The fee shall be thirty dollars if renewing under the Charitable Trusts Act, the Charitable Solicitations Act, the public benefits provision, and filing a nonprofit corporation annual report.

(3) Information changes: Organizations filing changes of information described in WAC 434-120-220(3), shall pay a fee of ten dollars for each submittal of change(s).

(4) Photocopy fees: For copy of a charitable organization registration form or letter, including the finance and solicitation reports, the fee is five dollars.

(5) Expedited service fees: For in-person service at the counter, the fee is twenty dollars for one or more transactions in each charitable organization file requested.

[Statutory Authority: RCW 11.110.070 and 19.09.315, 95-11-135, § 434-120-145, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471, 94-01-004, § 434-120-145, filed 12/1/93, effective 1/1/94.]

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WAC 434-120-155 Public benefit nonprofit corporation registration—Annual fee. Any corporation filing under the Nonprofit Corporation Act and possessing an exemption under 26 U.S.C. Sec. 501 (c)(3), or is not required to apply for its tax exempt status, may register as a "public benefit nonprofit corporation" with the corporations division for a fee of ten dollars.

The corporation must reregister annually, pay a ten dollar fee, and retain its 26 U.S.C. Sec. 501 (c)(3) exemption or other tax exempt status. The annual fee shall be waived for organizations reregistering at the same time as filing nonprofit corporation annual reports, charitable organization, or charitable trust reregistration.

An organization registered under this section may list the designation, "public benefit nonprofit corporation," in all its literature and media materials.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471, 94-01-004, § 434-120-155, filed 12/1/93, effective 1/1/94.]

WAC 434-120-160 Penalty for late registration. The corporations division will send notice of the time to renew the charitable solicitations registration when it mails notice of the annual report or license renewal due date. A charitable organization that fails to reregister at the time the corporation annual report or license renewal is due, shall pay a late penalty fee of twenty-five dollars when the reregistration is made, if made prior to administrative corporate dissolution. If the corporation has been administratively dissolved, it shall pay an additional fifty dollar penalty for each year, including the current year, it was not registered under this act for which it wishes to reinstate its corporation registration. A charitable organization not registered as a corporation shall be assessed a penalty of twenty-five dollars if registering within sixty-five days of the renewal date. Thereafter, the penalty fee shall be fifty dollars for each year, including the current year, it has failed to register. If the registration has lapsed for a period of more than two years, the entity shall register as a new charitable organization.

The penalty fees for late registration shall be in addition to any other remedies that may be imposed by law, including penalties for soliciting without being registered.

Under special circumstances the charitable organization may ask the Secretary of State to waive all penalty fees for late registration that are imposed by these regulations.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471, 94-01-004, § 434-120-160, filed 12/1/93, effective 1/1/94.]

WAC 434-120-170 Use of particular names in solicitations. (1) In addition to registration under this act, any entity conducting a solicitation using the name police, sheriff, fire fighter, firemen, or similar name shall file with the corporations division, an original copy of the authorization to use the name in the solicitation. The authorization shall be signed by two officers or other persons responsible for carrying out the purpose of the bona fide department or organization that is giving its permission to use one of the above names. For the purposes of this section, "bona fide organization" shall mean a government department or agency of police, sheriffs, fire fighters, firemen, or similarly named government employer or an entity in which some or all of its members are

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employed by a government department or agency of police, sheriffs, fire fighters, firemen, or similar name.

(2) In addition to registration under this act, any entity conducting a solicitation using the name of a military veterans' service organization listed in the most current annual *Directory of Veterans Service Organizations* published by The Department of Veterans Affairs, Office of the Secretary, in Washington, D.C., shall file with the corporations division an original copy of the signed authorization to use the name in the solicitation. The signatory shall be the highest ranking official of the organization in the state who is listed in the "commanders list" maintained by the Washington department of veterans affairs.

(3) In addition to registration under this act, any entity using the name of a military veterans' service organization that is not affiliated with a national military veterans' service organization shall file with the corporations division an original copy of the authorization granting permission to use the name. The signatory shall be the service organization's highest ranking official in the state of Washington.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-170, filed 12/1/93, effective 1/1/94.]

WAC 434-120-175 Voluntary verification information. Each organization registering under the act may submit additional information, not required by law, for its file if the information is intended to inform the public about its programs and activities and to verify its existence. The corporations division may place such information in the organization's file for a specified period of time. Persons coming into the office may read such information; however, no voluntary verification information shall be mailed out.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-175, filed 12/1/93, effective 1/1/94.]

SECTION III COMMERCIAL FUND RAISER REGISTRATION REQUIREMENTS

WAC 434-120-200 Required filings. (1) A commercial fund-raiser complies with the filing and registration requirements of this chapter by filing the following documents with the secretary of state at the times, and in the manner, prescribed by these rules:

(a) Commercial fund-raiser registration form. This form is used as an original registration form, as well as an annual renewal form. The purpose of this report is to provide basic information about the organization, as described in RCW 19.09.079;

(b) Solicitation report. These reports are filed periodically by all commercial fund-raisers, except those exempted by these rules. The purpose of these reports are to provide information regarding solicitations conducted during the reporting period, of an informational nature to the public. These reports must be filed in the time and manner specified in WAC 434-120-215;

(c) All surety bonds required by WAC 434-120-260; and

(d) All contracts between the commercial fund-raiser and all charitable organizations for which it solicits, as provided by WAC 434-120-240.

(2) The financial statement required by WAC 434-120-255 does not need to be filed with the office of the secretary of state. The purpose of this statement is to verify and support the information filed in the solicitation report. This statement must be available upon request as provided in this chapter.

(3) This section is intended to be explanatory of other rules in this chapter, and not to modify or diminish the requirements of those rules.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-200, filed 5/24/95, effective 6/24/95.]

WAC 434-120-210 Who shall register. (1) Every commercial fund raiser, as described in RCW 19.09.020(8), shall register each year, 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 informa-

tion 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 inde-

pendent 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.]

[Title 434 WAC—p. 40]

WAC 434-120-218 Solicitation reports by commercial fund-raisers who subcontract. (1) A commercial fund-raiser who engages another registered commercial fund-raiser to solicit funds or conduct a solicitation on behalf of a charitable organization is responsible for reporting and shall include the total contributions and the total expenses related to that campaign in its solicitations report and financial statement.

(2) If a reporting commercial fund-raiser's contributions and expenses for a campaign are also included in another commercial fund-raiser's solicitations report, the reporting fund-raiser shall list in its report the name of that fund-raiser, the name of the charitable organization, the dates of the campaign, and the total contributions and expenses for which it was responsible.

(3) Regardless of whether a commercial fund-raiser which acts as a contractor reports the contributions and expenses of its subcontractor(s), each subcontracting commercial fund-raiser, must independently register, post bond, report its own contributions and expenses, and comply with all other provisions of these rules and chapter 19.09 RCW as they apply to commercial fund-raisers.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-218, filed 5/24/95, effective 6/24/95.]

WAC 434-120-220 Change in status, notification. A commercial fund-raiser shall do the following:

(1) Notify the corporations division of a change in principal officer, owner, or Washington representative within thirty days after the change.

(2) Notify the corporations division of a change in business structure within thirty days, register the restructured or newly named entity as a new commercial fund-raiser and include evidence of separate bonding.

(3) Notify the corporations division of a change in business name within thirty days, register the new name, and include evidence of bonding in the new name. If the fund-raiser will use both the existing name and the new name, include evidence of separate bonding for each name and include a fee of ten dollars.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-220, filed 12/1/93, effective 1/1/94.]

WAC 434-120-225 Annual reregistration. (1) Each commercial fund-raiser shall reregister annually by no later than the fifteenth day of the fifth month after the end of its fiscal year.

(2) A fund-raiser that changes its fiscal year shall notify the secretary of state of the change, in writing, within thirty days of making the change. No change in a fund-raiser's fiscal year shall cause the due date of a renewal to be more than one year after the previous registration or renewal. For purposes of renewals that include financial information for a partial year, due to a change of fiscal year, threshold levels for financial statement requirements shall be determined on a prorated basis.

[Statutory Authority: RCW 19.09.315 and 19.09.075. 96-10-021, § 434-120-225, filed 4/24/96, effective 5/25/96. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-225, filed 12/1/93, effective 1/1/94.]

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WAC 434-120-240 Contract between a commercial organization and a charitable organization. A commercial fund raiser and charitable organization entering into a contract shall register the contract by completing the corporations division contract registration form and attaching a copy of the written contract. It shall be filed before the commencement of the campaign. There is a ten dollar fee for filing the copy of the contract in the corporations division. Both the contract and registration form shall be signed by the commercial fund raiser owner or principal and the charitable organization president, treasurer, or comparable officer. In addition to the statutory requirements of RCW 19.09.097, the terms of the contract shall include who will maintain the donor list. The commercial fund raiser shall be responsible for filing the contract.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-240, filed 12/1/93, effective 1/1/94.]

WAC 434-120-250 Fees. All commercial fund raisers shall pay an original registration fee at the time of filing and a yearly reregistration fee.

(1) The fee for original registration in this state is two hundred fifty dollars.

(2) The annual renewal fee is one hundred seventy-five dollars.

(3) The fee for filing changes in any information previously filed under RCW 19.09.075, 19.09.079, and WAC 434-120-215 or for filing a contract is ten dollars.

(4) The penalty is fifty dollars for failing to reregister within sixty days of the due date. Beginning on the sixty-sixth day or following administrative dissolution of the corporation, whichever is later, the commercial fund raiser shall pay an additional penalty of one hundred dollars for each unregistered year for up to two years or shall register as a new entity. These penalties are cumulative.

Any commercial fund raiser failing to reregister and conducting business may be subject to other penalties and remedies, which may be cumulative and not exclusive and be imposed by law.

(5) The fee for expedited in-person service is twenty dollars for any and all transactions within one commercial fund raiser file.

(6) The photocopy fee is ten dollars for copies of the annual registration form or letter.

(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.

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(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.]

WAC 434-120-260 Surety bonds. (1) In compliance with RCW 19.09.190 a registering commercial fund-raiser, as principal, shall submit proof of execution of a surety bond with one or more sureties whose liability in the aggregate will equal at least fifteen thousand dollars. Except as provided in WAC 434-120-265, commercial fund-raisers must provide proof of bonding in the following year if the commercial fund-raiser engages, or plans to engage, in one or more of the following practices:

(a) The fund-raiser directly or indirectly receives contributions from the public on behalf of any charitable organization; or

(b) The fund-raiser is compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any similar method, even if the fund-raiser does not directly or indirectly receive the contributions; or

(c) The fund-raiser incurs or is authorized to incur expenses on behalf of the charitable organization; or

(d) Has not been registered with the secretary as a commercial fund-raiser for the preceding accounting year shall execute a surety bond as principal with one or more sureties whose liability in the aggregate as such sureties will equal at least fifteen thousand dollars.

(2) A commercial fund-raiser is considered to solicit or receive contributions from the public directly if they are solicited or received by the fund-raiser or by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members. Contributions are solicited or received indirectly if they are solicited or received by:

(a) Any organization owned or controlled by the commercial fund-raiser or owned or controlled by any officer, employee, principal, or shareholder of the commercial fund-raiser, including immediate family members; or

(b) Any person or organization, other than the charitable organization for which funds are solicited, with which the commercial fund-raiser has a contractual relationship governing the solicitation or receipt of contributions. Solicitations shall be deemed received by the fund-raiser if they are deposited into bank accounts wholly or partially owned or controlled by the commercial fund-raiser or other entity with

which the commercial fund-raiser maintains a contractual relationship.

(3) If a commercial fund-raiser does business under more than one name, each name used by that entity must be registered and bonded separately.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-260, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-260, filed 12/1/93, effective 1/1/94.]

WAC 434-120-265 Exemption from surety bond. A commercial fund-raiser who can be classified as "product seller," as defined in RCW 7.72.010, may be exempt from the surety bond requirement in WAC 434-120-260 when:

(i) All proceeds for the life of the entity, including shareholder dividends, are dedicated to a single registered charitable trust or single registered charitable organization;

(ii) A written contract with the charitable trust or organization stating the agreement of the receiver to accept and the product seller to donate all proceeds is executed;

(iii) The contract is filed by the product seller with the corporations division;

(iv) "All proceeds" is the remainder left after subtracting indirect and direct expenses of bringing the product to the buyer; and

(v) An annual solicitation report, signed by the entity making the audit report and the president, is filed with the corporations division (see WAC 434-120-215(4)).

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-265, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-265, filed 12/1/93, effective 1/1/94.]

WAC 434-120-270 Impairment of surety bond. In the event that a final judgement shall impair the liability of a surety bond and the full amount required is not in effect, the secretary shall suspend the registration of such commercial fund raiser. The commercial fund raiser may request reinstatement when it has restored the full amount of the required bond liability and satisfied all judgement claims.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-270, filed 12/1/93, effective 1/1/94.]

WAC 434-120-280 Signing off on the surety bond. A commercial fund raiser bonded in accordance with chapter 19.09 RCW and these regulations, shall retain the protection of the bond until all claims against it can be filed in accordance with the statute of limitations as listed in chapter 4.16 RCW. The secretary of state has not been granted authority to sign off on a surety bond signifying that all outstanding claims have been filed prior to the expiration of the statute of limitations.

[Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-280, filed 12/1/93, effective 1/1/94.]

[Title 434 WAC—p. 42]

SECTION IV CHARITABLE TRUST REGISTRATION REQUIREMENTS

WAC 434-120-300 Jurisdiction. A trust is subject to Washington jurisdiction if:

(1) It is created pursuant to a trust instrument that specifies that it is subject to the jurisdiction of the state of Washington or that its terms are to be construed pursuant to the laws of the state of Washington;

(2) It is a testamentary trust, and the will was probated or recorded, or letters testamentary and of administration were granted in the state of Washington;

(3) The trust was created pursuant to order of a Washington court or by operation of Washington law;

(4) The trust was created by or pursuant to the articles of incorporation of a Washington corporation; or

(5) No state, territory, or nation may assert a superior claim of jurisdiction, and:

(a) The trust was created pursuant to an inter vivos agreement or document executed or recorded within the state of Washington but which does not expressly vest jurisdiction in another state, territory, or nation; or

(b) The trust corpus consists predominantly of property located in or administered from Washington; or

(c) A basis exists upon which to assert or concede jurisdiction in the state of Washington.

[Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070. 98-18-034, § 434-120-300, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.070. 96-08-049, § 434-120-300, filed 4/1/96, effective 5/2/96. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-300, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-300, filed 12/1/93, effective 1/1/94.]

WAC 434-120-305 Registration and reporting. (1) The Charitable Trust Act requires those trustees described by RCW 11.110.051 to complete an initial registration with the secretary of state, and thereafter to file with the secretary copies of the trust's United States tax or information return. This section generally describes these registration and reporting requirements, with reference to the applicable statutes. These rules do not repeat all statutory requirements.

(2) Who shall register and report: The registration and reporting requirements of chapter 11.110 RCW apply to every trustee, as defined by RCW 11.110.020, who is required to register by RCW 11.110.051. The secretary of state has determined, pursuant to RCW 11.110.051 (1)(a), that no trustee shall be required to register or report unless, as to a particular charitable trust, the trustee holds assets, invested for income-producing purposes, exceeding a value of two hundred fifty thousand dollars, and otherwise meets the description of RCW 11.110.051.

(3) Initial registration: Every trustee required to register by RCW 11.110.051 shall do so, in the time and in the manner described by RCW 11.110.060. Trustees shall use the registration form described by WAC 434-120-310, and file all other documents required by RCW 11.110.060. Trustees required to register shall also file with the secretary any later

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amendments to the trust instrument within four months of making the amendment.

(4) Periodic reporting: After the initial registration, every trustee required to register by RCW 11.110.051 shall report annually as required by RCW 11.110.070. The annual reporting requirement is fully satisfied by filing a copy of the trust's United States tax or information return, forms 990, 990 PF, or 990 EZ, with the secretary of state at the same time as it is required to be filed with the Internal Revenue Service. Any trustee who is not required by federal law to file any of the named forms with the Internal Revenue Service shall either complete a federal return and file it with the secretary, or may instead file the form described by WAC 434-120-320 by no later than the fifteenth day of the fifth month after the end of its fiscal year.

[Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070. 98-18-034, § 434-120-305, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-305, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-305, filed 12/1/93, effective 1/1/94.]

WAC 434-120-310 How to register—Form. (1) Trustees registering under chapter 11.110 RCW shall use the registration form available in the office of the secretary of state. 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 11.110 RCW shall not excuse the failure to comply.

(2) A registration form is not complete unless it includes:

(a) The trustee's name;

(b) The trustee's mailing address, and physical address if different;

(c) The name of the trust to be registered, or other identifying information sufficient to distinguish the trust from other registered trusts;

(d) A brief description of the charitable purposes of the trust, which may, at the trustee's option, include the names and addresses of any charitable organizations benefitted by the trust;

(e) The market value of all trust assets invested for incoming-producing purposes as of the date on which the trustee received possession or control of the trust corpus; and

(f) The signature of the trustee, or, if the trustee is a corporation, of the corporate officer or employee responsible for the trust.

(3) A copy of the governing instrument creating the trust shall not be deemed sufficient to meet the requirements of this section.

[Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070. 98-18-034, § 434-120-310, filed 8/26/98, effective 9/26/98. Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-310, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-310, filed 12/1/93, effective 1/1/94.]

WAC 434-120-320 Content of annual reports for trusts not required to file United States tax or information returns. (1) The secretary of state shall develop a form in compliance with this rule, for use by trustees who are not

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required to file a United States tax or information return. 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 11.110 RCW shall not excuse the failure to comply.

(2) A registration form is not complete unless it includes:

(a) The trustee's name;

(b) The trustee's mailing address, and physical address if different;

(c) The name of the trust, or other identifying information sufficient to distinguish the trust from other trusts;

(d) A brief description of the charitable programs of the trust conducted during the reporting period;

(e) The market value of all trust assets invested for incoming-producing purposes as of the close of the reporting period;

(f) The total income of the trust during the reporting period;

(g) The total funds expended for charitable purposes during the reporting period;

(h) The total funds expended for purposes other than charitable; and

(i) The signature of the trustee, or, if the trustee is a corporation, of the corporate officer or employee responsible for the trust.

[Statutory Authority: RCW 11.110.051, 11.110.060 and 11.110.070. 98-18-034, § 434-120-320, filed 8/26/98, effective 9/26/98. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-320, filed 12/1/93, effective 1/1/94.]

WAC 434-120-330 Annual fees. (1) Charitable trusts registering for the first time shall pay a fee of twenty-five dollars. If an organization files a noncombined renewal, the fee shall be twenty-five dollars. When renewal is combined with filing an annual nonprofit corporation report the fee shall be twenty-five dollars. If an organization simultaneously files renewals under the Nonprofit Corporations Act, the Charitable Solicitations Act, and the Charitable Trust Act, the annual renewal fee shall be thirty dollars for all three, or if renewing under the Charitable Trusts Act, the Charitable Solicitations Act, the public benefits provision, and filing a nonprofit corporation annual report, the fee shall be thirty dollars for all four.

(2) For all expedited in-person service, the fee is twenty dollars for one or more transactions within one charitable trust file.

(3) For a photocopy of an Internal Revenue Service Form 990EZ the fee is five dollars and for a copy of Form 990 or 990-PF the fee is ten dollars with a surcharge for forms exceeding 100 pages of copy, which is thirteen dollars for each fifty page increment.

[Statutory Authority: RCW 11.110.070 and 19.09.315. 95-11-135, § 434-120-330, filed 5/24/95, effective 6/24/95. Statutory Authority: Chapters 34.05, 19.09, 11.110 and 43.07 RCW and 1993 c 471. 94-01-004, § 434-120-330, filed 12/1/93, effective 1/1/94.]

Chapter 434-130 WAC

LIMITED LIABILITY COMPANIES

WAC

434-130-010

Purpose and authority.

434-130-020	Official address and telephone number.
434-130-030	Office hours.
434-130-040	Telephone services.
434-130-050	Original signature required.
434-130-060	Registered office address—Requirements.
434-130-070	Annual reports—Due date.
434-130-080	In-person or expedited counter service—Special fees.
434-130-090	Fees.
434-130-100	Miscellaneous fees.

WAC 434-130-010 Purpose and authority. These rules are adopted under authority of chapter 25.15 RCW (Limited liability companies), the Washington Limited Liability Company Act.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-010, filed 9/8/94, effective 10/1/94.]

WAC 434-130-020 Official address and telephone number. (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington, 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, 801 Capitol Way S, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(3) The telephone number is (360) 753-7115. Callers will hear a menu of prerecorded messages. Direct access to an information officer is available by pressing the appropriate number.

[Statutory Authority: Chapters 25.15, 43.07 RCW. 00-21-082, § 434-130-020, filed 10/17/00, effective 11/17/00. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-020, filed 9/8/94, effective 10/1/94.]

WAC 434-130-030 Office hours. (1) Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. Over-the-counter service is available to provide same-day service for individual requests brought in before 4:30 p.m. (see WAC 434-110-060) and telephone service is available from 8:00 a.m. to 5:00 p.m.

(2) Documents, including substitute service-of-process on the secretary of state, delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-030, filed 9/8/94, effective 10/1/94.]

WAC 434-130-040 Telephone services. The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited liability companies and on filing a document relating to a new limited liability company which is immediately available at this number includes the following:

(1) Exact name of limited liability company on file in the secretary of state's records;

(2) Unified business identifier (UBI) number;

(3) Date filed on the secretary of state's records;

(4) Expiration date of license;

(5) Name of registered agent;

- (6) Scheduled dissolution date (if any);
- (7) Registered office address;
- (8) Status of limited liability company;
- (9) Filing date of most recent annual report;
- (10) Whether management is vested in members or managers;
- (11) Name of members or managers;
- (12) State of formation;
- (13) Requirements for filing documents with the secretary of state's office.

Customers may also request that forms be mailed to them by using the menu system and pressing the appropriate number.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-040, filed 9/8/94, effective 10/1/94.]

WAC 434-130-050 Original signature required. The corporations division will retain the original document when a limited liability company submits for filing an original document with original signature and an exact or conformed copy. If the organization provides only the original copy, the division may charge a photocopy fee to make an exact copy. The copy returned to the organization will be date stamped on the day it was processed and filed.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-050, filed 9/8/94, effective 10/1/94.]

WAC 434-130-060 Registered office address—Requirements. A post office box address may be used in conjunction with a registered geographic office address when:

(1) The United States Postal Service cannot or will not deliver to the street address; and

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

(3) The agent notifies the office of the secretary of state and the corporation of any changes in either the street address or the post office box address.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-060, filed 9/8/94, effective 10/1/94.]

WAC 434-130-070 Annual reports—Due date. Each limited liability company shall file an annual report by the last day of the month of its original registration as a limited liability company. The corporations division shall notify all limited liability companies of its annual renewal date forty-five days in advance by a mailing that includes the annual report form. Failure to receive an annual report notice is insufficient reason for failure to file the statutorily required annual report.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-070, filed 9/8/94, effective 10/1/94.]

WAC 434-130-080 In-person or expedited counter service—Special fees. (1) The corporations division counter is open to in-person requests from 8:00 a.m. to 4:30 p.m. each business day. Staff provides expedited, same-day processing of corporate documents or requests received prior to 4:30

p.m. on that day. These services are available for the following transactions:

- (a) Charter document review and filing;
- (b) Name reservation review and filing;
- (c) Document certification;
- (d) Document copying and status certificates;
- (e) Status change filings.

(2) The fee for same-day service is twenty dollars for single or multiple transactions within each new or existing limited liability company file. In addition, a regulatory fee for each transaction may apply.

(3) There is no expedited fee for the following transactions:

- (a) Initial reports;
- (b) License renewal and required annual report;
- (c) Amended annual reports;
- (d) Reinstatements;

(e) In-person inspection or review of limited liability company files or other public documents located in the corporations division office;

(f) Documents left at the counter for processing with mail-in documents received the same day; or

(g) A search for nonactive limited company files less than twenty years old.

(4)(a) If staff cannot complete the expedited service request before the end of the same day, the transaction will be completed first on the following business day.

(b) Emergency services needed outside regular business hours requiring employee overtime are one hundred fifty dollars per hour plus regulatory or statutory fees due for the form of the filing. When the division receives an emergency request, staff notifies the customer of the service fee and any other reasonable conditions set by the director. The customer must agree to pay the fees before emergency services are provided.

(5) Over-the-counter service hours may be shortened under extraordinary circumstances. Separate service requests by one person may be limited to those relating to three corporations per day. Documents submitted by courier services or document-handling companies may receive twenty-four-hour service. A customer may make alternate arrangements with the director prior to bringing or sending in documents, if a sudden, unexpected situation occurs during the business day.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-080, filed 9/8/94, effective 10/1/94.]

WAC 434-130-090 Fees. For Washington registered domestic and foreign limited liability companies fees are as follows:

(1) Certificate of formation or application for registration, one hundred seventy-five dollars;

(2) Annual license renewal, fifty dollars plus the department of licensing's handling fee of nine dollars;

(3) Amendment, restated certificate, or amended and restated certificate, thirty dollars;

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(4) License renewal with required annual report filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the renewal fee of fifty dollars plus the department of licensing's handling fee of nine dollars;

(5) Reinstatement, one hundred dollars plus all delinquent license or annual fees and a twenty-five percent penalty computed on the total amount;

(6) Articles of merger, twenty dollars for each listed company;

(7) Certificate of change of registered agent, registered office address, or designation of new registered agent, ten dollars per entity name;

(8) Resignation of registered agent, twenty dollars per entity name;

(9) An initial report or amended annual report, ten dollars;

(10) Registration, reservation, or transfer of name, thirty dollars;

(11) Certificate of cancellation, administrative dissolution or dissolution by judicial decree, or revocation of certificate of authority, no fee;

(12) Agent's consent to act as agent, agent's resignation if appointed without consent, or annual report when filed concurrently with annual license fee, no fee; and

(13) Other statement or report filed, ten dollars.

Under special circumstances, the filing party may petition the secretary in writing to request a waiver of emergency or penalty fees.

[Statutory Authority: RCW 25.15.805, 25.15.810 and 23B.01.220. 99-12-007, § 434-130-090, filed 5/20/99, effective 6/20/99. Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-090, filed 9/8/94, effective 10/1/94.]

WAC 434-130-100 Miscellaneous fees. (1) For photocopies, fees are as follows:

(a) Each annual report, five dollars;

(b) Certificate of formation or any single document, ten dollars;

(c) Amendments to articles and mergers, twenty dollars;

(d) All charter documents, thirty dollars;

(e) Surcharge for files exceeding one hundred pages of copy, thirteen dollars for each fifty page increment (number of pages determined by weight of copies).

(2) For certificates of existence fees are as follows:

(a) With complete or specific historical data, under embossed seal, thirty dollars;

(b) Computer generated, under embossed seal, twenty dollars;

(c) Duplicate certificate, under gold or embossed seal, twenty dollars.

(3) For each certified copy of any document the fee is ten dollars plus the copy fee.

(4) For any service of process the fee is fifty dollars.

(5) Dishonored checks. If a person, corporation or other submitting entity has attempted to pay any fee due to the secretary of state by means of a check, and the check is dishonored by the financial institution when presented, the secretary of state will impose a twenty-five dollar penalty, payable to the secretary of state.

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

[Statutory Authority: Chapter 25.15 RCW and 1994 c 211. 94-19-005, § 434-130-100, filed 9/8/94, effective 10/1/94.]

Chapter 434-135 WAC

LIMITED LIABILITY PARTNERSHIPS

WAC

434-135-010	Purpose and authority.
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434-135-040	Telephone services.
434-135-050	Filing requirements.
434-135-060	Execution of document.
434-135-070	Filing duty of secretary of state.
434-135-080	Filed date.
434-135-090	Annual notice—Due date—Whom notified.
434-135-120	Limited liability partnership name.
434-135-150	Initial registration—Form of content.
434-135-160	Annual notice—Form of content.
434-135-170	Amended notice—Form of content.
434-135-190	Filing fees.

WAC 434-135-010 Purpose and authority. These rules are adopted under authority of chapter 25.04 RCW, the Washington Limited Liability Partnership Act.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-010, filed 8/2/95, effective 9/2/95.]

WAC 434-135-020 Official address and telephone number. (1) The address for all correspondence is the Corporations Division, Office of the Secretary of State, P.O. Box 40234, Olympia, Washington, 98504-0234.

(2) In-person transactions may be made at the Corporations Division Office, 801 Capitol Way S, Olympia, Washington. There is an expedited in-person fee of twenty dollars for single or multiple transactions within each filing.

(3) The telephone number is (360) 753-7115 or (360) 753-7120. Callers will hear a menu of prerecorded messages. Direct access to an information officer is available by pressing the appropriate number.

[Statutory Authority: Chapter 43.07 RCW. 00-21-085, § 434-135-020, filed 10/17/00, effective 11/17/00. Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-020, filed 8/2/95, effective 9/2/95.]

WAC 434-135-030 Office hours. (1) Business hours of the corporations division are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. Over-the-counter service is available to provide same-day service for individual requests brought in before 4:00 p.m. and telephone service is available from 8:00 a.m. to 5:00 p.m.

(2) Documents delivered after normal working hours will be deemed to be received on the next working day. The secretary assumes no responsibility for any form of delivery other than that received personally by an employee of the office of the secretary of state.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-030, filed 8/2/95, effective 9/2/95.]

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WAC 434-135-040 Telephone services. (1) The telephone numbers of the corporations information unit are (360) 753-7115 and (360) 753-7120, which are open from 8:00 a.m. to 5:00 p.m. Information on limited liability partnerships and on filing a document relating to new limited liability partnership which is available at this number includes the following:

- (a) Exact name of limited liability partnership on file in the secretary of state's records;
 - (b) Unified business identifier (UBI) number;
 - (c) Date registered on the secretary of state's records;
 - (d) Expiration date of registration;
 - (e) Name and address of registered agent if any;
 - (f) Scheduled dissolution date (if any);
 - (g) Principal office address;
 - (h) Status of limited liability partnership;
 - (i) Filing date of most recent annual notice;
 - (j) Number of partners;
 - (k) State of registration;
- (1) Requirements for filing documents with the secretary of state's office.

(2) Customers may also request that forms be mailed to them by using the menu system and pressing one.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-040, filed 8/2/95, effective 9/2/95.]

WAC 434-135-050 Filing requirements. (1) Duplicate copies of any documents to be filed under this chapter shall be submitted to the secretary of state. One copy must bear an original signature. The second copy may be signed with an original signature, photocopied, or be a conformed copy.

(2) Document must contain all the elements required by this chapter. It may contain other information as well.

(3) All documents shall be of no larger size than standard legal paper (8 1/2 x 14). The documents shall be submitted in form and quality which is suitable for photocopying, micro-filming, or reproduction by a similar photographic process. Documents must be typed or printed in ink legibly.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-050, filed 8/2/95, effective 9/2/95.]

WAC 434-135-060 Execution of document. Documents submitted for filing to the secretary of state must be executed by:

- (1) A majority in interest of the partners; or
- (2) One or more partners authorized to execute the document.

The person(s) executing the documents shall print or type beneath or beside their signature their name and title indicating in what capacity they are signing.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-060, filed 8/2/95, effective 9/2/95.]

WAC 434-135-070 Filing duty of secretary of state. (1) If the secretary of state determines that the documents conform to the filing provisions of this chapter and all required filing fees have been paid, he or she shall:

- (a) Endorse each signed original and duplicate copy the word "filed" and the date of its acceptance.

(b) Retain the signed original as the official copy in the secretary of state's files.

(c) Return the duplicate original to the person who filed it or the person's representative.

(2) If the secretary of state refuses to file a document under this chapter the secretary of state shall return it to the domestic or foreign limited liability partnership or its representative stating the reason(s).

(3) The duties of the secretary of state in filing documents under this chapter are ministerial.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-070, filed 8/2/95, effective 9/2/95.]

WAC 434-135-080 Filed date. Documents received that conform to the requirements of this chapter shall be filed as of the date of receipt in the secretary of state's office. If the secretary of state is unable to process the documents immediately upon receipt, the documents shall be dated as of the date of receipt when processed.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-080, filed 8/2/95, effective 9/2/95.]

WAC 434-135-090 Annual notice—Due date—Whom notified. Each limited liability partnership shall file an annual notice by the last day of the month of its original registration as a limited liability partnership. The corporations division shall notify each limited liability partnership of its annual notice date forty-five days in advance by mailing to the partnership at its principal office or, if its principal office is not in this state, to its registered agent in care of the registered office address, in either case, as listed on the records of the secretary of state and provide the annual notice form. Failure to receive an annual notice form with such notice is insufficient reason for failure to file the statutory required annual notice.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-090, filed 8/2/95, effective 9/2/95.]

WAC 434-135-120 Limited liability partnership name. The name of a limited liability partnership shall contain the words "limited liability partnership," "L.L.P.," or "LLP."

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-120, filed 8/2/95, effective 9/2/95.]

WAC 434-135-150 Initial registration—Form of content. (1) Any domestic or foreign limited liability partnership registering under this chapter shall file its registration on the form provided by the secretary of state. The information that shall be provided is:

- (a) The name of the limited liability partnership;
- (b) Principal office of the limited liability partnership in Washington or if no principal office is located in this state, the registered office address and name and address of the registered agent for service of process in this state;
- (c) Number of partners of the limited liability partnership;
- (d) Brief statement of the business in which the partnership engages;

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(e) That the partnership thereby applies for status as a limited liability partnership; and

(f) Any other matters the partnership determines to include.

(2) Application shall be executed by a majority in interest of the partners or one or more authorized partners.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-150, filed 8/2/95, effective 9/2/95.]

WAC 434-135-160 Annual notice—Form of content. Any limited liability partnership filing under this chapter shall file its annual notice on the form provided by the secretary of state. The information that shall be filed on the annual notice is as follows:

Section 1.

- (a) Limited liability partnership name;
- (b) Principal office of the limited liability partnership in Washington or if no principal office is located in this state, the registered office address and name and address of registered agent for service of process in this state;
- (c) Unified business identification number;
- (d) Internal account number;
- (e) Date registered in Washington;

Section 2.

- (a) If there has been a change in the address of principal place of business in Washington or, if the limited liability partnership's principal place of business is not located in this state, the address of the registered office and name and address of the registered agent, the correct address and name;
- (b) Any other material changes in the information included in limited liability, partnership application or subsequent annual notices;
- (c) Number of partners; and

Section 3. Signature of either a majority in interest of the partners or one or more authorized partners. The registration application shall include beneath or beside the signature the name and title of the person(s) signing the document.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-160, filed 8/2/95, effective 9/2/95.]

WAC 434-135-170 Amended notice—Form of content. (1) A limited liability partnership may, but is not required to, file an amended notice to notify the secretary of state of any material changes on the application or annual notice. These changes may include the following:

- (a) Change of limited liability partnership name;
- (b) Change of principal office address;
- (c) Change of registered agent or registered office address;
- (d) Change in the number of partners;
- (e) Change in the type of business the partnership engages; or
- (f) The addition of any information the partnership determines to include.

(2) The amended notice must be signed by a majority in interest of the partners or by one or more authorized partners. The amended notice shall include beneath or beside the signature the printed name and title of the person(s) signing the document.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-170, filed 8/2/95, effective 9/2/95.]

WAC 434-135-190 Filing fees. For Washington registered domestic and foreign limited liability partnerships, fees are as follows:

- (1) Application for registration, both domestic and foreign, one hundred seventy-five dollars;
- (2) Amended notice, both domestic and foreign, thirty dollars;
- (3) Annual notice with required information, fifty dollars;
- (4) Annual notice with required information filed after due date and before administrative dissolution, penalty fee of twenty-five dollars, plus the notice fee of fifty dollars;
- (5) Resignation of registered agent, twenty dollars;
- (6) Registered agent's consent to appointment to act as agent or agent's resignation if appointed without consent, no fee;
- (7) Voluntary withdrawal, administrative dissolution or dissolution by judicial decree, no fee;
- (8) Service of process, per defendant, fifty dollars;
- (9) Reservation of name, thirty dollars; and
- (10) Any other statement or form, ten dollars.

[Statutory Authority: RCW 43.07.120. 95-16-131, § 434-135-190, filed 8/2/95, effective 9/2/95.]

Chapter 434-166 WAC

INTERNATIONAL STUDENT EXCHANGE AGENCY REGISTRATION

WAC

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PART A GENERAL PROVISIONS AND DEFINITIONS

WAC 434-166-010 Authority. These rules are adopted under the authority of RCW 19.166.040 and 19.166.060 to provide for the administration of the International Student Exchange Agency Registration Act, hereafter referred to as the "act." These regulations shall be considered a supplement to and not a replacement for the act.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-010, filed 4/29/92, effective 5/30/92.]

WAC 434-166-020 Purpose of regulations. The purpose of the regulations is to set minimum standards to implement the "act" in an effective and efficient manner.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-020, filed 4/29/92, effective 5/30/92.]

WAC 434-166-030 Official address, telephone number of the office of the secretary of state, international student exchange division. The address to be used for delivery and receipt of mail, information, registration applications, amendments, fees, and other material required by the act is:

Office of the Secretary of State
International Student Exchange Division
801 Capitol Way S
PO Box 40234
Olympia WA 98504-0234

The telephone number to be used for inquiries relating to this act and to be disclosed by the organization as required by RCW 19.166.070, is: (360) 753-7120.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 00-21-086, § 434-166-030, filed 10/17/00, effective 11/17/00; 92-10-023, § 434-166-030, filed 4/29/92, effective 5/30/92.]

WAC 434-166-040 Office hours. Customary hours of operation of the International Student Exchange Division are 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays. Registration documents received after 4:00 p.m. will not be processed until the next day.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-040, filed 4/29/92, effective 5/30/92.]

WAC 434-166-050 Public records. Except as provided by RCW 42.17.310, all documents relating to the Interna-

tional Student Exchange Division are public record and are available for public inspection and copying pursuant to rules of procedure, chapter 434-12A WAC.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-050, filed 4/29/92, effective 5/30/92.]

WAC 434-166-060 Public records copying charge—Exemptions. Requests for copies or certificates relating to the public records of this act shall be charged per registered organization, as follows:

(1) A photocopy shall be fifty cents per page for the first ten pages and twenty-five cents per page for each additional page.

(2) A certified copy or certificate of fact shall be five dollars for the certification plus any additional copying charges.

(3) Requests for copies (whether photo or certified) or a certificate of fact by a Washington state agency in the pursuit of business shall be provided without charge.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-060, filed 4/29/92, effective 5/30/92.]

WAC 434-166-070 Registration applications—Grounds for denial. Any application or form shall not be accepted by the secretary of state if it is not on the form prescribed by the secretary, or is unsigned, incomplete, illegible, or does not include all required fees, information, and documents.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-070, filed 4/29/92, effective 5/30/92.]

WAC 434-166-080 Definitions. Terms defined in RCW 19.166.020 shall apply in these regulations. In addition, the following definitions shall be applicable when used in these regulations:

(1) "Secretary" means the secretary of state or an employee of the secretary acting under the authority of the secretary.

(2) "Act" means the International Student Exchange Agency Registration Act, chapter 128, Laws of 1991 and Title 19 RCW.

(3) "International student exchange visitor placement organization" or "organization" means any organization which arranges for the placement of two or more international student exchange visitors in the state of Washington during any consecutive five-year period.

(4) "International student exchange visitor" or "student" means any foreign national who:

(a) Is eighteen years of age or under, or up to the age of twenty-one; and

(b) Is engaged in full-time participation in a prescribed course of study in this state conducted by any secondary public institution of learning; and

(c) Has been selected to participate in an exchange visitor program sponsored by an international student exchange visitor placement organization; and

(d) Enters the state of Washington with a nonimmigrant visa.

(5) "Responsible officer" means the officer or employee of the international student placement organization who has

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primary authority for supervising placements in the state of Washington.

(6) "Responsible officer address" means the physical location of the responsible officer.

(7) "Immediate family" means the parent(s) or legal guardian(s) of an international student exchange visitor.

(8) "Nonimmigrant visa" means a visa category used by nonresident aliens whose primary purpose for visiting the United States is to study full time at an approved institution.

(9) "Host family" means the family residing in the state of Washington that the international student exchange visitor resides with during his or her period of academic study.

(10) "USIA" shall mean United States Information Agency.

(11) "USIA regulations" means regulations promulgated by the United States Information Agency (USIA) governing exchange visitor programs designated by them.

(12) "USIA designation letter" means the letter from USIA showing acceptance into its' program.

(13) "CSIET" means the Council on Standards for International Educational Travel.

(14) "CSIET standards" means standards published by CSIET and used by the CSIET to evaluate the operations of international student exchange visitor placement organizations.

(15) "CSIET's approval for listing letter" means the letter from CSIET showing that the placement organization meets the standards set by the CSIET and has been accepted for the current listing.

(16) "High school" means any secondary public institution of learning in the state of Washington.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-080, filed 4/29/92, effective 5/30/92.]

PART B INTERNATIONAL STUDENT EXCHANGE AGENCY REGISTRATION STANDARDS

WAC 434-166-090 Selection of student. The organization shall be fully responsible for the selection of suitable students for participation in its international student exchange visitor program. Selection shall be limited to students who have a sufficient command of the English language to enable them to function well in an English-speaking academic and community environment. Students shall also be screened for demonstrated maturity, good character, and ability to derive maximum benefit from the program experience.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-090, filed 4/29/92, effective 5/30/92.]

WAC 434-166-100 Orientation of students and host families. (1) The organization shall provide:

(a) Each student and immediate family of each student with suitable orientation prior to departure from their home and upon arrival in the state of Washington to acquaint them in advance with the customs of the state of Washington and the United States. In addition, they shall be provided with detailed knowledge of the school and academic program in

which he or she will be participating and information relating to their host family.

(b) Each host family with suitable orientation in advance of the student's arrival, including information on family, school, and cultures of the student's native country, as well as information relating to the academic program in which the student will be enrolled in.

(2) Each organization shall maintain in their records a copy of the letters used to notify the student, immediate family, and host family of the above information.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-100, filed 4/29/92, effective 5/30/92.]

WAC 434-166-110 Health and accident insurance.

(1) Each organization shall ensure that every student participating in the exchange program has health and accident insurance from the time of departure from home to the time the student returns to his or her home country. Minimum acceptable insurance is:

(a) Medical and accident coverage of fifty thousand dollars per illness or accident;

(b) Preparation and transportation of remains to the student's home country (minimum of five thousand dollars) in the event of death. Coverage may be provided in one of the following ways:

(i) By the student;

(ii) By the organization.

(2) The organization is responsible for providing each student, each student's immediate family and the host family detailed printed information regarding the terms and limits of insurance coverage and procedures for filing a claim (including forms wherever possible).

(3) The organization shall maintain in its files proof of health and accident insurance.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-110, filed 4/29/92, effective 5/30/92.]

WAC 434-166-120 Acceptance of students. No student shall be brought into the state of Washington by the organization unless he or she has been accepted in writing as a student by the legally authorized designee of the admitting high school. The organization shall maintain in its files copies of such documents authorizing enrollment.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-120, filed 4/29/92, effective 5/30/92.]

WAC 434-166-130 Selection of host family. (1) The organization is responsible for making all arrangements for the placement of each student with a host family whose home is located in a place convenient to the educational institution in which the student is to be enrolled.

(2) The organization shall make every effort to assure the maximum degree of compatibility between the family and the student, including, wherever possible, the presence in the family of a teenage student.

(3) The organization's representative shall visit the home of, and personally interview, each host family before a student is assigned to such family.

(4) The organization shall ensure that its representative selects only those homes which reflect the high quality

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expected of the International Student Exchange Agency Program.

(5) A written record shall be made of this visit and interview by the representative, a copy of which shall be maintained by the organization.

(6) Selection of host families and assignment of students shall be made as far in advance of the student's arrival as possible, but in no event less than three weeks prior to departure from the student's home.

(7) No organization shall bring a student into the United States without written acceptance from the host family.

(8) The host family shall be advised in writing of the name, age, educational status, other background information, and anticipated arrival time of the assigned student.

(9) The student's immediate family shall be advised in writing of the name, address, family composition, and other background information concerning the host family at the earliest possible time, to permit the exchange of correspondence between the respective families in advance of the student's arrival.

(10) Copies of these notifications shall be maintained in its files by the organization.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-130, filed 4/29/92, effective 5/30/92.]

WAC 434-166-140 Host family housing requirements for students. (1) Each organization shall be responsible for placing the student with a host family which can provide housing which:

(a) Furnishes separate private sleeping quarters for each sex;

(b) A bed of his or her own; and

(c) No more than four persons to a bedroom.

(2) The host family's home, and household equipment shall be maintained in a clean and sanitary condition, free of hazards, and in good repair. The home shall be accessible to other resources in the event of an emergency (e.g., telephone, emergency services, etc.).

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-140, filed 4/29/92, effective 5/30/92.]

WAC 434-166-150 Change in host family assignment. If unforeseen events occur and it is in the best interest of the student, the organization may make a change in the host family assignment of a student. Reports of any such changes and the reasons therefore shall be retained by the organization. Notification of any change shall be sent within twenty-four hours to the immediate family, host families, and the school of placement.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-150, filed 4/29/92, effective 5/30/92.]

WAC 434-166-160 Employment of students. (1) Each organization shall advise its students that they may not accept or undertake regular employment while enrolled in the program.

(2) Students may engage in occasional intermittent jobs, such as tutoring, grass-cutting, baby-sitting and the like.

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(3) Students may not perform the duties of a household domestic for compensation or otherwise in the home of the host family.

(4) Students may be asked to assist in normal daily chores in the host family household which other members of the family perform.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-160, filed 4/29/92, effective 5/30/92.]

WAC 434-166-170 Supervision by organization. The organization shall maintain continuous personal contact with each of its' students, the host family, and the high school in which each student is enrolled. The organization shall initiate action to attempt to resolve any problems which may arise with respect to the student's participation in his or her academic program or with respect to the student's relationship with his or her host family.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-170, filed 4/29/92, effective 5/30/92.]

WAC 434-166-180 Travel responsibility of organization. (1) Each organization shall be responsible for maintaining records of prepaid travel arrangements of all students placed in the state of Washington by the organization.

(2) Transportation must be provided both to and from the student's home to their destination by air and/or surface modes of commercial transportation.

(3) Travel arrangements shall be carried out by the purchase of a roundtrip ticket or tickets to their final destinations for each student prior to the entry of each student into the state of Washington. These travel arrangements may be made either:

- (a) By the organization; or
- (b) By the student.

(4) A copy of the travel itinerary and a copy of the prepaid roundtrip ticket shall be maintained by the organization in their files.

(5) A copy of the prepaid roundtrip ticket shall be given to the host family.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-180, filed 4/29/92, effective 5/30/92.]

WAC 434-166-190 Information to be provided. (1) An international student placement agency shall provide each student, each student's immediate family, and the host family with an informational document regarding the agency services, in English, which shall contain at a minimum: Disclosure of all monies paid to the agency which are to be paid to the host family, students, or for special or additional activities during the program period. The timing and method of payment are to be specified.

(2) In addition, each student and host family shall receive a statement which includes the amount of the fee to be charged to the student.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-190, filed 4/29/92, effective 5/30/92.]

WAC 434-166-200 Agency records requirements. (1) Each organization shall keep records at the organizational (2001 Ed.)

office of services rendered to host families and students. The records and obligations shall include:

(a) The name, home address, and telephone number of the student (in that student's home country) to whom services are provided or promised.

(b) The name, address, and telephone number of the host family with whom the student is placed, which shall be on file at least seven days prior to the student's arrival in the state of Washington.

(c) Document that each student entered the state with a nonimmigrant visa and is enrolled in a public secondary educational institution.

(d) Document that authorizes enrollment in school of acceptance.

(e) Copy of written records of interview between the organization's representative and the host family.

(f) Copy of correspondence to the student's immediate family advising them of the name, address, family composition, and other background information concerning the host family.

(g) Copy of correspondence to host family(ies) advising them of the name, age, educational status, other background information, and anticipated arrival time of student.

(h) The amount of the organization's fee(s) charged to a student and an itemization of the services attributable to individual portions of the fee(s).

(i) A complete copy of any written agreements entered into between the organization, students, and the host families.

(j) Copy of health and accident insurance policy covering participating students and a statement of how coverage shall be provided.

(2) The records shall be maintained for a period of one year from the date on which the student departs from the state of Washington. For purposes of investigating a complaint or otherwise assuring compliance with this chapter and rules adopted thereunder, the records shall be subject to inspection by the secretary, upon request.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-200, filed 4/29/92, effective 5/30/92.]

PART C CONDITIONS APPLICABLE TO REGISTRATION

WAC 434-166-210 Appointment of a responsible officer and responsible officer address. (1) Each organization shall appoint and continuously maintain a responsible officer, as required by RCW 19.166.040, who has primary responsibility for supervising placements within the state of Washington.

(2) The responsible officer shall be an employee or officer of the organization.

(3) The person who signs the application as responsible officer as required by RCW 19.166.040(2) shows acceptance of assuming the duties of the responsible officer.

(4) The responsible officer shall have an address which shall be a specific geographic location, and be identified by number, if any, and street, or building address, or rural route, city, state, and zip code or, if a commonly known street or rural route does not exist, by legal description. The responsible officer's address may not be identified by post office box

number or other nongeographic address. For purposes of communicating by mail, the secretary may permit the use of a post office address in conjunction with the geographic location if they are located in same city, if, the organization also maintains on file the specific geographic address of the Washington office.

[Statutory Authority: RCW 19.166.030, 19.166.040, 19.166.050 and 19.166.060. 99-16-066, § 434-166-210, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-210, filed 4/29/92, effective 5/30/92.]

WAC 434-166-220 Change of responsible officer and/or responsible officer address. An organization may change its responsible officer or responsible officer address by delivering to the secretary, within thirty days of the change, a statement of change that sets forth:

- (1) The name of the organization;
- (2) If the current officer address is to be changed, the street address of the new officer address in accordance with WAC 434-166-210;
- (3) If the current responsible officer is to be changed, the name of the new responsible officer and the new officer's written consent accepting the responsibility of the responsible officer.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-220, filed 4/29/92, effective 5/30/92.]

WAC 434-166-230 Resignation of responsible officer. (1) A responsible officer may resign by signing and delivering to the secretary of state for filing a statement of resignation. The statement must also include a statement that the responsible officer address is also discontinued.

(2) After filing the statement the secretary of state shall mail a copy of the filed statement to the organization at its organizational address.

(3) The organization shall appoint a new responsible officer and responsible officer address within thirty days of notification.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-230, filed 4/29/92, effective 5/30/92.]

WAC 434-166-240 Duties of the responsible officer. The officer who signs the application consenting to serve as responsible officer, shall:

- (1) Accept all official communications and inquiries from the secretary on behalf of the organization.
- (2) Maintain copies of all documentation, as required by WAC 434-166-200, on behalf of the organization for each individual student placed in the state of Washington.
- (3) Furnish all documentation, information, reports, documents, books, files, and other records requested by the secretary on all matters relating to the students placed in Washington by the organization.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-240, filed 4/29/92, effective 5/30/92.]

WAC 434-166-250 Individual located in state of Washington. (1) The organization shall maintain an in-state telephone number as required by RCW 19.166.070. This tele-

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phone number shall be registered to an individual residing in the state of Washington, which may be:

- (a) An employee for the organization; or
 - (b) An officer for the organization; or
 - (c) A volunteer for the organization.
- (2) The organization shall insure that this individual has:
- (a) A listing of all placements of students by the organization and the location of each in the state of Washington;
 - (b) Knowledge of emergency procedures;
 - (c) Twenty-four-hour contact with the organization for emergencies;
 - (d) Knowledge and capability to assist and advise the students in their relationship with the organization.

(3) Each individual maintaining the in-state telephone number for the organization shall sign a written agreement with the organization. A copy of which shall be submitted to the secretary with the registration application.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-250, filed 4/29/92, effective 5/30/92.]

WAC 434-166-260 Requirement to register. Each organization operating in Washington is required to register with the secretary, if two or more students are placed in Washington public high schools within a five year period. Registration is due in the office of the secretary during the enrollment period of March 1st through June 15th preceding the beginning of the next school year.

Organizations governed by chapter 19.166 RCW and also registered as a nonprofit corporation under Title 24 RCW shall renew both registrations concurrently in the enrollment period specified in this section.

The secretary shall provide, annually, a list of all international student exchange agencies registered as of June 15th to the superintendent of public instruction on or before August 5th of the same year.

[Statutory Authority: RCW 19.166.030, 19.166.040 and 19.166.060. 96-10-052, § 434-166-260, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-260, filed 4/29/92, effective 5/30/92.]

WAC 434-166-270 Transaction of business or conducting affairs. No organization that is a foreign corporation or limited partnership defined in RCW 23B.01.400(2), 24.03.005(2), 24.06.005(2) and 25.10.010(4) will be registered under this program unless and until the organization complies with foreign corporation or limited partnership registration requirements.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-270, filed 4/29/92, effective 5/30/92.]

WAC 434-166-280 Application for registration. (1) Any organization meeting the requirements set forth in chapters 19.166 RCW and 434-166 WAC shall register with the secretary of state. Such registration shall be made on a form prescribed by the secretary of state and filed with the secretary's office.

(2) The applicant must also provide evidence that they have met the established standards as an international student exchange visitor placement organization, by:

(a) Submitting a copy of the USIA's Designation Letter showing current registration; or

(b) Submitting a copy of the CSIET's Approval for Listing Letter showing current registration; or

(c) Submitting a notarized statement, on a form prescribed by the secretary of state, declaring that the organization has met all standards and obligations as required by chapters 19.166 RCW and 434-166 WAC.

(3) Registrations filed during the enrollment period specified in WAC 434-166-260 are valid until June 15th of the next year. All other registrations expire June 15th of the next enrollment period.

[Statutory Authority: RCW 19.166.030, 19.166.040 and 19.166.060. 96-10-052, § 434-166-280, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-280, filed 4/29/92, effective 5/30/92.]

WAC 434-166-290 Application for reregistration. (1)

Prior to the expiration of the registration period, organizations may seek reregistration within the enrollment period specified in WAC 434-166-260 by completing the registration requirements as set forth in RCW 19.166.040 and WAC 434-166-280.

(2) The secretary may mail a reregistration form to the responsible officer/responsible officer address within forty-five days prior to the registration expiration.

(3) Failure of the secretary to notify the organization of reregistration does not relieve the organization's obligation for filing its' reregistration documents.

(4) Applications to reregister must be filed by the due date specified by RCW 19.166.040; no extensions will be granted by the secretary.

[Statutory Authority: RCW 19.166.030, 19.166.040, 19.166.050 and 19.166.060. 99-16-066, § 434-166-290, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 19.166.030, 19.166.040 and 19.166.060. 96-10-052, § 434-166-290, filed 4/29/96, effective 5/30/96. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-290, filed 4/29/92, effective 5/30/92.]

WAC 434-166-300 Fees. (1) Organizations required to register or reregister under RCW 19.166.030 and chapter 434-166 WAC shall pay a fee of fifty dollars per application.

(2) A notification of change of information required under RCW 19.166.050 shall be accepted without fee.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-300, filed 4/29/92, effective 5/30/92.]

PART D

TERMINATION AND REVOCATION OF INTERNATIONAL STUDENT EXCHANGE ORGANIZATION'S REGISTRATIONS

WAC 434-166-310 Termination. Registrations of organizations shall be terminated when any of the following circumstances set forth occur:

(1) Voluntary termination. An organization may voluntarily terminate its registration by notifying the secretary of such intent. The organization's registration shall terminate upon such notification.

(2) Failure to apply for reregistration. Failure to apply for reregistration will result in the automatic termination of the

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organization's registration. If so terminated, the former organization must apply for a new registration.

(3) Loss of license, permit or accreditation. An organization's registration shall automatically terminate in the event that the organization fails to remain in compliance with local, state statute and regulations, federal, or professional requirements necessary to carry out the activities for which it was registered.

(4) Ownership change. An organization's registration shall automatically terminate in the event of a change of structure of the organization.

(5) Failure to notify. An organization's registration shall automatically terminate in the event the organization fails to notify the secretary within thirty days of any changes in their registration documents within thirty days, as required by RCW 19.166.040(3).

[Statutory Authority: RCW 19.166.030, 19.166.040, 19.166.050 and 19.166.060. 99-16-066, § 434-166-310, filed 8/2/99, effective 9/2/99. Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-310, filed 4/29/92, effective 5/30/92.]

WAC 434-166-320 Responsibilities of organization upon termination. (1) The termination of the organization's registration shall not relieve the organization's obligation to all students who are in the state of Washington.

(2) The organization shall immediately cancel any student's exchange visit prior to entry to the state of Washington unless a transfer to another registered program can be obtained.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-320, filed 4/29/92, effective 5/30/92.]

PART E

MISCELLANEOUS PROVISIONS

WAC 434-166-330 Adherence to regulations. Organizations are required to adhere to regulations set forth in chapters 19.166 RCW and 434-166 WAC.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-330, filed 4/29/92, effective 5/30/92.]

WAC 434-166-340 Requests by secretary of state. Organizations shall furnish all information, reports, documents, books, files, and other records requested by the secretary on all matters related to the organization's international student exchange visitor placement programs.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-340, filed 4/29/92, effective 5/30/92.]

WAC 434-166-350 Inquiries and investigations. Organizations shall cooperate fully with any inquiry or investigation that may be undertaken by the secretary.

[Statutory Authority: RCW 19.166.050 and 19.166.060. 92-10-023, § 434-166-350, filed 4/29/92, effective 5/30/92.]

Chapter 434-180 WAC
ELECTRONIC AUTHENTICATION

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GENERAL PRINCIPLES

WAC

PART 1
GENERAL PRINCIPLES

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434-180-590	Brief adjudicative proceeding regarding certificate suspension.

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

434-180-235	Sufficient working capital. [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.] Repealed by 98-16-031, filed 7/29/98, effective 8/29/98. Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33.
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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 James M. Dolliver Building, 801 Capitol Way S, 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. 00-21-087, § 434-180-110, filed 10/17/00, effective 11/17/00; 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 con-

strued 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: One-half of the otherwise applicable fee as set forth under subsection (1) or (2) of this section.

(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: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. 98-16-031, § 434-180-130, filed 7/29/98, effective 8/29/98. 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.]

PART 2

CERTIFICATION AUTHORITY LICENSE APPLICATION, SUSPENSION, REVOCATION

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;

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(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) 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;

(6) 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

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

[Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. 98-16-031, § 434-180-200, filed 7/29/98, effective 8/29/98. 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 434-180-203 Designation of confidential information. Any certification authority, recognized repository, or applicant for licensure or recognition who believes that any information submitted to the secretary is legally exempt from public disclosure, inspection, or copying pursuant to law may designate such records upon submission to the secretary. Such designation does not conclusively establish the application of any exemption, but will assist the secretary in correctly responding to requests for public records. Any designation shall specify the precise information the party regards as subject to an exemption, and precise statute establishing the exemption.

[Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. 98-16-031, § 434-180-203, filed 7/29/98, effective 8/29/98.]

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 seven 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 seven years, dated not more than thirty days prior to submission or such other jurisdictions as the secretary may reasonably request. Such check shall be performed using the individual's fingerprints.

(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 seven 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: Chapter 19.34 RCW and 1998 c 33. 99-02-047, § 434-180-215, filed 1/4/99, effective 2/4/99. Statutory Authority: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. 98-16-031, § 434-180-215, filed 7/29/98, effective 8/29/98. 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 434-180-240 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. For purposes of this section, licensed certified public accountants include any person holding a certified public accountant certificate issued pursuant to chapter 18.04 RCW, or any licensee under any equivalent law of any other jurisdiction. 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: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. 98-16-031, § 434-180-240, filed 7/29/98, effective 8/29/98. 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.]

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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 licensing or authorization 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. The law or administrative rule of another jurisdiction must establish standards determining what constitutes a trustworthy system. Those standards may differ from Washington's standards as set forth under WAC 434-180-360 as long as they are substantially similar in purpose and result;

(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; and

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

(3) If the requirements of another jurisdiction fail to be certified as substantially similar to those of Washington only because they do not satisfy subsection (2)(c) of this section, then the secretary shall recognize the license of a particular certification authority licensed by that jurisdiction if the certification authority complies with subsection (1)(b) of this section and, in addition, employs as operative personnel only individuals whom the secretary has certified pursuant to WAC 434-180-215.

(4) 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: Chapter 19.34 RCW, including RCW 19.34.030, 19.34.040, 19.34.100, 19.34.400, 19.34.500 and 1998 c 33. 98-16-031, § 434-180-245, filed 7/29/98, effective 8/29/98. 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.]

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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.

(1) Penalties imposed under this section shall not exceed ten thousand dollars per incident, or ninety percent of the recommended reliance limit of a material certificate, whichever is less. In case of a violation continuing for more than one day, each day is considered a separate incident. In the case of a state agency authorized by law to become a licensed certification authority, the sole penalty imposed pursuant to this section shall consist of specific findings of noncompliance and an order requiring compliance with this chapter and the rules of the secretary. Any penalty imposed pursuant to this chapter and chapter 34.05 RCW shall be enforceable in the superior court.

(2) In assessing penalties under this section, the secretary shall:

(a) Issue to the licensed certification authority a notice of apparent noncompliance, specifying the provisions of statute or rule with which the certification authority is not in compliance and the range of possible sanctions;

(b) Specify a time period of not less than thirty days during which the certification authority may respond in writing to the notice of apparent noncompliance;

(c) If the certification authority does not respond in writing within the specified period, or obtain a written extension of that period, then the secretary may impose an order consistent with the notice, subject to review pursuant to WAC 434-180-500;

(d) If the certification authority does respond in writing:

(i) If the secretary deems the response to satisfactorily demonstrate compliance with the provisions referenced in the notice, then the secretary shall terminate this process without imposing any penalty;

(ii) If the secretary does not deem the response satisfactory, then the secretary may either:

(A) Issue a new or revised notice pursuant to (a) of this subsection; or

(B) Impose an order consistent with the notice, subject to review pursuant to WAC 434-180-500.

[Statutory Authority: Chapter 19.34 RCW. 99-02-048, § 434-180-265, filed 1/4/99, effective 2/4/99. 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

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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.]

PART 3

CERTIFICATION AUTHORITY STANDARDS AND PRACTICES

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 revoca-

tion 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 July 13, 1998.

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[Statutory Authority: Chapter 19.34 RCW and 1998 c 33. 99-02-047, § 434-180-360, filed 1/4/99, effective 2/4/99. 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.]

PART 4

RECOGNITION OF REPOSITORIES

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 by the secretary of state. (1) The secretary shall publish, either directly or under contract, any information required by chapter 19.34 RCW. Information published by the secretary shall include:

(a) The certification authority disclosure record for each certification authority licensed in Washington;

(b) A list of all judgments filed with the secretary within the previous five years pursuant to RCW 19.34.290;

(c) 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);

(d) Any information published by the secretary pursuant to WAC 434-180-450; and

(e) Any other information necessary or appropriate for publication pursuant to chapter 19.34 RCW or this chapter.

(2) The secretary may meet the requirements of this section through publication in the *State Register*, on the website

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maintained by the secretary, or through any other medium suitable to providing public notice.

[Statutory Authority: RCW 19.34.030, 19.34.040, 19.34.100, 19.34.111, and 19.34.400. 00-22-041, § 434-180-440, filed 10/25/00, effective 11/25/00; 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.]

PART 5

PROCEEDINGS BEFORE THE SECRETARY

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

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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.]

(2001 Ed.)

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 434-208 WAC

ELECTIONS

(Formerly chapter 434-08 WAC)

WAC

434-208-010	Advisory election upon contemplation of classification advancement.
434-208-020	Remedial steps—Third class city under mayor-council government.
434-208-030	Determination of original terms of councilmen—Second, third, or fourth class city or town.
434-208-040	Appointment of clerks.
434-208-050	Restrictions on write-in or sticker votes.
434-208-060	Filing of electronic facsimile documents.
434-208-070	Electronic facsimile filings not accepted.
434-208-080	Electronic facsimile filings followed by original document.
434-208-090	Rejection of electronic facsimile filings.

WAC 434-208-010 Advisory election upon contemplation of classification advancement. Any second or third class city contemplating advancement to the rank of first class city under charter government, may hold a preliminary advisory election to determine the wishes of the electorate concerning the advancement of classification under the following qualifications:

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

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

[98-08-010, recodified as § 434-208-010, filed 3/18/98, effective 3/18/98; Regulation 1, filed 3/24/60.]

WAC 434-208-020 Remedial steps—Third class city under mayor-council government. Whenever any third class city operating under the mayor-council form of government shall inadvertently advise candidates subject to a city primary that four councilmanic positions are to be filled, each for a four year term, when by law only three councilmanic

positions are to be filled for a four year term and the fourth position is to be filled for a two year term and the filing period is closed, then the following remedial steps shall be taken:

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

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

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

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

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

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

[98-08-010, recodified as § 434-208-020, filed 3/18/98, effective 3/18/98; Regulation 2, filed 3/24/60.]

WAC 434-208-030 Determination of original terms of councilmen—Second, third, or fourth class city or town. When any second, third or fourth class city (or town) newly organized under the mayor-council or council-manager forms of government shall hold its first regular election subsequent to its organization election, the staggering of the original terms of councilmen shall be determined as follows:

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

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

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

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

[98-08-010, recodified as § 434-208-030, filed 3/18/98, effective 3/18/98; Regulation 3, filed 3/24/60.]

WAC 434-208-040 Appointment of clerks. In each precinct containing one hundred or more registered voters and wherein paper ballots alone are voted, the inspector and judges, before the opening of the polls, shall appoint two registered voters to act as clerks: Provided, however, That:

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

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

[98-08-010, recodified as § 434-208-040, filed 3/18/98, effective 3/18/98; Regulation 4, filed 3/24/60.]

WAC 434-208-050 Restrictions on write-in or sticker votes. No write-in or sticker vote cast on a partisan office at any primary or election shall be valid or counted unless the voter has restricted his choice to one of the political parties appearing upon said ballot.

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

[98-08-010, recodified as § 434-208-050, filed 3/18/98, effective 3/18/98; Regulation 5, filed 3/24/60.]

WAC 434-208-060 Filing of electronic facsimile documents. In addition to those documents specified by RCW 29.04.230, the secretary of state or the county auditor shall accept and file in his or her office electronic facsimile transmissions of the following documents:

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

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

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

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

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

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

[98-08-010, recodified as § 434-208-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230, 92-18-087, § 434-08-060, filed 9/2/92, effective 10/3/92.]

WAC 434-208-070 Electronic facsimile filings not accepted. No filing by electronic facsimile shall be accepted where a filing fee must accompany the filing unless the person making the filing has also provided for that fee to be paid in conjunction with the electronic facsimile filing. No initiative, referendum, or recall petition signatures may be filed by electronic facsimile.

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[98-08-010, recodified as § 434-208-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230, 92-18-087, § 434-08-070, filed 9/2/92, effective 10/3/92.]

WAC 434-208-080 Electronic facsimile filings followed by original document. The filing officer shall require that, except for requests for absentee ballots, any acceptance of an electronic facsimile filing be followed by the original document not later than seven calendar days after the receipt of the facsimile filing. If a voted ballot is faxed, a ballot bearing the original signature of the voter must be received not later than ten days following a primary or special election or fifteen days following a general election.

[98-08-010, recodified as § 434-208-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230, 92-18-087, § 434-08-080, filed 9/2/92, effective 10/3/92.]

WAC 434-208-090 Rejection of electronic facsimile filings. The acceptance of any facsimile filing is conditional upon the person filing the document satisfying the requirements of state law and these rules with respect to such filings. The filing officer shall reject any electronic facsimile filing that does not satisfy these requirements and is not, where required, followed by the receipt of the original document in a timely manner.

[98-08-010, recodified as § 434-208-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230, 92-18-087, § 434-08-090, filed 9/2/92, effective 10/3/92.]

Chapter 434-209 WAC

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

(Formerly chapter 434-09 WAC)

WAC

434-209-010	Statement of purpose.
434-209-020	Definitions.
434-209-030	Qualification requirements.
434-209-040	Transmitting and compiling the data file of records of registered voters.
434-209-050	Conducting the selection of names by lot.
434-209-060	Notifying persons selected by lot.
434-209-070	Determination of commission appointees from congressional districts.
434-209-080	Names of selected persons to governor.
434-209-090	Vacancy on the commission.

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 govern-

mental 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.]

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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.]

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

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Time for submission and payment of claims for reimbursement.

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 434-219 WAC

PRESIDENTIAL PREFERENCE PRIMARY

(Formerly chapter 434-75 WAC)

WAC

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WAC 434-219-010 Authority and purpose. These rules are adopted under RCW 29.19.070 to provide uniformity in the conduct of the presidential primary and to facilitate the amendments to chapter 29.19 RCW in Chapter 20, Laws of 1995, 1st. Special Session and the national and state rules of the major political parties.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-010, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-010, filed 8/26/91, effective 9/26/91.]

WAC 434-219-020 Definitions. As used in this chapter:

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

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

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

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

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

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

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

(4) "Political party ballot" means a ballot composed of a list of names of candidates belonging to the same major political party and who have been certified by the secretary of state as provided in RCW 29.19.030.

(5) "Unaffiliated ballot" means a ballot composed of a list of all the candidates certified by the secretary of state as provided in RCW 29.19.030.

(6) "Physically separate ballot" means a ballot specific to a single political party or an unaffiliated ballot. When physically separate ballots are used, all ballots must be issued to each absentee voter unless the voter signs the appropriate oath requesting only one ballot.

(7) "Consolidated ballot" means a single sheet of ballot paper or card upon which multiple ballots may be listed. Such ballots must clearly identify each separate ballot by type and, if used at a polling place, must also be capable of being coded so that only votes cast for candidates matching the oath signed by the voter are counted. Consolidated mail ballots may be coded in the same manner as polling place ballots.

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

(9) "Voting device" means a piece of equipment used for the purpose of marking, or to facilitate the marking, of a ballot to be tabulated by a vote tallying system, or a piece of

mechanical or electronic equipment used to directly record votes and to accumulate results for a number of issues or offices from a series of voters;

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

(11) "Ad-hoc committee" means the committee created under RCW 29.19.020 that has the authority to change the date of the presidential primary.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-020, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-020, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-020, filed 8/26/91, effective 9/26/91.]

WAC 434-219-030 Presidential primary—When held. A presidential primary shall be held on the fourth Tuesday in May of each year in which a president of the United States is to be elected, or on the alternate date selected by the ad-hoc committee under RCW 29.19.020 and WAC 434-75-040.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-030, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-030, filed 8/26/91, effective 9/26/91.]

WAC 434-219-040 Presidential primary—Changing the date. (1) The ad-hoc committee may, under RCW 29.19.020, change the date of the presidential primary from the date specified in RCW 29.19.020 to any other date recommended under that statute.

(2) The secretary of state shall convene the ad-hoc committee when either:

(a) The secretary of state proposes an alternate date on which to hold the presidential primary; or

(b) The state committee of a major political party delivers to the secretary of state a written proposal to change the date of the presidential primary.

(3) The secretary of state shall notify all of the members of the ad-hoc committee in writing, at least seven days in advance of the meeting, of the time and place of the meeting to consider changes to the date of the presidential primary.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-040, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-040, filed 8/26/91, effective 9/26/91.]

WAC 434-219-050 Procedures to be followed when changing primary date. If the date of the presidential primary is changed under RCW 29.19.020 and WAC 434-75-040 from the fourth Tuesday in May to another date, the secretary of state shall promptly notify the county auditors and the chairperson of the national committee of each major political party, in writing, of that date.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-050, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-050, filed 8/26/91, effective 9/26/91.]

WAC 434-219-060 Designation of candidates by secretary of state. Not less than ninety days prior to the date set for the presidential primary, the secretary of state shall com-

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pile a list of persons whose candidacy for the office of President of the United States is generally advocated or whose candidacy is generally recognized in the national news media. He or she shall promptly notify, in writing, the county auditors, the chairperson of each major political party, and each of the candidates whose names will be placed on the ballot at the presidential primary unless the candidate withdraws under WAC 434-75-070.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-060, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-060, filed 8/26/91, effective 9/26/91.]

WAC 434-219-070 Removal from list of designees. Each candidate designated by the secretary of state shall appear on the primary ballot unless, not later than thirty-five days prior to the primary, the candidate files with the secretary of state a signed, notarized statement that he or she is not now and will not become a candidate for president. The secretary of state shall promptly notify the county auditors, the chairperson of the national political party of that candidate, and all remaining candidates of any names removed from the list of candidates for the presidential primary under this section.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-070, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-070, filed 8/26/91, effective 9/26/91.]

WAC 434-219-080 Petition process for ballot access. Members of a major political party may petition the secretary of state to include on the presidential primary ballot the name of any candidate of that party not designated by the secretary of state under WAC 434-75-060. Petitions may be circulated for signatures not earlier than the first day following the designation of candidates by the secretary of state under WAC 434-75-060. Such petitions must be filed with the secretary of state not later than the thirty-ninth day preceding the primary, shall be accompanied by a signed, notarized statement by the candidate concerned giving his or her consent to the nomination, and must bear the signatures of at least one thousand persons registered to vote in the state of Washington at the time the petition signatures are verified.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-080, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-080, filed 8/26/91, effective 9/26/91.]

WAC 434-219-090 Form of the nominating petition. Nominating petitions shall be addressed to the secretary of state, be uniform in size, and shall contain the following:

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

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

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

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

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

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-090, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-090, filed 8/26/91, effective 9/26/91.]

WAC 434-219-100 Verification of signatures by secretary of state. Upon receipt of any nominating petition filed pursuant to WAC 434-75-080, the secretary of state shall promptly canvass and verify the signatures in order to determine the validity of the petition. The secretary may reject, without verification of signatures, any petition that clearly bears insufficient signatures, any petition that is not accompanied by a consent to the nomination by the candidate, or any petition that is in a form inconsistent with the provisions of WAC 434-75-090. To the extent that it is not inconsistent with other provisions of these rules, the canvass and verification process may be observed in the same manner as that specified in RCW 29.79.200 for the observation of the canvass and verification of initiative signatures. The secretary of state shall reject the signature of any person not registered to vote in Washington, and any multiple signatures from the same voter. No signature may be rejected solely on the basis that it is not accompanied by the address or precinct name or number of the signer.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-100, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-100, filed 8/26/91, effective 9/26/91.]

WAC 434-219-110 Determination of insufficient signatures. In the event the secretary of state determines that the petition contains insufficient valid signatures he or she shall notify the person filing the petition and the candidate on whose behalf the petition was filed. Persons so notified may submit additional signatures in support of the nomination as long as those signatures are submitted prior to the deadline established by RCW 29.19.030.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-110, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-110, filed 8/26/91, effective 9/26/91.]

WAC 434-219-120 Certification of candidates. In the event the secretary determines a petition bears sufficient signatures he or she shall include the name of that candidate in the official certification of candidates to the county auditors. This certification shall be completed and transmitted to the county auditors not later than the thirty-fourth day prior to the primary.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-120, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-120, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-120, filed 8/26/91, effective 9/26/91.]

WAC 434-219-130 Conduct of the presidential primary. All procedures relevant to the conduct of a presidential primary under chapter 29.19 RCW, including the form of the ballot, the arrangement of candidate names, and the processing of absentee ballots and vote-by-mail ballots shall be the same as the procedures for the conduct of any partisan primary within the state except as may be modified by the rules

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of the national or state party of a major political party, chapter 29.19 RCW, or the rules in this chapter.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-130, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-130, filed 8/26/91, effective 9/26/91.]

WAC 434-219-140 Declaration by voter. (1) Each registered voter desiring to participate in the presidential primary shall be given the opportunity to subscribe to any declaration provided under the national or state political party rules of a major political party for participation in the presidential nominating process of that party.

(2) No later than August 15 in the calendar year preceding the year in which the presidential preference primary is to be held, each major party shall submit in writing to the secretary of state the exact wording of the party declaration.

(3) The secretary of state shall certify the language of each major party's declaration to the county auditors no later than August 30 in the calendar year preceding the year in which the presidential preference primary is to be held.

(4) A voter may subscribe to a declaration stating that he or she wants his or her vote to be counted in the unaffiliated results, provided that failure to subscribe to this declaration does not prevent any person's vote from being counted in the unaffiliated results. The unaffiliated declaration shall be printed in substantially the following form: "I do not want to sign a party declaration. I understand that party rules may not allow my vote to be used to select delegates to the nominating conventions."

[Statutory Authority: RCW 29.19.070. 99-22-073, § 434-219-140, filed 11/2/99, effective 12/3/99; 96-03-141, recodified as § 434-219-140, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-140, filed 8/26/91, effective 9/26/91.]

WAC 434-219-150 Ballot request form used at the polling place. (1) The political party declaration provided under WAC 434-75-140, when provided to a voter desiring to vote at a polling place, may appear on either:

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

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

(c) Separate poll books for each major political party distinct from the poll books for voters who do not subscribe to the declaration of any major political party.

(2) The county auditor shall provide appropriate instructions for the precinct election officers regarding the handling, maintaining, and transportation of the political party declarations.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-150, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-150, filed 8/26/91, effective 9/26/91.]

WAC 434-219-160 Political party and unaffiliated ballots—Arrangement. Ballots for each major political party and unaffiliated ballots shall be provided as follows:

(1) Where candidate names are listed on physically separate ballots, each ballot shall be identified by color and either the name of the political party or as an unaffiliated ballot. Each separate ballot shall contain a machine readable code to distinguish each ballot type within each precinct.

(2) Where candidate names are listed on a consolidated ballot, they shall be printed in such a manner that each party's group of candidates is clearly distinguishable and identified by party name. The unaffiliated ballot may be listed in a separate listing or may be considered a combination of the party ballots. The order of the parties shall be the same as the order in which candidate names are listed on partisan general election ballots.

At a polling place, each ballot must be coded so that only votes cast for candidates of the party matching the oath signed by the voter are counted.

The code shall be a response position on the consolidated ballot identifying one of the major political parties or the unaffiliated status. Its purpose will be to exclude any vote cast on the ballot that does not correspond to the party or unaffiliated status indicated by the voter on the response position. The voter must mark or punch the appropriate response position corresponding to the oath or declaration on the absentee ballot return envelope. If the vote is cast at a polling place, the voter or precinct election official shall mark or punch the code. If the code is marked or punched by the voter, the precinct election official shall ensure that the code matches the oath or declaration as signed in the poll book. If a consolidated ballot is used in a mail ballot precinct or as an absentee ballot and a party/unaffiliated code is not used, each returning ballot must be segregated by oath and then subsequently inspected to ensure that only votes cast for candidates corresponding to the oath signed by the voter are counted.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-160, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-160, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-160, filed 8/26/91, effective 9/26/91.]

WAC 434-219-165 Incomplete ballot code on consolidated absentee ballot. In the event a party/unaffiliated ballot code is used and the absentee voter fails to code his or her ballot as provided by WAC 434-219-160(2), the county auditor shall code the ballot to correspond to the oath signed by the voter on the absentee ballot return envelope.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-165, filed 1/6/00, effective 2/6/00.]

WAC 434-219-170 Order of political parties. Whenever political party declarations or ballots are printed on the same envelope, card, or sheet of paper, the party which polled the highest number of votes in the state for its candidate for president at the last preceding presidential election shall be listed first. Unaffiliated declarations shall be printed below political party declarations.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-170, filed 1/6/00, effective 2/6/00.]

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WAC 434-219-180 Ballots—Arrangement of names—Instructions. (1) The unaffiliated ballot shall contain the names of all of the candidates certified by the secretary of state under WAC 434-219-120 listed alphabetically under the designation of the office (president of the United States) together with any other issues being submitted to the voters at special elections held in conjunction with the presidential primary.

(2) The political party ballots shall contain the names of all of the candidates certified by the secretary of state under WAC 434-219-120 for that party's nomination listed alphabetically under the designation of the office (president of the United States) together with any other issues being submitted to the voters at special elections held in conjunction with the presidential primary.

(3) Provision for the voter to write-in the name of another candidate shall be provided on each physically separate ballot or for each party's office on a consolidated ballot. The names of candidates on the presidential primary ballot shall not be rotated.

(4) The ballot shall contain instructions to the voters in substantially the following form:

"If you vote for more than one candidate for this office, your vote in the presidential primary will not be counted."

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

(5) Ballots for each political party and unaffiliated ballots shall be differentiated by color except when using a consolidated ballot.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-180, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-180, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-180, filed 8/26/91, effective 9/26/91.]

WAC 434-219-185 Logic and accuracy test decks. No later than fifteen days before the date of the presidential primary, the county auditor shall provide for the preparation of a test deck for logic and accuracy testing.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-185, filed 1/6/00, effective 2/6/00.]

WAC 434-219-190 Special election held in conjunction with the presidential primary. If a special election is scheduled concurrently with the presidential primary under RCW 29.13.010 or 29.13.020, all measures or candidates for office for which the voters are eligible to vote at that special election shall be listed on the ballot in such a manner that each voter can identify and vote on those candidates or measures separately from the presidential primary candidates.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-190, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-190, filed 8/26/91, effective 9/26/91.]

WAC 434-219-210 Issuing absentee and polling place ballots. (1) Polling place voters who do not make a political party declaration under WAC 434-219-140 shall be issued either an unaffiliated ballot, or a consolidated ballot coded as an unaffiliated ballot. Polling place voters who make a political party declaration under WAC 434-219-140

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shall be issued either that party's ballot or a consolidated ballot coded to match their party oath.

(2) Absentee ballot voters, except as provided in subsection (3) of this section if applicable, shall be issued all unaffiliated and political party ballots, either as physically separate ballots or as a consolidated ballot.

(3) At the discretion of the county auditor, absentee ballots issued directly to the voter at the auditor's office may be issued in the same manner as polling place ballots provided that the voter marks, or verbally refuses to mark, the appropriate declaration on the return envelope prior to receiving the ballot.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-210, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-210, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-210, filed 8/26/91, effective 9/26/91.]

WAC 434-219-220 Absentee ballots—Declarations—

Instructions. (1) The political party declaration and unaffiliated declaration provided under WAC 434-219-140 shall be printed on the return envelope below the absentee ballot oath provided under WAC 434-240-190. Each declaration shall be printed next to a box in which the voter may make a mark to indicate to which declaration he or she subscribes. The date and signature lines in the absentee ballot oath shall also serve as the date and signature lines for the political party and unaffiliated declarations.

(2) In addition to other instructions normally provided to absentee voters, the county auditor shall ensure that, whenever presidential primary ballots are issued, the voters are given specific instructions on how to mark their ballot so that it will be counted in accordance with the oath they signed on the return envelope. Instructions shall also be provided to the voter on the correct method for writing in a candidate's name on the ballot.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-220, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-220, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-220, filed 8/26/91, effective 9/26/91.]

WAC 434-219-230 Segregation of ballots.

Absentee ballots must be segregated according to major party declaration choice before they are removed from the return envelopes. The number of ballots in each segregated group shall be recorded on a ballot accountability form at each step of the absentee ballot canvassing process. If consolidated absentee ballots are used, they shall be processed in the manner provided by either WAC 434-219-160(2) or, if a party/unaffiliated ballot code is used, by WAC 434-219-165 if applicable.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-230, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-230, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-230, filed 8/26/91, effective 9/26/91.]

WAC 434-219-240 Inspection of absentee ballots.

Each absentee ballot cast by voters who signed a party declaration shall be inspected.

If a voter signs a party oath and votes for a candidate certified by the secretary of state for that party, that voter's ballot shall be grouped and tabulated with the ballots of that party.

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The number of ballots so voted shall be recorded on the ballot accountability form.

If a voter signs an unaffiliated oath, or does not sign an oath at all, that voter's ballot shall be grouped and tabulated with the unaffiliated ballots. The number of ballots so voted shall be recorded on the ballot accountability form.

Any voter who signs a party oath and then votes for a candidate certified by the secretary of state for a different party shall not have that vote tabulated.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-240, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-240, filed 1/24/96, effective 2/24/96; 92-08-032, § 434-75-240, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-240, filed 8/26/91, effective 9/26/91.]

WAC 434-219-250 Tabulation of ballots.

(1) Any voter who signs a party oath and votes for a candidate certified by the secretary of state for that party shall have that vote tabulated as a political party vote, regardless upon which ballot that vote is cast.

(2) Any voter who signs the unaffiliated oath, or who does not sign an oath at all, shall have that vote tabulated as an unaffiliated vote, regardless upon which ballot that vote is cast.

(3) Any voter who signs a party oath and then votes for a candidate certified by the secretary of state for a different party shall not have that vote tabulated.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-250, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-250, filed 1/24/96, effective 2/24/96; 92-08-032, § 434-75-250, filed 3/24/92, effective 4/1/92; 91-18-012, § 434-75-250, filed 8/26/91, effective 9/26/91.]

WAC 434-219-255 Tabulating, reporting, and canvassing write-in votes.

(1) Only write-in votes cast by voters who have subscribed to a party declaration shall be tabulated.

(2) The following write-in votes shall not be counted:

(a) Write-in votes cast by unaffiliated voters shall not be tabulated.

(b) Write-in votes cast for a candidate who has been certified by the secretary of state for the same political party as that to which the voter has subscribed, shall not be tabulated.

(c) Write-in votes cast by a voter who has subscribed to a political party declaration and voted for a candidate of that party on another political party's ballot, or an unaffiliated ballot, shall not be tabulated unless the voter has written the proper political party designation next to the candidate's name.

(d) Write-in votes cast for persons who, in the judgment of the county auditor, do not possess the qualifications for the office of President as specified in Article II, Section 1 of the United States Constitution. Such persons are required by the Constitution to be "natural-born citizens" of the United States, at least thirty-five years of age, and residents of the United States for at least fourteen years.

(e) Write-in votes not cast in accordance with RCW 29.04.180.

(3) Except as provided in subsection (2) of this section, all write-in votes shall be tabulated and reported as part of the canvass of votes. The total number of write-in votes not tabulated shall be recorded on a ballot accountability form.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-255, filed 1/6/00, effective 2/6/00.]

WAC 434-219-260 Canvassing and tabulation of presidential primary absentee ballots. Unless otherwise provided by law, or by these rules, absentee ballots for the presidential primary shall be processed, canvassed, and tabulated, by legislative and congressional district, in the same manner as absentee ballots for other elections.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-260, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-260, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-260, filed 8/26/91, effective 9/26/91.]

WAC 434-219-270 Vote-by-mail precincts. Wherever applicable, presidential primary ballots for voters in vote-by-mail precincts shall be issued and processed in the same manner as ballots issued to ongoing absentee voters, as provided by statute and by these rules.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-270, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-270, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-270, filed 8/26/91, effective 9/26/91.]

WAC 434-219-280 Votes not tabulated. In addition to WAC 434-219-255, the county auditor shall not tabulate votes in the presidential primary in the following cases:

- (1) Where the voter has attempted to vote more than once for that office;
- (2) Where the voter has voted for candidates of more than one political party, in which case all such votes shall be rejected;
- (3) Where a write-in vote is made for a person who has declined the nomination as provided by WAC 434-75-070;
- (4) Where the person issued a special or challenged ballot does not otherwise satisfy the constitutional or statutory requirements for voting;
- (5) Where the voter has signed a political party oath and then cast a vote other than a write-in vote for a candidate whose name appears on a different party's ballot.

In those instances where the auditor is not sure whether a ballot or part of a ballot should be counted, he or she shall refer that ballot to the county canvassing board for their determination.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-280, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-280, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-280, filed 8/26/91, effective 9/26/91.]

WAC 434-219-285 Record of ballots not tabulated. The auditor shall maintain a record of all ballots not counted and the reason why they were not part of the official canvass of the primary.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-285, filed 1/6/00, effective 2/6/00.]

WAC 434-219-290 Canvassing and certification of presidential primary. County canvassing boards shall certify the results of the presidential primary including totals for all write-in votes cast, by congressional and legislative districts, not later than the tenth day following the primary. No

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later than the twentieth day following the primary, county canvassing boards shall certify totals for all valid write-in votes cast for each candidate and the total of all write-in votes not tabulated, by congressional and legislative districts. The county auditor shall send one original copy of the returns by mail to the secretary of state on the same day the returns are certified. Wherever applicable, the other procedures established by chapter 29.62 RCW for the canvassing of state primaries shall apply to the canvassing of a presidential primary. Not later than the thirtieth day following the presidential primary, the secretary of state shall notify the candidates and the chairperson of the national and state committees of each major political party of the votes cast for each candidate listed on the ballot and of the write-in votes cast for any qualified write-in candidates.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-290, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-290, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-290, filed 8/26/91, effective 9/26/91.]

WAC 434-219-300 Sealing of voting devices. The registering mechanism of each mechanical device used in a primary election shall be sealed by the precinct election officers after the polls have closed and remain sealed until ten days after the completion of the canvass of that presidential primary except when:

- (1) A recanvass is required; or
- (2) A succeeding election occurs within twenty days of the presidential primary.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-300, filed 1/6/00, effective 2/6/00.]

WAC 434-219-310 Statutory recount provisions do not apply. The provisions of chapter 29.64 RCW regarding statutory recounts do not apply to a presidential primary.

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-310, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-310, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-310, filed 8/26/91, effective 9/26/91.]

WAC 434-219-320 Political party preference data and results—Transmittal to the major political parties. No later than thirty days following the certification of the returns of the presidential primary by the secretary of state, the county auditor shall provide to the county and state committee of each major political party, at actual reproduction cost:

- (1) The results of the presidential primary by precinct; and
- (2) The names and addresses of those voters participating in the presidential primary of that major political party. This may be accomplished by either:

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

(b) Providing to each major political party copies of the political party declarations that indicate the primary in which the voter participated; or

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

[Statutory Authority: RCW 29.19.070. 00-03-003, § 434-219-320, filed 1/6/00, effective 2/6/00; 96-03-141, recodified as § 434-219-320, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-320, filed 8/26/91, effective 9/26/91.]

WAC 434-219-330 Retention of election material.

The county auditor shall maintain all presidential primary material, including ballot request forms, absentee ballot envelopes, poll books, and ballots, for a period of twenty-two months following the presidential primary. The auditor may, at any time after sixty days following the certification of the returns by the secretary of state, remove from his or her automated voter registration files any record of the party designation of any voter casting a ballot at the presidential primary.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-330, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-330, filed 8/26/91, effective 9/26/91.]

WAC 434-219-340 Claims for reimbursement.

Following the presidential primary, each county auditor shall provide to the secretary of state a completed claim for reimbursement of expenses incurred by the county in conducting the primary. This cost shall be prorated with any other jurisdictions holding special elections in conjunction with the primary under RCW 29.13.045. The procedures for allocating such costs shall be the same as those prescribed by the office of the state auditor for election cost allocations to the state, cities, towns, and special purpose districts.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-340, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-340, filed 8/26/91, effective 9/26/91.]

WAC 434-219-350 Time for submission and payment of claims for reimbursement. Claims for reimbursement and supporting documents shall be submitted to the secretary of state not later than sixty days following the certification of the returns of the presidential primary by the secretary of state. The secretary of state shall compile such claims and present them to the state legislature at the next succeeding legislative session. Upon the granting of the relief claims by the legislature the secretary of state shall issue a warrant to each county submitting a claim.

[Statutory Authority: RCW 29.19.070. 96-03-141, recodified as § 434-219-350, filed 1/24/96, effective 2/24/96; 91-18-012, § 434-75-350, filed 8/26/91, effective 9/26/91.]

Chapter 434-228 WAC

DECLARATIONS OF CANDIDACY AND FILING PROCEDURES

(Formerly chapter 434-28 WAC)

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.

(2001 Ed.)

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 _____ Clerk/Cashier initials _____

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:

(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. _____
(STREET ADDRESS OR RURAL ROUTE) (TELEPHONE NUMBER)

(MAILING ADDRESS--IF DIFFERENT)

_____, Washington _____
(CITY) (COUNTY) (ZIP CODE)

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

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

(NAME OF OFFICE)

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

(POSITION NUMBER IF APPLICABLE)

(DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

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

5. This office is:

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

6. Filing Fee. (Check one):

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

7. Please print my name on the ballot exactly as follows: _____
(PLEASE PRINT)

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

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

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

(SIGNATURE OF ACKNOWLEDGING OFFICIAL)

(TITLE OF ACKNOWLEDGING OFFICIAL)

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

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

The forms shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The

form shall also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29.15.030, and one copy of each

properly executed and filed declaration and affidavit of candidacy shall be returned to the candidate.

[Statutory Authority: 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

(Formerly chapter 434-30 WAC)

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.
- 434-230-150 Electronic voting device ballot uniformity.
- 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.
- 434-230-220 Same party designations used for primary and general elections.

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. In the absence of state measures or issues, county-wide ballot measures shall appear first on all sample ballots and on all ballots. 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

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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, 98-03-033, § 434-230-030, filed 1/13/98, effective 2/13/98; 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 non-partisan 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.]

(2001 Ed.)

WAC 434-230-150 Electronic voting device ballot uniformity. Counties may use varying sizes and colors of ballot cards if such size and color is used consistently throughout a region, area or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying color and size 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. 98-03-033, recodified as § 434-230-150, filed 1/13/98, effective 2/13/98. Statutory Authority: RCW 29.04.080 and 29.04.210. 92-10-038, § 434-30-150, filed 5/4/92, effective 6/4/92.]

WAC 434-230-160 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 in such a manner as to clearly distinguish them from polling place ballots.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-230-160, filed 1/13/98, effective 2/13/98; 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 certified by the secretary of state as provided in RCW 29.27.020 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

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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 29.04.210 and 29.30.020. 00-11-042, § 434-230-170, filed 5/11/00, effective 6/11/00. 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.

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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 § 434-230-200, 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 certified by the secretary of state as provided in RCW 29.27.020 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 29.04.210 and 29.30.020. 00-11-042, § 434-230-210, filed 5/11/00, effective 6/11/00. 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.]

WAC 434-230-220 Same party designations used for primary and general elections. The party designations certified by the secretary of state in RCW 29.27.020 for primary elections shall be used on all general election ballots.

[Statutory Authority: RCW 29.04.210 and 29.30.020. 00-11-042, § 434-230-220, filed 5/11/00, effective 6/11/00.]

Chapter 434-236 WAC

VOTE-BY-MAIL

(Formerly chapter 434-36 WAC)

WAC

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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 § 434-236-020, 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 434-236-010 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 non-charter 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.

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(s), dates, and times where the voter may deposit his or her ballot prior to or 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 a designated place;
- (5) 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 ten thousand dollars, or both such fine and imprisonment; and

(6) State that every voter has the right to vote his or her ballot in secret.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-236-090, filed 1/13/98, effective 2/13/98; 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.

(2001 Ed.)

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 29.33.350, except that the secretary of state need not be present.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-236-170, filed 1/13/98, effective 2/13/98; 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.

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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 § 434-36-200, 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

(Formerly chapter 434-40 WAC)

WAC

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WAC 434-240-005 Authority and purpose. This chapter is adopted pursuant to RCW 29.36.150 and chapter 34.04

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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.]

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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.

[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.

but failure to appoint or attend shall not preclude the processing or tabulation of absentee ballots.

(2) 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.

(3) In counties tabulating absentee ballots on an electronic vote tallying system, the canvassing board or its representatives may perform the initial processing of absentee ballots at any time on or after the tenth day prior to the primary or election. Following initial processing, all absentee ballots must be kept in secure storage until they are ready for final processing.

(4) Final processing may be performed only after 7:00 a.m. on the day of that primary or election.

(5) Tabulation may not occur until after 8:00 p.m. on the day of the primary or election.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 98-03-033, § 434-240-230, filed 1/13/98, effective 2/13/98; 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 434-240-235 Unsigned affidavit. (1) If the voter neglects to sign the affidavit on the return envelope, the auditor shall notify the voter, either by telephone or by first class mail, of that fact. The auditor may:

(a) Require the voter to appear in person and sign the return envelope not later than the day before the certification of the primary or election; or

(b) Provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election.

(2) The auditor shall advise the voter about the correct procedures for completing the unsigned affidavit and that, in order for the ballot to be counted, the voter must either:

(a) Sign the copy of the return envelope affidavit, if one is provided by the auditor, and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election; or

(b) Appear in person at the auditor's office not later than the day before the certification of the primary or election and complete the affidavit on the return envelope.

A record shall be kept of the date on which the voter was contacted or on which the notice was mailed to the voter, as well as the date on which the voter signed the return envelope or a copy of the return envelope affidavit.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 98-03-033, § 434-240-235, filed 1/13/98, effective 2/13/98.]

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;

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(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.]

WAC 434-240-320 Mail ballot precincts. At any primary or election, general or special, the county auditor may, in any precinct having fewer than two hundred active registered voters at the time of closing of voter registration as provided in chapter 29.07 RCW, conduct the voting in that precinct by mail ballot. For any precinct so designated, the county auditor shall not less than fifteen days prior to the date of the primary or election mail or deliver to each active and inactive registered voter within that precinct a notice that the voting in the precinct will be by mail ballot, an application form for a mail ballot, preaddressed to the county auditor with return postage prepaid. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of the primary or election. For all subsequent mail ballot elections in that precinct, the application is valid so long as the voter remains active and qualified to vote. For each subsequent mail ballot election in the precinct, the county auditor shall mail a notice, mail ballot application form, preaddressed to the county auditor with return postage prepaid to each active and inactive voter in the precinct without a mail ballot application form on file with the county auditor. Unless otherwise provided for by law or administrative rule, mail ballot precinct ballots shall be processed in the same manner as absentee ballots. For all other purposes, including the rotation of ballots and the reporting of returns, mail ballot precinct ballots shall be treated in the same manner as polling place ballots unless otherwise provided for by law or administrative rule.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-240-320, filed 1/13/98, effective 2/13/98.]

Chapter 434-253 WAC

THE POLLING PLACE—BEFORE, DURING AND AFTER THE ELECTION

(Formerly chapter 434-53 WAC)

WAC

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434-253-020
434-253-030
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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;

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- (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 precinct list but the voter is unable to sign his/her name, the precinct election officer shall require the person offering to vote to be identified by another registered voter and issued a ballot. The ballot shall be processed in the same manner as other regularly voted ballots. In the event that the person offering to vote cannot be identified by another registered voter, the precinct election officer shall issue the person a special ballot. Such special ballots shall be referred to the county canvassing board. The precinct election officer shall note on the poll book that the voter could not sign their name. The county auditor shall verify after election day that the voter's registration reflects the voter's inability to sign. The county auditor shall request an updated signature for those voters without current signatures on file.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-253-050, filed 1/13/98, effective 2/13/98; 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

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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 shall examine the voting devices or booths to ensure that they have not been tampered with 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. 98-03-033, § 434-253-110, filed 1/13/98, effective 2/13/98; 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.]

(2001 Ed.)

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.]

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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.

[Title 434 WAC—p. 92]

[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:

(2001 Ed.)

(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.

(2001 Ed.)

[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 434-257 WAC

REGULATIONS ON ACCESSIBILITY OF POLLING PLACES AND PERMANENT VOTER REGISTRATION FACILITIES TO ELDERLY VOTERS OR DISABLED VOTERS

(Formerly chapter 434-57 WAC)

WAC

- 434-257-010
- 434-257-020
- 434-257-030
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- Definitions.
- Standards for accessible polling places and permanent voter registration facilities.
- Use of public buildings as polling places.
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- Examination of inaccessible polling places.
- Accessible polling places—Exceptions.
- Procedures for inaccessible polling places.
- Accessible permanent voter registration facilities.
- Voting and registration instructions.
- Notice of accessibility.

WAC 434-257-010 Purpose. These regulations are adopted pursuant to RCW 29.57.170 to implement the provisions of chapter 29.57 RCW and the requirements of Public Law 98-435 regarding the accessibility of polling places and voter registration facilities for federal elections.

[98-08-010, recodified as § 434-257-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-010, filed 3/27/86.]

WAC 434-257-020 Definitions. As used in these regulations:

(1) "Accessible" means the combination of factors which create an environment free of barriers to the mobility or functioning of voters who are elderly or disabled. The environment consists of the routes of travel to and through buildings or facilities used for the purpose of voting or voter registration.

(2) "Alternative polling place" means an accessible location which could be used as a polling place in the event that the existing site is inaccessible and which is reasonably convenient to assigned voters as determined by the county auditor.

(3) "County auditor" means the county auditor or county election official.

(4) "Election" means any primary, special or general election for any federal office.

(5) "Federal election" means a primary, special or general election for the office of president, vice-president, United States senator or United States representative.

(6) "Permanent voter registration facilities" means any offices or other locations specifically required to provide voter registration services under chapter 29.07 RCW or the location of any deputy registrar appointed by the county auditor to serve for an indefinite period of time.

(7) "State of emergency" means any condition which, in the opinion of the county auditor and secretary of state, would interfere with the safe and efficient conduct of an election.

[98-08-010, recodified as § 434-257-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170, 86-08-045 (Order 86-02), § 434-57-020, filed 3/27/86.]

WAC 434-257-030 Standards for accessible polling places and permanent voter registration facilities. A polling place is accessible if each of the following standards is met or exceeded. If each of the following standards cannot be met, alternative accommodations may be permitted under RCW 29.57.090. A permanent voter registration facility is accessible if each of the following standards is met or exceeded, except in subsections 3 and 4 where the standard specifically applies to a polling place.

(1) **Parking.** Where off-street parking is provided, there is at least one existing or temporary parking place at a polling place designated for use on the day of the election by voters [on the day of the primary or election, for each nine hundred persons registered to vote at that polling place] whose vehicle displays a special card, decal or license plate as required by RCW 64.61.381 [46.16.381]. A polling place, where off-street parking is not available, is considered accessible only if there is no other equally accessible alternative polling place where off-street parking is available which would be suitable for a precinct or group of precincts. Where off-street parking is provided, there is at least one existing parking place at a permanent voter registration facility designated for use by persons who are elderly or disabled. The designated parking place(s) is in close proximity to the accessible entrance to the building containing the polling place or permanent voter registration facility and is no less than twelve feet six inches wide. The area surrounding the [designated] parking place(s) [for voters with disabilities] is a firm, stable surface and generally level, with a maximum slope in any direction of one inch in fifty inches. A slope of one inch in thirty inches in the area surrounding the designated parking place(s) is considered accessible only if all other potential polling places within [the] [a] precinct [or group of precincts] are not and cannot be made to meet this standard.

(2) **Accessible route of travel.** A continuous, unobstructed pathway exists from the accessible parking place(s), where provided, to and through the accessible building entrance and to the polling place or permanent voter registration facility. The accessible route of travel is a minimum of thirty-six inches of clear width and seventy-nine inches in clear height unless otherwise specified in these standards.

(a) **Walkways and ramps.** Walkways or ramps which occur within the accessible route of travel have a minimum clear width of forty-four inches, no abrupt edge over one-half inch in height, no grating with openings larger than one-half inch, and a maximum slope in the direction of travel less than one inch in twenty inches with a cross slope no more than one inch in fifty inches. The width of walkways and ramps may be thirty-six inches only in instances where it is impractical or unreasonable to provide forty-four inches. If the slope of the accessible route of travel is between one inch in twenty inches and one inch in twelve inches, a level five foot by five foot landing is provided for each thirty inches of rise. Ramps and curb cuts have a slope no more than one inch in twelve inches. Ramps one inch in twenty or steeper have handrails. Curb cuts have a clear width of thirty-six inches and side slopes no more than one inch in six inches.

(b) **Entrances.** The entrance to the building containing the polling place or permanent voter registration facility is at least thirty-two inches of clear width with a threshold no more than one-half inch in height. The entrance to the building containing a polling place with a threshold of one and one-half inches in height is considered accessible if there is no other equally accessible alternative polling place where the entrance with a threshold of one-half inch in height is available which would be suitable for a precinct or a group of precincts. There is a level, firm, stable and slip resistant surface at least fifty inches wide, at least eighteen inches of which is directly adjacent to the latch side of the door, and five feet deep on both the inside and outside of the door. If the entrance to the building containing the polling place remains in an open position during polling hours, the requirement for the eighteen inches adjacent to the latch side of the door does not apply. If the door is power operated, it is equipped with a time delay.

(c) **Interior corridors.** If the entrance to the building containing the polling place or permanent voter registration facility does not open directly to the polling place or permanent voter registration facility, there is an unobstructed route of travel from the entrance of the building to the entrance of the polling place or permanent voter registration facility which is at least forty-four inches wide. If there is an elevator on the only accessible route of travel, it is in close proximity to the entrance to the building, it has a minimum interior depth of forty-eight inches, the doors have at least thirty-two inches clear width, and the floor has a firm, stable surface.

(3) **Polling place.** There is seating and adequate, unobstructed space for reasonable movement of voters who are elderly or disabled within the polling place.

(4) **Voting equipment.** In polling places in which ballots are cast on voting machines or voting devices, there is at least one machine or device which is no higher than thirty inches with at least twenty-seven inches minimum height knee clearance under the machine, device or table for a seated person. Voters may also be provided with paper ballots and a voting booth with a horizontal surface which is no higher than thirty inches with at least twenty-seven inches minimum height knee clearance under the booth or table.

(5) **Illumination.** There is sufficient illumination at all points along the accessible route of travel and within the polling place or permanent voter registration facility.

(6) **Signs.** There are signs with large, high contrast lettering which identify any available accessible parking spaces and the accessible route of travel to the polling place or permanent voter registration facility if it is different from the primary route of travel to the polling place or permanent voter registration facility. Signs shall prominently display the international symbol of access as provided by RCW 70.92.120.

[98-08-010, recodified as § 434-257-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-030, filed 3/27/86. Statutory Authority: Chapter 29.57 RCW as amended by 1985 c 205. 85-18-003 (Order 85-3), § 434-57-030, filed 8/22/85.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 434-257-040 Use of public buildings as polling places. A county auditor may request the legislative authority of a county, municipality or special district for the use of their facility as a polling place when, in the judgment of the county auditor, that facility would provide a location that would best satisfy the requirements of chapter 29.57 RCW. The county auditor shall notify the secretary of state if authorization to use such a facility is not granted and no other accessible location is available.

[98-08-010, recodified as § 434-257-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-040, filed 3/27/86.]

WAC 434-257-050 Assistance from persons with disabilities. The secretary of state shall maintain a list of qualified persons from the disability community and other service organizations from which county auditors may seek assistance in reviewing sites.

[98-08-010, recodified as § 434-257-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-050, filed 3/27/86.]

WAC 434-257-070 Report of precincts and polling places. (1) No later than April 1 of each even-numbered year, each county auditor shall report to the secretary of state, on a form prescribed and provided by the secretary of state, a list of all precincts and assigned polling places within that county. This report shall specify those polling places which are inaccessible, a summary of the efforts to locate alternative polling places and any measures taken to temporarily modify existing inaccessible polling places.

(2) In 1986, the secretary of state may, on the request of a county auditor, extend the deadline of this report to no later than July 1.

(3) No later than thirty days before the next election in an even-numbered year, a county auditor shall notify the secretary of state of any changes in polling place locations. No changes in polling place locations may be made after that time except where it has been determined that a state of emergency exists.

(2001 Ed.)

[98-08-010, recodified as § 434-257-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-070, filed 3/27/86.]

WAC 434-257-080 Examination of inaccessible polling places. (1) No later than July 1 in each even-numbered year, or August 1, 1986 when the reporting deadline has been extended, the secretary of state shall review the reports of polling places submitted by each county auditor. The secretary of state shall verify that every effort has been made to locate alternative polling places for each inaccessible polling place and shall check each inaccessible polling place to verify its inaccessibility.

(2) Any polling place for which a report has not been submitted shall be considered inaccessible and shall not be used in an election unless it has been determined that a state of emergency exists.

[98-08-010, recodified as § 434-257-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-080, filed 3/27/86.]

WAC 434-257-090 Accessible polling places—Exceptions. An inaccessible polling place shall not be used in federal elections unless the following conditions have been met:

(1) The secretary of state has reviewed and verified the inaccessible polling place, that a reasonable effort has been made to locate an alternative polling place and that measures to temporarily modify the existing polling place are not feasible, and

(2) The registered voters assigned to such an inaccessible polling place have been notified as required, or

(3) It has been determined that a state of emergency exists.

[98-08-010, recodified as § 434-257-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-090, filed 3/27/86.]

WAC 434-257-100 Procedures for inaccessible polling places. (1) No later than thirty days before a special election for a federal office or a primary in each even-numbered year, the county auditor shall mail a notice to each registered voter assigned to an inaccessible polling place which has been authorized for use under these rules and shall contain the following information:

(a) The polling place for that precinct is inaccessible, for the election or elections indicated in the notice, according to the accessibility standards established for voters who are elderly and disabled. The extent and nature of inaccessibility shall be specified.

(b) No later than twenty days before the election or elections indicated in the notice, voters who are elderly or disabled may request to be assigned to an alternative polling place as listed in the notice, or may request to vote by absentee ballot.

(c) An absentee ballot request form or instructions for requesting an absentee ballot for the specific election or elections indicated in the notice.

(2) Subsequent to the transmittal of a notice under (1) of this section and no later than thirty days before the next election, the county auditor shall also notify any person who reg-

isters to vote and is assigned to a precinct for which the polling place is inaccessible.

(3) The county auditor shall make the following accommodations in voting procedures necessary to allow the use of alternative polling places by voters who are elderly and disabled:

(a) The county auditor shall assemble election materials for voters who request to vote at an alternative polling place. The following materials shall be separated according to the precinct in which the voters are registered and placed into an envelope which clearly identifies that precinct:

(i) A poll book or precinct list which contains the names of only those voters from that precinct assigned to the alternative polling place;

(ii) A ballot for each voter from the precinct in which that voter is registered;

(iii) An envelope for voted ballots which is clearly marked "Ballots for Precinct from Alternative Polling Place for Elderly and Disabled Voters";

(iv) Instructions for the precinct election officers.

(b) The procedures for voting and ballot tabulation for all ballots cast by a voter who is elderly or disabled at an alternative polling place shall be as follows:

(i) The voter shall be given a ballot from the precinct in which that voter is registered and contains all the issues and candidates for which that voter is legally qualified to vote. For lever machine precincts, the voter shall be provided with an appropriate paper ballot.

(ii) After the voter has cast his or her ballot, the ballot shall be placed in a separate ballot box or an envelope designated for ballots cast in an alternative polling place.

(iii) Following the close of the polls, ballots shall be transmitted in the designated envelopes to the county auditor's office. Within each county, all ballots cast at alternative polling places shall be canvassed and reported by legislative district separately from absentee or question ballots.

[98-08-010, recodified as § 434-257-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-100, filed 3/27/86.]

WAC 434-257-120 Accessible permanent voter registration facilities. Each county auditor shall provide a reasonable number of accessible permanent voter registration facilities. Each county auditor shall report to the secretary of state, on a form provided by the secretary of state, a list and address of all permanent voter registration facilities. This list shall identify those facilities which meet the accessibility standards as provided in these rules. Each county auditor shall submit this list with the report of polling places. The secretary of state shall review such lists and determine if the number of accessible permanent voter registration facilities is adequate to meet the needs of persons who are elderly or disabled. If the secretary of state determines that the number of facilities is inadequate, he or she shall notify the county auditor and request additional facilities be provided.

[98-08-010, recodified as § 434-257-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-120, filed 3/27/86.]

[Title 434 WAC—p. 96]

WAC 434-257-130 Voting and registration instructions. Each county auditor shall conspicuously display voting instructions, printed in at least 16-point bold type, at each polling place on the day of the election. Each county auditor shall also conspicuously display registration instructions, printed in at least 16-point bold type, at each permanent voter registration facility.

[98-08-010, recodified as § 434-257-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-130, filed 3/27/86.]

WAC 434-257-150 Notice of accessibility. Each county auditor shall include a list of polling places, indicating those polling places which are accessible according to the standards for voters who are elderly or disabled, in the notice of election published under RCW 29.27.030 and 29.27.080.

[98-08-010, recodified as § 434-257-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.57.170. 86-08-045 (Order 86-02), § 434-57-150, filed 3/27/86.]

Chapter 434-260 WAC ELECTION REVIEW PROCESS AND CERTIFICATION OF ELECTION ADMINISTRATORS (Formerly chapter 434-60 WAC)

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-260-070	Frequency of scheduled reviews. [98-08-010, recodified as § 434-260-070, filed 3/18/98, effective 3/18/98. Stat-
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(2001 Ed.)

- utory Authority: RCW 29.60.020. 93-18-053, § 434-60-070, filed 8/30/93, effective 9/30/93.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
- 434-260-180 Appeal from scheduled review report. [98-08-010, recodified as § 434-260-180, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-180, filed 8/30/93, effective 9/30/93.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
- 434-260-210 Intent. [98-08-010, recodified as § 434-260-210, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-210, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
- 434-260-215 Definitions. [98-08-010, recodified as § 434-260-215, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-215, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
- 434-260-230 Certification credit system. [98-08-010, recodified as § 434-260-230, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-230, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
- 434-260-250 Experience as an election administrator, or as a deputy election administrator. [98-08-010, recodified as § 434-260-250, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-250, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
- 434-260-270 Participation in conferences and workshops. [98-08-010, recodified as § 434-260-270, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-270, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
- 434-260-280 Formal education. [98-08-010, recodified as § 434-260-280, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-280, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.
- 434-260-290 Participation in other education activities. [98-08-010, recodified as § 434-260-290, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-290, filed 3/8/94, effective 4/8/94.] Repealed by 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

WAC 434-260-010 Intent. It is the intent of this chapter to provide procedures to be followed in the conduct of election reviews and procedures to be followed for the certification and training of election administrators and assistant election administrators, and the training of county canvassing board members, and election observers as required by chapter 29.60 RCW.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-010, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-010, filed 8/30/93, effective 9/30/93.]

WAC 434-260-020 Definitions. As used in this chapter:

(1) "Election review" means the process of examining all or a part of a county's election policies and procedures and includes the review of any documentation of those procedures;

(2) "Election review staff" means the person or persons employed by the secretary of state for the purpose of conducting election reviews;

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(3) "Special election review" means an election review conducted in a county or counties whenever the unofficial returns of a primary or election indicate that a mandatory recount is likely in a race for the state legislature, congress, or state-wide office;

(4) "Preliminary review report of findings and recommendations" means that draft report made by the election review staff to the county auditor and which contains any recommendations made by the review staff and a preliminary conclusion regarding the county's election procedures;

(5) "Draft election review report" means that report made by the election review staff to the county auditor and the designated members of the county canvassing board. The auditor and/or county canvassing board may respond to the draft election review report in writing and/or may appeal the report to the election administration and certification board.

(6) "Final election review report" means that report made by the election review staff which contains a copy of the recommendations made by the review staff, any response to those recommendations made by the county auditor or the county canvassing board, and a conclusion written by the staff;

(7) "Special review recommendations" means recommendations made by the review staff to the county auditor and the county canvassing board following the conduct of any special review;

(8) "County auditor designee" is that person designated by the county auditor to participate in the review process, pursuant to the provisions of RCW 29.60.080. Such a designee must be certified as required by chapter 29.60 RCW.

(9) "Election administrator" means the person or persons appointed by the county auditor to election management positions as required by RCW 36.22.220 and the state director of elections, assistant directors of elections, certification and training program staff members, and any other secretary of state election division employees designated by the director of elections;

(10) "Assistant election administrator" means any person involved in the administration of elections at the state or county level who has been designated as an assistant election administrator by the state director of elections or the county auditor as applicable;

(11) "County canvassing board members" means those officers designated as such pursuant to the provision of RCW 29.62.015;

(12) "Election observers" means those persons designated by the county political party central committee chair person to observe the counting of ballots and related elections procedures;

(13) "Election administration and certification board" means that board created pursuant to the provisions of RCW 29.60.010;

(14) "Creditable training hours" means each creditable training hour contemplated in WAC 434-260-230 and shall consist of a minimum of fifty minutes of instructional activity programmed for the purpose of mastering information beneficial to the performance of the duties of administering elections.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-020, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-020, filed

3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-020, filed 8/30/93, effective 9/30/93.]

WAC 434-260-030 Scheduled reviews—Auditor request. Not later than July 1, any county auditor may request that the secretary of state designate his or her county for an election review. The secretary of state shall, whenever practical, honor that request.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-030, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-030, filed 8/30/93, effective 9/30/93.]

WAC 434-260-040 Election reviews—Secretary of state to designate. Not later than August 1 the secretary of state shall notify, in writing, the counties selected for an election review. The notification may include tentative dates for the conduct of the reviews. Whenever possible, election reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor, except that those parts of the review process dealing with the actual conduct and canvassing of the election itself must be conducted between election day and the certification of the election returns. In designating counties to be reviewed, the secretary shall take into consideration any complaints filed with his or her office pursuant to the provisions of RCW 29.60.070 (1)(b).

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-040, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-040, filed 8/30/93, effective 9/30/93.]

WAC 434-260-050 Notice of review. Whenever any election review is to be held in a county, the secretary of state shall provide written notice to the county auditor and to the chairs of the state committees of any major political party of the date and time the review is scheduled to begin. Notice for scheduled reviews shall be provided at least thirty days in advance of the review. Notice of a special review shall be provided to the county auditor and the political party chairs, by telephone or by electronic facsimile transmission, not later than twenty-four hours after the determination has been made to conduct the special review.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-050, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-050, filed 8/30/93, effective 9/30/93.]

WAC 434-260-060 Notification of review process. At least five days prior to an election review, or as soon as possible prior to a special review, the review staff shall notify the county auditor of the number of persons conducting the review, any policies and procedures of special interest, and of any needs incidental to their review. The county auditor will provide adequate working accommodations, and copies of any county election policies or procedures, at the time scheduled for the review. Review staff will make every effort to minimize any disruption to the normal work of the county during the review process.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-060, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-060, filed

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3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-060, filed 8/30/93, effective 9/30/93.]

WAC 434-260-080 Special review—Legislative district race. A special review shall be conducted in any legislative district contained entirely within one county whenever the unofficial returns from a legislative race indicate that a mandatory recount is likely. Such a review may be as extensive as an election review or may, at the secretary of state's discretion, concentrate only on those aspects of the election process dealing with ballot accountability, audit trail procedures, and ballot security. In any legislative district encompassing more than one county where the unofficial returns indicate that a mandatory recount is likely for a legislative district race, the secretary of state may direct a partial review in each county or may prioritize the review process. In prioritizing the review process, the secretary shall take into consideration the following factors:

(1) The date and results of the last election review held in each county;

(2) Any request from a county auditor for a special review;

(3) Any written complaints filed with the secretary pursuant to the provisions of RCW 29.60.070 (1)(b);

(4) Any written complaints, from any resident of the county regarding the specific election in question;

(5) Any media stories or reports alleging election irregularities with respect to the election in question;

(6) The date on which the determination is made that a special review is required.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-080, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-080, filed 8/30/93, effective 9/30/93.]

WAC 434-260-090 Special review of congressional or statewide races. In conducting special reviews for congressional or statewide offices, the secretary of state may prioritize the review process, using the same criteria as is used in prioritizing special reviews in joint legislative districts.

[98-08-010, recodified as § 434-260-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-090, filed 8/30/93, effective 9/30/93.]

WAC 434-260-100 Expense of reviews. The expenses of reviews, including review staff salaries and travel expenses, will not be charged to the county being reviewed. However reasonable and necessary office expenses incidental to the review process, such as copying charges, computer printouts, and telephones, will be provided by the county being reviewed.

[98-08-010, recodified as § 434-260-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-100, filed 8/30/93, effective 9/30/93.]

WAC 434-260-110 Election review checklist. The secretary of state shall develop an election review checklist, which shall be the basis for any election review and which shall also serve, in whole or in part, as the basis for any special review. The checklist shall be provided to every county

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auditor and to the chairs of the state central committees of each major political party. The checklist shall be provided to any other person requesting it at actual reproduction cost.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-110, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-110, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-110, filed 8/30/93, effective 9/30/93.]

WAC 434-260-120 Adoption of election review checklist. The election administration and certification board shall approve, by majority vote, the checklist to be used and additionally shall, in conjunction with the office of the secretary of state, adopt rules to cover those checklist activities not currently mandated by either statute or rule.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-120, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-120, filed 8/30/93, effective 9/30/93.]

WAC 434-260-130 Preliminary review report of findings and recommendations. As soon as practical, but in any event not later than sixty days following the certification of the election, the review staff shall issue a preliminary review report of a findings and recommendations. The report shall be made to the county auditor.

The preliminary review report of findings and recommendations is exempt from public inspection and copying, as provided by RCW 42.17.310.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-130, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-130, filed 8/30/93, effective 9/30/93.]

WAC 434-260-140 Draft election review report. As soon as practicable, but in any event not later than thirty days after the issuance of the preliminary report of findings and recommendations, the review staff shall issue a draft of the election review report to the county auditor and the designated members of the county canvassing board as provided in RCW 29.62.015, and shall include, but not be limited to, the following:

- (1) A narrative description of recommendations made by the review staff;
- (2) Any other information the review staff deems pertinent;
- (3) A preliminary conclusion/evaluation of the county's election procedures.

The draft election review report is exempt from public inspection and copying, as provided by RCW 42.17.310.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-140, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-140, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-140, filed 8/30/93, effective 9/30/93.]

WAC 434-260-145 Response to draft election review report. The county auditor and/or county canvassing board shall have the right to respond, in writing, to the draft election review report. Such response shall be submitted to the review staff not later than ten days following the issuance of the draft election review report.

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Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor. In the event the review recommendations are modified or amended, only the final recommendations and any response by the county shall be made available for inspection and copying.

Any county auditor or other member of the county canvassing board may appeal the recommendations or the conclusion of any draft election review report to the election administration and certification board. Any appeal must be in writing, must detail specific exceptions made to the draft election review report, and must be filed with the board not later than thirty days following the issuance of the report.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-145, filed 5/19/99, effective 6/19/99.]

WAC 434-260-150 Final election review report. As soon as practicable, but in any event not later than forty-five days after the issuance of the draft election review report, the review staff shall issue a final election review report. The report shall be made to the county canvassing board, and shall include, but not be limited to, the following:

- (1) A narrative description of any general observations by the review staff;
- (2) A narrative description of any recommendations made by the review staff;
- (3) A response by the county auditor or the county canvassing board, if any;
- (4) A conclusion by the review staff. A copy of the final review report shall be provided to the chairperson of the election administration and certification board and a copy shall also be kept on file by the secretary of state.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-150, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-150, filed 8/30/93, effective 9/30/93.]

WAC 434-260-160 Special review recommendations. After conducting a special review, the review staff shall make any recommendations to the county auditor and the county canvassing board that they deem necessary to minimize the possibilities of any administrative errors being made either prior to or during the conduct of a mandatory recount. Such recommendations shall be made orally to the county auditor not later than twenty-four hours in advance of the conduct of a mandatory recount. A draft report of findings and recommendations shall be issued to the county auditor and the other members of the canvassing board not later than ten working days after the completion of the mandatory recount.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-160, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-160, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-160, filed 8/30/93, effective 9/30/93.]

WAC 434-260-170 Distribution of special review recommendations and response. The county auditor and the county canvassing board may respond in writing to any recommendations made by the review staff. Such response shall not be made later than fifteen working days after the completion of the mandatory recount. The review staff shall, after

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the county auditor and county canvassing board have had an opportunity to respond, provide a copy of its recommendations and any response to any person requesting them at actual reproduction costs. Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor or county canvassing board. In the event the special review recommendations are modified or amended, only the final recommendations and any response by the county shall be made available for inspection and copying. In the event that the review staff does not modify or amend the draft recommendations within sixteen working days from the completion of the mandatory recount, the draft recommendations shall be considered to be final recommendations and shall be made available for inspection and copying. A copy of the special review recommendations and any response shall be provided to the chairperson of the election administration and certification board and a copy shall also be kept on file by the secretary of state.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-170, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-170, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-170, filed 8/30/93, effective 9/30/93.]

WAC 434-260-190 Processing of appeal. Within thirty days of an appeal being filed, the election administration and certification board shall meet to consider the appeal. The board may request that the county auditor, the review staff, or any other persons they deem appropriate, appear before them and assist them in their consideration of the appeal. The board shall have access to all written material prepared by the review staff, including a copy of the preliminary election review report and draft review report. The board, by majority vote, may accept the draft report, may modify all or part of the draft report, or may reject the report in total. In the event the board rejects the report, they shall direct that a new review be conducted and shall detail, in writing, the reasons for rejecting the original report. The board shall issue a written summary of its findings following any consideration of any appeal. The summary shall include the minutes of any meeting of the board to consider the appeal, a summary of the testimony of any witnesses appearing before them, and the reasons for any decision made.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-190, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-190, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-190, filed 8/30/93, effective 9/30/93.]

WAC 434-260-200 Standards for evaluating appeals. In determining whether or not an appeal filed pursuant to RCW 29.60.070 and WAC 434-260-160 should be upheld and the final scheduled review report either modified or set aside, the election administration and certification board shall consider the following factors:

(1) Whether or not the course of action or activity recommended by the review staff is required by federal or state law or by administrative rule;

(2) Whether or not the findings or the course of action or activity recommended by the review staff enhances the standardization and uniformity of election practices and procedures throughout the state;

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(3) Whether or not the findings or the course of action or activity recommended by the review staff enhances the security or integrity of the ballots or the ballot counting process;

(4) Whether or not the course of action or activity recommended by the review staff would cause unnecessary hardship or expense to the county making the appeal.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-200, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-200, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 93-18-053, § 434-60-200, filed 8/30/93, effective 9/30/93.]

CERTIFICATION OF ELECTION ADMINISTRATORS

WAC 434-260-220 Certification of election administrators. Election administrators shall become certified upon completion of the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Two years' service as an election administrator;

(3) Taking and passing the open book written test described in WAC 434-60-260;

(4) A minimum of forty hours participation in conferences and workshops involving elections related subjects or subjects approved by the election administration and certification board and sponsored by:

(a) Washington Association of County Auditors;

(b) Secretary of state;

(c) The Elections Center;

(d) Visiting other county election departments for training and/or orientation purposes (maximum four hours);

(e) The Federal Election Commission;

(f) Other national associations related to elections or government administration, approved by the Election Administration and Certification Board; or

(g) Other conferences or courses approved by the Election Administration and Certification Board.

(5) A high school diploma or its equivalent.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-220, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-220, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-220, filed 3/8/94, effective 4/8/94.]

WAC 434-260-225 Certification of assistant election administrators. Assistant election administrators shall become certified upon completion of the following:

(1) The secretary of state's mandatory orientation course;

(2) Two years service in election administration;

(3) Passing the open book test described in WAC 434-260-260;

(4) A minimum of twenty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4);

(5) A high school diploma or equivalent.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-225, filed 5/19/99, effective 6/19/99.]

WAC 434-260-235 Recertification of assistant election administrators as election administrators. Any person who is certified as an assistant election administrator may

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become certified as an election administrator upon completion of the following:

(1) Two years service in an election management position, as defined by the county auditor or the state director of elections;

(2) Minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4).

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-235, filed 5/19/99, effective 6/19/99.]

WAC 434-260-240 Mandatory orientation. (1) All election administrators and assistant election administrators shall, within eighteen months of undertaking those responsibilities, attend a mandatory orientation workshop sponsored by the secretary of state to be eligible for certification. Mandatory orientation workshops will be offered for new election administrators and deputy election administrators annually.

(2) Mandatory orientation will consist of twelve hours of training in election-related subjects.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-240, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-240, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-240, filed 3/8/94, effective 4/8/94.]

WAC 434-260-260 Open book written test. The certification and training program will prepare an open book written test on Title 29 RCW, Title 434 WAC, the Washington state Constitution, and other applicable state and federal election laws to be given annually to candidates for certification as election administrators or assistant election administrators.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-260, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-260, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-260, filed 3/8/94, effective 4/8/94.]

WAC 434-260-300 Maintaining certification as an election administrator. After attaining initial certification the election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of:

(1) Continuous service as an election administrator during the year for which maintenance is required;

(2) Participation in an annual minimum of eighteen hours of continuing education. This training may be received at any election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in election workshops or conferences, election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-300, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-300, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-300, filed 3/8/94, effective 4/8/94.]

WAC 434-260-305 Maintaining certification as an assistant election administrator. After attaining initial certification (2001 Ed.)

tification the assistant election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of participation in an annual minimum of six hours of continuing education. This training may be received at an election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for workshops and conferences, election administrators may also receive credit for visiting other county election departments for training purposes and any other training approved by the elections administration and certification board.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-305, filed 5/19/99, effective 6/19/99.]

WAC 434-260-310 Application for initial certification and maintenance of certification. The secretary of state shall, not later than July 1 of each year, distribute certification application forms to the county auditors. The county auditor in each county shall, not later than December 1 of each year, submit an application for certification for each employee for whom certification is requested.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-310, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-310, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-310, filed 3/8/94, effective 4/8/94.]

WAC 434-260-320 Training program for county canvassing board members. The secretary of state shall prepare a training program for county canvassing board members. The training shall be made available on an annual basis.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-320, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-320, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-320, filed 3/8/94, effective 4/8/94.]

WAC 434-260-330 Training program for election observers. The secretary of state elections division shall prepare a training program for officially designated political party election observers. The training shall be made available upon receipt of a request, in writing, from the chair of the state central committee of any major political party. The training offered by this section does not replace the mandatory training for political party observers required by RCW 29.33.340.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-330, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-330, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-330, filed 3/8/94, effective 4/8/94.]

WAC 434-260-340 Training video tapes available. The secretary of state shall make copies of any available training videos to any person eligible for certification. Persons requesting videos may request full or partial certification credit from the administration and certification board.

[Statutory Authority: RCW 29.60.020. 99-12-004, § 434-260-340, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-340, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. 94-07-018, § 434-60-340, filed 3/8/94, effective 4/8/94.]

WAC 434-260-350 Approval of training programs. All training programs referenced in these rules may be sub-

ject to review by the election administration and certification board. Such review shall be only for the purpose of determining whether the training satisfies requirements for certification.

[Statutory Authority: RCW 29.60.020, 99-12-004, § 434-260-350, filed 5/19/99, effective 6/19/99; 98-08-010, recodified as § 434-260-350, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, 94-07-018, § 434-60-350, filed 3/8/94, effective 4/8/94.]

Chapter 434-261 WAC COUNTING CENTER PROCEDURES (Formerly chapter 434-61 WAC)

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—Optical scan systems.
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 an optical scan 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 and 29.04.210, 99-08-089, § 434-261-005, filed 4/6/99, effective 5/7/99. 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

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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

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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 initialled 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

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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—Optical scan systems. 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 and 29.04.210. 99-08-089, § 434-261-080, filed 4/6/99, effective 5/7/99. 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.]

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Chapter 434-262 WAC
CANVASSING AND CERTIFICATION OF
PRIMARIES AND ELECTIONS
(Formerly chapter 434-62 WAC)

WAC

434-262-005	Authority and purpose.
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434-262-050	Errors or discrepancies discovered during the verification of the auditor's abstract of votes.
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434-262-180	Tabulation of ballots to be continuous—Exception.
434-262-190	Canvassing board—Opening ballot container.
434-262-200	Retention of records.

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.]

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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 state legis-

lative and judicial 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, 00-10-010, § 434-262-080, filed 4/21/00, effective 5/22/00. 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.]

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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 statewide offices, for those state legislative and judicial 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, 00-10-010, § 434-262-110, filed 4/21/00, effective 5/22/00. 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 state legislative and judicial 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, 00-10-010, § 434-262-120, filed 4/21/00, effective 5/22/00. 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.]

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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 preceding primary. If a write-in declaration of candidacy has been filed, the voter need only write in that candidate's name in order for the vote to be counted. If no declaration of write-in candidacy has been filed, the voter must write in the name of the candidate, the political party, if applicable, and if the office and/or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

[Statutory Authority: 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 con-

tained 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 prac-

tical 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 434-291 WAC

SPECIAL ELECTIONS FOR MAJOR PUBLIC ENERGY PROJECT BOND MEASURES

(Formerly chapter 434-91 WAC)

WAC

434-291-010	Purpose.
434-291-020	Submission of a preliminary and a final cost-effectiveness study of a major public energy project.
434-291-030	Request for an election pursuant to RCW 80.52.040.
434-291-040	Designation of the bond issue on the ballot.
434-291-050	Ballot title.
434-291-060	Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title.
434-291-070	Actions to contest contents of the ballot title or summary of the final cost-effectiveness study.
434-291-080	Certification of the request for a special election to the county auditors.
434-291-090	Recommendations for committees to draft statements for the voters pamphlet.
434-291-100	Appointment of committees.
434-291-110	Advisory committees.
434-291-120	Submission of arguments and rebuttals.
434-291-130	Permissible costs in allocation of election expenses.
434-291-140	Allocation of costs.
434-291-150	Documentation of charges for proportional share of election costs.
434-291-160	Proportional costs of voters pamphlet and other costs to the secretary of state.
434-291-170	Reimbursement to counties for proportional share of election costs.

WAC 434-291-010 Purpose. The regulations in this chapter are adopted to implement the special election provisions of chapter 6, Laws of 1981 2nd ex. sess. (Initiative Measure 394) and chapter 88, Laws of 1982, in a manner rea-

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sonably consistent with the laws and procedures for referring initiatives, referendums, and constitutional amendments at a state general election.

[98-08-010, recodified as § 434-291-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-010, filed 5/25/82.]

WAC 434-291-020 Submission of a preliminary and a final cost-effectiveness study of a major public energy project. (1) Any public agency which intends to hold a special election pursuant to RCW 80.52.040 shall file with the secretary of state a preliminary, independent cost-effectiveness study of the project under consideration. This study shall be available for public inspection, review, and copying as provided by WAC 434-12A-040 through 434-12A-140.

(2) Any person who wishes to comment on the contents and conclusions of the preliminary cost-effectiveness study shall submit such comments in writing to the secretary of state no later than thirty days after the preliminary cost-effectiveness study was filed with the secretary of state. Copies of all such comments shall be promptly forwarded to the public agency which filed the preliminary cost-effectiveness study.

(3) After the thirty day period for public comment has expired, the public agency shall prepare a final draft of the cost-effectiveness study which includes any public comment on the preliminary draft of that study. The final cost-effectiveness study and a summary of the final cost-effectiveness study shall be filed with the secretary of state no later than the date on which the public agency requests a special election pursuant to RCW 80.52.040.

[98-08-010, recodified as § 434-291-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-020, filed 5/25/82.]

WAC 434-291-030 Request for an election pursuant to RCW 80.52.040. Any public agency which desires to hold a special election pursuant to RCW 80.52.040 shall submit to the secretary of state a certified copy of the ordinance, resolution, order, or other evidence of legislative action requesting such an election and specifying:

(1) The name, location, and type of major public energy project, expressed in common terms;

(2) The dollar amount and type of bonds being requested;

(3) If the bond revenues are intended to finance the acquisition of all or a portion of a major public energy project, the anticipated total cost of the acquisition of the project;

(4) If the bond revenues are intended to finance the planning or construction of all or a portion of a major public energy project, the anticipated total cost of construction of the project;

(5) The projected average rate increase for consumers of the electricity to be generated by the project (that amount necessary to repay the total indebtedness incurred for the project, including estimated interest);

(6) A summary of the final cost effectiveness study as required by RCW 80.52.050(4);

(7) The anticipated functional life of the project;

(8) The anticipated decommissioning costs of the project;

(9) The reasons for requesting a special election; and

(10) If the applicant is a joint operating agency, a list of all of the participating public agencies which are a part of that joint operating agency and the names of the counties which contain all or parts of each of these public agencies.

[98-08-010, recodified as § 434-291-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-030, filed 5/25/82.]

WAC 434-291-040 Designation of the bond issue on the ballot. When a public agency submits a request for a special election pursuant to RCW 80.52.040, the secretary of state shall sequentially number each bond measure to appear on the ballot, beginning with the number "101," and shall designate each bond measure with the title, "Major Public Energy Project Bond Measure" to distinguish it from other major public energy project bond measures and from other types of state measures. Such measure may be further designated on the ballot and in connection with the voters pamphlet arguments for and against the measure by any project name or number by which it is publicly known and identified.

[98-08-010, recodified as § 434-291-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-040, filed 5/25/82.]

WAC 434-291-050 Ballot title. Within seven days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the attorney general shall prepare and file with the secretary of state a ballot title for each major public energy project bond measure formulated as required by RCW 80.52.060.

[98-08-010, recodified as § 434-291-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-050, filed 5/25/82.]

WAC 434-291-060 Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title. The secretary of state shall furnish copies of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title promptly upon receipt to any individual who has submitted a written request for such notification.

[98-08-010, recodified as § 434-291-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-060, filed 5/25/82.]

WAC 434-291-070 Actions to contest contents of the ballot title or summary of the final cost-effectiveness study. Any registered voter may appeal to the superior court of Thurston County to review the contents of the ballot title or the summary of the final cost-effectiveness study on a major public energy project bond measure up to ten days following the filing of such document with the secretary of state. Such appeals shall be conducted in the same manner as appeals of ballot titles on initiatives as provided in RCW 29.79.060.

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[98-08-010, recodified as § 434-291-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-070, filed 5/25/82.]

WAC 434-291-080 Certification of the request for a special election to the county auditors. Within ten days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall certify the title of the measure and the ballot title to the county auditor in each county containing a portion of the public agency requesting the election.

[98-08-010, recodified as § 434-291-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-080, filed 5/25/82.]

WAC 434-291-090 Recommendations for committees to draft statements for the voters pamphlet. Any person who wishes to be appointed to serve on a committee to draft the arguments in favor of or in opposition to a major public energy project bond measure or any person who wishes to recommend any individual to serve on such a committee may submit such request or recommendation in writing to the secretary of state up to ten days following the receipt of a request to hold a special election pursuant to WAC 434-91-030.

[98-08-010, recodified as § 434-291-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-090, filed 5/25/82.]

WAC 434-291-100 Appointment of committees. Within fifteen days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall appoint a committee of three persons to write the arguments and rebuttals in favor of the major public energy project bond measure and a committee of three persons to write the arguments and rebuttals in opposition to the major public energy project bond measure. The secretary of state shall designate one of the members of each committee to serve as the chairperson of that committee.

[98-08-010, recodified as § 434-291-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-100, filed 5/25/82.]

WAC 434-291-110 Advisory committees. The persons appointed to a committee to write arguments and rebuttals on a major public energy project may, within fifteen days of their appointment, select an advisory committee of up to five persons to assist them in drafting the arguments and rebuttals on that measure. The names of the members of the advisory committee shall be certified to the secretary of state by the chairperson of that committee within three days of their selection.

[98-08-010, recodified as § 434-291-110, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-110, filed 5/25/82.]

WAC 434-291-120 Submission of arguments and rebuttals. At least sixty days prior to the special election on the major public energy project bond measure, each committee appointed pursuant to WAC 434-91-100 shall submit an

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argument for or against that measure to the secretary of state in the form and style prescribed for other voters pamphlet statements in WAC 434-81-060 through 434-81-070. As soon as both arguments on a major public energy bond measure have been received, the secretary of state shall transmit each argument to the opposing committee. At least fifty days prior to the special election on the major public energy project bond measure, each committee shall submit a rebuttal of the opposing argument in the form and style prescribed for other voters pamphlet rebuttals in WAC 434-81-060 through 434-81-070.

[98-08-010, recodified as § 434-291-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-120, filed 5/25/82.]

WAC 434-291-130 Permissible costs in allocation of election expenses. County auditors may include in the election costs to be allocated pursuant to RCW 29.04.047 [29.13.047] any of the following types of charges:

(1) Salaries, wages, and benefits for precinct officers and part-time or temporary employees whose responsibilities are directly attributable to the election, and for that portion of the time of regular employees (other than the county auditor) which is directly attributable the election;

(2) Supplies specifically required for the election, including stationery, forms, other office supplies, and items for the repair and maintenance of equipment;

(3) Telephone and postage costs which are directly attributable to the election;

(4) Cartage or freight charges for moving or delivering voting machines, voting devices, voting booths, or delivery of precinct supplies and travel expenses for delivery of precinct returns;

(5) Legal notices and published instructions in connection with the election, closing of registration, or canvassing;

(6) Printing of ballots, poll books, tally books, instructions, signs, and other precinct supplies;

(7) Repairs and maintenance of voting and vote tallying equipment;

(8) Rentals for polling places and storage facilities for voting machines or devices;

(10) Depreciation for voting equipment so long as such charges over the useful life of such equipment do not exceed the original value of the equipment;

(11) That portion of the overhead cost of buildings or office space which is equal to the total of such costs multiplied by the ratio of the number of employee hours directly attributable to the major public energy project bond measure and the total number of employee hours for that office;

(12) Data processing costs for programming related to the election and for machine time for program testing, and vote tallying.

[98-08-010, recodified as § 434-291-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-130, filed 5/25/82.]

WAC 434-291-140 Allocation of costs. The portion of total election costs in each county which shall be allocated to the public agency requesting a special election pursuant to RCW 80.52.040 shall be equal to the total cost of conducting

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that election multiplied by a quotient the numerator of which is the product of the number of registered voters in that county eligible to vote on the major public energy project bond measure or measures and the number of such measures submitted at that election and the denominator of which is the sum of the products of the number of registered voters in each jurisdiction for which candidates or measures appeared on the ballot at that election and the number of offices or issues attributable to that jurisdiction.

[98-08-010, recodified as § 434-291-140, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-140, filed 5/25/82.]

WAC 434-291-150 Documentation of charges for proportional share of election costs. The county auditor of each county in which a major public energy project bond measure appeared on the ballot shall submit to the secretary of state a summary of the total cost of the election in that county, a description of the allocation of that cost among the jurisdiction participating in that election and an invoice voucher for the proportional share of those costs attributable to the major public energy bond measure or measures. The secretary of state shall review and audit all such claims and combine them into one or more billings for the public agency which requested the election.

[98-08-010, recodified as § 434-291-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-150, filed 5/25/82.]

WAC 434-291-160 Proportional costs of voters pamphlet and other costs to the secretary of state. The secretary of state may include in the election costs to be allocated pursuant to RCW 80.52.050(5) any of the following types of charges:

(1) That portion of the salaries, wages, and benefits for regular employees (other than the secretary of state) and part-time or temporary employees which is directly attributable to the preparation and distribution of the voters pamphlet or other aspects of the administration and conduct of the major public energy project bond election;

(2) That portion of the cost of office supplies, equipment, telephones, postage, freight, travel, and data processing which is equal to the total of such costs multiplied by the ratio of the number of employee hours of the employees of the administrative division and the elections division of the office of the secretary of state directly attributable to the major public energy project bond measure and the total number of employee hours for such employees over the same period of time;

(3) That portion of the costs of typesetting, composition, printing, postage, and distribution of the voters pamphlet which is equal to the total of such costs multiplied by the ratio of the number of pages of the pamphlet directly attributable to the major public energy project bond measure and the total number of pages in the pamphlet; and

(4) The costs of any litigation related to the administration and conduct of a special election on a major public energy project bond measure other than for such actions which have been commenced prior to July 1, 1982.

The secretary of state shall include a detailed summary of any costs attributable to the major public energy project bond measure in one or more of the billings for the public agency which requested the election.

[98-08-010, recodified as § 434-291-160, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-160, filed 5/25/82.]

WAC 434-291-170 Reimbursement to counties for proportional share of election costs. Upon receipt of payment by the applicant, the secretary of state shall disburse the appropriate amounts to each county in the same manner as election costs are reimbursed pursuant to RCW 29.13.047.

[98-08-010, recodified as § 434-291-170, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. 82-12-022 (Order 82-1), § 434-91-170, filed 5/25/82.]

Chapter 434-324 WAC

MAINTENANCE OF VOTER REGISTRATION RECORDS ON ELECTRONIC DATA PROCESSING SYSTEMS

(Formerly chapter 434-24 WAC)

WAC

434-324-010	Contents of computer file of registered voters.
434-324-015	Uniform control number.
434-324-020	County codes.
434-324-025	Precinct codes.
434-324-030	Taxing district codes.
434-324-035	Maintenance of recent voting record.
434-324-050	Basic voter registration form.
434-324-060	Transmittal of signature cards to the secretary of state.
434-324-065	Exemption of transmittal of signature cards to the secretary of state.
434-324-085	Notice of new registration or transfer.
434-324-095	Cancellation due to death.
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.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-324-105	Notification of cancellation. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-105, filed 1/13/98, effective 2/13/98; 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.] Repealed by 99-08-089, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080 and 29.04.210.
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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.]

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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 designate 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, 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

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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, 98-03-033, § 434-324-035, filed 1/13/98, effective 2/13/98; 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 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.

Use Pen - Please Print Clearly

1	Check one: <input type="checkbox"/> New Registration <input type="checkbox"/> Address Change <input type="checkbox"/> Name Change						
2	Mr. Mrs. Miss Ms.	Last Name	First Name	Middle Initial	Jr. Sr. II III	<input type="checkbox"/> Male <input type="checkbox"/> Female	
3	Address Where You Live		City or Town	Zip Code			
4	Address Where You Get Your Mail (If Different Than #3)			Zip Code			
5	Date of Birth (Month/Day/Year)		6	Daytime Telephone Number(s)		7	Social Security Number (Optional)
8	Name and Address on Last Voter Registration			Voter Declaration - Read and Sign in both the Shaded Areas Below			
	Name _____			"I declare that the facts on this voter registration form are true: • I am a citizen of the United States • I am not presently denied my civil rights as a result of being convicted of a felony • I will have lived in Washington at this address for thirty days immediately before the next election at which I vote • I will be at least eighteen years old when I vote.			
	Street _____						
	City _____						
	State _____ Zip _____						
9	SIGN HERE →						

FOLD HERE FIRST

10	Last Name	First Name	Initial
	SIGN HERE →		
	↑ Please Print Name Here ↑		
11			
12	Are you registered under another name?		
	Last	First	Initial
	Former Signature →		
	<p>WARNING</p> <p>If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, or by a fine of up to ten thousand dollars, or both imprisonment and fine. (RCW 29.07.070)</p>		

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, 98-03-033, § 434-324-050, filed 1/13/98, effective 2/13/98; 97-21-045, recodified as § 434-324-050, filed 10/13/97, effective 11/13/97; 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.]

WAC 434-324-060 Transmittal of signature cards to the secretary of state. Each group of initiative and referendum signature cards transmitted to the office of the secretary of state under the provisions of RCW 29.07.120 shall be

accompanied by a properly executed certificate containing the following information: County, date, the number of cards, and the signature of the register of voters attesting to the authenticity of the cards.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-060, filed 1/13/98, effective 2/13/98; 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 434-324-065 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.

[98-08-010, recodified as § 434-324-065, filed 3/18/98, effective 3/18/98. 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 434-324-085 Notice of new registration or transfer. Whenever an individual registers to vote or transfers his/her 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 county auditor shall notify by nonforwardable, address correction requested 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 containing the following information: The voter's full name, address, county name, precinct name and/or number, voter ID number, the date the voter registered and a signature line for the voter.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-085, filed 1/13/98, effective 2/13/98; 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.]

WAC 434-324-095 Cancellation due to death. Pursuant to RCW 29.10.090, the county auditor shall maintain a supply of, furnish to the public upon request, and include in the supplies sent to each precinct for use by the precinct election officials, forms for the purpose of permitting registered voters to request that the voter registration record of any person, whom they personally know to be deceased, be cancelled.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-095, filed 1/13/98, effective 2/13/98; 97-21-045,

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recodified as § 434-324-095, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-095, 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

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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, residence 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, or a ballot code identifying this information. The names shall be listed alphabetically by surname. The list shall contain a space for each voter to sign his/her name and to verify his/her 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. The county auditor may eliminate from precinct lists ongoing absentee voters and voters requesting absentee ballots for that election. If the names of such voters do not appear, the precinct list shall clearly indicate that the voters are not included on the list.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 98-03-033, § 434-324-120, filed 1/13/98, effective 2/13/98; 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 and 29.04.120, the county auditor shall furnish to any person, upon request, current lists of registered voters at actual reproduction cost. The county auditor shall, upon request, select names and addresses 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, 98-03-033, § 434-324-130, filed 1/13/98, effective 2/13/98; 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

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(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 434-326 WAC

MOTOR VOTER

(Formerly chapter 434-26 WAC)

WAC

- 434-326-005 Authority and purpose.
- 434-326-010 Definitions.
- 434-326-015 Voter registration at driver license facilities.
- 434-326-020 Registration procedure.
- 434-326-025 Obtaining additional information from the applicant.
- 434-326-030 Oaths and warnings.
- 434-326-035 Cancellation of previous name registration.
- 434-326-040 Transfer of information from the department of licensing to the secretary of state.
- 434-326-045 Weekly transmittal of data from the department of licensing to the secretary of state.
- 434-326-050 Transfer of data, and reports from the secretary of state to the county auditors.
- 434-326-055 Transfer of voter registration forms to counties.
- 434-326-060 Processing records received from the secretary of state.
- 434-326-065 Reimbursement of county auditors and the department of licensing for routine transaction costs.
- 434-326-900 Reimbursement of county auditors and the department of licensing for costs associated with implementation of this chapter.

WAC 434-326-005 Authority and purpose. These rules are adopted under the authority of chapter 143, Laws of 1990, for the purpose of establishing standards and procedures for the registration of voters by driver license agents, at driver licensing facilities.

[98-08-010, recodified as § 434-326-005, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-005, filed 8/26/91, effective 9/26/91.]

WAC 434-326-010 Definitions. As used in this chapter.

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

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

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

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

[98-08-010, recodified as § 434-326-010, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-010, filed 8/26/91, effective 9/26/91.]

WAC 434-326-015 Voter registration at driver license facilities. Pursuant to RCW 29.07.260 a person may register to vote or transfer a voter registration when he or she applies for or renews a driver license or state identification card. Nothing in these rules should be interpreted as allowing voter registration by mail.

[98-08-010, recodified as § 434-326-015, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-015, filed 8/26/91, effective 9/26/91.]

WAC 434-326-020 Registration procedure. When processing each applicant, at a driver license agency, the agent will inquire whether the applicant wishes to register to vote or transfer their voter registration address. If the applicant wishes, the agent shall present a voter registration application (Exhibit A) and the applicant shall provide the following information in writing:

- (1) His or her full name;
- (2) The applicant's residence address for voting purposes, if it is different from the address on the driver license;
- (3) His or her mailing address, if it is different from the voter registration residence address;
- (4) Additional information on the physical location of the voting address if it is only identified by route or box. If the address is identified by route or box, the agent will require that the form contain either the legal description of the residence, or the names and locations of the nearest cross streets;
- (5) The last address at which he or she was registered to vote;

Additionally the applicant may provide the following information in writing:

- (a) Daytime phone number;
- (b) Place of birth;
- (c) Social Security number.

[98-08-010, recodified as § 434-326-020, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-020, filed 8/26/91, effective 9/26/91.]

WAC 434-326-025 Obtaining additional information from the applicant. No other data will be required of the applicant. Additional information about the applicant will be gathered electronically from the applicant's department of licensing driver license computer record or driver license application.

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[98-08-010, recodified as § 434-326-025, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-025, filed 8/26/91, effective 9/26/91.]

WAC 434-326-030 Oaths and warnings. The agent will request that the applicant read the warning concerning fraudulent registration. The applicant will then sign an oath attesting to his or her citizenship. The applicant will also sign the application portion for an initiative signature record for the secretary of state's files.

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

[98-08-010, recodified as § 434-326-030, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-030, filed 8/26/91, effective 9/26/91.]

WAC 434-326-035 Cancellation of previous name registration. If the applicant is changing his or her name the agent shall offer a cancellation card to be completed in applicant's previous name and returned to the agent to be forwarded to the secretary of state and the auditor in his or her county.

[98-08-010, recodified as § 434-326-035, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-035, filed 8/26/91, effective 9/26/91.]

WAC 434-326-040 Transfer of information from the department of licensing to the secretary of state. The completed voter registration application forms will be transmitted by the department of licensing to the office of the secretary of state at least once each week.

[98-08-010, recodified as § 434-326-040, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-040, filed 8/26/91, effective 9/26/91.]

WAC 434-326-045 Weekly transmittal of data from the department of licensing to the secretary of state. Once each week the data processing division of the department of licensing will electronically transmit that week's computer data record of the voter registration transactions, to the office of the secretary of state. There will be one record for each transaction, each record will contain at least the following information:

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

[98-08-010, recodified as § 434-326-045, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-045, filed 8/26/91, effective 9/26/91.]

WAC 434-326-050 Transfer of data, and reports from the secretary of state to the county auditors. Each week the secretary of state will amend any computer record that requires an address for voting purposes that is different from the one supplied to the department of licensing. The computer records will then be sorted according to the county in which the voter applicant resides. The records will then be

placed in the Uniform Transfer Format (Exhibit b) and copied to a disk or tape for shipment to the appropriate county auditor.

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

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

[98-08-010, recodified as § 434-326-050, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-050, filed 8/26/91, effective 9/26/91.]

WAC 434-326-055 Transfer of voter registration forms to counties. The completed voter registration application forms will be sorted by county. If the voter has listed a previous address that is in another county or state the secretary of state shall copy the original registration and forward such copy to the appropriate county or state for cancellation of the former registration. The portion of the voter registration form that is the initiative signature card shall be detached and retained by the secretary of state. These forms will then be shipped to the county auditors along with the disk or tape copy of the matching computer records. This shipment will be made as soon as possible, no later than ten days after the secretary of state receives the data from the department of licensing. The shipment shall be made by first class mail with the following exception; within forty-five days of any primary, general, or presidential preference primary the shipment shall be made via a "next day delivery" package delivery courier. If there are no applications for a county the secretary of state shall immediately notify the county auditor.

[98-08-010, recodified as § 434-326-055, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-055, filed 8/26/91, effective 9/26/91.]

WAC 434-326-060 Processing records received from the secretary of state. Whenever a county auditor receives a shipment of voter registration information from the secretary of state, he or she will process these records in a timely manner. Any voter registrations that the auditor receives for a voter residing in another county shall be forwarded to the appropriate county auditor as soon as possible after receipt, a hard copy of the computer data must accompany the card.

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

[98-08-010, recodified as § 434-326-060, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-060, filed 8/26/91, effective 9/26/91.]

WAC 434-326-065 Reimbursement of county auditors and the department of licensing for routine transaction costs. Each year at the end of the calendar year the county auditor and the state department of licensing may file a voucher with the secretary of state for reimbursement of

costs. These costs must be associated with the data processing and shipping, incurred through the registration of voters by the department of licensing.

[98-08-010, recodified as § 434-326-065, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-065, filed 8/26/91, effective 9/26/91.]

WAC 434-326-900 Reimbursement of county auditors and the department of licensing for costs associated with implementation of this chapter. By June 1, 1992, county auditors and the department of licensing shall file all claims for reimbursement for expenses related to the development, testing, and implementation of this program and chapter, including the conversion to the Uniform Transfer Format. This will be the only opportunity for reimbursement of these expenses.

[98-08-010, recodified as § 434-326-900, filed 3/18/98, effective 3/18/98. Statutory Authority: Chapter 29.07 RCW. 91-18-013, § 434-26-900, filed 8/26/91, effective 9/26/91.]

Chapter 434-332 WAC NEW RESIDENT VOTERS (Formerly chapter 434-32 WAC)

WAC

434-332-010 Definition of new resident voter extended.

WAC 434-332-010 Definition of new resident voter extended. Pursuant to section 202(d) of Public Law 91-285, citizens of the United States and of the state of Washington otherwise qualified to vote for president and vice-president who are temporarily residing outside of the state of Washington and their spouses and dependents otherwise qualified to vote for president and vice-president when residing with or accompanying them shall be qualified to vote for the choice of electors for president and vice-president or for president and vice-president consistent with the procedures for new resident voters established in chapter 29.72 RCW.

[98-08-010, recodified as § 434-332-010, filed 3/18/98, effective 3/18/98; Order 8, § 434-32-010, filed 6/15/72.]

Chapter 434-334 WAC ELECTRONIC VOTING REQUIREMENTS (Formerly chapter 434-34 WAC)

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.
434-334-063 Definition of official logic and accuracy test.
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.
- 434-334-082 Procedure for conduct of delayed primary or general election emergency logic and accuracy test.
- 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.
- 434-334-120 Logic and accuracy test preparation—State primary and general election—Punchcard systems.

PUNCHCARD SYSTEMS

- 434-334-125 Punchcard test deck maintenance and storage.
- 434-334-127 Punchcard adjustment standards and tests.
- 434-334-130 Punchcard test precinct selection—State primary and general elections.
- 434-334-135 Punchcard testing requirements prior to official logic and accuracy test.

OPTICAL SCAN SYSTEMS

- 434-334-140 Definitions.
- 434-334-145 Logic and accuracy test deck preparation—State primary and general election—Optical scan systems.
- 434-334-150 Optical scan test ballot selection—State primary and general elections.
- 434-334-155 Optical scan read head adjustment standards and tests.
- 434-334-160 Optical scan read head and ballot scan area alignment tests.
- 434-334-165 Optical scan ballot marking code program test.

PRECINCT-BASED OPTICAL SCAN SYSTEMS

- 434-334-170 Precinct-based optical scan ballot counter preparation and testing.
- 434-334-175 Poll site-based optical scan ballot counter test notices, observers, and log of process.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 434-334-080 Logic and accuracy test preparation—State primary and general election—Punchcard system. [Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-080 filed 4/7/99, effective 5/8/99. 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.] Decodified by 99-08-115, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.33.350. Later promulgation, see WAC 434-334-120.
- 434-334-115 Logic and accuracy tests for direct recording electronic equipment. [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.] Repealed by 99-08-115, filed 4/7/99, effective 5/8/99. Statutory Authority: RCW 29.33.350.

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.]

(2001 Ed.)

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

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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 substantially the same as 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 29.33.350, 99-08-115, § 434-334-055, filed 4/7/99, effective 5/8/99. 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 434-334-063 Definition of official logic and accuracy test. As used in this chapter, "official logic and accuracy test" means the test performed in accordance with RCW 29.33.350.

[Statutory Authority: RCW 29.33.350, 99-08-115, § 434-334-063, filed 4/7/99, effective 5/8/99.]

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 during the test by the same persons who will be responsible for the ballot count on election day. If any error in programming or mechanical function is detected, the cause shall be determined and corrected, and an errorless test completed before the primary or election.

[Statutory Authority: RCW 29.33.350, 99-08-115, § 434-334-065, filed 4/7/99, effective 5/8/99. 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 official 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 party observers shall be instructed as election observers, by the county auditor. The official logic and accuracy test shall be open to candidates, the press, and the public. If any observer hinders or disturbs the logic and accuracy test process, the county auditor or representative may remove that observer from the test area. An observer who has been removed from a logic and accuracy test may also be barred from future tests. The absence of observers shall not delay or stop the test from being conducted.

[Statutory Authority: RCW 29.33.350, 99-08-115, § 434-334-070, filed 4/7/99, effective 5/8/99. 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

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election. At least three days before each state primary or general election the office of the secretary of state shall provide for a test of the programming for the vote tallying system to be used at that primary or election. 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 also verify that the machine(s) is/are functioning to specifications.

[Statutory Authority: RCW 29.33.350, 99-08-115, § 434-334-075, filed 4/7/99, effective 5/8/99. 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 434-334-082 Procedure for conduct of delayed primary or general election emergency logic and accuracy test. If the official logic and accuracy test cannot be completed at the scheduled time and place, an emergency test shall be scheduled by the county auditor. The emergency test must be conducted and properly completed prior to the processing of any official ballots through the tabulating system. If no representative of the office of the secretary of state is able to attend the emergency test, the county auditor and another member of the county canvassing board or their designated representative shall observe the test and certify the results. Observers and notification shall be provided for pursuant to WAC 434-334-070 and 434-334-085.

[Statutory Authority: RCW 29.33.350, 99-08-115, § 434-334-082, filed 4/7/99, effective 5/8/99.]

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 thirty days before the primary or 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 fully programmed, cleaned, maintained, 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 29.33.350, 99-08-115, § 434-334-085, filed 4/7/99, effective 5/8/99. 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 county auditor or deputy, and, if present, the office of the secretary of state representative 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. These items may be sealed and stored separately.

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If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-334-082.

[Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-090, filed 4/21/00, effective 5/22/00; 99-08-115, § 434-334-090, filed 4/7/99, effective 5/8/99. 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 the 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 29.33.350. 99-08-115, § 434-334-095, filed 4/7/99, effective 5/8/99. 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. When a new test deck is required under WAC 434-334-095, the test deck or decks used for the official logic and accuracy test will be prepared by the county elections office.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-100, filed 4/7/99, effective 5/8/99. 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 official logic and accuracy test. The ballot counting system shall be fully programmed, cleaned and maintained, 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 official logic and accuracy test.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-105, filed 4/7/99, effective 5/8/99. 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 or deputy and any political party observers, if present, 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, official test results, and test ballots shall be securely sealed until the day of the pri-

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mary or election. These items may be sealed and stored separately.

If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-334-082.

[Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-110, filed 4/21/00, effective 5/22/00; 99-08-115, § 434-334-110, filed 4/7/99, effective 5/8/99. 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 434-334-120 Logic and accuracy test preparation—State primary and general election—Punchcard systems. The test deck or decks used for the official logic and accuracy test are maintained by the county auditor. 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 select the test precincts and predict the results 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 29.33.350. 99-08-115, recodified as § 434-334-120, filed 4/7/99, effective 5/8/99; 99-08-115, § 434-334-080, filed 4/7/99, effective 5/8/99. 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.]

PUNCHCARD SYSTEMS

WAC 434-334-125 Punchcard test deck maintenance and storage. Each county employing a punchcard balloting system shall maintain a permanent deck of logic and accuracy test ballots. The test ballots shall contain a distinct pattern of votes. The deck may be used for all official logic and accuracy tests and for programming tests conducted in preparation for official logic and accuracy tests. The permanent test deck shall be maintained in secure storage except when being used for actual testing.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-125, filed 4/7/99, effective 5/8/99.]

WAC 434-334-127 Punchcard adjustment standards and tests. Prior to all official logic and accuracy tests, a test must be conducted by each county employing a punchcard balloting system to confirm the ballot stock to be used in the election meets system specifications for card weight, thickness and length. The test should also confirm that the prepunches and voting response areas are being read properly by the ballot counter.

[Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-127, filed 4/21/00, effective 5/22/00.]

WAC 434-334-130 Punchcard test precinct selection—State primary and general elections. Prior to the

official logic and accuracy test the office of the secretary of state shall review the election materials provided by the county and select a representative sample of precincts and ballot styles sufficient to cover all offices and issues contained in the election. The representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-130, filed 4/7/99, effective 5/8/99.]

WAC 434-334-135 Punchcard testing requirements prior to official logic and accuracy test. Prior to the official logic and accuracy test, each county employing a punchcard balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, test the ballot style logic to insure that all offices are included in the intended precincts and combinations, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-135, filed 4/7/99, effective 5/8/99.]

OPTICAL SCAN SYSTEMS

WAC 434-334-140 Definitions. For optical scan voting systems:

(1) "Voting response area" means the area defined by ballot instructions which the voter places their mark to indicate their vote.

(2) "Scanning area" means the portions of each ballot that the system scans in order to read the vote marks made by voters.

(3) "Ballot marking code" means the coded patterns printed on ballots intended to identify ballot styles to the ballot counting system.

[Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-140, filed 4/21/00, effective 5/22/00; 99-08-115, § 434-334-140, filed 4/7/99, effective 5/8/99.]

WAC 434-334-145 Logic and accuracy test deck preparation—State primary and general election—Optical scan systems. The test deck or decks used for the official logic and accuracy test for optical scan systems may, at the discretion of the secretary of state, 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, ballot styles, 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 by the 20th 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 20th day prior to the primary or election.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-145, filed 4/7/99, effective 5/8/99.]

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WAC 434-334-150 Optical scan test ballot selection—State primary and general elections. Prior to the official logic and accuracy test the office of the secretary of state shall review the provided election materials with the county and select a representative sample of ballot styles sufficient to cover all offices and issues contained in the election. This representative sample shall constitute the official logic and accuracy test. This provision does not limit the ability of the office of the secretary of state to conduct a complete test of every precinct if conditions warrant. If the office of the secretary of state is preparing the test deck, the county auditor shall send blank ballots of the selected ballot styles to the office of the secretary of state as soon as the ballots are available.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-150, filed 4/7/99, effective 5/8/99.]

WAC 434-334-155 Optical scan read head adjustment standards and tests. Prior to all state primaries, read heads of optical scan central counting systems shall be cleaned and tested to insure that the reader is functioning within system standards.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-155, filed 4/7/99, effective 5/8/99.]

WAC 434-334-160 Optical scan read head and ballot scan area alignment tests. Prior to all official logic and accuracy tests, a test shall be conducted by each county employing an optical scan balloting system to confirm that the voting response areas printed on all ballot faces are aligned properly with the scanning area of the ballot counter. This test should also confirm that all ballot marking codes are being properly interpreted by the ballot counter.

[Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-160, filed 4/21/00, effective 5/22/00; 99-08-115, § 434-334-160, filed 4/7/99, effective 5/8/99.]

WAC 434-334-165 Optical scan ballot marking code program test. Prior to the official logic and accuracy test each county employing an optical scan balloting system shall thoroughly test all programming and system components. The test must at least verify the office programming by thoroughly testing each individual office, testing the ballot style logic to insure that all offices are included on the intended ballot faces, and verify that the program is accumulating all offices. The county auditor or deputy shall certify that these tests have been completed prior to the official logic and accuracy test.

[Statutory Authority: RCW 29.33.350. 00-10-009, § 434-334-165, filed 4/21/00, effective 5/22/00; 99-08-115, § 434-334-165, filed 4/7/99, effective 5/8/99.]

PRECINCT-BASED OPTICAL SCAN SYSTEMS

WAC 434-334-170 Precinct-based optical scan ballot counter preparation and testing. All logic and accuracy testing of precinct-based systems shall be performed by the county during the preparation of the precinct ballot counters prior to system distribution. As each ballot counter is pro-

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grammed and set up for distribution a test of the ballot counter and ballot styles shall be performed. It shall be established by these tests that the ballot counter(s) are functioning within system standards. All ballot styles programmed for each machine shall be processed by each machine in order to insure that the machine is correctly counting and accumulating every office. The tests shall also establish that the printed ballot voter response areas are correctly aligned with the scanning area. After all tests are performed and the machine is ready for distribution, the machine shall be sealed and the seal number recorded. This will serve as the official logic and accuracy test of these poll site ballot counters.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-170, filed 4/7/99, effective 5/8/99.]

WAC 434-334-175 Poll site-based optical scan ballot counter test notices, observers, and log of process. A log shall be created during the testing of the poll site-based ballot counters. The log shall record the time and place of each test, the precinct number(s), seal number and machine number of each ballot counter and the initials of each person testing and observing the test for each machine. This log shall be included in the official logic and accuracy test materials. The processes described in WAC 434-334-170 shall be open to observation and subject to all notices and observers pursuant to WAC 434-334-070 and 434-334-085.

[Statutory Authority: RCW 29.33.350. 99-08-115, § 434-334-175, filed 4/7/99, effective 5/8/99.]

Chapter 434-369 WAC

MAPS AND CENSUS CORRESPONDENCE LISTINGS (Formerly chapter 434-69 WAC)

WAC

434-369-005	Authority and purpose.
434-369-010	Definitions.
434-369-020	Precinct maps—Availability and distribution.
434-369-030	Precinct lists—Preparation and filing.
434-369-040	Base maps, census overlay maps, and related information—Duties of the secretary of state.
434-369-050	Precinct overlay maps—Preparation.
434-369-060	Census correspondence listings—Preparation.
434-369-070	Detail maps and census correspondence listings—Maintenance, distribution, and filing.
434-369-080	Compensation to county auditors for direct expenses.

WAC 434-369-005 Authority and purpose. These rules are adopted under authority of RCW 29.04.140 pursuant to chapter 34.04 RCW to establish and govern the procedures in the census mapping project by the secretary of state.

[98-08-010, recodified as § 434-369-005, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-005, filed 4/8/80.]

WAC 434-369-010 Definitions. As used in these regulations:

(1) "Census mapping project" includes all functions performed by the secretary of state and each county auditor in the preparation, maintenance, distribution, and filing of precinct maps, detail maps, and census correspondence listings pursuant to RCW 29.04.130.

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(2) "Secretary of state" includes the secretary of state, assistant secretary of state, deputy secretary of state, or any other person authorized by the secretary of state to act in his or her behalf in the census mapping project.

(3) "County auditor" includes each county auditor, county elections official, or any other person authorized by the county auditor to act in his or her behalf in the census mapping project.

(4) "Census maps" refers to the maps provided by the U.S. Census Bureau which indicate census unit boundaries and numeric identification of such census units.

(5) "Census units" refers to the census geographic area designations for which the population count will be reported including census tracts, block groups, blocks, enumeration districts, and county census divisions.

(6) "Precinct maps" refers to the maps prepared by each county auditor pursuant to RCW 29.04.130 which indicate the boundaries and numeric identification of each precinct in that county.

(7) "Precinct lists" refers to the lists prepared by each county auditor pursuant to RCW 29.04.050(3) which indicate the names and consecutively assigned numbers of each precinct in that county.

(8) "Base maps" refers to the sets of mylar maps of each county which are provided by the secretary of state on which final detail maps will be prepared.

(9) "Census overlay maps" refers to the mylar overlay maps prepared by the secretary of state which indicate census unit boundaries and numeric identification for the area covered by each base map.

(10) "Precinct overlay maps" refers to the mylar overlay maps prepared by each county auditor which indicate precinct boundaries and numeric identification for the area covered by each base map.

(11) "Detail map" refers to the sets of maps produced by the combination of the base maps with the corresponding census and precinct overlay maps for each county.

(12) "Census correspondence listings" refers to the lists prepared by each county auditor pursuant to RCW 29.04.130 which indicate the census units or portions of census units contained in each precinct in that county.

[98-08-010, recodified as § 434-369-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-010, filed 4/8/80.]

WAC 434-369-020 Precinct maps—Availability and distribution. (1) Pursuant to the provisions of RCW 29.04.130, on or before July 1, 1980, each county auditor shall prepare for public inspection and use precinct maps of that county.

(2) On or before July 18, 1980, each county auditor shall transmit to the secretary of state one complete set of precinct maps of that county.

(3) Each county auditor shall also send one copy of the precinct maps of each city or town in that county to the clerk of that city or town.

[98-08-010, recodified as § 434-369-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-020, filed 4/8/80.]

WAC 434-369-030 Precinct lists—Preparation and filing. On or before July 18, 1980, each county auditor shall prepare and transmit to the secretary of state a precinct list of that county. Precinct names shall be listed in alphabetical order and shall also be numbered consecutively.

[98-08-010, recodified as § 434-369-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-030, filed 4/8/80.]

WAC 434-369-040 Base maps, census overlay maps, and related information—Duties of the secretary of state. On or before September 15, 1980, the secretary of state shall prepare and transmit to each county auditor the following: (1) A set of base maps of that county; (2) a set of census overlay maps for each base map of that county; and (3) a sequential census unit listing, provided by the U.S. Census Bureau, which indicates all census units delineated on the census and base maps of that county.

[98-08-010, recodified as § 434-369-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-040, filed 4/8/80.]

WAC 434-369-050 Precinct overlay maps—Preparation. Pursuant to the provisions of RCW 29.04.130, each county auditor shall prepare precinct overlay maps for each base map of the county and each city and town within that county according to the following procedures:

(1) Precinct overlay maps shall be prepared on the reproducible mylar overlays provided by the secretary of state; (2) each county auditor shall transfer all precinct boundaries and numeric identification in red ink onto the mylar overlay for each base map of that county; and (3) each overlay map shall include the following identification in the lower left hand corner: (a) The name of the area covered by the map; (b) an arrow indicating north; and (c) the preparation date of the precinct overlay map.

[98-08-010, recodified as § 434-369-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-050, filed 4/8/80.]

WAC 434-369-060 Census correspondence listings—Preparation. Pursuant to the provisions of RCW 29.04.130, each county auditor shall prepare a census correspondence listing according to the following procedures: (1) Record the census tracts or county census divisions (CCD) and the smallest census units in each area for which population counts are to be reported from the sequential census unit listing supplied by the U.S. Census Bureau. (The order of census information on the census correspondence listing shall be identical to the sequential census unit listing.) (2) Record the number or numbers, as assigned pursuant to RCW 29.04.050(3), of each precinct which is wholly or partially coextensive with the census unit; (3) wherever census unit or precinct boundaries are not coincident, estimate for each portion of a split census unit, the proportion of the total number of registered voters residing in each precinct containing a portion of the split census unit. (Each county auditor shall refer to current voter registration lists and other available information to determine such estimated proportion of registered voters. Such estimates shall be expressed to at least the

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nearest 10 percent of the total number of registered voters within the precinct.)

The census correspondence listings shall be prepared in substantially the following form:

County _____		Map sheets _____	
Census Tract CCD	Block ED	Precinct Number	% of Registered Voters

[98-08-010, recodified as § 434-369-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-060, filed 4/8/80.]

WAC 434-369-070 Detail maps and census correspondence listings—Maintenance, distribution, and filing. (1) On or before November 1, 1980, each county auditor shall send to the secretary of state the complete set of mylar detail maps and census correspondence listings for that county; (2) the secretary of state shall maintain the original sets of mylar detail maps of each county; (3) the secretary of state shall reproduce and distribute copies of detail maps to each county auditor for the actual cost of reproduction; and (4) each county auditor shall maintain copies of precinct maps, detail maps, and census correspondence listings of the county. Such maps shall be available for public inspection during normal office hours. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction under such rules as the county auditor has adopted pursuant to RCW 42.17.260.

[98-08-010, recodified as § 434-369-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-070, filed 4/8/80.]

WAC 434-369-080 Compensation to county auditors for direct expenses. (1) Each county auditor may be reimbursed for direct expenses incurred for the preparation of precinct overlay maps and census correspondence listings. Compensation shall be made at a maximum rate of \$15.00 per 1,000 registered voters, as of the 1980 general election, for personnel costs, and \$2.00 per 1,000 registered voters, as of the 1980 general election, for supply costs.

(2) On or before April 1, 1981, each county auditor may submit to the secretary of state an invoice voucher for compensation for direct expenses. For auditing purposes, a detailed summary indicating the number of personnel, number of hours worked, and supplies used in the census mapping project must be submitted with the invoice voucher.

[98-08-010, recodified as § 434-369-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. 80-05-013 (Order 80-2), § 434-69-080, filed 4/8/80.]

Chapter 434-379 WAC

VERIFICATION OF SIGNATURES ON
REFERENDUM AND INITIATIVE PETITIONS

(Formerly chapter 434-79 WAC)

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.]

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Chapter 434-380 WAC

OFFICIAL CANDIDATES' PAMPHLET—
STATEMENTS AND PHOTOGRAPHS

(Formerly chapter 434-80 WAC)

WAC

434-380-010	Deadline for submission of statements and photographs.
434-380-020	Rejection of statement or photograph.
434-380-030	Photographs.
434-380-040	Length of statements.
434-380-050	Restrictions on style for candidates' statement.
434-380-060	Content of statements for candidates' pamphlet.
434-380-070	Editing and review.

WAC 434-380-010 Deadline for submission of statements and photographs. Statements and photographs of candidates submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 shall be filed in the office of the secretary of state not later than 5:00 p.m. on the Friday prior to the state primary held pursuant to RCW 29.13.070. Publication of statements and photographs received after this date will be solely dependent on the schedule for composition of those portions of candidates' pamphlet in which that statement is to appear.

[98-08-010, recodified as § 434-380-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070, 78-09-018 (Order 78-4), § 434-80-010, filed 8/9/78.]

WAC 434-380-020 Rejection of statement or photograph. Any statement of a candidate submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 which, in the opinion of the secretary of state, contains any obscene, profane, libelous, or defamatory matter or any language or matter the circulation of which by mail is prohibited by federal law shall be rejected. Any photograph showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance shall be rejected. Within five days of the rejection of a statement or photograph, the candidate may appeal such rejection to a board of review consisting of the governor, lieutenant governor, and attorney general. The board shall render a decision within three business days of the appeal and such decision to accept or reject the statement or photograph shall be final.

[98-08-010, recodified as § 434-380-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070, 78-09-018 (Order 78-4), § 434-80-020, filed 8/9/78.]

WAC 434-380-030 Photographs. Photographs of candidates submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 shall be no more than five years old. Such photographs shall be black and white glossy prints of the head and shoulders only and shall be no larger than eight inches by ten inches or smaller than four inches by five inches.

[98-08-010, recodified as § 434-380-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070, 78-09-018 (Order 78-4), § 434-80-030, filed 8/9/78.]

WAC 434-380-040 Length of statements. The maximum number of words for statements of candidates to be published in the official candidates' pamphlet pursuant to

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RCW 29.80.040 shall be determined according to the office sought as follows:

OFFICE	WORDS
State representative	100
State senator, judge of the superior court, judge of the court of appeals, judge of the supreme court, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, commissioner of public lands, and insurance commissioner	200
Governor, United States representative, and United States senator	300

If a statement contains more than the maximum number of words permitted for that particular office, all material after the last complete sentence which is not in excess of the maximum length, counting from the beginning of the statement, will be omitted in the publication of the official candidates' pamphlet.

[98-08-010, recodified as § 434-380-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-040, filed 8/9/78.]

WAC 434-380-050 Restrictions on style for candidates' statement. The secretary of state finds that it is in the public interest that all statements published in the official candidates' pamphlet pursuant to RCW 29.80.050 be of substantially similar format and style. To promote such consistency:

- (1) All statements shall be typeset in block paragraph style without tables; lists, or other material requiring multiple indentation; and
- (2) Words or other material which are underlined, in italics, or all in upper case letters will be typeset in italics.

[98-08-010, recodified as § 434-380-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-050, filed 8/9/78.]

WAC 434-380-060 Content of statements for candidates' pamphlet. The secretary of state finds that it is in the public interest that all statements published in the official candidates' pamphlet pursuant to RCW 29.80.050 be accurate as to form and syntax. To promote such accuracy:

- (1) All statements submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 shall be typewritten on plain sheets of white paper measuring eight and one-half inches by eleven inches and containing the name, mailing address, and telephone number of the candidate;
- (2) The secretary of state shall not make any change in the content of any statement submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 which alters the meaning or substance of the statement; and
- (3) The secretary of state shall correct any incidental errors of spelling, grammar, and punctuation which he feels would unfairly prejudice the statement of that candidate or confuse the voter.

[98-08-010, recodified as § 434-380-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-060, filed 8/9/78.]

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WAC 434-380-070 Editing and review. If the secretary of state finds it necessary to make changes in the length or format of a statement or corrections in grammar, spelling, or punctuation in the text of a statement of a candidate submitted for publication in the official candidates' pamphlet pursuant to RCW 29.80.020 on or before the third Friday prior to the state primary held pursuant to RCW 29.13.070, a proof copy of the statement to be published showing the changes in length or format shall be sent to the candidate at the address on his or her statement. Candidates who submit statements after the third Friday prior to the state primary held pursuant to RCW 29.13.070 will not be notified of changes in the length or format of their statements or of other corrections made pursuant to WAC 434-80-040, 434-80-050, and 434-80-060.

[98-08-010, recodified as § 434-380-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.80.070. 78-09-018 (Order 78-4), § 434-80-070, filed 8/9/78.]

**Chapter 434-381 WAC
VOTERS' PAMPHLET
(Formerly chapter 434-81 WAC)**

WAC

434-381-010	Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature.
434-381-020	Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures.
434-381-030	Additional members on committees to draft arguments for the voters pamphlets.
434-381-040	Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet.
434-381-050	Advisory committees.
434-381-060	Length of statements and rebuttals.
434-381-070	Restrictions on the style of statements in the voters pamphlets.
434-381-080	Submission of statements and rebuttals.
434-381-090	Rejection of statements for the voters pamphlet.
434-381-100	Editing of statements for the voters pamphlet.

WAC 434-381-010 Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature.

Within forty-five days of the final passage of any constitutional amendment, referendum bill, or alternative to an initiative to the legislature by both houses of the state legislature, the presiding officer of the state senate shall appoint one senator known to favor the measure and one senator known to have opposed the measure to serve on the respective committees to draft arguments for and against the measure in the official voters pamphlet and the presiding officer (or officers acting concurrently) of the house of representatives shall appoint one representative known to favor the measure and one representative known to oppose the measure to serve on the respective committees. If no senator or representative consents to serve on a committee to draft an argument for or against a measure appearing in the voters pamphlet, the presiding officer of the senate, the presiding officer or officers of the house of representatives, and the secretary of state, acting concurrently, shall appoint up to two persons who wish to support or oppose that measure, as the case may be.

[98-08-010, recodified as § 434-381-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-010, filed 4/17/79.]

WAC 434-381-020 Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures. Within thirty days after the submission of signatures in support of a proposed initiative or referendum measure or within thirty days after the adjournment of a regular session of the legislature at which an initiative to the legislature was not approved, the presiding officer of the state senate, the presiding officer or officers of the state house of representatives, and the secretary of state, acting concurrently, shall appoint for each such initiative, referendum measure or initiative to the legislature two persons known to favor such measure and two persons known to oppose such measure to serve on the respective committees to draft arguments for and against that measure to appear in the voters pamphlet.

[98-08-010, recodified as § 434-381-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-020, filed 4/17/79.]

WAC 434-381-030 Additional members on committees to draft arguments for the voters pamphlets. Within ten days after the appointment of the latter of the two persons appointed pursuant to WAC 434-81-010 or 434-81-020 to serve on a committee to draft arguments for or against a measure appearing in the voters pamphlet, such persons shall appoint a third person to serve with them on that committee and shall, within ten days, notify the secretary of state in writing of the name and address of the person so appointed.

[98-08-010, recodified as § 434-381-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-030, filed 4/17/79.]

WAC 434-381-040 Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet. Within ten days after the selection of a third person to serve on a committee to draft an argument for or against a measure appearing in the voters pamphlet, the committee shall elect from among their members a chairperson and shall immediately notify the secretary of state of the name, address and telephone number of the person so elected.

[98-08-010, recodified as § 434-381-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-040, filed 4/17/79.]

WAC 434-381-050 Advisory committees. Committees appointed to write arguments for or against measures appearing in the voters pamphlet may select up to five other persons to serve as an advisory committee. They shall notify the secretary of state of such appointments prior to the first day of August prior to the election at which the measure is to be submitted. Persons serving on advisory committees to committees drafting arguments for or against measures appearing in the voters pamphlet who are officers, employees, or representatives of any organization may only be designated as such if

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that organization has taken an official action to support or oppose the measure, as the case may be.

[98-08-010, recodified as § 434-381-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-050, filed 4/17/79.]

WAC 434-381-060 Length of statements and rebuttals. Arguments for and against measure[s] appearing in the voters pamphlet shall not exceed two hundred and fifty words, except that the committee may use up to four headings to summarize and identify major arguments or portions of the statement for the convenience of the reader and such headings shall not be included in the computation of the number of words in the statement. Rebuttals to arguments for and against measures appearing in the voters pamphlet shall not exceed seventy-five words and must address issues raised in the opposing argument without injecting issues not previously discussed by either the argument for or against that measure. Headings are not permitted in connection with rebuttal statements.

[98-08-010, recodified as § 434-381-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-060, filed 4/17/79.]

WAC 434-381-070 Restrictions on the style of statements in the voters pamphlets. The secretary of state find[s] that it is in the public interest that all statements published in the voters pamphlet be of substantially similar format and style. To promote such consistency, all statements submitted for publication in the voters pamphlet shall be typewritten on plain sheets of white paper measuring eight and one half inches by eleven inches and containing the name, address, and telephone number of the chairperson of the committee submitting such statement. All statements shall be typeset in block paragraph style without tables, lists, or other material requiring multiple indentation and words which are underlined, in italics, or all in upper-case letters will be typeset in italics.

[98-08-010, recodified as § 434-381-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-070, filed 4/17/79.]

WAC 434-381-080 Submission of statements and rebuttals. Arguments for or against measures appearing in the voters pamphlet shall be submitted to the secretary of state by the chairperson of the committee appointed to draft that argument within sixty days after the appointment of said chairperson or by September 1 whichever is earlier. Rebuttals of arguments to statements for or against measures appearing in the voters pamphlet shall be submitted to the secretary of state by the chairperson of the opposing committee within thirty days following receipt of said argument by the committee or by September 15, whichever is earlier.

[98-08-010, recodified as § 434-381-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-080, filed 4/17/79.]

WAC 434-381-090 Rejection of statements for the voters pamphlet. Any statement submitted for publication in the voters pamphlet pursuant to WAC 434-81-080 which, in

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the opinion of the secretary of state, contains any obscene, libelous, or defamatory matter or any language or matter the circulation of which is prohibited by federal law shall be rejected. Within five days of the rejection of any statement, the committee proposing such statement may appeal the rejection to a board of review consisting of the governor, lieutenant governor, and the superintendent of public instruction. The board shall render a decision within three business days of the appeal and such decision to accept or reject the statement shall be final.

[98-08-010, recodified as § 434-381-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-090, filed 4/17/79.]

WAC 434-381-100 Editing of statements for the voters pamphlet. The secretary of state finds that it is in the public interest that all statements published in the voters pamphlet be accurate as to form and syntax. To promote such accuracy, the secretary of state may correct any incidental errors of spelling, grammar, and punctuation which he feels would unfairly prejudice the statement or confuse the voters so long as such corrections do not alter the meaning or substance of the statement.

[98-08-010, recodified as § 434-381-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. 79-05-024 (Order 79-1), § 434-81-100, filed 4/17/79.]

Chapter 434-600 WAC PROMULGATION

WAC

434-600-010 General purpose.

WAC 434-600-010 General purpose. These regulations are adopted under the provisions of chapter 40.14 RCW as amended by section 1, chapter 10, Laws of 1971 ex. sess. and chapter 54, Laws of 1973, in order to furnish procedures for the management, disposition, and preservation of public records of state and local agencies.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-600-010, filed 1/21/93, effective 2/21/93.]

Chapter 434-610 WAC DEFINITIONS

WAC

434-610-010	"Agency" defined.
434-610-020	"Public record" defined.
434-610-025	"Writing" defined.
434-610-030	"Records classification" defined.
434-610-040	"Official public records" defined.
434-610-050	"Office files and memoranda" defined.
434-610-060	"Record series" defined.
434-610-070	"Retention period" defined.
434-610-080	"Long term records" defined.
434-610-090	"Archival records" defined.
434-610-100	"Retention schedule" defined.
434-610-110	"Scheduled records" defined.
434-610-120	"Division records" defined.

WAC 434-610-010 "Agency" defined. "Agency" means any department, office, commission, board, or division of state government; and any county, city, district, or

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other political subdivision or municipal corporation or any department, office, commission, court, or board or any other state or local government unit, however designated.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-010, filed 1/21/93, effective 2/21/93.]

WAC 434-610-020 "Public record" defined. "Public records" means any paper, correspondence, completed form, record book, photograph, map, or drawing, regardless of physical form or characteristics, and including records stored on magnetic, electronic, or optical media, and including all copies thereof, that have been made by any agency or received by it in connection with the transaction of public business. And includes any writing containing information relating to the conduct of government or the performance of government or proprietary function prepared, owned, used, or retained by the state or local agency regardless of physical form or characteristics.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-020, filed 1/21/93, effective 2/21/93.]

WAC 434-610-025 "Writing" defined. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, symbols, or combinations thereof, and all papers, maps, magnetic tape, punched cards, discs, drums, and other documents.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-025, filed 1/21/93, effective 2/21/93.]

WAC 434-610-030 "Records classification" defined. "Records classification" means the designation of a record as either an official public record or as an office file and memorandum, as those terms are defined by RCW 40.14.010 and by these regulations.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-030, filed 1/21/93, effective 2/21/93.]

WAC 434-610-040 "Official public records" defined. "Official public records" means all original or most important copies of vouchers, receipts, and other documents necessary to isolate and prove the validity of every transaction relating to the receipt, use, and disposition of all public property and public income from all sources whatever; all agreements and contracts to which the state of Washington or any agency thereof may be a party; all fidelity, surety, and performance bonds; all claims filed against the state of Washington or any agency thereof; all records and documents required by law to be filed with or kept by the state of Washington or any agency thereof; all legislative records as defined in section 2, chapter 1, Laws of 1971, ex. sess., and chapter 2, Laws of 1971 ex. sess.; and all other documents or records determined by the state or local records committees to be official public records.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-040, filed 1/21/93, effective 2/21/93.]

WAC 434-610-050 "Office files and memoranda" defined. "Office files and memoranda" means all records,

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correspondence, exhibits, record books, booklets, drawings, maps, completed forms, or documents produced or received by the agency but not defined and classified as official public records; all documents and reports made for the internal administration of the office to which they pertain, but not required by law to be filed or kept with such agency; and all other documents or records determined by the state or local records committees to be office files and memoranda.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-050, filed 1/21/93, effective 2/21/93.]

WAC 434-610-060 "Record series" defined. "Record series" means any group of related records which is filed and used as a unit and which permits evaluation as a unit for disposition purposes.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-060, filed 1/21/93, effective 2/21/93.]

WAC 434-610-070 "Retention period" defined. "Retention period" means the period of time that must elapse before a specific record is eligible for disposal or transfer in accord with approved retention schedules.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-070, filed 1/21/93, effective 2/21/93.]

WAC 434-610-080 "Long term records" defined. "Long term records" means records which have an enduring administrative, legal, or financial value and in consequence thereof, must be retained and preserved more than six year.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-080, filed 1/21/93, effective 2/21/93.]

WAC 434-610-090 "Archival records" defined. "Archival records" means those public records of state and local government agencies which are determined by the state archivist as having continued historical value, must be permanently preserved and have been or may be transferred to the custody of the division of archives after their approved retention has been met.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-090, filed 1/21/93, effective 2/21/93.]

WAC 434-610-100 "Retention schedule" defined. "Retention schedule" means a compilation of records of an office by name and description which indicates the length of time each record series must be retained and authorizing its disposition.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-100, filed 1/21/93, effective 2/21/93.]

WAC 434-610-110 "Scheduled records" defined. "Scheduled records" are those public records which have been inventoried in accord with these regulations and approved for disposition and/or transfer to the records center but remain under the jurisdiction of the agency of origin.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-110, filed 1/21/93, effective 2/21/93.]

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WAC 434-610-120 "Division records" defined. "Division records" are those records pertaining to the operations of the division of archives and records management.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-610-120, filed 1/21/93, effective 2/21/93.]

Chapter 434-615 WAC CUSTODY OF PUBLIC RECORDS

WAC

434-615-010	Public records as public property.
434-615-020	Custody.
434-615-030	Authority to transfer records.

WAC 434-615-010 Public records as public property. All public records shall be and remain the property of the state or local agency. They shall be delivered by outgoing officials and employees to their successors and shall be preserved, stored, transferred, destroyed, and otherwise managed, only in accordance with the provisions of chapter 40.14 RCW or as otherwise provided for by law and by these regulations.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-615-010, filed 1/21/93, effective 2/21/93.]

WAC 434-615-020 Custody. Unless otherwise provided by law, public records must remain in the legal custody of the office in which they were originally filed, which shall be considered the office of record, or shall be destroyed or transferred pursuant to instructions from the state or local records committee as required by chapter 40.14 RCW. They shall not be placed in the legal or physical custody of any other person or agency, public or private, or released to individuals, except for disposition pursuant to law or unless otherwise expressly provided by law or by these regulations.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-615-020, filed 1/21/93, effective 2/21/93.]

WAC 434-615-030 Authority to transfer records. All state agency records not required in the current operation of the office where they are made or kept, and all records of every state agency, commission, committee, or any other activity of state or local government which may be abolished or discontinued, shall be transferred to the state archives in accord with approved records retention schedules.

State records designated by the state archivist as being archival or potentially archival shall be transferred to the legal and physical custody of the state archives so that the valuable historical records of the state may be centralized, made more widely available for research, and insured permanent preservation.

Transfer of archival records to the state archives must take place within fifty years of the creation of the records so that they may be preserved for posterity in archival-quality conditions. Records which the state is required to keep permanently will be maintained intact by the state archivist, who will assume all responsibility for the access, care and preservation of such records.

Local government agency records designated by the state archivist as of primarily historical interest may be trans-

ferred to the state archives, or one of its designated regional depositories, in order to relieve local offices of the burden of housing them, to insure their preservation, and to make them available for reference or study. Officials of local agencies are authorized to transfer records in their custody which are no longer in current use to the Washington state archives. The state archives is not under obligation to acquire such records and will accept only records deemed valuable as a historical source. Any transfer must be by concurrent agreement, excepting wherein records are selected for preservation as historical sources from records retention schedules submitted to the local records committee for disposition authorization.

Records designated as archival on records retention schedules must be either transferred to the state archives system or retained by the originating agency in accord with standards for the maintenance of and access to archival records issued by the state archivist.

[Statutory Authority: RCW 40.14.020, 94-21-089, § 434-615-030, filed 10/19/94, effective 11/19/94. Statutory Authority: Chapter 40.14 RCW, 93-04-001, § 434-615-030, filed 1/21/93, effective 2/21/93.]

Chapter 434-620 WAC

POWERS AND DUTIES OF THE STATE ARCHIVIST

WAC

434-620-010 Powers and duties of the state archivist.

WAC 434-620-010 Powers and duties of the state archivist. The division of archives and records management is established in the office of the secretary of state. The division is administered by the state archivist and is the primary archival and records management agency of Washington state government. In order to insure the proper management and safekeeping of public records, the state archivist, through the several sections of the division, carries out the following functions:

- (1) Manages the archives of the state of Washington;
- (2) Centralizes the archives of the state of Washington to make them available for reference and scholarship, and to insure their proper preservation;
- (3) Inspects, inventories, catalogs, and arranges records retention and transfer schedules on all record files of all state departments and other agencies of state government;
- (4) Insures the maintenance and security of all state public records and establishes safeguards against unauthorized removal or destruction;
- (5) Establishes and operates such state records centers as may from time to time be authorized by appropriation for the purpose of preserving, servicing, screening, and protecting all state public records which must be retained temporarily or permanently, but which need not be kept in office space and equipment;
- (6) Adopts rules under chapter 34.05 RCW:
 - (a) Establishing standards for the durability and permanence of public records maintained by state and local agencies;
 - (b) Governing procedures for the creation, maintenance, transmission, or reproduction of public documents or records in a manner consistent with current standards, policies, and

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procedures of the department of information services for the acquisition of information technology;

(c) Governing the accuracy and durability of photographic, optical, electronic, or other images used as public records;

(d) Carrying out other provisions of chapter 40.14 RCW.

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

(8) Maintains necessary facilities for the review of records approved for destruction and for their economical disposition; directly supervise such destruction of records as should be authorized by law;

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

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

[Statutory Authority: Chapter 40.14 RCW, 93-04-001, § 434-620-010, filed 1/21/93, effective 2/21/93.]

Chapter 434-624 WAC

POWERS AND DUTIES OF THE STATE RECORDS COMMITTEE

WAC

434-624-010	Membership.
434-624-020	Committee officers—Duties.
434-624-030	General powers of the committee.
434-624-040	General duties of the committee.
434-624-050	Committee meetings.

WAC 434-624-010 Membership. The chief examiner of the division of departmental audits of the state auditor's office, the state archivist, a representative appointed by the attorney general and a representative appointed by the director of the office of financial management shall constitute a committee to be known as the state records committee.

[Statutory Authority: Chapter 40.14 RCW, 93-04-001, § 434-624-010, filed 1/21/93, effective 2/21/93.]

WAC 434-624-020 Committee officers—Duties. The chief examiner of the division of departmental audits of the state auditor's office shall be ex officio chairperson of the state records committee. The representative appointed by the attorney general shall be vice-chairperson. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings.

[Statutory Authority: Chapter 40.14 RCW, 93-04-001, § 434-624-020, filed 1/21/93, effective 2/21/93.]

WAC 434-624-030 General powers of the committee. The state records committee may adopt appropriate procedures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of state agencies; may exercise

such further powers as are granted by chapter 40.14 RCW or by any other statute.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-624-030, filed 1/21/93, effective 2/21/93.]

WAC 434-624-040 General duties of the committee.

The committee shall review records retention and disposition schedules submitted to it for authorization and may veto, approve, or amend the schedule or any or all records series contained therein. Approval of a schedule or amended schedule shall be by majority vote of the state records committee members.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-624-040, filed 1/21/93, effective 2/21/93.]

WAC 434-624-050 Committee meetings. The state records committee shall meet in open session on the first Wednesday of each month at 9:00 a.m. to consider all business relevant to the duties of the committee, at the office of the state archivist, Olympia, Washington.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-624-050, filed 1/21/93, effective 2/21/93.]

Chapter 434-626 WAC

POWERS AND DUTIES OF THE STATE AGENCY RECORDS OFFICERS

WAC

434-626-010	Designation.
434-626-020	Powers and duties of agency records officers.

WAC 434-626-010 Designation. The head of each agency of state government shall designate a records officer to supervise the agency records management program and to represent the agency in all its contacts with the state records committee and the division of archives and records management.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-626-010, filed 1/21/93, effective 2/21/93.]

WAC 434-626-020 Powers and duties of agency records officers. To facilitate the state records management program, agency records officers shall have reasonable access to all records of the agency, wherever kept, for the purposes of inventorying and scheduling their retention and transfer and shall perform the following duties.

(1) Approve all records inventory and destruction requests which are submitted to the state records committee by agency offices.

(2) Review the inventory, or manage the inventory, of all agency public records at least once during a biennium for disposition scheduling and transfer action, in accordance with procedures prescribed by the state archivist and the state records committee.

(3) Analyze records inventory data, examine and compare divisional or unit inventories for duplication of records, and recommend to the state archivist and state records committee minimal retentions for all copies commensurate with legal, financial, and administrative needs.

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(4) Review established records retention schedules at least biennially to insure that they are complete and current.

(5) Consult with other staff of the agency responsible for the maintenance of specific records regarding records retention and transfer recommendations.

(6) Administer the agency essential records program including an annual review and update of the agency essential records schedule in accordance with chapter 40.10 RCW and procedures established by the state archivist. Participate in the agency disaster preparedness plan as it relates to records protection and recovery in accord with guidelines provided by the state archivist.

(7) Exercise internal control over the acquisition of filing, microfilming, and other recording equipment and services.

(8) Coordinate other aspects of the agency records management program pursuant to law or these regulations.

[Statutory Authority: Chapter 40.14 RCW. 93-04-001, § 434-626-020, filed 1/21/93, effective 2/21/93.]

Chapter 434-630 WAC

POWERS AND DUTIES OF THE LOCAL RECORDS COMMITTEE

WAC

434-630-010	Membership.
434-630-020	Committee officers—Duties.
434-630-030	General powers of the committee.
434-630-040	General duties of the committee.
434-630-050	Duties of the state archivist.
434-630-060	Committee meetings.

WAC 434-630-010 Membership. The chief examiner of the division of municipal corporations of the state auditor's office, the state archivist, and a representative appointed by the attorney general shall constitute a committee to be known as the local records committee. Reference: RCW 40.14.070.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-010, filed 8/28/92, effective 9/28/92.]

WAC 434-630-020 Committee officers—Duties. The chief examiner of the division of municipal corporations shall be ex officio chairperson of the local records committee. The representative appointed by the attorney general shall be vice-chairperson. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-020, filed 8/28/92, effective 9/28/92.]

WAC 434-630-030 General powers of the committee. The local records committee may adopt appropriate procedures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of local government agencies, and may exercise such further powers as are granted by chapter 40.14 RCW or any other statute.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-030, filed 8/28/92, effective 9/28/92.]

WAC 434-630-040 General duties of the committee.

The local records committee shall review lists of records submitted to it for destruction authorization and may veto the destruction of any or all items contained therein.

The local records committee shall also review recurring disposition schedules recommended to it by agencies of local government and may veto, approve, or amend such schedules. Approval of a schedule or amended schedule shall be by unanimous vote of the local records committee members.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-040, filed 8/28/92, effective 9/28/92.]

WAC 434-630-050 Duties of the state archivist.

To facilitate the work of the local records committee, the state archivist shall have reasonable access to all public records, wherever kept, for the purposes of information, surveying, or cataloging them and shall perform the following duties:

(1) Provide guidelines to local governmental agencies for their assistance in preparing lists and schedules for destruction authorization.

(2) Record final actions and maintain the official files of the committee.

(3) Designate those records of county, municipal, or other local government agencies which are of primarily historical interest and arrange for document transfer to a recognized depository agency in order to relieve local officers of the burden of housing such records and to insure their preservation.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-050, filed 8/28/92, effective 9/28/92.]

WAC 434-630-060 Committee meetings. The local records committee shall meet in open public session on the last Thursday of each month at 10:00 a.m. to consider all business relevant to the duties of the committee, at the office of the state archivist, Olympia, Washington.

[Statutory Authority: Chapter 40.14 RCW. 92-18-047, § 434-630-060, filed 8/28/92, effective 9/28/92.]

Chapter 434-635 WAC**LOCAL RECORDS DISPOSITION AUTHORIZATION****WAC**

434-635-010	Statutory requirements.
434-635-020	Types of destruction authorizations.
434-635-030	Listed nonrecurring authorization.
434-635-040	Recurring disposition schedules.
434-635-050	General schedules may be adopted.
434-635-060	Records retention and disposition guidelines.

WAC 434-635-010 Statutory requirements. No public record other than office files and memoranda of any local government agency shall be destroyed until it is six years old or until the six-year retention is reduced by the local records committee for records that are shown by the requesting agency that a six-year retention is both unnecessary and uneconomical or that a lesser federal retention guideline has been established; or until the record has been authorized for microfilming or for conversion to any other document imaging system approved by the state archivist.

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Except as otherwise provided by law, no public record, including office files and memoranda, shall be destroyed until approved for destruction by the local records committee. Reference chapter 40.14 RCW.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-010, filed 8/28/92, effective 9/28/92.]

WAC 434-635-020 Types of destruction authorizations. Requests to destroy public records in the possession of local government agencies shall be approved only by the local records committee and shall be of two types as further set forth in these regulations; namely:

- (1) Listed nonrecurring authorization; and
- (2) Recurring disposition schedules.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-020, filed 8/28/92, effective 9/28/92.]

WAC 434-635-030 Listed nonrecurring authorization. County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the local records committee lists of such records on forms provided by the division of archives and records management. Such lists, when approved by the local records committee, constitute authority to destroy the specifically dated records indicated. Listed authorizations are valid only for the dates specified and are not recurring for subsequently dated records without submittal of a new list.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-030, filed 8/28/92, effective 9/28/92.]

WAC 434-635-040 Recurring disposition schedules.

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management, to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedules or amended schedules shall be by unanimous vote of the local records committee.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-040, filed 8/28/92, effective 9/28/92.]

WAC 434-635-050 General schedules may be adopted. The local records committee may approve and issue records retention/disposition schedules which shall constitute authority to dispose of specific records, held commonly by like agencies, after a required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-050, filed 8/28/92, effective 9/28/92.]

WAC 434-635-060 Records retention and disposition guidelines. The state archivist may furnish suggestions and guidelines to local governmental agencies for their assistance in the preparation of lists and schedules and may furnish information relating to any other matter relating to the reten-

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tion, preservation, or destruction of public records. Such guidelines may be published and include suggestions relative to the minimal retentions of records and recommendations for microfilming. The guidelines are suggestive only and are not records destruction authorizations.

[Statutory Authority: Chapter 40.14 RCW. 92-18-048, § 434-635-060, filed 8/28/92, effective 9/28/92.]

Chapter 434-640 WAC

METHODS OF RECORDS DISPOSAL

WAC

434-640-010	Records disposal—Generally.
434-640-020	Disposal of confidential records.
434-640-030	Disposal by recycling.

WAC 434-640-010 Records disposal—Generally.

When the state or local records committee has authorized the destruction of public records in accord with chapter 40.14 RCW, it shall be the responsibility of the agency having requested or received such authorization to cause such records to be disposed of promptly and effectively, after the approved retention period.

[Statutory Authority: RCW 40.14.020. 92-05-060, § 434-640-010, filed 2/14/92, effective 3/16/92.]

WAC 434-640-020 Disposal of confidential records.

It is the agency's responsibility to insure that records exempt from disclosure per chapter 42.17 RCW, or which are otherwise considered confidential, are protected from unauthorized access during any disposal process. The primary purpose of such disposal shall be that of reducing the records to an illegible condition.

[Statutory Authority: RCW 40.14.020. 92-05-060, § 434-640-020, filed 2/14/92, effective 3/16/92.]

WAC 434-640-030 Disposal by recycling. Pursuant to disposal authorization from the state or local records committee, an agency may dispose of records by recycling, under the following conditions:

(1) The prompt destruction of the records shall be insured, and the responsibility for such destruction shall continue to be that of the agency until effectuated.

(2) The recycling agent or entity shall have any required licenses and shall be insured or bonded.

(3) Records shall not be kept in unattended and unprotected storage awaiting their destruction.

(4) The agency or its authorized agent shall have in effect a contract or written agreement with the recycling entity which includes these conditions.

[Statutory Authority: RCW 40.14.020. 92-05-060, § 434-640-030, filed 2/14/92, effective 3/16/92.]

Chapter 434-660 WAC

STANDARDS FOR THE ACCURACY, DURABILITY AND PERMANENCE OF PUBLIC RECORDS

WAC

434-660-010	Statutory authority.
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WAC 434-660-010 Statutory authority. The state archivist shall adopt rules under chapter 34.05 RCW setting standards for the durability and permanence of public records maintained by state and local agencies:

(1) Governing procedures for the creation, maintenance, transmission, or reproduction of photographic, optical, electronic, or other images of public documents or records in a manner consistent with current standards, policies, and procedures of the department of information services;

(2) Governing the accuracy and durability of photographic, optical, electronic or other images used as public records. Reference RCW 40.14.020.

[Statutory Authority: Chapter 40.14 RCW. 93-19-051, § 434-660-010, filed 9/10/93, effective 10/11/93.]

Chapter 434-663 WAC

IMAGING SYSTEMS, STANDARDS FOR ACCURACY AND DURABILITY

WAC

THE USE OF ELECTRONIC IMAGING SYSTEMS FOR MANAGING PUBLIC RECORDS

434-663-100 Legality.

DEFINITIONS

434-663-200	Electronic document imaging system.
434-663-210	Document scanning.
434-663-220	Image.
434-663-230	Enhancement.
434-663-240	Archival records.
434-663-250	Open system.
434-663-260	De facto standard.
434-663-270	Record series.

QUALITY OF DIGITAL IMAGES

434-663-300	Quality of digital images.
434-663-305	Scanning density.
434-663-310	Enhancement of original image.
434-663-320	Compressing image data for storage.
434-663-325	Compression and decompression of data.

SYSTEM REQUIREMENTS

434-663-500	Open systems architecture.
434-663-530	System documentation.

RETENTION, SCHEDULING, AND DISPOSITION OF RECORDS

434-663-600	Retention scheduling and disposition of public records.
434-663-615	Records retention scheduling for records on imaging system.
434-663-630	Agency acquisition—Department of information services approval.
434-663-640	Disposition of records identified by records committee as archival.

PROVISION FOR CONTINUED ACCESS

434-663-700	Usability of image and index data over time.
434-663-705	Recordkeeping capabilities.
434-663-710	Defining indexing requirements.
434-663-720	Preservation strategy.
434-663-730	Header information on image files.
434-663-740	Security backup copies.
434-663-750	Ensuring usability.
434-663-760	Environmental standards or best practices for storage of electronic media.
434-663-770	Continued access to data.
434-663-780	Data conversion costs.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-663-310	Enhancement of original image. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-310, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed
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9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

- 434-663-320 Compressing image data for storage. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-320, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-400 Usability of image and index data over time. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-400, filed 2/1/94, effective 3/7/94.] Decodified and amended by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6). Recodified as WAC 434-663-700.
- 434-663-410 Defining indexing requirements. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-410, filed 2/1/94, effective 3/7/94.] Decodified and amended by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6). Recodified as WAC 434-663-710.
- 434-663-420 Preservation strategy. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-420, filed 2/1/94, effective 3/7/94.] Decodified and amended by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6). Recodified as WAC 434-663-720.
- 434-663-430 Header on image files. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-430, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-440 Backup for recovery. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-440, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-450 Ensuring usability. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-450, filed 2/1/94, effective 3/7/94.] Decodified by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6). Recodified as WAC 434-663-750.
- 434-663-460 Stability of media. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-460, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-470 Storage media. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-470, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-480 Optical media durability. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-480, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-490 Archival, permanent, and long-term off-line storage environment. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-490, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-510 Backward compatibility. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-510, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-520 Availability of index data base for off-line media. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-520, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-610 Records retention scheduling for records on imaging system. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-610, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).
- 434-663-620 Security copies. [Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-620, filed 2/1/94, effective 3/7/94.] Repealed by 00-20-038, filed 9/28/00, effective 10/29/00. Statutory Authority: RCW 40.14.020(6).

(2001 Ed.)

THE USE OF ELECTRONIC IMAGING SYSTEMS FOR MANAGING PUBLIC RECORDS

WAC 434-663-100 Legality. The purpose of this chapter is to establish standards and recommended practices for the creation, preservation, access to, and retention of public records on electronic imaging systems. Electronic imaging systems may legally be used for recording, producing, reproducing, maintaining, and storing public records if:

- (1) Those systems meet the standards set forth in this chapter;
- (2) The systems are used in accordance with this chapter; and
- (3) The retention and disposition of the original and copies of records maintained on those systems regardless of media are scheduled, maintained, and disposed of in accordance with chapter 40.14 RCW. Nothing in this chapter can be construed to limit the admissibility of any public record as evidence.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-100, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-100, filed 2/1/94, effective 3/7/94.]

DEFINITIONS

WAC 434-663-200 Electronic document imaging system. An electronic document imaging system is a computer-based configuration of equipment and software that stores machine-readable document images and their associated character-coded index data for on-demand retrieval. Electronic images can be computer generated, or created through document scanning.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-200, filed 2/1/94, effective 3/7/94.]

WAC 434-663-210 Document scanning. A specially designed input workstation is required to convert documents or images to machine-readable form for computer processing and storage. At a minimum, the input workstation includes a document scanner, an image processor unit, a video display unit, keyboard, and access to storage. Using a solid-state array or other photo-sensitive components, the document scanner measures the amount of light associated with successively encountered PELs (Picture Element) and transmits a corresponding electrical signal that is converted to computer compatible digital codes.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-210, filed 2/1/94, effective 3/7/94.]

WAC 434-663-220 Image. An image can be a document, picture, or graphic. An image can be produced by scanning paper or film documents, producing images through a computer program, receiving an image by means of a fax, or by other means.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-220, filed 2/1/94, effective 3/7/94.]

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WAC 434-663-230 Enhancement. Any method including adjusting brightness and contrast, or algorithm employed with the objective of producing an accurate and legible copy.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-230, filed 2/1/94, effective 3/7/94.]

WAC 434-663-240 Archival records. Archival records are records that have permanent and/or historical value and are scheduled as archival. Long-term records are records having a retention period in excess of ten years. Permanent records are those records that are required by specific statute to be retained permanently.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-240, filed 2/1/94, effective 3/7/94.]

WAC 434-663-250 Open system. Open system is defined to be a system that implements sufficient public specifications for interfaces, services and supporting formats to enable applications software to be ported across a wide range of systems, to interoperate or interchange with other applications on local and remote systems, and to interact with users in a style that facilitates portability. Public specifications are maintained by open, public consensus process to accommodate new technology over time, and which are consistent with international standards.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-250, filed 2/1/94, effective 3/7/94.]

WAC 434-663-260 De facto standard. A de facto standard is a widely accepted industry standard without official recognition by a standards group.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-260, filed 2/1/94, effective 3/7/94.]

WAC 434-663-270 Record series. A group of records that are created, used, filed, and disposed of as a unit because they relate to a particular subject or function, result from the same activity, or document a specific kind of transaction.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-270, filed 9/28/00, effective 10/29/00.]

QUALITY OF DIGITAL IMAGES

WAC 434-663-300 Quality of digital images. Ensuring the quality of digitized images requires exercising control over the conversion of the original image to digital data, enhancement of the digital image if necessary, compression of the digital data for storage, decompression of digital data for retrieval, displaying the image, and printing the image.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-300, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-300, filed 2/1/94, effective 3/7/94.]

WAC 434-663-305 Scanning density. Bitonal images of documents containing type fonts no smaller than six-point shall be scanned at a minimum density of 200 dots per inch (dpi). Bitonal images of documents containing type fonts smaller than six-point, engineering drawings, maps, and similar documents with fine detail or poor contrast, shall be

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scanned at a minimum density of 300 dots per inch. Until an ANSI or AIIM standard for color images using a lossless nonproprietary compression algorithm is established, it is recommended that color documents be scanned at a minimum density of 150 dots per inch (dpi) and use TIFF, Version 5, specifications. Scanner quality control procedures shall conform to ANSI/AIIM MS44-1988, Recommended Practice for Quality Control of Images Scanners.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-305, filed 9/28/00, effective 10/29/00.]

WAC 434-663-325 Compression and decompression of data. Electronic imaging systems for bitonal images shall use the Consultative Committee on International Telegraphy and Telephony (CCITT) Group 3 or Group 4 compression and decompression techniques without proprietary alterations to the algorithm. For the storage of electronic images of records for which the state or local records committee has approved a retention period of six years or less from the date of creation, a nonproprietary lossless compression algorithm may be used if a utility program or application software option is maintained to convert images to the TIFF Group 3 or Group 4 standard. For the compression and decompression of color images a lossless algorithm, such as TIFF, Group 5, is recommended.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-325, filed 9/28/00, effective 10/29/00.]

SYSTEM REQUIREMENTS

WAC 434-663-500 Open systems architecture. Ensuring the usability of digital images to serve the functions for which they were designed involves long-term commitment to an open systems architecture and an approach to component upgrading, data transfer, and migration path that guarantees the portability of current data to be used with future technologies.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-500, filed 2/1/94, effective 3/7/94.]

WAC 434-663-530 System documentation. Detailed technical documentation is needed to facilitate future system access. Minimum documentation must include:

- (1) A hardware systems administrator manual specifying hardware, cabling, and communications configurations;
- (2) Software applications documentation, including user manuals and design documentation;
- (3) Operational procedures for scanning, indexing and verifying images;
- (4) Current security and system change control procedures, including logs of those changes, indicating the date, identity of the person making the changes and the reason for the change; and
- (5) Written procedures for periodic back-ups, including schedules and the location of secure off-site storage for those back-ups.

Agencies will maintain one copy of current documentation on-site and one current copy in designated secure storage.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-530, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-530, filed 2/1/94, effective 3/7/94.]

RETENTION, SCHEDULING, AND DISPOSITION OF RECORDS

WAC 434-663-600 Retention scheduling and disposition of public records. Conversion to an imaging system does not automatically authorize the destruction of the source documents for which images have been created. Destruction of, or changes to the retention period of, any public records due to conversion to or the use of a new media requires legal approval of the state or local records committee of the state of Washington under chapter 40.14 RCW, chapter 434-635 WAC, and other applicable state laws.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-600, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-600, filed 2/1/94, effective 3/7/94.]

WAC 434-663-615 Records retention scheduling for records on imaging system. The required retention scheduling of public records to be created, maintained, accessed, distributed, or preserved by government entities on electronic imaging systems should be done prior to the creation or copying of images of those records. Retention schedules shall be based on the information content and function of the record series. Record series documenting electronic information system operation, and maintenance must also be included on the records retention schedule approved for the agency using the system. Electronic image media rendered obsolete through the verified accurate migration of its images to a more current media for readability may be considered a redundant version and disposed of as directed by chapter 40.14 RCW.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-615, filed 9/28/00, effective 10/29/00.]

WAC 434-663-630 Agency acquisition—Department of information services approval. State agencies intending to utilize an imaging system for the storage or conversion of public records must include such plans in their biennial information technology plan submitted to the department of information services and comply with other requirements of DIS as may apply.

[Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-630, filed 2/1/94, effective 3/7/94.]

WAC 434-663-640 Disposition of records identified by records committee as archival. Public records that are designated "archival" or "potentially archival" by the state or local records committee may not be destroyed without committee approval, even where images of those records have been produced and stored on an electronic imaging system.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-640, filed 9/28/00, effective 10/29/00.]

(2001 Ed.)

PROVISION FOR CONTINUED ACCESS

WAC 434-663-700 Usability of image and index data over time. Maintaining access to and usability of electronic records requires the ability to process images and indexes both on the computer system on which they were created and on their replacement computer systems without loss of information for the full retention period approved for that record. Ensuring the readability of electronic records over time requires the maintenance of proper environmental conditions, periodic recopying, and strategies to preserve data by migration from one generation of technology to another through a commitment to open architecture.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, amended and recodified as § 434-663-700, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-400, filed 2/1/94, effective 3/7/94.]

WAC 434-663-705 Recordkeeping capabilities. Electronic imaging systems must have the following security and retention features or capabilities:

- (1) Tracking information at the records series level.
- (2) Ability to properly eliminate or dispose of records that exceed their retention periods as established under RCW 40.14.050 through 40.14.070.
- (3) Record authentication functions as needed to meet legal, audit, and administrative requirements including automatic, computer-generated maintenance of the date and time of record creation or updating, the identity of the user or system that created or updated the record, and a system-enforced log of disposition actions.
- (4) Protection against unauthorized access to records by means of a password hierarchy or other system security.
- (5) Indexing capabilities that provide flexibility in associating a record series with multiple subject categories, that facilitate access and retrieval, and that provide links to related records or supporting documentation.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-705, filed 9/28/00, effective 10/29/00.]

WAC 434-663-710 Defining indexing requirements. The selection of indexing methods and terms should be based on an analysis of the retrieval requirements associated with a particular application, and must ensure efficient and accurate retrieval of images and information. The design and content of the index should utilize standard attributes wherever available and take into account the security of the index and the retrieval requirements of both current and future users of the records including agency personnel, researchers, and the public.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, amended and recodified as § 434-663-710, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-410, filed 2/1/94, effective 3/7/94.]

WAC 434-663-720 Preservation strategy. For an electronic image system containing public records with a retention period of ten years or longer or records containing archival information, one or more of the following preservation strategies must be employed:

(1) Retain the original paper documents;
 (2) Microfilm the original documents;
 (3) Migrate optical media and magnetic media at least every ten years or sooner as is necessary to avoid technical obsolescence, loss of readability, and excessive read error rates; or

(4) Record the electronic images on industry standard microfilm at the same density at which they were scanned.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, amended and recodified as § 434-663-720, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-420, filed 2/1/94, effective 3/7/94.]

WAC 434-663-730 Header information on image files. An electronic imaging system containing public records with a retention period of ten years or longer or records containing archival information must use a nonproprietary file header format such as Tagged Image File Format (TIFF) or a header that complies with ANSI-AIIM MS53, File Format for Storage and Exchange of Images, or Bi-level File Format: Part 1.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-730, filed 9/28/00, effective 10/29/00.]

WAC 434-663-740 Security backup copies. Security backup copies must be made of electronic imaging system records stored on electronic media. The methods and frequency of backup should be determined by the amount of information that would be lost if data had to be restored using the previous backup. Since backup copies are also subject to media failure, it is recommended that redundant (multiple) backup copies be made and stored at different locations, with one copy stored off-site. In order to ensure accessibility of data, at least one redundant backup copy should be recorded in a nonproprietary format. Security backup copy media must be inspected for quality using de facto or industry standards on a regular schedule and replaced before predicted failure. If the primary backup copy of an operational imaging system is found to deviate from the primary production copy due to suspected corruption or read errors, the discrepancy must be located and both the production and backup copies must be corrected to contain accurate versions of the original images.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-740, filed 9/28/00, effective 10/29/00.]

WAC 434-663-750 Ensuring usability. At a minimum, the system must include an electronic error checking utility that will check the integrity of the data when written to the media.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, recodified as § 434-663-750, filed 9/28/00, effective 10/29/00. Statutory Authority: Chapter 40.14 RCW. 94-04-102, § 434-663-450, filed 2/1/94, effective 3/7/94.]

WAC 434-663-760 Environmental standards or best practices for storage of electronic media. Electronic media should be stored in a dust-free environment under the following environmental conditions:

(1) Temperature ranges meeting standards or best practices recommended for the media stored;

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(2) A relative humidity range meeting standards or best practices recommended for the media stored;

(3) Media should be stored in a closed container to protect from dust and fingerprints; and

(4) Magnetic tape should be rewound in accordance with de facto or industry standards, or to best practices.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-760, filed 9/28/00, effective 10/29/00.]

WAC 434-663-770 Continued access to data. If access to data in an existing electronic imaging system cannot be maintained for the specified retention period of the records stored in that system, the images must be migrated, without loss to the images or indexes, at the time of acquisition or implementation of a new system. Access to electronic data which has not been migrated to a new system requires preserving the data, the storage medium in which the data is kept, and whatever hardware, operating system, and applications software is needed to view and use the data.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-770, filed 9/28/00, effective 10/29/00.]

WAC 434-663-780 Data conversion costs. The adoption of new electronic imaging systems may require significant expenditures for conversion of information maintained in existing electronic formats to the formats required by new imaging systems. System planning should include analysis of future information access, maintenance, data conversion, and security costs.

[Statutory Authority: RCW 40.14.020(6). 00-20-038, § 434-663-780, filed 9/28/00, effective 10/29/00.]

Chapter 434-677 WAC SECURITY MICROFILM

WAC

434-677-010	Security microfilm.
434-677-020	Storage of security microfilm.
434-677-030	Use of state archives security storage facility.
434-677-040	Retention of security microfilm.
434-677-050	Access to security film.
434-677-060	Use and removal of security microfilm.
434-677-070	Inspection and notification.
434-677-080	Right to refuse or return security film.

WAC 434-677-010 Security microfilm. Security microfilm is generated to protect records identified as essential to the continuity of state and local government, or as otherwise provided by law. Reference: Chapter 40.10 RCW.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-010, filed 3/20/92, effective 4/20/92.]

WAC 434-677-020 Storage of security microfilm. Security microfilm shall be stored off-site from the original records, working copies of the microfilm, or other media containing the same information or documents. Security microfilm shall be stored in facilities under the public domain. Storage must meet atmospheric, fire, and security criteria established by technical standards for the storage of public records issued by the state archivist. Reference: Chapter 40.14 RCW.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-020, filed 3/20/92, effective 4/20/92.]

WAC 434-677-030 Use of state archives security storage facility. State agencies shall store security microfilm in facilities provided by the division of archives and records management. Local agencies may store security microfilm with the division of archives or at other sites which meet archival microfilm vault storage standards.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-030, filed 3/20/92, effective 4/20/92.]

WAC 434-677-040 Retention of security microfilm. Microfilm accepted for security storage will be retained per records retention schedules approved by the state or local records committee established in accord with chapter 40.14 RCW or per agency-approved essential records schedules established in accord with chapter 40.10 RCW. If the film is determined by the division of archives microfilm quality control examiner to be substandard, and the office of record has refused to take corrective or remedial action, the division reserves the right to return the film prior to the expiration of the scheduled retention.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-040, filed 3/20/92, effective 4/20/92.]

WAC 434-677-050 Access to security film. Access to security microfilm stored by the state archives is restricted to authorized staff of the state archives for purposes of filing, inventory, inspection maintenance and approved duplication; and to authorized staff of the office of record depositing the film, for purposes of inspection.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-050, filed 3/20/92, effective 4/20/92.]

WAC 434-677-060 Use and removal of security microfilm. Security microfilm is for use only as a master for authorized film duplication. Security microfilm will not be removed from the state archives storage facility except for permanent return to the agency of origin upon a sixty-day notification by the agency or the division of archives. Any relocation of security microfilm must be to facilities meeting security film storage standards.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-060, filed 3/20/92, effective 4/20/92.]

WAC 434-677-070 Inspection and notification. Security microfilm will be inspected upon receipt for film type, condition, density, and resolution quality. Security microfilm shall be spot checked throughout its storage life for evidence of deterioration. Agencies will be notified of substandard film and advised of recommended remedial actions.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-070, filed 3/20/92, effective 4/20/92.]

WAC 434-677-080 Right to refuse or return security film. The division reserves the right to refuse or return microfilm sent for security storage under certain conditions including the following:

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(1) The film is not the silver halide camera negative or first copy positive.

(2) The film does not meet state quality standards for density and resolution.

(3) The film has microscopic blemishing, mold, or other forms of deterioration or damage, or will not produce a usable work copy.

(4) The film is not packaged, identified, and transmitted in accord with division guidelines.

(5) The records being secured on microfilm do not qualify as essential records per chapter 40.10 RCW, or are not appraised as historically valuable.

[Statutory Authority: RCW 40.14.020. 92-08-020, § 434-677-080, filed 3/20/92, effective 4/20/92.]

Chapter 434-690 WAC

ARCHIVES—ACCESS TO PUBLIC RECORDS

WAC

434-690-010	Purpose.
434-690-020	Description of central and field organization of the division of archives and records management.
434-690-030	Operations and procedures.
434-690-040	Public records available.
434-690-050	Public records officer.
434-690-060	Office hours.
434-690-070	Requests for public records—Archives—Scheduled records.
434-690-080	Fees.
434-690-090	Exemptions.
434-690-100	Review of denials of public records requests.
434-690-110	Protection of public records.
434-690-120	Records index.
434-690-130	Communication with division—Address.
434-690-140	Adoption of form.
434-690-990	Appendix A—Management organization chart of state archivist.
434-690-99001	Appendix B—Form—Request for public records.

WAC 434-690-010 Purpose. The purpose of this chapter shall be to ensure compliance by the office of the secretary of state, division of archives and records management with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure—Campaign finances—Lobbying—Records; and in particular with sections 25–32 of that act, dealing with public records.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-010, filed 11/12/91, effective 12/13/91.]

WAC 434-690-020 Description of central and field organization of the division of archives and records management. Division of archives and records management. The division is an administrative service and regulatory agency. The administrative office of the division and its staff are located at the Archives and Records Center Building, Olympia, Washington.

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-020, filed 11/12/91, effective 12/13/91.]

WAC 434-690-030 Operations and procedures. The division of archives and records management is the primary archival and records management agency of Washington state government. The division is organized as depicted in Appendix A. Through its several sections, operating units,

and regional offices it carries on the functions cited in chapter 434-620 WAC.

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

WAC 434-690-040 Public records available. All public records of the division as defined in WAC 434-15-610 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and WAC 434-690-100.

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

WAC 434-690-050 Public records officer. (1) The divisional records shall be in the charge of the public records officer designated by the secretary of state. The person so designated shall be located in the administrative office of the secretary of state. The public records officer shall be responsible for the following: The implementation of the division's rules and regulations regarding release of public records, coordinating the staff of the division in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

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

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

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-050, filed 11/12/91, effective 12/13/91.]

WAC 434-690-060 Office hours. Divisional records, archives and scheduled records shall be available for inspection and copying during the customary office hours of the division. For the purposes of this chapter, the customary office hours shall be from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

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

WAC 434-690-070 Requests for public records—Archives—Scheduled records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be

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obtained, by members of the public, upon compliance with the following procedures:

(1) **Divisional records.** A request shall be made in writing upon the form prescribed in WAC 434-690-150 which shall be available at the division's administrative office or at the secretary of state's administrative office. The form shall be presented to the secretary of state's public records officer at his/her office, or if he/she is not available, to any member of the division's staff at the administrative office of the division, during customary office hours. The request shall include the following information:

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

(2) **Archives.** A request shall be made in writing upon a form prescribed by the division which shall be available at the state archives and records center. The form shall be presented to the state archivist, or to a member of the division's staff, designated by the state archivist, at the state archives building, during customary office hours. The requests shall include specific subject and date and/or state archives record group, sub-group, series and date information to facilitate record retrieval.

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

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

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

WAC 434-690-080 Fees. (1) No fee shall be charged for the inspection of public records.

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

(3) The division may impose a reasonable charge for providing copies of public records, regardless of media, and for the use by any person of division equipment to copy public records. Charges shall not exceed the amount necessary to

reimburse the division for its actual costs incident to such copying.

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

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

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

WAC 434-690-090 Exemptions. (1) The division reserves the right to determine that a public record or archive record requested in accordance with the procedures outlined in WAC 434-690-070 is exempt under the provisions of RCW 42.17.310.

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

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

[Statutory Authority: RCW 42.17.250, 91-23-024, § 434-690-090, filed 11/12/91, effective 12/13/91.]

WAC 434-690-100 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

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

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

[Statutory Authority: RCW 42.17.250, 91-23-024, § 434-690-100, filed 11/12/91, effective 12/13/91.]

WAC 434-690-110 Protection of public records. Records will be made available to the requestor subject to the following restrictions:

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

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

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

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

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

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

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

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

(9) Records will be returned to the state archivist or his designee by the requestor when no longer required and no later than the end of the customary office hours as set forth in WAC 434-690-060.

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

WAC 434-690-120 Records index. (1) **Index.** The division has available to all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated since its inception:

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

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

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

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

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

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

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

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

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

[Statutory Authority: RCW 42.17.250, 91-23-024, § 434-690-120, filed 11/12/91, effective 12/13/91.]

WAC 434-690-130 Communication with division—Address. All communications with the division including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the division's decisions and other matters, shall be addressed as follows: Office of the Secretary of State, c/o Public Records

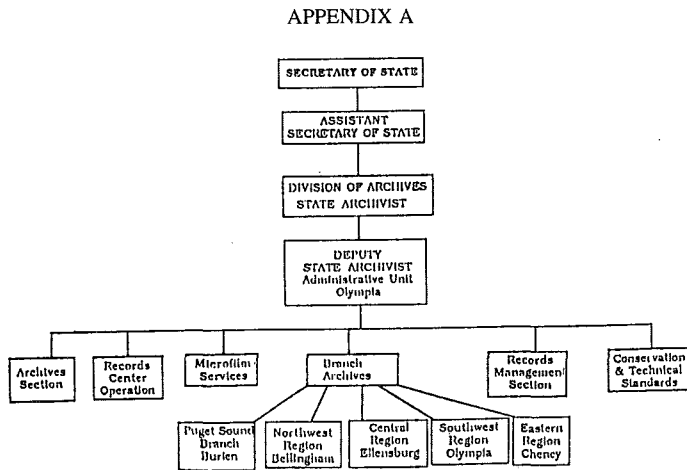
Officer, Legislative Building, Olympia, Washington 98504-0000.

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

WAC 434-690-140 Adoption of form. The division hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix B entitled "Request for public record."

[Statutory Authority: RCW 42.17.250. 91-23-024, § 434-690-140, filed 11/12/91, effective 12/13/91.]

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



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

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

APPENDIX B REQUEST FOR PUBLIC RECORDS

Form fields for Requester information: Name of Requestor, Address, Phone, Date of Request, Time of Request, Nature of Request (Index Reference), and Signature.

For Office Use Only section with checkboxes for Record status (Request Granted, Withheld) and numbered instructions for handling withheld records.

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

Chapter 434-840 WAC ADDRESS CONFIDENTIALITY PROGRAM

WAC

- List of WAC codes (434-840-001 to 434-840-370) and their corresponding descriptions, such as Authority and purpose, Definitions, Application and certification process, etc.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- List of WAC codes (434-840-050 to 434-840-300) and their corresponding disposition information, including notification of program participant status and record confidentiality.

WAC 434-840-001 Authority and purpose. These rules are adopted pursuant to RCW 40.24.030 and 40.24.090. The purpose of this chapter is to provide the administrative procedures necessary to implement chapter 40.24 RCW; to provide a procedure for state and local agencies to respond to requests for public records without disclosing the location of a program participant; to provide a procedure to facilitate interagency cooperation in providing address confidentiality for a program participant; to establish uniform state-wide procedures for maintaining the confidentiality of a program participant's name and address information in marriage and voting records; and to provide a procedure for state and local

agencies to accept a program participant's use of a substitute mailing address.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-001, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-001, filed 9/26/91, effective 10/27/91.]

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

(1) "Address confidentiality program" means the agency employee designated by the secretary of state with responsibility for developing and administering the program that implements the provisions of chapter 40.24 RCW.

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

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

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

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

(6) "Bona fide statutory or administrative requirement" means that without possession of an individual's actual address the agency is unable to fulfill its statutory duties and obligations.

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

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

(9) "Substitute mailing address" means the mailing address designated by the secretary of state which shall not be the program participant's residential address as documented on her or his application for program participation.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-005, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-005, filed 9/26/91, effective 10/27/91.]

WAC 434-840-010 Application and certification process. (1) The program applicant shall provide all the information required on the certification application and date and sign the form. An applicant shall specify a Washington state residential address, work, and school addresses, if any, for which confidentiality is requested. The standard application form shall also include the application preparation date, and

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the signature of the application assistant as provided in RCW 40.24.080.

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

(3) A properly completed application shall be effective on the day it is received by the address confidentiality program.

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

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-010, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-010, filed 9/26/91, effective 10/27/91.]

WAC 434-840-020 Exercise of program participant's privileges. (1) At the time any state or local government agency creates a new record or updates an existing record, a program participant may request that the agency use the substitute mailing address as the participant's residence, work and/or school address.

(2) A program participant shall show her or his authorization card to the agency official creating a new record and request address confidentiality through the use of the substitute mailing address as it appears on the authorization card, in lieu of her or his actual location.

(3) The agency official creating a new record may make a file photocopy of the authorization card and shall immediately return the authorization card to the program participant.

(4) An agency shall accept the substitute mailing address unless the agency has received a written exemption from the secretary of state pursuant to RCW 40.24.050 and WAC 434-840-070.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-020, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-020, filed 9/26/91, effective 10/27/91.]

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

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

riage license, notify in writing the authorized personnel of the department of health and the appropriate county auditor's office.

[Statutory Authority: RCW 40.24.090, 98-19-063, § 434-840-030, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23, 91-20-074, § 434-840-030, filed 9/26/91, effective 10/27/91.]

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

(2) The address confidentiality program shall terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant's certification term has expired and certification renewal has not been completed; (b) the address confidentiality program has determined that false information was used in the application process; or (c) the program participant obtains a legal name change.

(3) The address confidentiality program may terminate a program participant's certification and invalidate her or his authorization card if: (a) The program participant no longer resides at the residential address listed on the application, and has not provided seven days' prior notice in writing of a change of address; or (b) first class mail, certified mail, or a service of process document forwarded to the program participant by the address confidentiality program is returned as nondeliverable or unclaimed.

(4) If termination is a result of subsection (2) or (3) of this section, the address confidentiality program shall send written notification of the termination to the participant's last known mailing or residential address. The program participant shall have five business days in which to appeal the termination under procedures developed by the secretary of state.

(5) The address confidentiality program shall notify the appropriate authorized personnel when a participant has been terminated from the program. The authorized personnel shall transmit to the address confidentiality program all appropriate administrative records pertaining to the participant. The transmitting agency is no longer responsible for maintaining record confidentiality for a terminated program participant under chapter 40.24 RCW.

(a) If the terminated participant had a protected marriage record, the address confidentiality program shall notify in writing authorized personnel of the department of health and the appropriate county auditor's office of the participant's termination.

(b) If the terminated participant was a protected records voter, the address confidentiality program shall notify in writing authorized personnel of the county auditor's office of the participant's termination.

[Statutory Authority: RCW 40.24.090, 98-19-063, § 434-840-040, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23, 91-20-074, § 434-840-040, filed 9/26/91, effective 10/27/91.]

WAC 434-840-060 Information release to law enforcement agency. A request from a law enforcement agency for release of records in a program participant's file shall be in writing, on agency letterhead stationery, and shall contain the signature of the agency's chief law enforcement officer as defined in RCW 10.98.040, the request date, and the name of the program participant.

[Statutory Authority: RCW 40.24.090, 98-19-063, § 434-840-060, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23, 91-20-074, § 434-840-060, filed 9/26/91, effective 10/27/91.]

WAC 434-840-070 Agency exemption request. (1) An agency requesting an exemption under RCW 40.24.050, must provide in writing to the secretary of state: (a) Identification of the statute or administrative rule which demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual; (b) identification and description of the specific record or record series for which the exemption is requested; (c) identification of the individuals who will have access to the record; (d) explanation of how the agency's acceptance of a substitute address will prevent the agency from meeting its obligations under the statute or rule identified above; and (e)(i) explanation of why the agency cannot meet its statutory or administrative obligations by a change in its internal procedures; and, where appropriate, (ii) description of any agency procedural change(s) that could be made that would allow it to accept the substitute address and meet its statutory or administrative obligations and an estimate of implementation time needed.

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

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

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

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

(6) When a program participant requests use of the substitute address in a record, and the agency has received an exemption for that record, the agency shall immediately pro-

vide a copy of the written exemption to the requesting program participant. The agency shall notify the address confidentiality program of the occurrence and denial of the program participant's request.

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

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

[Statutory Authority: RCW 40.24.090, 98-19-063, § 434-840-070, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23, 91-20-074, § 434-840-070, filed 9/26/91, effective 10/27/91.]

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

(2) Service on the secretary of state of any such summons, writ, demand, notice, or process shall be made by mailing to the substitute address or by delivering to the secretary of state at his/her office in the Legislative Building, Olympia, WA: (a) Two copies of the summons, writ, notice, demand, or process; and (b) twenty-five dollars service-of-process fee for each action or document filed.

(3) If a summons, writ, notice, demand, or process is served on the secretary of state, the secretary of state shall immediately forward a copy to the program participant at the participant's current mailing address shown on the records.

(4) The secretary of state shall maintain in the program participant's file, a record of all summonses, writs, notices, demands, and processes served upon the secretary of state for that participant under RCW 40.24.030 (1)(b), which shall include the date of such service and the secretary of state's action.

[Statutory Authority: RCW 40.24.090, 98-19-063, § 434-840-080, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23, 91-20-074, § 434-840-080, filed 9/26/91, effective 10/27/91.]

WAC 434-840-100 Acknowledgement for marriage and voting record confidentiality. (1) When a program participant requests confidentiality for marriage records, both the program participant and her or his intended spouse shall sign and date a statement provided by the secretary of state, that describes access limitations on confidential marriage records.

(2) When a program participant requests confidentiality for voting records, she or he shall sign a statement provided by the secretary of state, that documents the date of this request and the ongoing absentee ballot voting process to be used.

(3) The authorized personnel shall keep the original copy of this signed acknowledgement, forward one copy to the address confidentiality program and give one copy to the program participant.

[Statutory Authority: RCW 40.24.090, 98-19-063, § 434-840-100, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23, 91-20-074, § 434-840-100, filed 9/26/91, effective 10/27/91.]

(2001 Ed.)

WAC 434-840-110 Proof of program participant's authority. (1) When a program participant requests name and address confidentiality for marriage or voting records, authorized personnel shall check the authorization card to confirm that the term of program participation has not expired and that the program participant's signature on the authorization card matches that on the acknowledgement form.

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

[Statutory Authority: RCW 40.24.090, 98-19-063, § 434-840-110, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23, 91-20-074, § 434-840-110, filed 9/26/91, effective 10/27/91.]

WAC 434-840-200 Notification for marriage record confidentiality. A program participant shall notify the appropriate county auditor or county recording officer of her or his request for confidentiality in marriage records by appearing in person with her or his intended spouse before the county auditor or county recording officer.

[Statutory Authority: RCW 40.24.090, 98-19-063, § 434-840-200, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23, 91-20-074, § 434-840-200, filed 9/26/91, effective 10/27/91.]

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

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

[Statutory Authority: RCW 40.24.090, 98-19-063, § 434-840-210, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23, 91-20-074, § 434-840-210, filed 9/26/91, effective 10/27/91.]

WAC 434-840-220 Marriage record filing. Any notation of a confidential marriage license application, certificate, or record, by authorized personnel shall be made in a manner that preserves the confidentiality of the information contained in that document.

[Statutory Authority: RCW 40.24.090, 98-19-063, § 434-840-220, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23, 91-20-074, § 434-840-220, filed 9/26/91, effective 10/27/91.]

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

[Statutory Authority: RCW 40.24.090, 98-19-063, § 434-840-230, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23, 91-20-074, § 434-840-230, filed 9/26/91, effective 10/27/91.]

[Title 434 WAC—p. 145]

WAC 434-840-240 Certified copy of marriage certificates. Upon the request of a program participant, accompanied by the appropriate fee, the address confidentiality program may request in writing a certified copy of a program participant's marriage certificate from the agency maintaining that record and release it to the program participant. A certified copy of a marriage certificate containing the name of the program participant is only available through the address confidentiality program.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-240, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-240, filed 9/26/91, effective 10/27/91.]

WAC 434-840-310 Protected records voter application. (1) A program participant shall notify the appropriate county authorized personnel of her or his request for confidentiality in voting records by appearing in person before the appropriate county authorized personnel. The program participant shall: (a) Present her or his program authorization card; (b) cancel any previously existing voter registration; and (c) apply to vote by providing all the information required on the address confidentiality program ongoing absentee ballot application.

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

(3) An application for protected records voter status and an absentee ballot to be issued to the participant in person, may be made no later than the day before an election. An application for protected records voter status and an absentee ballot to be mailed to the substitute mailing address shall be made no later than twenty working days before the first election in which the program participant wishes to vote.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-310, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-310, filed 9/26/91, effective 10/27/91.]

WAC 434-840-320 Maintaining protected records voter information. All records pertaining to a protected records voter shall be maintained in a manner ensuring that these records are accessible only to authorized personnel. A protected records voter shall not be included in any registered voter list, absentee ballot list, tape, label, or poll book. Information pertaining to a protected records voter shall not be publicly accessible regardless of the type of records management system except as provided by RCW 40.24.060.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-320, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-320, filed 9/26/91, effective 10/27/91.]

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

The county authorized shall maintain a record of ballots sent to protected records voters and a record of ballots returned. This record shall be maintained in accordance with WAC 434-840-320.

[Title 434 WAC—p. 146]

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-330, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-330, filed 9/26/91, effective 10/27/91.]

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

(a) The ballot and corresponding voter's guide, shall be placed with ballot security envelope, return envelope with oath in an envelope addressed to the substitute address;

(b) The voter's name, and authorization code shall be entered onto the return envelope to ensure that the returned ballot will be segregated and routed to authorized personnel for processing;

(2) The voted absentee ballot for a protected records voter shall be processed by county authorized personnel in the following manner:

(a) The authorized personnel shall compare the signature on the returned ballot envelope with the signature on the address confidentiality program ongoing absentee ballot application;

(b) If the signature does not correspond to the signature on file, indication of this discrepancy shall be entered onto the return envelope; and county authorized personnel shall notify the address confidentiality program.

(c) The address confidentiality program shall, upon receipt of a notice pursuant to (b) of this subsection attempt to determine the cause of the discrepancy, and notify the appropriate county authorized personnel of any relevant information, that should be considered by the county canvassing board.

(4) If the protected records voter neglects to sign the affidavit on the return envelope, the county authorized personnel shall notify the protected records voter by first class mail of that fact. The authorized personnel may provide the voter with a copy of the return envelope affidavit and require the voter to sign the copy of the affidavit and mail it back to the auditor so that it arrives not later than the day before the certification of the primary or election. Authorized personnel shall keep a record of the date on which the notice was mailed to the protected records voter as well as the date on which the voter signed the return envelope or the copy of the return envelope affidavit.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-340, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23. 91-20-074, § 434-840-340, filed 9/26/91, effective 10/27/91.]

WAC 434-840-350 Canvassing procedure for a special ballot of a protected records voter. A special ballot, as defined in WAC 434-240-010(13), of a protected records voter shall be presented to the canvassing board in executive session.

[Statutory Authority: RCW 40.24.090. 98-19-063, § 434-840-350, filed 9/16/98, effective 10/17/98. 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.]

WAC 434-840-360 Undeliverable ballot. If any protected records voter's ongoing absentee ballot is declared

undeliverable by the post office and returned, to the address confidentiality program, the address confidentiality program shall attempt to determine the cause of this occurrence and inform the county authorized personnel of any relevant information regarding the reason for the ballot's return.

[Statutory Authority: RCW 40.24.090, 98-19-063, § 434-840-360, filed 9/16/98, effective 10/17/98. Statutory Authority: 1991 c 23, 91-20-074, § 434-840-360, filed 9/26/91, effective 10/27/91.]

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

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