

WSR 21-21-001
PERMANENT RULES
SECRETARY OF STATE

[Filed October 6, 2021, 12:09 p.m., effective November 6, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: Permanent adoption of WAC changes related to WAC 434-230-015 Ballots and instructions, 434-250-135 Ballot return postage, 434-250-105 Voting centers, 434-261-005 Definitions, 434-262-070 Official county canvass report, 434-324-026 Voter registration form, 434-335-323 Preparing the logic and accuracy test, 434-381-180 Editing statements and arguments; adopting WAC 434-250-370 HUB reimbursement program; and repealing WAC 434-250-360 HUB grant program in WAC.

Citation of Rules Affected by this Order: New WAC 434-250-370; repealing WAC 434-250-360; and amending WAC 434-324-026, 434-250-105, 434-262-070, 434-381-180, 434-230-135, 434-261-005, 434-335-323, and 434-230-015.

Statutory Authority for Adoption: RCW 29A.04.611.

Adopted under notice filed as WSR 21-18-075 on August 27, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 7, Repealed 1.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 3, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 3, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 9, Repealed 1; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 6, 2021.

Sheri Nelson
Deputy Secretary
of State

AMENDATORY SECTION (Amending WSR 19-12-115, filed 6/5/19, effective 7/6/19)

WAC 434-230-015 Ballots and instructions. (1) Each ballot shall specify the county, the date, and whether the election is a primary, special or general.

(2) Each ballot must include instructions directing the voter how to mark the ballot, including write-in votes if candidate races appear on the ballot.

(3) Instructions that accompany a ballot must:

(a) Instruct the voter how to cancel a vote by drawing a line through the text of the candidate's name or ballot measure response;

(b) Notify the voter that, unless specifically allowed by law, more than one vote for an office or ballot measure will

be an overvote and no votes for that office or ballot measure will be counted;

(c) Explain how to complete and sign the ballot declaration. The following declaration must accompany the ballot:

"I do solemnly swear or affirm under penalty of perjury that I am:

A (~~(citizen of the)~~) United States citizen;

A (~~((resident of the state of))~~) Washington (~~(and)~~) state resident that meets the requirements for voting mandated by state law;

At least 18 years old on election day, or 17 years old at the primary and 18 years old by the day of the November general election;

Voting only once in this election and not voting in any other United States jurisdiction;

Not ((under the authority of)) serving a sentence of total confinement under the jurisdiction of the Department of Corrections for a Washington felony conviction or currently incarcerated for a federal or out-of-state felony conviction;

Not disqualified from voting due to a court order; and
 ((Not voting in any other jurisdiction in the United States for this election.)) Aware it is illegal to forge a signature or cast another person's ballot((-)) and that attempting to vote when not qualified, attempting to vote more than once, or falsely signing this declaration is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both."

The declaration must include space for the voter to sign and date the declaration, for the voter to write his or her phone number, and for two witnesses to sign if the voter is unable to sign.

(d) Explain how the voter may make a mark, witnessed by two other people, if the voter is unable to write their signature;

(e) Explain that a power of attorney cannot be used to sign a ballot for someone else;

(f) Explain how to place the ballot in the security envelope/sleeve and place the security envelope/sleeve in the return envelope;

(g) Explain how to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

(h) Explain how the voter may update their address;

(i) If applicable, include language with the reissued ballot notifying the voter that the reissued ballot is their current ballot;

(j) If applicable, explain that postage is required, or exactly how much postage is required. See WAC 434-250-200 on return postage;

(k) Explain that, in order for the ballot to be counted, it must be either postmarked no later than election day or deposited at a ballot drop box no later than 8:00 p.m. election day;

(l) Explain how to learn about the locations, hours, and services of voting centers and ballot drop boxes, including the availability of accessible voting equipment;

(m) Include, for a primary election that includes a partisan office other than a presidential primary race, a notice on an insert explaining:

"In each race, you may vote for any one candidate listed. The two candidates who receive the most votes in the primary will advance to the general election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(n)(i) Include, for a general election that includes a partisan office, the following explanation:

"If a primary election was held for an office, the two candidates who received the most votes in the primary advanced to the general election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(ii) In a year that president and vice president appear on the general election ballot, the following must be added to the statement required by (n)(i) of this subsection:

"The election for president and vice president is different. Candidates for president and vice president are the official nominees of their political party."

(4) Instructions that accompany a special absentee ballot authorized by RCW 29A.40.050 must also explain that the voter may request and subsequently vote a regular ballot, and that if the regular ballot is received by the county auditor, the regular ballot will be tabulated and the special absentee ballot will be voided.

(5) Each ballot must explain, either in the general instructions or in the heading of each race, the number of candidates for whom the voter may vote (e.g., "vote for one").

(6)(a) If the ballot includes a partisan office other than a presidential primary race, the ballot must include the following notice in bold print immediately above the first partisan congressional, state or county office: "READ: Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(b) When the race for president and vice president appears on a general election ballot, instead of the notice required by (a) of this subsection, the ballot must include the following notice in bold print after president and vice president but immediately above the first partisan congressional, state or county office: "READ: Each candidate for president and vice president is the official nominee of a political party. For other partisan offices, each candidate may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(c) The same notice may also be listed in the ballot instructions.

(7) Counties may use varying sizes and colors of ballots, provided 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 various types of ballots.

(8) Ballots shall be formatted as provided in RCW 29A.36.170.

(9) Removable stubs are not considered part of the ballot.

(10) If ballots are printed with sequential numbers or other sequential identifiers, the county auditor must take steps to prevent ballots from being issued sequentially, in order to protect secrecy of the ballot.

Counties may use ballot envelopes with the previous declaration through December ~~((2020))~~ 2021.

AMENDATORY SECTION (Amending WSR 19-19-033, filed 9/11/19, effective 10/12/19)

WAC 434-230-135 Ballot return postage. ~~((+))~~ The secretary of state will work with each county auditor to identify the most cost effective U.S. Postal Service business reply permit type for their county. Once the appropriate business reply mail permit type is determined, each county auditor must:

~~((+))~~ (1) Establish and maintain the U.S. Postal Service business reply mail permit identified and use it exclusively for ballot return postage;

~~(b) Connect the business reply mail permit to the secretary of state's U.S. Postal Service enterprise payment system (or succeeding) account;~~

~~(+))~~; and

(2) Use ballot return envelopes approved by the U.S. Postal Service for the business reply mail permit established in ~~((a) of this subsection; and~~

~~(d) Provide an independent count of the ballots returned by mail for each election, separate and distinct from the number provided by U.S. Postal Service, if requested by the secretary of state for audit purposes.~~

~~(2) County auditors may use their existing envelope stock until February 15, 2020, if return envelope design changes are required to comply with this rule))~~ subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 19-12-115, filed 6/5/19, effective 7/6/19)

WAC 434-250-105 Voting centers. (1) If a location offers replacement ballots, reissued ballots, provisional ballots, or voting on a direct recording electronic device, it is considered a voting center.

(2) At least one voting center must be open during business hours during the voting period, which begins eighteen days before, and ends at 8:00 p.m. on the day of the special, primary, or general election. Additional voting centers, and additional locations that are not voting centers, established by the county auditor to provide other services are not required to be open for the full eighteen-day voting period. In addition to the requirements of RCW 29A.40.160, each voting center must:

(a) Be an accessible location. "Accessible" means the combination of factors which create an environment free of barriers to the mobility or functioning of voters. The environment consists of the routes of travel to and through the build-

ings or facilities used for voting. The Americans with Disabilities Act Checklist for Polling Places shall be used when determining the accessibility of a voting center. A voting center is fully accessible if all responses in each category are "Yes";

(b) Be located in a public building or building that is leased by a public entity including, but not limited to, libraries;

(c) Be marked with signage outside the building indicating the location as a place for voting;

(d) Issue ballots that include a declaration in the ballot materials;

(e) Offer disability access voting in a location or manner that provides for voter privacy. For each voting center, the county auditor must have a contingency plan to accommodate accessible voting in the event that an accessible voting unit malfunctions or must be removed from service;

(f) Offer provisional ballots, which may be sample ballots that meet provisional ballot requirements;

(g) Have electronic or telephonic access to the voter registration system, consistent with WAC 434-250-095, if the voting center offers voting on a direct recording electronic voting device. The county auditor shall require the voter to print and sign the ballot declaration provided in WAC 434-230-015. Ballot declaration signatures may not be maintained in the order in which they were signed. Before the voter may vote on a direct recording electronic voting device, the county auditor must either:

(i) Verify the signature on the ballot declaration against the signature in the voter registration record; or

(ii) Require the voter to provide photo identification, consistent with RCW 29A.40.160.

(h) Provide ~~((either a voters' pamphlet or sample ballots))~~ voters' pamphlets;

(i) Provide sample ballots if a full sample ballot is not published in the local voters' pamphlet;

(j) Provide voter registration services pursuant to RCW 29A.08.140. If the voter registration system is unable to process applications, the county auditor shall offer conditional registration and balloting services;

~~((j))~~ (k) Display a HAVA voter information poster, containing an example of an actual ballot or a sample ballot in substantially the same format as an actual ballot;

~~((k))~~ (l) Display the date of that election;

~~((l))~~ (m) During a primary that includes a partisan office, and a general election that includes a partisan office, display the appropriate party preference notice provided in WAC 434-230-015. The party preference notices may also be posted on-screen in direct recording electronic voting devices;

~~((m))~~ (n) Provide instructions on how to properly mark the ballot; and

~~((n))~~ (o) Provide election materials in alternative languages if required by the Voting Rights Act.

(3) Where it appears that a particular voter is having difficulty casting their vote, and as a result, is impeding other voters from voting, the staff may provide assistance to that voter in the same manner as provided by law for those voters who request assistance. Where it appears that a voter is impeding other voters from voting to simply cause delay, the

staff shall ask the voter to expedite the voting process. In the event the voter refuses to cooperate, the staff 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.

(4) At exactly 8:00 p.m. on election day, all ballot boxes must be emptied or secured to prevent the deposit of additional ballots; however, any voter who is in a voting center or in line at a voting center at 8:00 p.m. must be allowed to vote and deposit their ballot. Voted ballots, including provisional, mail-in, and direct recording electronic and paper records, must be placed into secured transport carriers for return to the county auditor's office or another designated location.

(5) The requirements for staffed ballot deposit sites per WAC 434-250-100 apply to voting centers.

(6) The county auditor may establish which services will be provided at additional locations, which days and hours the additional locations will be open, and shall publish the information for voters.

NEW SECTION

WAC 434-250-370 Hub reimbursement program. (1)

Each year that funding has been made available by the legislature for support of student engagement hubs, a county that is required to operate a student engagement hub under RCW 29A.40.180, may request reimbursement from the secretary of state. Reimbursement under this section is limited to the operation of a student engagement hub during any portion of the in-person voter registration period associated with each general election.

(2) Reimbursement may be requested as either:

(a) Direct costs identified in the election cost reimbursement submitted pursuant to chapter 29A.04 RCW and compliant with the *BARS Manual* requirements related to cost reimbursement; or

(b) A reimbursement request separate from the election cost reimbursement request. This must be accompanied by supporting documentation, which may include invoices, written narratives, cost allocation, or other information, for each billed cost, a description of hub operations, dates and hours of operation, and a copy of the hub agreement.

(3) Prior to each general election, the secretary of state may identify a portion of the funding made available by the legislature to support student engagement hubs for statewide communication, outreach, or system upgrades related to student engagement hubs.

(4) All funding remaining after statewide communication, outreach, or system upgrades, must be used for reimbursement of operation costs as requested by counties operating student engagement hubs.

(5) In the event that available funding is less than the total of all reimbursements requested, available funding must be distributed using a proportional allocation method.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-250-360 Hub grant program.

AMENDATORY SECTION (Amending WSR 19-01-102, filed 12/18/18, effective 1/18/19)

WAC 434-261-005 Definitions. (1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot. Inspection is performed as part of the initial processing;

(2) "Ballot duplication" is the process of making a true copy of valid votes from a physically damaged ballot or a ballot that is unreadable or uncountable by the tabulation system onto a paper or electronic blank ballot to ensure the ballot may be correctly tabulated by the tabulation system. The original ballot may not be altered. Teams of two or more people working together must duplicate ballots according to voter intent as per WAC 434-261-086. A log of duplicated ballots must be signed by the two or more people who duplicated the ballots;

(3) "Ballot resolution" is the process of making changes on a voted electronic ballot image to ensure the ballot is tabulated according to the voter's intent. The changes must reflect the voter intent as per WAC 434-261-086 and the original ballot may not be altered. Changes must be made by teams of two or more people working together. A log of resolved ballots must be signed by the two or more people resolving the ballots;

(4) "Readable ballot" is any ballot that the certified vote tallying system can accept and read as the voter intended without alteration, and that meets the standards of the county canvassing board subject to the provisions contained in this title;

(5) "Unreadable ballot" is any ballot that cannot be read by the vote tallying system as the voter intended without alteration. Unreadable ballots may subsequently be counted as provided by these administrative rules;

(6) "Valid signature" on a ballot declaration for a registered voter eligible to vote in the election is:

(a) A signature verified against the voter's signature in the voter registration file attesting to the voter registration oath; or

(b) A mark witnessed by two people.

(7) "Overvote" is votes cast for more than the permissible number of selections allowed in a race or measure. An overvoted race or measure does not count in the final tally of that race or measure. Example of an overvote would be voting for two candidates in a single race with the instruction, "vote for one";

(8) "Undervote" is no selections made for a race or measure;

(9) "Election observers" means those persons designated by the county political party central committee chairperson to observe the counting of ballots and related elections procedures;

(10) "Seal log" is a log documenting each time a numbered seal is attached or removed from a ballot container. The log must include the seal number, date, and identifying information of persons attaching or removing the seal. Following certification of the election, the seal log must include documentation as to why the seal was removed from a ballot container.

AMENDATORY SECTION (Amending WSR 20-14-035, filed 6/24/20, effective 7/25/20)

WAC 434-262-070 Official county canvass report. (1) 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:

(a) States that the abstract is a full, true, and correct representation of the votes cast for the issues and offices listed thereon;

(b) Provides the total number of registered voters and votes cast in the county;

(c) Contains the oath required by RCW 29A.60.200, signed by the county auditor and attested to by the chair or designee who administered the oath; and

(d) Shall have a space where the official seal of the county shall be attached.

(2) The official county canvass report shall include:

(a) The certification;

(b) The auditor's abstract of votes as described in WAC 434-262-030. This report may not be subsequently amended or altered, except in the event a recount conducted pursuant to chapter 29A.64 RCW, or upon order of the superior court. The vote totals therein shall constitute the official returns of that election; and

(c) If applicable, a written narrative of errors and discrepancies discovered and corrected.

(3) The certification shall be signed by all members of the county canvassing board or their designees.

(4) The official county canvass report (~~(of state primaries)~~) for every primary and (~~(general)~~) election(~~(s)~~) must be submitted to the secretary of state on the day the election was certified.

(5) The county auditor must prepare a reconciliation report for every primary and election as required by RCW 29A.60.235 and state rule, and submit the complete report as directed by the secretary of state. The secretary of state shall review the reconciliation for each county and work with the county auditor to resolve discrepancies. If a discrepancy is resolved, the county auditor shall submit a correct reconciliation report to the secretary of state seven days following the certification of the election. The corrected report then becomes the official reconciliation report for that election. The county auditor shall post the corrected report on the county auditor website.

AMENDATORY SECTION (Amending WSR 20-13-043, filed 6/10/20, effective 7/11/20)

WAC 434-324-026 Voter registration form.

Fold and seal, or use an envelope

Instructions

Use this form to register to vote or update your current registration.

Print all information clearly using black or blue pen. Mail this completed form to your county elections office (address on back).

Deadline

This registration will be in effect for the next election if received by the elections office no later than eight days before Election Day.

Voting

You will receive your ballot in the mail. Contact your county elections office for accessible voting options.

Future Voters

If you are at least 16 years old, use this form to sign up. You'll be automatically registered when you turn 18.

Public Information

Your name, address, gender, and date of birth will be public information if you are at least eighteen years of age.

Notice

Knowingly providing false information about yourself or your qualifications for voter registration is a class C felony punishable by imprisonment for up to five years, a fine of up to \$10,000, or both.

Public Benefits Offices

If you received this form from a public benefits office, where you received the form will remain confidential and will be used for voter registration purposes only.

Registering or declining to register will not affect the assistance provided to you by any public benefits office. If you decline to register, your decision will remain confidential.

If you believe someone interfered with your right to register, or your right to privacy in deciding whether to register, you may file a complaint with the Washington State Elections Division.

Contact Information

If you would like help with this form, contact the Washington State Elections Division.

web www.votewa.gov

call (800) 448-4881

email elections@sos.wa.gov

mail PO Box 40229 Olympia, WA 98504-0229

For official use:

fold in half

4/2020

Washington State Voter Registration Form

Register online at www.votewa.gov.

1 Personal Information

last first middle suffix
date of birth (mm/dd/yyyy) gender
residential address in Washington apt #
city ZIP
mailing address, if different
city state and ZIP
phone number (optional) email address (optional)

2 Qualifications

If you answer no, do not complete this form.
I am a citizen of the United States of America.
I am at least eighteen years old, or at least sixteen years old and will vote only after I turn eighteen.

3 Military / Overseas Status

I am currently serving in the military.
I live outside the United States.

4 Identification - Washington Driver License, Permit, or ID

Grid for driver license/ID number and Social Security number (last four digits).

5 Change of Name or Address

This information will be used to update your current registration, if applicable.
former last name first middle
former residential address city state and ZIP

6 Declaration

I declare that the facts on this voter registration form are true. I am a citizen of the United States, I will have lived at this address in Washington for at least thirty days immediately before the next election at which I vote, I am at least sixteen years old, I am not disqualified from voting due to a court order, and I am not under department of corrections supervision for a Washington felony conviction.

sign here

date here

return address: PO Box 40229, Olympia, WA 98504-0229



first class postage required



Please write your county elections office address below:

[]

↑ fold in half	<p>Adams County 210 W Broadway, Ste 200 Ritzville, WA 99169 (509) 659-3249</p> <p>Asotin County PO Box 129 Asotin, WA 99402 (509) 243-2084</p> <p>Benton County PO Box 1440 Prosser, WA 99350 (509) 736-3085</p> <p>Chelan County 350 Orondo Ave Ste. 306 Wenatchee, WA 98801-2885 (509) 667-6808</p> <p>Clallam County 223 E 4th St, Ste 1 Port Angeles, WA 98362 (360) 417-2221</p> <p>Clark County PO Box 8815 Vancouver, WA 98666-8815 (564) 397-2345</p> <p>Columbia County 341 E Main St, Ste 3 Dayton, WA 99328 (509) 382-4541</p> <p>Cowlitz County 207 4th Ave N, Rm 107 Kelso, WA 98626-4124 (360) 577-3005</p>	<p>Douglas County PO Box 456 Waterville, WA 98858 (509) 888-6402</p> <p>Ferry County 350 E Delaware Ave, Ste 2 Republic, WA 99166 (509) 775-5200</p> <p>Franklin County PO Box 1451 Pasco, WA 99301 (509) 545-3538</p> <p>Garfield County PO Box 278 Pomeroy, WA 99347-0278 (509) 843-1411</p> <p>Grant County PO Box 37 Ephrata, WA 98823 (509) 754-2011 ext. 2704</p> <p>Grays Harbor County 100 W Broadway, Ste 2 Montesano, WA 98563 (360) 964-1556</p> <p>Island County PO Box 1410 Coupeville, WA 98239 (360) 679-7366</p> <p>Jefferson County PO Box 563 Port Townsend, WA 98368-0563 (360) 385-9119</p>	<p>King County 919 SW Grady Way Renton, WA 98057 (206) 296-8683</p> <p>Kitsap County 614 Division St, MS 31 Port Orchard, WA 98366 (360) 337-7128</p> <p>Kittitas County 205 W 5th Ave, Ste 105 Ellensburg, WA 98926-2891 (509) 962-7503</p> <p>Klickitat County 205 S Columbus, Rm 203 Goldendale, WA 98620 (509) 773-4001</p> <p>Lewis County PO Box 29 Chehalis, WA 98532-0029 (360) 740-1164</p> <p>Lincoln County PO Box 28 Davenport, WA 99122-0028 (509) 725-4971</p> <p>Mason County PO Box 400 Shelton, WA 98584 (360) 427-9670 ext 469</p> <p>Okanogan County PO Box 1010 Okanogan, WA 98840-1010 (509) 422-7240</p>	<p>Pacific County PO Box 97 South Bend, WA 98586-0097 (360) 875-9317</p> <p>Pend Oreille County PO Box 5015 Newport, WA 99156 (509) 447-6472</p> <p>Pierce County 2501 S 35th St, Ste C Tacoma, WA 98409 (253) 798-VOTE</p> <p>San Juan County PO Box 638 Friday Harbor, WA 98250-0638 (360) 378-3357</p> <p>Skagit County PO Box 1306 Mount Vernon, WA 98273-1306 (360) 416-1702</p> <p>Skamania County PO Box 790, Elections Dept Stevenson, WA 98648-0790 (509) 427-3730</p> <p>Snohomish County 3000 Rockefeller Ave, MS 505 Everett, WA 98201-4060 (425) 388-3444</p> <p>Spokane County 1033 W Gardner Ave Spokane, WA 99260 (509) 477-2320</p>	<p>Stevens County 215 S Oak St, Rm 106 Colville, WA 99114-2836 (509) 684-7514</p> <p>Thurston County 2000 Lakeridge Dr SW Olympia, WA 98502-6090 (360) 786-5408</p> <p>Wahkiakum County PO Box 543 Cathlamet, WA 98612 (360) 795-3219</p> <p>Walla Walla County PO Box 2176 Walla Walla, WA 99362-0356 (509) 524-2530</p> <p>Whatcom County PO Box 369 Bellingham, WA 98227-0369 (360) 778-5102</p> <p>Whitman County PO Box 101 Colfax, WA 99111 (509) 397-5284</p> <p>Yakima County PO Box 12570 Yakima, WA 98909-2570 (509) 574-1340</p> <p>WA State Elections Division PO Box 40229 Olympia, WA 98504-0229 (800) 448-4881</p>	↑ fold in half
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Fold and seal, or use an envelope

Instructions

Use this form to register to vote or update your current registration.

Print all information clearly using black or blue pen. Your signature will be used to verify your ballot. Mail this completed form to your county elections office (address on back).

Deadline

This registration will be in effect for the next election if received by the elections office no later than eight days before election day.

Voting

You will receive your ballot in the mail. Contact your county elections office for accessible voting options.

Future Voters

If you are at least 16 years old, use this form to sign up. You'll be automatically registered to vote when you qualify.

Public Information

Your registration name, address, gender, and date of birth will be public information when you become eligible to vote.

Notice

You must be a United States citizen in order to register to vote. You may register to vote if you are at least sixteen years old. You may vote if you will be at least eighteen years old by the next general election, or are at least eighteen years old for special elections.

Knowingly providing false information about yourself or your qualifications for voter registration is a class C felony punishable by imprisonment for up to five years, a fine of up to \$10,000, or both.

Public Benefits Offices

If you received this form from a public benefits office, where you received the form will remain confidential.

Registering or declining to register will not affect the assistance provided to you by that agency.

If you believe someone interfered with your right to register, or your right to privacy in deciding whether to register, you may file a complaint with the Washington State Elections Division.

Contact Information

If you would like help with this form, contact the Washington State Elections Division.

web www.votewa.gov

call 1 (800) 448-4881

email elections@sos.wa.gov

mail PO Box 40229 Olympia, WA 98504-0229

For official use:

fold in half

1/2022

Washington State Voter Registration Form

Register online at www.votewa.gov.

1 Personal Information

Form fields for personal information: last, first, middle, suffix; date of birth (mm/dd/yyyy), gender; residential address in Washington state, apt #; city, ZIP; mailing address, if different; city, state and ZIP; phone number (optional), email address (optional).

2 Qualifications

If you answer no, do not complete this form.

Qualification questions: I am a citizen of the United States of America. I am at least sixteen years old and will not vote in a special or general election until I turn eighteen.

3 Military / Overseas Status

Military/Overseas status questions: I am currently serving in the military. I live outside the United States.

4 Identification - Washington Driver License, Permit, or ID

Identification section with 12 boxes for license/ID numbers and Social Security number fields.

5 Change of Name or Address

This information will be used to update your registration, if applicable.

Change of name/address fields: previous last name, first, middle; previous residential address, city, state and ZIP.

6 Declaration

I declare that the facts on this voter registration form are true. I am a citizen of the United States, I will have lived at this address in Washington for at least thirty days immediately before the next election at which I vote, and I am at least sixteen years old. I am not disqualified from voting due to a court order, and I am not currently serving a sentence of total confinement under the jurisdiction of the department of corrections for a Washington felony conviction, and I am not currently incarcerated for a federal or out-of-state felony conviction.

sign here

date here

AMENDATORY SECTION (Amending WSR 16-13-063, filed 6/13/16, effective 7/14/16)

WAC 434-335-323 Preparing the logic and accuracy test. (1) Each county shall prepare a matrix of the test pattern used to mark the test deck of ballots for the official logic and accuracy test. The matrix shall consist of a spreadsheet listing

the number of votes cast for each candidate and responses for and against each measure in each precinct or ballot style. The matrix shall include:

(a) For every precinct or ballot style, the first response position of every race or measure shall be marked so the total votes cast for the first candidate of a race or the first response

to a measure equals the total number of precincts or ballot styles being tested for that contest or measure;

(b) Two votes for the second response position, three votes for the third response position, four votes for the fourth response position, ~~((etc.))~~ continuing the pattern for all of the response positions including the response position for write-ins when a write-in response position is present;

(c) One overvote in each race or measure;

(d) For each tabulator's test deck:

~~(i) ((One write-in vote;~~

~~(ii) One overvoted race;~~

~~(iii)) One blank ballot; and~~

~~((iv))~~ (ii) At least one of each type of ballot to be used during the election including ballots on demand, alternative language ballots, electronically marked ballots, and electronically duplicated ballots.

~~((v))~~ (e) Unique results for all responses within a race or measure, including write-ins(~~(, unique results)~~). Additional ballots must be added to the test deck in the following circumstances:

(i) Within a race or measure, more than one response has the same results;

(ii) A candidate appears in two different races on the same ballot; and

(iii) More than one measure appears on a ballot within the same jurisdiction ~~((and each has the same response position names. For example, if two measures with "yes" and "no" response names appear for the same jurisdiction, the test results shall be unique between the two measures))~~.

(2) A copy of the county's test matrix and a sample ballot shall be sent to the office of the secretary of state by the fourteenth day prior to the official logic and accuracy test for a state primary or general election. The office of the secretary of state shall review the provided matrix to determine if it is prepared in accordance with this section.

(3) The county auditor shall produce a test deck of ballots based on the test matrix to be used in the official logic and accuracy test for every primary and election.

AMENDATORY SECTION (Amending WSR 11-05-008, filed 2/3/11, effective 3/6/11)

WAC 434-381-180 Editing statements and arguments. The secretary of state is not responsible for the content of arguments or statements and shall not edit the content of statements or arguments:

(1) The secretary may correct obvious errors in grammar, spelling or punctuation;

(2) The secretary shall promptly attempt to notify any candidate or committee, by any means the secretary deems reasonable under the circumstances, if a statement or argument exceeds the maximum number of words. If the candidate or committee does not provide the secretary with a revised statement or argument that meets the word limit within ~~((three business days after the deadline for submission of the statement or argument))~~ one business day after being notified by the secretary, then the secretary shall modify the statement to fit the limit by removing full sentences, starting at the end, until the maximum word limit is reached;

(3) The secretary shall notify any committee that submits a title or identification for their members that does not conform to WAC 434-381-160(2). If the committee does not provide the secretary with a revised title or identification that meets the requirements established in WAC 434-381-160(2) within ~~((three business days after the deadline for submission))~~ one business day after being notified by the secretary, the secretary shall publish the name without any title or identification;

(4) Prior to publishing the pamphlet the secretary shall make a reasonable effort to provide a proof copy to the candidate or committee as it will appear showing any changes to the statement or argument; and

(5) Candidates or committees may only correct obvious errors or inaccuracies made by the secretary that they discover in their own proof copy. Changes in content are not allowed. Changes must be received by the secretary within three business days after proofs are sent by the secretary.

WSR 21-21-021

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed October 8, 2021, 1:19 p.m., effective January 1, 2022]

Effective Date of Rule: January 1, 2022.

Purpose: Chapter 256, Laws of 2020, among other things, amended RCW 71.05.020(15)'s definition of "designated crisis responder" to include a mental health professional appointed by the health care authority in consultation with a federally recognized Indian tribe or after meeting and conferring with an Indian health care provider. The health care authority is adopting a new rule to govern this appointment process.

Citation of Rules Affected by this Order: New WAC 182-125-0100.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 21-14-011 on June 24, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: October 8, 2021.

Wendy Barcus
Rules Coordinator

Chapter 182-125 WAC

TRIBAL-DESIGNATED CRISIS RESPONDER

NEW SECTION

WAC 182-125-0100 Tribal-designated crisis responder. (1) The Washington state health care authority (the authority) appoints a tribal-designated crisis responder upon request and after consultation with one or more federally recognized Indian tribes or after meeting and conferring with one or more Indian health care providers. This rule does not apply to matters heard in tribal court.

(2) This rule does not apply to counties' independent authority to appoint designated crisis responders in collaboration with tribes under RCW 71.05.020(15). This rule does not eliminate the responsibility of the agency providing crisis services to serve American Indian/Alaska Native individuals.

(3) A tribal-designated crisis responder must meet the qualifications under RCW 71.05.760.

(4) A tribe or Indian health care provider located in Washington state may request that the authority appoint a qualified person as a tribal-designated crisis responder by submitting a letter of recommendation that includes the following:

(a) The person's name and contact information.

(b) An explanation of how the person meets the qualifications under RCW 71.05.760, including dates on which the person completed or will complete required designated crisis responder training.

(c) A copy of the policy and procedures for the designated crisis responder services. The policy and procedures must describe the tribe's or Indian health care provider's plan for training, back-up, information sharing, and communication for designated crisis responders who respond to private homes or nonpublic settings.

(d) A copy of the tribe's or Indian health care provider's behavioral health agency license and certification or attestation to provide emergency involuntary detention services under WAC 246-341-0810, including documentation of any applicable exemptions under WAC 246-341-0302.

(5) Upon appointment, the authority:

(a) Issues a certification and tribal-designated crisis responder card to the requesting tribe or Indian health care provider.

(b) Notifies all behavioral health administrative services organizations, tribal courts, and superior courts.

(6) Within twenty-four hours of responding to an event or as soon as feasible, tribal-designated crisis responders serving as officers of a superior court must submit involuntary treatment information to the Washington Indian behavioral health hub, a statewide resource supported by the authority and the department of health for the purpose of assisting American Indian and Alaska Native individuals and their providers to refer individuals to voluntary and involuntary crisis services, including evaluation and treatment facilities and withdrawal management and stabilization facilities.

(7) The Washington Indian behavioral health hub must submit all tribal-designated crisis responder data related to tribal-designated crisis responders' service as officers of a

superior court to the authority within twenty-four hours of receiving the data or as soon as feasible.

(8) Tribal-designated crisis responders must comply with reporting requirements pertaining to no bed available reports under RCW 71.05.750. A tribal-designated crisis responder may submit a request for a single bed certification under RCW 71.05.745.

(9) Tribal-designated crisis responders designated by the authority may operate anywhere in Washington state and provide services to any person in Washington state.

(10) The local designated crisis responder office for any region in which a tribal-designated crisis responder provides services is expected to provide technical assistance if requested.

WSR 21-21-027

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Filed October 11, 2021, 11:26 a.m., effective November 11, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This rule-making order amends chapter 16-157 WAC, Organic food standards and certification, by adopting the July 26, 2021, version of the United States Department of Agriculture organic regulations (7 C.F.R. Part 205).

Citation of Rules Affected by this Order: Amending WAC 16-157-020.

Statutory Authority for Adoption: RCW 15.86.060(1), [15.86.]065(3), [15.86.]065(4).

Adopted under notice filed as WSR 21-16-109 on August 4, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 5, 2021.

Derek I. Sandison
Director

AMENDATORY SECTION (Amending WSR 19-14-129, filed 7/3/19, effective 8/3/19)

WAC 16-157-020 Adoption of the National Organic Program. The Washington state department of agriculture adopts the standards of the National Organic Program, 7 C.F.R. Part 205, effective ((~~May 30, 2019~~)) July 26, 2021, for

the production and handling of organic crops, livestock, and processed agricultural products. The National Organic Program rules may be obtained from the department by emailing the organic program at organic@agr.wa.gov, by phone at 360-902-1805 or accessing the National Organic Program's website at <https://www.ams.usda.gov/rules-regulations/organic>.

WSR 21-21-043
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed October 13, 2021, 1:41 p.m., effective November 13, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This adoption creates new chapter 296-140 WAC, Clean energy labor standards certification, in order to implement the legislative changes made within 2019's Clean Energy Transformation Act (sections 18 and 19, chapter 288, Laws of 2019, E2SSB 5116) that addresses the following:

- Standards for certification for:
 - Procurement from and contracts with women-owned, minority-owned, and veteran-owned businesses;
 - Procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations;
 - Apprenticeship utilization;
 - Preferred entry for workers living in the area where the project is being constructed;
 - Payment of prevailing wages; and
 - Project labor agreements and community workforce agreements.
- Requirements and processes related to application, records and documentation, and certification.

Citation of Rules Affected by this Order: New WAC 296-140-001, 296-140-002, 296-140-003, and 296-140-004.

Statutory Authority for Adoption: RCW 82.08.962 and 82.12.962.

Adopted under notice filed as WSR 21-16-103 on August 3, 2021.

Changes Other than Editing from Proposed to Adopted Version: **WAC 296-140-001 Definitions.**

- Under the proposed rule, "Category 1 clean energy project" and "Category 2 clean energy projects" under WAC 296-140-001(1) are defined as projects to "construct" qualifying clean energy facilities or systems. The rule as adopted, changes the term "construct" to "develop" to provide better clarity and alignment with the statutory language.
- Added a new subsection (8) to define "Machinery and equipment" to provide clarity on language addition in WAC 296-140-002 and 296-140-003. The definition incorporates language directly from RCW 82.08.962(1).
- Renumbered the remainder of the section.

WAC 296-140-002 Labor standard certification for Category 1 clean energy projects under RCW 82.08.962 and 82.12.962.

- Added language to describe that the tax remittance is for retail sales and use tax for machinery and equipment installed and the labor and services rendered in respect to installing the machinery and equipment to provide better clarity and alignment with the statutory language.

WAC 296-140-003 Labor standard certification for Category 2 clean energy projects under RCW 82.08.962 and 82.12.962.

- Added language to describe that the tax remittance is for retail sales and use tax for machinery and equipment installed and the labor and services rendered in respect to installing the machinery and equipment to provide better clarity and alignment with the statutory language.

WAC 296-140-004 Application, records and documentation, and certification.

- In subsection (1), deleted the word "the" for grammatical purposes.

A final cost-benefit analysis is available by contacting Beverly Clark, P.O. Box 44274, Olympia, WA 98504-4274, phone 360-902-6272, email Beverly.Clark@Lni.wa.gov.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 13, 2021.

Joel Sacks
Director

Chapter 296-140 WAC

**CLEAN ENERGY LABOR STANDARDS
CERTIFICATION**

NEW SECTION

WAC 296-140-001 Definitions. (1) "Category 1 clean energy project" means a project to:

- (a) Develop a facility capable of generating not less than 1000 watts AC of electricity using any of the following principal sources of power: Fuel cells; wind; biomass energy; geothermal resource; tidal or wave energy; or technology that converts otherwise lost energy from exhaust;

(b) Develop solar energy systems capable of generating not less than 500 kilowatts AC of electricity.

(2) "Category 2 clean energy project" means a project to develop solar energy systems capable of generating more than 100 kilowatts AC, but no more than 500 kilowatts AC of electricity.

(3) "Community workforce agreement (CWA)" means a prehire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is an agreement described in 29 U.S.C. Sec. 158(f). To establish the terms and conditions for employment on a single construction project, the CWA must be a single agreement covering all labor organizations representing the building and construction employees involved in the project and covers all contractors and subcontractors working on the project.

(4) "Department" means the department of labor and industries.

(5) "Good faith efforts" means the efforts by the project developer or its designated principle contractor that maximize the likelihood that the project will be built in compliance with the standards for certification. The totality of the circumstances and factors will be reviewed to determine good faith. Good faith efforts are not necessary when the standard requirements have been met.

(6) "Labor hours" means the total hours of laborers, workers, or mechanics receiving an hourly wage who are directly employed by the contractor and all subcontractors working upon the project. Labor hours does not include hours worked by foremen, superintendents, or owners except where the hours worked are counted in satisfying the required apprentice to journey supervision ratio as required by apprenticeship standards.

(7) "Local resident" means Washington laborers, workers, or mechanics receiving an hourly wage who live within 50 miles of the project being constructed unless the project is being constructed in a rural county, then it is defined as Washington workers who live within 200 miles of the project.

(8) "Machinery and equipment" means fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, or technology that converts otherwise lost energy from exhaust. "Machinery and equipment" does not include:

- (a) Hand-powered tools;
- (b) Property with a useful life of less than one year;
- (c) Repair parts required to restore machinery and equipment to normal working order;
- (d) Replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment;
- (e) Buildings; or
- (f) Building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building.

(9) "Minority-owned business" means a business certified with the office of minority and women's business enterprises (OMWBE) as a minority business enterprise (MBE) or

a minority women business enterprise (MWBE) under chapter 326-20 WAC.

(10) "Project labor agreement (PLA)" means a prehire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is an agreement described in 29 U.S.C. Sec. 158(f). To establish the terms and conditions for employment on a single construction project, the PLA must be a single agreement covering all labor organizations representing the building and construction employees involved in the project and covers all contractors and subcontractors working on the project.

(11) "Registered apprentice" means an apprentice registered in an apprenticeship program approved by the Washington state apprenticeship and training council according to chapters 49.04 RCW and 296-05 WAC.

(12) "Rural county" has the same definition as RCW 82.14.370(5).

(13) "Women-owned business" means a business certified with the office of minority and women's business enterprises (OMWBE) as a women business enterprise (WBE) or a minority women business enterprise (MWBE) under chapter 326-20 WAC.

(14) "Veteran-owned business" means a business certified by the Washington state department of veteran affairs under RCW 43.60A.190 or a business considered a veteran-owned business under 38 C.F.R. Part 74.

NEW SECTION

WAC 296-140-002 Labor standard certification for Category 1 clean energy projects under RCW 82.08.962 and 82.12.962. (1) To qualify for department certification for the 50 percent retail sales and use tax remittance for machinery and equipment installed and the labor and services rendered in respect to installing the machinery and equipment, a Category 1 clean energy project must meet the following minimum requirements:

(a) Standard for procurement from and contracts with women, minority, or veteran-owned businesses.

(i) Have 21 percent of the contracts awarded to women-owned businesses, minority-owned businesses, or veteran-owned businesses; or

(ii) Good faith efforts which include, but are not limited to:

(A) Proactive outreach to firms that are women, minority, and veteran-owned businesses; advertising in local community publications and publications appropriate to identified firms;

(B) Participating in community job fairs, conferences, and trade shows;

(C) Identification of interested women, minority, and veteran-owned businesses that have the capability to perform the work of the contract;

(D) Providing reasonable time for women, minority, and veteran-owned businesses to fully and meaningfully respond to bid solicitations, that includes providing adequate information about the plans, specifications, and requirements of the contract along with timely responses to subcontractor inquiries and proposals;

(E) Apportioning contract work items into economically feasible units to facilitate women, minority, and veteran-owned businesses' participation and where possible, establishing flexible time frames for performance to encourage participation;

(F) Adequately researching interested subcontractors and their capabilities before rejecting their proposals; and

(G) Not relying on price alone in the selection of subcontractors and considering reasonable quotes from women, minority, and veteran-owned businesses, even if other quotes are less expensive.

(b) Standard for procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations.

(i) Awards contracts to businesses that have no findings of violation of federal or state wage and hour laws and regulations in a final and binding order by an administrative agency or court of competent jurisdiction in the 24 month period prior to the bid date; or

(ii) Good faith efforts which include, but are not limited to:

(A) Efforts to hire contractors with a history of compliance with wage and hour laws.

(B) Adequately researching interested subcontractors and their wage and hour history before rejecting their proposals.

(C) If the only qualified contractor is one that does not meet the standard, requiring remedial measures that allow for ongoing review of compliance with wage and hour laws.

(c) Standard for apprenticeship utilization.

(i) Have a minimum of 15 percent of the project's labor hours performed by registered apprentices; or

(ii) Good faith efforts which include, but are not limited to:

(A) The project developer or its designated principle contractor or subcontractors participate in state-approved apprenticeship programs but no apprentices were available or not enough apprentices were available during the project. It is expected that contractors participate in apprenticeship programs for occupations where they have employees being trained;

(B) If apprentices are not available for dispatch at the beginning of the project, it is expected that the contractor check back with the program periodically to see if apprentices are available;

(C) The following situations do not meet the requirements for good faith efforts:

(I) Falling short of the requirement due to subcontractors not using apprentices;

(II) Not using a state-approved apprenticeship program while you are trying to get your own program approved by the Washington state apprenticeship and training council;

(III) Not using a state-approved apprenticeship program due to cost;

(IV) Not using a state-approved apprenticeship program because you are an out-of-state contractor;

(V) Not replacing an apprentice that quit or was fired; or not using enough apprentices because certain work is too dangerous or the apprentices do not have the appropriate skills.

(d) Standard for preferred entry for workers living in the area where the project is being constructed:

(i) Have a minimum of 35 percent of total labor work hours performed by local residents except for projects located in rural counties, which may have a minimum of 20 percent of total labor hours by local residents; or

(ii) Good faith efforts which include, but are not limited to:

(A) Listing the job with the local Washington Work-Source office in advance of the start of the project or contract;

(B) Requesting the dispatch of local workers through union halls;

(C) Informing community partners/organizations of opportunities in advance of the start of the project or contract;

(D) Developing an employment hiring plan prior to the start of the project detailing how the local hiring requirements will be met; and

(E) Designating a jobs coordinator to be responsible for the local hire requirements with the experience and qualifications necessary to identify and recruit local workers, and provide referrals as appropriate to comply with local hire requirements.

(2) To qualify for department certification for the 75 percent retail sales and use tax remittance for machinery and equipment installed and the labor and services rendered in respect to installing the machinery and equipment, a Category 1 clean energy project must meet the following minimum requirements:

(a) Meet the standards for certification for the 50 percent tax remittance under WAC 296-140-002(1); and

(b) Pay all workers performing labor hours on the project wages not less than prevailing wages as determined by the department under chapter 39.12 RCW.

(3) To qualify for department certification for the 100 percent retail sales and use remittance for machinery and equipment installed and the labor and services rendered in respect to installing the machinery and equipment, a Category 1 clean energy project must have a signed PLA or CWA for the project prior to construction starting on the project. Separately meeting the standards for certification for the 50 percent and 75 percent tax remittance under subsections (1) and (2) of this section are not required.

(4) The inability to meet any of the standards based on conflicts with state or federal law may constitute good faith.

NEW SECTION

WAC 296-140-003 Labor standard certification for Category 2 clean energy projects under RCW 82.08.962 and 82.12.962. To qualify for department certification for the 50 percent retail and use tax remittance for machinery and equipment and the labor and services rendered in respect to installing the machinery and equipment, a Category 2 clean energy project must meet the standards for procurement from and contracts with women, minority, or veteran-owned businesses, procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations, apprenticeship utilization, and preferred entry for workers living in the area where the project is being constructed under WAC 296-140-002 (1) and (4).

NEW SECTION

WAC 296-140-004 Application, records and documentation, and certification. (1) Businesses applying for department certification must complete an application in a form required by the department prior to the start of the project.

(2) Businesses must maintain records and documentation open to review to verify compliance with the labor standards or the good faith efforts. Records and documentation include, but are not limited to:

(a) Standard for procurement from and contracts with women, minority, or veteran-owned businesses:

(i) A list of all businesses that have had contracts on the project, including information about their certifications for the women-owned businesses, minority-owned businesses, or veteran-owned businesses that have been contracted with on the project, including:

(A) A description of the work of the contract;

(B) The dollar amount of the contract;

(ii) Written confirmation from each women-owned business, minority-owned business, or veteran-owned business that it is participating in the contract;

(iii) Documentation and evidence to support good faith efforts as necessary; and

(iv) Other records and documentation requested by the department.

(b) Standard for procurement from and contracts with entities that have a history of complying with federal and state wage and hour laws and regulations.

(i) A list of all the businesses contracted with, including the unified business identifier number, the federal employer identification number, other identifying information requested by the department, and information obtained concerning their federal and state wage and hour laws and regulations compliance history;

(ii) A copy of documents related to the contract invitation or bid such as the contract solicitation, bid request, or request for proposal; a copy of the responding bids, proposals, or offer; and a copy of any final contracts and amendments;

(iii) A description of the process used to determine prospective contractors' compliance with federal and state wage and hour laws and regulations;

(iv) Documentation and evidence to support good faith efforts as necessary; and

(v) Other records and documentation requested by the department.

(c) Standard for apprenticeship utilization.

(i) The name, occupational title, and registration number for each registered apprentice;

(ii) The number of apprentices and labor hours worked, categorized by occupational title and employer;

(iii) The number of journey level workers and labor hours worked, categorized by occupational title and employer;

(iv) Copies of weekly or monthly reporting forms and payroll records used to capture the required information;

(v) A statement affirming the hours reported meeting the definition of "labor hours" as defined by WAC 296-140-001;

(vi) Documentation and evidence to support good faith efforts as necessary; and

(vii) Other records and documentation requested by the department.

(d) Standard for preferred entry by local workers.

(i) The total number of workers performing labor hours on the project;

(ii) The total number of workers performing labor hours hired who meet the definition of a local worker under WAC 296-140-001 for the job category selected;

(iii) Employment records that contain the address of individuals hired to work on the project;

(iv) Documentation and evidence to support good faith efforts as necessary; and

(v) Other records and documentation requested by the department.

(e) Standard for payment of prevailing wages.

(i) Documentation showing all workers performing labor hours on the project were paid not less than chapter 39.12 RCW prevailing rates of wage; and

(ii) Payroll records. For projects that are also public works, labor and industries public work reporting online system for the project will eliminate the need to maintain documents and is acceptable as the system of record.

(f) Records and documents for a standard PLA or CWA. A signed copy of the PLA or CWA for the project.

(3) The department may require periodic reporting of compliance in a form and method prescribed by the department. Where a project seeking certification under this rule is also a public works project, public works reporting requirements may satisfy reporting requirements.

(4) For Category 1 clean energy projects seeking certification for the 50 and 75 percent tax remittance and Category 2 clean energy projects seeking certification for the 50 percent tax remittance, businesses must submit notice of project completion in a form required by the department. After receiving the notice of competition, the department will determine if the certification standards are met based on a review of the documentation as requested by the department. If the standards were met, the department will issue the certification to the applicant.

(5) For Category 1 clean energy projects seeking certification for the 100 percent tax remittance, the department will issue certification upon the receipt of the required application for certification and a signed copy of the PLA or CWA for the project. In the event there are separate PLAs or CWAs for different phases of construction, all PLAs and CWAs for the project must be submitted to the department before the start of each phase and the department will not certify the project until the PLAs or CWAs for the construction and installation of the energy producing equipment have all been signed.

WSR 21-21-054
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed October 15, 2021, 9:07 a.m., effective November 15, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending WAC 388-478-0020 Payment standards for TANF, SFA and RCA, 388-478-0027 What is the payment standard for pregnant women assistance (PWA)?, 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA and RCA?, and 388-436-0050 Determining financial need and benefit amount for CEAP.

These amendments implement a 15 percent payment standard increase (effective July 1, 2021) for the TANF, SFA, RCA, and PWA programs, approved via the 2021-2023 operating budget. Amendments also update net income limits and allowable benefit amounts for the consolidated emergency assistance program.

Citation of Rules Affected by this Order: Amending WAC 388-478-0020, 388-478-0027, 388-478-0035, and 388-436-0050.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.660, 74.08.090, and 74.08A.230.

Other Authority: ESSB 5092 (chapter 334, Laws of 2021).

Adopted under notice filed as WSR 21-17-094 on August 13, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 4, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 4, Repealed 0.

Date Adopted: October 15, 2021.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-09-088, filed 4/17/18, effective 7/1/18)

WAC 388-436-0050 Determining financial need and benefit amount for CEAP. (1) To be eligible for the consolidated emergency assistance program (CEAP), the assistance unit's nonexcluded income, minus allowable deductions, must be less than or equal to ninety percent of the temporary assistance for needy families (TANF) payment standard ((for households with shelter costs)). The net income limit for CEAP assistance units is:

Table with 2 columns: Assistance unit members, Net income limit. Rows include 1, 2, 3, 4, 5, 6, 7, and 8 or more members with corresponding net income limits.

(2) The assistance unit's allowable amount of need is the lesser of:

(a) The TANF payment standard, based on assistance unit size, ((for households with shelter costs)) as specified under WAC 388-478-0020; or

(b) The assistance unit's actual emergent need, not to exceed maximum allowable amounts, for the following items:

Need item: Maximum allowable amount by assistance unit size:

Table with 9 columns: Item, 1, 2, 3, 4, 5, 6, 7, 8 or more. Rows include Food, Shelter, Clothing, Minor medical care, Utilities, and Household maintenance with corresponding allowable amounts.

	1	2	3	4	5	6	7	8 or more
Job related transportation	((363)) <u>417</u>	((459)) <u>528</u>	((569)) <u>654</u>	((670)) <u>771</u>	((772)) <u>888</u>	((877)) <u>1,009</u>	((1,013)) <u>1,165</u>	((1,121)) <u>1,289</u>
Child related transportation	((363)) <u>417</u>	((459)) <u>528</u>	((569)) <u>654</u>	((670)) <u>771</u>	((772)) <u>888</u>	((877)) <u>1,009</u>	((1,013)) <u>1,165</u>	((1,121)) <u>1,289</u>

(3) The assistance unit's CEAP payment is determined by computing the difference between the allowable amount of need, as determined under subsection (2) of this section, and the total of:

(a) The assistance unit's net income, as determined under subsection (1) of this section and WAC 388-436-0045;

(b) Cash on hand, if not already counted as income; and

(c) The value of other nonexcluded resources available to the assistance unit.

(4) The assistance unit is not eligible for CEAP if the amount of income and resources, as determined in subsection (3) of this section, is equal to or exceeds its allowable amount of need.

AMENDATORY SECTION (Amending WSR 20-20-007, filed 9/24/20, effective 10/25/20)

WAC 388-478-0020 Payment standards for TANF, SFA, and RCA. The maximum monthly payment standards for temporary assistance for needy families (TANF), state family assistance (SFA), and refugee cash assistance (RCA) assistance units are:

Assistance unit size	Payment standard	Assistance unit size	Payment standard
1	((363)) <u>417</u>	6	((877)) <u>1,009</u>
2	((459)) <u>528</u>	7	((1,013)) <u>1,165</u>
3	((569)) <u>654</u>	8	((1,121)) <u>1,289</u>
4	((670)) <u>771</u>	9	((1,231)) <u>1,416</u>
5	((772)) <u>888</u>	10 or more	((1,338)) <u>1,539</u>

AMENDATORY SECTION (Amending WSR 20-20-007, filed 9/24/20, effective 10/25/20)

WAC 388-478-0027 What is the payment standard for pregnant women assistance (PWA)? The payment standard for a PWA cash assistance unit is:

Assistance Unit Size	Payment Standard
1	((363)) <u>417</u>

AMENDATORY SECTION (Amending WSR 18-09-088, filed 4/17/18, effective 7/1/18)

WAC 388-478-0035 What are the maximum earned income limits for TANF, SFA, PWA, and RCA? To be eligible for temporary assistance for needy families (TANF),

state family assistance (SFA), refugee cash assistance (RCA), or a pregnant women assistance (PWA), a family's gross earned income must be below the following levels:

Number of family members	Maximum earned income level	Number of family members	Maximum monthly earned income level
1	((726)) <u>834</u>	6	((1,754)) <u>2,018</u>
2	((918)) <u>1,056</u>	7	((2,026)) <u>2,330</u>
3	((1,138)) <u>1,308</u>	8	((2,242)) <u>2,578</u>
4	((1,340)) <u>1,542</u>	9	((2,462)) <u>2,832</u>
5	((1,544)) <u>1,776</u>	10 or more	((2,676)) <u>3,078</u>

**WSR 21-21-065
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Economic Services Administration)

[Filed October 18, 2021, 7:38 a.m., effective November 18, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is adopting amendments to WAC 388-432-0005 Can I get help from DSHS for a family emergency without receiving monthly cash assistance? to align diversion cash assistance (DCA) rules with SHB 2441 (chapter 388, Laws of 2020) changes implemented on July 1, 2021, and allow families whose temporary assistance for needy families closed in sanction between July 1, 2010, and June 30, 2021, to potentially qualify for DCA.

Citation of Rules Affected by this Order: Amending WAC 388-432-0005.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.660, 74.08.090, and 74.08A.230.

Adopted under notice filed as WSR 21-17-096 on August 13, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 1, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 18, 2021.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 17-07-042, filed 3/8/17, effective 4/8/17)

WAC 388-432-0005 Can I get help from DSHS for a family emergency without receiving monthly cash assistance? The department of social and health services (DSHS) has a program called diversion cash assistance (DCA). If your family needs an emergency cash payment but does not need ongoing monthly cash assistance, you may be eligible for this program.

(1) To get DCA, you must:

(a) Meet all the eligibility rules for temporary assistance for needy families (TANF)/state family assistance (SFA), and once DSHS finds you eligible, you are not required to fulfill the following TANF-related requirements:

(i) Participation in (~~(workfirst)~~) WorkFirst as defined in chapter 388-310 WAC; and

(ii) Assignment of child support rights or cooperation with the division of child support as defined in chapter 388-422 WAC;

(b) Have a current bona fide or approved need for living expenses;

(c) Provide proof that your need for DCA exists; and

(d) Have or expect to get enough income or resources to support you and your family for at least twelve months.

(2) You may get DCA to help pay for one or more of the following needs:

(a) Child care;

(b) Housing;

(c) Transportation;

(d) Expenses to get or keep a job;

(e) Food costs, but not if an adult member of your family has been disqualified for food stamps;

(f) Medical costs, except when an adult member of your family is not eligible because he or she failed to provide third party liability (TPL) information as defined in WAC 182-503-0540.

(3) DCA payments are limited to:

(a) One thousand two hundred fifty dollars once in a twelve-month period that starts with the month DCA benefits begin; and

(b) The cost of your need.

(4) We do not budget your income or make you use your resources to lower the amount of DCA payments you can receive.

(5) DSHS may make DCA payments:

(a) All at once; or

(b) As separate payments over a thirty-day period that starts on the date of your first DCA payment.

(6) We will pay your DCA benefit directly to the service provider when possible.

(7) You are not eligible for DCA if one or more of the following applies:

(a) Any adult member of your assistance unit got DCA within the last twelve months;

(b) Any adult member of your assistance unit gets TANF/SFA currently;

(c) Any adult member of your assistance unit is not eligible for cash assistance for any reason unless one parent in a two-parent-assistance unit currently receives SSI;

(d) Your assistance unit does not have a needy adult, such as when you do not receive TANF/SFA for yourself but for your children only;

(e) Any adult member of your assistance unit is not eligible for cash assistance for any one of the following sanctions:

(i) TANF/SFA closure because of a noncompliance sanction (NCS) termination;

(ii) TANF/SFA closure while in (~~(workfirst)~~) WorkFirst sanction on or after July 1, (~~(2010)~~) 2021; or

(iii) Noncooperation with division of child support.

(8) If you apply for DCA after your TANF/SFA grant is terminated, we consider you an applicant for DCA.

(9) If you apply for TANF/SFA and you received DCA less than twelve months ago, we set up a DCA loan:

(a) The amount of the DCA loan is one-twelfth of the total DCA benefit times the number of months that are left in the twelve-month period;

(b) The first month begins with the month your DCA benefits began; and

(c) We will collect the loan only by reducing your TANF/SFA grant by five percent each month.

(10) If you stop getting TANF/SFA before you have repaid your DCA loan, we will stop collecting the loan unless you get back on TANF/SFA.

WSR 21-21-079

PERMANENT RULES

GAMBLING COMMISSION

[Filed October 18, 2021, 1:38 p.m., effective November 18, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The proposed rules allow bona fide charitable or nonprofit organizations affiliated with qualified professional sports teams in Washington state to obtain a license to conduct raffles at home game sporting events in Washington state using electronic systems. The proposed rules define electronic raffles and other necessary terms; outline requirements for licensees operating electronic raffles, electronic raffle systems operations, electronic raffle systems security requirements and recordkeeping requirements; and establish licensing and fee structures for this new activity.

Citation of Rules Affected by this Order: New WAC 230-03-138 Defining "qualified sports team," 230-03-153 Applying to operate electronic raffles, 230-03-154 Additional information required with electronic raffle application, 230-11-300 Definitions, 230-11-305 Electronic raffle system

standards, 230-11-310 Electronic raffle system requirements, 230-11-315 Access to home game authorized locations for electronic raffles, 230-11-320 Electronic raffle operating requirements, 230-11-325 Internal controls for electronic raffles, 230-11-330 Supervision of electronic raffles, 230-11-335 Wearing nametags, 230-11-340 Provide rules to electronic raffle participants, 230-11-345 Electronic raffle prize payout requirements, 230-11-350 Raffle drawing postponement, 230-11-355 Joint raffles prohibited, 230-11-360 Raffle ticket requirements, 230-11-365 Raffle ticket receipt requirements, 230-11-370 Authorized ticket sellers, 230-11-375 Restrictions on ticket sales, 230-11-380 Selling tickets at a discount, 230-11-385 Recordkeeping requirements for electronic raffles, 230-11-390 Electronic raffle—Monthly records, 230-11-395 Keeping and making records available and 230-16-153 Remote access of electronic raffle systems; and amending WAC 230-03-155 Submitting a proposed plan of operations for charitable and nonprofit organizations, 230-03-200 Defining "gambling equipment," 230-03-235 Applying for charitable and nonprofit gambling manager license, 230-05-112 Defining "gross gambling receipts," 230-05-160 Charitable or nonprofit organization fees, 230-06-045 Conduct gambling activities on licensed business premises only, 230-06-050 Review of electronic or mechanical gambling equipment, 230-07-090 Keeping and depositing all gambling funds separate from other funds, 230-07-125 Recordkeeping requirements for lower volume charitable or nonprofit organizations, 230-07-145 Reporting annual progress, 230-07-150 Financial statements required for Groups III, IV, V, and electronic raffle licensees, and 230-11-002 The definition of raffle as used in this chapter.

Statutory Authority for Adoption: RCW 9.46.070.

Adopted under notice filed as WSR 21-18-123 on September 1, 2021.

Changes Other than Editing from Proposed to Adopted Version: Changes from the proposed to the adopted versions were made to the following:

WAC 230-03-138 Defining "qualified sports team." Language added to clarify that a qualified sports team does not include lower-level teams such as minor, farm, or development league teams.

WAC 230-03-153 Applying to operate electronic raffles. Language added to clarify that charitable or nonprofit organizations must be established by or directly affiliated with a qualified sports team to apply for an electronic raffle license.

WAC 230-06-050 Review of electronic or mechanical gambling equipment. Removal of reference to rule that has been repealed and cite to correct rule. Cite WAC 230-11-305(3) for further clarification.

WAC 230-11-305 Electronic raffle system standards. Language in subsections (1) and (2) was revised to clarify the application process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 24, Amended 12, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 24, Amended 12, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 14, 2021.

Ashlie Laydon
Rules Coordinator

NEW SECTION

WAC 230-03-138 Defining "qualified sports team." "Qualified sports team" as used in WAC 230-03-153 means a Major League or highest-level team organized in Washington state as a member of Major League Baseball, National Hockey League, National Football League, National Basketball Association, Women's National Basketball Association, Major League Soccer, or National Women's Soccer League. This does not include lower-level teams including, but not limited to, minor, farm, or development league teams.

NEW SECTION

WAC 230-03-153 Applying to operate electronic raffles. You must apply for a license to operate electronic raffles if you are a charitable or nonprofit organization who:

- (1) Is established by or directly affiliated with a qualified sports team for the purpose of raising funds for charity; and
- (2) Plans to conduct electronic raffles in accordance with RCW 9.46.0277 and as authorized in chapter 230-11 WAC.

NEW SECTION

WAC 230-03-154 Additional information required with electronic raffle application. When you apply for an electronic raffle license, you must submit at least the following as part of your application:

- (1) The organization's goals for conducting electronic raffles; and
- (2) A brief overview of the applicant's mission and vision; including the type of programs supported by the applicant and the clients served; and
- (3) Raffle plan, including:
 - (a) When your organization plans to conduct electronic raffles; and
 - (b) Cost of raffle tickets including discount levels; and
 - (c) Plans for selling raffle tickets; and
 - (d) Description of how the applicant will protect the integrity of the raffle; and
 - (e) Identify authorized equipment to be used to facilitate the raffles; and
 - (f) Details for supervision of these raffles; and
 - (g) Description of the physical draw process and security of the drawing; and
 - (h) An explanation of how the proceeds from the raffle will be used; and

(i) Any additional information that we request or that the applicant wishes to submit; and

(4) Before you begin electronic raffle operations, we must perform a preoperational review and evaluation (PORE). You must receive our written approval before operating; and

(5) The PORE will determine whether you have:

(a) An organizational structure that supports your proposed accounting and administrative controls; and

(b) Controls in place so that you closely monitor the gambling activity and accurately record financial information.

AMENDATORY SECTION (Amending WSR 06-07-157, filed 3/22/06, effective 1/1/08)

WAC 230-03-155 Submitting a proposed plan of operations for charitable and nonprofit organizations. (1) An organization must submit a proposed plan of operations, including a market study, with their application to conduct bingo if the organization:

(a) Requests licensing to conduct gambling activities with combined annual gross receipts in excess of three million dollars; or

(b) Plans to pay premises rent exceeding two thousand dollars per month, including all terms.

(2) The plan must show enough detail to allow us to assess the potential for compliance with cash flow requirements. It must also include at least the following information:

(a) Research procedures and planning assumptions used; and

(b) Planned number of customers or attendance; and

(c) Days and hours of operations; and

(d) Estimated gross gambling receipts from each activity; and

(e) Estimated expenses and net income; and

(f) Details of income generating activities planned in conjunction with the gambling activity, such as snack bar operations or other retail sales and the anticipated net income from those activities; and

(g) Any other information related to your gambling license application that we request.

(3) (~~If planned activities include bingo,~~) The organization must provide:

(a) Anticipated market area and map of competing organizations that operate similar gambling activities, along with their days of operation; and

(b) Number of bingo sessions, bingo card prices, and estimated sales per player; and

(c) Bingo prize payouts and game schedules.

AMENDATORY SECTION (Amending WSR 06-07-157, filed 3/22/06, effective 1/1/08)

WAC 230-03-200 Defining "gambling equipment." "Gambling equipment" means any device, gambling-related software, expendable supply, or any other paraphernalia used as a part of gambling or to make gambling possible. "Gambling equipment" includes, but is not limited to:

(1) Amusement games;

(2) Punch boards and pull-tabs;

(3) Devices for dispensing pull-tabs;

(4) Electronic devices for conducting, facilitating, or accounting for the results of gambling activities(;) including, but not limited to:

(a) Components of a tribal lottery system;

(b) Electronic devices for reading and displaying outcomes of gambling activities; and

(c) Accounting systems that are a part of, or directly connected to, a gambling system including, but not limited to:

(i) Bet totalizers; or

(ii) Progressive jackpot meters; or

(iii) Keno systems;

(5) Bingo equipment;

(6) Electronic raffle systems;

(7) Devices and supplies used to conduct card games, fund-raising events, recreational gaming activities, or Class III gaming activities, as defined in the Indian Gaming Regulatory Act at U.S.C. 25 chapter 29 § 2703 and in tribal-state compacts including, but not limited to:

(a) Gambling chips;

(b) Cards;

(c) Dice;

(d) Card shuffling devices;

(e) Graphical game layouts for table games;

(f) Ace finders or no-peek devices;

(g) Roulette wheels;

(h) Keno equipment; and

(i) Tables manufactured exclusively for gambling purposes.

AMENDATORY SECTION (Amending WSR 18-05-026, filed 2/9/18, effective 5/1/18)

WAC 230-03-235 Applying for charitable or nonprofit gambling manager license. You must apply for a charitable or nonprofit gambling manager license if you are an employee or member of a charitable or nonprofit organization who:

(1) Will have control to a material degree over a bingo or punch board and pull-tab licensee with gross gambling receipts over one hundred fifty thousand dollars in their previous licensing year; or

(2) Will be responsible for overseeing the operation of electronic raffles to include, but not limited to, being on-site during the operation of an electronic raffle, documenting the functionality of the electronic raffle system, and observing the manual draw; or

(3) Will be the supervisor of gambling managers who manage: Electronic raffles or a bingo or punch board and pull-tab licensee with gross gambling receipts over one hundred fifty thousand dollars in their previous license year; or

(~~(3)~~) (4) Will be assigned the highest level of authority by the officers or governing board of directors to manage the day-to-day affairs of the organization and is responsible for safeguarding assets purchased with gambling funds and/or managing the disbursement of gambling funds when the organization:

(a) Is licensed to receive more than three hundred thousand dollars in gross gambling receipts; or

(b) Has established a trust and/or endowment fund to which gambling receipts in excess of one hundred thousand dollars have been contributed; or

~~((4))~~ (5) Will be the supervisor of the operation of progressive jackpot pull-tab games.

AMENDATORY SECTION (Amending WSR 21-16-072, filed 7/30/21, effective 8/30/21)

WAC 230-05-112 Defining "gross gambling receipts." (1) "Gross gambling receipts" means the amount due to any operator of an authorized activity as described in subsection (5) of this section.

(2) The amounts must be stated in U.S. currency.

(3) The value must be before any deductions for prizes or other expenses, such as over/short.

(4) "Gross gambling receipts" does not include fees from players to enter player-supported jackpots. However, any portion of wagers deducted for any purpose other than increasing current prizes or repayment of amounts used to seed prizes are "gross gambling receipts."

(5) Gross gambling receipts for authorized activities:

Activity:	Gross gambling receipts include amounts due to any operator for:
(a) Punch board and pull-tab	Purchasing chances to play.
(b) Raffles and enhanced raffles	Purchasing chances to enter.
(c) Electronic raffles	<u>Purchasing chances to enter.</u>
(d) Bingo	Fees or purchase of cards to participate.
((4)) (e) Amusement games	Amounts paid to play amusement games.
((e)) (f) Card games	<ul style="list-style-type: none"> • "Net win" from house-banked card games; • Tournament entry fees; • Administrative fees from player-supported jackpots; • Fees to participate in nonhouse-banked card games.
((f)) (g) Manufacturers and distributors	(i) Fees from sales, rentals, leases, royalties, and service fees collected for the following gambling equipment in Washington to include, but not limited to: <ul style="list-style-type: none"> • Bingo paper or bingo cards; • Punch boards and pull-tabs; • Devices for dispensing pull-tabs; • <u>Electronic raffle systems</u>; • Electronic devices for conducting, facilitating or accounting for the results of gambling activities; • Cards; • Dice;

Activity:	Gross gambling receipts include amounts due to any operator for:
	<ul style="list-style-type: none"> • Gambling chips; • Cash exchange terminals; • Progressive meters; • Gambling software; • License agreements; • Card shuffling devices; • Graphical game layouts for table games; • Ace finders or no-peek devices; • Roulette wheels; • Keno equipment; • Tables manufactured exclusively for gambling purposes; • Bet totalizers; • Electronic devices for reading or displaying outcomes of gambling activities; • Tribal lottery systems and components thereof. (ii) Fees from the service, repair and modification of gambling equipment in Washington to include, but not limited to: <ul style="list-style-type: none"> • Charges for labor and parts for repairing gambling equipment; • Service fees related to gambling operations; • Training or set-up fees; • Maintenance contract fees related to gambling equipment and operations.
((g)) (h) Gambling service suppliers	Fees from gambling-related services provided in or to be used in Washington to include, but not limited to: <ul style="list-style-type: none"> • Consulting, advisory or management services related to gambling; • Interest from financing the purchase or lease of gambling equipment, infrastructure or facilities or equipment that supports gambling operations; • Acting as a lending agent, loan services or placement agent; • Assembly of components for gambling equipment to be used under a contract with a licensed manufacturer; • Ongoing financial arrangements for gambling related software with

Activity:	Gross gambling receipts include amounts due to any operator for:
	a licensed manufacturer; <ul style="list-style-type: none"> • Installing, integrating, maintaining, or servicing digital surveillance systems that allow direct access to the operating system; • Training individuals to conduct authorized gambling activities; • Performing testing and certification of tribal lottery systems in meeting requirements specified in the tribal-state compacts; • Providing nonmanagement related recordkeeping or storage services for punch board and pull-tab operators; • Ownership of proprietary games or equipment.
((h)) (i) Punch board/pull-tab service businesses	Providing nonmanagement related recordkeeping or storage services for punch board and pull-tab operators.
((f)) (j) Fund-raising event distributors	Fees from contracts to organize and conduct recreational gaming activities.
((f)) (k) Fund-raising events and agricultural fairs	Fees received from the operation of bingo, amusement games, raffles, lotteries, contests of chance, and/or net win from table games operated at a fund-raising event.

Activity:	Gross gambling receipts include amounts due to any operator for:
((h)) (l) Major sports wagering vendor	Fees or revenues received from providing sports wagering goods and services, including management, consulting, sales, rentals, leases, and royalties, for any sports wagering activities in Washington.
((h)) (m) Mid-level sports wagering vendor	Fees or revenues received from providing sports wagering goods and services, including sales, rentals, leases, and royalties, for any sports wagering activities in Washington.
((m)) (n) Ancillary sports wagering vendor	Fees or revenues from providing sports wagering goods and services, including sales, rentals, leases, and royalties, for any sports wagering activities in Washington.

AMENDATORY SECTION (Amending WSR 20-04-011, filed 1/24/20, effective 2/24/20)

WAC 230-05-160 Charitable or nonprofit organization fees. Bona fide charitable and nonprofit organizations must pay the following fees:

(1) Annual licenses:

License Type	Base License Fee	Gross Gambling Receipts Rate	Maximum Annual License Fee
Amusement games	\$65 plus \$65 per approved location	0.730%	\$1,000
Bingo	\$65	0.460%	\$11,000
Card games - House-banked	\$10,000	1.462%	\$40,000
Card games - Nonhouse-banked	\$65	0.430%	\$1,000
Combination	\$125	-	-
Fund-raising equipment distributor	\$270	1.430%	\$700
Punch board/pull-tabs	\$650	1.430%	\$10,000
Raffles	\$65	3.380%	\$2,000

License Type	Base License Fee	Gross Gambling Receipts Rate	Maximum Annual License Fee
Raffle - Credit Union	\$65	3.380%	\$2,000
Enhanced raffles	\$5,000	0.430%	\$32,000
<u>Electronic raffles</u>	<u>\$5,000</u>	<u>0.430%</u>	<u>\$32,000</u>

(2) Event licenses or permits:

License Type	Base License Fee	Gross Gambling Receipts Rate	Maximum Annual License Fee
Fund-raising event	\$180	3.130%	\$1,000
Recreational gaming activity	\$65	-	-
Special property bingo/change of bingo premises	\$30	-	-

(3) Change fees:

Change of:	Fee
Name	\$100
Location	\$100
Fund-raising event location, date, or time	\$50

(4) Other fees:

Transaction	Fee
Add a new amusement game location	\$65
Duplicate license	\$50
Review, inspection, and/or evaluation of gambling equipment, supplies, services, games, or schemes	Deposit and cost reimbursement

AMENDATORY SECTION (Amending WSR 14-21-079, filed 10/13/14, effective 1/1/15)

WAC 230-06-045 Conduct gambling activities on licensed business premises only. (1) Except for raffle and enhanced raffle licensees, all other licensees, including electronic raffle licensees, must conduct all gambling activities(~~except for raffles~~) on the licensed business premises.

(2) Charitable or nonprofit organizations licensed to conduct bingo and punch board and pull-tab games may sell punch boards and pull-tabs to customers of a licensed card room if the charitable or nonprofit organization:

- (a) Shares a common wall with the card room; and
- (b) Controls all doors, counters, or windows allowing customer access through the common wall between the two premises and the charitable or nonprofit organization can securely close and lock the doors, counters, or windows; and
- (c) Keeps and sells the punch board and pull-tab games and redeems prizes only on their licensed business premises. Punch board and pull-tab players may take already purchased punch boards and pull-tabs into the card room area; and

(d) Allows only its employees to sell the punch board and pull-tabs; and

(e) Posts signs at the door, window, or counter common to the two business premises that clearly notify customers of the organization's identity.

AMENDATORY SECTION (Amending WSR 21-16-072, filed 7/30/21, effective 8/30/21)

WAC 230-06-050 Review of electronic or mechanical gambling equipment. (1) When you are required to submit gambling equipment, supplies, services, or games for our review to verify compliance with chapter 9.46 RCW and Title 230 WAC, you must pay the application deposit before we perform the review. You must also reimburse us for any additional costs of the review. All costs must be paid in full prior to the completion of the review.

(2) The gambling equipment submitted for review must be identical or substantially similar to what will be marketed, distributed, and ~~(deployed)~~ operated in Washington. If the equipment is not sufficient for testing and review, we may require additional equipment or information.

(3) If your application is incomplete or we request additional information, you must provide us with the required items within thirty days of notification or we may administratively close your application.

(4) You can begin accepting orders for gambling equipment when you are licensed.

(5) Only gambling equipment approved by the director or director's designee is allowed in Washington except as provided under WAC ~~((230-16-005))~~ 230-06-116 and 230-11-305(3).

(6) We may include security or surveillance requirements as part of gambling equipment approval.

(7) Gambling equipment must operate as approved by the director or director's designee.

(8) We may keep equipment submitted for review to allow for continued testing and training as long as the equipment remains in play in Washington. We are not liable for any damage to equipment while in our possession.

(9) If you do not agree with the director or director's designee's decision, you may file a petition for declaratory order

with the commission according to RCW 34.05.240 and chapter 230-17 WAC.

AMENDATORY SECTION (Amending WSR 20-08-095, filed 3/30/20, effective 4/30/20)

WAC 230-07-090 Keeping and depositing all gambling funds separate from other funds. Charitable or non-profit licensees must protect all funds generated from gambling activities and keep these funds separate from their general funds.

(1) Licensees must:

(a) Keep a separate gambling receipts account(s) in a recognized Washington state bank, mutual savings bank, or credit union; and

(b) Deposit only gambling receipts into that account. Licensees may deposit receipts from nongambling activities operated in conjunction with bingo games into the gambling receipts account if the licensee keeps detailed receipting records of the nongambling receipts; and

(c) Deposit all gambling receipts first into the account before spending or transferring them into other accounts, except for prize pay outs; and

(d) Deposit funds received from commercial amusement game operators operating amusement games on their premises in the licensee's gambling receipts account no later than the second banking day after they receive the receipts; and

(e) Make all deposits of net gambling receipts from each activity separately from all other deposits, and keep the validated deposit receipt as a part of their records. Deposit receipts are a part of the applicable daily or monthly records and licensees must make them available for our inspection; and

(f) Deposit all net gambling receipts which they are holding, pending pay out:

(i) From bingo, no later than the second banking day after they receive them. Licensees may withhold bingo receipts from deposits for "jar," "pig," or other special game prizes if the total of all such prize funds does not exceed two hundred dollars, enter the amount withheld each session in the bingo daily record, and record the reconciliation of the special game fund on the bingo daily record. "Reconcile" means the licensee must compare the two balances, resolve any differences, and document the comparison and the differences in writing. Licensees must keep the reconciliation as part of their records; and

(ii) From raffles, excluding electronic raffles, at least once a week. This includes those raffles:

(A) With gross gambling receipts over fifty thousand dollars in their initial year;

(B) With gross gambling receipts over fifty thousand dollars in their previous license year; and

(C) Offering prizes that require approval per WAC 230-11-067; and

(iii) From electronic raffles within two banking days of the drawing date; and

(iv) From amusement games with gross gambling receipts over fifty thousand dollars in their previous license year, at least each week; and

~~((iv))~~ (v) From punch board and pull-tabs, including cost recovery for merchandise prizes awarded, no later than two banking days after they remove the board or series from play; and

(g) Record the Washington state identification number assigned to the punch board or pull-tab series and the amount of net gambling receipts on the deposit slip/receipt. Licensees may record the number and the receipts on a separate record if they record the bank validation number and maintain the record with the deposit slip/receipt; and

(2) These requirements do not apply to organizations who:

(a) Conduct only one or more of the following activities:

(i) Raffles under the provisions of RCW 9.46.0315;

(ii) Bingo, raffles, or amusement games under the provisions of RCW 9.46.0321;

(iii) Bingo, raffle, and amusement game licensees with gross gambling receipts of fifty thousand dollars or less in their previous license year, excluding electronic raffles; and

(b) Do not have any other license(s) from us.

AMENDATORY SECTION (Amending WSR 18-05-029, filed 2/9/18, effective 7/1/18)

WAC 230-07-125 Recordkeeping requirements for lower volume charitable or nonprofit organizations. (1) Organizations operating without a license under RCW 9.46.0315 or 9.46.0321 and lower volume charitable or nonprofit licensees must keep a set of permanent monthly records of the gambling activities. Lower volume licensees include:

(a) Fund-raising events;

(b) Bingo with gross gambling receipts of one hundred fifty thousand dollars or less in their previous license year;

(c) Raffles, excluding electronic raffles, with gross gambling receipts of fifty thousand dollars or less in their previous license year;

(d) Amusement games with gross gambling receipts of fifty thousand dollars or less in their previous license year; and

(e) Nonhouse-banked card games.

(2) The monthly records must include, at least:

(a) The gross gambling receipts from each activity;

(b) The gross gambling receipts from group 12 amusement games;

(c) The total amount of cash prizes actually paid out;

(d) The total of the cost to the licensee of all merchandise prizes actually paid out for each activity;

(e) A summary of all expenses related to each of the activities; and

(f) The net income received from the activity, the purpose(s) for which the net income was raised, and the amount paid to each recipient.

(3) Licensees must keep these records for three years from the end of the license year for which the record was created.

(4) Organizations operating under RCW 9.46.0315 or 9.46.0321 must maintain their records for one year.

AMENDATORY SECTION (Amending WSR 10-09-021, filed 4/13/10, effective 7/1/10)

WAC 230-07-145 Reporting annual progress. Charitable or nonprofit licensees in Groups III, IV, ~~(and)~~ V, and electronic raffle licensees must report annually their progress toward meeting their stated purpose in the format we prescribe.

(1) The report must explain the type and scope of activities which licensees conducted during their last annual fiscal accounting period; and

(2) The report must include, at least:

(a) A brief history of the licensed organization, including its stated charitable or nonprofit purpose(s); and

(b) A written statement setting out their goals for meeting their stated charitable or nonprofit purpose(s) in the future; and

(c) The number of full and regular members; and

(d) A list of contributions, scholarships, grants, or sponsorships made during the period. This list must include:

(i) The name of each organization or individual receiving a contribution from the licensee. The licensee may use the phrase "individual contribution" in place of the recipient. If the recipient is not named in the report, the licensee must maintain records to verify and identify the recipient of each individual contribution; and

(ii) Whether funds awarded were from gambling income or other funds;

(e) Gross income from all nongambling activities and the source of the income; and

(f) The revenue and expenses for any nongambling sales activities, presented separately, when conducted primarily in conjunction with gambling activities; and

(g) Total expenses for both charitable or nonprofit services; and

(h) The percentage or extent to which the licensee used net gambling income for charitable as distinguished from nonprofit purposes; and

(i) The details of any loans, contracts, or other business transactions with related parties that cumulatively exceed one thousand dollars during the period. "Related parties" means officers, board members, key employees, or members of the licensed organization, including direct relatives of each; and

(3) The report must be submitted no later than one hundred twenty days following the end of the organization's fiscal year.

(4) We may grant an organization additional time to submit the report if a written request is received before the due date. The president of the organization must sign any request for additional time and include a statement explaining the hardship causing the delay, and the expected date the required report(s) will be submitted.

AMENDATORY SECTION (Amending WSR 08-11-037, filed 5/14/08, effective 7/1/08)

WAC 230-07-150 Financial statements required for Groups III, IV, ~~(and)~~ V, and electronic raffle licensees.

(1) In addition to information required in WAC 230-07-145, charitable or nonprofit licensees in Groups III, IV, ~~(and)~~ V,

and electronic raffle licensees must also submit complete financial statements prepared in accordance with generally accepted accounting principles (GAAP).

(2) Licensees in Groups IV and V must have the financial statements prepared by an independent certified public accountant.

(3) The statements and all required disclosures or footnotes no later than one hundred twenty days following the end of the licensee's fiscal year.

(4) The financial statements must include:

(a) A statement of financial position;

(b) A statement of activities. This statement may be presented in a consolidated form if licensees provide the details of each component as supplemental information. Licensees must present revenue and expenses for each activity separately as follows:

(i) Each gambling activity; and

(ii) Retail sales conducted in conjunction with gambling activities;

(c) A statement of cash flows;

(d) A statement of functional expenses;

(e) In addition to all disclosures required by GAAP, the financial statements must disclose the following:

(i) Loans to or from officers, board members, and employees: We will not consider employee salary advances of five hundred dollars or less as loans. Details of all terms, including interest rates and payment schedules, must be disclosed;

(ii) All civil penalties, fines, bribes, or embezzlements incurred or discovered during the period; and

(iii) An explanation of any adjustments made to prior period capital accounts or net asset balances;

(f) An explanation of material differences between amounts reported on gambling activity reports and the financial statements.

(5) We may require additional information to ensure completeness of the information reported.

(6) We may grant an organization additional time to submit the information required if a written request is received before the due date. The president of the organization must sign any request for additional time and include a statement explaining the hardship causing the delay, and the expected date the required report(s) will be submitted.

AMENDATORY SECTION (Amending WSR 13-19-056, filed 9/16/13, effective 10/17/13)

WAC 230-11-002 The definition of raffle as used in this chapter. "Raffle" as used in this chapter means raffle as defined in RCW 9.46.0277 and enhanced raffle as defined in ~~(section 1, chapter 310, Laws of 2013))~~ RCW 9.46.0323.

ELECTRONIC RAFFLE SYSTEMS

NEW SECTION

WAC 230-11-300 Definitions. The following definitions apply to electronic raffles:

(1) "Electronic raffle" means a licensed raffle, as defined in RCW 9.46.0277, that uses an electronic raffle system for sales, accountability, and printing of tickets. Electronic raf-

fles must only be conducted during a home game of a qualified sports team. The total prize amount must be one half (i.e., 50 percent) of the gross gambling receipts collected from the sale of raffle tickets. If deducting expenses prior to prize calculation, only actual, documented expenses up to \$2,000.00 may be deducted per raffle. Only electronic raffle licensees are authorized to conduct electronic raffles.

(2) "Home game" means a live sports event held in Washington state that is designated as a home game in an official schedule distributed by the league of a qualified sports team at a home game authorized location.

(3) "Home game authorized location" means a sports facility where spectators gather within an arena or stadium where the home game is being conducted and where a home game ticket is required for admission. This does not include ancillary areas, buildings, or facilities, such as parking areas or areas where a ticket is not required for entry.

(4) "Electronic raffle system" means the system that connects to and consists of servers located in the home game authorized location, associated network equipment, software, raffle sales units, raffle ticket printers, and related equipment used by an electronic raffle licensee to generate and account for the sale of raffle tickets.

(5) "Raffle sales unit" means a portable, remote hard-wired connected device, or an attendant operated station that is used as a point of sale for raffle ticket sales. Raffle sales units can only use a closed network with no access to the internet to conduct raffle ticket sales within the home game authorized location except for credit card transactions as authorized in WAC 230-11-310.

(6) "Manual draw" or "drawing" means the method used for the selection of a raffle ticket to determine the raffle winner. A manual draw requires the winning raffle ticket be hand-picked from the receptacle that contains every raffle ticket sold and provides an equal chance for every ticket to be selected.

(7) "Raffle ticket" means a ticket generated by the electronic raffle system that is placed in a receptacle for the manual draw to determine the winner of the raffle prize.

(8) "Raffle ticket number" means the unique number recorded on every raffle ticket and raffle ticket receipt.

(9) "Raffle ticket receipt" means a printed receipt and record of entry into an electronic raffle provided to the participant which contains the raffle ticket number and a unique validation number and/or barcode information.

(10) "Unique validation number" or "barcode information" means a number or barcode generated by the electronic raffle system as a secondary means of verifying the raffle ticket is legitimate.

NEW SECTION

WAC 230-11-305 Electronic raffle system standards.

(1) Electronic raffle system manufacturers must submit an application and deposit for our review as outlined in WAC 230-06-050 prior to electronic raffle systems being authorized for operation in this state.

(2) Under WAC 230-06-050, as part of the application process, the manufacturer must provide a letter from an independent testing laboratory licensed by us certifying that the

electronic raffle system was tested and was found to be compliant with Gaming Laboratories International's GLI-31: Standards for Electronic Raffle Systems, and all laws and rules relating to electronic raffles prior to the electronic raffle system being brought into this state.

(3) The electronic raffle system will be tested for approval under WAC 230-06-050 at the home game authorized location. This will also apply to any changes made to the electronic raffle system after initial approval.

(4) An application and deposit under WAC 230-06-050, along with an updated letter from an independent testing laboratory certifying compliance, must be submitted to us prior to installing any changes to the electronic raffle system. Changes will be tested by us within five days of installation.

NEW SECTION

WAC 230-11-310 Electronic raffle system requirements. The electronic raffle system must be approved by us prior to operation and must:

(1) Operate on a secure network independent from the home game authorized location network. This network must be a closed network with no connection to outside components or systems. The only exceptions to the closed network include remote access as outlined in WAC 230-16-153, credit card transactions as authorized in WAC 230-06-035, and prize display communication to a screen(s) in the home game authorized location which will only occur during the live electronic raffle; and

(2) Ensure security for all communications and data to prevent unauthorized access and raffle information manipulation. These security measures should include, but are not limited to, current encryption standards for critical information, isolation from public networks, and use of firewalls; and

(3) Have a way to independently identify the software version and signature to verify the firmware or software operating on the electronic raffle system; and

(4) Not allow for raffle sales to be conducted via the internet; and

(5) Be located, stored, and secured at the home game authorized location to prevent unauthorized access at all times; and

(6) Be accessed only by the electronic raffle licensee and licensed manufacturer; and

(7) Be overseen and supervised by a qualified member or volunteer who can address technical problems before, during, and after the manual drawing and who can provide technical support for the networks and electronic raffle system; and

(8) Require each user to sign in using a unique identification or username and password that is not shared with other users and limit user access permissions to only those which are essential to perform their duties; and

(9) Log all user activity and communicate and log all significant events; and

(10) Save critical data should the following occur: System failure, power failure, or power interruption; and

(11) Have a method for verifying valid winning ticket; and

(12) Print all raffle tickets sold for a manual drawing. Automatic drawings, such as the use of a random number generator, are not authorized; and

(13) Print unique raffle ticket numbers. Numbers may not be duplicated; and

(14) Print one raffle number per ticket; and

(15) Print tickets of equal size and shape to give each ticket an equal opportunity to be drawn.

NEW SECTION

WAC 230-11-315 Access to home game authorized locations for electronic raffles. We must be allowed access to:

(1) Home game authorized location before, during, and after an electronic raffle; and

(2) Records; and

(3) Restricted areas controlled by the electronic raffle licensee.

CONDUCTING AN ELECTRONIC RAFFLE

NEW SECTION

WAC 230-11-320 Electronic raffle operating requirements. Electronic raffle licensees must:

(1) Ensure the electronic raffle system and all other equipment used to conduct the raffle is functioning properly and fully operational by testing it using the form, prescribed by us, prior to each electronic raffle. If issues are identified, electronic raffle licensees must notify the licensed gambling manager immediately. If the issues cannot be resolved, the licensee must not conduct the electronic raffle; and

(2) Ensure that if any of the components of the electronic raffle system, such as the raffle sales unit, printers, or associated network, fail to function properly prior to or during the sale of any raffle ticket, they must notify us within 24 hours; and

(3) Hold only one raffle per home game; and

(4) Ensure that prior to the sale of raffle tickets, all members or volunteers assisting in operating the electronic raffle and equipment are trained to operate any equipment necessary to carry out their assigned duties and are fully informed of all pertinent laws and rules associated with electronic raffles; and

(5) Ensure a sufficient number of trained personnel are present to fulfill at least the following duties such as raffle ticket sales, count and reconciliation, manual draw, and electronic raffle system management; and

(6) Ensure the time during which the raffle tickets will be sold for each electronic raffle are established and posted; and

(7) Provide members and volunteers sufficient time to ensure that all sales reconciliation and eligible raffle ticket verification can be completed prior to the manual draw; and

(8) Not sell raffle tickets earlier than when spectators are allowed entry; and

(9) Not print raffle tickets before they are sold; and

(10) Ensure all ticket sales are final; and

(11) Not change ticket prices after the first ticket is sold; and

(12) Sell raffle tickets using a raffle sales unit operated by authorized ticket sellers; and

(13) Reconcile cash to raffle ticket transactions in a secure location within the home game authorized location; and

(14) Determine gross gambling receipts and the prize amount and announce to the public the prize amount prior to the drawing; and

(15) Have at least one qualified member or volunteer overseeing the raffle ticket printers at all times who can address any technical problems; and

(16) Ensure the manual drawing is completed before the end of the home game; and

(17) Have a member or volunteer of the electronic raffle licensee draw the winning raffle ticket with the licensed gambling manager present; and

(18) Video record the entire manual draw process and retain the recording with the required records.

NEW SECTION

WAC 230-11-325 Internal controls for electronic raffles. Electronic raffle licensees must:

(1) Submit internal controls to us in the format we require for review and approval; and

(2) Follow internal controls at all times; and

(3) Make internal controls available to all members and volunteers for their individual functions; and

(4) Ensure that all members and volunteers follow internal controls.

NEW SECTION

WAC 230-11-330 Supervision of electronic raffles.

(1) Electronic raffle licensees must designate one or more licensed gambling managers to oversee each electronic raffle.

(2) At least one licensed gambling manager must be on-site during the operation of the electronic raffle and observe the manual drawing.

(3) Only members or volunteers who are supervised by a licensed gambling manager can restart a raffle sales unit or otherwise adjust any associated network equipment for any reason.

NEW SECTION

WAC 230-11-335 Wearing nametags. Anyone participating in the management or operation of an electronic raffle must wear a nametag. The nametag must:

(1) Be provided by the electronic raffle licensee; and

(2) Display at least the person's first name; and

(3) Display the electronic raffle licensee's name; and

(4) Be clear and visible.

NEW SECTION

WAC 230-11-340 Provide rules to electronic raffle participants. Electronic raffle licensees must post rules at stationary point of sales locations and on their website. In addition, rules must be made available from ticket sellers. Raffle rules must include at least the following:

- (1) The cost of each ticket including discount levels; and
- (2) Prize calculation including whether expenses are deducted from the prize calculation; and
- (3) Time the ticket sales will begin and end; and
- (4) Time of the drawing; and
- (5) Disclosure stating the participant is not required to be present to win the prize; and
- (6) Details of where the winning ticket number will be displayed on the licensee's website; and
- (7) Information about how to claim the electronic raffle prize and any restrictions including the time limit to claim the prize; and
- (8) Name of the electronic raffle licensee conducting the raffle; and
- (9) The statement, "If you or someone you know has a gambling problem, call the Washington State Problem Gambling Helpline at 1-800-547-6133 for confidential help 24 hours a day."; and
- (10) Any additional information we request.

NEW SECTION

WAC 230-11-345 Electronic raffle prize payout requirements. Electronic raffle licensees must comply with the following prize payout requirements:

- (1) Post and announce the winning raffle ticket at the home game authorized location; and
- (2) Ensure only actual expenses up to a maximum of \$2,000.00 are deducted from prize payouts. Actual expenses:
 - (a) Include equipment costs and supplies; and
 - (b) Must be documented in the format we require; and
- (3) Require the winner to present the raffle ticket receipt for verification; and
- (4) Ensure the winning raffle ticket number matches the raffle ticket receipt; and
- (5) Verify the winning raffle ticket was not voided; and
- (6) Post the winning raffle ticket number on the electronic raffle licensee's website within 48 hours of the drawing and for the duration of the redemption period or until the prize is paid, whichever occurs first; and
- (7) Verify and record the winner's identity and record the prize amount in the format we prescribe; and
- (8) Pay prizes within 24 hours after notification and verification of the winning raffle ticket; and
- (9) If the winner does not claim the prize at the home game, the licensee must allow a minimum of 30 days from the date of the drawing for winners to claim prizes. Prizes not claimed within the disclosed time period will become the licensee's proceeds.

NEW SECTION

WAC 230-11-350 Raffle drawing postponement. If for any unforeseen reason (e.g., weather delay, power outage, or other reasonably unforeseen event) the electronic raffle is not completed on the day of the home game at which the raffle tickets are sold, the manual drawing of the winning raffle ticket must be completed the first business day when normal business operations resume. No additional raffle tickets may be sold after the unforeseen event occurs, only the manual

draw may take place. Notice of the winning raffle ticket number must be posted on the electronic raffle licensee's website.

NEW SECTION

WAC 230-11-355 Joint raffles prohibited. Electronic raffle licensees are not permitted to conduct joint raffles as outlined in WAC 230-11-012.

ELECTRONIC RAFFLE TICKET REQUIREMENTS

NEW SECTION

WAC 230-11-360 Raffle ticket requirements. Raffle tickets must include the following information:

- (1) Name of the electronic raffle licensee; and
- (2) Raffle ticket number; and
- (3) Unique validation number or barcode information; and
- (4) Purchase date and time (in 24 hour format showing hours and minutes).

NEW SECTION

WAC 230-11-365 Raffle ticket receipt requirements. Raffle ticket receipts must include the following information:

- (1) Name and contact information of the electronic raffle licensee; and
- (2) Raffle ticket number(s); and
- (3) Unique validation number or barcode information; and
- (4) Raffle sales unit identifier; and
- (5) Date and time issued; and
- (6) Total cost and quantity; and
- (7) Website where the electronic raffle rules are available and winning raffle ticket number will be posted; and
- (8) The statement, "Ticket holders need not be present to win."; and
- (9) Date the prize must be claimed by.

SELLING ELECTRONIC RAFFLE TICKETS

NEW SECTION

WAC 230-11-370 Authorized ticket sellers. (1) Only members of the electronic raffle licensee and volunteers under the supervision of a member, who are least 18 years old, may sell raffle tickets.

(2) Electronic raffle licensees must not pay members or volunteers for selling tickets or managing or operating the electronic raffle unless the person is a full-time or part-time employee of the electronic raffle licensee with duties other than selling electronic raffle tickets or managing or operating electronic raffles.

(3) Electronic raffle licensees may provide members or volunteers with noncash incentives for selling tickets if the licensee:

- (a) Bases the incentives on the number of raffle tickets sold; and
- (b) Gives incentives that do not exceed five percent of the gross gambling receipts of the raffle; and

(c) Maintains a record of the name, address, and telephone number of each person and a description of each incentive they receive. This record should be made available upon our request.

NEW SECTION

WAC 230-11-375 Restrictions on ticket sales. (1) Electronic raffle licensees must sell tickets for the electronic raffle for the same price unless offering an authorized discount plan; and

- (2) Electronic raffle licensees must not:
 - (a) Sell tickets via the internet; and
 - (b) Sell tickets outside of the home game authorized location; and
 - (c) Require anyone to purchase more than one raffle ticket; and
 - (d) Give away raffle tickets; and
 - (e) Allow members or volunteers to purchase raffle tickets for the event they work.

NEW SECTION

WAC 230-11-380 Selling tickets at a discount. Electronic raffle licensees may sell raffle tickets at a discount if they:

- (1) Use discount levels identified in internal controls; and
- (2) Do not change the discount levels during the electronic raffle; and
- (3) Offer only discount levels based on the number of tickets sold. Promotional discounts based on other criteria are not allowed; and
- (4) Use up to no more than four discount levels for each electronic raffle; and
- (5) Account for and document the number of raffle tickets sold at each price point and discount level.

RECORDKEEPING REQUIREMENTS FOR ELECTRONIC RAFFLES

NEW SECTION

WAC 230-11-385 Recordkeeping requirements for electronic raffles. (1) Electronic raffle licensees must complete records, in the format we prescribe, for each raffle within 72 hours after each drawing; and

- (2) Licensees must record all data in ink, on storage media, or in other permanent form; and
- (3) Print, or back up in a permanent form, all the original sales data supporting the raffle drawing; and
- (4) Separately maintain the drawing's printed raffle tickets for a minimum of 30 days or until the prize is awarded, whichever is greater; and
- (5) Keep all winning tickets; and
- (6) Keep the video recording of each drawing; and
- (7) Keep the test form we prescribe for each electronic raffle; and
- (8) Keep any and all electronic raffle system reports listed in GLI-31; and

(9) Retain all invoices or receipts for raffles prizes and expenses.

NEW SECTION

WAC 230-11-390 Electronic raffle—Monthly records. Electronic raffle licensees must maintain accounting records as required in WAC 230-07-130. In addition, electronic raffle licensees must keep a set of permanent monthly records of electronic raffle activity to include at least:

- (1) The drawing date; and
- (2) Gross receipts; and
- (3) Prizes paid; and
- (4) Net income; and
- (5) Documentation of expenses; and
- (6) Documentation of how the proceeds were used; and
- (7) Cash over/short.

NEW SECTION

WAC 230-11-395 Keeping and making records available. Electronic raffle licensees must:

- (1) Keep required, completed records from electronic raffles for at least three years from the end of the license year for which the records were completed; and
- (2) Retain records at the main administrative or business office of the electronic raffle licensee located in Washington state and have the records available for our review or audit.

NEW SECTION

WAC 230-16-153 Remote access of electronic raffle systems. Electronic raffle systems may be accessed remotely, at any time, only by a licensed representative of the manufacturer of the equipment for repair, troubleshooting, or technical support under the following provisions:

- (1) In order to be approved to remotely access the electronic raffle system, the manufacturer must:
 - (a) Submit an application and documentation as required in WAC 230-06-050; and
 - (b) Have the remote access solution tested. This may be done by:
 - (i) Submitting and transporting a working model of the remote access solution and related documentation, in the format we require, to us for testing and approval; or
 - (ii) Have the remote access solution tested on-site by us; and
- (2) For the purpose of continued monitoring, we may retain a working model or components after approval for as long as the remote access solution is in use in the state; and
- (3) The manufacturer must notify and receive approval from the electronic raffle licensee before remotely accessing the electronic raffle system for the reasons outlined above; and
- (4) The manufacturer must notify us within 24 hours after the remote access has occurred; and
- (5) The remote access must occur using a dedicated and secure communication protocol or application utilizing encryption such as a virtual private network (VPN); and

(6) The remote access must only be conducted through a laptop or computer owned and issued by the manufacturer and must meet the following requirements:

- (a) Employ full disk encryption; and
 - (b) Have a mechanism to detect and prevent installation of spyware, key loggers, hacking tools, or other malicious software; and
 - (c) Have current updated antivirus software; and
 - (d) Employ active firewall software; and
 - (e) Be conducted in a secure location where only the manufacturer or licensed representatives can be present while accessing the electronic raffle system remotely; and
- (7) All remote access to the electronic raffle system must use multifactor authentication; and
- (8) The communication must pass through at least one application-level firewall and not have the ability to allow for an alternate network path; and

(9) Remote access shall only be enabled for the duration of repair, troubleshooting, or technical support and the connection terminated immediately after; and

(10) Security standards for the remote access must be at least equivalent to commonly accepted national and international best practices for IT security such as National Institute of Science and Technology (NIST) standards as they currently exist or may be amended in the future; and

(11) An electronic log shall be maintained by the electronic raffle system for documentation and audit purposes and must include the following information about all remote access to the electronic raffle system:

- (a) Name and license number of manufacturer representative that accessed the system; and
- (b) Time and date the connection was made; and
- (c) Duration of the connection; and
- (d) Reason for the remote access; and
- (e) Any action taken, or further action required; and

(12) The manufacturer must disable access for an employee that is no longer with the company within 24 hours of termination.

WSR 21-21-097

PERMANENT RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed October 19, 2021, 4:32 p.m., effective November 19, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending WAC 388-458-0011 DSHS sends you a denial letter when you can't get benefits, to more accurately align rule language with federal Supplemental Nutrition Assistance Program regulations. The amendments support processes and procedures when mailing a denial notice to a client who has not provided information by day 30 after application.

Citation of Rules Affected by this Order: Amending WAC 388-458-0011.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090.

Other Authority: 7 C.F.R. 273.10 (g)(1)(ii).

Adopted under notice filed as WSR 21-12-076 on May 28, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Non-governmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: October 19, 2021.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-18-005, filed 8/22/13, effective 10/1/13)

WAC 388-458-0011 DSHS sends you a denial letter when you can't get benefits. (1) When we finish processing your application, we send you a denial letter if you cannot get benefits.

(2) On this letter, we tell you:

- (a) Why you cannot get benefits;
- (b) The rules that support our decision;
- (c) The date we finished processing your application;

and

(d) Your right to have your case reviewed or ask for an administrative hearing.

(3) If we are denying your application because you did not give us information that we needed and we ~~((can't))~~ cannot figure out if you are eligible without it, we also tell you ~~((on))~~ in the letter:

(a) What ~~((information you didn't give to us))~~ to do so your application can be reconsidered;

(b) The date ~~((we asked for))~~ the information ~~((and the date it))~~ was due;

(c) That we cannot figure out if you can get benefits without ~~((this))~~ that information; and

(d) That we will review your eligibility if:

(i) For cash assistance, you give us the information within thirty days of the date of the notice; or

(ii) For food assistance, you give us the information within sixty days of the date you applied.

(4) We send denial letters to you according to the rules in chapter 388-406 WAC.