

WSR 22-10-069

PROPOSED RULES

SECRETARY OF STATE

[Filed May 3, 2022, 10:05 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-01-148.

Title of Rule and Other Identifying Information: Voter secrecy on ballot return envelopes, ballot oath declarations and other ballot return forms.

Hearing Location(s): On June 13, 2022, at 1:00 p.m., at 520 Union Avenue, Olympia, 98504. The hearing will be conducted using Teams to join the hearing a person can call phone 1-206-899-2560 and enter the Conference ID 794 302 13#. People will be able to hear and comment.

Date of Intended Adoption: June 14, 2022.

Submit Written Comments to: Fina Ormond, P.O. Box 40229, Olympia, WA 98504, email fina.ormond@sos.wa.gov, fax 360-664-4169.

Assistance for Persons with Disabilities: Contact Fina Ormond, phone 360-902-4146, fax 360-664-4169, email Fina.ormond@sos.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Update rules in conformance with recent legislation. Ensuring voter secrecy on ballot envelopes, by protecting signature images, and email addresses and phone numbers provided by voters on ballot return envelopes and other forms.

Reasons Supporting Proposal: Consistency in operation in all county election offices within the state.

Statutory Authority for Adoption: RCW 29A.04.611; chapter 140, Laws of 2022.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Randy Bolerjack, deputy secretary of state, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Stuart Holmes, Olympia, 360-902-4151.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

May 3, 2022

Randy Bolerjack

Deputy Secretary of State

OTS-3424.4

NEW SECTION

WAC 434-250-380 Disclosure of voter signatures. (1) In-person inspection of unredacted ballot return envelopes, ballot declarations, and signature correction forms is authorized, so long as photocopying,

photographs, and other types of image reproduction of voter signatures, phone numbers, and email addresses are prohibited.

(2) Upon receiving a public records request for ballot return envelopes, ballot declarations, or signature correction forms, an agency should offer the requestor the option of receiving redacted copies or inspecting unredacted versions in-person.

(3) For purposes of this regulation, "signature correction form" means any form submitted by a voter for the purpose of curing a missing or mismatched signature on a ballot declaration or otherwise updating the voter signature.

(4) For purposes of this section, "voter signature" means any original handwritten signature or image of the voter's signature.

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