

Title 434 WAC

SECRETARY OF STATE

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Chapter 434-208 WAC

ELECTIONS

(Formerly chapter 434-08 WAC)

WAC

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

- 434-208-010 Advisory election upon contemplation of classification advancement. [98-08-010, recodified as § 434-208-010, filed 3/18/98, effective 3/18/98; Regulation 1, filed 3/24/60.] Repealed by WSR 11-05-008, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.04.255.
- 434-208-020 Remedial steps—Third class city under mayor-council government. [98-08-010, recodified as § 434-208-020, filed 3/18/98, effective 3/18/98; Regulation 2, filed 3/24/60.] Repealed by WSR 11-05-008, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.04.255.
- 434-208-030 Determination of original terms of councilmen—Second, third, or fourth class city or town. [98-08-010, recodified as § 434-208-030, filed 3/18/98, effective 3/18/98; Regulation 3, filed 3/24/60.] Repealed by WSR 11-05-008, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.04.255.
- 434-208-040 Appointment of clerks. [98-08-010, recodified as § 434-208-040, filed 3/18/98, effective 3/18/98; Regulation 4, filed 3/24/60.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
- 434-208-050 Restrictions on write-in or sticker votes. [98-08-010, recodified as § 434-208-050, filed 3/18/98, effective 3/18/98; Regulation 5, filed 3/24/60.] Repealed by WSR 02-02-039, filed 12/26/01, effective 1/26/02. Statutory Authority: RCW 29.04.080.
- 434-208-070 Electronic filings not accepted. [Statutory Authority: RCW 29A.04.611, WSR 06-23-094, § 434-208-070, filed 11/15/06, effective 12/16/06. WSR 98-08-010, recodified as § 434-208-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230. WSR 92-18-087, § 434-08-070, filed 9/2/92, effective 10/3/92.] Repealed by WSR 11-05-008, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.04.255.
- 434-208-080 Electronic facsimile filings followed by original document. [Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-208-080, filed 12/28/05, effective 1/28/06. WSR 98-08-010, recodified as § 434-208-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230. WSR 92-18-087, § 434-08-080, filed 9/2/92, effective 10/3/92.] Repealed by WSR 06-23-094, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.611.
- 434-208-090 Rejection of electronic facsimile filings. [98-08-010, recodified as § 434-208-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230. WSR 92-18-087, § 434-08-090, filed 9/2/92, effective 10/3/92.] Repealed by WSR 06-23-094, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.611.
- 434-208-100 Registering to vote—Nontraditional address. [Statutory Authority: RCW 29.04.080. WSR 03-15-054, § 434-208-100, filed 7/11/03, effective 8/11/03.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.

WAC 434-208-060 Electronic filings. (1) In addition to those documents specified by RCW 29A.04.255, the secretary of state or the county auditor shall accept and file in his or her office electronic transmissions of the following documents:

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

(b) Any minor party or independent candidate filing material for president and vice-president, except nominating petitions;

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

(d) Voted ballots and signed ballot declarations from service and overseas voters received no later than 8:00 p.m. on election day. Voted ballots and signed ballot declarations from voters who are neither service nor overseas voters received no later than 8:00 p.m. on election day, as long as hard copies are received no later than the day before certification of the election. Consistent with WAC 434-250-080, it is the first ballot and declaration received that may be processed and counted. Voted ballots received electronically no later than 8:00 p.m. on election day are timely even if the postmark on the return envelope is after election day;

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

(f) Voter registration forms, unless the form is illegible or the signature image is poor quality requiring the county auditor to reject the form;

(g) Signed ballot declarations, and any accompanying materials, submitted pursuant to WAC 434-261-050; and

(h) Requests to withdraw.

(2) If payment of a fee is required, the electronic filing is not complete until the fee is received.

(3) No initiative, referendum, recall, or other signature petitions may be filed electronically.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-208-060, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-208-060, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-208-060, filed 7/11/08, effective 8/11/08; WSR 06-23-094, § 434-208-060, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-208-060, filed 7/16/04, effective 8/16/04. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, § 434-208-060, filed 7/23/02, effective 8/23/02. WSR 98-08-010, recodified as § 434-208-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230. WSR 92-18-087, § 434-08-060, filed 9/2/92, effective 10/3/92.]

WAC 434-208-110 References to time. References to times of day (i.e., 8:00 p.m.) are according to Pacific Time.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-208-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-208-110, filed 7/11/08, effective 8/11/08.]

WAC 434-208-120 Emergencies. As chief election officer, the secretary of state shall make reasonable rules consistent with federal and state election laws to effectuate any provision of Title 29A RCW and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district election. In the event of a natural or manmade disaster or catastrophe, the secretary of state will consult with county auditors of impacted counties to determine the impact of the disaster or catastrophe on the administration of the election, and how best to mitigate that impact. The secretary of state may adopt emergency rules and procedures necessary to facilitate administration of the election in the impacted counties. The emergency rules and procedures must be limited in duration and scope to that necessary to administer the election. A natural or manmade disaster or catastrophe may include, but is not limited to, fire, flood, mudslide, landslide, tsunami, extreme snow or wind, pandemic, technological failure, or broad scale violence or terrorism.

[Statutory Authority: RCW 29A.04.611, WSR 10-03-072, § 434-208-120, filed 1/18/10, effective 2/18/10.]

WAC 434-208-130 Political parties. (1) For purposes of RCW 29A.04.086, "major political party" means a political party whose nominees for president and vice-president received at least five percent of the total votes cast for that office at the last preceding presidential election. A political party that qualifies as a major political party retains such status until the next presidential election at which the presidential and vice-presidential nominees of that party do not receive at least five percent of the votes cast.

(2) For purposes of RCW 42.17A.005, the secretary of state recognizes as a minor political party a political party whose nominees for president and vice-president qualified to appear on the ballot in the last preceding presidential election according to the minor party nomination process provided in RCW 29A.20.111 through 29A.20.201. A political party that qualifies as a minor political party retains such status until certification of the next presidential election. This definition is for purposes of chapter 42.17A RCW only.

(3) As allowed by WAC 434-215-012, 434-215-120, and 434-215-130, candidates for partisan office may state a preference for any political party and are not restricted to stating a preference for a political party that meets the definition of major or minor political party. A candidate's party preference does not imply that the candidate is nominated or endorsed by that party, or that the party approves of or associates with that candidate. With the exception of elections for president and vice-president, a party's status as a major or minor political party, or a candidate's preference for a major or minor political party, plays no role in how candidates qualify to appear on the primary election ballot, qualify to appear on the general election ballot, or are elected to public office.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-208-130, filed 12/6/11, effective 1/6/12.]

WAC 434-208-140 Election notices. Election notices are governed by RCW 29A.04.220 and 29A.52.XXX (section 45, chapter 10 (ESSB 5124), Laws of 2011).

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(1) "Short titles for ballot measures" means the name of the jurisdiction, the measure number, and the heading or caption.

(2) The notice for elderly and disabled person required by RCW 29A.04.220 may be combined with the notice of election required by RCW 29A.52.XXX (section 45, chapter 10 (ESSB 5124), Laws of 2011) in a single publication.

(3) Public meetings associated with the election include county canvassing board meetings.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-208-140, filed 12/6/11, effective 1/6/12.]

WAC 434-208-160 Online information. The secretary of state and each county auditor must provide information online that includes, at a minimum, how to:

- (1) Register to vote using a paper or online application;
- (2) Confirm a registration status;
- (3) Request a ballot or replacement ballot;
- (4) For service and overseas voters, receive a ballot electronically;
- (5) Update a residential address or mailing address;
- (6) Contact the elections office by phone, fax, e-mail, mailing address, and physical address;
- (7) Obtain information about the next election;
- (8) For service or overseas voters, return a signed declaration and voted ballot electronically;
- (9) Confirm that a voted ballot has been received; and
- (10) Obtain election results.

[Statutory Authority: RCW 29A.04.611, WSR 12-14-074, § 434-208-160, filed 7/2/12, effective 8/2/12.]

Chapter 434-209 WAC

CITIZEN'S COMMISSION ON SALARIES FOR ELECTED OFFICIALS

(Formerly chapter 434-09 WAC)

WAC

434-209-010	Statement of purpose.
434-209-020	Definitions.
434-209-030	Qualification requirements.
434-209-050	Conducting the selection of names by lot.
434-209-060	Notifying persons selected by lot.
434-209-070	Determination of commission appointees from congressional districts.
434-209-080	Names of selected persons to governor.
434-209-090	Vacancy on the commission.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-209-040	Transmitting and compiling the data file of records of registered voters. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-040, filed 2/19/87.] Repealed by WSR 03-23-094, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 43.03.305.
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WAC 434-209-010 Statement of purpose. The purpose of this chapter is to provide uniform procedures under RCW 43.03.305(1) for the selection and notification by the secretary of state of persons to be appointed to the Washington citizens' commission on salaries for elected officials.

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

WAC 434-209-020 Definitions. As used in these regulations:

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

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

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

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

WAC 434-209-030 Qualification requirements. Qualification requirements for the citizen members selected in accordance with this chapter to serve on the commission shall be as required by the state Constitution and RCW 43.03.305:

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

(2) Any person selected under WAC 434-209-090 to serve must be a registered voter and eligible to vote at the time of selection;

(3) No state official, public employee or lobbyist or immediate family member of such official, public employee or lobbyist shall be eligible to serve.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-030, filed 2/19/87.]

WAC 434-209-050 Conducting the selection of names by lot. No later than May 20 of the year of selection, the secretary of state shall arrange for the random selection of approximately an equal number of names of registered voters from each congressional district that requires appointment of a new commissioner. The secretary of state may employ a properly programmed electronic data processing system or device to make the random selection of registered voters as required by this section.

[Statutory Authority: RCW 43.03.305. WSR 03-23-094, § 434-209-050, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-050, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-050, filed 2/19/87.]

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

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

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

[Statutory Authority: RCW 43.03.305. WSR 03-23-094, § 434-209-060, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-060, filed 2/19/87.]

WAC 434-209-070 Determination of commission appointees from congressional districts. From the list prepared under WAC 434-209-060(2), the secretary of state shall conduct a separate, noncomputer selection by lot of all qualified persons responding positively to the notice in WAC 434-209-060 from each congressional district. The persons selected from each congressional district shall be listed in order of selection.

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

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

WAC 434-209-080 Names of selected persons to governor. No later than July 1 of the year of selection, the secretary of state shall forward to the governor the certified list of the names of the first registered voter selected from each congressional district under WAC 434-209-070. In the event that one of the persons certified to the governor declines appointment, the secretary of state shall forward to the governor the name of the next registered voter from the same congressional district on the list compiled under WAC 434-209-070.

[Statutory Authority: RCW 43.03.305. WSR 03-23-094, § 434-209-080, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-080, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-080, filed 2/19/87.]

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

If the list from a congressional district becomes depleted, the secretary of state shall create a new list for that congressional district using the most recent voter information obtained from the county auditors. Except for the revision of timelines under this section, the process for compiling the data file of records of registered voters by congressional district, conducting the selection by lot, notifying persons selected, determining appointees, and forwarding to the governor the certified list of the name of the registered voter selected shall be substantially the same as specified in WAC 434-209-030 through 434-209-080.

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

Chapter 434-215 WAC

DECLARATIONS OF CANDIDACY AND FILING PROCEDURES

(Formerly chapter 434-228 WAC)

WAC

- 434-215-005 Filing information—Questionnaire—Compiling and dissemination.
- 434-215-012 Declaration of candidacy.
- 434-215-021 Declaration of candidacy—Precinct committee officer.
- 434-215-024 Insufficient payment of a filing fee.
- 434-215-025 Filing fee petitions.
- 434-215-040 Filing notification.
- 434-215-050 Use of title, rank, or symbols prohibited.
- 434-215-060 Duplication of names.
- 434-215-065 Withdrawal of candidacy.
- 434-215-070 Electronic filing—Requirements.
- 434-215-110 Electronic filing—Interlocal agreements.
- 434-215-120 Political party preference by candidate for partisan office.
- 434-215-130 Minor political party candidates and independent candidates.
- 434-215-150 No major party ticket.
- 434-215-165 Presidential nominations by major political parties.
- 434-215-170 Filing qualifications.
- 434-215-180 Write-in candidates.

RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041.

WAC 434-215-005 Filing information—Questionnaire—Compiling and dissemination. (1) Prior to February 1, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29A.04.321 and 29A.04.330. The questionnaire must be sent during the twelve months before the local jurisdiction is scheduled to elect officers. The purpose of the questionnaire shall be to confirm information which the auditor must use to properly conduct candidate filings for each office. The questionnaire should request, at a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, and the annual salary for the position at the time of the filing period. Responses should be received prior to March 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.

(2) If a jurisdiction fails to notify the county auditor prior to the regular candidate filing period that an office is to be filled at the general election and therefore the office is not included in the regular candidate filing period, the county auditor shall:

(a) Open the position during the remainder of the regular filing period if the county auditor is notified in time to provide at least three days in the regular filing period. The county auditor must post information online and notify the press; or

(b) Open the position during a special three-day filing period as though there is a void in candidacy per RCW 29A.24.181.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-005, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-215-005, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-215-005, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-215-005, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 06-14-049, § 434-215-005, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-215-005, filed 7/16/04, effective 8/16/04. WSR 02-09-007, recodified as § 434-215-005, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-228-005, filed 10/13/97, effective 11/13/97.]

WAC 434-215-012 Declaration of candidacy. Declarations of candidacy filed either in person or by mail shall be in substantially the following form:

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

- 434-215-020 Declaration of candidacy—Precinct committee officer. [Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-215-020, filed 9/1/09, effective 10/2/09; WSR 08-15-052, § 434-215-020, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-215-020, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 06-14-049, § 434-215-020, filed 6/28/06, effective 7/29/06. WSR 02-09-007, recodified as § 434-215-020, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-020, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. WSR 84-15-050 (Order 84-2), § 434-28-020, filed 7/16/84; Order 75-1, § 434-28-020, filed 6/26/75.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-215-080 Electronic filing—Eligible jurisdictions. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-215-080, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, § 434-215-080, filed 7/23/02, effective 8/23/02.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
- 434-215-090 Electronic filing—Required information. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-215-090, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, § 434-215-090, filed 7/23/02, effective 8/23/02.] Repealed by WSR 10-03-072, filed 1/18/10, effective 2/18/10. Statutory Authority: RCW 29A.04.611.
- 434-215-140 Voids in candidacy and vacancies in office. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-215-140, filed 7/11/08, effective 8/11/08.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-215-160 Ranked choice voting. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-215-160, filed 7/11/08, effective 8/11/08.] Repealed by WSR 10-14-091, filed 7/6/10, effective 8/6/10. Statutory Authority:

Washington State Declaration of Candidacy

office	jurisdiction and office name		position number
personal information <i>as registered to vote</i>	first name	middle	last
	date of birth (mm / dd / yyyy)		phone number
	residential address		city / zip
ballot information	exact name I would like printed on the ballot		
	political party I prefer, if filing for partisan office:		
	<input type="radio"/> (Prefers <input type="text"/> Party)		
	<input type="radio"/> (States No Party Preference)		
campaign information	campaign address (if different from residential address)		city / zip
	email address		phone number
	website		
filing fee	<input type="radio"/> The office has no fixed annual salary: no filing fee <input type="radio"/> The office has a fixed annual salary of \$1,000 or less: \$10 <input type="radio"/> The office has a fixed annual salary over \$1,000: 1% of salary <input type="radio"/> I am submitting a filing fee petition instead of a filing fee		
oath	I declare that the above information is true, that I am a registered voter residing at the address listed above, that I am a candidate for the office listed above, and that, at the time of filing this declaration, I am legally qualified to assume office. I swear, or affirm, that I will support the Constitution and laws of the United States, and the Constitution and laws of the State of Washington.		
	sign here		date here
for office use only	date		voter registration number
	office code		fee

The filing officer must provide a paper or electronic copy of the filed declaration of candidacy to the candidate and to the public disclosure commission.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-215-012, filed 1/18/10, effective 2/18/10; WSR 08-15-052, § 434-215-012, filed 7/11/08, effective 8/11/08; WSR 06-14-049, § 434-215-012, filed 6/28/06, effective 7/29/06. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, §

434-215-012, filed 7/23/02, effective 8/23/02. WSR 02-09-007, recodified as § 434-215-012, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-012, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-012, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. WSR 84-15-050 (Order 84-2), § 434-28-012, filed 7/16/84; WSR 80-05-014 (Order 80-1), § 434-28-012, filed 4/8/80.]

WAC 434-215-021 Declaration of candidacy—Precinct committee officer. Declarations of candidacy for the office of precinct committee officer shall be in substantially the following form:

Declaration of Candidacy

Precinct Committee Officer

instructions File this form with your county elections department.
Note: This document becomes public record once filed.

office information member of the Democratic Party
 Republican Party
 precinct representing (name / number)

personal information
as registered to vote

first name middle last
 date of birth (mm / dd / yyyy) phone number
 residential address city / ZIP

ballot information
 exact name I would like printed on the ballot (*only contested races will appear on the ballot*)

contact information

mailing address (*if different from residential address*) city / ZIP
 email address phone number

oath

I declare that the above information is true, that I am a registered voter residing at the residential address and precinct listed above, and that I am a candidate for Precinct Committee Officer for the party and precinct identified above.

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

sign here [] date here []

for office use only

voter registration number date
 precinct verified office code
 staff

03/2012

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-215-021, filed 7/2/12, effective 8/2/12.]

WAC 434-215-024 Insufficient payment of a filing fee. If, after the last day to withdraw, a county auditor learns that a candidate provided insufficient funds for a filing fee, the county auditor must recoup that cost through other allowable means.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-215-024, filed 2/3/11, effective 3/6/11.]

WAC 434-215-025 Filing fee petitions. (1) When a candidate submits a filing fee petition in lieu of his or her filing fee, as authorized by RCW 29A.24.091, voters eligible to vote on the office in the general election are eligible to sign the candidate's filing fee petition.

(2) The filing fee petition described in RCW 29A.24.101(3) does not apply. The filing fee petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140; followed by:

"We, the undersigned registered voters of [the jurisdiction of the office], hereby petition that [candidate's] name be printed on the ballot for the office of [office for which candidate is filing a declaration of candidacy]."

(3) A candidate submitting a filing fee petition in the place of a filing fee may not file the declaration of candidacy electronically.

(4) A candidate submitting a filing fee petition must submit all signatures when filing the declaration of candidacy. The candidate cannot supplement the signatures at a later date.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-215-025, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-215-025, filed 1/18/10, effective 2/18/10; WSR 08-15-052, § 434-215-025, filed 7/11/08, effective 8/11/08; WSR 07-09-036, § 434-215-025, filed 4/11/07, effective 5/12/07.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 434-215-040 Filing notification. Declarations of candidacy for legislative, court of appeals, and superior court districts located within one county must be filed with the county auditor. All information listed on the declaration of candidacy for these offices must be sent electronically to the secretary of state the same day the filing was accepted.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-215-040, filed 9/1/09, effective 10/2/09.]

WAC 434-215-050 Use of title, rank, or symbols prohibited. No person when filing for office shall be permitted to use any title, rank, or symbol instead of, or in conjunction with, his or her name, except as may be provided by law or administrative rule.

[Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-215-050, filed 11/15/06, effective 12/16/06. WSR 02-09-007, recodified as § 434-215-050, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-050, filed 6/2/92, effective 7/3/92.]

WAC 434-215-060 Duplication of names. Whenever, in the judgment of the filing officer, two or more candidates

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

[02-09-007, recodified as § 434-215-060, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-060, filed 6/2/92, effective 7/3/92.]

WAC 434-215-065 Withdrawal of candidacy. Consistent with RCW 29A.24.131, a candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Monday following the last day for candidates to file. The candidate must file a signed request that his or her name not be printed on the ballot. This request to withdraw must be filed with the officer who accepted the declaration of candidacy. Once filed, the withdrawal cannot be revoked. There shall be no withdrawal period for declarations of candidacy filed during special filing periods.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-065, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-215-065, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-215-065, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-215-065, filed 12/28/05, effective 1/28/06.]

WAC 434-215-070 Electronic filing—Requirements. An electronic system to file declarations of candidacy shall be an online system accessible to candidates on the world wide web that is capable of:

(1) Recording each candidate's name, date of birth, voter registration address, mailing address, phone number, e-mail address, and political party preference for partisan offices, and the office and position number for which each candidate is filing;

(2) Verifying the candidate's voter registration status, and that the voter registration address is within the jurisdiction of the office for which the candidate is filing;

(3) Accepting electronic transfer of funds for the payment of filing fees;

(4) Informing, and requiring each candidate to acknowledge, that submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitution and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of any filing fees; and

(5) Allowing the filing officer to verify each filing before it is made public.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-215-070, filed 1/18/10, effective 2/18/10; WSR 05-17-145, § 434-215-070, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, § 434-215-070, filed 7/23/02, effective 8/23/02.]

WAC 434-215-110 Electronic filing—Interlocal agreements. The secretary of state may enter into interlocal agreements with county auditors to provide services to allow county auditors to accept electronic filings. Nothing in an agreement shall contravene RCW 29A.24.070, determining where candidates file for office.

[Statutory Authority: RCW 29A.04.611, WSR 05-17-145, § 434-215-110, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3, WSR 02-15-156, § 434-215-110, filed 7/23/02, effective 8/23/02.]

WAC 434-215-120 Political party preference by candidate for partisan office. (1) On a declaration of candidacy, a candidate for partisan congressional, state, or county office may state his or her preference for a political party, or not state a preference. The candidate may use up to sixteen characters for the name of the political party. A candidate's party preference, or the fact that the candidate states no preference, must be printed with the candidate's name on the ballot and in any voters' pamphlets printed by the office of the secretary of state or a county auditor's office.

(2) If a candidate does not indicate a party that he or she prefers, then the candidate has stated no party preference and is listed as such on the ballot and in any voters' pamphlets.

(3) The filing officer may not print on the ballots, in a voters' pamphlet, or other election materials a political party name that is obscene. If the name of the political party provided by the candidate would be considered obscene, the filing officer may petition the superior court pursuant to RCW 29A.68.011 for a judicial determination that the party name be edited to remove the obscenity, or rejected and replaced with "states no party preference."

(4) A candidate's preference may not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate. If the name of the political party provided by the candidate implies that the candidate is nominated or endorsed by a political party, or that a political party approves of or associates with that candidate, the filing officer may petition the superior court pursuant to RCW 29A.68.011 for a judicial determination that the party name be edited, or rejected and replaced with "states no party preference."

[Statutory Authority: RCW 29A.04.611, WSR 08-15-052, § 434-215-120, filed 7/11/08, effective 8/11/08.]

WAC 434-215-130 Minor political party candidates and independent candidates. (1) In the election system enacted as chapter 2, Laws of 2005, there is no distinction between major party candidates, minor party candidates, or independent candidates filing for partisan congressional, state, or county office. All candidates filing for these partisan offices have the same filing and qualifying requirements. All candidates for partisan office have the option of stating on the ballot their preference for a political party, or stating no party preference. The party preference information plays no role in determining how candidates are elected to public office.

(2) The requirements in RCW 29A.20.111 through 29A.20.201 for minor political party candidates and independent candidates for partisan office to conduct nominating conventions and collect a sufficient number of signatures of registered voters do not apply to candidates filing for partisan congressional, state, or county office. The requirements in

RCW 29A.20.111 through 29A.20.201 for minor political party candidates and independent candidates only apply to candidates for president and vice-president of the United States. If two or more certificates of nomination are filed purporting to nominate the same candidates for president and vice-president by two different minor political parties, or both by a party and as an independent candidate, the first valid certificate of nomination filed with the secretary of state shall be accepted and subsequent certificates must be rejected.

[Statutory Authority: RCW 29A.04.611, WSR 12-14-074, § 434-215-130, filed 7/2/12, effective 8/2/12; WSR 08-15-052, § 434-215-130, filed 7/11/08, effective 8/11/08.]

WAC 434-215-150 No major party ticket. The procedures in RCW 29A.28.011 allowing a major party to fill a vacancy on a major party ticket do not apply. The predecessor statute, RCW 29A.28.010, was repealed by chapter 2, Laws of 2005 (Initiative 872). Pursuant to chapter 2, Laws of 2005, there is no "major party ticket."

[Statutory Authority: RCW 29A.04.611, WSR 08-15-052, § 434-215-150, filed 7/11/08, effective 8/11/08.]

WAC 434-215-165 Presidential nominations by major political parties. Nominations for president and vice-president by major political parties are conducted at each party's national convention. Immediately following the convention, each party must submit a certificate of nomination and list of electors to the secretary of state in order to place the nominees on the presidential general election ballot.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-165, filed 12/6/11, effective 1/6/12.]

WAC 434-215-170 Filing qualifications. When state law requires a candidate to possess all qualifications of the office at the time of candidate filing, a candidate must satisfy this requirement at the time of candidate filing; a candidate cannot rely on possessing the qualifications at a later time, such as election day or the beginning of the term of office.

[Statutory Authority: RCW 29A.04.611, WSR 10-03-072, § 434-215-170, filed 1/18/10, effective 2/18/10.]

WAC 434-215-180 Write-in candidates. A candidate desiring to file as a write-in candidate must file the write-in declaration of candidacy no later than eighteen days before election day, the deadline in RCW 29A.40.070 that ballots must be mailed.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-180, filed 12/6/11, effective 1/6/12.]

Chapter 434-219 WAC

PRESIDENTIAL PRIMARY

(Formerly chapter 434-75 WAC)

<p>WAC</p> <p>434-219-050 Procedures to be followed when changing primary date.</p> <p>434-219-060 Designation of candidates by secretary of state.</p> <p>434-219-080 Petition process for ballot access.</p> <p>434-219-090 Form of the nominating petition.</p> <p>434-219-100 Verification of signatures by secretary of state.</p> <p>434-219-110 Determination of sufficiency.</p> <p>434-219-115 Withdrawal.</p> <p>434-219-120 Certification of candidates.</p> <p>434-219-140 Party declarations.</p> <p>434-219-155 Party declaration on ballot materials.</p> <p>434-219-185 Logic and accuracy tests.</p> <p>434-219-190 Special election held in conjunction with the presidential primary.</p> <p>434-219-230 Processing of ballots.</p> <p>434-219-240 Canvassing consolidated ballots that include a party checkbox.</p> <p>434-219-250 Canvassing separate party ballots and consolidated ballots that do not include a party checkbox.</p> <p>434-219-290 Certification of presidential primary by secretary of state.</p> <p>434-219-310 Statutory recount provisions do not apply.</p> <p>434-219-320 Transmittal of political party preference data and results to the major political parties.</p> <p>434-219-330 Retention of election material.</p> <p>434-219-340 Claims for reimbursement.</p>	<p>434-219-150 Party declaration at the polling place. [Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-150, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-150, filed 11/17/03, effective 12/18/03; WSR 96-03-141, recodified as § 434-219-150, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-150, filed 8/26/91, effective 9/26/91.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.</p> <p>434-219-160 Political party and unaffiliated ballots—Arrangement. [Statutory Authority: RCW 29A.04.611. WSR 06-11-042, § 434-219-160, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-160, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-160, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-160, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-160, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.</p> <p>434-219-165 Incomplete ballot code on consolidated absentee ballot. [Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-165, filed 1/6/00, effective 2/6/00.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.</p> <p>434-219-170 Order of political parties. [Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-170, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-170, filed 1/6/00, effective 2/6/00.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.</p> <p>434-219-180 Ballots—Arrangement of names—Instructions. [Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-180, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-180, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-180, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-180, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.</p> <p>434-219-210 Issuing polling place ballots. [Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-210, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-210, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-210, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-210, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-210, filed 8/26/91, effective 9/26/91.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.</p> <p>434-219-220 Absentee ballots—Declarations—Instructions. [Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-220, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-220, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-220, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-220, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.</p> <p>434-219-255 Tabulating, reporting, and canvassing write-in votes. [Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-255, filed 1/6/00, effective 2/6/00.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.</p> <p>434-219-260 Canvassing and tabulation of presidential primary absentee ballots. [Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-260, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-260, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-260, filed 8/26/91, effective 9/26/91.] Repealed by</p>
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER	
<p>434-219-010 Authority and purpose. [Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-010, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-010, filed 8/26/91, effective 9/26/91.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.</p> <p>434-219-020 Definitions. [Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-020, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-020, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-020, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-020, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.</p> <p>434-219-030 Presidential primary—When held. [Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-030, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-030, filed 8/26/91, effective 9/26/91.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.</p> <p>434-219-040 Presidential primary—Changing the date. [Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-040, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-040, filed 8/26/91, effective 9/26/91.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.</p> <p>434-219-070 Removal from list of designees. [Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-070, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-070, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.</p> <p>434-219-130 Conduct of the presidential primary. [Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-130, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-130, filed 8/26/91, effective 9/26/91.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.</p>	

- WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.
- 434-219-270 Vote-by-mail precincts. [Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-270, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-270, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-270, filed 8/26/91, effective 9/26/91.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
- 434-219-280 Votes not tabulated. [Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-280, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-280, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-280, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-280, filed 8/26/91, effective 9/26/91.] Repealed by WSR 07-24-044, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29A.04.611.
- 434-219-285 Record of ballots not tabulated. [Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-285, filed 1/6/00, effective 2/6/00.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
- 434-219-300 Sealing of voting devices. [Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-300, filed 1/6/00, effective 2/6/00.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.
- 434-219-350 Time for submission and payment of claims for reimbursement. [Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-350, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-350, filed 8/26/91, effective 9/26/91.] Repealed by WSR 03-23-093, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.19.070.

WAC 434-219-050 Procedures to be followed when changing primary date. If the date of the presidential primary is changed pursuant to RCW 29A.56.020 from the fourth Tuesday in May to another date, the secretary of state shall promptly notify the county auditors and the chairperson of the national committee of each major political party, in writing, of that date.

[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-050, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-050, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-050, filed 8/26/91, effective 9/26/91.]

WAC 434-219-060 Designation of candidates by secretary of state. Not less than ninety days prior to the date set for the presidential primary, the secretary of state shall compile a list of persons whose candidacy for the office of President of the United States is generally advocated or whose candidacy is generally recognized in the national news media. He or she shall promptly notify, in writing, the county auditors, the chairperson of each major political party, and each of the candidates whose names will be placed on the ballot at the presidential primary unless the candidate withdraws under WAC 434-219-115.

[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-060, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-060, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-060, filed 8/26/91, effective 9/26/91.]

WAC 434-219-080 Petition process for ballot access. Members of a major political party may petition the secretary of state, pursuant to the provisions of RCW 29A.56.030, to include on the presidential primary ballot the name of any candidate of that party not designated by the secretary of state under WAC 434-219-060. Petitions may be circulated for

signatures not earlier than the first day following the designation of candidates by the secretary of state under WAC 434-219-060. Such petitions must be filed with the secretary of state not later than seventy-five days prior to the primary, shall be accompanied by a signed, notarized statement by the candidate concerned giving his or her consent to the nomination, and must bear the signatures of at least one thousand persons registered to vote in the state of Washington at the time the petition signatures are verified.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-080, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-080, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-080, filed 11/17/03, effective 12/18/03; WSR 96-03-141, recodified as § 434-219-080, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-080, filed 8/26/91, effective 9/26/91.]

WAC 434-219-090 Form of the nominating petition.

Nominating petitions shall be addressed to the secretary of state, be uniform in size, and shall contain the following:

- (1) The name of the candidate and his or her political party;
- (2) A statement that the persons signing the petition are registered voters of the state of Washington, that they are affiliated with the political party of the person on whose behalf the petition is filed, and that they have only signed the petition once;
- (3) Numbered lines for no more than twenty signatures;
- (4) Space for the signature, printed name, and address at which each petition signer is registered to vote, including county of residence;
- (5) Space for the signer to list the name or number of his or her precinct, if known.

[Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-090, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-090, filed 8/26/91, effective 9/26/91.]

WAC 434-219-100 Verification of signatures by secretary of state. Upon receipt of any nominating petition filed pursuant to WAC 434-219-080, the secretary of state shall promptly canvass and verify the signatures in order to determine the validity of the petition. The secretary may reject, without verification of signatures, any petition that clearly bears insufficient signatures, any petition that is not accompanied by a consent to the nomination by the candidate, or any petition that is in a form inconsistent with the provisions of WAC 434-219-090. To the extent that it is not inconsistent with other provisions of these rules, the canvass and verification process may be observed in the same manner as that specified in RCW 29A.72.230 for the observation of the canvass and verification of initiative signatures. The secretary of state shall reject the signature of any person not registered to vote in Washington, and, if the same name is signed more than once, shall reject all but the first valid signature. No signature may be rejected solely on the basis that it is not accompanied by the address or precinct name or number of the signer.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-100, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-100, filed 11/17/03, effective 12/18/03; WSR 96-03-141, recodified

as § 434-219-100, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-100, filed 8/26/91, effective 9/26/91.]

WAC 434-219-110 Determination of sufficiency. In the event the secretary of state determines that the petition bears insufficient valid signatures, he or she shall notify the person filing the petition and the candidate on whose behalf the petition was filed. Persons so notified may submit additional signatures in support of the nomination as long as those signatures are submitted prior to the deadline established by RCW 29A.56.030.

In the event the secretary of state determines the petition bears sufficient signatures, he or she shall add that candidate in the official certification of candidates to the county auditors.

[Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-110, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 96-03-141, recodified as § 434-219-110, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-110, filed 8/26/91, effective 9/26/91.]

WAC 434-219-115 Withdrawal. Each candidate shall appear on the primary ballot unless, not later than sixty-seven days prior to the primary, the candidate files with the secretary of state a signed, notarized statement that he or she is not now and will not become a candidate for president. The secretary of state shall promptly notify the county auditors, the chairperson of the national political party of that candidate, and all remaining candidates of any names removed from the list of candidates for the presidential primary.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-219-115, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-115, filed 11/30/07, effective 12/31/07.]

WAC 434-219-120 Certification of candidates. Immediately following the last day for candidates to withdraw, the secretary of state shall certify to the county auditors the final list of candidates who will appear on the presidential primary ballot.

[Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-120, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 00-03-003, § 434-219-120, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-120, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-120, filed 8/26/91, effective 9/26/91.]

WAC 434-219-140 Party declarations. (1) No later than August 15 in the calendar year preceding the year in which the presidential preference primary is to be held, the state chair of each major party shall submit in writing to the secretary of state the exact wording of any party declaration required by rules of the state or national party.

(2) The secretary of state shall certify the language of each major party's declaration to the county auditors no later than August 30 in the calendar year preceding the year in which the presidential preference primary is to be held.

(3) Each registered voter desiring to participate in the presidential primary of a major party that requires a declaration shall subscribe to the declaration.

[Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-140, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 99-22-073, § 434-219-140, filed 11/2/99, effective 12/3/99; WSR 96-03-141, recodified as § 434-219-140, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-140, filed 8/26/91, effective 9/26/91.]

(12/6/11)

WAC 434-219-155 Party declaration on ballot materials. (1) Each political party declaration shall be printed on the return envelope with the standard ballot declaration required by WAC 434-250-050. Each declaration shall be printed with a checkbox for voters to indicate the party declaration to which they subscribe. The county auditor shall provide an instruction for the party declarations substantially similar to the following: "You must mark a party checkbox in order for your presidential primary vote to count. You may only select one party."

(2) The date and signature lines for the ballot declaration shall also serve as the date and signature lines for the political party declaration.

(3) In addition to other instructions normally provided to voters, the county auditor shall ensure that voters are given specific instructions on how to mark their ballot so that it will be counted in accordance with the oath they signed on the return envelope.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-219-155, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-155, filed 11/30/07, effective 12/31/07.]

WAC 434-219-185 Logic and accuracy tests. The logic and accuracy test shall be conducted pursuant to the provisions of chapter 434-335 WAC and RCW 29A.12.130.

[Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-185, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 03-23-093, § 434-219-185, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-185, filed 1/6/00, effective 2/6/00.]

WAC 434-219-190 Special election held in conjunction with the presidential primary. If a presidential primary occurs at the same election as a special election, all measures or candidates for office for which the voters are eligible to vote at that special election shall be listed on the ballot in such a manner that each voter can identify and vote on those candidates or measures separately from the presidential primary candidates.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-219-190, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-219-190, filed 9/1/09, effective 10/2/09; WSR 07-24-044, § 434-219-190, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 96-03-141, recodified as § 434-219-190, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-190, filed 8/26/91, effective 9/26/91.]

WAC 434-219-230 Processing of ballots. (1) If the voter checked a political party declaration, a notation of the party checked must be made in the voter's registration file.

(2) If the declaration is not signed or the signature on the declaration does not match the signature on file, the county auditor must attempt to contact the voter as outlined in WAC 434-261-050. If the voter also failed to check a political party declaration, the county auditor must also provide the voter the opportunity to check a party declaration.

(3) The ballot must be sorted according to major party declaration choice before it is removed from the return envelope. Once the ballot is removed from the return envelope and secrecy envelope, it must be inspected and processed consistent with the party declaration.

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(4) If the voter's signature is verified, the voter may be credited with having participated in the election, even if the voter failed to check a political party declaration.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-230, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-230, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-230, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-230, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-230, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-230, filed 8/26/91, effective 9/26/91.]

WAC 434-219-240 Canvassing consolidated ballots that include a party checkbox. If a county auditor issues consolidated ballots that include a party checkbox on the ballot, the following canvassing protocols must be followed:

- (1) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks the party box on the consolidated ballot for the same party declared on the return envelope; and
 - (c) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.
- (2) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks the party box on the consolidated ballot for the same party declared on the return envelope; and
 - (c) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.
- (3) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks the party box on the consolidated ballot for a different party than declared on the return envelope; and
 - (c) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.
- (4) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks a party box on the consolidated ballot for a different party than declared on the return envelope; and
 - (c) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.
- (5) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Fails to check a party box on the consolidated ballot; and
 - (c) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.
- (6) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Fails to check a party box on the consolidated ballot; and
 - (c) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.
- (7) If a voter:
 - (a) Signs a party declaration on the return envelope;
 - (b) Checks more than one party box on the consolidated ballot; and
 - (c) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.
- (8) If a voter:

(a) Signs a party declaration on the return envelope;

(b) Checks more than one party box on the consolidated ballot; and

(c) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.

(9) If a voter:

(a) Signs a party declaration on the return envelope;

(b) Checks the party box on the consolidated ballot for the same party declared on the return envelope; and

(c) Votes for candidates of more than one party, the partisan votes shall not be counted.

(10) If a voter:

(a) Signs a party declaration on the return envelope;

(b) Checks the party box on the consolidated ballot for a different party than declared on the return envelope; and

(c) Votes for candidates of more than one party, the partisan votes shall not be counted.

(11) If a voter:

(a) Signs a party declaration on the return envelope;

(b) Fails to check a party box on the consolidated ballot; and

(c) Votes for candidates of more than one party, the partisan votes shall not be counted.

(12) If a voter:

(a) Signs a party declaration on the return envelope;

(b) Checks more than one party box on the consolidated ballot; and

(c) Votes for candidates of more than one party, the partisan votes shall not be counted.

(13) If a voter signs a party declaration on the return envelope for more than one party, the partisan votes shall not be counted.

(14) If a voter fails to sign a party declaration on the return envelope, the partisan votes shall not be counted.

[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-240, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-240, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-240, filed 1/24/96, effective 2/24/96; WSR 92-08-032, § 434-75-240, filed 3/24/92, effective 4/1/92; WSR 91-18-012, § 434-75-240, filed 8/26/91, effective 9/26/91.]

WAC 434-219-250 Canvassing separate party ballots and consolidated ballots that do not include a party checkbox. If a county auditor issues either separate party ballots or consolidated ballots that do not include a party checkbox on the ballot, the following canvassing protocols must be followed:

(1) If a voter:

(a) Signs a party declaration on the return envelope; and

(b) Votes for candidates of the same party declared on the return envelope, the votes shall be counted.

(2) If a voter:

(a) Signs a party declaration on the return envelope; and

(b) Votes for candidates of a different party than declared on the return envelope, the partisan votes shall not be counted.

(3) If a voter:

(a) Signs a party declaration on the return envelope; and

(b) Votes for candidates of more than one party, the partisan votes shall not be counted.

(4) If a voter signs a party declaration on the return envelope for more than one party, the partisan votes shall not be counted.

(5) If a voter fails to sign a party declaration on the return envelope, the partisan votes shall not be counted.

[Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-250, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 03-23-093, § 434-219-250, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-250, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-250, filed 1/24/96, effective 2/24/96; WSR 92-08-032, § 434-75-250, filed 3/24/92, effective 4/1/92; WSR 91-18-012, § 434-75-250, filed 8/26/91, effective 9/26/91.]

WAC 434-219-290 Certification of presidential primary by secretary of state. County canvassing boards shall certify the results of the presidential primary fourteen days following the primary. The county auditor shall transmit the returns to the secretary of state immediately. Not later than twenty-one days following the presidential primary, the secretary of state shall certify the results of the presidential primary and notify the candidates and the chairperson of the national and state committees of each major political party of the votes cast for all candidates listed on the ballot.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-290, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-290, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 03-23-093, § 434-219-290, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-290, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-290, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-290, filed 8/26/91, effective 9/26/91.]

WAC 434-219-310 Statutory recount provisions do not apply. The provisions of chapter 29A.64 RCW regarding statutory recounts do not apply to a presidential primary.

[Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-310, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 00-03-003, § 434-219-310, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-310, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-310, filed 8/26/91, effective 9/26/91.]

WAC 434-219-320 Transmittal of political party preference data and results to the major political parties. No later than thirty days following the presidential primary:

(1) Upon request, each county auditor shall provide to the county committee of each major political party, at actual reproduction cost, the results of the presidential primary by precinct, and the names and addresses of voters registered in the county who signed a party declaration for that party and the signature was verified.

(2) Upon request, the secretary of state shall provide to the state committees of each major political party, at actual reproduction cost, the names and addresses of all voters registered in the state who signed a party declaration for that party and the signature was verified.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-320, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-320, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 00-03-003, § 434-219-320, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-320, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-320, filed 8/26/91, effective 9/26/91.]

(12/6/11)

WAC 434-219-330 Retention of election material.

The county auditor shall maintain all presidential primary material, including ballot request forms, ballot envelopes, and ballots, for a period of twenty-two months following the presidential primary. Sixty days following certification of the presidential primary by the secretary of state, the county auditor must remove from the voter registration files any record of party designation in the presidential primary.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-330, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-330, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 96-03-141, recodified as § 434-219-330, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-330, filed 8/26/91, effective 9/26/91.]

WAC 434-219-340 Claims for reimbursement. Following the presidential primary, each county auditor shall provide to the secretary of state a completed claim for reimbursement of expenses incurred by the county in conducting the primary. This cost shall be prorated with any other jurisdictions holding special elections in conjunction with the primary under RCW 29A.04.410. The procedures for allocating such costs shall be the same as those prescribed by the office of the state auditor for election cost allocations to the state, cities, towns, and special purpose districts. Claims for reimbursement and supporting documents shall be submitted to the secretary of state not later than sixty days following the certification of the presidential primary by the secretary of state.

[Statutory Authority: RCW 29A.04.611, WSR 07-24-044, § 434-219-340, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070, WSR 03-23-093, § 434-219-340, filed 11/17/03, effective 12/18/03; WSR 96-03-141, recodified as § 434-219-340, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-340, filed 8/26/91, effective 9/26/91.]

- 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-190, filed 5/4/92, effective 6/4/92.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-230-200 Paper ballot instructions. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-200, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-200, filed 5/4/92, effective 6/4/92.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-230-210 Paper ballots—Ballot form. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-230-210, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210 and 29.30.020. WSR 00-11-042, § 434-230-210, filed 5/11/00, effective 6/11/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-210, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-210, filed 5/4/92, effective 6/4/92.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.
- 434-230-220 Same party designations used for primary and general elections. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-230-220, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210 and 29.30.020. WSR 00-11-042, § 434-230-220, filed 5/11/00, effective 6/11/00.] Repealed by WSR 08-15-052, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29A.04.611.

WAC 434-230-010 Sample ballots. Sample ballots shall be available at least fifteen days prior to an election. A printed copy must be made available through the office of the county auditor. A sample ballot may be published on the county auditor's web site. Sample paper ballots shall be printed in substantially the same form as official ballots. Sample ballots shall be printed in a manner that makes them easily distinguishable from the official ballot.

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

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

[Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-230-010, filed 5/29/09, effective 6/29/09; WSR 08-15-052, § 434-230-010, filed 7/11/08, effective 8/11/08; WSR 06-14-049, § 434-230-010, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-230-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-010, filed 5/4/92, effective 6/4/92.]

WAC 434-230-012 Ballot design. (1) The ballot must have a clear delineation between the ballot instructions and the first ballot measure or office through the use of white

space, illustration, shading, color, symbol, font size, or bold type.

(2) The following standards for ballot design and layout are provided pursuant to RCW 29A.36.161:

(a) If space allows, allow the instructions to occupy their own column;

(b) Avoid the use of ALL CAPITAL LETTERS. Mixed-case letters are more legible than ALL CAPITAL LETTERS;

(c) Avoid centered type. Left-aligned type is more legible than centered type;

(d) Avoid using more than one font. Using multiple fonts requires the eye to stop reading and adjust. Use one font, preferably a sans-serif font such as Arial, Univers, or Verdana;

(e) Use color and shading consistently, such as to differentiate instructions from ballot section dividers and contest information;

(f) If space allows, use a 12-point type size. Do not use a type size lower than 8-point; and

(g) Maintain consistent font and type size throughout the ballot. For example, do not adjust type size for one race. Type size should be adjusted throughout all comparable areas of the ballot or, at a minimum, by page.

(3) The secretary of state shall publish and distribute an illustrated version of best practices for ballot design and layout.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-230-012, filed 2/3/11, effective 3/6/11.]

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;

A legal resident of the state of Washington;

At least 18 years old on election day;

Voting only once in this election;

Not under the authority of the Department of Corrections for a Washington felony conviction; and

Not disqualified from voting due to a court order.

It is illegal to forge a signature or cast another person's ballot. Attempting to vote when not qualified, attempting to vote more than once, or falsely signing this oath 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.

County auditors may use existing stock of declarations until June 1, 2012.

(d) Explain how to make a mark, witnessed by two other people, if unable to sign the declaration;

(e) Explain how to place the ballot in the security envelope and place the security envelope in the return envelope;

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

(g) Explain that postage is required, if applicable;

(h) 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;

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

(j) Include, for a primary election that includes a partisan office, a notice on an insert explaining:

"In each race, you may vote for any 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."

(k)(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 (k)(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, 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. Ballots shall not be formatted as stated in RCW 29A.04.008 (6) and (7), 29A.36.104, 29A.36.106, 29A.36.121, 29A.36.161(5), and 29A.36.191.

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

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-015, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-230-015, filed 9/1/09, effective 10/2/09; WSR 08-15-052, § 434-230-015, filed 7/11/08, effective 8/11/08.]

WAC 434-230-025 Order of offices. Measures and offices must be listed in the following order, to the extent that they appear on a primary or election ballot:

- (1) Initiatives to the people;
- (2) Referendum measures;
- (3) Referendum bills;
- (4) Initiatives to the legislature and any alternate proposals;
- (5) Proposed constitutional amendments (senate joint resolutions, then house joint resolutions);
- (6) Countywide ballot measures;
- (7) President and vice-president of the United States;
- (8) United States senator;
- (9) United States representative;
- (10) Governor;
- (11) Lieutenant governor;
- (12) Secretary of state;
- (13) State treasurer;
- (14) State auditor;
- (15) Attorney general;
- (16) Commissioner of public lands;
- (17) Superintendent of public instruction;
- (18) Insurance commissioner;
- (19) State senator;
- (20) State representative;

- (21) County officers;
- (22) Justices of the supreme court;
- (23) Judges of the court of appeals;
- (24) Judges of the superior court; and
- (25) Judges of the district court.

For all other jurisdictions, the offices in each jurisdiction shall be grouped together and listed by position number according to county auditor procedures.

[Statutory Authority: RCW 29A.04.611, WSR 08-15-052, § 434-230-025, filed 7/11/08, effective 8/11/08.]

WAC 434-230-030 Placement of ballot measures for local units of government. All county-wide ballot measures shall be listed immediately following state ballot measures. In the absence of state ballot measures, county-wide ballot measures shall appear first where state ballot measures would appear. For other local ballot measures and offices, each county shall establish written procedures to determine the order in which local units of government are to be listed on the ballot. Such order of local governmental units shall be substantially consistent on all ballots. The order may be determined by, but is not limited to the following: Size of jurisdictional area, alphabetical order by jurisdictional area, or such order as to provide for efficient use of ballot spacing and voting positions. Such procedures are to provide consistency from election to election within a county.

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

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 06-14-049, § 434-230-030, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-230-030, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-230-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-030, filed 5/4/92, effective 6/4/92.]

WAC 434-230-035 Office format. (1) The name of each office must be printed on the ballot.

(2) The description "partisan office" must be printed either for each partisan office or as a heading above a group of partisan offices. The description "nonpartisan office" must be printed either for each office or as a heading above a group of nonpartisan offices.

(3) If the term of office is not a full term, a description of the term (e.g., short/full term, two-year unexpired term) must be printed with the office name.

(4) Following each list of candidates shall be a response position and a space for writing in the name of a candidate.

(5) Each office or position must be separated by a bold line.

(6) On a general election ballot in a year that president and vice-president are elected, each political party's candidates for president and vice-president shall be provided one vote response position for that party.

[Statutory Authority: RCW 29A.04.611, WSR 08-15-052, § 434-230-035, filed 7/11/08, effective 8/11/08.]

[Ch. 434-230 WAC p. 4]

WAC 434-230-045 Candidate format. (1) For each office or position, the names of all candidates shall be listed together. If the office is on the primary election ballot, no candidates skip the primary and advance directly to the general election.

(2)(a) On the primary election ballot, candidates shall be listed in the order determined by lot.

(b) On the general election ballot, the candidate who received the highest number of votes in the primary shall be listed first, and the candidate who received the second highest number of votes in the primary shall be listed second.

(c) The political party that each candidate prefers is irrelevant to the order in which the candidates appear on the ballot.

(3) Candidate names shall be printed in a type style and point size that can be read easily. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include, but are not limited to, printing a smaller point size or different type style.

(4) For partisan office:

(a) If the candidate stated his or her preference for a political party on the declaration of candidacy, that preference shall be printed below the candidate's name, with parentheses and the first letter of each word capitalized, as shown in the following example:

John Smith
(Prefers Example Party)

(b) If the candidate did not state his or her preference for a political party, that information shall be printed below the candidate's name, with parentheses and the first letter of each word capitalized, as shown in the following example:

John Smith
(States No Party Preference)

(c) The party preference line for each candidate may be in smaller point size or indented.

(d) The same party preference information shall be printed on both primary and general election ballots.

(5) If the office is nonpartisan, only the candidate's name shall appear. Neither "nonpartisan" nor "NP" shall be printed with each candidate's name.

(6) The law does not allow nominations or endorsements by interest groups, political action committees, political parties, labor unions, editorial boards, or other private organizations to be printed on the ballot.

[Statutory Authority: RCW 29A.04.611, WSR 08-15-052, § 434-230-045, filed 7/11/08, effective 8/11/08.]

WAC 434-230-047 Nonpartisan county office. No primary may be held for any nonpartisan county office if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position. The county auditor shall, as soon as possible, notify all candidates so affected that the office for which they filed will not appear on the primary ballot. This section does not apply if a county charter specifically requires a primary.

[Statutory Authority: RCW 29A.04.611, 29A.04.255, WSR 11-05-008, § 434-230-047, filed 2/3/11, effective 3/6/11.]

WAC 434-230-055 Partisan primary. In a primary for partisan congressional, state or county office conducted pursuant to chapter 2, Laws of 2005 (Initiative 872):

(1) Voters are not required to affiliate with a political party in order to vote in the primary election. For each office, voters may vote for any candidate in the race.

(2) Candidates are not required to obtain the approval of a political party in order to file a declaration of candidacy and appear on the primary or general election ballot as a candidate for partisan office. 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. A candidate's political party preference is not used to determine which candidates advance to the general election.

(3) Based on the results of the primary, the two candidates for each office who receive the most votes and who receive at least one percent of the total votes cast for that office advance to the general election. The primary election does not serve to nominate any political party's candidates, but serves to winnow the number of candidates down to a final list of two for the general election. Voters in the primary are casting votes for candidates, not choosing a political party's nominees. RCW 29A.36.191 does not apply since the predecessor statute, RCW 29A.36.190, was repealed in chapter 2, Laws of 2005.

(4) Chapter 2, Laws of 2005 repealed the prior law governing party nominations. Political parties may nominate candidates by whatever mechanism they choose. The primary election plays no role in political party nominations, and political party nominations are not displayed on the ballot.

(5) If dates, deadlines, and time periods referenced in chapter 2, Laws of 2005, conflict with subsequently enacted law, such as chapter 344, Laws of 2006, the subsequently enacted law is effective.

[Statutory Authority: RCW 29A.04.611, WSR 08-15-052, § 434-230-055, filed 7/11/08, effective 8/11/08.]

WAC 434-230-085 Candidate who qualifies for more than one office. In the event a candidate, as a result of write-in votes in the primary, qualifies to appear on the general election ballot for more than one office, the candidate may notify the county auditor in writing within three days of certification of the primary of the single office for which he or she desires to appear on the general election ballot. If the candidate fails to notify the county auditor, the county auditor shall determine the single office for which the candidate shall appear on the general election ballot. Any void in candidacy for other positions thus created will be handled as provided by law.

[Statutory Authority: RCW 29A.04.611, WSR 08-15-052, § 434-230-085, filed 7/11/08, effective 8/11/08.]

WAC 434-230-090 Determining nominees for multiple positions. If there are two or more places to be filled for a nonpartisan office, the number of candidates equaling the number of positions to be filled who receive the highest number of votes at the primary and an equal number who receive the next highest number of votes shall appear under the designation for that office.

(7/2/12)

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-090, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-090, filed 5/4/92, effective 6/4/92.]

WAC 434-230-095 When a candidate dies or is disqualified. The procedures in RCW 29A.28.021 allowing a political party to appoint a replacement candidate if the party's candidate dies or is disqualified do not apply. The predecessor statute, RCW 29A.28.020, was repealed by chapter 2, Laws of 2005 (Initiative 872).

[Statutory Authority: RCW 29A.04.611, WSR 08-15-052, § 434-230-095, filed 7/11/08, effective 8/11/08.]

WAC 434-230-100 Political party precinct committee officer. (1) The election of major political party precinct committee officers is established in RCW 29A.52.— (section 3, chapter 89, Laws of 2012) and RCW 29A.80.051.

(2) The election of precinct committee officer is an intra-party election; candidates compete against other candidates in the same political party.

(a) If only one candidate files for a position, that candidate is deemed elected without appearing on the ballot and the county auditor shall issue a certificate of election.

(b) If more than one candidate files for a position, the contested race must appear on the ballot at the primary and the candidate who receives the most votes is declared elected.

(c) If no candidates file during the regular filing period, the race does not appear on the ballot and the position may be filled by appointment pursuant to RCW 29A.28.071.

(d) No write-in line may be printed on the ballot for a contested race, and no write-in votes may be counted.

(3) If both major political parties have contested races on the ballot in the same precinct, the political party that received the highest number of votes from the electors of this state for the office of president at the last presidential election must appear first, with the other political party appearing second. Within each party, candidates shall be listed in the order determined by lot.

(4)(a) The position of political party precinct committee officer must appear following all measures and public offices.

(b) The following explanation must be printed before the list of candidates: "For this office only: In order to vote for precinct committee officer, a partisan office, you must affirm that you are a Democrat or a Republican and may vote only for one candidate from the party you select. Your vote for a candidate affirms your affiliation with the same party as the candidate. This preference is private and will not be matched to your name or shared."

(c)(i) If all candidates are listed under one heading, the applicable party abbreviation "Dem" or "Rep" must be printed next to each candidate's name, with the first letter of the abbreviation capitalized. For example:

John Smith Dem

Jane Doe Dem

(ii) If candidates are listed under a major political party heading, the applicable heading of either "democratic party candidates" or "republican party candidates" must be printed

above each group of candidates. The first letter of each word must be capitalized.

(d) One of the following statements, as applicable, must be printed directly below each candidate's name: "I affirm I am a Democrat." or "I affirm I am a Republican."

(5) A voter may vote for only one candidate, regardless of party, for precinct committee officer. If a voter votes for more than one candidate, the votes must be treated as over-votes.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-230-100, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-230-100, filed 7/11/08, effective 8/11/08.]

WAC 434-230-110 President and vice-president of the United States. (1) When the race for president and vice-president appears on a general election ballot, the candidates for these offices must be paired together.

(2) The full name of the political party, rather than an abbreviation, must be provided for each pair of candidates, with a designation that these candidates are the nominees of the party. The first letter of each word in the political party name must be capitalized. For example:

Example Party Nominees

(3) If candidates are not nominees of a political party and are running as independent candidates, that description must be provided for the pair of candidates. The first letter of each word in the description must be capitalized. For example:

Independent Candidates

(4) The order that candidates appear on the ballot is based on their political party. The political party that received the highest number of votes from the electors of this state for the office of president at the last presidential election must appear first, with the candidates of the other political parties following according to the votes cast for their nominees for president at the last presidential election. Candidates of parties that did not have nominees in the last presidential election, and independent candidates, follow in the order of their qualification with the secretary of state.

[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-230-110, filed 7/11/08, effective 8/11/08.]

WAC 434-230-130 Envelopes. Mail-in ballots must be accompanied by the following:

(1) A security envelope, which may not identify the voter and must have a hole punched in a manner that will reveal whether a ballot is inside;

(2) A return envelope, which must be addressed to the county auditor and have a hole punched in a manner that will reveal whether the security envelope is inside. The return envelope must display the official election materials notice required by the United States Postal Service, display the words "POSTAGE REQUIRED" or "POSTAGE PAID" in the upper right-hand corner, and conform to postal department regulations.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-130, filed 12/6/11, effective 1/6/12.]

Chapter 434-235 WAC

SERVICE AND OVERSEAS VOTERS

WAC

434-235-010	Scope.
434-235-020	Voter registration.
434-235-030	Voting.
434-235-040	Processing ballots.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-235-050	Online information. [Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-050, filed 2/3/11, effective 3/6/11.] Repealed by WSR 12-14-074, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611.
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WAC 434-235-010 Scope. (1) This chapter implements the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Sec. 1973ff, the Military and Overseas Voter Empowerment Act, 42 U.S.C. Sec. 1973ff, and the provisions for service and overseas voters in Title 29A RCW.

(2) Uniformed service voter is defined in 42 U.S.C. Sec. 1973ff-6(1) as:

(a) A member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(b) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; or

(c) A spouse or dependent who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(3) Service voter is defined in RCW 29A.04.163 as any elector of the state of Washington who:

(a) Is a member of the armed forces under 42 U.S.C. Sec. 1973ff-6 while in active service;

(b) Is a member of a reserve component of the armed forces;

(c) Is a student or member of the faculty at a United States military academy;

(d) Is a member of the merchant marine of the United States; or

(e) Is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States.

(4) References in Title 434 WAC to "service voter" include voters who meet either the federal definition for "uniformed service voter" or the state definition for "service voter."

(5) Overseas voter is defined in 42 U.S.C. Sec. 1973ff-6(5) as:

(a) An absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(b) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(c) A person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(6) Overseas voter is defined in RCW 29A.04.109 as any elector of the state of Washington outside the territorial limits of the United States.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-235-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-010, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-235-010, filed 10/1/07, effective 11/1/07.]

WAC 434-235-020 Voter registration. (1) A service or overseas voter may register to vote by providing:

(a) A voter registration application issued by the state of Washington;

(b) A federal post card application issued by the federal voting assistance program;

(c) A federal write-in absentee ballot issued by the federal voting assistance program;

(d) A national mail voter registration form issued by the election assistance commission; or

(e) A ballot with a valid signature on the ballot declaration.

(2) Pursuant to RCW 29A.40.010 and 29A.40.091, a service or overseas voter does not have to be registered in order to request a ballot. Consequently, a service or overseas voter may request a ballot and be registered after the registration deadlines of RCW 29A.08.140 have passed.

(a) If the voter is not currently registered, the county auditor must register the voter immediately. The voter must be flagged in the voter registration system as a service or overseas voter.

(b) A service or overseas voter must use his or her most recent residential address in Washington, or the most recent residential address in Washington of a family member.

(c) If the county auditor is unable to precinct the voter due to a missing or incomplete residential address on the application, the county auditor must attempt to contact the voter to clarify the application. If, in the judgment of the county auditor, there is insufficient time to correct the application before the next election or primary, the county auditor must issue the ballot as if the voter had listed the county auditor's office as his or her residence. A special precinct for this purpose may be created. The only offices and issues that may be tabulated are those common to the entire county and congressional races based on the precinct encompassing the auditor's office.

(d) A voter who registers to vote by signing the ballot declaration is not required to provide a driver's license num-

ber, Social Security number or other form of identification as required in RCW 29A.08.107.

(3) The county auditor must offer a service or overseas voter the option of receiving blank ballots by e-mail or postal mail. This requirement is satisfied if the service or overseas voter registers on an application that offers electronic ballot delivery as an option, or if the voter expresses a preference when registering, updating a registration, or requesting a ballot. The county auditor must attempt to contact the voter by phone, e-mail, postal mail, or other means. If the voter does not indicate a preference or does not respond, the county auditor must send ballots by postal mail.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-235-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-020, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-235-020, filed 9/1/09, effective 10/2/09; WSR 07-20-074, § 434-235-020, filed 10/1/07, effective 11/1/07.]

WAC 434-235-030 Voting. (1) A service or overseas voter may request or return a ballot by:

- (a) Any manner authorized by WAC 434-250-030;
- (b) A federal post card application issued by the federal voting assistance program; or
- (c) A federal write-in absentee ballot issued by the federal voting assistance program.

(2) The county auditor must issue a ballot by mail, e-mail, or fax if specifically requested by the voter. A ballot does not have to be mailed if it is e-mailed or faxed to the voter. If an e-mail is returned as undeliverable and the voter has not provided an alternate e-mail address, then the ballot must be sent by postal mail.

(3) Ballot materials must include the mailing address, phone number, fax number, e-mail address, and web site of the county auditor's office to enable a voter to contact the elections office for additional information about the election. Ballot materials must include instructions on how to return the ballot by fax, e-mail, or postal mail, including how to include the ballot privacy sheet between the declaration page and the ballot. Ballot materials must include instructions on how to confirm that the voted ballot has been received by the elections office, in a format that the voter can keep after the voted ballot has been returned.

(4) If the county auditor is unable to issue a ballot due to insufficient information, the county auditor must attempt to contact the voter to clarify the request. If the county auditor is unable to obtain sufficient information to issue the ballot, the county auditor must attempt to notify the voter of the reason that the ballot was not issued.

(5) Pursuant to RCW 29A.40.091, return envelopes must be printed to indicate that they may be returned postage-free.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-235-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-030, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-235-030, filed 9/1/09, effective 10/2/09; WSR 07-20-074, § 434-235-030, filed 10/1/07, effective 11/1/07.]

WAC 434-235-040 Processing ballots. (1) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of a federal write-in absent-

tee ballot or a special absentee ballot if the intention of the voter can be ascertained.

(2) For service and overseas voters, the date on the ballot declaration associated with the voter's signature determines the validity of the ballot. The signature on the ballot declaration must be dated no later than election day.

(3) Voted ballots returned by fax or e-mail must be received no later than 8:00 p.m. on election day. The county auditor must apply procedures to protect the secrecy of voted ballots returned by fax or e-mail. Voted ballots returned by e-mail may be returned as multiple attachments or multiple e-mails. In order to maintain the secrecy of the ballot, the county auditor must print the e-mail and attachments. The printed e-mail and declaration page must be processed and retained the same as a ballot declaration. The printed ballot must be processed and retained the same as other ballots. In order to maintain the secrecy of the ballot, the electronic versions of the e-mail, ballot declaration, and ballot are exempt from public disclosure.

(4) The county auditor must provide statistics on voting by service and overseas voters in the certification report required by RCW 29A.60.235 and in response to requests by the federal election assistance commission.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-235-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-040, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-235-040, filed 10/1/07, effective 11/1/07.]

Chapter 434-250 WAC

ELECTIONS BY MAIL

WAC

- 434-250-025 Broken or missing seals.
- 434-250-030 Special absentee ballots.
- 434-250-035 Protected records voters.
- 434-250-045 Voters requiring verification of identity.
- 434-250-070 Forwarding ballots.
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- 434-250-100 Ballot deposit sites.
- 434-250-105 Voting centers.
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- 434-250-130 Maintenance of an audit trail.
- 434-250-140 Ballot process to be expedited.
- 434-250-320 Locations to deposit ballots.

- 434-250-150 Ranked choice voting. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-250-150, filed 7/11/08, effective 8/11/08.] Repealed by WSR 10-14-091, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041.
- 434-250-300 Elections by mail. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-300, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-310 Notice of elections by mail. [Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-250-310, filed 1/18/10, effective 2/18/10; WSR 08-15-052, § 434-250-310, filed 7/11/08, effective 8/11/08; WSR 07-20-074, § 434-250-310, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-250-310, filed 5/30/07, effective 6/30/07; WSR 05-17-145, § 434-250-310, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-330 County auditor's office as a voting center. [Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-330, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-250-330, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-250-330, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-330, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-330, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-340 Manual count of selected precincts. [Statutory Authority: RCW 29A.04.611. WSR 06-11-042, § 434-250-340, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-340, filed 12/28/05, effective 1/28/06.] Repealed by WSR 07-20-074, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611.

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- 434-250-010 Purpose. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-010, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-020 Definitions. [Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-250-020, filed 11/15/06, effective 12/16/06; WSR 05-17-145, § 434-250-020, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-040 Instructions to voters. [Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-250-040, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-250-040, filed 1/21/09, effective 2/21/09; WSR 08-15-052, § 434-250-040, filed 7/11/08, effective 8/11/08; WSR 07-24-044, § 434-250-040, filed 11/30/07, effective 12/31/07; WSR 07-09-036, § 434-250-040, filed 4/11/07, effective 5/12/07; WSR 06-23-094, § 434-250-040, filed 11/15/06, effective 12/16/06; WSR 05-17-145, § 434-250-040, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-050 Envelopes. [Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-250-050, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-250-050, filed 1/21/09, effective 2/21/09; WSR 08-15-052, § 434-250-050, filed 7/11/08, effective 8/11/08; WSR 07-24-044, § 434-250-050, filed 11/30/07, effective 12/31/07; WSR 07-09-036, § 434-250-050, filed 4/11/07, effective 5/12/07; WSR 05-17-145, § 434-250-050, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-060 Service and overseas voters. [Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-250-060, filed 11/15/06, effective 12/16/06; WSR 06-14-050, § 434-250-060, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-250-060, filed 8/19/05, effective 9/19/05.] Repealed by WSR 07-20-074, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611.
- 434-250-085 Provisional ballots issued before election day. [Statutory Authority: RCW 29A.04.611. WSR 06-14-046, § 434-250-085, filed 6/28/06, effective 7/29/06.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-250-090 Absentee ballots issued after the poll lists have been marked. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-090, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

WAC 434-250-025 Broken or missing seals. If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

[Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-250-025, filed 6/28/06, effective 7/29/06.]

WAC 434-250-030 Special absentee ballots. (1) As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications. The form must include:

- (a) A space for the voter to print his or her name and address where registered to vote;
- (b) A postal or mailing address;
- (c) A space for an overseas or service voter not registered to vote in Washington to indicate his or her last residential address in Washington;
- (d) A checkbox indicating that the voter will be unable to vote and return a regular ballot by normal delivery within the period provided for regular ballots; and
- (e) A checkbox requesting that a regular ballot be forwarded as soon as possible.

(2) The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section. Any application for a special absentee ballot received more than ninety days prior to a primary or general election may be either returned to the applicant with the explanation that the request is premature or held by the auditor until the appropriate time and then processed.

(3) Upon receipt of a special absentee ballot request, a regular ballot is mailed if available. If regular ballots are not available, the county auditor shall immediately send a special absentee ballot containing the known offices and measures scheduled to appear on the ballot; space for the voter to write in the name of any eligible candidate for each office and vote on any measure; and a list of any candidates who have filed and issues referred to the ballot.

(4) If a regular ballot is returned, the special ballot is not counted.

(5) Write-in votes on special ballots are counted in the same manner as other write-in votes.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-250-030, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-030, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-250-030, filed 10/1/07, effective 11/1/07; WSR 07-09-036, § 434-250-030, filed 4/11/07, effective 5/12/07; WSR 06-14-047, § 434-250-030, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-250-030, filed 8/19/05, effective 9/19/05.]

WAC 434-250-035 Protected records voters. (1) At least eighteen days before every special, primary, or general

Dear Voter:

[date]

Based on your recent registration, federal law requires that you provide identification with your ballot. **If you fail to provide identification, your ballot will not be counted.**

Please provide your driver's license number, Washington state identification card number, the last four digits of your Social Security number, or a photocopy of one of the following:

- Valid photo identification;
- A valid enrollment card of a federally recognized tribe in Washington;
- A current utility bill;
- A current bank statement;
- A current government check;
- A current paycheck; or
- A government document, other than a voter registration card, that shows both your name and address.

You may return a photocopy with your ballot but, in order to protect the secrecy of your ballot, do not place the photocopy inside the security envelope.

If you do not provide a copy of your identification, your ballot will not be counted.

If you have any questions, please feel free to contact the ____ County Auditor's Office at ____.

(3) If the voter provides one of the acceptable forms of identification no later than the day before certification of the

election, authorized personnel shall review all protected records voter files and forward the appropriate ballot for each protected records voter via the substitute mailing address.

(2) The ballot, ballot security envelope, and return envelope must be placed in an envelope addressed to the substitute address. The return envelope shall be marked in a manner that ensures that the returned ballot will be segregated and routed to the authorized personnel for processing.

(3) The voted ballot for a protected records voter shall be processed by county authorized personnel. The authorized personnel shall maintain a record of ballots sent to protected records voters and a record of ballots returned. This record shall be maintained in accordance with WAC 434-324-034.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-035, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-250-035, filed 1/21/09, effective 2/21/09.]

WAC 434-250-045 Voters requiring verification of identity. (1) If the voter registration record is flagged as requiring verification of identity, a notice must be sent at the time of the election explaining that a photocopy of identification must be provided in order for the ballot to be counted, and listing what forms of identification are acceptable. The county auditor may provide an inner envelope separate from the security envelope for return of the photocopy of the identification.

(2) The notice to the voter must be in substantially the following form:

election, the flag on the voter registration record must be removed and the ballot must be counted.

(4) If the voter fails to provide one of the acceptable forms of identification by the day prior to certification of the election, the ballot shall not be counted. If the voter provides one of the acceptable forms of identification at a later date, the ballot cast in that election shall not be counted but the flag on the voter registration record must be removed.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-045, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-250-045, filed 1/21/09, effective 2/21/09; WSR 07-02-100, § 434-250-045, filed 1/3/07, effective 2/3/07.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 434-250-070 Forwarding ballots. (1) If the county auditor chooses to forward ballots, the county auditor must utilize postal service endorsements that allow the ballots to be forwarded, allow the county auditor to receive the updated address information, and allow the return of ballots not capable of being forwarded. A voter may only vote a ballot specific to the address where he or she is registered to vote, rather than a ballot specific to a new address.

(2) If the county auditor does not forward ballots, the envelope must clearly indicate the ballot is not to be forwarded and is to be returned to the county auditor with any available address updates. If the county auditor receives updated address information from the post office, the county auditor may send the voter a ballot specific to the address where the voter is registered to vote.

(3) If a ballot is returned or forwarded, the county auditor must, following certification of the election, either:

(a) Transfer the voter registration and send the voter an acknowledgment notice, if the updated address is within the county; or

(b) Place the voter on inactive status and send the voter a confirmation notice to all known addresses, if no updated address information was received or the updated address is outside the county.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-070, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-250-070, filed 2/19/08, effective 3/21/08; WSR 07-20-074, § 434-250-070, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-250-070, filed 5/30/07, effective 6/30/07; WSR 05-17-145, § 434-250-070, filed 8/19/05, effective 9/19/05.]

WAC 434-250-080 Replacement ballots. The county auditor may issue a replacement ballot, as authorized by RCW 29A.40.070, if the request is received prior to 8:00 p.m. on election day. Requests may be made in person, in writing, by telephone, or electronically, by the voter, a family member, or a registered domestic partner.

Replacement ballots or the original ballot, whichever is received first, shall be credited to the voter's registration file and tabulated if the ballot meets all requirements for tabulation. If the auditor receives additional ballots from a voter, as indicated by the fact that the voter is already credited with voting, the additional ballots shall not be counted and shall be forwarded to the county canvassing board for rejection.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-080, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-080, filed 8/19/05, effective 9/19/05.]

(7/2/12)

WAC 434-250-095 Direct recording electronic voting devices. (1) If a voter requests to vote on a direct recording electronic voting device, the county auditor must first confirm that the voter has not already returned a voted ballot. Confirmation that the voter has not already returned a voted ballot may be achieved by accessing the county voter registration system by electronic, telephonic, or other means. If the county auditor is unable to confirm that the voter has not already returned a voted ballot, the voter may not vote on a direct recording electronic voting device.

In order to prevent multiple voting, the voter must be immediately credited or otherwise flagged as having voted. If a voted mail ballot is subsequently returned after a ballot is cast on the direct recording electronic voting device, the mail ballot must not be counted.

(2) Before a direct recording electronic voting device may be used by a voter, an election officer must verify:

(a) The paper printer or paper canister is secured so that the paper record may not be removed from the device by anyone other than an election officer;

(b) Only a blank portion of the paper record is visible to the voter as he or she approaches the device; and

(c) The paper printer or paper canister is sealed with a numbered seal to ensure the paper tape cannot be removed by the voter.

(3)(a) If a ballot on a direct recording electronic device has not been cast but has been printed by the voter, the election officer may cast the ballot.

(b) If a ballot on a direct recording electronic device has not been printed nor cast by the voter, the election officer must cancel the ballot and make a corresponding notation in the accountability form.

(4) If any seal or lock on a direct recording electronic device, including seals for the paper printer or paper canister, has been broken or tampered with, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. A written report regarding the circumstances of the removal from service must be sent to the county canvassing board.

(5) If the paper printer for a direct recording electronic device malfunctions or runs out of paper, the following must occur:

(a) If the election officer has confirmed that no ballots have been cast after the printer ran out of paper or malfunctioned, he or she must remove the direct recording electronic device and paper printer from service, and document the problem. The direct recording electronic device and paper printer may be returned to service only if the problem has been corrected.

(b) If the election officer is unable to confirm that no ballots were cast after the printer ran out of paper or malfunctioned, or if the problem cannot be corrected, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. The auditor must present a written report regarding the circumstances of the removal from service to the county canvassing board.

(6) If an electronic ballot has been cast without a readable corresponding paper record, the county auditor may print the ballot image stored on the device for use as a paper record for that device, in the case of an audit or manual

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recount. This may require printing all ballot images from that machine.

(7) A provisional ballot may only be voted on a direct recording electronic voting device if the voting system has been certified by the secretary of state for provisional voting and the county auditor has submitted approved procedures to the secretary of state.

(8)(a) If a direct recording electronic voting device must be transferred from a voting center that is not in the same location as the counting center, the paper records must be either:

(i) Placed in transfer containers; or
 (ii) Transferred in the paper printer or paper canister if the paper printer or paper canister is sealed so the paper record cannot be removed without breaking the seal.

(b) Paper records must be accompanied by a transmittal sheet which must include at a minimum:

(i) The voting center where the direct recording electronic device was utilized;
 (ii) The seal number from the paper printer; and
 (iii) The serial number or other identifier of the direct recording electronic device if distinctly unique from the seal number on the paper record printer or paper canister.

(c) If paper records are placed in a transfer container, the election officer must sign the transmittal sheet and place it in the transfer container. The number of paper record tapes included in the container must be recorded on the transmittal sheet. A unique prenumbered seal must be applied to the container.

(d) The data pack or cartridge of the direct recording device must be transported to the counting center in a sealed container.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-095, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-095, filed 12/28/05, effective 1/28/06.]

WAC 434-250-100 Ballot deposit sites. (1) If a location only receives ballots and does not issue any ballots, it is considered a ballot deposit site. Ballot deposit sites may be staffed or unstaffed.

(a) If a ballot deposit site is staffed, it must be staffed by at least two people. Deposit site staff may be employees of the county auditor's office or persons appointed by the auditor. If a deposit site is staffed by two or more persons appointed by the county auditor, the appointees shall be representatives of different major political parties whenever possible. Deposit site staff shall subscribe to an oath regarding the discharge of their duties. Staffed deposit sites open on election day must be open until 8:00 p.m. Staffed deposit sites may be open according to dates and times established by the county auditor. Staffed deposit sites must have a secure ballot box that is constructed in a manner to allow return envelopes, once deposited, to only be removed by the county auditor or by the deposit site staff. If a ballot envelope is returned after 8:00 p.m. on election day, deposit site staff must note the time and place and refer the ballot to the canvassing board.

(b) Unstaffed ballot deposit sites consist of secured ballot boxes that allow return envelopes, once deposited, to only be removed by authorized staff. Ballot boxes located out-

doors must be constructed of durable material able to withstand inclement weather, and be sufficiently secured to the ground or another structure to prevent their removal. From eighteen days prior to election day until 8:00 p.m. on election day, two people who are either employees of or appointed by the county auditor must empty each ballot box with sufficient frequency to prevent damage and unauthorized access to the ballots.

(2) Ballot boxes must be secured at all times, with seal logs that document each time the box is opened and by whom. Ballots must be placed into secured transport carriers and returned to the county auditor's office or another designated location. At exactly 8:00 p.m. on election day, all ballot boxes must be emptied or secured to prevent the deposit of additional ballots.

(3) Within twenty-five feet of a ballot deposit site that is not located within a voting center, no person may electioneer, circulate campaign material, solicit petition signatures, or interfere with or impede the voting process. Whenever it is necessary to maintain order around a ballot deposit site, the county auditor may contact a law enforcement agency for assistance.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-250-100, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-100, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-250-100, filed 1/18/10, effective 2/18/10; WSR 08-05-120, § 434-250-100, filed 2/19/08, effective 3/21/08; WSR 07-20-074, § 434-250-100, filed 10/1/07, effective 11/1/07; WSR 06-23-094, § 434-250-100, filed 11/15/06, effective 12/16/06; WSR 06-14-047, § 434-250-100, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-100, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-100, filed 8/19/05, effective 9/19/05.]

WAC 434-250-105 Voting centers. (1) If a location offers replacement ballots, provisional ballots, or voting on a direct recording electronic device, it is considered a voting center. The requirements for staffed ballot deposit sites apply to voting centers. 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 buildings 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 marked with signage outside the building indicating the location as a place for voting;

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

(d) 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;

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

(f) 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 voter must either:

(i) Provide photo identification, consistent with RCW 29A.40.160; or

(ii) Sign the ballot declaration required by WAC 434-230-015, and the signature on the declaration must be verified against the signature in the voter registration record before the voter may vote on a direct recording electronic voting device;

(g) Provide either a voters' pamphlet or sample ballots;

(h) Provide voter registration forms;

(i) Display a HAVA voter information poster;

(j) Display the date of that election;

(k) During a primary that includes a partisan office, display the notice provided in WAC 434-230-015 (3)(j), and during a general election that includes a partisan office, display the notice provided in WAC 434-230-015 (3)(k). The party preference notices may also be posted on-screen in direct recording electronic voting devices;

(l) Provide instructions on how to properly mark the ballot; and

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

(2) Where it appears that a particular voter is having difficulty casting his/her 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.

(3) At exactly 8:00 p.m. on election day, all ballot boxes must be emptied or secured to prevent the deposit of additional ballots. 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.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-250-105, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-105, filed 12/6/11, effective 1/6/12.]

WAC 434-250-110 Processing ballots. (1) "Initial processing" means all steps taken to prepare ballots for tabulation. Initial processing includes, but is not limited to:

(a) Verification of the signature and postmark on the ballot declaration;

(b) Removal of the security envelope from the return envelope;

(c) Removal of the ballot from the security envelope;

(d) Manual inspection for damage, write-in votes, and incorrect or incomplete marks;

(e) Duplication of damaged and write-in ballots;

(f) Scanning and resolution of ballots on a digital scan voting system; and

(g) Other preparation of ballots for final processing.

(7/2/12)

(2) "Final processing" means the reading of ballots by an optical scan voting system for the purpose of producing returns of votes cast, but does not include tabulation.

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

(4) Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of ballots.

(5) Initial processing of voted ballots, which may include scanning and resolving ballots on a digital scan voting system, may begin as soon as voted ballots are received. All ballots must be kept in secure storage until final processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel. The county auditor must ensure that all security envelopes and return envelopes are empty, either by a visual inspection of the punched hole to confirm that no ballots or other materials are still in the envelopes, or by storing the envelopes with a tie, string, or other object through the holes.

(6) Final processing of voted ballots, which may include scanning ballots on an optical scan voting system, may begin after 7:00 a.m. on the day of the election. Final processing may begin after 7:00 a.m. the day before the election if the county auditor has submitted an approved security plan to the secretary of state that prevents tabulation until after 8:00 p.m. on the day of the election.

(7) Tabulation may begin after 8:00 p.m. on the day of the election.

(8) In counties tabulating ballots on an optical scan vote tallying system, the vote tallying system must reject all overvotes and blank ballots.

(a) All rejected ballots shall be outstacked for additional manual inspection.

(b) The outstacked ballots shall be inspected in a manner similar to the original inspection with special attention given to stray marks, erasures, and other conditions that may have caused the vote-tallying device to misread and reject the ballot.

(c) If inspection reveals that a ballot must be duplicated in order to be read correctly by the vote tallying system, the ballot must be duplicated.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-250-110, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-250-110, filed 7/11/08, effective 8/11/08; WSR 05-17-145, § 434-250-110, filed 8/19/05, effective 9/19/05.]

WAC 434-250-120 Verification of the signature and return date. (1) A mail ballot shall be counted if:

(a) The ballot declaration is signed with a valid signature;

(b) The signature has been verified pursuant to WAC 434-379-020, or if the voter is unable to sign his or her name, two other persons have witnessed the voter's mark; and

(c)(i) The envelope is postmarked not later than the day of the election and received not later than the day before certification of the election;

(ii) The ballot is deposited in a ballot drop box no later than 8:00 p.m. on election day; or

(iii) The ballot of a service or overseas voter received by fax or e-mail is received no later than 8:00 p.m. on election day.

(2) Postage that includes a date, such as meter postage or a dated stamp, does not qualify as a postmark. If an envelope lacks a postmark or if the postmark is unreadable, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.110. If a ballot is from a service or overseas voter, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.100.

(3) The signature on the ballot declaration must be compared with the signature in the voter's voter registration file using the standards established in WAC 434-379-020. The signature on a ballot declaration may not be rejected merely because the signature is not dated, unless the date is necessary to validate the timeliness of the ballot. The signature on a ballot declaration may not be rejected merely because the name in the signature is a variation of the name on the voter registration record. The canvassing board may designate in writing representatives to perform this function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of his or her duties. Personnel shall be instructed in the signature verification process prior to actually canvassing any signatures. Local law enforcement officials may instruct those employees in techniques used to identify forgeries.

(4) The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.

[Statutory Authority: RCW 29A.04.611, WSR 12-14-074, § 434-250-120, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-120, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-120, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-120, filed 8/19/05, effective 9/19/05.]

WAC 434-250-130 Maintenance of an audit trail. Each county auditor shall maintain an audit trail with respect to the processing of ballots, which shall include, but not be limited to, the following:

(1) A record of the date the ballot was mailed or issued, and the date the ballot was received;

(2) The number of ballots issued and returned, by legislative and congressional district, for each primary and general election;

(3) A record of the disposition of each request for a ballot that was not honored;

(4) A record of the disposition of each returned ballot that was not counted;

(5) A record of the time and place each time the county canvassing board met; and

(6) Documentation of the security procedures undertaken to protect the integrity of all ballots after receipt, including the seal numbers used to secure the ballots during all facets of the process.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-130, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-250-130, filed 5/30/07, effective 6/30/07; WSR 05-17-145, § 434-250-130, filed 8/19/05, effective 9/19/05.]

WAC 434-250-140 Ballot process to be expedited. All election officials charged with any duties or responsibilities with respect to ballots shall ensure that those duties are performed in an expeditious manner, in order to maximize the opportunity for voters to receive, vote, and return the ballots in time to be counted.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-140, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-140, filed 8/19/05, effective 9/19/05.]

WAC 434-250-320 Locations to deposit ballots. A county auditor must provide at least two locations to deposit ballots. These locations may be either a ballot deposit site, as defined in WAC 434-250-100, or a voting center, as defined in WAC 434-250-105. At least one location may be at the county auditor's office. All other deposit sites must be at geographical locations that are different from the county auditor's office.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-320, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-250-320, filed 10/1/07, effective 11/1/07; WSR 06-14-047, § 434-250-320, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-250-320, filed 8/19/05, effective 9/19/05.]

Chapter 434-260 WAC

ELECTION REVIEW PROCESS AND CERTIFICATION OF ELECTION ADMINISTRATORS

(Formerly chapter 434-60 WAC)

WAC

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434-260-070	Frequency of scheduled reviews. [98-08-010, recodified as § 434-260-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-070, filed 8/30/93, effective 9/30/93.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.	434-260-280
434-260-120	Adoption of election review checklist. [Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-120, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-120, filed 8/30/93, effective 9/30/93.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.	434-260-290
434-260-165	Response to draft special review recommendations. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-260-165, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.	434-260-330
434-260-170	Distribution of special review recommendations and response. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-260-170, filed 5/30/07, effective 6/30/07; WSR 06-14-050, § 434-260-170, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-170, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified	434-260-340

as § 434-260-170, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-170, filed 8/30/93, effective 9/30/93.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

Appeal from scheduled review report. [98-08-010, recodified as § 434-260-180, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-180, filed 8/30/93, effective 9/30/93.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Intent. [98-08-010, recodified as § 434-260-210, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-210, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Definitions. [98-08-010, recodified as § 434-260-215, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-215, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Certification credit system. [98-08-010, recodified as § 434-260-230, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-230, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Experience as an election administrator, or as a deputy election administrator. [98-08-010, recodified as § 434-260-250, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-250, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Participation in conferences and workshops. [98-08-010, recodified as § 434-260-270, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-270, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Formal education. [98-08-010, recodified as § 434-260-280, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-280, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Participation in other education activities. [98-08-010, recodified as § 434-260-290, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-290, filed 3/8/94, effective 4/8/94.] Repealed by WSR 99-12-004, filed 5/19/99, effective 6/19/99. Statutory Authority: RCW 29.60.020.

Training program for election observers. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-330, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-330, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-330, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-330, filed 3/8/94, effective 4/8/94.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

Training video tapes available. [Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-340, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-340, filed 3/18/98, effective 3/18/98. Stat-

utory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-340, filed 3/8/94, effective 4/8/94.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

WAC 434-260-010 Intent. It is the intent of this chapter to provide procedures to be followed in the conduct of election reviews and procedures to be followed for the certification and training of election administrators, assistant election administrators, and county canvassing board members as required by chapter 29A.04 RCW.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-010, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-010, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-010, filed 8/30/93, effective 9/30/93.]

WAC 434-260-020 Definitions. As used in this chapter:

(1) "Election review" means the process of examining all or a part of a county's election policies and procedures and includes the review of any documentation of those procedures;

(2) "Election review staff" means the person or persons employed by the secretary of state for the purpose of conducting election reviews;

(3) "Special election review" means an election review conducted in a county or counties whenever the unofficial returns of a primary or election indicate that a mandatory recount is likely in a race for the state legislature, congress, or statewide office;

(4) "Preliminary review report of findings and recommendations" means that draft report made by the election review staff to the county auditor and which contains any recommendations made by the review staff and a preliminary conclusion regarding the county's election procedures;

(5) "Draft election review report" means that report made by the election review staff to the county auditor and the designated members of the county canvassing board. The auditor and/or county canvassing board must respond to the draft election review report in writing and may appeal the report to the election administration and certification board;

(6) "Final election review report" means that report made by the election review staff which contains a copy of the recommendations made by the review staff, the response to those recommendations made by the county auditor or the county canvassing board, and a conclusion written by the staff;

(7) "Special review recommendations" means recommendations made by the review staff to the county auditor and the county canvassing board following the conduct of any special review;

(8) "County auditor designee" is that person designated by the county auditor to participate in the review process, pursuant to the provisions of RCW 29A.04.580. Such a designee must be certified as required by chapter 29A.04 RCW.

(9) "Election administrator" means the person or persons appointed by the county auditor to election management positions as required by RCW 36.22.220 and the state director of elections, assistant directors of elections, certification and training program staff members, and any other secretary

of state election division employees designated by the director of elections;

(10) "Assistant election administrator" means any person involved in the administration of elections at the state or county level who has been designated as an assistant election administrator by the state director of elections or the county auditor as applicable;

(11) "County canvassing board members" means those officers designated as such pursuant to the provision of chapter 29A.60 RCW;

(12) "Election administration and certification board" means that board created pursuant to the provisions of RCW 29A.04.510.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-020, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-020, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-020, filed 8/30/93, effective 9/30/93.]

WAC 434-260-030 Scheduled reviews—Auditor request. Not later than May 1, any county auditor may request that the secretary of state designate his or her county for an election review. The secretary of state shall, whenever practical, honor that request.

[Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-260-030, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-030, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-030, filed 8/30/93, effective 9/30/93.]

WAC 434-260-040 Election reviews—Secretary of state to designate. Not later than thirty days prior to the start of an election review the secretary of state shall notify, in writing, the counties selected for an election review. Whenever possible, election reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor allowing the reviewer to observe all election procedures. In designating counties to be reviewed, the secretary shall take into consideration any complaints filed with his or her office pursuant to the provisions of RCW 29A.04.570 (1)(b).

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-040, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-260-040, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-040, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-040, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-040, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-040, filed 8/30/93, effective 9/30/93.]

WAC 434-260-050 Notice of special review. Notice of a special review shall be provided to the county auditor by telephone and e-mail not later than twenty-four hours after

the determination has been made to conduct the special review.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-050, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-050, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-050, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-050, filed 8/30/93, effective 9/30/93.]

WAC 434-260-060 Notification of review process. At least five days prior to an election review, or as soon as possible prior to a special review, the review staff shall notify the county auditor of the number of persons conducting the review, any policies and procedures of special interest, and of any needs incidental to their review. The county auditor will provide adequate working accommodations, and copies of any county election policies or procedures, at the time scheduled for the review. Review staff will make every effort to minimize any disruption to the normal work of the county during the review process.

[Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-060, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-060, filed 8/30/93, effective 9/30/93.]

WAC 434-260-080 Special review—Legislative district race. A special review shall be conducted in any legislative district contained entirely within one county whenever the unofficial returns from a legislative race indicate that a mandatory recount is likely. Such a review may be as extensive as an election review or may, at the secretary of state's discretion, concentrate only on those aspects of the election process dealing with ballot accountability, audit trail procedures, and ballot security. In any legislative district encompassing more than one county where the unofficial returns indicate that a mandatory recount is likely for a legislative district race, the secretary of state may direct a partial review in each county or may prioritize the review process. In prioritizing the review process, the secretary shall take into consideration the following factors:

- (1) The date and results of the last election review held in each county;
- (2) Any request from a county auditor for a special review;
- (3) Any written complaints filed with the secretary pursuant to the provisions of RCW 29A.04.570 (1)(b);
- (4) Any written complaints, from any resident of the county regarding the specific election in question;
- (5) Any media stories or reports alleging election irregularities with respect to the election in question;
- (6) The date on which the determination is made that a special review is required.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-080, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-080, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-080, filed 8/30/93, effective 9/30/93.]

WAC 434-260-090 Special review of congressional or statewide races. In conducting special reviews for congressional or statewide offices, the secretary of state may priori-

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tize the review process, using the same criteria as is used in prioritizing special reviews in joint legislative districts.

[98-08-010, recodified as § 434-260-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-090, filed 8/30/93, effective 9/30/93.]

WAC 434-260-100 Expense of reviews. The expenses of reviews, including review staff salaries and travel expenses, will not be charged to the county being reviewed. However reasonable and necessary office expenses incidental to the review process, such as copying charges, computer printouts, and telephones, will be provided by the county being reviewed.

[98-08-010, recodified as § 434-260-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-100, filed 8/30/93, effective 9/30/93.]

WAC 434-260-110 Election review checklist. The secretary of state shall develop an election review checklist, which shall be the basis for any election review and which shall also serve, in whole or in part, as the basis for any special review. The checklist for a regular review shall be provided to the county auditor at least one week prior to the beginning of the reviews.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-110, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-110, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-110, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-110, filed 8/30/93, effective 9/30/93.]

WAC 434-260-130 Preliminary review report of findings and recommendations. The review staff shall verbally relay any recommendations found during observation of the county's procedures by certification of the election. As soon as practical, but in any event not later than ninety days following the certification of the election, the review staff shall issue a preliminary review report of a findings and recommendations. The report shall be made to the county auditor.

The preliminary review report of findings and recommendations is exempt from public inspection and copying, as provided by RCW 42.56.280.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-130, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-130, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-130, filed 8/30/93, effective 9/30/93.]

WAC 434-260-140 Draft election review report. As soon as practicable, but in any event not later than thirty days after the issuance of the preliminary report of findings and recommendations, the review staff shall issue a draft of the election review report to the county auditor and the designated members of the county canvassing board as provided in chapter 29A.60 RCW, and shall include, but not be limited to, the following:

- (1) A narrative description of recommendations made by the review staff;
- (2) Any other information the review staff deems pertinent;

(3) A preliminary conclusion/evaluation of the county's election procedures.

[Statutory Authority: RCW 29A.04.611, WSR 05-17-145, § 434-260-140, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610, WSR 04-15-089, § 434-260-140, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-140, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-140, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 93-18-053, § 434-60-140, filed 8/30/93, effective 9/30/93.]

WAC 434-260-145 Response to draft election review report. The county auditor and/or county canvassing board must respond, in writing, to the draft election review report, listing the steps that will be taken to correct any problems listed in the report. Such response shall be submitted to the review staff not later than fifteen business days following the issuance of the draft election review report.

Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor or canvassing board.

Any county auditor or other member of the county canvassing board may appeal the recommendations or the conclusion of any draft election review report to the election administration and certification board. Any appeal must be in writing, must detail specific exceptions made to the draft election review report, and must be filed with the board not later than thirty days following the issuance of the report.

[Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-260-145, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-145, filed 5/19/99, effective 6/19/99.]

WAC 434-260-150 Final election review report. As soon as practicable, but in any event not later than ten business days after the receipt of the county's response, the review staff shall issue a final election review report. The report shall be made to the county canvassing board, and shall include, but not be limited to, the following:

- (1) A narrative description of any general observations by the review staff;
- (2) A narrative description of any recommendations made by the review staff;
- (3) A response by the county auditor or the county canvassing board;
- (4) A conclusion by the review staff.

A copy of the final review report shall be provided to the chairperson of the election administration and certification board and a copy shall also be kept on file by the secretary of state.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-260-150, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-260-150, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-150, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-150, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 93-18-053, § 434-60-150, filed 8/30/93, effective 9/30/93.]

WAC 434-260-155 County review follow-up. Within one year following the issuance of the final review report, the secretary of state shall verify that the county has taken the steps listed in the response to correct the problems noted in

the report. The secretary of state shall send a letter to the county canvassing board listing the results of the follow-up interview. A copy of the letter shall be provided to the county auditor and kept on file with the secretary of state.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-260-155, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-260-155, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-155, filed 8/19/05, effective 9/19/05.]

WAC 434-260-160 Special review recommendations.

After conducting a special review, the review staff shall make any recommendations to the county auditor and the county canvassing board that they deem necessary to minimize the possibilities of any administrative errors being made either prior to or during the conduct of a mandatory recount. Such recommendations shall be made orally to the county auditor not later than twenty-four hours in advance of the conduct of a mandatory recount. A draft report of findings and recommendations shall be issued to the county auditor and the other members of the canvassing board not later than ten business days after the completion of the mandatory recount.

[Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-260-160, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-160, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-160, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 93-18-053, § 434-60-160, filed 8/30/93, effective 9/30/93.]

WAC 434-260-190 Processing of appeal. Within thirty days of an appeal being filed, the election administration and certification board shall meet to consider the appeal. The board may request that the county auditor, the review staff, or any other persons they deem appropriate, appear before them and assist them in their consideration of the appeal. The board shall have access to all written material prepared by the review staff, including a copy of the preliminary election review report and draft review report. The board, by majority vote, may accept the draft report, may modify all or part of the draft report, or may reject the report in total. In the event the board rejects the report, they shall direct that a new review be conducted and shall detail, in writing, the reasons for rejecting the original report. The board shall issue a written summary of its findings following any consideration of any appeal. The summary shall include the minutes of any meeting of the board to consider the appeal, a summary of the testimony of any witnesses appearing before them, and the reasons for any decision made.

[Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-190, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-190, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 93-18-053, § 434-60-190, filed 8/30/93, effective 9/30/93.]

WAC 434-260-200 Standards for evaluating appeals.

In determining whether or not an appeal filed pursuant to RCW 29A.04.570 and WAC 434-260-160 should be upheld and the final scheduled review report either modified or set aside, the election administration and certification board shall consider the following factors:

- (1) Whether or not the course of action or activity recommended by the review staff is required by federal or state law or by administrative rule;

(2) Whether or not the findings or the course of action or activity recommended by the review staff enhances the standardization and uniformity of election practices and procedures throughout the state;

(3) Whether or not the findings or the course of action or activity recommended by the review staff enhances the security or integrity of the ballots or the ballot counting process;

(4) Whether or not the course of action or activity recommended by the review staff would cause unnecessary hardship or expense to the county making the appeal.

[Statutory Authority: RCW 29A.04.610, WSR 04-15-089, § 434-260-200, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-200, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-200, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 93-18-053, § 434-60-200, filed 8/30/93, effective 9/30/93.]

CERTIFICATION OF ELECTION ADMINISTRATORS

WAC 434-260-220 Certification of election administrators. Election administrators shall become certified upon completion of the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Two years of service during the three-year period immediately prior to the request for initial certification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of forty hours participation in conferences and workshops provided by:

- (a) The Washington Association of County Auditors;
- (b) The secretary of state;
- (c) The elections center;
- (d) The United States Election Assistance Commission;
- (e) The Federal Voting Assistance Program; or
- (f) Other conferences or courses related to election administration or government administration approved by the Election Administration and Certification Board.

Election administrators may also claim up to four hours of training credit for training received while visiting other county election departments.

All training shall be received not more than five years prior to the date of a request for initial certification and shall include at least thirty hours of election-specific training.

(5) A high school diploma or its equivalent.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-220, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 06-18-103, § 434-260-220, filed 9/6/06, effective 10/7/06. Statutory Authority: RCW 29.60.020, WSR 01-11-111, § 434-260-220, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-220, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-220, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 94-07-018, § 434-60-220, filed 3/8/94, effective 4/8/94.]

WAC 434-260-225 Certification of assistant election administrators. Assistant election administrators shall become certified upon completion of the following:

(1) The secretary of state's mandatory orientation course;

(2) One year continuous service in election administration immediately prior to the date of a request for initial certification;

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(3) Passing the open book test described in WAC 434-260-260;

(4) A minimum of twenty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be received within five years prior to the date of a request for certification and shall include at least fifteen hours of election-specific training;

(5) A high school diploma or equivalent.

[Statutory Authority: RCW 29.60.020, WSR 01-11-111, § 434-260-225, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-225, filed 5/19/99, effective 6/19/99.]

WAC 434-260-235 Recertification of assistant election administrators as election administrators. Any person who is certified as an assistant election administrator may become certified as an election administrator upon completion of the following:

(1) Two years service in an election administration position; and

(2) Minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4).

[Statutory Authority: RCW 29A.04.611, WSR 08-15-052, § 434-260-235, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-235, filed 5/19/99, effective 6/19/99.]

WAC 434-260-240 Mandatory orientation. (1) All election administrators and assistant election administrators shall, within eighteen months of undertaking those responsibilities, attend a mandatory orientation workshop sponsored by the secretary of state to be eligible for certification. Mandatory orientation workshops will be offered for new election administrators and deputy election administrators annually.

(2) Mandatory orientation will consist of at least eight hours of training in election-related subjects.

[Statutory Authority: RCW 29A.04.611, WSR 07-12-032, § 434-260-240, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-240, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-240, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 94-07-018, § 434-60-240, filed 3/8/94, effective 4/8/94.]

WAC 434-260-260 Open book written test. The certification and training program will prepare an open book written test on Title 29A RCW, Title 434 WAC, the Washington state Constitution, and other applicable state and federal election laws to be given annually to candidates for certification as election administrators or assistant election administrators.

[Statutory Authority: RCW 29A.04.610, WSR 04-15-089, § 434-260-260, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020, WSR 99-12-004, § 434-260-260, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-260, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020, WSR 94-07-018, § 434-60-260, filed 3/8/94, effective 4/8/94.]

WAC 434-260-300 Maintaining certification as an election administrator. After attaining initial certification the election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of:

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(1) Continuous service as an election administrator during the year for which maintenance is required;

(2) Participation in an annual minimum of eighteen hours of continuing education, at least six hours of which shall be on election-specific training. This training may be received at any election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in election workshops or conferences, election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board. A maximum of six hours, of the eighteen required, may be derived from a surplus of hours earned in the previous year.

[Statutory Authority: RCW 29A.04.630. WSR 05-06-036, § 434-260-300, filed 2/25/05, effective 3/28/05. Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-300, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-300, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-300, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-300, filed 3/8/94, effective 4/8/94.]

WAC 434-260-305 Maintaining certification as an assistant election administrator. After attaining initial certification the assistant election administrator is responsible for maintaining his or her certification. Maintenance of certification shall consist of:

(1) Continuous service as an assistant election administrator during the year for which maintenance is required;

(2) Participation in an annual minimum of six hours of continuing education, at least two hours of which shall be on election-specific training. This training may be received at an election oriented workshop or conference sponsored by any of the organizations listed in WAC 434-260-220. In addition to receiving credit for participation in workshops and conferences, assistant election administrators may also receive a maximum of two hours for visiting other county election departments for training purposes and for any other training approved by the elections administration and certification board.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-305, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-305, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-305, filed 5/19/99, effective 6/19/99.]

WAC 434-260-307 Lapse of certification of election administrator. Certification as an election administrator shall lapse when minimum requirements for maintaining certification are not met for two consecutive years. Recertification shall occur upon the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Two years continuous service as an election administrator immediately prior to the date of a request for recertification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of forty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be attended within five years prior to the date of a request for recertification

and shall not include more than twenty hours of training used for prior certification and maintenance.

An election administrator shall be allowed one recertification in any five-year period.

[Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-307, filed 5/21/01, effective 6/21/01.]

WAC 434-260-309 Lapse of certification of assistant election administrator. Certification as an assistant election administrator shall lapse when minimum requirements for maintaining certification are not met for two consecutive years. Recertification may occur upon completion of the following:

(1) Completion of the secretary of state's mandatory orientation course;

(2) Completion of one year continuous service in election administration immediately prior to the date of a request for recertification;

(3) Taking and passing the open book written test described in WAC 434-260-260;

(4) A minimum of twenty hours participation in conferences and workshops sponsored by those organizations listed in WAC 434-260-220(4). Such training shall be attended within five years prior to the date of a request for recertification and shall not include more than ten hours of training used for prior certification and maintenance.

An assistant election administrator shall be allowed one recertification in any five-year period.

[Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-309, filed 5/21/01, effective 6/21/01.]

WAC 434-260-310 Maintenance of certification. The secretary of state shall make available certification application and maintenance forms to the county auditors. Applications to maintain certification must be submitted to the secretary of state by the county auditor by January 31 each year.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-310, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-260-310, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-310, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-310, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-310, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-310, filed 3/8/94, effective 4/8/94.]

WAC 434-260-320 Training program for county canvassing board members. The secretary of state shall prepare a training program for county canvassing board members. The training shall be made available on an annual basis.

[Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-320, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-320, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-320, filed 3/8/94, effective 4/8/94.]

WAC 434-260-350 Approval of training programs. All training programs referenced in these rules may be subject to review by the election administration and certification board. Such review shall be only for the purpose of determining whether the training satisfies requirements for certification.

[Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-350, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-350, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-350, filed 3/8/94, effective 4/8/94.]

Chapter 434-261 WAC

COUNTING CENTER PROCEDURES

(Formerly chapter 434-61 WAC)

WAC

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 434-261-125 Free access system for provisional ballots.
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434-261-105 Tabulation of ballots to be continuous—Exception. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-261-105, filed 8/19/05, effective 9/19/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
 434-261-107 Daily canvassing. [Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-261-107, filed 8/19/05, effective 9/19/05.] Repealed by WSR 09-03-110, filed 1/21/09, effective 2/21/09. Statutory Authority: RCW 29A.04.611.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-261-030 Receipt of ballots at intermediate collection station. [Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-261-030, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-261-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-030, filed 5/4/92, effective 6/4/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
 434-261-040 Receipt of ballots at the counting center. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-261-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-040, filed 5/4/92, effective 6/4/92.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
 434-261-060 Vote tallying system—A manual count of random precincts. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-261-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-060, filed 5/4/92, effective 6/4/92.] Repealed by WSR 07-20-074, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611.
 434-261-080 Ballot enhancement—Optical scan systems. [Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 99-08-089, § 434-261-080, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-261-080, filed 10/13/97, effective 11/13/97.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
 434-261-085 Ballot enhancement—Punch card systems. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-261-085, filed 3/12/02, effective 4/12/02.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
 434-261-090 Ballot duplication. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-261-090, filed 10/13/97, effective 11/13/97.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

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) "Duplicating ballots" is the process of making a true copy of valid votes from ballots that may not be properly counted by the vote tallying system. Ballots may be duplicated on blank ballots or by making changes on an electronic image of the ballot. The original ballot may not be altered in any way;

(3) "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;

(4) "Unreadable ballot" is any ballot that cannot be read by the vote tallying system as the voter intended without alteration. Unreadable ballots may include, but not be limited to, ballots with damage, write-in votes, incorrect or incomplete marks, and questions of voter intent. Unreadable ballots may subsequently be counted as provided by these administrative rules;

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

(a) A signature verified against the signature in the voter registration file; or

(b) A mark witnessed by two people.

(6) "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."

(7) "Undervote" is no selections made for a race or measure.

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

(9) "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.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-005, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-261-005, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-261-005, filed 9/1/09, effective 10/2/09; WSR 09-12-078, § 434-261-005, filed 5/29/09, effective 6/29/09; WSR 09-03-110, § 434-261-005, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-261-005, filed 11/30/07, effective 12/31/07; WSR 07-09-036, § 434-261-005, filed 4/11/07, effective 5/12/07; WSR 06-23-094, § 434-261-005, filed 11/15/06, effective 12/16/06; WSR 06-11-042, § 434-261-005, filed 5/10/06, effective 6/10/06; WSR 05-17-145, § 434-261-005, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-261-005, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 99-08-089, § 434-261-005, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-261-005, filed 10/13/97, effective 11/13/97.]

WAC 434-261-007 Broken or missing seals. If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

[Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-261-007, filed 6/28/06, effective 7/29/06.]

WAC 434-261-010 Counting center location—Direction of proceedings. The county auditor shall designate a location to serve as the counting center. If that location is other than the county auditor's office or county election office, the auditor shall include the location of the counting center in the published notice of elections. The county auditor shall be responsible for all counting center functions. Within the counting center, no person except those authorized by the county auditor may touch any ballot or ballot container, or operate a vote tallying system. The auditor shall identify either by roster or identification tag, or both, those persons so authorized. The vote tallying process shall be open to the public to the extent that public observation does not interfere with the proceedings or jeopardize the security of the ballots. The auditor shall establish local administrative rules pertaining to public observers including the media and how they may be accommodated and the necessary limitations thereto.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-261-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-010, filed 5/4/92, effective 6/4/92.]

WAC 434-261-020 Political party observers. Counting center operations shall be observed by at least one representative from each political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request, in writing, that each major political party appoint representatives to fill the requirements. Where more than one observer is to be appointed, the political party shall

designate one of their observers as supervisor. The county auditor may require observers to receive training with respect to ballot processing procedures and the vote tallying system.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-261-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-261-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-020, filed 5/4/92, effective 6/4/92.]

WAC 434-261-045 Secure storage. Received ballots and ballot images must be maintained in secure storage except during processing, duplication, inspection by the canvassing board, or tabulation. Secure storage must employ the use of numbered seals and logs, or other security measures that will detect any inappropriate access to the secured materials. Ballots and ballot images may only be accessed in accordance with RCW 29A.60.110 and 29A.60.125.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-261-045, filed 1/21/09, effective 2/21/09; WSR 06-11-042, § 434-261-045, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-261-045, filed 12/28/05, effective 1/28/06.]

WAC 434-261-050 Unsigned ballot declaration or mismatched signatures. (1) If a voter neglects to sign a ballot declaration, signs with a mark and fails to have two witnesses attest to the signature, or signs but the signature on the ballot declaration does not match the signature on the voter registration record, the county auditor shall notify the voter by first class mail of the correct procedures for curing the signature. If the ballot is received during the last three business days before the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded by the last three business days before the final meeting of the canvassing board, the county auditor must attempt to notify the voter by telephone using information in the voter registration record.

(2) If the voter neglects to sign, or signs with a mark and fails to have two witnesses attest to the signature, the voter must either:

(a) Appear in person and sign the declaration no later than the day before certification of the primary or election; or

(b) Sign a copy of the declaration, or mark the declaration in front of two witnesses, and return it to the county auditor no later than the day before certification of the primary or election.

(3) If the signature on the declaration does not match the signature on the voter registration record, the voter must either:

(a) Appear in person and sign a new registration form no later than the day before certification of the primary or election. The updated signature provided on the registration form becomes the signature in the voter registration record for the current election and future elections; or

(b) Sign a signature update form that includes both the ballot declaration required by WAC 434-230-015 and the voter registration oath required by RCW 29A.08.230, and return it to the county auditor no later than the day before certification of the primary or election. The signature on the signature update form must match the signature on the returned ballot declaration. The signature provided on the signature update form becomes the signature in the voter registration record for the current election and future elections.

(4)(a) If the signature on the declaration does not match the signature on the registration record because the last name is different, the ballot may be counted as long as the first name and handwriting are clearly the same. If it appears that the voter has changed his or her name, and the information required under RCW 29A.08.440 to complete a name change is not provided or is illegible, the county auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(b) If the signature on the ballot declaration does not match the signature on the registration record because the voter signed with a middle name, nickname, or initials, the ballot may be counted as long as the last name and handwriting are clearly the same.

(5) If the name on the signature does not match the printed name, and the signature on the ballot declaration does not match the signature on the voter registration record, because the ballot was signed by another registered voter, the ballot may be counted for the registered voter who actually signed the ballot declaration if:

(a) The voter who signed the declaration can be identified;

(b) The signature on the declaration matches the signature on the voter registration record; and

(c) The voter who signed the declaration has not returned another ballot.

The county auditor may only count the races and measures for which the voter who signed the declaration is eligible to vote.

(6) If it is determined that the signature on a ballot declaration does not match the signature on the registration record and, prior to 8:00 p.m. on election day, the registered voter asserts that the signature on the ballot declaration is not his or her signature, the voter may be provided the opportunity to vote a replacement ballot.

(7) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(8) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter subsequently submitted a signature to cure the missing or mismatched signature. That record is a public record under chapter 42.56 RCW and may be disclosed to interested parties on written request.

[Statutory Authority: RCW 29A.04.611, WSR 12-14-074, § 434-261-050, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-050, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-261-050, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-261-050, filed 11/15/06, effective 12/16/06; WSR 06-14-050, § 434-261-050, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-261-050, filed 8/19/05, effective 9/19/05.]

WAC 434-261-055 Returned ballot lacking verification of identity. If a voter who is provisionally registered and must still verify his or her identity as part of the registration process casts a ballot without providing adequate identification, the ballot cannot be counted unless the voter provides adequate identification no later than the day before certification of the election.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-055, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-261-055, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-261-055, filed 1/3/07, effective 2/3/07.]

WAC 434-261-070 Manual inspection of ballots. (1) All voting positions on voted ballots shall be manually inspected on both sides of the ballot to determine whether the ballot is readable by the vote tabulating system. This manual inspection is a required part of processing ballots.

(2) If the manual inspection process detects any physically damaged ballots, unreadable ballots which might not be correctly counted by the tabulating equipment, or marks that differ from those specified in the voting instructions, the county auditor shall refer such ballots to the county canvassing board to be counted according to the statewide standards on what is a vote, as provided in WAC 434-261-086. The county canvassing board shall make the final determination of voter intent for ballots not addressed in the statewide standards on what is a vote.

(3) The county canvassing board may delegate duplication of the ballots consistent with RCW 29A.60.140.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-070, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-261-070, filed 5/30/07, effective 6/30/07; WSR 06-11-042, § 434-261-070, filed 5/10/06, effective 6/10/06; WSR 05-17-145, § 434-261-070, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-261-070, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-261-070, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-261-070, filed 10/13/97, effective 11/13/97.]

WAC 434-261-075 Votes on something other than a ballot. If the voter returns voting responses by mail on any form other than a ballot, the votes thereon shall be acceptable and tallied provided that:

(1) Only votes for offices or measures for which the voter is eligible are counted.

(2) The candidate or measure response position for which the voter is voting can be clearly identified.

(3) The ballot issued is not returned, or if returned, contains no marks indicating an attempt to vote it.

(4) A valid signature on a ballot declaration is received with the voting responses.

The votes accepted must then be duplicated to a ballot that can be read by the electronic voting equipment.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-075, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-261-075, filed 5/30/07, effective 6/30/07; WSR 06-14-047, § 434-261-075, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-261-075, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-261-075, filed 3/12/02, effective 4/12/02.]

WAC 434-261-086 Statewide standards on what is a vote. (1) Pursuant to 42 U.S.C. § 15481(a)(6) and *Bush v. Gore*, 531 U.S. 98 (2000), the following standards determine whether irregular marks on a ballot constitute a valid vote that may be counted.

(a) Target area. Any marks made in the target area shall be counted as valid votes, with the exceptions below. Any marks made outside of the target area shall be valid only if they fulfill the consistent pattern requirements in (b) of this subsection. Marks that trace or outline the target area are not valid votes unless they fulfill the consistent pattern requirements in (b) of this subsection. Exceptions:

- (i) Obvious stray marks.
- (ii) Hesitation marks.
- (iii) Parts of written notes.

(iv) Corrected votes, as described in (c) and (e) of this subsection.

(b) Consistent pattern. Marks made outside of the target area shall only be counted as valid votes if a consistent pattern of marks is used throughout the whole ballot. This means that all races and issues for which the voter has indicated a choice must have the same mark. If some marks are in the target area and some are not, but the same *type* of mark is used in a consistent pattern throughout the whole ballot, all such marks shall be counted as valid votes. If the marks strike through candidate names or ballot measure responses in a consistent pattern throughout the whole ballot, all such marks shall be counted as valid votes.

(c) Corrected votes.

(i) If the voter has followed the instructions for correcting a vote, the stricken vote shall not be counted.

(ii) If a second choice is marked, it shall be counted as a valid vote. If a second choice is not marked, the race shall be considered undervoted.

(iii) If the voter has marked two target areas and placed an 'X' over one of the marked areas, the choice without the 'X' shall be counted as a valid vote.

(d) Not a correction. If the voter has both marked a choice correctly and placed an 'X' in the same target area, but has not marked a second target, it shall be counted as a valid vote. Changes made by the voter to wording printed on the ballot will not invalidate votes cast for that race or measure.

(e) Written instructions. If the voter has attempted to correct a vote and provides written instruction regarding his or her intent, it shall be counted as the voter instructed. Written instruction includes words, circles, or arrows.

(f) Identifying marks. Marks identifying the voter, such as initials, signatures, or addresses do not disqualify a ballot.

(g) Overvotes. Races or issues that have more target areas marked than are allowed are overvotes. No votes for that race or issue shall be counted. An exception is write-in

votes for a candidate already printed on the ballot, as provided in (i) of this subsection.

(h) Write-in: Blank target area. If a name is written on a write-in line, it shall be counted as a valid write-in vote regardless of whether the corresponding target area is marked.

(i) Write-in: Already on the ballot. If the name of a candidate who is already printed on the ballot is written in, that vote shall not be tallied as an overvote, but shall be counted as a valid vote for the printed candidate. This applies even if both target areas are marked or no target areas are marked.

(j) Write-in: Name variations. If a write-in vote is cast for a *declared* write-in candidate using a commonly recognizable nickname or spelling variation, it shall be counted as a valid vote for that candidate.

(k) Write-in: Blank line. If the write-in target area is marked, but no name is written on the line, it shall not be counted as a valid vote, even though it may be tallied as a write-in vote by the tabulation system.

(l) Write-in: Blank line and candidate. If a candidate's target area is marked, *and* the write-in target area is marked but no name is written on the line, it shall not be tallied as an overvote, but shall be counted as a valid vote for the printed candidate.

(m) Write-in: Name combinations. If a write-in vote is cast for a candidate with a combination of names already on the ballot, it shall NOT be counted as a vote for either printed candidate, but rather shall be counted as a valid vote for the name as written.

(n) Write-in: Overvotes. If a candidate's target area is marked and something other than that candidate's name is written in the write-in response area, it shall be counted as an overvote and not a valid vote for any candidate. This applies whether or not the target area for the write-in is marked.

(o) Write-in: Not eligible. A write-in vote for a race not appearing on the voter's ballot shall not be counted.

Exception: If a provisional ballot has been cast and the voter has written in an office or measure that is not on the ballot, that vote shall be counted if it is determined, based on the voter's registration, that he or she is eligible to vote for that office or measure.

(p) Write-in: Vote in the wrong place. A write-in vote for a race appearing elsewhere on the ballot shall be counted as a valid vote, as long as all other requirements are fulfilled and the office, position number and political party, if applicable, are clearly indicated.

(q) Messy marks. When otherwise valid votes marked for a candidate partially extend into the response area of another candidate, it shall be counted as a vote if most of the mark is in the proper area and intent can easily be discerned.

(r) Pattern of partisan voting. Voter intent in any single contest shall not be determined based on a pattern of partisan voting on the ballot.

(s) Anything else. Voter intent on questionable marks not covered by the rules in this manual must be determined by county canvassing boards according to all applicable laws of the state of Washington and the canvassing board manual. Where more than one rule may apply, the county canvassing board has authority to determine which rule is most appropriate.

(2) The secretary of state shall publish an illustrated version of these standards in each optical scan and digital scan voting system used in the state. The secretary of state shall distribute the illustrated version to each county canvassing board and post it on the web site.

(3) The secretary of state shall periodically review and update the manual as necessary, and seek input from county canvassing boards and other interested parties to ensure that the standards remain current and comprehensive.

[Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-261-086, filed 9/1/09, effective 10/2/09; WSR 08-15-052, § 434-261-086, filed 7/11/08, effective 8/11/08; WSR 07-12-032, § 434-261-086, filed 5/30/07, effective 6/30/07.]

WAC 434-261-100 Ballot duplication procedures.

Written procedures shall be established detailing the situations in which ballots may be duplicated. These procedures shall be included as a part of the county canvassing board manual.

[Statutory Authority: RCW 29A.04.611, WSR 05-17-145, § 434-261-100, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200, WSR 97-21-045, § 434-261-100, filed 10/13/97, effective 11/13/97.]

WAC 434-261-102 Resolving ballots on digital scan vote tallying systems. In counties tabulating ballots on a digital scan vote tallying system, two staff designated by the auditor's office must resolve ballots identified as requiring resolution. A log of the resolutions must be printed linking staff conducting the resolutions to the ballots resolved. The log must be signed by the two staff.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-261-102, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 06-23-094, § 434-261-102, filed 11/15/06, effective 12/16/06; WSR 06-11-042, § 434-261-102, filed 5/10/06, effective 6/10/06.]

WAC 434-261-106 Manual counting of ballots. Procedures for manual counting of ballots shall be substantially the same as a manual recount according to chapter 434-264 WAC.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-261-106, filed 12/6/11, effective 1/6/12.]

WAC 434-261-110 Election results anomalies. Precinct results, showing overvotes and undervotes, shall be inspected by the county canvassing board, or their designees, for anomalies that may indicate problems with the hardware or programming used to tabulate the votes. Anomalies may include, but are not limited to, an abnormal number of overvotes, undervotes, vote distribution, and voter turnout in any precinct, race, or jurisdiction. This inspection shall be completed within two days of the election.

Additionally, these results shall be used in the reconciliation process required in RCW 29A.60.235.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-261-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 05-17-145, § 434-261-110, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610, WSR 05-06-035 and 05-08-065, § 434-261-110, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05.]

(7/2/12)

WAC 434-261-120 Referral of questionable ballots to canvassing board. Whenever counting center personnel has a question about the validity of a ballot or the votes contained on the ballot that they are unable to resolve, the ballot shall be forwarded to the canvassing board for review. The facts giving rise to the question of validity must be noted.

Ballots being held for determination of validity or voter's intent shall be provided the same security as regular voted ballots and shall be kept in a secure area when not being processed.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-261-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 06-23-094, § 434-261-120, filed 11/15/06, effective 12/16/06; WSR 05-17-145, § 434-261-120, filed 8/19/05, effective 9/19/05.]

WAC 434-261-125 Free access system for provisional ballots. (1) Each county shall establish a free access system, as required by the Help America Vote Act, 42 U.S.C. sec. 15482 (a)(5), and RCW 29A.60.195 for provisional ballot voters.

(2) The free access system must employ measures to ensure that access is free of cost to the voter and restricted to the individual who cast the ballot, and that the voter's personal information is secure and confidential.

(3) For provisional ballots sent to other counties in the state, the free access system must provide the voter with information as to where the ballot was sent and how to find out if the ballot was counted in that county.

(4) For ballots received from another county, the free access system must provide the voter with information as to whether the ballot was counted and, if not, why. The county may send instructions to the voter on how to access the information.

(5) Provisional ballot disposition information must be available on a county's free access system no later than one week following certification of the election.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-261-125, filed 12/6/11, effective 1/6/12.]

WAC 434-261-130 Opening ballot container. Whenever it is determined there is a need to open all containers to conduct a mandatory or requested recount, or when such action is directed by court order, the containers shall be opened and the security of the ballots verified only by those persons designated to do so, in writing, by the canvassing board.

[Statutory Authority: RCW 29A.04.611, WSR 05-17-145, § 434-261-130, filed 8/19/05, effective 9/19/05.]

WAC 434-261-140 Precertification procedures. Prior to certifying the election, the county auditor shall exercise due diligence to confirm that all returned ballots have been received, processed, and reconciled, and that no ballots have been untabulated erroneously. Due diligence may include:

(1) Rechecking all ballot deposit sites; and

(2) Rechecking ballot storage containers in the ballot processing area, ballot tabulation area, canvassing board area, and vault.

[Statutory Authority: RCW 29A.04.611, WSR 12-14-074, § 434-261-140, filed 7/2/12, effective 8/2/12.]

Chapter 434-262 WAC

CANVASSING AND CERTIFICATION

(Formerly chapter 434-62 WAC)

WAC

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434-262-013	Crediting voters.		
434-262-015	Canvassing board—Delegation of authority.	434-262-108	Manual recount of votes cast on direct recording electronic devices. [Statutory Authority: RCW 29A.04.611. WSR 05-24-040, § 434-262-108, filed 11/30/05, effective 12/31/05.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.
434-262-017	Calculating validation figures and results for bonds and levies.		
434-262-020	Preliminary abstract of votes.		
434-262-025	Canvassing board—Notice of open public meeting.		
434-262-030	County auditor's abstract of votes.		
434-262-031	Rejection of ballots or parts of ballots.	434-262-135	Thirty day reconciliation report. [Statutory Authority: RCW 29A.04.611. WSR 06-14-046, § 434-262-135, filed 6/28/06, effective 7/29/06.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
434-262-032	Provisional ballots—Disposition.		
434-262-036	Canvassing procedure for ballot of a protected records voter.		
434-262-040	Verification of auditor's abstract of votes.		
434-262-050	Errors or discrepancies discovered during the verification of the auditor's abstract of votes.	434-262-140	Microfilm copies of election returns. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-140, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-140, filed 10/3/80.] Repealed by WSR 09-03-110, filed 1/21/09, effective 2/21/09. Statutory Authority: RCW 29A.04.611.
434-262-060	Documentation of corrective action taken.		
434-262-070	Official county canvass report.		
434-262-080	Transmittal of county canvass report to the secretary of state.		
434-262-090	Receipt of county canvass report by secretary of state.		
434-262-100	Canvass of returns by the secretary of state—Powers and duties.	434-262-150	Rejection of ballots or parts of ballots. [Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-262-150, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-150, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-150, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-262-105	Audit of results of votes cast on direct recording electronic device.		
434-262-110	Certification of primary returns by the secretary of state.		
434-262-120	Certification of general election returns by the secretary of state.		
434-262-130	Certification of special primaries and special elections.		
434-262-132	Election results for multicounty candidate races.		
434-262-133	Election results for multicounty local ballot measures.		
434-262-160	Write-in-voting—Voter intent.		
434-262-200	Retention of records.	434-262-170	Referral of ballots to canvassing board. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-170, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-170, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-262-005	Authority and purpose. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-005, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-005, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-005, filed 10/3/80.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-262-180	Tabulation of ballots to be continuous—Exception. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-180, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-180, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-262-035	Canvassing board—Absentee ballot signature verification. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-262-035, filed 10/13/97, effective 11/13/97.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-262-190	Canvassing board—Opening ballot container. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-190, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-190, filed 6/2/92, effective 7/3/92.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.
434-262-045	Canvassing mail ballots. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-262-045, filed 10/13/97, effective 11/13/97.] Repealed by WSR 05-17-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.611.	434-262-203	Poll-site ballot reconciliation—Central count optical scan. [Statutory Authority: RCW 29A.04.611. WSR 06-14-046, § 434-262-203, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-203, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-262-203, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
434-262-075	Election of political party precinct committee officers. [Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-262-075, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-262-075, filed 7/11/08, effective 8/11/08.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.	434-262-204	Poll-site ballot reconciliation—Precinct count optical scan and direct recording devices. [Statutory Authority: RCW 29A.04.611. WSR 06-14-046, § 434-262-204, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-204, filed 8/19/05, effective 9/19/05. Statutory
434-262-106	Machine recount of votes cast on direct recording electronic devices. [Statutory Authority: RCW 29A.04.611. WSR 05-24-040, § 434-262-106, filed 11/30/05, effective 12/31/05.] Repealed by WSR 07-12-032, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29A.04.611.		

Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-262-204, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.

434-262-210 Ranked choice voting. [Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-262-210, filed 7/11/08, effective 8/11/08.] Repealed by WSR 10-14-091, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041.

WAC 434-262-010 Definitions. As used in these regulations:

(1) "Canvassing" is that process of examining in detail a ballot, groups of ballots, election subtotals, or grand totals, in order to determine the final official returns of a primary, special, or general election, and to safeguard the integrity of the election process.

(2) "County canvassing board" is that body charged by law with the duty of canvassing ballots, ruling on the validity of questioned or challenged ballots, verifying all unofficial returns as listed in the auditor's abstract of votes, and producing the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chair of the board of the county legislative authority, or their designated representatives.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-262-010, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-14-046, § 434-262-010, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-010, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080. WSR 03-15-054, § 434-262-010, filed 7/11/03, effective 8/11/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-010, filed 10/3/80.]

WAC 434-262-013 Crediting voters. (1) A voter may not be credited for voting if the ballot was voted after election day, was received later than the day before certification of the election, or will otherwise not be counted.

(2) The crediting of voters in the county election management system must be completed prior to certification of the election.

(3) The reconciliation of voters credited with ballots counted shall be completed prior to certification of the election. The certification must include, but is not limited to, information indicating that the number of ballots counted equals the number of voters credited. If these numbers do not match, the county auditor must take steps to reconcile the numbers and any discrepancies. If the county auditor cannot reconcile the numbers, documentation of steps taken to reconcile and any other applicable information must be included with the official reconciliation.

(4) Changes to the list of registered voters, such as new registrations, transfers, or cancellations, may not be made following a general election until the crediting reconciliation is complete. Correction of errors is allowed.

(5) The county auditor shall make an electronic or paper copy of the list of registered voters immediately following this reconciliation. Using this data, the county auditor shall also produce validation statistics for each minor taxing dis-

trict in the county. Once the list is copied and the validation statistics are complete, changes to the data base may be made.

(6) Following certification of the election, each credited voter's history of voting must be updated in the statewide voter registration data base.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-013, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-262-013, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-013, filed 8/19/05, effective 9/19/05.]

WAC 434-262-015 Canvassing board—Delegation of authority. The county auditor, prosecuting attorney, and chair of the county legislative authority, or designees as per chapter 29A.60 RCW, shall be responsible for the performance of all duties of the county canvassing board, as set forth in chapters 29A.40 and 29A.60 RCW, and the rules on canvassing adopted by the secretary of state. These duties shall be performed by the members of the board, or they may delegate in writing representatives to perform these duties. This written delegation of authority shall be filed with the county auditor prior to any person undertaking any action on behalf of the board. In no instance may the members of the county canvassing board delegate the responsibility of certifying the returns of any primary or election, of determining the validity of any challenged ballots, or of rejecting ballots. When considering the validity or rejection of ballots, the canvassing board may review the ballots individually, in batches, or as part of a report of ballots presented to the board. In the event the canvassing board concludes that criminal activity may have occurred, the county auditor must refer the ballot and any relevant material to the county sheriff or county prosecuting attorney.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-262-015, filed 2/19/08, effective 3/21/08; WSR 05-17-145, § 434-262-015, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-015, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-262-015, filed 10/13/97, effective 11/13/97.]

WAC 434-262-017 Calculating validation figures and results for bonds and levies. (1) For bonds and levies other than school district levies, before determining a jurisdiction's validation figures, the number of votes cast in the jurisdiction in the last general election must be determined. For levies, the state Constitution states, "...the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election..." For example:

10,000 votes cast in the jurisdiction in the last general election x 40% = 4,000 votes x 3/5 = 2,400 votes

These numbers should be calculated based on the number of voters credited for voting in each jurisdiction, before adding, deleting, or transferring voters following the general election.

(2) When determining the results of a specific bond or levy, county auditors must not include overvotes or undervotes in the calculation. Rounding must not be used to reach the percentage of "yes" votes required for a bond or levy to pass.

[Statutory Authority: RCW 29A.04.611, WSR 08-05-120, § 434-262-017, filed 2/19/08, effective 3/21/08; WSR 06-14-046, § 434-262-017, filed 6/28/06, effective 7/29/06.]

WAC 434-262-020 Preliminary abstract of votes. (1)

Prior to the official canvass, the county auditor shall prepare a preliminary abstract of votes, listing the number of registered voters and votes cast. The preliminary abstract of votes must list separately for each precinct:

- (a) Votes cast by mail ballot;
- (b) Votes cast for and against measures;
- (c) Votes cast for candidates; and
- (d) Overvotes and undervotes.

(2) Pursuant to RCW 29A.60.230, the county auditor may aggregate results or take other necessary steps to maintain the secrecy of ballots.

(3) The county auditor shall inspect the preliminary abstract of votes for errors or anomalies that may affect the results of the election. Correction of any errors or anomalies discovered must be made prior to the official canvass.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 07-09-036, § 434-262-020, filed 4/11/07, effective 5/12/07; WSR 06-14-046, § 434-262-020, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610, WSR 04-15-089, § 434-262-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, WSR 03-15-054, § 434-262-020, filed 7/11/03, effective 8/11/03. Statutory Authority: RCW 29.04.210, 29.36.150, WSR 02-07-028, § 434-262-020, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, WSR 80-15-008 (Order 80-3), § 434-62-020, filed 10/3/80.]

WAC 434-262-025 Canvassing board—Notice of open public meeting. All activities of the canvassing board shall be open to the public, although the board may limit the number of persons observing any aspect of the process whenever, in the judgment of the board, it is necessary to do so to preserve order and to safeguard the integrity of the process. The canvassing board may adopt and promulgate rules and regulations, not inconsistent with the provisions of this section, to ensure that the process is open to the public and that the procedures themselves are performed by the board free of any outside interference. The auditor shall publish notice of the meetings of the canvassing board.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-025, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 05-17-145, § 434-262-025, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610, WSR 04-15-089, § 434-262-025, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-262-025, filed 10/13/97, effective 11/13/97.]

WAC 434-262-030 County auditor's abstract of votes. The county canvassing board shall meet and canvass all ballots. Upon completion of this canvass fourteen days after a primary or special election and twenty-one days after a general election, the county auditor shall present the auditor's abstract of votes, which must include:

- (1) The number of registered voters eligible to vote in the election;
- (2) The number of ballots cast in the election, by precinct;

(7/2/12)

(3) The votes cast for each race or issue, including write-ins, undervotes, and overvotes;

(4) Legislative and congressional district subtotals, if any; and

(5) The vote totals by county.

[Statutory Authority: RCW 29A.04.611, WSR 12-14-074, § 434-262-030, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 09-12-078, § 434-262-030, filed 5/29/09, effective 6/29/09; WSR 07-12-032, § 434-262-030, filed 5/30/07, effective 6/30/07; WSR 06-14-046, § 434-262-030, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610, WSR 04-15-089, § 434-262-030, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080, WSR 80-15-008 (Order 80-3), § 434-62-030, filed 10/3/80.]

WAC 434-262-031 Rejection of ballots or parts of ballots. (1) The disposition of provisional ballots is governed by WAC 434-262-032. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

(2) Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(a) Where a voter has already voted one ballot;

(b) Where two voted ballots are contained within a returned mail ballot envelope containing only one valid signature on the ballot declaration, unless both ballots are voted identically, in which case one ballot will be counted. If there are two valid signatures on the ballot declaration, both ballots must be counted;

(c) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086;

(d) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

(e) Where the voter has overvoted;

(f) Where the voter validly transferred out of the county.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-031, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 09-12-078, § 434-262-031, filed 5/29/09, effective 6/29/09; WSR 08-15-052, § 434-262-031, filed 7/11/08, effective 8/11/08; WSR 07-20-074, § 434-262-031, filed 10/1/07, effective 11/1/07; WSR 07-02-100, § 434-262-031, filed 1/3/07, effective 2/3/07; WSR 06-14-049, § 434-262-031, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-031, filed 8/19/05, effective 9/19/05.]

WAC 434-262-032 Provisional ballots—Disposition. Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the county auditor must investigate the circumstances surrounding the provisional ballot prior to certification of the primary or election. A provisional ballot cannot be counted unless the voter's name, signature and the date of birth, if available, matches a voter registration record. Once the provisional ballot has been investigated, disposition of the ballot is as follows:

(1) If there is no record of the voter ever having been registered, the voter must be offered the opportunity to register and the provisional ballot is not counted.

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(2) If the voter was previously registered and later canceled and the auditor determines that the cancellation was in error, the voter's registration must be immediately restored and the provisional ballot counted.

(3) If the voter was previously registered and later canceled and the auditor determines that the cancellation was not in error, the voter must be offered the opportunity to reregister and the provisional ballot is not counted.

(4) If the voter is a registered voter but has voted a ballot other than the one which the voter would have received for his or her precinct, the auditor must ensure that only those votes for the positions and measures for which the voter was eligible to vote are counted.

(5) If the voter is a registered voter in another county, the auditor shall forward the ballot and a corresponding voter guide, or other means by which the ballot can be interpreted, to the elections official for the jurisdiction in which the voter is registered. The ballot must be forwarded within seven calendar days after a primary or special election and fourteen calendar days after a general election, and as soon as possible if past that date.

(6) If the voter voted a regular ballot and a provisional ballot, the provisional ballot is not counted if the regular ballot has already been counted. The regular ballot is not counted if the provisional ballot has already been counted.

(7) If the voter voted a provisional ballot because he or she failed to produce identification at a voting center, the ballot is counted if the signature on the envelope matches the signature in the voter registration record.

(8) If the voter voted a provisional ballot because the voter is provisionally registered and the voter's registration record is still flagged as requiring verification of identity, the provisional ballot is not counted.

(9) Provisional ballots voted for reasons not covered by this section or state statute must be determined by the county canvassing board.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-032, filed 12/6/11, effective 1/6/12.]

WAC 434-262-036 Canvassing procedure for ballot of a protected records voter. If the ballot of a protected records voter must be presented to the county canvassing board, the canvassing board must review the ballot in private executive session or take other necessary steps to ensure the privacy of the protected records voter.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-262-036, filed 1/21/09, effective 2/21/09.]

WAC 434-262-040 Verification of auditor's abstract of votes. The county canvassing board shall examine the auditor's abstract of votes and shall verify that all of the precinct ballot totals have been included in the abstract, and that the subtotals and county-wide totals for registered voters and votes cast are an accurate reflection of the sum of those precinct ballot totals.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-040, filed 10/3/80.]

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WAC 434-262-050 Errors or discrepancies discovered during the verification of the auditor's abstract of votes. (1) If the county canvassing board, during the verification process, discovers that errors or discrepancies exist in the auditor's abstract of votes, the board shall investigate those errors or discrepancies. They shall be empowered to take whatever corrective steps a majority of the board deems necessary, including changing or modifying the auditor's abstract of votes if the error or discrepancy is discovered in that document. The canvassing board may proceed to verify votes cast on other measures or races if a majority of the board believes that the nature of the errors or discrepancies discovered warrant further action on their part.

(2) Changes in the results of an election following a recount are not considered errors or discrepancies.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-262-050, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-050, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-050, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-050, filed 10/3/80.]

WAC 434-262-060 Documentation of corrective action taken. If the canvassing board decides to take corrective action with respect to errors or discrepancies described in WAC 434-262-050, the canvassing board shall prepare a written narrative of the errors or discrepancies discovered, the cause of those errors, if known, and the corrective action taken. Each member of the canvassing board must sign the written narrative and must initial the auditor's abstract of votes if it is altered or modified by the canvassing board.

[Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-262-060, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-060, filed 10/3/80.]

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 all members of the board or their designees; 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;

(c) The reconciliation report required by RCW 29A.60.235, which must include documentation that the number of ballots counted plus the number of ballots rejected is equal to the number of ballots received, and any additional information necessary to explain variances; and

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

(3) The official county canvass report is the cumulative report referenced in RCW 29A.60.230. 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 contained therein shall constitute the official returns of that election.

[Statutory Authority: RCW 29A.04.611, WSR 12-14-074, § 434-262-070, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-070, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-070, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-070, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-070, filed 10/3/80.]

WAC 434-262-080 Transmittal of county canvass report to the secretary of state. Immediately following the certification of the returns of any primary, special, or general election in which state measures, federal or state offices, or legislative or judicial offices whose jurisdiction encompasses more than one county appeared on the ballot, the county auditor must transmit a copy of the official county canvass report to the secretary of state by electronic means.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-080, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-262-080, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-080, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. WSR 00-10-010, § 434-262-080, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-080, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-080, filed 10/3/80.]

WAC 434-262-090 Receipt of county canvass report by secretary of state. The secretary of state shall ensure that all material required to be submitted pursuant to state law and these regulations has been included in the copy of the county canvass report transmitted to his or her office. In the event the secretary of state determines that the report is incomplete, he or she shall notify the county auditor of that fact and shall request that the missing part be forwarded immediately. No county canvass report shall be considered complete for acceptance by the secretary of state until all of the material required by statute and regulation has been received by the secretary of state.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-090, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-090, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-090, filed 10/3/80.]

WAC 434-262-100 Canvass of returns by the secretary of state—Powers and duties. Upon receipt of a complete copy of the county canvass report from a county auditor, the secretary of state shall proceed to include the results from that abstract in the official canvass of the primary, special, or general election. This shall be accomplished by adding the certified returns from each county abstract of votes in

order to determine the final results for those offices and issues he or she is required by law to certify. The secretary of state shall accept the official abstract of votes from each county as being full, true, and correct in all respects. The secretary of state may include in the official canvass, a narrative which details or describes any apparent discrepancies discovered during the canvassing procedure, and may notify the county or counties involved of such discrepancies.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-100, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-100, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-100, filed 10/3/80.]

WAC 434-262-105 Audit of results of votes cast on direct recording electronic device. In an audit, the county auditor must compare the paper records with the electronic results cast on the direct recording electronic devices.

(1) The audits required by RCW 29A.60.185 must use the same three races or issues, randomly selected by lot, for every direct recording electronic device subject to the audit and utilized in the election. If there are not three countywide races or issues on the ballot, the county must select the maximum number of contests available but no more than three contests from each of the devices randomly selected for the audit.

(2) Only races and issues with more than ten votes cast on all direct recording electronic devices in the county may be selected for the audit. If the county does not have such a contest, it must not conduct the audit of paper records required by RCW 29A.60.185.

(3) Counties that utilized more than one direct recording electronic device in the primary or election must randomly select the devices until the aggregate total of votes cast in each selected contest is greater than ten. The devices must also be aggregated until the number of devices selected meets the minimum required by RCW 29A.60.185.

(4) Written procedures to perform audits of direct recording electronic devices as outlined in RCW 29A.60.185 and to resolve discrepancies identified in the audit must be promulgated by the county auditor.

(a) The procedures must provide for a process of randomly selecting by lot the direct recording electronic devices that will be audited.

(b) The procedures for manually tabulating results must be conducted using a process that includes the following elements:

(i) A continuous paper record must be utilized; the paper record must not be cut into separate individual records;

(ii) If a paper record indicates a ballot has been canceled, that ballot must be exempt from the audit; and

(iii) If the paper records are incomplete, the ballot images stored on the direct recording electronic device must be printed and then compared to the electronic results recorded on the direct recording electronic device.

(5) If there is a discrepancy between the electronic results and the paper record results, the canvassing board must take necessary actions to investigate and resolve the discrepancy. The canvassing board must prepare a public report that outlines the discrepancy and how it was resolved. The

results as determined by the canvassing board must replace the electronic results in the official certification.

(6) If there is a discrepancy that cannot be resolved:

(a) The secretary of state must be notified immediately; and

(b) The vendor must be notified and required to provide a satisfactory explanation for the discrepancy within thirty days.

(7) The aggregate total of paper records counted manually is subject to public disclosure.

[Statutory Authority: RCW 29A.04.611, WSR 07-20-074, § 434-262-105, filed 10/1/07, effective 11/1/07; WSR 07-09-036, § 434-262-105, filed 4/11/07, effective 5/12/07; WSR 05-24-040, § 434-262-105, filed 11/30/05, effective 12/31/05.]

WAC 434-262-110 Certification of primary returns by the secretary of state. Pursuant to RCW 29A.60.240, upon completion of the canvass of each county auditor's abstract of votes and no later than seventeen days following the primary, the secretary of state shall certify to the appropriate county auditors the returns for all state ballot measures, federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county. In the event the secretary of state is unable to certify all or part of a primary election seventeen days following that primary because he or she has not received a copy of a county canvass report from one or more counties, or because there are discrepancies on a received report, he or she shall certify the state ballot measures and candidates for which completed abstracts have been received, and provide reasons which render him or her unable to certify the entire primary. The certification of the remainder of the primary shall take place when all outstanding county canvass reports have been received and filed.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 05-17-145, § 434-262-110, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. WSR 00-10-010, § 434-262-110, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-110, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-110, filed 10/3/80.]

WAC 434-262-120 Certification of general election returns by the secretary of state. Pursuant to RCW 29A.60.250, upon completion of the canvass of each county's abstract of votes and no later than thirty days following a general election, the secretary of state shall certify to the governor, president of the senate, and speaker of the house of representatives the returns for all state ballot measures, federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county. In the event the secretary of state is unable to certify all or part of a general election thirty days following that election because he or she has not received a copy of a county canvass report from one or more counties, or because there are discrepancies on a received report, he or she shall certify the state ballot measures and candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the governor, president of the senate, and speaker of the house of representatives those reasons which

render him or her unable to certify the entire election. The certification of the remainder of the election shall take place when all outstanding county canvass reports have been received.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 05-17-145, § 434-262-120, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. WSR 00-10-010, § 434-262-120, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-120, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-120, filed 10/3/80.]

WAC 434-262-130 Certification of special primaries and special elections. Insofar as practicable, the procedures governing the certification of special primaries by the secretary of state shall be the same as those governing the certification of primaries, and the procedures governing the certification of special elections shall be the same as those governing general elections.

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

WAC 434-262-132 Election results for multicounty candidate races. In a candidate race in a multicounty jurisdiction, with the exception of certificates of election issued in accordance with RCW 29A.52.360 and 29A.52.370, the filing officer must collect and combine the certified results from the county canvassing boards in order to issue a certificate of election.

[Statutory Authority: RCW 29A.04.611, WSR 07-20-074, § 434-262-132, filed 10/1/07, effective 11/1/07.]

WAC 434-262-133 Election results for multicounty local ballot measures. In a local ballot measure election for a multicounty jurisdiction, the county auditor from the county with the greatest number of registered voters in the jurisdiction must combine the final results for that ballot measure from all relevant counties.

[Statutory Authority: RCW 29A.04.611, WSR 07-20-074, § 434-262-133, filed 10/1/07, effective 11/1/07.]

WAC 434-262-160 Write-in-voting—Voter intent.

(1) In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. Write-in votes in the general election are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding primary and failed to qualify for the general election. If a write-in declaration of candidacy has been filed, the voter need only write in that candidate's name in order for the vote to be counted; the candidate's party preference does not impact whether the write-in vote shall be counted. If no declaration of write-in candidacy has been filed, the voter must write in the name of the candidate and, if the office or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

(2)(a) If a write-in candidate for partisan office does not file a write-in declaration of candidacy but does qualify for the general election ballot, the candidate has not stated a preference for a political party and therefore shall have "(states no party preference)" printed on the general election ballot.

(b) If a write-in candidate for partisan office files a write-in declaration of candidacy and qualifies for the general election ballot, the party preference stated on the write-in declaration of candidacy, if any, shall be printed on the general election ballot.

[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-262-160, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-160, filed 6/2/92, effective 7/3/92.]

WAC 434-262-200 Retention of records. All records and materials are to be maintained for a period of sixty days after certification of each election. Where the election involves federal offices the records and material must be kept for twenty-two months from the date of the election.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-262-200, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-200, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-200, filed 6/2/92, effective 7/3/92.]

Chapter 434-263 WAC

ADMINISTRATIVE COMPLAINT PROCEDURE

WAC

434-263-005	Purpose.
434-263-010	Definitions.
434-263-020	Complaints.
434-263-030	Adoption of brief adjudicative proceedings.
434-263-040	Processing of complaint.
434-263-050	Brief adjudicative proceeding.
434-263-060	Initial determination and remedies.
434-263-070	Administrative review.
434-263-080	Alternative dispute resolution.
434-263-090	Publication.
434-263-100	No necessity to exhaust administrative remedies.

WAC 434-263-005 Purpose. The purpose of these rules is to adopt an administrative complaint procedure mandated by 42 U.S.C. § 15512(a), relating only to state implementation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), for both state and federal elections. This process may not be used for the purpose of contesting the results of any primary or election. Election contests are governed by chapter 29A.68 RCW.

[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-005, filed 7/27/04, effective 8/27/04.]

WAC 434-263-010 Definitions. For purposes of this chapter, the following terms shall have the following meanings:

- (1) "Complainant" means the person who files a complaint under this chapter.
- (2) "Election" means a special, primary or general election.
- (3) "Respondent" means any state or local election official whose actions are asserted, in a complaint under this chapter, to be in violation of Title III.
- (4) "Secretary" means the secretary of state or his or her designee.
- (5) "State or local election official" means the secretary of state, any county auditor, or any person employed by either the secretary or an auditor whose responsibilities include or directly relate to the administration of any election.
- (6) "Title III" means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 42 United States Code §§ 15481-15485. Violations include, but are not limited to, voting system standards, provisional voting, accessibility for individuals with disabilities, and voter registration.

[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-010, filed 7/27/04, effective 8/27/04.]

WAC 434-263-020 Complaints. Any person who believes that there is a violation of any provision of Title III, including a violation which has occurred, is occurring, or is about to occur, by any state or local election official may file a complaint with the secretary under this chapter. All complaints must:

(1) Be in writing, sworn under oath, signed and notarized. A form is optional if it contains all the required elements;

(2) Include the complainant's name, telephone number and mailing address;

(3) Include a clear and concise description of the alleged violation of Title III that is detailed enough to let both the respondent and the secretary know what the complaint is about;

(4) Be filed with the secretary, with proof of mailing or delivery of a copy to each respondent, no later than thirty days after the certification of the election at issue.

(5) If a form is provided by the office of the secretary of state, the form shall be available in all languages required by the department of justice.

[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-020, filed 7/27/04, effective 8/27/04.]

WAC 434-263-030 Adoption of brief adjudicative proceedings. All complaints filed pursuant to this chapter shall be treated as brief adjudicative proceedings, and the secretary adopts RCW 34.05.482 through 34.05.494 to govern such proceedings. The secretary has determined that the interests involved in such complaints do not warrant the procedures of RCW 34.05.413 through 34.05.479. If a complaint is written in a language as provided in the Voting Rights Act of 1965, the office of the secretary of state shall obtain a translator to facilitate processing the complaint.

[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-030, filed 7/27/04, effective 8/27/04.]

WAC 434-263-040 Processing of complaint. (1) The secretary may process the complaint in any of the following ways:

(a) The secretary may dismiss the complaint, and issue a final determination, if it:

- (i) Does not comply with WAC 434-263-020;
- (ii) Does not, on its face, allege a violation of Title III; or
- (iii) Alleges a claim for which relief cannot be granted, or for which a remedy is not available;

(b) The secretary may, with the agreement of the parties, resolve the matter informally, and issue a determination without formal proceedings;

(c) The secretary may resolve the matter informally by agreeing to implement a remedy or corrective action; or

(d) The secretary may schedule the matter for a brief adjudicative proceeding. The secretary shall do so if the complaint is not dismissed pursuant to (a) of this subsection and a party so requests.

(2) The secretary must respond within thirty days of the filing of the complaint to acknowledge receipt and explain how the complaint will be processed consistent with subsection (1) of this section.

(3) The secretary may consolidate complaints if they relate to the same actions or events, or if they raise common questions of law or fact.

[Statutory Authority: RCW 29A.04.611, WSR 08-05-120, § 434-263-040, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610, WSR 04-16-037, § 434-263-040, filed 7/27/04, effective 8/27/04.]

WAC 434-263-050 Brief adjudicative proceeding. (1)

The secretary shall designate a person to act as a presiding officer of a brief adjudicative hearing. A presiding officer may be:

- (a) The assistant or deputy secretary;
- (b) The director of elections;
- (c) An assistant director of the elections division;
- (d) Any county auditor; or
- (e) An administrative law judge.

The presiding officer shall not be from an office named in the complaint.

(2) Before issuing a determination on the complaint, the presiding officer shall give each party an opportunity to explain the party's view of the matter, including an opportunity to be informed of the secretary's view of the matter if applicable. A determination may be based upon written submissions and documents, unless a party or the presiding officer requests a hearing on the record within ten days after the filing of the complaint.

(3) The presiding officer may schedule a hearing on the record:

- (a) In person at a convenient location;
- (b) By conference telephone call; or
- (c) By such other method that permits the parties to hear and participate in the proceeding simultaneously.

Witnesses at a hearing shall be sworn upon oath. A party who requests a hearing but fails to make himself or herself available for hearing within the time available for initial determination shall be deemed to have waived the hearing.

(4) The presiding officer may permit or solicit the submission of written materials or oral presentations by persons who are not parties if the presiding officer determines that such submissions would be helpful in evaluating the complaint.

(5) The secretary shall establish and maintain the record of the proceedings as required by RCW 34.05.494. If a hearing on the record is conducted, the record shall include a transcript or audio recording of the hearing.

[Statutory Authority: RCW 29A.04.611, WSR 08-05-120, § 434-263-050, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610, WSR 04-16-037, § 434-263-050, filed 7/27/04, effective 8/27/04.]

WAC 434-263-060 Initial determination and remedies. (1)

The presiding officer shall render a written initial decision within seventy days after the complaint is filed, unless the complainant consents to a longer period. The determination shall include a statement as to whether, based upon a preponderance of the evidence, a violation of Title III has been established with regard to an election. If the presiding officer determines that a violation has occurred, the determination shall specify the appropriate remedy, if one exists. If the presiding officer determines that no violation has been established, the complaint shall be dismissed.

(2) The remedy awarded under this section shall be directed to the improvement of processes or procedures governed by Title III and must be consistent with state law. Remedies may include written findings that a violation of Title III has occurred and strategies for insuring that the violation does not occur again, as well as any other remedy available to the secretary under law. The remedy may not include any award of monetary damages, costs, penalties or attorney fees, and may not include the invalidation of any vote or ballot, or the invalidation, cancellation, or delay of any primary or election. Remedies addressing the validity of any primary or election or of any ballot or vote may be obtained only as otherwise provided by law.

(3) The initial determination shall include a summary of the process for obtaining an administrative review and shall include notice that judicial review may be available.

[Statutory Authority: RCW 29A.04.611, WSR 08-05-120, § 434-263-060, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610, WSR 04-16-037, § 434-263-060, filed 7/27/04, effective 8/27/04.]

WAC 434-263-070 Administrative review. (1) Any aggrieved party may request an administrative review of the initial determination. If the secretary does not receive a request, in writing, for an administrative review within twenty-one days of service of the initial determination then the initial determination automatically becomes a final determination. If the parties have not requested an administrative review, the secretary may review the presiding officer's adjudication on his or her own motion as provided by RCW 34.05.491.

(2) The reviewing officer may be the secretary, the assistant or deputy secretary, or the director of elections, except that the same person may not serve as both the presiding officer and reviewing officer. The reviewing officer shall give each party an opportunity to explain the party's view of the matter, but must render a final determination within ninety days after the original filing of the complaint unless the complainant consents to a longer period. The determination of the reviewing officer is final and no further administrative review is available. The final determination shall include notice that judicial review may be available.

[Statutory Authority: RCW 29A.04.610, WSR 04-16-037, § 434-263-070, filed 7/27/04, effective 8/27/04.]

WAC 434-263-080 Alternative dispute resolution. (1)

If a final determination is not rendered within ninety days after the filing of the complaint, or within such additional time to which the complainant may consent, then the complaint shall be transferred to a board of arbitration, which must resolve the complaint within sixty additional days, which may not be extended. The board of arbitration shall be composed of three members, designated by the secretary, at least two of whom must be county auditors or election managers. No two members of the panel may be employed by the same office, agency or other employer.

(2) The arbitrators shall review the record compiled in proceedings prior to the transfer, including the tape or transcript of any hearing, but may not conduct any further hearing or receive any additional testimony, evidence, or other submissions. The arbitrators shall determine the appropriate resolution of the complaint by majority vote. No further

administrative review is available, but the arbitrator's final determination shall include notice that judicial review may be available.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-263-080, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-080, filed 7/27/04, effective 8/27/04.]

WAC 434-263-090 Publication. All final determinations pursuant to WAC 434-263-070 shall be posted on the secretary's web site for at least ninety days.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-263-090, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-090, filed 7/27/04, effective 8/27/04.]

WAC 434-263-100 No necessity to exhaust administrative remedies. It is not necessary to exhaust any administrative remedies available under this chapter in order to pursue any other legal action provided by law.

[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-100, filed 7/27/04, effective 8/27/04.]

Chapter 434-264 WAC

RECOUNTS

(Formerly chapter 434-62 WAC)

WAC

434-264-005	Application.
434-264-010	Recount.
434-264-030	Observers.
434-264-055	Machine recount of votes cast on digital scan ballots.
434-264-060	Machine recount of votes cast on direct recording electronic devices.
434-264-070	Manual recount of votes cast on direct recording electronic devices.
434-264-080	Recount—Irregular votes.
434-264-090	Manual recount—Sorting.
434-264-100	Manual recount—Counting boards.
434-264-110	Manual recount—Process.
434-264-120	Recount—Interruption.
434-264-130	Recount—Completion.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-264-020	Recount—Restrictions. [Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-264-020, filed 9/1/09, effective 10/2/09; WSR 09-03-110, § 434-264-020, filed 1/21/09, effective 2/21/09; WSR 07-12-032, § 434-264-020, filed 5/30/07, effective 6/30/07.] Repealed by WSR 12-14-074, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611.
434-264-040	Observers—Designated. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-040, filed 5/30/07, effective 6/30/07.] Repealed by WSR 12-14-074, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611.
434-264-050	Observers—Priority. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-050, filed 5/30/07, effective 6/30/07.] Repealed by WSR 12-14-074, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611.

WAC 434-264-005 Application. This chapter applies to all contests subject to a recount pursuant to chapter 29A.64 RCW and to manual and machine recounts unless otherwise noted. In addition, each county auditor must promulgate written procedures regarding the conduct of a recount.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-005, filed 5/30/07, effective 6/30/07.]

WAC 434-264-010 Recount. (1) A recount is the process for retabulating the votes, including write-ins, for a specific office or issue on all valid ballots cast in a primary or election.

(2) All questions of voter registration, voter qualification, and voter intent previously considered during the original count shall not be reconsidered during a recount. If a ballot has been duplicated in accordance with WAC 434-261-005, the duplicate shall be counted.

(3) Prior to beginning the recount, the county auditor shall exercise due diligence to confirm that all returned ballots have been identified and reconciled, and that no ballots have been erroneously omitted from the original count.

(4) If any ballots or votes are discovered during the recount process that were erroneously not counted or canvassed during the original count or during a previous recount,

(7/2/12)

the ballots shall be presented to the county canvassing board in accordance with RCW 29A.60.050, and the county canvassing board shall determine whether such ballots are to be included in the recount.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-264-010, filed 7/2/12, effective 8/2/12; WSR 10-03-072, § 434-264-010, filed 1/18/10, effective 2/18/10; WSR 07-12-032, § 434-264-010, filed 5/30/07, effective 6/30/07.]

WAC 434-264-030 Observers. (1) Observers must be permitted to witness activities associated with the recount.

(2) In addition to the admittance of two observers for each side of a recount as required by RCW 29A.64.041, a county canvassing board is encouraged to request additional observers from each of the two major political parties, as space allows. If provided, the additional party observers may be stationed to observe each counting board's process and must be considered official observers of the recount.

(3) Priority for viewing space shall be given in the following order:

(a) Candidates or their designated representative, or the designated representative for the proponents and opponents of a ballot measure;

(b) Counsel for a candidate or ballot measure campaign;

(c) Designated party observers;

(d) Media;

(e) General public.

(4) Any questions or objections by observers must be directed toward the county canvassing board, supervisory personnel or another designated staff person present at the recount. Under no circumstance may an observer interrupt the recount process in objection to the decision to count or not count a ballot.

The county auditor shall provide any additional guidelines that are established by the county canvassing board to each observer.

The county canvassing board or its designated representative may ask any observer who is causing a disruption to the recount process to leave the area.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-264-030, filed 7/2/12, effective 8/2/12; WSR 07-12-032, § 434-264-030, filed 5/30/07, effective 6/30/07.]

WAC 434-264-055 Machine recount of votes cast on digital scan ballots. In a machine recount of votes cast on digital scan ballots, the tabulating equipment must be programmed to identify all ballots that include an undervoted office or ballot measure subject to the recount. All ballots identified must be inspected to confirm that no vote was cast. If the inspection detects a vote cast that was not correctly counted by the tabulating equipment, the county auditor shall

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refer the ballot to the county canvassing board consistent with WAC 434-261-070.

[Statutory Authority: RCW 29A.04.611, WSR 08-15-052, § 434-264-055, filed 7/11/08, effective 8/11/08.]

WAC 434-264-060 Machine recount of votes cast on direct recording electronic devices. Machine recounts must be conducted by reloading individual ballot data packs or cartridges. The county auditor must verify all data packs or cartridges have been loaded.

[Statutory Authority: RCW 29A.04.611, WSR 07-12-032, § 434-264-060, filed 5/30/07, effective 6/30/07.]

WAC 434-264-070 Manual recount of votes cast on direct recording electronic devices. In a manual recount, the county auditor must compare the paper records with the electronic results cast on direct recording electronic devices.

(1) Written procedures to perform manual recounts of direct recording electronic devices must be promulgated by the county auditor. The procedures for manually tabulating results must be conducted using a process that includes the following elements:

(a) A continuous paper record must be utilized; the paper record must not be cut into separate individual records;

(b) If a paper record indicates a ballot has been canceled, the ballot must be exempt from the recount; and

(c) If the paper records are incomplete, the ballot images stored on the direct recording electronic device must be printed and then compared to the electronic results recorded on the direct recording electronic device.

(2) If there is a discrepancy between the electronic results and the paper record results, the canvassing board must take necessary action to investigate and resolve the discrepancy. The canvassing board must prepare a public report that outlines the discrepancy and how it was resolved. The results as determined by the canvassing board must replace the electronic results in the official certification.

(3) If there is a discrepancy that cannot be resolved:

(a) The secretary of state must be notified immediately; and

(b) The vendor must be notified and required to provide a satisfactory explanation for the discrepancy within thirty days.

[Statutory Authority: RCW 29A.04.611, WSR 07-20-074, § 434-264-070, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-264-070, filed 5/30/07, effective 6/30/07.]

WAC 434-264-080 Recount—Irregular votes. For optical and digital scan ballots in which voter intent was not previously determined, the validity of the vote will be determined according to the statewide standards on determining voter intent manual required by WAC 434-261-086.

The county canvassing board must make the final determination of voter intent on ballots referred to the county canvassing board not addressed by the statewide standards on determining voter intent.

[Statutory Authority: RCW 29A.04.611, WSR 07-12-032, § 434-264-080, filed 5/30/07, effective 6/30/07.]

WAC 434-264-090 Manual recount—Sorting. All ballots must be sorted by precinct. If a results report from the

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original count or the previous machine recount can be produced by batch, ballots may be sorted by batch instead of precinct.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-264-090, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 07-12-032, § 434-264-090, filed 5/30/07, effective 6/30/07.]

WAC 434-264-100 Manual recount—Counting boards. Each county auditor shall establish the number of counting boards to conduct the recount. Each board shall be comprised of no less than two members, made up of:

(1) One representative from each of the two major political parties; or

(2) Two staff persons.

[Statutory Authority: RCW 29A.04.611, WSR 07-20-074, § 434-264-100, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-264-100, filed 5/30/07, effective 6/30/07.]

WAC 434-264-110 Manual recount—Process. The counting board may only count the responses for one race or measure at a time. The following process to count the ballots shall be used during a recount.

(1) Each counting board shall be given the ballots one precinct or batch at a time. The results from the original count shall not be given with the ballots. The precinct or batch number must be made available to any observers.

(2) The ballots shall be sorted into separate stacks for each of the candidates or side of a ballot measure. Additional stacks may be created for overvotes, undervotes, and write-ins.

(3) Each stack of ballots must be manually counted at least twice to confirm the number of votes in each stack. The results of the manual count shall not be shared until both persons have counted the ballots.

(4) Individual tallies for each stack shall be compared. If the manual counts match, the results shall be reported to the designated staff person and the results shall be compared to the results previously certified.

(5) If the two manual counts do not match, the ballots shall be counted by the same counting board one more time. If the manual counts still do not match, the discrepancy must be reported to the designated staff person and the ballots referred to another counting board.

[Statutory Authority: RCW 29A.04.611, WSR 09-12-078, § 434-264-110, filed 5/29/09, effective 6/29/09; WSR 07-12-032, § 434-264-110, filed 5/30/07, effective 6/30/07.]

WAC 434-264-120 Recount—Interruption. If the recount must be stopped prior to its completion for any reason, the ballots must be placed in secure storage until the resumption of the recount. The observers must be allowed to witness the sealing of the ballots and the recording of the seal numbers. Observers must also be allowed to witness the confirmation of the seal numbers at the resumption of the recount.

[Statutory Authority: RCW 29A.04.611, WSR 07-12-032, § 434-264-120, filed 5/30/07, effective 6/30/07.]

WAC 434-264-130 Recount—Completion. On completion of the recount:

(1) The county auditor must prepare an amended abstract of the recounted ballots for the county canvassing board. The amended abstract must include a revised cumulative summary, as well as the votes cast in each precinct for the office or measure that was recounted.

(2) The results must be formally reviewed and approved by the county canvassing board.

(3) If the results of the manual count do not match the results of the original count, the county canvassing board must verify all ballots have been recounted. The county canvassing board shall take all necessary steps to investigate and resolve any discrepancies.

(4) The county canvassing board must certify the amended abstract that, for each precinct, displays the results of the office that has been recounted. The new abstract must be included in the amended certified canvass report.

(5) Copies of the certified amended abstract must be distributed to the same persons or agencies as the original certified abstract of votes.

(6) The amended certified canvass report must be available to the public by the next business day following the recount.

(7) Interim reports of the recount may be published at the discretion of the county canvassing board.

(8) If the recount involves ballots from more than one county, the secretary of state may require that amended abstracts be certified by each county canvassing board on a uniform date.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-264-130, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-130, filed 5/30/07, effective 6/30/07.]

Chapter 434-291 WAC

SPECIAL ELECTIONS FOR MAJOR PUBLIC ENERGY PROJECT BOND MEASURES

(Formerly chapter 434-91 WAC)

WAC

434-291-010	Purpose.
434-291-020	Submission of a preliminary and a final cost-effectiveness study of a major public energy project.
434-291-030	Request for an election pursuant to RCW 80.52.040.
434-291-040	Designation of the bond issue on the ballot.
434-291-050	Ballot title.
434-291-060	Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title.
434-291-070	Actions to contest contents of the ballot title or summary of the final cost-effectiveness study.
434-291-080	Certification of the request for a special election to the county auditors.
434-291-090	Recommendations for committees to draft statements for the voters pamphlet.
434-291-100	Appointment of committees.
434-291-110	Advisory committees.
434-291-120	Submission of arguments and rebuttals.
434-291-130	Permissible costs in allocation of election expenses.
434-291-140	Allocation of costs.
434-291-150	Documentation of charges for proportional share of election costs.
434-291-160	Proportional costs of voters pamphlet and other costs to the secretary of state.
434-291-170	Reimbursement to counties for proportional share of election costs.

WAC 434-291-010 Purpose. The regulations in this chapter are adopted to implement the special election provisions of chapter 6, Laws of 1981 2nd ex. sess. (Initiative Measure 394) and chapter 88, Laws of 1982, in a manner reasonably consistent with the laws and procedures for referring initiatives, referendums, and constitutional amendments at a state general election.

[98-08-010, recodified as § 434-291-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-010, filed 5/25/82.]

WAC 434-291-020 Submission of a preliminary and a final cost-effectiveness study of a major public energy project. (1) Any public agency which intends to hold a special election pursuant to RCW 80.52.040 shall file with the secretary of state a preliminary, independent cost-effectiveness study of the project under consideration. This study shall be available for public inspection, review, and copying as provided by WAC 434-12A-040 through 434-12A-140.

(2) Any person who wishes to comment on the contents and conclusions of the preliminary cost-effectiveness study shall submit such comments in writing to the secretary of state no later than thirty days after the preliminary cost-effectiveness study was filed with the secretary of state. Copies of all such comments shall be promptly forwarded to the public agency which filed the preliminary cost-effectiveness study.

(3) After the thirty day period for public comment has expired, the public agency shall prepare a final draft of the cost-effectiveness study which includes any public comment

on the preliminary draft of that study. The final cost-effectiveness study and a summary of the final cost-effectiveness study shall be filed with the secretary of state no later than the date on which the public agency requests a special election pursuant to RCW 80.52.040.

[98-08-010, recodified as § 434-291-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-020, filed 5/25/82.]

WAC 434-291-030 Request for an election pursuant to RCW 80.52.040. Any public agency which desires to hold a special election pursuant to RCW 80.52.040 shall submit to the secretary of state a certified copy of the ordinance, resolution, order, or other evidence of legislative action requesting such an election and specifying:

(1) The name, location, and type of major public energy project, expressed in common terms;

(2) The dollar amount and type of bonds being requested;

(3) If the bond revenues are intended to finance the acquisition of all or a portion of a major public energy project, the anticipated total cost of the acquisition of the project;

(4) If the bond revenues are intended to finance the planning or construction of all or a portion of a major public energy project, the anticipated total cost of construction of the project;

(5) The projected average rate increase for consumers of the electricity to be generated by the project (that amount necessary to repay the total indebtedness incurred for the project, including estimated interest);

(6) A summary of the final cost effectiveness study as required by RCW 80.52.050(4);

(7) The anticipated functional life of the project;

(8) The anticipated decommissioning costs of the project;

(9) The reasons for requesting a special election; and

(10) If the applicant is a joint operating agency, a list of all of the participating public agencies which are a part of that joint operating agency and the names of the counties which contain all or parts of each of these public agencies.

[98-08-010, recodified as § 434-291-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-030, filed 5/25/82.]

WAC 434-291-040 Designation of the bond issue on the ballot. When a public agency submits a request for a special election pursuant to RCW 80.52.040, the secretary of state shall sequentially number each bond measure to appear on the ballot, beginning with the number "101," and shall designate each bond measure with the title, "Major Public

Energy Project Bond Measure" to distinguish it from other major public energy project bond measures and from other types of state measures. Such measure may be further designated on the ballot and in connection with the voters pamphlet arguments for and against the measure by any project name or number by which it is publicly known and identified.

[98-08-010, recodified as § 434-291-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-040, filed 5/25/82.]

WAC 434-291-050 Ballot title. Within seven days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the attorney general shall prepare and file with the secretary of state a ballot title for each major public energy project bond measure formulated as required by RCW 80.52.060.

[98-08-010, recodified as § 434-291-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-050, filed 5/25/82.]

WAC 434-291-060 Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title. The secretary of state shall furnish copies of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title promptly upon receipt to any individual who has submitted a written request for such notification.

[98-08-010, recodified as § 434-291-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-060, filed 5/25/82.]

WAC 434-291-070 Actions to contest contents of the ballot title or summary of the final cost-effectiveness study. Any registered voter may appeal to the superior court of Thurston County to review the contents of the ballot title or the summary of the final cost-effectiveness study on a major public energy project bond measure up to ten days following the filing of such document with the secretary of state. Such appeals shall be conducted in the same manner as appeals of ballot titles on initiatives as provided in RCW 29A.72.080.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-291-070, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-291-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-070, filed 5/25/82.]

WAC 434-291-080 Certification of the request for a special election to the county auditors. Within ten days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall certify the title of the measure and the ballot title to the county auditor in each county containing a portion of the public agency requesting the election.

[98-08-010, recodified as § 434-291-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-080, filed 5/25/82.]

WAC 434-291-090 Recommendations for committees to draft statements for the voters pamphlet. Any person who wishes to be appointed to serve on a committee to

draft the arguments in favor of or in opposition to a major public energy project bond measure or any person who wishes to recommend any individual to serve on such a committee may submit such request or recommendation in writing to the secretary of state up to ten days following the receipt of a request to hold a special election pursuant to WAC 434-91-030.

[98-08-010, recodified as § 434-291-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-090, filed 5/25/82.]

WAC 434-291-100 Appointment of committees. Within fifteen days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall appoint a committee of three persons to write the arguments and rebuttals in favor of the major public energy project bond measure and a committee of three persons to write the arguments and rebuttals in opposition to the major public energy project bond measure. The secretary of state shall designate one of the members of each committee to serve as the chairperson of that committee.

[98-08-010, recodified as § 434-291-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-100, filed 5/25/82.]

WAC 434-291-110 Advisory committees. The persons appointed to a committee to write arguments and rebuttals on a major public energy project may, within fifteen days of their appointment, select an advisory committee of up to five persons to assist them in drafting the arguments and rebuttals on that measure. The names of the members of the advisory committee shall be certified to the secretary of state by the chairperson of that committee within three days of their selection.

[98-08-010, recodified as § 434-291-110, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-110, filed 5/25/82.]

WAC 434-291-120 Submission of arguments and rebuttals. At least sixty days prior to the special election on the major public energy project bond measure, each committee appointed pursuant to WAC 434-91-100 shall submit an argument for or against that measure to the secretary of state in the form and style prescribed for other voters pamphlet statements in WAC 434-81-060 through 434-81-070. As soon as both arguments on a major public energy bond measure have been received, the secretary of state shall transmit each argument to the opposing committee. At least fifty days prior to the special election on the major public energy project bond measure, each committee shall submit a rebuttal of the opposing argument in the form and style prescribed for other voters pamphlet rebuttals in WAC 434-81-060 through 434-81-070.

[98-08-010, recodified as § 434-291-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-120, filed 5/25/82.]

WAC 434-291-130 Permissible costs in allocation of election expenses. County auditors may include in the election costs to be allocated pursuant to RCW 29A.04.420 any of the following types of charges:

(1) Salaries, wages, and benefits for precinct officers and part-time or temporary employees whose responsibilities are directly attributable to the election, and for that portion of the time of regular employees (other than the county auditor) which is directly attributable to the election;

(2) Supplies specifically required for the election, including stationery, forms, other office supplies, and items for the repair and maintenance of equipment;

(3) Telephone and postage costs which are directly attributable to the election;

(4) Cartage or freight charges for moving or delivering voting machines, voting devices, voting booths, or delivery of precinct supplies and travel expenses for delivery of precinct returns;

(5) Legal notices and published instructions in connection with the election, closing of registration, or canvassing;

(6) Printing of ballots, poll books, tally books, instructions, signs, and other precinct supplies;

(7) Repairs and maintenance of voting and vote tallying equipment;

(8) Rentals for polling places and storage facilities for voting machines or devices;

(9) Depreciation for voting equipment so long as such charges over the useful life of such equipment do not exceed the original value of the equipment;

(10) That portion of the overhead cost of buildings or office space which is equal to the total of such costs multiplied by the ratio of the number of employee hours directly attributable to the major public energy project bond measure and the total number of employee hours for that office;

(11) Data processing costs for programming related to the election and for machine time for program testing, and vote tallying.

[Statutory Authority: RCW 29A.04.610, WSR 04-15-089, § 434-291-130, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-291-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-130, filed 5/25/82.]

WAC 434-291-140 Allocation of costs. The portion of total election costs in each county which shall be allocated to the public agency requesting a special election pursuant to RCW 80.52.040 shall be equal to the total cost of conducting that election multiplied by a quotient the numerator of which is the product of the number of registered voters in that county eligible to vote on the major public energy project bond measure or measures and the number of such measures submitted at that election and the denominator of which is the sum of the products of the number of registered voters in each jurisdiction for which candidates or measures appeared on the ballot at that election and the number of offices or issues attributable to that jurisdiction.

[98-08-010, recodified as § 434-291-140, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-140, filed 5/25/82.]

WAC 434-291-150 Documentation of charges for proportional share of election costs. The county auditor of each county in which a major public energy project bond measure appeared on the ballot shall submit to the secretary of state a summary of the total cost of the election in that county, a description of the allocation of that cost among the

(7/16/04)

jurisdiction participating in that election and an invoice voucher for the proportional share of those costs attributable to the major public energy bond measure or measures. The secretary of state shall review and audit all such claims and combine them into one or more billings for the public agency which requested the election.

[98-08-010, recodified as § 434-291-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-150, filed 5/25/82.]

WAC 434-291-160 Proportional costs of voters pamphlet and other costs to the secretary of state. The secretary of state may include in the election costs to be allocated pursuant to RCW 80.52.050(5) any of the following types of charges:

(1) That portion of the salaries, wages, and benefits for regular employees (other than the secretary of state) and part-time or temporary employees which is directly attributable to the preparation and distribution of the voters pamphlet or other aspects of the administration and conduct of the major public energy project bond election;

(2) That portion of the cost of office supplies, equipment, telephones, postage, freight, travel, and data processing which is equal to the total of such costs multiplied by the ratio of the number of employee hours of the employees of the administrative division and the elections division of the office of the secretary of state directly attributable to the major public energy project bond measure and the total number of employee hours for such employees over the same period of time;

(3) That portion of the costs of typesetting, composition, printing, postage, and distribution of the voters pamphlet which is equal to the total of such costs multiplied by the ratio of the number of pages of the pamphlet directly attributable to the major public energy project bond measure and the total number of pages in the pamphlet; and

(4) The costs of any litigation related to the administration and conduct of a special election on a major public energy project bond measure other than for such actions which have been commenced prior to July 1, 1982.

The secretary of state shall include a detailed summary of any costs attributable to the major public energy project bond measure in one or more of the billings for the public agency which requested the election.

[98-08-010, recodified as § 434-291-160, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-160, filed 5/25/82.]

WAC 434-291-170 Reimbursement to counties for proportional share of election costs. Upon receipt of payment by the applicant, the secretary of state shall disburse the appropriate amounts to each county in the same manner as election costs are reimbursed pursuant to RCW 29A.04.420.

[Statutory Authority: RCW 29A.04.610, WSR 04-15-089, § 434-291-170, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-291-170, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-170, filed 5/25/82.]

Chapter 434-324 WAC

STATEWIDE VOTER REGISTRATION DATA BASE

(Formerly chapter 434-24 WAC)

WAC

<p>434-324-005 434-324-008 434-324-010</p> <p>434-324-020 434-324-026 434-324-031 434-324-034 434-324-036 434-324-040 434-324-045 434-324-055</p> <p>434-324-076 434-324-085 434-324-087 434-324-090 434-324-095 434-324-106 434-324-108</p> <p>434-324-111 434-324-113 434-324-115 434-324-118</p> <p>434-324-125 434-324-130 434-324-140 434-324-150 434-324-165</p>	<p>Definitions. Review of county election management systems. County election management system—Applications for voter registration.</p> <p>County codes. Voter registration form. Electronic voter registration. Confidentiality of protected records voter information. County-to-county transfers. Data transfer to secretary and registration status. Verification of applicant's identity. Duplicate voter registration search conducted by secretary.</p> <p>Voter registration updates. Acknowledgment notice. Confirmation notice. Cancellation due to death—Process. Cancellation due to death—Forms. Felony screening process. Incapacitated persons lacking voting rights—Notice from court.</p> <p>Voluntary cancellation of voter registration. Lacking the qualifications necessary to vote. Challenge of voter's registration. Data auditing of county voter election management system with the official statewide voter registration data base.</p> <p>Voter registration data base manual. Lists of registered voters for the public. Requests for list of registered voters. Retaining voter registration records. Disaster recovery and security plans.</p>	<p>434-324-060</p> <p>434-324-065</p> <p>434-324-075</p> <p>434-324-100</p> <p>434-324-105</p> <p>434-324-110</p> <p>434-324-120</p> <p>434-324-160</p>	<p>050, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-050, filed 6/3/74; Order 8, § 434-24-050, filed 6/15/72; Order 6, § 434-24-050, filed 3/3/72.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.</p> <p>Transmittal of signature cards to the secretary of state. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-060, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-060, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-060, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-060, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.</p> <p>Exemption of transmittal of signature cards to the secretary of state. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-065, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-324-065, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 20.04.080 and 29.07.120. WSR 97-18-014, § 434-24-065, filed 8/25/97, effective 9/25/97.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.</p> <p>Timelines for new and transfer registrations. [Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-324-075, filed 5/29/09, effective 6/29/09; WSR 06-14-050, § 434-324-075, filed 6/28/06, effective 7/29/06; WSR 05-24-039, § 434-324-075, filed 11/30/05, effective 12/31/05.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.</p> <p>Felony conviction—Notice from county clerk. [Statutory Authority: RCW 29A.04.611. WSR 06-11-041, § 434-324-100, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-100, filed 11/30/05, effective 12/31/05.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.</p> <p>Notification of cancellation. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-105, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-105, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-105, filed 6/3/74.] Repealed by WSR 99-08-089, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080 and 29.04.210.</p> <p>Transmittal of cancellations to the secretary of state. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-110, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-110, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-110, filed 6/3/74. Formerly WAC 434-24-110, Contents of precinct list of registered voters, Order 6, filed 3/3/72.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.</p> <p>Contents of precinct list of registered voters. [Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-120, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-120, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-120, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-120, filed 6/3/74; Order 6, filed 3/3/72.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.</p> <p>Review of automated voter registration systems. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150</p>
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

<p>434-324-015</p> <p>434-324-025</p> <p>434-324-030</p> <p>434-324-035</p> <p>434-324-050</p>	<p>Uniform control number. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-24-015, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-015, filed 6/3/74.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.</p> <p>Precinct codes. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-025, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-025, filed 6/3/74. Formerly WAC 434-24-030, Order 6, filed 3/3/72.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.</p> <p>Taxing district codes. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-030, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-030, filed 6/3/74. Formerly WAC 434-24-040, Order 6, filed 3/3/72.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.</p> <p>Maintenance of recent voting record. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-035, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-035, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-035, filed 6/3/74.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.</p> <p>Basic voter registration form. [Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-050, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-</p>	<p>434-324-105</p> <p>434-324-110</p> <p>434-324-120</p> <p>434-324-160</p>
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- and 29.79.200. WSR 97-21-045, recodified as § 434-324-160, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-160, filed 6/3/74.] Repealed by WSR 05-24-039, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.611.
- 434-324-190 Voter registration at driver's license facilities. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-190, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
- 434-324-200 Registration procedure. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-200, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
- 434-324-210 Oaths and warnings. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-210, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
- 434-324-220 Transfer of information from the department of licensing to the secretary of state. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-220, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
- 434-324-230 Weekly transmittal of data from the department of licensing to the secretary of state. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-230, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
- 434-324-240 Transfer of data, and reports from the secretary of state to the county auditors. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-240, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
- 434-324-250 Transfer of voter registration forms to counties. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-250, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.
- 434-324-260 Processing records received from the secretary of state. [Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-324-260, filed 5/30/07, effective 6/30/07.] Repealed by WSR 09-18-098, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611.

WAC 434-324-005 Definitions. As used in this chapter:

- (1) "Active status" means a designation assigned to voters with complete voter registration records signifying that the voter is eligible to vote.
- (2) "Applicant" means a person who has applied, or is applying, to become a registered voter in the state of Washington.
- (3) "Auditor" means "county auditor" and means the county auditor in a noncharter county or the officer in a charter county, irrespective of title, having the overall responsibility to maintain voter registration to conduct state and local elections.
- (4) "County election management system" means software used by county auditors to manage computer files pertaining to elections and includes, but is not limited to, voter registration records.
- (5) "County registration number" means an identifier assigned to each registered voter by the county auditor.
- (6) "Electronic registration" means the electronic submission of voter registration applications.
- (7) "Extraction," as used in this chapter, means the creation of an electronic list of specific information from the entire official statewide voter registration data base.

(8) "New county" means a county in Washington state that a registered voter is moving to from another county within Washington state.

(9) "Previous county" means a county in Washington state that a registered voter lived in prior to moving to a new county.

(10) "Pending status" means a voter registration record is not yet complete, and the applicant is not yet a registered voter.

(11) "Pending cancellation" means the registered voter's registration record must be canceled within a specified amount of time and he or she is not eligible to vote.

(12) "Registered voter" means any elector who has completed the statutory registration procedures established by Title 29A RCW.

(13) "Secretary" means secretary of state or any other person authorized by the secretary of state to act on his or her behalf.

(14) "State registration number" means a unique identifier assigned to each registered voter by the state, pursuant to RCW 29A.08.125.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-005, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-005, filed 9/1/09, effective 10/2/09; WSR 07-24-044, § 434-324-005, filed 11/30/07, effective 12/31/07; WSR 07-12-032, § 434-324-005, filed 5/30/07, effective 6/30/07; WSR 05-24-039, § 434-324-005, filed 11/30/05, effective 12/31/05.]

WAC 434-324-008 Review of county election management systems. (1) Each auditor must notify the secretary of the intent to purchase or install a new county election management system. The county election management system must be approved by the secretary to ensure it meets the technical specifications promulgated by the secretary to interface with the official statewide voter registration data base. This approval must be obtained prior to the purchase or installation of the system.

(2) A county election management system must have the capability to:

- (a) Store information required in WAC 434-324-010;
- (b) Generate a list of registered voters in a county and their registration statuses;
- (c) Track information specific to single elections, including the issuance and return of ballots;
- (d) Scan voter registration forms; and
- (e) Store and provide access to images of signatures of registered voters.

(3) A county's election management system must conform to all of the requirements of state law and of these regulations, and if it does not, the secretary must notify the auditor of the nature of the nonconformity. The auditor must correct the nonconforming aspects of the county election management system and provide to the secretary such evidence of the change or changes in the system as the secretary may deem appropriate.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-008, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-008, filed 9/1/09, effective 10/2/09; WSR 05-24-039, § 434-324-008, filed 11/30/05, effective 12/31/05.]

WAC 434-324-010 County election management system—Applications for voter registration. (1) Each auditor must enter and maintain voter registration records in the official statewide voter registration data base by using a county election management system. Each record must contain at least the following information from the voter registration application in a format compatible with the official statewide voter registration data base:

- (a) Name;
- (b) Complete residential address;
- (c) Complete mailing address;
- (d) County registration number;
- (e) State registration number;
- (f) Gender;
- (g) Date of birth;
- (h) Date of registration;
- (i) Applicable district and precinct codes;
- (j) Elections in which the individual has voted, if available;

(k) Washington state driver license number, Washington state identification card number, and/or the last four digits of the applicant's Social Security number; and

(l) A scanned image file (format .tiff) of the applicant's signature.

(2) In the case of an applicant who provides a copy of one of the alternative forms of identification listed in RCW 29A.08.107 for registration purposes, the auditor must either maintain a scanned image of the identifying document or make a notation in the registration record indicating which alternative form of identification was provided to the auditor. Pursuant to RCW 29A.08.710, a scanned image of the identification is not available for public inspection or copying.

(3)(a) If a voter registration application is incomplete, the county auditor may use other government resources and public records to confirm the missing information, except if the missing information is the applicant's signature or confirmation of United States citizenship. The county auditor may also attempt to contact the applicant by phone, e-mail or other means to obtain identification information.

(b) If, after these attempts, the county auditor is still unable to obtain the incomplete information, the county auditor must send the applicant a verification notice as defined by RCW 29A.08.030.

(4) Upon entry of an applicant's information, the auditor must check for duplicate entries.

(5) Each auditor must have a quality assurance program to maintain accurate data entry into the statewide voter registration data base.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-010, filed 9/1/09, effective 10/2/09; WSR 07-24-044, § 434-324-010, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-324-010, filed 1/3/07, effective 2/3/07; WSR 06-11-041, § 434-324-010, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-010, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-010, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-010, filed 6/3/74; Order 6, § 434-24-010, filed 3/3/72.]

WAC 434-324-020 County codes. All auditors shall use the following system of two character codes for designating the county in which the voter is registered:

- (1) Adams: AD;
- (2) Asotin: AS;
- (3) Benton: BE;
- (4) Chelan: CH;
- (5) Clallam: CM;
- (6) Clark: CR;
- (7) Columbia: CU;
- (8) Cowlitz: CZ;
- (9) Douglas: DG;
- (10) Ferry: FE;
- (11) Franklin: FR;
- (12) Garfield: GA;
- (13) Grant: GR;
- (14) Grays Harbor: GY;
- (15) Island: IS;
- (16) Jefferson: JE;
- (17) King: KI;
- (18) Kitsap: KP;
- (19) Kittitas: KS;
- (20) Klickitat: KT;
- (21) Lewis: LE;
- (22) Lincoln: LI;
- (23) Mason: MA;
- (24) Okanogan: OK;
- (25) Pacific: PA;
- (26) Pend Oreille: PE;
- (27) Pierce: PI;
- (28) San Juan: SJ;
- (29) Skagit: SK;
- (30) Skamania: SM;
- (31) Snohomish: SN;
- (32) Spokane: SP;
- (33) Stevens: ST;
- (34) Thurston: TH;
- (35) Wahkiakum: WK;
- (36) Walla Walla: WL;
- (37) Whatcom: WM;
- (38) Whitman: WT; and
- (39) Yakima: YA.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-24-039, § 434-324-020, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-020, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-020, filed 6/3/74; Order 6, § 434-24-020, filed 3/3/72.]

WAC 434-324-026 Voter registration form.

instructions

You must be a United States citizen to register to vote.

how to register to vote or update a registration

Please print all information clearly using black or blue pen.

Mail or deliver this form to your County Elections Office. Addresses are on the reverse side.

for more information

online www.vote.wa.gov
call 1-800-448-4881
visit your County Elections Office

This registration will be in effect for the next election if postmarked or delivered no later than the Monday four weeks before Election Day.

If you miss this deadline, please contact your County Elections Office.

You will receive your ballot by mail. Contact your County Elections Office for in-person voting options.

If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to 5 years, a fine of up to \$10,000, or both.

Your name, address, gender and date of birth are public information.

12/2011

Washington State Voter Registration Form

register online at www.myvote.wa.gov

qualifications

if you mark no to either of these questions, do not complete this form

yes no I am a citizen of the United States of America.
 yes no I will be at least 18 years old by the next election.

personal information

last name first middle

date of birth (mm / dd / yyyy) male female

residential address (in Washington)

city ZIP

mailing address (if different than residential address)

city state / ZIP

email address (optional) phone number (optional)

I am in the Armed Forces (includes National Guard and Reserves).
 I am a U.S. citizen living outside the U.S.

Washington driver license / state ID #

if you do not have a Washington driver license or state ID card, provide the last four digits of your Social Security number

x x x - x x -

declaration

I declare that the facts on this voter registration form are true. I am a citizen of the United States, I am not presently denied the right to vote as a result of being convicted of a felony, I will have lived in Washington at this address for 30 days immediately before the next election at which I vote, and I will be at least 18 years old when I vote.

sign here [] date here []

former registration

if you are already registered and are changing your name or address, fill out this section (this information will be used to update your registration)

former last name first middle

former residential address city state / ZIP

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-324-026, filed 7/2/12, effective 8/2/12; WSR 10-03-072, § 434-324-026, filed 1/18/10, effective 2/18/10.]

WAC 434-324-031 Electronic voter registration. (1)
The secretary of state's electronic voter registration web page must have the capability to:

(a) Reject applicants without a Washington state driver's license or state identification card;

(b) Require the applicant to affirmatively assent to the use of his or her driver's license or state identification card signature for voter registration purposes;

(c) Require the applicant to attest to the truth of the information provided on the application;

(d) Retrieve a digital copy of each applicant's driver's license or state identification card signature from the department of licensing and include it with the other information required for each applicant's voter registration; and

(e) Electronically transfer all information required for each applicant's voter registration to his or her county auditor for entry into the statewide voter registration data base through the county election management system.

(2) Once election registration information is entered into county election management systems, the same timelines and processes used for registration by mail apply to electronic registration. A county auditor may allow voters registering in person at the county auditor's office between twenty-nine days before an election and eight days before an election to register using the electronic voter registration system.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-031, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-324-031, filed 11/30/07, effective 12/31/07.]

WAC 434-324-034 Confidentiality of protected records voter information. All records pertaining to a protected records voter shall be maintained in a manner that ensures that the records are accessible only to authorized personnel. Information for a protected records voter shall not be maintained on any voter registration data base and shall not be publicly accessible, except as provided by chapter 40.24 RCW.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-324-034, filed 1/21/09, effective 2/21/09.]

WAC 434-324-036 County-to-county transfers. A registered voter may transfer his or her registration to another county by submitting a new voter registration application, or returning a signed confirmation notice that provides the new address. The minimum information necessary to complete the transfer to the new county is:

- (1) Name;
- (2) Residential address;
- (3) A signature on the oath in RCW 29A.08.230; and
- (4) Either date of birth, county voter ID number, or state voter ID number.

The new county may request additional information to confirm that the registration application is a transfer.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-324-036, filed 7/2/12, effective 8/2/12; WSR 10-03-072, § 434-324-036, filed 1/18/10, effective 2/18/10.]

WAC 434-324-040 Data transfer to secretary and registration status. (1) Following entry into the county election management system, all information in the application for voter registration must be transferred electronically to the secretary for identity verification. The secretary must assign the application a state identification number.

(2) If the applicant provided a Washington driver's license number or state identification card number, the appli-

cant's identity is verified with the department of licensing. If the applicant provided the last four digits of his or her Social Security number, the applicant's identity is verified with the Social Security Administration through the department of licensing.

(3) If the applicant's identity is not verified in the computerized verification process, the secretary must notify the county election management system accordingly. The county auditor must first confirm the accuracy of the information entered in the county election management system from the voter registration application. The county auditor must correct any errors and again attempt to verify the applicant's identity automatically.

(4) If the applicant provided a Washington driver's license number or state identification number and the identity is not verified in the computerized verification process, the information on the application may be considered a "match" if the number on the application exactly matches a number issued by the department of licensing, and it is clear to the county auditor that the information on the application describes the person on the department of licensing record. Reasons that the county auditor may conclude that the information on the application describes the person on the department of licensing record include, but are not limited to, the following:

(a) The first, middle, or last name on the application is a variation of the first, middle, or last name in the department of licensing record;

(b) The first, middle, or last name has transposed letters or another typographical error on the application or in the department of licensing record;

(c) The first and last names are transposed on the application or in the department of licensing record;

(d) The first and middle names are transposed on the application or in the department of licensing record;

(e) The applicant has a compound or hyphenated name which is not accurately or completely set forth on the application or in the department of licensing record;

(f) The first or middle name is abbreviated with initials on the application or in the department of licensing record;

(g) The last name on the application and the last name in the department of licensing record are not the same but, based on other information, the county auditor concludes that one of the names is a maiden name or a former name of the same person; or

(h) The month and day of the applicant's date of birth are transposed on the application or in the department of licensing record.

If the county auditor concludes that the information on the application describes the person on the department of licensing record, the county auditor must override the computerized failure to verify and must note the reason it is considered a match. The county auditor must place the applicant on the official list of registered voters in active status.

(5) If the applicant's identity is not verified in the computerized verification process, either because the information did not match or because the applicant claimed he or she did not have a driver's license or Social Security number, the applicant must be provisionally registered pursuant to RCW 29A.08.107. The registration record must be flagged as still

requiring verification of the applicant's identity before the applicant's ballot may be counted.

[Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-324-040, filed 9/1/09, effective 10/2/09; WSR 07-24-044, § 434-324-040, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-324-040, filed 1/3/07, effective 2/3/07; WSR 06-14-050, § 434-324-040, filed 6/28/06, effective 7/29/06; WSR 05-24-039, § 434-324-040, filed 11/30/05, effective 12/31/05.]

WAC 434-324-045 Verification of applicant's identity. (1) If the applicant is provisionally registered pursuant to WAC 434-324-040(5), the county auditor may use other government resources and public records to confirm the applicant's driver's license or state identification card number or the last four digits of the applicant's Social Security number. The county auditor may also attempt to contact the applicant by phone, e-mail or other means to obtain identification information.

(2) If, after these attempts, the county auditor is still unable to verify the applicant's identity, the county auditor must send the applicant an identification notice at the time of registration that includes a postage prepaid, preaddressed form by which the applicant may verify or send information. The identification notice must include:

(a) A statement explaining that because the applicant's identity cannot be verified with the information provided on the application, he or she is provisionally registered to vote.

(b) A statement explaining that if this information is not provided, the applicant's ballot will not be counted.

(c) A statement explaining that federal law requires the applicant to provide a copy of one of the following forms of identification either before or when they vote:

- (i) A Washington driver's license or state ID card;
- (ii) The last four digits of his or her Social Security number;
- (iii) Valid photo identification;
- (iv) A valid enrollment card of a federally recognized tribe in Washington;
- (v) A current utility bill, or a current bank statement;
- (vi) A current government check;
- (vii) A current paycheck; or
- (viii) A government document, other than a voter registration card, that shows both the registrant's name and current address.

(3) If the applicant responds with updated driver's license, state ID card, or Social Security information, or with a copy of one of the alternative forms of identification, the flag on the voter registration record must be removed, allowing the applicant's ballot to otherwise be counted the first time he or she votes after registering.

(4) If the applicant fails to respond with adequate documentation to verify his or her identity, the applicant's voter registration record must remain flagged. The applicant must be notified at the time of each election that the ballot will not be counted unless he or she provides adequate verification of identity.

(5) A provisional registration must remain on the official list of registered voters for at least two general elections for federal office. If, after two general elections for federal office, the voter still has not verified his or her identity, the provisional registration shall be canceled.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-045, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-045, filed 9/1/09, effective 10/2/09; WSR 09-12-078, § 434-324-045, filed 5/29/09, effective 6/29/09; WSR 09-03-110, § 434-324-045, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-324-045, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-324-045, filed 1/3/07, effective 2/3/07.]

WAC 434-324-055 Duplicate voter registration search conducted by secretary. Upon receipt of an applicant's electronic voter registration record from the auditor, and on a monthly basis, the secretary must search for potential duplicate registration records in the official statewide voter registration data base by comparing the applicant's name and date of birth or other identifying information provided by the applicant on the voter registration form. Duplicates will be determined by comparing the signatures on all available records. If a voter is transferring his or her registration to a new county or if any other information on the application has been updated, the auditor of the new county must update the registration record in the state data base. A duplicate registration record must not be maintained as a new registration record.

[Statutory Authority: RCW 29A.04.611. WSR 07-02-100, § 434-324-055, filed 1/3/07, effective 2/3/07; WSR 06-11-041, § 434-324-055, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-055, filed 11/30/05, effective 12/31/05.]

WAC 434-324-076 Voter registration updates. If a voter submits a registration transfer to a new county by the statutory deadline, but the voter's previous county issues the voter a ballot before the transfer is processed and the voter votes the ballot issued by the previous county, the previous county must treat the voted ballot as if it is a provisional ballot and forward it to the voter's new county. The previous county does not need to forward the ballot if none of the races or issues on the voted ballot from the previous county is on a ballot in the voter's new county.

[Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-324-076, filed 7/6/10, effective 8/6/10.]

WAC 434-324-085 Acknowledgment notice. (1) The auditor must send an acknowledgment notice to an individual by nonforwardable, address correction requested mail if an individual:

- (a) Registers to vote;
- (b) Transfers his or her registration record within the county;
- (c) Transfers his or her registration record from another county within Washington state; or
- (d) Changes from one precinct to another because of a change in precinct boundaries.

(2) The acknowledgment notice must include:

- (a) Voter's full name;
- (b) Mailing address;
- (c) County name;
- (d) Precinct name and/or number; and
- (e) The date the voter registered.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-085, filed 9/1/09, effective 10/2/09; WSR 07-02-100, § 434-324-085, filed 1/3/07, effective 2/3/07; WSR 06-11-041, § 434-324-085, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-085, filed 11/30/05, effective 12/31/05.]

Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-085, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-085, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-085, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-085, filed 6/3/74.]

WAC 434-324-087 Confirmation notice. (1) A confirmation notice sent to an inactive voter must be sent by first-class forwardable mail, and must include a response form that:

- (a) Is preaddressed and postage prepaid;
- (b) Includes either the voter's date of birth, county voter ID number, or state voter ID number;
- (c) Asks the voter to verify his or her current address; and
- (d) Asks the voter to sign the oath in RCW 29A.08.230.

County auditors may use an existing stock of confirmation notices until December 31, 2012.

(2) If the response indicates that the voter has moved within the county, the auditor must transfer the voter's registration and send the voter an acknowledgment notice.

(3)(a) If the response indicates that the voter has moved to another county within Washington and the confirmation notice contains the minimum information required by WAC 434-324-036, the county auditor shall not cancel the voter but must immediately forward the confirmation notice to the county auditor in the voter's new county. The county auditor in the voter's new county must register the voter using the information and signature on the confirmation notice. The new county must transfer the registration from the old county to the new county and send the voter an acknowledgment notice.

(b) If the response indicates that the voter has moved to another county within Washington but the confirmation notice does not contain the minimum information required by WAC 434-324-036, the county auditor shall not cancel the voter but must send the voter a registration application.

(4)(a) If the response indicates that the voter has moved out-of-state and the response is signed, the county auditor must cancel the voter.

(b) If the response indicates that the voter has moved out-of-state but is not signed, the county auditor shall not cancel the voter.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-324-087, filed 7/2/12, effective 8/2/12.]

WAC 434-324-090 Cancellation due to death—Process. (1) An auditor must cancel the voter registration records of a deceased voter as authorized by RCW 29A.08.510.

(2) In addition to comparing a list of deceased persons prepared by the registrar of vital statistics with voter registration records pursuant to RCW 29A.08.510, the secretary may also compare voter registration records with deceased persons information from the Social Security Administration. Comparisons must be conducted on a monthly basis. For any potential matches identified through the registrar of vital statistics or Social Security Administration, the secretary must confirm that the dates of birth are identical. The secretary must generate a county list of matching names, identified as potentially deceased voters, and provide the names to each auditor electronically. The auditor must review the list within

five days and approve or reject the proposed cancellations. The secretary may assist the auditor with this review.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-090, filed 9/1/09, effective 10/2/09; WSR 06-11-041, § 434-324-090, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-090, filed 11/30/05, effective 12/31/05.]

WAC 434-324-095 Cancellation due to death—Forms. Pursuant to RCW 29A.08.510, the auditor must furnish to the public upon request forms for the purpose of permitting registered voters to request that the voter registration record of any person, whom they personally know to be deceased, be canceled.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-095, filed 9/1/09, effective 10/2/09; WSR 05-24-039, § 434-324-095, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-095, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-095, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-095, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-095, filed 6/3/74.]

WAC 434-324-106 Felony screening process. (1) The law on when the right to vote is restored following a felony conviction is established in RCW 29A.08.520. Three times a year, the secretary must compare the voter registration records to lists of felons who are either incarcerated or on community supervision with the Washington state department of corrections, and to lists of felons convicted in federal district courts with a sentence of at least fifteen months incarceration. The secretary must create a list of felon voters by matching the first name, last name, date of birth, and other identifying information.

(2) For each felon voter, the secretary must change the voter's registration status to "pending cancellation." This change of status must be entered prior to the first extraction or pull of mail ballots. The official statewide voter registration data base must automatically notify the county election management system of the change. Voters with pending cancellation status must not be issued a ballot.

(3) The secretary must mail a notification letter to each felon whose status is pending cancellation. The notification letter must be sent to the felon's last known registration mailing address and, if the person is incarcerated or on community supervision with the department of corrections, to the offender's department of corrections address indicating that his or her voter registration is about to be canceled. The letter must contain language notifying the felon that he or she must contact the auditor's office to contest the pending cancellation. The letter must also inform the felon that he or she may request a provisional ballot for any pending elections. The notification letter must include:

(a) An explanation that a felon loses the right to vote until the right is restored;

(b) For a conviction in a Washington state court, the right to vote is restored as long as the felon is not serving a sentence of confinement or subject to community custody with the department of corrections. For a conviction in another state or federal court, the right to vote is restored as long as the felon is no longer incarcerated;

(c) The reason the felon has been identified as ineligible to vote;

(d) An explanation that the felon's voter registration will be canceled due to the felony conviction; and

(e) How to contest the pending cancellation. The secretary must send to each auditor the voter registration and conviction information for each matched felon registered in that county.

(4) If the felon fails to contact the auditor within thirty days, the felon's voter registration must be canceled. If an election in which the felon would otherwise be eligible to vote is scheduled to occur during the thirty days, the felon must be allowed to vote a provisional ballot.

(5) The felon's eligibility status may be resolved and the pending cancellation status reversed without scheduling a hearing if the felon provides satisfactory documentation that the felon's voting rights have been restored, the conviction is not a felony, the person convicted is not the registered voter, or the felon is otherwise eligible to vote. The auditor must notify the voter, retain a scanned copy of all documentation provided, and notify the secretary. The secretary must flag the voter registration record to prevent future cancellation on the same basis.

(6) If the felon requests a hearing, the auditor must schedule a public hearing to provide the felon an opportunity to dispute the finding. In scheduling the hearing, the auditor may take into account whether an election in which the felon would otherwise be eligible to vote is scheduled. The notice must be mailed to the felon's last known registration mailing address and must be postmarked at least seven calendar days prior to the hearing date. Notice of the hearing must also be provided to the prosecuting attorney.

(7) The auditor must provide the prosecuting attorney a copy of all relevant registration and felony conviction information. The prosecuting attorney must obtain documentation, such as a copy of the judgment and sentence or custody or supervision information from the Washington department of corrections, the out-of-state court or prison, or the federal court or Bureau of Prisons, sufficient to prove by clear and convincing evidence that the felon is ineligible to vote. It is not necessary that the copy of the document be certified.

(8) If the prosecuting attorney is unable to obtain sufficient documentation to ascertain the felon's voting eligibility in time to hold a hearing prior to certification of an election in which the felon would otherwise be eligible to vote, the prosecuting attorney must request that the auditor dismiss the current cancellation proceedings. The auditor must reverse the voter's pending cancellation status, cancel the hearing, and notify the voter. A provisional ballot voted in the pending election must be counted if otherwise valid. The prosecuting attorney must continue to research the felon's voting eligibility. If the prosecuting attorney is unable to obtain sufficient documentation to ascertain the felon's voting eligibility prior to the next election in which the felon would otherwise be eligible to vote, the prosecuting attorney must notify the auditor. The auditor must notify the secretary, who must flag the voter registration record to prevent future cancellation on the same basis.

(9) A hearing to determine voting eligibility is an open public hearing pursuant to chapter 42.30 RCW. If the hearing occurs within thirty days before, or during the certification period of, an election in which the felon would otherwise be eligible to vote, the hearing must be conducted by the county

canvassing board. If the hearing occurs at any other time, the county auditor conducts the hearing. Before a final determination is made that the felon is ineligible to vote, the prosecuting attorney must show by clear and convincing evidence that the voter is ineligible to vote due to a felony conviction. The felon must be provided a reasonable opportunity to respond. The hearing may be continued to a later date if continuance is likely to result in additional information regarding the felon's voting eligibility. If the felon is determined to be ineligible to vote due to felony conviction and lack of rights restoration, the voter registration must be canceled. If the voter is determined to be eligible to vote, the voter's pending cancellation status must be reversed and the secretary must flag the voter registration record to prevent future cancellation on the same basis. The felon must be notified of the outcome of the hearing and the final determination is subject to judicial review pursuant to chapter 34.05 RCW.

(10) If the felon's voter registration is canceled after the felon fails to contact the auditor within the thirty day period, the felon may contact the auditor at a later date to request a hearing to dispute the cancellation. The auditor must schedule a hearing in substantially the same manner as provided in subsections (6) through (9) of this section.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-106, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-324-106, filed 1/18/10, effective 2/18/10; WSR 09-18-098, § 434-324-106, filed 9/1/09, effective 10/2/09; WSR 06-23-094, § 434-324-106, filed 11/15/06, effective 12/16/06; WSR 05-24-039, § 434-324-106, filed 11/30/05, effective 12/31/05.]

WAC 434-324-108 Incapacitated persons lacking voting rights—Notice from court. Upon receipt of a court order declaring an incapacitated person does not retain voting rights as outlined in RCW 11.88.010, the auditor must search his or her county election management system to determine whether the person is a registered voter. If the auditor determines the incapacitated person's name and other identifying information match, he or she must cancel the incapacitated person's voter registration and send notification to the secretary through the county election management system. After canceling an incapacitated person's registration, the auditor must send a cancellation notice to the incapacitated person using the last known address.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-324-108, filed 7/2/12, effective 8/2/12; WSR 06-11-041, § 434-324-108, filed 5/10/06, effective 6/10/06.]

WAC 434-324-111 Voluntary cancellation of voter registration. A voter may cancel his or her own voter registration by submitting a signed written notification to the auditor for the county in which he or she is registered to vote. Prior to cancellation of such a registration record, the auditor must ensure the signature on the notification matches the signature in the voter registration file by utilizing criteria outlined in WAC 434-379-020.

[Statutory Authority: RCW 29A.04.611. WSR 05-24-039, § 434-324-111, filed 11/30/05, effective 12/31/05.]

WAC 434-324-113 Lacking the qualifications necessary to vote. (1) If, at any time, the secretary finds that a registered voter does not possess the qualifications required by

state law to exercise his or her right to vote for reasons not listed in this chapter, the secretary must refer such information to the appropriate county auditor and county prosecutor.

(2) If, at any time, the auditor finds that a registered voter does not possess the qualifications required by state law to exercise his or her right to vote for reasons not listed in this chapter, the auditor must notify the county prosecutor.

[Statutory Authority: RCW 29A.04.611, WSR 09-18-098, § 434-324-113, filed 9/1/09, effective 10/2/09; WSR 08-15-052, § 434-324-113, filed 7/11/08, effective 8/11/08; WSR 06-11-041, § 434-324-113, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-113, filed 11/30/05, effective 12/31/05.]

WAC 434-324-115 Challenge of voter's registration.

All county auditors and the secretary of state shall furnish to the public on request forms substantially similar to the sample included below for the purpose of allowing a registered voter to challenge the registration of another voter pursuant to RCW 29A.08.810 through 29A.08.850.

VOTER REGISTRATION CHALLENGE

AFFIDAVIT

I, declare under penalty of perjury under the laws of the State of Washington that I am a registered voter in the State of Washington and that I hereby challenge the voter registration of:

Name Registered Address

I have personal knowledge and belief that this person is not qualified to vote or does not reside at the address given on his or her voter registration record, as evidenced below. I have exercised due diligence to personally verify the evidence presented.

REASON FOR CHALLENGE

Check the appropriate box below. The voter:

- Is not a U.S. Citizen.
- Will not be at least eighteen years old by the next election.
- Has been convicted of a felony and his or her right to vote has not been restored.
- Has been judicially declared ineligible to vote due to mental incompetency.
- Does not reside at the address at which he or she is registered to vote, in which case I am submitting either:
 - 1) The address at which the challenged voter actually resides:
or
 - 2) Evidence that I exercised due diligence to verify that the voter does not reside at the address provided and to attempt to contact the voter to learn the voter's actual residence. I personally:
 - Sent a letter with return service requested to all known addresses for the voter;

- Visited the voter's residential address to contact persons at the address to determine if the voter actually resides there. If I was able to contact anyone who owns, manages, resides, or is employed at the address, I am submitting a signed affidavit from that person stating that, to his or her personal knowledge, the voter does not reside at the address;
- Searched local telephone directories to determine whether the voter maintains a telephone listing at an address within the county;
- Searched county auditor property records to determine whether the voter owns any property in the county; **and**
- Searched the statewide voter registration data base to determine if the voter is registered at any other address in the state.

List the evidence for the challenge:

Signature of Challenger Date and Place Signed

Address City, State, Zip

Attach all necessary documentation.

FILING A VOTER REGISTRATION CHALLENGE

General Information

The registration of a person as a voter is presumptive evidence of that person's right to vote. A voter registration challenge cannot be based on unsupported allegations or allegations by anonymous third parties. All documents pertaining to a challenge are public records. A challenge may be dismissed if it is not in proper form or if the reason is not grounds for a challenge. The challenge process is established in RCW 29A.08.810 through 29A.08.850. Residency requirements are established in Article VI, section 4 of the Washington state Constitution, RCW 29A.04.151 and 29A.08.112.

Who May File a Challenge and When

A registered voter or the prosecuting attorney may file a challenge. To affect an upcoming election, the challenge must be filed at least forty-five days before the election. However, if the challenged voter registered less than sixty days before the election or moved less than sixty days before the election without transferring the registration, the challenge must be filed at least ten days before the election or ten days after the voter registered, whichever is later.

Exceptions to the Residency Requirements

A voter does not lose his or her voting residency if absent due to state or federal employment, military service, school attendance, confinement in a public prison, out-of-state business, or navigation at sea. A voter who lacks a traditional residential address, such as a person who resides in a shelter, park, motor home or marina, is assigned a precinct based on the voter's physical location.

The Hearing

The county auditor notifies the voter and challenger of the hearing date and time. The voter and challenger may either appear in person or submit testimony by affidavit. The county auditor presides over the hearing, unless the challenge was filed during the forty-five days before an election, in which case the county canvassing board presides over the hearing. The challenger has the burden to prove by clear and convincing evidence that the voter's registration is improper. The voter has an opportunity to respond. The final decision may only be appealed in superior court.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-115, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-324-115, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.08.850. WSR 05-17-094, § 434-324-115, filed 8/15/05, effective 9/15/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-115, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-115, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-115, filed 6/3/74.]

WAC 434-324-118 Data auditing of county voter election management system with the official statewide voter registration data base. Each auditor must perform data audits of its county election management system to ensure all of its data matches data in the official statewide voter registration data base. The data audits must be performed on a periodic basis and must be performed within a reasonable amount of time prior to an election.

During data auditing, the auditor must transfer voter registration records from the county election management system to the official statewide voter registration data base for verification of voter status. The official statewide voter registration data base must verify that the voter status provided by the county election management system matches the voter status in the official statewide voter registration data base. Upon completion of this verification process, the voter's registration status is either:

(1) Confirmed, and the county is authorized to issue a ballot to the voter; or

(2) Denied because the official statewide voter registration data base indicates the voter's registration record is in pending or canceled status. The auditor must update the county election management system with the appropriate voter status. The voter is not authorized to vote.

In addition, the county election management system must update the statewide voter registration data base with the appropriate voter information.

[Statutory Authority: RCW 29A.04.611. WSR 05-24-039, § 434-324-118, filed 11/30/05, effective 12/31/05.]

WAC 434-324-125 Voter registration data base manual. The secretary of state and each county auditor must con-

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duct voter registration list maintenance, process online voter registrations, motor voter registrations and agency-based registrations, and update registrations according to procedures and instructions in the voter registration data base online help manual.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-125, filed 12/6/11, effective 1/6/12.]

WAC 434-324-130 Lists of registered voters for the public. (1) Pursuant to the provisions of RCW 29A.08.710, 29A.08.720 and 29A.08.740, the auditor or secretary must furnish to any person, upon request, the current list of registered voters at actual reproduction cost. The auditor or secretary may also provide a list of canceled voters. Auditors may combine these lists. The auditor or secretary may, upon request, select names and addresses from the voter registration records on the basis of the precinct code, the district code, date of registration, or voting history of each individual voter in that portion of the voter registration file. Such lists must contain the information prescribed in RCW 29A.08.710 for each registered voter and may be in printed or electronic form.

(2) Such voter registration lists may not be used for commercial purposes. The person making the request must be provided a copy of RCW 29A.08.740.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-130, filed 9/1/09, effective 10/2/09; WSR 06-23-094, § 434-324-130, filed 11/15/06, effective 12/16/06; WSR 06-11-041, § 434-324-130, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-130, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-130, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-130, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-130, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-130, filed 6/3/74; Order 6, filed 3/3/72.]

WAC 434-324-140 Requests for list of registered voters. The auditor or secretary may require each person who requests a list of registered voters under the authority of RCW 29A.08.720 and WAC 434-324-130 to sign a request which includes penalty requirements as set forth in RCW 29A.08.720 and 29A.08.740.

[Statutory Authority: RCW 29A.04.611. WSR 05-24-039, § 434-324-140, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-140, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-140, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-140, filed 6/3/74. Formerly WAC 434-24-130.]

WAC 434-324-150 Retaining voter registration records. The secretary and each county must retain the voter registration records according to a retention schedule approved by the state or local records committee and promulgated by the archives division of the secretary's office. On an annual basis, the secretary must copy all voter registration records from the statewide voter registration data base after each general election. By December 31st of each year, the secretary must transfer the copy to the state archives division for permanent retention. This copy will contain all voter registration records in the statewide voter registration data base, including active, inactive, and canceled records.

(7/2/12)

[Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-324-150, filed 6/28/06, effective 7/29/06; WSR 05-24-039, § 434-324-150, filed 11/30/05, effective 12/31/05.]

WAC 434-324-165 Disaster recovery and security plans. The secretary must maintain disaster recovery and security plans for the voter registration data base. A copy of the plans must be stored offsite. Both plans are exempt from public disclosure pursuant to RCW 42.56.420.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-165, filed 9/1/09, effective 10/2/09; WSR 06-11-041, § 434-324-165, filed 5/10/06, effective 6/10/06.]

Chapter 434-335 WAC

VOTING SYSTEMS

(Formerly chapter 434-333 WAC)

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Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.

- 434-335-480 Optical scan ballot marking code program test. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-480, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.
- 434-335-490 Poll site-based optical scan ballot counter preparation and testing. [Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-490, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-490, filed 8/29/05, effective 9/29/05.] Repealed by WSR 11-24-064, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630.
- 434-335-500 Poll site-based optical scan ballot counter test notices, observers, and log of process. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-500, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.
- 434-335-530 Direct recording electronic test ballot selection—State primary and general election. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-530, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.
- 434-335-570 Direct recording electronic system logic and accuracy test notices, and observers. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-570, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.
- 434-335-580 Poll site-based direct recording electronic voting device preparation and testing. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-580, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.
- 434-335-590 Poll site-based direct recording electronic device test notices, observers, and log of process. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-590, filed 8/29/05, effective 9/29/05.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.
- 434-335-600 Parallel monitoring test. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-600, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
- 434-335-610 Parallel monitoring test decks. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-610, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
- 434-335-620 Parallel monitoring test observers. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-620, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
- 434-335-630 Parallel monitoring test certification. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-630, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.
- 434-335-640 Post election test. [Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-640, filed 8/29/05, effective 9/29/05.] Repealed by WSR 06-11-042, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611.

WAC 434-335-005 Broken or missing seals. If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

[Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-335-005, filed 6/28/06, effective 7/29/06.]

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STATE CERTIFICATION OF VOTING SYSTEMS

WAC 434-335-010 Certification of voting equipment. All voting systems, voting devices, and vote tallying systems must meet applicable federal standards and be certified and approved by the secretary of state before they can be used in Washington state pursuant to RCW 29A.12.020.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-335-010, filed 5/30/07, effective 6/30/07; WSR 06-14-050, § 434-335-010, filed 6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-010, filed 8/29/05, effective 9/29/05.]

WAC 434-335-020 Voting systems review board. The voting systems review board may review voting systems for certification and make recommendations to the secretary of state based upon those reviews. The voting systems review board consists of five members, and may include independent experts in computer science or information technology, recognized experts in election administration, and representatives of the public at large. Members of the voting systems review board are appointed by the secretary of state to staggered two year terms. Appointees may be reappointed to serve more than one term. The secretary of state may appoint a new member to fill any vacancy on the board for the remainder of the unexpired term. The duties of the voting systems review board include reviewing an application for certification, as provided in WAC 434-335-090, conducting a public hearing on the application, as provided in WAC 434-335-100, and making recommendations on the application to the secretary of state, as provided in WAC 434-335-110.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-020, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-020, filed 8/29/05, effective 9/29/05.]

WAC 434-335-030 Initial application for certification. Any person or corporation (applicant) owning or representing a voting system or a vote tabulating system, part of a system, equipment, materials or procedure may apply in writing to the secretary of state for certification.

(1) The application must include, but is not limited to, the following information:

(a) A description of the applicant, business address, and list of election products;

(b) A description of the equipment or software under review, the equipment or software version numbers and operating and maintenance manuals.

(2) The secretary of state may request the applicant provide additional information such as:

(a) Customer references, training materials, and technical and operational specifications;

(b) A copy of a letter from the applicant to each voting system test laboratory which authorizes the voting system test laboratory to discuss testing procedures and findings with the secretary of state.

(3) All documents, or portions of documents, containing proprietary information are not subject to public disclosure. The secretary of state must agree to use proprietary information solely for the purpose of analyzing and testing the system, and to the extent permitted by law, may not use the proprietary information or disclose it to any other person or agency without the prior written consent of the applicant.

(12/6/11)

[Statutory Authority: RCW 29A.04.611, WSR 10-03-072, § 434-335-030, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-335-030, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-335-030, filed 11/30/07, effective 12/31/07; WSR 07-20-074, § 434-335-030, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611, 2006 c 344, WSR 07-09-035, § 434-335-030, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611, WSR 05-18-022, § 434-335-030, filed 8/29/05, effective 9/29/05.]

WAC 434-335-040 Voting system requirements. (1)

No voting device or its component software may be certified by the secretary of state unless it:

- (a) Secures to the voter secrecy in the act of voting;
- (b) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;
- (c) Correctly registers all votes cast for any and all persons and for or against any and all measures;
- (d) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for President and Vice-President of the United States;
- (e) Produces a machine countable and human readable paper record for each vote that may be accepted or rejected by the voter before finalizing his or her vote. The paper record of an electronic vote may not be removed from the device by the voter. If the voting device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by the voter; and
- (f) Has been tested and approved by the appropriate voting system test laboratory approved by the United States election assistance commission.

(2) No vote tabulating system may be certified by the secretary of state unless it:

- (a) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;
 - (b) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;
 - (c) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each ballot measure on the ballot in that precinct;
 - (d) Produces precinct and cumulative totals in printed form; and
 - (e) Produces legislative and congressional district totals for statewide races and issues in electronic and printed form.
- (3) A vote tabulating system must:
- (a) Be capable of being secured with lock and seal when not in use;
 - (b) Be secured physically and electronically against unauthorized access;
 - (c) Not be connected to, or operated on, any electronic network including, but not limited to, internal office networks, the internet, or the world wide web. A network may be used as an internal, integral part of the vote tabulating system but that network must not be connected to any other network, the internet, or the world wide web; and
 - (d) Not use wireless communications in any way.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-335-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 09-03-110, § 434-335-040, filed 1/21/09, effective 2/21/09; WSR 08-15-052, § 434-335-040, filed 7/11/08, effective

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8/11/08; WSR 06-11-042, § 434-335-040, filed 5/10/06, effective 6/10/06; WSR 05-18-022, § 434-335-040, filed 8/29/05, effective 9/29/05.]

WAC 434-335-050 Closing an incomplete application. Upon receipt of an application, the secretary of state examines the application for completeness. If the application is not complete, the secretary of state must notify the applicant in writing of the information required to complete the application. Notification must occur within thirty days of receipt of the application. If all requested information is not received within thirty days of the written notification, the secretary of state deems the application closed. Closure of an application does not prevent the applicant from submitting a new application to the secretary of state.

[Statutory Authority: RCW 29A.04.611, WSR 05-18-022, § 434-335-050, filed 8/29/05, effective 9/29/05.]

WAC 434-335-060 Examination of equipment. Secretary of state staff will initiate an examination of the applicant's equipment after receiving a completed application and a working model of the equipment, documentation, and software to be reviewed.

The examination verifies that the system or equipment meets all applicable federal guidelines, and consists of a series of functional application tests designed to ensure that the system or equipment meets Washington state law and rules. The software tested shall be the approved software from the voting system test laboratory.

The examination may include an additional voting system test laboratory test at the discretion of the secretary of state. The examination shall include the set-up and conduct of mock elections, including a machine recount. The elections must feature at least ten precincts, with at least ten ballots in each precinct, and must test split precincts, partisan and non-partisan offices, and contests that allow the voter to vote for multiple candidates. The tests must include ballots of various ballot styles, and include multiple candidates, write-in candidates and overvoted contests.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-335-060, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 10-03-072, § 434-335-060, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-335-060, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-335-060, filed 11/30/07, effective 12/31/07; WSR 05-18-022, § 434-335-060, filed 8/29/05, effective 9/29/05.]

WAC 434-335-070 Additional information and equipment required. The vendor shall provide a working model of the equipment under review for the duration of the examination.

[Statutory Authority: RCW 29A.04.611, WSR 08-05-120, § 434-335-070, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-070, filed 8/29/05, effective 9/29/05.]

WAC 434-335-090 Voting systems review board evaluation. The voting systems review board evaluation must include, but is not limited to:

- (1) A review of statutory requirements;
- (2) A review of applicable federal standards;
- (3) A review of the approved qualification test results released directly to the secretary of state by the federally approved voting system test laboratory;

(4) If applicable, a review of reports or other materials from prior hearings on the proposed system, procedure, or modification, either in whole or in part;

(5) A review of the report produced by the secretary of state upon completion of the examination of the voting system;

(6) If applicable, a review of any procedures manuals, guidelines, or other materials issued for use with the system;

(7) A review of any effect the application will have on the security of the voting system;

(8) A review of any effect the application will have on the accuracy of the voting system;

(9) A review of any effect the application will have on the ease and convenience with which voters use the system;

(10) A review of any effect the application will have on the timeliness of vote reporting; and

(11) A review of any effect the application will have on the overall efficiency of the voting system.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-090, filed 1/21/09, effective 2/21/09; WSR 08-05-120, § 434-335-090, filed 2/19/08, effective 3/21/08.]

WAC 434-335-100 Public hearing. The voting systems review board must conduct a public hearing, scheduled at the convenience of the secretary of state and voting systems review board. At the public hearing, the applicant may demonstrate the equipment and explain its function. The applicant must be available to answer questions from the voting systems review board and the public. The applicant may be asked to submit answers in writing if the voting systems review board is not satisfied with the completeness of answers given at the hearing.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-100, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-100, filed 8/29/05, effective 9/29/05.]

WAC 434-335-110 Voting systems review board report. Following the review and public hearing, the voting systems review board may recommend for or against certification of the voting system under review. The board may also recommend that certification be contingent upon fulfillment of specific conditions or procedures with the purchase or use of the voting system in this state.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-110, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-110, filed 8/29/05, effective 9/29/05.]

WAC 434-335-120 Certification may be conditioned. Certification of a voting system may be contingent upon fulfillment of additional conditions or procedures.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-120, filed 8/29/05, effective 9/29/05.]

WAC 434-335-130 Issuance of certification. Based on the examination of the voting system and the recommendations of the secretary of state staff and the voting systems review board, the secretary of state may issue a certification of the system if the secretary of state determines that the system meets all requirements for certification. The certification must include any conditions or procedures that the secretary of state deems necessary for the system to comply with

Washington state law and practice. The secretary of state must notify all county auditors of the certification within thirty days.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-130, filed 8/29/05, effective 9/29/05.]

WAC 434-335-140 Failure to meet certification requirements. If the secretary of state determines that the voting system fails to meet any of the requirements for certification, the applicant must be notified and allowed thirty days to submit another version of the voting system for examination and testing.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-140, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-140, filed 8/29/05, effective 9/29/05.]

WAC 434-335-150 Modification of certified equipment. After a voting system is certified, any improvements or changes to the system must be submitted to the secretary of state for certification. The secretary of state will determine if the modifications require state testing and a review board hearing, or if the changes may be certified administratively.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-150, filed 1/18/10, effective 2/18/10; WSR 05-18-022, § 434-335-150, filed 8/29/05, effective 9/29/05.]

WAC 434-335-160 Modification of certified equipment, guidelines for administrative approval. The secretary of state may approve an application for modification of certified equipment administratively if the modification does not:

- (1) Materially affect the lawful conduct, accuracy, efficiency, capacity or security of elections;
- (2) Materially and adversely affect the convenience to the voter of the elections process; or
- (3) Otherwise result in significant modification to existing procedures used in Washington by extending the equipment's functionality.

A modification approved administratively does not require examination or review by the voting systems review board.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-160, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-160, filed 8/29/05, effective 9/29/05.]

WAC 434-335-170 Application for certification of modified voting systems or devices. The application to certify a modification of an existing certified system must include, but is not limited to, the following information:

- (1) Description of the applicant;
- (2) Description of the equipment or software under review, the modification, and all version numbers;
- (3) All changes to the operating and maintenance manuals;
- (4) Reports for all tests conducted on the modification by a voting system test laboratory;
- (5) Documentation that the modification meets all applicable federal voting equipment guidelines;
- (6) A complete description, in operational and technical detail, of all differences between the previously certified

equipment or system and the modified equipment or system, prepared by the applicant.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-170, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-335-170, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-170, filed 8/29/05, effective 9/29/05.]

WAC 434-335-180 Recertification of modified voting systems or devices. If the system, or its components, is found to be sufficiently modified under the guidelines of WAC 434-335-160 that it requires an examination of the equipment by the voting systems review board and a public hearing, the secretary of state must notify the applicant in writing that the applicant must initiate the certification process outlined in WAC 434-335-030 through 434-335-130.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-180, filed 8/29/05, effective 9/29/05.]

WAC 434-335-190 Restricted period. No modification, change, or other alteration to voting or vote tabulating system, equipment, or component may be installed in a county between June 15th and November 30th of the same year without permission from the secretary of state. Such permission must be specific to the change and to the county making the change.

[Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-335-190, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-335-190, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 06-11-042, § 434-335-190, filed 5/10/06, effective 6/10/06; WSR 05-18-022, § 434-335-190, filed 8/29/05, effective 9/29/05.]

WAC 434-335-210 Application information for emergency approval. A county auditor may apply in writing to the secretary of state for emergency approval of a modification of an existing certified system. The application must include a complete description of the modification that is required and an explanation of why failure to modify the system materially affects the lawful conduct, efficiency, accuracy, or security of the upcoming election. The application must also explain why the emergency cannot be adequately remedied with procedural processes.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-210, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-210, filed 8/29/05, effective 9/29/05.]

WAC 434-335-212 Emergency approval. Emergency approval for a modification of an existing voting or vote tabulating system or equipment may be obtained from the secretary of state if failure to modify the system could materially affect the lawful conduct, efficiency, accuracy, or security of an upcoming election.

If, after reviewing the application, the secretary of state determines that an emergency exists, the examination and testing of the proposed modification is expedited to meet the needs of the upcoming election. The secretary of state develops a test plan and audit procedures to ensure the modified system does not adversely affect the lawful conduct, efficiency, accuracy, or security of the upcoming elections. The secretary of state may consult with the voting systems review board. The requirement that the modification be certified by a voting system test laboratory is waived for an emergency

approval. An emergency approval of a modification must state the time period it is in effect.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-212, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-212, filed 8/29/05, effective 9/29/05.]

WAC 434-335-214 Public notice of emergency approval. The secretary of state must notify all county auditors of the emergency approval within five days of approving the application. Such notice shall also be posted to a public forum such as the secretary of state's web site.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-214, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-214, filed 8/29/05, effective 9/29/05.]

WAC 434-335-220 Final approval. Pursuant to WAC 434-335-150, the applicant must submit to the secretary of state a modification that incorporates a permanent fix to the problem covered by the emergency approval. The modification must be submitted in time to be approved under the normal modification application procedures provided in WAC 434-335-150 through 434-335-180.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-220, filed 8/29/05, effective 9/29/05.]

WAC 434-335-230 Judicial review of agency action. Any of the following decisions entered pursuant to this chapter are final decisions of the secretary of state as to which no further review by the agency is available, subject to judicial review pursuant to chapter 34.05 RCW:

- (1) The issuance or denial of certification pursuant to WAC 434-335-130;
- (2) The issuance or denial of administrative approval of a modification pursuant to WAC 434-335-160;
- (3) The issuance or denial of recertification of a modified system or component pursuant to WAC 434-335-180 and 434-335-220.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-230, filed 8/29/05, effective 9/29/05.]

WAC 434-335-240 Acceptance testing of voting systems and equipment. Whenever a county auditor acquires a new system or an upgrade to an existing system that has been certified by the secretary of state, the county must perform acceptance tests of the equipment before it may be used to count votes at any election. The equipment must operate correctly, pass all tests, and be substantially the same as the equipment certified by the secretary of state. The minimum testing standards are described as follows:

- (1) The model number, version number, release number, and any other number, name or description that identifies the product must be the same as the identifying numbers for the product already certified by the secretary of state.
- (2) The county must receive all manuals and training necessary for the proper operation of the system.
- (3) For new hardware or hardware upgrades, the county must test the functionality of the hardware to verify the hardware works as designed. The test must include operating the hardware and submitting it to a series of assessments that determine the hardware works, performs, and functions as intended.

Acceptance testing and installation of the equipment may occur only between December 1st and September 15th of each year.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-240, filed 1/18/10, effective 2/18/10; WSR 09-12-078, § 434-335-240, filed 5/29/09, effective 6/29/09; WSR 05-18-022, § 434-335-240, filed 8/29/05, effective 9/29/05.]

WAC 434-335-250 Inclusion of the Election Assistance Commission standards for voting equipment. The Election Assistance Commission standards concerning voting systems and software escrow are hereby included by reference, except where otherwise modified by these rules and the *Revised Code of Washington*.

[Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-335-250, filed 5/29/09, effective 6/29/09; WSR 09-03-110, § 434-335-250, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-250, filed 8/29/05, effective 9/29/05.]

WAC 434-335-260 Decertification of voting systems and vote tabulating systems. (1) The secretary of state may decertify a voting system or vote tabulating system or any component thereof and withdraw authority for its future use or sale in Washington if, at any time after certification the secretary of state determines that:

(a) The system or component fails to meet the standards set forth in applicable federal guidelines or state statutes or rules;

(b) The system or component was materially misrepresented in the certification application; or

(c) The applicant has installed unauthorized modifications to the certified software or hardware.

(2) The secretary of state must provide written notice of intent to decertify to the original applicant or its successor, if known, to all county auditors, and to the public. The notice must specify the reasons why the certification of the system may be rescinded. The applicant or successor or any county auditor may, within thirty days after the issuance of the notice, file with the secretary of state a written explanation as to why the system or component should not be decertified. The secretary of state may extend or shorten the time for filing of a written explanation for good cause. After reviewing the explanation, the secretary of state may either discontinue the decertification process, in which case the system or component remains certified, or schedule a public hearing pursuant to subsection (3) of this section. If no explanation is timely filed, the secretary of state may either discontinue the decertification process or issue a final order pursuant to subsection (4) of this section.

(3) A decertification proceeding shall constitute an adjudicative proceeding pursuant to chapter 34.05 RCW.

(a) The secretary of state adopts the model rules of procedure as set forth in chapter 10-08 WAC, except as they may be inconsistent with this chapter. The proceeding may be conducted as an emergency adjudicative proceeding pursuant to RCW 34.05.479 if the secretary of state finds that immediate action is required to preserve the integrity of the electoral process.

(b) The secretary of state shall designate the presiding officer.

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(c) The certification remains valid pending resolution of the administrative proceeding, unless the secretary of state finds, following notice and opportunity for written or oral input, which may be expedited, that the public interest requires that the decertification should take effect on a temporary basis pending hearing.

(d) The argument in favor of decertification may be presented by an employee of the secretary of state or by an assistant attorney general. Other parties may be represented by a certified election administrator or by any person permitted to appear by WAC 434-180-560.

(4) The presiding officer or secretary shall enter an order specifying the system or component at issue, whether or not it is decertified, the effective date of any decertification, and explain the basis for the decision. The effective date of decertification shall not be less than five days after the entry of the order, but may be delayed to any reasonable date. An order issued by the secretary pursuant to subsection (2) of this section is a final order. An order issued by the presiding officer is regarded as an initial order unless the secretary of state, assistant secretary of state, deputy secretary of state, or director of elections presides, in which case the decision of the presiding officer shall be final and no further review is available within the agency.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-260, filed 8/29/05, effective 9/29/05.]

LOGIC AND ACCURACY TESTS

WAC 434-335-270 Definition of official logic and accuracy test. As used in this chapter, "official logic and accuracy test" means the test performed in accordance with RCW 29A.12.130 for all voting systems used.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-270, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-270, filed 8/29/05, effective 9/29/05.]

WAC 434-335-280 Logic and accuracy test conduct. The county must provide adequate personnel to properly operate the ballot counting equipment. Whenever possible, the equipment should be operated during the test by the same person or persons who will be responsible for the ballot count on election day. If any error in programming or mechanical function is detected, the cause must be determined and corrected, and an errorless test completed before the primary or election.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-280, filed 8/29/05, effective 9/29/05.]

WAC 434-335-290 Logic and accuracy test observers. The official logic and accuracy test must be observed by at least one representative of each major political party, if representatives have been appointed by the parties and are present at the test. The party observers must be instructed as election observers by the county auditor. The official logic and accuracy test must be open to candidates, the press, and the public. If any observer hinders or disturbs the logic and accuracy test process, the observer may be removed from the test area. An observer who has been removed from a logic and accuracy test may also be barred from future tests. The

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absence of observers may not delay or stop the test from being conducted.

[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-290, filed 8/29/05, effective 9/29/05.]

WAC 434-335-300 Logic and accuracy testing of voting systems and equipment. (1) At least three days before each state primary or general election, the office of the secretary of state must test the programming of the vote tabulating system to be used at that primary or election. The test must verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot. The test must also verify that the machines are functioning to specifications.

(2) County auditors must conduct the test in the same manner as subsection (1) of this section for special elections not held in conjunction with a state primary or general election. The secretary of state is not represented at the tests for special elections.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-300, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-300, filed 8/29/05, effective 9/29/05.]

WAC 434-335-310 Procedure for conduct of primary or general election emergency logic and accuracy test. If the official logic and accuracy test cannot be completed at the scheduled time and place, an emergency test must be scheduled by the county auditor. The emergency test must be conducted and properly completed prior to the processing of any official ballots through the tabulating system. If no representative of the office of the secretary of state is able to attend the emergency test, the county auditor and another member of the county canvassing board or their designated representative must observe the test and certify the results. Observers and notification must be provided pursuant to WAC 434-335-290 and 434-335-320.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-310, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-310, filed 8/29/05, effective 9/29/05.]

WAC 434-335-320 Logic and accuracy test scheduling and preparation—State primary and general election. Prior to each state primary and general election, the office of the secretary of state must prepare a schedule of logic and accuracy tests. The office of the secretary of state must contact each county auditor at least thirty days before the primary or general election to schedule the test. The county auditor must notify the parties, press, public, and candidates of the date and time of the test.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-320, filed 2/19/08, effective 3/21/08; WSR 06-14-048, § 434-335-320, filed 6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-320, filed 8/29/05, effective 9/29/05.]

WAC 434-335-330 Logic and accuracy test certification. (1) The county auditor or deputy, the secretary of state representative, and any political party observers must certify that the test of voting systems that will be used in the primary or general election was conducted in accordance with RCW 29A.12.130. This certification must include verification that the version numbers for all software, firmware, and hardware

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of the voting system used have not changed from the certified versions. Copies of this certification must be retained by the secretary of state and the county auditor and may be posted by electronic media. All test results, test ballots, and a copy of the tabulation programming or the actual tabulation equipment must be kept in secure storage employing the use of numbered seals and logs or other security measures that will detect any inappropriate access to the materials until the day of the primary or election. These items may be sealed and stored separately.

(2) For special elections not held in conjunction with a state primary or general election, the secretary of state is not represented and does not retain a copy of the certification. The county auditor or deputy and any political party observers must certify that the test of voting systems that will be used in the special election was conducted in accordance with RCW 29A.12.130. This certification must include verification that the version numbers for all software, firmware, and hardware of the voting system used have not changed from the certified versions. Copies of this certification must be retained by the county auditor and may be posted by electronic media. All test results, test ballots, and a copy of the tabulation programming must be kept in secure storage, employing the use of numbered seals and logs or other security measures that will detect any inappropriate access to the materials until the day of the primary or election. These items may be sealed and stored separately.

(3) If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-335-310.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-330, filed 2/19/08, effective 3/21/08; WSR 06-14-048, § 434-335-330, filed 6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-330, filed 8/29/05, effective 9/29/05.]

OPTICAL AND DIGITAL SCAN SYSTEMS

WAC 434-335-430 Definition. "Target area" means the area on the ballot for optical and digital scan voting systems, as specified in the instructions, in which the voter may place a mark to indicate a vote.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-430, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-430, filed 8/29/05, effective 9/29/05.]

WAC 434-335-440 Logic and accuracy pre-test—State primary and general election—Optical and digital scan systems. The county is responsible for preparing and testing the vote tabulating system prior to the official logic and accuracy test. This pretesting must be completed prior to the official logic and accuracy test and prior to using the equipment to process ballots.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-440, filed 2/19/08, effective 3/21/08; WSR 06-14-048, § 434-335-440, filed 6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-440, filed 8/29/05, effective 9/29/05.]

WAC 434-335-445 The preparation of logic and accuracy test decks. (1) Each county shall produce a test deck of ballots to be used in the official logic and accuracy

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test to verify that the vote tabulating system is programmed to correctly count the ballots.

(2) The pattern to mark the test deck shall begin by giving the first candidate in each race one vote, the second candidate in each race two votes, the third candidate in each race three votes, etc. Once the pattern is completed for each race and issue, each remaining precinct or ballot style must be tested by using a minimum of one ballot that has a first choice marked for each race and issue. Additional votes may be added to ensure all responses for a race or issue have unique results. Another pattern may be used if it meets the requirements outlined in this section and is approved by the secretary prior to marking the test deck.

(3) The test deck must also test that the vote tabulating system is programmed to accurately count write-in votes, overvotes and blank ballots. The test deck must also include a sampling of all ballots that will be used during the election, including ballot on demand, alternative language ballots, and ballots marked with an electronic ballot marker.

[Statutory Authority: RCW 29A.04.611, WSR 08-15-052, § 434-335-445, filed 7/11/08, effective 8/11/08; WSR 08-05-120, § 434-335-445, filed 2/19/08, effective 3/21/08; WSR 06-14-048, § 434-335-445, filed 6/28/06, effective 7/29/06.]

WAC 434-335-450 Optical and digital scan test ballot selection—State primary and general elections. A matrix of a county's test deck and a sample ballot must be sent to the office of the secretary of state by the fourteenth day prior to the official logic and accuracy test. Prior to the test, the office of the secretary of state must review the provided matrix to determine if it is prepared in accordance with WAC 434-335-445 and if the representative ballot sample of ballot styles is sufficient to cover all offices and issues appearing in the election.

[Statutory Authority: RCW 29A.04.611, WSR 08-05-120, § 434-335-450, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-450, filed 8/29/05, effective 9/29/05.]

ELECTRONIC VOTING SYSTEMS

WAC 434-335-510 Definitions. "Calibration" is the touch screen setting on an accessible voting unit with touch screen capability that controls the target area.

"Direct recording electronic device" is a device that electronically records a voter's choices.

"Electronic ballot marker" is a device that physically marks a voter's choices on a preprinted paper ballot.

"Target area" is each area on the ballot where the voter's choices are recorded.

"Touch screen" is a type of computer interface on a voting device that allows the voter to make a choice by touching the screen.

[Statutory Authority: RCW 29A.04.611, WSR 10-03-072, § 434-335-510, filed 1/18/10, effective 2/18/10; WSR 08-05-120, § 434-335-510, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-510, filed 8/29/05, effective 9/29/05.]

WAC 434-335-520 Logic and accuracy testing of accessible voting units. (1) The logic and accuracy test of accessible voting units must be completed before they may be used for marking or casting ballots. Counties must com-

plete the testing to have in-person accessible voting available starting eighteen days before the day of a primary or election.

(2) This test serves as the official logic and accuracy test. A log must be created during the test, recording the time of each test, the precinct numbers, the seal number, the machine number, and the initials of each person testing the system. The log must be included in the official logic and accuracy test materials. This process is open to observation and subject to all notices and observers pursuant to WAC 434-335-290 and 434-335-320.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630, WSR 11-24-064, § 434-335-520, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, WSR 10-03-072, § 434-335-520, filed 1/18/10, effective 2/18/10; WSR 08-05-120, § 434-335-520, filed 2/19/08, effective 3/21/08; WSR 06-14-048, § 434-335-520, filed 6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-520, filed 8/29/05, effective 9/29/05.]

WAC 434-335-540 Touch screen calibration adjustment standards and tests. Prior to each state primary and election, the calibration settings of each device using touch screen technology must be tested to ensure that the target areas are functioning within system standards.

[Statutory Authority: RCW 29A.04.611, WSR 08-05-120, § 434-335-540, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-540, filed 8/29/05, effective 9/29/05.]

WAC 434-335-550 Direct recording electronic target area tests. Each county employing a direct recording electronic voting device must conduct a test to confirm that the target area indicated on each ballot face is programmed correctly. If the direct recording electronic device is going to be employed as an electronic ballot marker, the county must follow the requirements of WAC 434-335-560. Otherwise, the county must test all ballot styles on at least one device to ensure that the programming is correctly counting and accumulating every office, measure, and selection by the voter.

[Statutory Authority: RCW 29A.04.611, WSR 10-03-072, § 434-335-550, filed 1/18/10, effective 2/18/10; WSR 08-05-120, § 434-335-550, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-550, filed 8/29/05, effective 9/29/05.]

WAC 434-335-560 Electronic ballot marker test. Each county employing an electronic ballot marker must conduct a test to confirm the target area indicated on each ballot face is programmed correctly. The county must test all ballot styles on at least one device to ensure the programming is correctly marking the target area for every office, measure, and selection by the voter.

[Statutory Authority: RCW 29A.04.611, WSR 08-05-120, § 434-335-560, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-560, filed 8/29/05, effective 9/29/05.]

AUTOMATED SIGNATURE VERIFICATION SYSTEMS

WAC 434-335-605 Initial application for approval. Any vendor requesting approval of an automated signature verification system for use with a specific election management system must complete and submit an application to the secretary of state. The secretary of state shall coordinate its review of the system with the vendor and the participating county.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-605, filed 1/21/09, effective 2/21/09; WSR 07-12-032, § 434-335-605, filed 5/30/07, effective 6/30/07.]

WAC 434-335-615 Examination of signature verification system. Prior to its use or purchase by any Washington county, an automated signature verification system must be reviewed and approved by the secretary of state for use with that county's particular election management system.

Prior to approval, an automated signature verification system must:

- (1) Be able to integrate with the election management system in use by the test county and the ballot accountability processes implemented by the county;
- (2) Have variable levels of confidence which the county may adjust and set to the level as subscribed by the secretary of state in the system's approval report; and
- (3) Provide a setting that must not accept a signature that an election worker with required signature training should not accept.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-335-615, filed 5/30/07, effective 6/30/07.]

WAC 434-335-625 Signature verification system acceptance testing. An agreement by a county auditor to purchase a signature verification system is subject to that system passing an acceptance test that demonstrates the system is operating as it was when it was approved by the secretary of state. The minimum acceptance test standards are listed below.

- (1) The version number of the signature verification software must be the same as the version number of the software approved by the secretary of state. Any hardware must be the same model number and contain the same version of firmware that is certified by the secretary of state.
- (2) The county auditor must receive all training and manuals necessary for the proper operation of the system.
- (3) The county auditor must perform a series of tests to verify that the software is not accepting signatures that the county auditor's trained signature verification personnel would not accept. The test should include the county auditor's own signature envelopes, and be run against the county auditor's election management system signatures.
- (4) The county auditor must perform a series of tests to verify the system integrates with the county election management system and ballot accountability processes.
- (5) The county auditor must include the secretary of state where the signature verification system is being integrated with an election management system that has not been previously approved for that system.
- (6) When participation by the secretary of state is not required under these rules, the county auditor must certify the results of the acceptance tests to the secretary of state. The certification must include version numbers of hardware, software and firmware installed and tested and ballot accountability procedures which incorporate the signature verification system.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-335-625, filed 5/30/07, effective 6/30/07.]

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WAC 434-335-635 Signature verification system approval report. No more than fourteen days following the approval of an automated signature verification system, the secretary of state must issue a written approval report that specifies the approved use of the system and conditions of its use. The approval must include the prescribed setting for the confidence level for either accepting or rejecting signatures. Signature verification systems are only approved for use with election management systems included in the approval report.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-335-635, filed 5/30/07, effective 6/30/07.]

Chapter 434-369 WAC

MAPS AND CENSUS CORRESPONDENCE LISTINGS

(Formerly chapter 434-69 WAC)

WAC

434-369-005	Authority and purpose.
434-369-010	Definitions.
434-369-020	Precinct maps—Distribution.
434-369-030	Precinct lists—Preparation and filing.
434-369-040	Base maps, census overlay maps, and related information—Duties of the secretary of state.
434-369-050	Precinct overlay maps—Preparation.
434-369-060	Census correspondence listings—Preparation.
434-369-070	Detail maps and census correspondence listings—Maintenance, distribution, and filing.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-369-080	Compensation to county auditors for direct expenses. [98-08-010, recodified as § 434-369-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-080, filed 4/8/80.] Repealed by WSR 08-05-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.611.
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WAC 434-369-005 Authority and purpose. These rules are adopted under authority of RCW 29A.04.611 to implement RCW 29A.76.040, the census mapping project administered by the secretary of state for the U.S. Census Bureau.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-005, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-005, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-005, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-005, filed 4/8/80.]

WAC 434-369-010 Definitions. As used in this chapter:

(1) "Census mapping project" includes all functions performed by the secretary of state and each county auditor in the preparation, maintenance, distribution, and filing of precinct maps, detail maps, and census correspondence listings pursuant to RCW 29A.76.040.

(2) "Secretary of state" includes the secretary of state, assistant secretary of state, deputy secretary of state, or any other person authorized by the secretary of state to act in his or her behalf in the census mapping project.

(3) "County auditor" includes each county auditor, county elections official, or any other person authorized by the county auditor to act in his or her behalf in the census mapping project.

(4) "Census maps" refers to the maps provided by the U.S. Census Bureau which indicate census unit boundaries and numeric identification of such census units.

(5) "Census units" refers to the census geographic area designations for which the population count will be reported including census tracts, block groups, blocks, enumeration districts, and county census divisions.

(6) "Precinct maps" refers to the maps prepared by each county auditor pursuant to RCW 29A.76.040 which indicate

the boundaries and numeric identification of each precinct in that county.

(7) "Precinct lists" refers to the lists prepared by each county auditor pursuant to RCW 29A.16.050(3) which indicate the names and consecutively assigned numbers of each precinct in that county.

(8) "Base maps" refers to the maps of each county which are provided by the secretary of state on which final detail maps will be prepared.

(9) "Census overlay maps" refers to the overlay maps prepared by the secretary of state which indicate census unit boundaries and numeric identification for the area covered by each base map.

(10) "Precinct overlay maps" refers to the overlay maps prepared by each county auditor which indicate precinct boundaries and numeric identification for the area covered by each base map.

(11) "Detail map" refers to the sets of maps produced by the combination of the base maps with the corresponding census and precinct overlay maps for each county.

(12) "Census correspondence listings" refers to the lists prepared by each county auditor pursuant to RCW 29A.76.040 which indicate the census units or portions of census units contained in each precinct in that county.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-010, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-010, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-010, filed 4/8/80.]

WAC 434-369-020 Precinct maps—Distribution. (1)

Each county auditor shall maintain precinct maps of that county.

(2) Upon request, each county auditor shall transmit to the secretary of state one complete set of precinct maps of that county.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-020, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-020, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-020, filed 4/8/80.]

WAC 434-369-030 Precinct lists—Preparation and filing. Upon request, each county auditor shall prepare and transmit to the secretary of state a precinct list of that county. Precinct names shall be listed in alphabetical order or numbered consecutively.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-030, filed 2/19/08, effective 3/21/08. WSR 98-08-010, recodified as § 434-369-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-030, filed 4/8/80.]

WAC 434-369-040 Base maps, census overlay maps, and related information—Duties of the secretary of state. The secretary of state shall prepare and transmit to each county auditor the following:

- (1) A set of base maps of that county;
- (2) A set of census overlay maps for each base map of that county; and
- (3) A sequential census unit listing, provided by the U.S. Census Bureau, which indicates all census units delineated on the census and base maps of that county.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-040, filed 2/19/08, effective 3/21/08. WSR 98-08-010, recodified as § 434-369-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-040, filed 4/8/80.]

WAC 434-369-050 Precinct overlay maps—Preparation. Pursuant to the provisions of RCW 29A.76.040, each county auditor shall prepare precinct overlay maps for each base map of the county and each city and town within that county.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-050, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-050, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-050, filed 4/8/80.]

WAC 434-369-060 Census correspondence listings—Preparation. Pursuant to the provisions of RCW 29A.76.040, each county auditor shall prepare a census correspondence listing according to the following procedures:

- (1) Record the census tracts or county census divisions (CCD) and the smallest census units in each area for which population counts are to be reported from the sequential census unit listing supplied by the U.S. Census Bureau. The order of census information on the census correspondence listing shall be identical to the sequential census unit listing.
- (2) Record the number or numbers, as assigned pursuant to RCW 29A.16.050(3), of each precinct that is wholly or partially coextensive with the census unit.

(3) Where census unit or precinct boundaries are not coincident, estimate for each portion of a split census unit, the proportion of the total number of registered voters residing in each precinct containing a portion of the split census unit. Each county auditor shall refer to current voter registration lists and other available information to determine such estimated proportion of registered voters. Such estimates shall be expressed to at least the nearest 10 percent of the total number of registered voters within the precinct.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-060, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-060, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-060, filed 4/8/80.]

WAC 434-369-070 Detail maps and census correspondence listings—Maintenance, distribution, and filing. (1) Upon request, each county auditor shall send to the secretary of state the complete set of detail maps and census correspondence listings for that county;

(2) The secretary of state shall maintain the original sets of detail maps of each county;

(3) The secretary of state shall reproduce and distribute copies of detail maps to each county auditor for the actual cost of reproduction; and

(4) Each county auditor shall maintain copies of precinct maps, detail maps, and census correspondence listings of the county. Such maps shall be available for public inspection during normal office hours. Copies shall be made available to the public at actual reproduction cost.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-070, filed 2/19/08, effective 3/21/08. WSR 98-08-010, recodified as § 434-369-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-070, filed 4/8/80.]

Chapter 434-379 WAC

INITIATIVES AND REFERENDA

(Formerly chapter 434-79 WAC)

WAC

434-379-005	Filing of an initiative or referendum—Fee—Required documents.
434-379-007	Certificate of review.
434-379-008	Petition requirements.
434-379-009	Processing filed petitions.
434-379-010	Random sampling procedure.
434-379-012	Acceptance of signatures.
434-379-020	Signature verification standard.

WAC 434-379-005 Filing of an initiative or referendum—Fee—Required documents. A person desiring to file with the secretary of state a proposed initiative to the people, initiative to the legislature, or referendum measure may do so by filing the following documents:

- (1) A legible copy of the measure proposed, or the act or part of such act on which a referendum is desired;
- (2) An affidavit declaring under penalty of perjury:
 - (a) That the person submitting the proposed measure is over eighteen years of age and competent to testify;
 - (b) That the person submitting the proposed measure is a registered voter in the state of Washington;
 - (c) Whether the proposed measure is an initiative to the people, initiative to the legislature, or referendum; and
 - (d) The subject of the initiative, or the bill number of the legislation being referred; and
- (3) A filing fee of five dollars for each measure submitted.

The proposed measure is not considered filed with the secretary of state until all documents and fees are filed, including any original versions required.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-379-005, filed 1/21/09, effective 2/21/09; WSR 06-23-094, § 434-379-005, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.611 and 43.07.120. WSR 05-12-116, § 434-379-005, filed 5/31/05, effective 7/1/05.]

WAC 434-379-007 Certificate of review. After filing the documents listed in WAC 434-379-005, a copy of the documents is sent to the code reviser. The code reviser shall issue a certificate of review certifying that he or she has reviewed the measure and that any recommendations have been communicated to the sponsor. Within fifteen working days after the date that the secretary of state submits the proposed measure to the code reviser's office, the sponsor shall file the measure and the certificate of review with the secretary of state for assignment of a serial number. The secretary of state shall refuse to make such assignment unless the measure is accompanied by a certificate of review that has substantially the same topic as the measure.

[Statutory Authority: RCW 29A.04.611 and 43.07.120. WSR 05-12-116, § 434-379-007, filed 5/31/05, effective 7/1/05.]

(7/2/12)

WAC 434-379-008 Petition requirements. (1) Petitions must be at least eleven inches wide by fourteen inches long.

- (2) Petitions must include:
- (a) The initiative or referendum number;
 - (b) The ballot title, which must include:
 - (i) The subject, not more than ten words;
 - (ii) The concise description, not more than thirty words; and
 - (iii) The question;
 - (c) The form and text required by:
 - (i) RCW 29A.72.110 for an initiative to the legislature;
 - (ii) RCW 29A.72.120 for an initiative to the people; or
 - (iii) RCW 29A.72.130 for a referendum measure;
 - (d) The warning in RCW 29A.72.140, printed on the front to cover at least four square inches;
 - (e) Numbered lines, not more than twenty, with space for each person to provide his or her:
 - (i) Signature;
 - (ii) Printed name; and
 - (iii) Address, city, and county where registered to vote;
 - (f) A one-inch margin on the bottom of the front side;
 - (g) The full text of the measure printed on the back; and
 - (h) The circulator's declaration printed on the back.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-379-008, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-379-008, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-379-008, filed 11/15/06, effective 12/16/06; WSR 06-11-043, § 434-379-008, filed 5/10/06, effective 6/10/06.]

WAC 434-379-009 Processing filed petitions. (1) To allow for sufficient personnel to accept and process signed petitions, the sponsor of an initiative or referendum must make an appointment with the office of the secretary of state to file the signed petitions. Pursuant to RCW 29A.72.170, the secretary of state must reject petitions until a sufficient number that meet the minimum signature requirement are filed together. If the petitions are accepted and filed, additional petitions may be submitted until the applicable deadline established by RCW 29A.72.160. When submitting the petitions, the sponsor must also provide the text of the measure, exactly as it was printed on the circulated petitions, in electronic Microsoft Word format.

(2) Upon receipt of the petitions, the office of the secretary of state shall count the number of petitions received, and provide that total to the sponsor.

(3) A petition may not be rejected merely because it includes stray marks, scribbles, notes, or highlighting as long as the printed text on the petition is not illegible.

(4) A petition may not be rejected merely because the circulator's declaration on the back side of the petition is

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unsigned, or is signed with a stamp. AGO 2006 No. 13; *Washington Families Standing Together v. Secretary of State Sam Reed*, Thurston County Superior Court No. 09-2-02145-4, September 8, 2009.

(5) Once a petition is submitted to the office of the secretary of state, a person may not withdraw his or her signature from a petition. Letters submitted to the secretary of state requesting the removal of a signature from a petition must be retained by the secretary as part of the public record for the petition.

(6) Each petition must be reviewed for fraud, such as patterns of similar handwriting indicating forged signatures.

(7) Each signature line must be reviewed to invalidate:

- (a) Obscenities;
- (b) Lines with an out-of-state address;
- (c) Text that is not a name;
- (d) Duplicate names;
- (e) Lines that are crossed out and not readable;
- (f) Lines that include a name and address that both appear to be fictitious; or

(g) Lines that are blank or unfilled.

(8) The following characteristics of a signature line do not, by themselves, invalidate the signature:

(a) A name that is fictitious with an address that does not appear to be fictitious. Lines that include a name that appears to not be fictitious but an address that does appear to be fictitious, or vice versa;

(b) Lines that are crossed out but still readable;

(c) Lines that are missing a printed name;

(d) Lines that are missing any portion of the address;

(e) Multiple lines that have similar handwriting, as long as the signature handwriting is not similar;

(f) Lines in which the signature, printed name, or address is written in the wrong field; or

(g) Signatures, printed names, or addresses written in the margin.

(9) After each signature line has been reviewed, the remaining signatures must be counted to obtain the total number of signatures submitted. That total must be provided to the sponsor.

(10) The secretary of state must verify either a random sample of the signatures submitted using the statistical formula authorized by RCW 29A.72.230 and established in WAC 434-379-010, or all of the signatures submitted. If the measure does not qualify for the ballot based on a random sample, the secretary of state must proceed to a full check of all signatures submitted. The secretary of state must follow WAC 434-379-020 to verify signatures.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-379-009, filed 7/2/12, effective 8/2/12.]

WAC 434-379-010 Random sampling procedure. In the verification of signatures on initiative and referendum petitions, under RCW 29A.72.230, the following statistical test may be employed:

(1) Take a minimum three percent unrestricted random sample of the signatures submitted;

(2) Check each signature sampled to determine the number of valid signatures in the sample, the number of signatures in the sample which are invalid because the individual signing is not registered or the signature is improper in form,

and the number of signatures which are duplicated in the sample;

(3) Calculate an allowance for the chance error of sampling by multiplying the square root of the number of invalid signatures in the sample by 1.5;

(4) Estimate the upper limit of the number of signatures in the population which are invalid by dividing the sum of the invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio, i.e. the number of signatures sampled divided by the number of signatures submitted;

(5) Determine the maximum allowable number of pairs of signatures in the population by subtracting the sum of the number of signatures required by Article II, Section 1A of the Washington state Constitution and the estimate of the upper limit of the number of invalid signatures in the population from the number of signatures submitted;

(6) Determine the expected number of pairs of signatures in the sample by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures in the population;

(7) Determine the acceptable number of pairs of signatures in the sample by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample;

(8) If the number of pairs of signatures in the sample is greater than the acceptable number of pairs of signatures in the sample, each signature shall be canvassed to determine the exact number of valid signatures;

(9) If the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, the petition shall be deemed to contain sufficient signatures and the serial number and ballot title shall be certified to the state legislature as provided in RCW 29A.72.230 or to the county auditors as provided in RCW 29A.72.250.

[Statutory Authority: RCW 29A.04.611 and 43.07.120. WSR 05-12-116, § 434-379-010, filed 5/31/05, effective 7/1/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-379-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-379-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.79.200 and 29.04.080. WSR 97-17-035, § 434-79-010, filed 8/13/97, effective 9/13/97. Statutory Authority: RCW 29.79.200. WSR 78-08-032 (Order 78-2), § 434-79-010, filed 7/17/78.]

WAC 434-379-012 Acceptance of signatures. (1) The secretary of state must determine if the person who signed a petition is registered to vote. The information may be researched in voter registration records using first name, last name, address, or any combination thereof. A signature may not be rejected merely because:

(a) The person signed with a middle name, nickname, or initials instead of the first name in the voter registration records, as long as the handwriting is clearly the same;

(b) The last name on the petition differs from the last name in the voter registration records, as long as the addresses and the handwriting on the first name are clearly the same;

(c) The last name on the petition or in the voter registration records is hyphenated while the last name in the other source is not;

(d) The first name and last name on the petition are reversed in the voter registration records;

(e) The address on the petition does not match the address in the voter registration records;

(f) The handwriting on the printed name or address does not match the handwriting on the signature; or

(g) The voter is on inactive status.

(2) If the secretary of state is unable to locate the person in the voter registration records, the signature shall be rejected as not registered to vote.

(3) If the person is registered to vote, the signature on the petition sheet must be matched to the signature in the person's voter registration record using the standards in WAC 434-379-020. If the signature on the petition:

(a) Matches the signature in the voter registration record, the signature must be accepted.

(b) Does not match the signature in the voter registration record, the signature must be rejected.

(c) Matches the signature in the voter registration record but another signature on the petition has already been accepted for that voter, the subsequent signature must be rejected as a duplicate.

[Statutory Authority: RCW 29A.04.611, WSR 12-14-074, § 434-379-012, filed 7/2/12, effective 8/2/12.]

WAC 434-379-020 Signature verification standard.

A signature on a petition sheet must be matched to the signature on file in the voter registration records. The following characteristics must be utilized to evaluate signatures to determine whether they are by the same writer:

(1) Agreement in style and general appearance, including basic construction, skill, alignment, fluency, and a general uniformity and consistency between signatures;

(2) Agreement in the proportions of individual letters, height to width, and heights of the upper to lower case letters;

(3) Irregular spacing, slants, or sizes of letters that are duplicated in both signatures;

(4) After considering the general traits, agreement of the most distinctive, unusual traits of the signatures.

A single distinctive trait is insufficient to conclude that the signatures are by the same writer. There must be a combination or cluster of shared characteristics. Likewise, there must be a cluster of differences to conclude that the signatures are by different writers.

[Statutory Authority: RCW 29A.04.611, 29A.04.530, WSR 06-02-028, § 434-379-020, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611 and 43.07.120, WSR 05-12-116, § 434-379-020, filed 5/31/05, effective 7/1/05.]

Chapter 434-381 WAC

STATE VOTERS' PAMPHLET

(Formerly chapter 434-81 WAC)

WAC

434-381-110 Candidate and committee contacts.
 434-381-120 Deadlines.
 434-381-130 Size and quality of photographs.
 434-381-140 Restriction on photographs.
 434-381-150 Rejection of photographs.
 434-381-160 Listing committee names and contact information.
 434-381-170 Statement and argument format.
 434-381-180 Editing statements and arguments.
 434-381-190 Prevention of art work, photographs or other material by candidate.
 434-381-200 Political party preference information.

434-381-090

434-381-100

Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
 Rejection of statements for the voters pamphlet. [98-08-010, recodified as § 434-381-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-090, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
 Editing of statements for the voters pamphlet. [98-08-010, recodified as § 434-381-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-100, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

434-381-010 Committees to write arguments for and against constitutional amendments, referendum bills, and alternatives to initiatives to the legislature. [98-08-010, recodified as § 434-381-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-010, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
 434-381-020 Committees to write arguments for and against initiatives, initiatives to the legislature, and referendum measures. [98-08-010, recodified as § 434-381-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-020, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
 434-381-030 Additional members on committees to draft arguments for the voters pamphlets. [98-08-010, recodified as § 434-381-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-030, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
 434-381-040 Selection of a chairperson for committees to draft arguments for or against measures appearing in the voters pamphlet. [98-08-010, recodified as § 434-381-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-040, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
 434-381-050 Advisory committees. [98-08-010, recodified as § 434-381-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-050, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
 434-381-060 Length of statements and rebuttals. [98-08-010, recodified as § 434-381-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-060, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
 434-381-070 Restrictions on the style of statements in the voters pamphlets. [98-08-010, recodified as § 434-381-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-070, filed 4/17/79.] Repealed by WSR 02-02-067, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 29.81.320.
 434-381-080 Submission of statements and rebuttals. [98-08-010, recodified as § 434-381-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.81.070. WSR 79-05-024 (Order 79-1), § 434-81-080, filed 4/17/79.]

WAC 434-381-110 Candidate and committee contacts. Every candidate or committee appearing in the state voters' pamphlet shall designate a contact person with whom the secretary shall communicate all matters related to the pamphlet. Within five business days of the appointment of the initial members, the committee shall provide a name, mailing address, telephone number, fax number and e-mail address as applicable. In the case of candidates the secretary shall use the information on the declaration of candidacy unless the candidate provides different information pursuant to this section.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-110, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-110, filed 12/28/01, effective 1/28/02.]

WAC 434-381-120 Deadlines. (1) Candidate statements and photographs shall be submitted to the secretary of state no later than the Friday following the last day of the filing period.

(2) For ballot measures, including initiatives, referenda, alternatives to initiatives to the legislature, and constitutional amendments, the following documents shall be filed with the secretary of state on or before the following deadlines:

(a) Appointments of the initial two members of committees to prepare arguments for and against measures:

(i) For an initiative to the people or referendum measure: Within seven business days after the submission of signed petitions to the secretary of state;

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, within seven business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot:

(b) Appointment of additional members of committees to prepare arguments for and against ballot measures, not later than the date the committee submits its initial argument to the secretary of state;

(c) Arguments for or against a ballot measure, no later than ten business days following appointment of the initial committee members;

(d) Rebuttals of arguments for or against a ballot measure, by no later than five business days following the transmittal of the final statement to the committees by the secretary. The secretary shall not transmit arguments to opposing committees for the purpose of rebuttals until both arguments are complete.

(3) If a ballot measure is the product of a special session of the legislature and the secretary of state determines that the deadlines set forth in subsection (2) of this section are impractical due to the timing of that special session, then the secretary of state may establish a schedule of deadlines unique to that measure.

(4) The deadlines stated in this rule are intended to promote the timely publication of the voters' pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late filing when, in the secretary's judgment, it is reasonable to do so. Once statements or arguments are submitted to the secretary, changes by the candidate or committee will not be accepted unless requested by the secretary.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-381-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-120, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-381-120, filed 1/21/09, effective 2/21/09; WSR 08-15-052, § 434-381-120, filed 7/11/08, effective 8/11/08; WSR 08-05-120, § 434-381-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-381-120, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-120, filed 12/28/01, effective 1/28/02.]

WAC 434-381-130 Size and quality of photographs.

Candidate photographs submitted for inclusion in the voters' pamphlet must have been taken within the past five years. Photos must be limited to the head and shoulders, with a light-colored background, but not a white background. Color photos are preferred, though black and white photos are acceptable. The photo size must be no smaller than two and one-half inches by three inches, and no larger than eight inches by ten inches. Photos submitted digitally must be a resolution no less than 300 dpi and not digitally altered. Lab processed no gloss prints meeting the size and quality specifications may also be submitted. The secretary may adjust or crop photos as necessary to fit the publication format. Photos not meeting the specifications may be rejected.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-130, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-130, filed 12/28/01, effective 1/28/02.]

WAC 434-381-140 Restriction on photographs. No photograph submitted for inclusion in the voters pamphlet may reveal clothing or insignia suggesting the holding of a public office. Examples of such clothing or insignia include, but are not limited to, judicial robes, law enforcement or military uniforms, official seals or symbols similar thereto other than the flag of the state of Washington, or other similar indicia of public office.

[Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-140, filed 12/28/01, effective 1/28/02.]

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WAC 434-381-150 Rejection of photographs. The secretary may reject candidate photographs that do not meet the guidelines outlined by rule.

(1) The secretary will notify candidates whose photographs are being rejected;

(2) Candidates whose photographs are rejected by the secretary will be allowed to submit a new photograph;

(3) Replacement photographs must be submitted by the date specified by the secretary.

[Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-150, filed 12/28/01, effective 1/28/02.]

WAC 434-381-160 Listing committee names and contact information. Committee names and contact information shall be submitted to the secretary of state.

(1) Names for publication in the voters pamphlet shall be listed in the order submitted by the committee;

(2) Each committee member may use up to eight words as a title or identification. No words that are obscene or otherwise prohibited for distribution through the mail may be used;

(3) The secretary will make every effort to maintain consistency in form and style for publications;

(4) State legislators will be identified in the following manner: State representative or state senator, with each title constituting two words;

(5) State elected officials will be identified as follows: Governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands and insurance commissioner, with each title counting as many words as in that title;

(6) Additional titles or descriptions may be added to reach the maximum title length; and

(7) Each committee may submit contact information for inclusion in the voters pamphlet consisting of: A telephone number, an e-mail, and an internet address which will not count toward the maximum word allowance.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-381-160, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-160, filed 12/28/01, effective 1/28/02.]

WAC 434-381-170 Statement and argument format.

(1) Statements or arguments submitted for inclusion in the voters pamphlet shall not exceed the word limit set by statute.

(a) Arguments for or against measures may contain up to four headings used to highlight major points in the argument and will count toward the maximum word count set for arguments. Rebuttals may not contain headings;

(b) The four headings may not exceed fifteen words for each heading;

(c) Photographs or charts may be used in statements or arguments substituting fifty words from the statement or argument for each square inch used by the photograph or chart. This subsection does not apply to the photographs submitted pursuant to WAC 434-381-130 (size and quality of photographs).

(2) Statements and arguments submitted to the secretary of state shall be printed in a format that in the opinion of the secretary will provide the best reproduction.

(a) Statements and arguments will be laid out in a standard font without the use of boldface, underlining, or all caps;

(12/6/11)

(b) Italics may be used to add emphasis to statements or arguments;

(c) Argument headings will be laid out in boldface letters; and

(d) Statements are limited to one paragraph per fifty words. Arguments are limited to four paragraphs. Rebuttals are limited to one paragraph.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-170, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-381-170, filed 1/18/10, effective 2/18/10. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-170, filed 12/28/01, effective 1/28/02.]

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, 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, 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.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-180, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-180, filed 12/28/01, effective 1/28/02.]

WAC 434-381-190 Prevention of art work, photographs or other material by candidate. (1) The secretary shall be prohibited from using the art work, photography, or other materials provided by candidates for public office in the voters' pamphlet in which the candidate's name appears, except that required by law or rule for the candidate's statements or, information provided by the office that publishes the pamphlet;

(2) Prior to final printing of the voters' pamphlet, the secretary will review complete "camera ready" copies of each edition of the voters' pamphlet;

(12/6/11)

(3) Language shall be placed into contracts, with the office of the secretary of state to produce the voters' pamphlet, to certify that those providing content materials for the voters' pamphlet are not candidates for public office and those individuals will not run for public office while their materials are being used in a state or local pamphlet produced in conjunction with the state voters' pamphlet.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-190, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-190, filed 12/28/01, effective 1/28/02.]

WAC 434-381-200 Political party preference information. If a state voters' pamphlet includes a race for partisan office, the pamphlet must include an explanation that each candidate for partisan office may state a political party that he or she prefers, and that 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. The pamphlet must also explain that a candidate can choose to not state a political party preference.

[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-381-200, filed 7/11/08, effective 8/11/08.]

