

Chapter 1, Section 1

Election Administrator Certification

RCW 29A.04, RCW 36.22, WAC 434-260

State law requires at least two certified election administrators on staff in each county.

For initial certification an applicant must:

- Complete E101 within 5 years of the certificate application. (E-101 does not qualify toward training hours for initial certification)
- Pass the written Election Administrator Certification examination.
- Complete 40 hours of education within the previous five years.
- 30 hours must be election-specific training.
 - 20 hours of the 30 must specifically address Washington State elections and must include training hours from attending an annual Washington elections conference.
 - 4 hours for visiting other county elections departments is allowed.
 - 2 hours for participating in elections panels or committees is allowed.
- 10 hours may be for professional development courses, approved by the county auditor or elections director.
- All other training must be pre-approved by the OSOS to be counted as election-specific.
- Submit an online application for initial certification.
- To maintain certification, an administrator must:
- Work as an election administrator continuously during the 2 years for which maintenance is required.
- Complete 40 hours of additional education, as pre-approved by the Secretary of State
 - 30 hours must be election-specific. 20 hours of the 30 must specifically address Washington state elections and must include training hours from attending an annual Washington elections conference.
 - 4 hours for visiting other county elections departments is allowed.
 - All other training must be pre-approved by the OSOS to be counted as Election Specific.
- Submit an application for renewal by December 31 of each odd-numbered year.

Training Opportunities

Visit the Election Administrators page on the State Elections website for training registration, applications for certification, and tracking your training.

<https://www.sos.wa.gov/elections/administrators>

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Chapter 1, Section 2

Election Laws

State Constitution

The State Constitution consists of 32 Articles. Each Article is denoted by a Roman numeral.

Example: Article VI

Articles are divided into Sections. When referring to a specific section, you will see either:

- Article VI, Section 4, or
- Art. VI, Sec. 4, or
- Art. VI, § 4

Articles I, II, III, IV, VI, VII, XI, XIV, XXII, and XXIII all contain provisions related to elections.

State Statutes

The official name is the Revised Code of Washington, commonly known as “RCWs.”

- Numbered Titles divide state statutes by subject.
 - Example: RCW **29A**
- Titles are divided into chapters and the chapter numbers appear after the title number, separated by a period.
 - Example: RCW **29A.24**
- Chapters are divided by sections and the section number is listed after the chapter number, separated by a period.
 - Example: RCW Title 29A, Chapter 24, Section 031 would read as RCW **29A.24.031**.

You will find most election laws in [Title 29A](#), however many other chapters associated with specific offices and issues contain such laws. (See the chart found at the end of this chapter).

State Rules

The official name is Washington Administrative Code, commonly known as “WACs.” WACs are organized in a manner similar to RCWs.

- Numbered titles divide state rules by subject.
 - Example: WAC **434**
- Titles are divided by chapters and the chapter numbers appear after the title number, separated by a dash.
 - Example: WAC **434-250**
- Chapters are divided by sections and the section number is listed after the chapter number, separated by a dash.
 - Example: Washington Administrative Code Title 434, Chapter 250, Section 030 would read as WAC **434-250-030**.

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Rules for the Secretary of State are located in Title [434](#). Election rules are found in WAC chapters 434-208 through 434-381.

Federal Election Laws

Federal election laws affect the administration of elections, including:

- MOVE Act—Military and Overseas Voter Empowerment Act of 2009
- HAVA – Help America Vote Act of 2002
- NVRA – National Voter Registration Act of 1993 (Motor Voter)
- UOCAVA – Uniformed and Overseas Citizens Absentee Voting Act of 1986
- Voting Accessibility for the Elderly and Handicapped Act of 1984
- Voting Rights Act of 1965

Litigation and Attorney General’s Opinions

- An opinion is requested when the interpretation of an existing law is in question. While not as binding as law, Attorney General Opinions affect election administration.
- Supreme Court and Court of Appeals decisions override current law.
- State and federal court cases affect the administration of election law for the jurisdiction in question. Such decisions, while may or may not be binding for the entire state, influence interpretation of state law.

Search Tools

- The RCWs and WACs may be found on the Secretary of State’s website at https://www.sos.wa.gov/elections/election_laws.aspx.
- The state also provides a search option for RCWs, WACs, and the State Constitution at search.leg.wa.gov/search.aspx#document.
- A list of election related RCWs outside of Title 29A (on the following page) at <https://www.sos.wa.gov/assets/elections/administrators/2022-december-rcw-chapters-elections-outside-29a.pdf>.

Election-Related RCW Chapters

Election-Related Topics	
Vacancies in Office	42.12
Eligibility to Hold Office	42.04
Motor Voter	46.20
Mental Competency	11.130
Public Disclosure Commission	42.17A
Redistricting	44.05
Legislative Districts	44.07F

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General Government	
Public Records	42.56
Records Retention	40.14 & 36.22
Open Public Meetings Act	42.30
Legal Notices & Publications	65.16
Debt Limits for Taxing Districts	39.36
General Obligation Bonds	39.40 & 39.46
Excess Property Tax Levies	84.52
Property Tax Limitations	84.55
Property Tax Exemptions	84.36
Taxing District Boundaries	84.09
Judicial Offices	
Supreme Court	2.04
Court of Appeals	2.06
Superior Court	2.08
District Court	3.34 & 3.38
Municipal Court	3.46 & 3.50
Municipal Court > 400,000	35.20
State Offices	
Governor	43.06
Lieutenant Governor	43.15
Secretary of State	43.07
State Treasurer	43.08
State Auditor	43.09
Attorney General	43.10
Commissioner of Public Lands	43.12
Superintendent of Public Instruction	28A.300
Local Government	
Counties	36.16, 36.22, 36.32 & 36.89
Cities and Towns	35.02, 35.17, 35.18, 35.22, 35.23, & 35.27
Code Cities: Charter and Noncharter	35A.01-35A.13 & 35A.29
Incorporations	35.02
Disincorporations	35.07
Annexations and Reductions	35.10, 35.13, 35.16, & 35A.14-35A.16
Special Purpose/Junior Taxing Districts	
Dissolution of Special Purpose Districts	36.96

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Elections 101

School Districts	28A.315, 28A.320, 28A.323, & 28A.343
Fire Districts	52.02-52.10, 52.14, 52.16, & 52.26
Port Districts	53.04, 53.12, 53.16, 53.36, 53.46, 53.47, & 53.48
Hospital Districts	70.44
Library Districts	27.12
Regional Transit Authorities	81.112
Transportation Benefit Districts	36.73
Regional Transportation Benefit Districts	36.120 & 82.80
Roads and Bridges	36.76, 36.83, & 36.88
Park and Recreation Districts	35.61
Public Utility Districts	54.04-54.12, 54.32, & 54.40
Water and Sewer Districts	35.13A, 57.02, 57.04, 57.12, 57.20, & 57.24-57.36
Diking & Drainage Districts	85.05-85.38
Flood Control Districts	86.09 & 86.15
Irrigation Districts	87.03, 87.28, 87.52-87.56, & 87.84
Conservation Districts	89.08
Mosquito Control Districts	17.28
Weed Districts	17.04 & 17.06
Public Facilities Districts	36.100
Major Public Energy Projects	80.52
Cemetery Districts	68.52 & 68.54

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Chapter 1, Section 3

Accessibility Awareness

RCW 29A.12, RCW 29A.40, WAC 434-250

HAVA (Help America Vote Act)

HAVA, the Americans with Disabilities Act of 1990 (ADA) and state law require election officials provide voters with disabilities the same access to voting as other citizens. These laws give voters an equal opportunity to vote privately and independently.

How do you make voting by mail accessible?

Every county must provide:

- An Accessible Voting Unit (AVU) in at least one voting center. The unit must be wheelchair-accessible.
- Election materials in alternate format, e.g. audio, larger fonts, etc.
- Voting centers that meet all requirements of the Americans with Disabilities Act (ADA). The AVU must be positioned in a way to protect voter privacy. The voting screen of the AVU should not be viewable by staff or voters in the center.

The “ADA Checklist for Event Accessibility” provided at the end of this section will assist you in determining the accessibility of any voting location.

Disability Advisory Committee

RCW 29A.04

All counties are required to establish and maintain a Disability Advisory Committee (DAC) or a County Accessible Community Advisory Committee (ACAC). The committee must include persons of ‘diverse’ disabilities and persons with expertise in providing accommodations for persons with disabilities. Counties may share a committee provided no more than one of the participating counties has a population greater than seventy thousand.

What does the committee do?

The Committee must work with the County Auditor to create a plan and implement changes to improve the accessibility of elections for voters with disabilities with regard to:

The number and location of voting centers and ballot deposit sites and/or ballot drop boxes. (Example: locate drive-up ballot deposit boxes on the driver’s side of a car and pedestrian boxes at wheelchair height.)

- Outreach to voters regarding the availability of accessible voting accommodations.
- Transportation of AVUs to locations convenient to voters with disabilities.
- Implementation of the Help America Vote Act.

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- Reviewing and updating the plan on a yearly basis.

Accessibility Awareness

The YouTube video, “Disability Sensitivity Training” produced by the District of Columbia (<https://www.youtube.com/watch?v=Gv1aDEFIXq8>) addresses communication with members of the disabled community.

The “Voting with a Disability in Oregon” video produced by Disability Rights Oregon (<https://www.youtube.com/watch?v=NOuGDrlcdos>) illustrates ways to help people vote privately and independently at home.

Disability Rights Washington’s YouTube voting series (<https://www.youtube.com/watch?v=4SHvXahfDnM&list=PLLSb3deWSkYyHjsWFdeMYGmJTHf-tou-z&index=1>) explains to viewers that voters in various communities retain voting rights and how to exercise those rights.

Voter Assistance

A voter has the right to request assistance from whomever the voter chooses. Staff members may assist voters upon request or offer assistance when it appears that a voter is having difficulty casting a vote.

i *Maintain voter privacy - always ask the voter if assistance is needed prior to approaching.*

Interacting with People with Disabilities

Be Respectful - A person with a disability is a person like anyone else. Treat people with the same respect and consideration.

Meeting Someone - Try to avoid actions and words that suggest the person should be treated differently. People who use wheelchairs may have a variety of different disabilities. When you meet someone, extend your hand to shake if that is what you normally do. A person who cannot shake hands will let you know. If you are meeting a blind person, identify yourself. Use a normal tone of voice. Do not raise your voice unless requested.

Helping - Do not automatically give assistance. Ask first if the person wants help. Offer assistance, quietly and tactfully, but do not overdo it or insist on helping. Respect the person's right to reject help or to indicate the kind of help needed.

- If the offer is accepted, listen to instructions. The person may refuse your offer of assistance or may not wish to discuss their disability.
- If you cannot assist in the way that is requested, discuss it with the person. You have a right to set limits on what you can and cannot do. Your relationship with a person with a disability should be, like any other relationship, a reciprocal one.

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Appreciate what the person can do. Remember that difficulties the person may be facing may stem more from society's attitudes and barriers than from the disability itself.

Communicating - Talk directly to the person, not to an aide, friend, or interpreter. When talking with a person in a wheelchair for more than a few minutes sit down and converse at the same level. Offer to make basic information available in large print, Braille, electronic or audio formats.

- Relax. If you do not know what to do or say, allow the person who has a disability to help put you at ease.
- Do not assume anything. If you have a question about what to do, how to do it, what language or terminology to use, what assistance to offer, ask the person with the disability. That person should be your first and best resource.
- Talk about the disability if it comes up naturally, without prying. Let the person guide you. Be considerate of the extra time a person with a disability may need to say or do things. Let the person set the pace in walking or talking.
- Give whole, unhurried attention to the person who has difficulty speaking. Don't talk for the person, but give help when needed. Keep your manner encouraging rather than correcting. When necessary, ask questions that require short answers or a nod or shake of the head.
- Don't pretend to understand a person with a speech difference when you do not. Don't be afraid to let the person know that you do not understand. Be patient, not only with the person with the disability but also with yourself.
- Speak calmly, slowly, and distinctly to a person with a hearing problem or other difficulty understanding.
- Stand in front of the person, speak directly to the person, and use natural gestures to aid communication.
- When full understanding is doubtful, try writing notes.

Touching - Do not pat or touch a person with a disability unless there is a good reason (such as shaking hands in greeting or if the person has requested assistance).

- Gently touching a deaf person to get their attention is permissible.
- Do not touch someone's cane, wheelchair or other device.

Environments - Provide wide & clear paths of travel for people who use wheelchairs or are blind.

- Be alert to architectural barriers. Inadequate lighting is difficult for those with hearing and sight problems.
- Be aware that some people may be sensitive to smoke, perfumes, or any other irritants that may be in the air.

Wheelchairs or mobility aides - Never push a wheelchair without first asking the occupant if you may do so. Do not move wheelchairs, crutches, or other mobility aids out of the reach of the owners.

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Do not invade personal space by leaning on a wheelchair. Do not patronize a person in a wheelchair by patting them on the head.

Service Animals - A service animal is NOT required to have any special certification. Federal law protects the civil rights of persons with disabilities who are accompanied by their service animals in all public places.

Do not make noises at the service animal; it may distract the animal from doing its job. Never touch a service animal, or the person it assists, without permission. Do not pet or otherwise distract dog guides - they are working.

ADA Checklist for Event Accessibility

Is this location/event accessible?

Answer the following questions. If any answer is negative, or needs qualification, select a new location or make accommodations.

A detailed checklist for polling places, voting centers and public access is available from the U.S. Department of Justice website at <http://www.usdoj.gov/crt/ada/votingck.htm>

PARKING

- The required number of parking spaces are designated as accessible with signs using the access logo. (See the checklist referenced above to determine requirements.)
- One out of every six accessible parking spaces is designed with an access aisle for van parking.
- The accessible parking is located as close as possible to the entrance.
- If accessible parking is not visible from the street, directional signs with the access logo are pointing the way.
- Voters can be dropped off at a curb cut providing adequate and direct access to the building.

PATHWAYS

- Paths are no less than 48 inches wide.
- The slope of the path is no more than one inch of rise for every 20 inches of run.

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- There is at least 80 inches of clearance over the pathway at all points.
- All thresholds are no more than one-half inch for interior or three-quarters of an inch for exterior doors.
- Carpets are no thicker than one-half inch.
- If there are gratings in the walking surface, the grating is no more than one-half inch in width.
- Directional signs are visible along the accessible route and at the entrance.
- All doorways are at least 32 inches wide.
- If the location requires movement between floors, an elevator access is in close proximity to the entrance and the training room.
- All stairs are supplemented with ramps of no more than a 1-foot rise for every 20 feet of run.

BUILDING/TRAINING ROOM

- Doors to building and rooms are designed with lever handles, automatic openers and room to move to the side.
- Drinking fountains, telephones and other convenience facilities are designed for wheelchair users or those with mobility issues.
- The restrooms include wide stalls and grab bars, and are in close proximity to the meeting room.
- The room arrangement is such that all persons will be able to participate visually and physically.
- The room can accommodate additional space requirements by those with mobility issues.
- If computers are to be used, computer stations are designed to accommodate wheelchairs.

MEETING ANNOUNCEMENTS

- Accommodations such as interpreters, handouts, and presentation copies are available in alternate formats.
- There is a statement regarding availability of accommodations in all publicity for the meeting.
- There is a statement that alternate formats are available upon request.

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- Videos/films have closed captions.
- A contact person has been identified for accommodation issues.

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Chapter 1, Section 4

Election Administration Toolkit

Tools

Every election administrator should assemble a ‘toolkit’ consisting of items to keep the office running smoothly. Take time to assemble your ‘toolkit’ to include:

- Elections Contact Information
- Office Procedures (written)
- Policy & Training Resources
- Elections Tools
- Elections Forms & Templates
- Guidelines for implementing the *Americans with Disabilities Act*.

Office Procedures

Written procedures ensure consistency in completing a task, provide a timeline for processes, and give direction to new employees or for infrequent activities. Procedures also document compliance with state laws and office policy. Written procedures may include:

- Title with initials of author and date of last review.
- Brief statement of the purpose for the procedure.
- List of controlling statutes, rules, or policies.
- List of forms used in the procedure.
- List of records created during the process.
- Step by step instructions necessary to complete the procedure.
- Times and deadlines (including retention schedules)
- Actions to take in special circumstances, e.g. lack of compliance or an emergency.
- Position responsible for the completion of each task or procedure.

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Example of Written Procedure Form



Snohomish County
Elections/Voting Division Procedure

Title Ballot Packing for Storage	Document No. and Revision TB – 002
Written and Last Updated by and Date: D.F. 4/21/2008	Effective Date: 6/30/2008
Approved by and Date: WM 6/30/2008	

Purpose

To maintain and track how and where tabulated ballots are packed for storage after tabulation.

References

RCW 29A.60.110	Ballot containers, sealing, opening
WAC 434-261-045	Secure Storage

Forms

	Batch slips
	Storage box table

Records

Ballot storage location.xls	Batch locations are recorded in each election’s ballot location spreadsheet
Batch Accountability Sheet	Tabulation accountability paperwork completed by machine operator for each batch of ballots

Procedure

1.0 Pre-Election storage inventory

Action By	Action
Election Technician	1) Review supply check sheet and order any needed supplies at least 4 weeks before election

2.0 Pre-tabulation packing preparation (prior to Election Day tabulation)

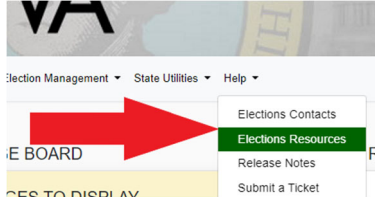
- Test procedures with inexperienced staff.
- Adopt procedures only after testing.
- Review and update office procedures annually.

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Contact Information

Gather your own quick reference guide or an updated set of Outlook contacts with the following:

- Vendors, political parties, county contacts
- VoteWA Support, C&T Support, and all OSOS Staff (see the VoteWA 'Help' tab)



Your Elections Community & Government Entities

One of our best tools and resource for elections is usually a phone call or email away. Do not be shy to contact your government partners to ensure elections are conducted well:

- Any County Auditor's Office or Sec. of State official
- Local government sites, e.g. cities, ports, schools

Policy and Training Resources

Law, policy, and advisories are your **first** and ultimate authority and responsibility:

- RCWs & WACs
 - <https://apps.leg.wa.gov/rcw/default.aspx?Cite=29A>
 - <https://app.leg.wa.gov/WAC/default.aspx?cite=434>
- OSOS Webpages / Clearinghouse & Advisories
 - <https://www.sos.wa.gov/elections/administrators/>
 - Elections Resources (You must first sign into VoteWA): <https://osos.service-now.com/county>
- Department of Justice: <http://www.justice.gov/crt/about/vot/>
- NVRA and UOCAVA: <http://www.fvap.gov/info/laws>
- Federal Voting Assistance Program (FVAP): www.fvap.gov
- Public Disclosure Commission: www.pdc.wa.gov
- US Postal Service: www.usps.com. For election mail specifically: <https://www.usps.com/gov-services/election-mail.htm>
- Budgeting, Accounting and Reporting System (BARS) for (GAAP)> manual search "elections"
 - https://www.sao.wa.gov/bars_cash/accounting/expenditures/voter-registration-and-election-cost-allocation

Election Tools

Election tools are driven by policy, not the other way around. They help you execute the law.

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VoteWA

VoteWA is our statewide voter registration and election management system.

- Live Production Link: <https://admin.votewa.gov/>
- QA or Practice Link: <https://qa-admin.votewa.gov/>
- VoteWA Manual and Videos: <https://osos.service-now.com/county>

VoteWA includes:

- Increased access to election results
- Online voter registration
- Individual voter information
- Online ballot access
- Standardized voter education notices
- Online voter guides
- Archived election information
- Candidate Filing Management

Your Vendors and Tabulators

Your vendors and tabulation systems are a tool that you will need to ensure compliance with state law. Be sure to identify your

- Tabulator Manual
- Ballot Print Vendor & procedures
- Pamphlet Print Vendor & procedures
- US Post Office representatives (participate in daily election calls to speak with them consistently)

Additionally:

- Lexus Nexus (requires a license)
- DOL lookup (requires an account)
- Public Disclosure Commission (PDC)

Election and Voter Registration Costs

Elections cost money. Participating minor taxing jurisdictions pay their share of election costs. The state reimburses for its share of election costs only starting in July 2021. Some examples of recoverable expenditures are:

- Printing costs for ballots and envelopes.
- Postage for mailing outbound ballots and charges for undeliverable ballots.
- Staff time dedicated to the election.
- Annual maintenance for the tabulation system software and hardware.
- A portion of annual maintenance for VoteWA software and hardware.

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- Examples of voter registration costs:
 - The voter registration system (VoteWA) maintenance.
 - Printing or postage for required NVRA notices.
 - Staff time dedicated to voter registration.
 - A portion of annual maintenance for election management hardware.

Do not include expenses covered by federal and state grants.

Bill voter registration expenses to the county and cities/towns based on voter registration totals. The county is responsible for its share based on the number of voters in unincorporated areas.

Tracking Expenses

There are several methods for tracking expenditures:

- Using budget line items attached to warrants.
- Retaining copies of all invoices.
- Maintaining an itemized spreadsheet during the election.

You may use any combination of these methods to document your expenses. Track registration expenses separately from election costs.

Billing information and rules for cost recovery are available in the BARS Manual (*Budgeting, Accounting and Reporting System*) available on the [Washington State Auditor's Office website](https://www.sao.wa.gov/bars_cash/accounting/expenditures/voter-registration-and-election-cost-allocation/) at https://www.sao.wa.gov/bars_cash/accounting/expenditures/voter-registration-and-election-cost-allocation/

Other Helpful Websites

Free people search: www.zabasearch.com

ZIP code locator: <https://tools.usps.com/go/zip-code-lookup.htm>

LexisNexis: www.lexis.com (Requires licensed login)

Department of Licensing query: <https://secureaccess.wa.gov/> (Requires licensed login)

Obituary Search: <https://www.legacy.com/obituaries/local>

Forms and Templates

Voter Registration Challenges: www.sos.wa.gov/elections/voterregistrationchallenges.aspx

Agency Based Registration Forms: <https://www.sos.wa.gov/elections/abvr/forms.aspx>

Online Voter Registration: <https://olvr.votewa.gov/>

Voter Registration Form: <http://www.sos.wa.gov/elections/Print-Voter-Registration-Forms.aspx>

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Chapter 1, Section 5

Public Information and Record Requests

RCW 42.56

The Public Records Act determines if a document is a public record. Upon receipt of a public records request, you must provide any documents not exempted by the Act.

Information may consist of a number of formats including letters or memos, films, videos, photographs, audio recordings, symbols, discs, and emails.

State and local retention schedules determine how long documents and records must be retained. Retention schedules are found on the Secretary of State’s website under Archives.

Counties use two schedules:

- Common Records Retention Schedule (CORE) and Local Government General Records Retention Schedule (LGRRS) at <https://www.sos.wa.gov/archives/recordsretentionschedules.aspx>.
- Records management assistance, current schedules, and information may be found at http://www.sos.wa.gov/archives/RecordsManagement/records_local.aspx.

Keep documents without a prescribed retention period indefinitely.

What You Need to Know About Public Information Requests

- Any member of the public may request a document.
- Provide records during normal business hours.
- Do not require a reason for a public records request.
- The law restricts the use of public lists for commercial purposes, but not the release of information.
- An agency must provide the fullest assistance to the requestor.
- Unless exempted, agencies must provide a record if it exists. This includes records held beyond the retention period.
- Fulfill the request in as short a period of time as possible.

Do not charge a fee for viewing or searching for documents. You can charge the actual cost for copying documents up to 15 cents per page or for scanning paper documents into electronic format provided you meet all conditions of [WAC 44-14-070](#).

What should you do when you receive a public information or record request?

Respond no later than five business days after the request by:

- Providing the record,
- Notifying the requester with an estimate of when the document(s) will be provided, or

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- Seeking clarification of the request.
- Denying the request with an explanation why you cannot or will not comply.

Are there any exempt records?

The Public Records Act exempts records disclosure, such as:

- Personnel files that are closed.
- Ongoing investigations by law enforcement agencies.
- Preliminary drafts or notes expressing opinions or formulating policies.
- Create an exemption log that identifies denied records by date, author, title, and exemption statute and reason.
- Cybersecurity and physical security plans to prevent or mitigate threats to the office.
- Voter signatures, phone numbers, and email addresses on ballot return envelopes, declarations, and signature correction forms.
 - The requestor may inspect these records in person but may not take photographs or recordings.

A denial may lead to a lawsuit, so keep good records.

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