Final Review Report

Election Procedures Review
Of
Pacific County
State of Washington
2007 General Election

Conducted by the
Office of the Secretary of State
Election Certification and Training Program

Issued January 2008

Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years. The Legislature also added a requirement that the Program conduct a follow-up visit to verify that the County Auditor's Office has taken steps to correct the problems noted in the report.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Pacific County during the 2007 General Election cycle. Tracy Buckles, Elections Program Specialist, represented the Election Certification and Training Program during the review. Pat Gardner, Pacific County Auditor and Chris Stephens, Elections Supervisor, participated on behalf of the Pacific County Auditor's Office.

Both the reviewer and the Pacific County Elections Department approached the review in a spirit of cooperation. The department allowed the reviewer to thoroughly review and examine all aspects of the election processes. The staff provided documentation and materials during the review which greatly contributed to a successful examination process.

The purpose of this review report is to provide the Pacific County Elections Department with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist the Pacific County Elections Department in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election, or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting the validity of the outcome of any election or of any canvass of election returns.

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Overview

In the course of this review, the reviewer observed pre-election tasks, election procedures, post-election procedures, canvassing and certification of the election. The election staff explained some tasks the reviewer was unable to observe.

The elections supervisor is relatively new to elections, but has a very good grasp of the procedures and is dedicated to administering fair, open, accurate elections.

The political parties are very active in Pacific County. The Auditor hires election workers representing the parties for ballot processing and there were observers during many of the processes. The political parties play an important role in the election process and the reviewer commends the Pacific County Elections Department for cultivating and nurturing a good relationship with the parties.

Overall, Pacific County has very good election procedures. The staff is knowledgeable and conscientious. The elections department should improve its security procedures. While the procedures were very good in some areas, others need improvement.

The elections department has good written procedures. Keeping a written manual of elections procedures is a difficult task because of all the changes in elections on a regular basis. They should work on updating some areas in the coming months.

Some of the following recommendations are relatively minor, however; administering elections is very complicated and requires great attention to detail.

Recommendations

The following recommendations indicate where the county is out of compliance with the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), the Washington State Constitution, or Federal election law. The reviewer obtained information based on actual observation of a procedure, verbal explanation or written procedures. The reviewer provides a description of the county's procedure, a citation of the applicable law, and a recommendation based on the citation.

Notice of Election

The Pacific County Elections Department staff published two notices of election. The first coincided with the date they mailed the ballots and they published the second to comply with the timelines in the RCW. The notices contained all but one of the required elements.

WAC 434-250-310 (c) requires the notice of election include, "The location where voters may obtain replacement ballots."

Recommendation: The elections department should add information about where to obtain replacements ballots in its notice of election.

Mismatched Signatures

When the election department staff determines that a signature on a mail ballot does not match the signature on the voter registration record; they send the voter a letter with the mail ballot oath requesting the voter sign and return it to update the signature. The form requires a notary public as a witness.

WAC 434-261-050 (3) specifies the procedures for curing a mismatched signature. They include the voter appearing in person, signing a copy of the affidavit and sending it to the Auditor with a copy of identification, or signing the affidavit with two witnesses.

Recommendation: The WAC spells out the procedures for curing a mismatched signature very specifically. The WAC does not require the voter have the signature witnessed by a notary public. Because the requirement to have a notary sign the form is not required by law, the elections department should revise its form and follow the procedures in the WAC.

Ballot Security

The Pacific County Auditor's Office had two unstaffed, outdoor deposit boxes available to voters 18 days prior to the election. The boxes met the requirements in WAC for construction and restricting anyone but Auditor's staff from removing ballots from the box. The boxes did not have numbered seals or logs to document access to the ballots.

The Auditor's Office hires representatives from the political parties to process mail ballots. The room where they process ballots has a push button lock in the door knob. When the employees went to lunch, the ballots they were processing were left in mail trays and an open ballot box in the room.

WAC 434-250-100 (3) requires, "Ballot boxes must be locked and sealed at all times, with seal logs that document each time the box is opened, by whom, and the number of ballots removed."

WAC 434-250-110 (2) requires, "Following initial processing, all absentee ballots must be kept in secure storage. Secure storage must employ the use of numbered seals and logs or other security measures which will detect inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel."

Recommendation: The elections department must utilize numbered seals and logs on all deposit boxes. NOTE: The department obtained numbered seals prior to Election Day. Additionally, the elections department must develop security procedures to document access to the ballot processing room and ensure that no one had inappropriate or unauthorized access to the ballots.

Auditor's Office as a Voting Center

The Auditor's Office functioned as a voting center during the 18 days preceding the election. They had a disability access unit set up, instructions for voters in 16 point pitch, and the HAVA poster was displayed, along with other items required for voters. They did not have any signs at the courthouse indicating that it was a place for voting. Additionally, they did not request identification from voters utilizing the disability access unit. The Auditor's Office had a log for the voters to sign before voting on the unit.

WAC 434-250-100 (2) requires, "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 posted according to standard public notice procedures;

(b) Be an accessible location consistent with chapters 29A.16 RCW and 434-257 WAC;

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

(d) Offer disability access voting;

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

(f) Record the name, signature and other relevant information for each voter who votes on a direct recording electronic voting device in such a manner that the ballot cannot be traced back to the voter;

(g) Request identification, consistent with RCW 29A.44.205 and WAC 434-253-024, from each voter voting on a direct recording electronic voting device or voting a provisional ballot;"

Recommendation: The elections department must post signs outside the courthouse indicating the building is a place for voting. Voters utilizing the disability access unit must present identification prior to voting. Additionally, the department must develop procedures to record the names, etc. of voters voting on the disability access unit in a non-chronological order. Voters must not sign their names on the voting log in the order they vote because the log allows relating the ballot cast directly to the voter.

Ballot Duplication

The elections department correctly works in teams of two people to duplicate damaged or unreadable ballots. The voting system they use has a unique serial number on each ballot (not traceable to the voter). They use a log to record the serial number of the original ballot and the duplicate ballot, the precinct, and the people that duplicated the ballot.

RCW 29A.60.125 (1) requires, "Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot."

Recommendation: The election department staff must assign the original and duplicate ballot a number that is the same and note that number on the ballot. It is important that the original ballot can be tied back to the duplicate ballot; however, it is also important this can be accomplished without referring to the log.

Certifying the Election

The Pacific County Auditor's Office thoroughly and accurately canvassed the election and the canvassing board certified the election in a timely manner. The reconciliation report was not presented to the canvassing board with the certification.

RCW 29A.60.235 requires, "The county auditor shall prepare, make publicly available at the auditor's office or on the auditor's web site, and submit at the time of certification an election reconciliation report that discloses…"

Recommendation: The County Auditor must complete an election reconciliation report and present the report to the canvassing board when they certify the election.

Suggestions

The following are suggestions for increasing efficiency and improving operations within the County Auditor's Office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks as areas of election administration in which the County Auditor might improve the efficiency and operation of the office.

Written Procedures

The Pacific County Elections Department has a procedures manual that contains procedures for all aspects of administering elections. Some of the procedures are not current with changes in the law.

Suggestion: The reviewer commends the elections department for having a thorough elections procedures manual. The most difficult aspect of having a procedures manual is keeping it up to date. The elections department should make every effort to update its procedures manual before the spring election cycle.

Precinct Boundaries

The precinct boundaries in Pacific County do not follow visible, physical features. The law requires changes to any precinct boundary should follow visible, physical features. The County has not made any changes to the precinct boundaries, which means they are in compliance with the law. However, the U.S. Census will be taken in 2010 and it is important that the census takers can physically see where the precinct boundaries are.

Suggestion: Pacific County should redraw any precinct boundaries that do not follow visible, physical features prior to the census.

Section 2

County's Response to Draft Review Report

The Election Certification and Training Program issued a draft review report to the Pacific County Canvassing Board in January 2008. In accordance with WAC 434-260-145, we provided Pacific County with a 10-day period in which to respond, in writing, to recommendations listed in the draft report.

The Pacific County Auditor provided the following response to the draft review report. The signed original of their response is on file in the Office of the Secretary of State.

PACIFIC COUNTY AUDITOR

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PACIFIC COUNTY COURTHOUSE
National Historic Site

Willapa Harbor Area – (360) 8
Peninsula Area – (360) 642
Naselle – (360) 484-73
North Cove Area – (360) 26
FAX – (360) 875-933
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Pacific County would like to thank Tracy Buckles and the Secretary of State office for taking the time to review Pacific County Elections.

After reviewing the comments and suggestion I would like to make the following comments.

Comments to the Review Recommendations.

1. Notice of Election – The County has made the correction for the notices. It now contains the location for replacement ballots.

2. Mismatched signatures – The County has changed it's form to say they can either change their signature by coming into the Auditor's office or sign the affidavit either by signing the affidavit and attaching a copy of identification or by signing with two witnesses.

3. Ballot Security – The County has updated it policy with the drop boxes by placing a seal and having a seal log for each drop box. A seal is placed on the door to the election room any time the canvas board leaves the room. The ballots will be placed in large container and sealed. A seal log will be kept for the door and also the ballot container boxes.

4. Auditor's office as a poll site – We do have Vote Here Signs that will be placed outside the court house each day the Auditor's office is open for voting. Because we are a small county we know everyone, but in the future we will still ask for ID from each individual that votes on the DRE. We will also randomly have voters sign the poll book, not in order, so that the ballot can be kept secret.

5. Precinct lines – When and if the county has to change precinct boundaries, we will comply with RCW 29A.16.050. To date we have not had to change any precincts.

6. Certifying Election – At the time the Canvas Board canvasses the ballot reconciliation form is not disclosed because there are several changes in totals due to ballots being

moved from Suspense. A reconciliation report is completed after the Canvassing board meets and is kept with the Certification of Election. In the future we will complete the form while the board is present.

Best Regards,

Pat M. Gardner
Pacific County Auditor

Approved by: David Burke, Pacific County Prosecuting Attorney
Bud Cuffel, Pacific County Commissioner District No. 2

Conclusion

The reviewer commends the Pacific Elections Department staff for their organization, attention to detail and dedication to the integrity of the election process.

The areas listed in this report will help keep procedures in compliance with statue and rule. Many require only minor changes in forms, notices, or procedures. However, because elections are so complicated, even minor changes can have a major impact on the election process.

The department has very good daily reconciliation procedures. The department utilizes a ballot tracking program that reports daily ballot numbers.

The County Auditor should prepare and present to the canvassing board the reconciliation report required by law.

The elections department staff should continue to work on improving security procedures and updating the procedures manual.

During the review, the staff members were professional and cooperative. Following the recommendations and suggestions in this report will further improve the processes of the Pacific County Auditor's Office.

Review Report Prepared by:

Tracy Buckles
Elections Program Specialist
Office of the Secretary of State

Tracy Buckles

Date: January 25, 2008

Signature