

Election Procedures Review
Of
Jefferson County
State of Washington
2008 General Election



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



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 Jefferson County during the 2008 General Election cycle. Miriam Campbell, Elections Program Specialist, represented the Election Certification and Training Program during the review. Donna M. Eldridge, Jefferson County Auditor, Karen Cartmel, Chief Deputy Auditor/Elections Supervisor, and other members of the staff participated on behalf of the Jefferson County Auditor's Office.

Both the reviewer and the Jefferson 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 Jefferson 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 Jefferson 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

Jefferson County is home to 22,160 registered voters who turned out in great numbers for the 2008 November General Election. In partnership with the Jefferson County Auditor's Office, voters participated by voting by mail and on accessible voting units at a rate of 91.7%, reaching one of the highest voting percentages in Washington State.

The Jefferson County seat is located in Port Townsend, a designated National Historic District, famous for its Victorian seaport setting. The Jefferson County Auditor's Office is located within the historic courthouse overlooking Port Townsend Bay and the entrance to Admiralty Inlet. The elections department serves a unique area divided by the Olympic National Park and National Forests, stretching from Puget Sound to the Pacific Ocean.

In addition to the Honorable Donna Eldridge, Jefferson County Auditor, the elections department consists of Karen Cartmel, Chief Deputy Auditor/Elections Coordinator, and Betty Johnson, Voter Registration Coordinator. During the elections cycle, additional employees of the County Auditor's Office are called upon to assist with voter services, signature verification, and ballot drop sites. The permanent staff performs all the functions of the County Auditor's Office, including elections, drawing from a great depth of experience and expertise. Amidst the heightened demands of the General Election, the staff's tireless teamwork and commendable commitment to elections were evident.

The Jefferson County Auditor has emphasized staff training in election administration. The department exceeds the required number of employees, a minimum of two people, who must be certified by the state as Election Administrators. Four staff members, including the County Auditor, have passed the Election Administrator's Exam and have dutifully maintained their certification for many years. Their diligence in attending trainings and offering continuing education to Jefferson County employees enhances the continuity of elections in Washington State.

The Jefferson County Auditor has been recognized for her excellence in voter education and outreach. The office continues to address accessible voting through community outreach efforts and the Jefferson County Disability Advisory Committee. It also offers a strong Observer's Training program for members of the community.

In the course of this election, the reviewer observed pre-election tasks, election procedures, post-election procedures, canvassing, and certification of the election. The election staff verbally explained any task the reviewer was unable to observe. Staff members were extremely open and helpful, and their dedication to elections is unmistakable.

While this report lists a few areas that need to be addressed, overall the Jefferson County Auditor's Office is doing an excellent job administering elections. Some of the recommendations in this report require relatively minor changes in the county's procedures. However, because elections are so complicated, even minor changes can have a major impact on the election process.

The following recommendations and suggestions will improve and enhance the county's election procedures and policies.

Recommendations

The following recommendations identify areas in which 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.

Procedures for Verification Notices

The Jefferson County Auditor's Office correctly sends a verification notice to voters who have submitted an incomplete voter registration application. The department gives voters ample time to supply missing information; however, the department has at times sent additional verification notices because it lacked a tracking procedure for the 45-day time limit.

RCW 29A.08.110 states, "(1) An application is considered complete only if it contains the applicant's name, complete valid residence address, date of birth, signature attesting to the truth of the information provided, a mark in the check-off box confirming United States citizenship, and an indication that the provided driver's license number, state identification card number, or Social Security number has been confirmed by the secretary of state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant within forty-five days or is returned as undeliverable, the name of the applicant shall not be placed on the official list of registered voters. If the applicant provides the required verified information, the applicant shall be registered to vote as of the original date of mailing or date of delivery, whichever is applicable."

Recommendation: When the elections department receives incomplete voter registration applications, it must track the 45-day time limit in which applicants can return a verification notice. It is recommended that the elections department devise a system for tracking the time limit, so as not to exceed the deadline.

Response to Confirmation Notice

When the Jefferson County Auditor's Office receives a response to a confirmation notice with an out-of-county, in-state address change, the office cancels the voter's registration.

RCW 29A.08.640 requires, "If the response indicates a move out of a county, but within the state, the auditor shall place the registration in inactive status for transfer pending acceptance by the county indicated by the new address."

Recommendation: When a voter moves out-of-county, but in-state, the County Auditor's Office shall place the registration on inactive status.

Processing Voter Name Changes

The Jefferson County Auditor's Office permits a voter to change his or her name by the approved methods in statute. However, it does not require both the new and former signatures in order to process the name change. The department does not require a voter to sign his or her previous name and new name if the handwriting of the new name matches the handwriting on the voter's registration.

RCW 29A.08.440 states, "To maintain a valid voter registration, a person who changes his or her name shall notify the county auditor regarding the name change in one of the following ways: (1) By sending the auditor a notice clearly identifying the name under which he or she is registered to vote, the voter's new name, and the voter's residence. Such a notice must be signed by the voter using both this former name and the voter's new name..."

Recommendation: To verify that the registered voter requesting the name change is in fact the same person, the Jefferson County Auditor must require both the voter's new and former signatures in all cases. The elections department may develop a form for this procedure.

Ballot Deposit Sites

The Jefferson County Auditor maintains two outdoor drop boxes for voters to deposit voted ballots. Prior to Election Day, one of the deposit sites was unable to withstand the inclement weather. As staff removed ballots from the deposit box, the reviewer observed noticeable moisture and wet absentee envelopes in the base of the box. The envelopes were immediately removed and transported securely indoors by two staff members who proceeded to sort and separate the moist envelopes, allowing them to dry.

WAC 434-250-100 instructs, "(b) Ballot boxes located outdoors must be constructed of durable material able to withstand inclement weather..."

Recommendation: The Jefferson County Auditor's Office provides the required number of ballot drop sites to serve its communities. It must also regularly monitor the sites to ensure each box is capable of guarding against the elements to protect voted ballots. At the time of this election, the County Auditor ascertained that a sign which helps to shield the box from rain had been removed. She immediately contacted county staff to help remedy the problem.

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.

Workspace for Ballot Processing

The County Auditor's Office is located within the Jefferson County Courthouse which provides limited space for mail ballot processing. The office's narrow, segmented layout has limited surface areas and insufficient floor space for staff to process ballots, sign logs, organize mail trays, or check signatures; the space also dictates a fragmented ballot path.

The office is currently utilized for multiple tasks such as issuing ballots, verifying signatures, processing ballots, transporting mail trays, tabulating ballots, hosting political party observers, printing results and conducting canvassing board meetings. In addition to election procedures, the staff issues licenses in the same area and provides excellent customer service.

The staff has adapted very well to the office, but in an even-year election such as this one when turnout was particularly high, the necessary space for staff, mail trays, ballots, tabulator(s) and political party observers was insufficient.

Suggestion: Jefferson County should investigate workspace options for future even-year elections so it may continue to provide accuracy and public transparency without disruption. The department needs workspace to conduct multiple tasks and a separate area to accommodate the large number of interested observers. Adequate for smaller elections, the space was not adequate for the large turnout in this election.

Mail Tags

Jefferson County appropriately attaches mail tags to its mail trays. These tags are made available through the United States Postal Service to better track and draw attention to official election mail. During pre-election observation, the reviewer noted that Tag 52 (red) intended for campaign mailings, was attached to mail trays of ballot packets.

Suggestion: The elections department should affix Tag 191 (green) to its outgoing trays of ballot packets. The USPS suggests that green tags be used for all international and domestic mailings of ballots. (The tags should not be used for other types of election mail, however, like voter registration cards.) The red tags may actually put ballot mailings at a disadvantage time-wise because they are associated with campaign materials and may move through the process at a slower rate.

County's Response to Draft Review Report

The Election Certification and Training Program issued a Draft Review Report to the Jefferson County Canvassing Board in March 2009. In accordance with WAC 434-260-145, we provided Jefferson County 10 days to respond, in writing, to recommendations listed in the draft report.

The Jefferson County Canvassing Board 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.



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April 1, 2009

Miriam Campbell, Elections Program Specialist
Office of the Secretary of State
PO Box 40229
Olympia, WA 98504-0229

RE: Election Procedures Review of Jefferson County

Dear Ms. Campbell:

In accordance with WAC 434.260.145, please accept the following response to your review recommendations and suggestions.

RECOMMENDATIONS

Item #1 Procedure for Verification Notice

RCW 29A.08.110 states, "(1) An application is considered complete only if it contains the applicant's name, complete valid residence address, date of birth, signature attesting to the truth of the information provided, a mark in the check-off box confirming United States citizenship, and an indication that the provided driver's license number, state identification card number, or Social Security number has been confirmed by the secretary of state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant within forty-five days or it is returned as undeliverable, the name of the applicant shall not be placed on the official list of registered voters. If the applicant provides the required verified information, the applicant shall be registered to vote as of the original date of mailing or date of delivery, whichever is applicable." *We concur. We will track the 45-day time limit in which applicants can return a verification notice. If the verification notice is not returned by the voter within forty-five days, or is returned undeliverable, the name of the applicant will not be placed on the official list of registered voters.*

Item #2 Response to Confirmation Notice

RCW 29A.08.640 requires, "If the response indicates a move out of a county, but within the state, the auditor shall place the registration in inactive status for transfer pending acceptance by the county indicated by the new address." *The Jefferson County Voter Confirmation Notice has a check box that states, "I moved out of Jefferson County, WA on (date). Please cancel my voter registration." Due to budget constraints we do not have the resources to reprint these notices. At such time that our budget*

allows, we will update the form and content of our Confirmation Notice to comply with current laws. As a compromise, we will send a voter registration form to out of county (in state) addresses.

Item #3 Processing Voter Name Change

RCW 29A.08.440 states, "To maintain a valid voter registration, a person who changes his or her name shall notify the county auditor regarding the name change in one of the following ways: (1) By sending the auditor a notice clearly identifying the name under which he or she is registered to vote, the voter's new name, and the voter's residence. Such a notice must be signed by the voter using both this former name and the voter's new name." *We concur. We have updated our procedures and have developed a letter to send to the voter to comply with current law.*

Item #4 Ballot Deposit Sites

WAC 434-250-100 instructs, "(b) Ballot boxes located outdoors must be constructed of durable material able to withstand inclement weather." *We concur.*

SUGGESIONS

Item #1 Workspace for Ballot Processing

Jefferson County will investigate workspace options for future even-year elections.

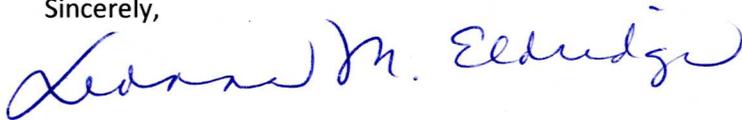
Item #2 Mail Tags

Jefferson County will mark its outgoing trays of ballots with Tag 191 (green).

CONCLUSION

We sincerely appreciate the valuable feedback we have received during this election review process. We know that this opportunity for our offices to work together helps make elections in Jefferson County and in our state the best in the nation. We appreciate the recommendations and suggestions made during this election review that will help enhance and improve our county's procedures. We will continue to look forward to the opportunity of working together with the Office of the Secretary of State Election Certification and Training Program.

Sincerely,



Donna M. Eldridge
Jefferson County Auditor

Conclusion

The Jefferson County Auditor's Office is to be commended for its election procedures. During the review, staff members were professional and cooperative. The elections department does an excellent job of accounting for and reconciling the ballots in their possession. The elections staff is very conscientious about issuing, handling and securing the ballots. The staff is also well-versed in voter intent issues and canvassing the election.

The space limitations of Jefferson County's historic courthouse may be addressed by investigating alternate workspaces, especially for election cycles in which voter turnout is expected to be great. The department needs both additional surface space and floor space for mailing and processing ballots. It might also investigate new areas for accommodating observers. The combination of sparse surface space, a fragmented ballot path, limited floor space for employees and observers creates potential for compromising the accuracy of election procedures.

The recommendations made by the reviewer in this report are for consideration by the Jefferson County Auditor and County Canvassing Board. These are meant to enhance and improve Jefferson County's elections procedures. The Office of the Secretary of State is available for any additional assistance the County Auditor may request.

Review Report Prepared by:

Miriam Campbell
Elections Program Specialist
Office of the Secretary of State



Date: March 19, 2009

Signature