

Adams County

2009 General Election

State of Washington



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 2009, the Legislature altered the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every five years. The Legislature also added a requirement that the Program conduct follow-up contact 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 Adams County during the 2009 General Election cycle. Kay Ramsay, Elections Program Specialist, represented the Election Certification and Training Program during the review. The Honorable, Nancy McBroom, County Auditor, Heidi Hunt, Elections Supervisor, and other members of the staff participated on behalf of the Adams County Auditor's Office.

Both the reviewer and the Adams 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 Adams 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 Adams 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

Adams County is located in the southeastern portion of Washington State and was named after President John Adams. Othello has grown into the largest community in the county.

One visitors guide describes Ritzville as “Built on the backs of agriculture and the railroad. Ritzville is a standing tribute to the American Farmer.” This can be said of all of Adams County, as the economy relies heavily on agriculture.

Adams County is within the 4th and 5th Congressional Districts and the 9th Legislative District. There are 34 junior taxing districts and 31 precincts. The county has approximately 6,025 registered voters.

Because of a large Hispanic population in the Othello area, election materials are produced in Spanish. Designing and conducting voter outreach for the non-traditional communities is challenging. Unfortunately, a satellite office located in Othello was closed due to budget reductions in July 2009.

The County Auditor, elections supervisor and limited help from staff in other sections in the office are responsible for conducting elections. The elections supervisor verifies all the signatures on the mail ballot envelopes, as no other staff is trained to perform this duty. Ballot tabulation and all ballot duplication were done by the County Auditor and the elections supervisor.

In the course of this review, the reviewer observed pre-election tasks, election procedures, post-election procedures, canvassing, and certification of the election. The reviewer also examined all written procedures and documents generated supporting the 2009 General Election. The County Auditor’s Office staff verbally explained some tasks the reviewer was unable to observe.

The reviewer was pleased to find substantial documentation supporting almost every process conducted by the elections office. The records created and maintained by staff assisted in a thorough review.

The staff is very knowledgeable and conscientious. They are dedicated to the integrity of the elections process and are continually striving to improve processes.

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.

VERIFICATION NOTICE

The Adams County Auditor correctly sends verification notices to voters who have submitted incomplete voter registration applications. However, the verification notice sent by the elections department lacks the necessary voter's oath and signature line that should accompany it.

The verification notice states the voter must respond by the next election. The notice does not inform the applicant that the information must be received within 45 days if they wish to be registered to vote.

RCW 29A.08.210 states, "If the applicant fails to provide the information required for voter registration, the auditor shall send the applicant a verification notice. The applicant may not be registered until the required information is provided. If a verification notice is returned as undeliverable or the applicant fails to respond to the notice within forty-five days, the applicant shall not be registered to vote".

Recommendation: The voter declaration and a signature line should be added to the verification notice.

The verification notice must be revised to include the 45 day warning. The statement that the information must be received by the next election must be removed.

IDENTIFICATION NOTICE

When a voter registration application is missing a driver's license number or state identification number, the applicant is not sent an identification notice. A verification notice is incorrectly sent to the applicant requesting the information.

RCW 29A.08.107(2) states, "If the driver's license number, state identification card number, or last four digits of the social security number provided by the applicant do not match the information maintained by the Washington department of licensing or the social security administration, or if the applicant does not provide a Washington driver's license, a Washington state identification card, or a social security number, the applicant must be provisionally registered to vote. An identification notice must be sent to the voter to obtain the correct driver's license number, state identification card number, last four digits of the social security number, or one of the following forms of alternate identification:

- (a) Valid photo identification;*
- (b) A valid enrollment card of a federally recognized Indian tribe in Washington state;*
- (c) A copy of a current utility bill;*
- (d) A current bank statement;*
- (e) A copy of a current government check;*
- (f) A copy of a current paycheck; or*
- (g) A government document, other than a voter registration card, that shows both the name and address of the voter.*

Recommendation: When an application is received missing only a driver's license number or state identification number, the application should be processed and the voter's record flagged as requiring verification of identity. An identification notice, which includes all required elements found in WAC 434-250-045(1) should be sent to the voter.

NOTICE OF ELECTION

The notice of election published by the County Auditor did not include a statement that return postage is required.

WAC 434-250-310 (3) states, "A county auditor conducting an election by mail, including a county auditor that conducts every election by mail, must state: (d) Whether return postage is required;

Recommendation: Future notices of election must inform the voter that first class postage is required on the return envelope.

AUDITOR'S OFFICE AS A VOTING CENTER

Counties that conduct elections entirely by mail must operate the Auditor's Office as a voting center. The following areas were not in compliance:

- The Adams County Courthouse did not have signs on the outside of the building either directing voters or indicating that it was a voting center.
- The date of that election was not displayed.
- Voting instructions printed in at least 16 point bold type was not displayed in the voting center on the day of the election.

WAC 434-250-100(2) requires voting centers to:

- (c) Be marked with signage outside the building indicating the location as a place for voting*
- (m) Display the date of that election*

WAC 434-257-130 requires, "Each county auditor shall conspicuously display voting instructions, printed in at least 16-point bold type, at each polling place on the day of the election."

Recommendation: Because the Auditor's Office is considered to be a voting center, the list of requirements in WAC 434-250-100(2) must be followed beginning 20 days before the day of the election and up to 8:00 p.m. on the day of the election.

Because voting takes place at the courthouse, voting instructions must be provided in accordance with WAC 434-257-130.

POLITICAL PARTY OBSERVERS

The Adams County Auditor does not send a letter to each major political party requesting observer's for all ballot processing procedures.

WAC 434-261-020 requires, "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 procedures, and shall request, in writing, that each major political party appoint representatives to fill the requirements."

Recommendation: The County Auditor must request, in writing, the presence of political party observers. She must estimate the minimum number of observers needed to observe each part of the process and include that information in her request.

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.

LOGIC AND ACCURACY TEST

The ballots used for the logic and accuracy test conducted by the elections department had not been folded and did not have the fold through any of the response positions like the ballots that were mailed to the voters. As a result, when actual ballots were tabulated, the system could not read a large number correctly. These ballots had to be duplicated.

Suggestion: The same ballots that will be mailed to voters should also be used when conducting the logic and accuracy test. If they had used folded ballots for the test, the problem with the tabulators reading the ballots would have become evident sooner.

OPENING BALLOTS

The elections department uses a very small electric letter opener to open ballot envelopes. This process is very time consuming and greatly slows down ballot processing.

Suggestion: When possible, a larger letter opener should be purchased. A larger opener would increase efficiency and productivity.

PROCEDURES

The elections department has a very good start on a comprehensive procedures manual. The manual includes written procedures for many of the duties they perform, however some tasks need updating while others need more detail. Recently implemented procedures need to be added.

Suggestion: One of the most difficult tasks is keeping written procedures up to date in regard to changes in law or rule, and changes in actual office practices. The reviewer suggests an annual review of all written procedures to ensure they are kept current. Written procedures provide consistency and instruction to someone who may not be familiar with a process.

APPLICATIONS

A replacement ballot form is used for requests made in person and by office staff if the request is made over the phone or by other electronic means. The application contains an oath and a signature line below it.

Suggestion: Voters are not required by state law or rule to complete a form to receive a replacement ballot. Requests may be made in person, by phone, mail, or electronically. Voters should not be required to complete an application to receive a replacement ballot.

STAFFING

The elections supervisor is the only one of the County Auditors staff that is trained to verify signatures on the ballot return envelopes. The reviewer believes this may be true for many of the duties performed by the supervisor.

Suggestion: The County Auditor should consider cross training department staff to ensure that more than one of the staff have some knowledge and experience conducting all areas of an election.

They may also want to consider hiring temporary staff during an election.

COUNTY'S RESPONSE TO DRAFT REVIEW REPORT

The Election Certification and Training Program issued a Draft Review Report to the Adams County Canvassing Board in April 2010. In accordance with WAC 434-260-145, we provided Adams County 15 business days to respond, in writing, to recommendations listed in the draft report.

The 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.



County of Adams
State of Washington

Office of County Auditor
NANCY McBROOM, County Auditor
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May 12, 2010

Kay Ramsay
Elections Program Specialist
Office of the Secretary of State
Elections Division
PO Box 40229
Olympia, WA 98504-0229

Dear Ms. Ramsay,

Below you will find the Adams County Canvassing Board's responses in regards to the recommendations in your review of our elections procedures.

Recommendations:

1. Verification Notice: This notice has been revised to include the "Voter Declaration" and a signature line. The notice now includes the 45-day warning which replaces the statement that "response is required by the next election."
2. Identification Notice: A new notice has been created for voter identification purposes. The verification form will no longer be used when drivers license or state identification information or last 4 digits of the social security number is missing. The new "identification notice" which includes all required elements found in WAC 434-250-045(1) will be sent to an applicant who has not included the above mentioned information.
3. Notice of Election: The Notice of Election shall include the information that "return postage is required" if sent through the mail.
4. Auditor's Office as a Voting Center: A sign notifying voters that the courthouse is a "Voting Center" will be displayed outside the courthouse. The sign will also state the date of the upcoming election and be on display for 20 days before the election. Voting instructions will be posted in the

Auditor's office on Election Day. The instructions will be displayed prominently and printed in 16 point bold type.

5. Political Party Observers: A letter will be sent to the major political parties in Adams County requesting the presence of observers at the different steps of the election process. The letter will include the dates and time involved and will recommend the number of observers needed.

Suggestions:

1. Logic and Accuracy Test: Folded ballots will be used whenever possible for the Logic and Accuracy Test.
2. Opening Ballots: Adams County has received HAVA grants for a letter opener and purchase of ES&S's Unity Suite.
3. Procedures: The elections administrator is working on updating the procedures manual. The manual will be reviewed annually.
4. Applications: We have never "required" that the voter complete a written request for ballot replacement. We do use a form that our staff fills out for our records.
5. Staffing: Another staff member definitely needs to be cross trained as back up in the elections process. We have used temporary staff when needed during an election.

It has been a pleasure to work with you and the Office of the Secretary of State during this review. If you should have any additional questions or concerns, please do not hesitate to contact the Adams County Auditor, Nancy McBroom.

Sincerely,

Adams County Canvassing Board:



Nancy McBroom
Adams County Auditor



Roger Hartwig
Chair, Adams County Commissioner



Randy Flyckt
Adams County Prosecuting Attorney

CONCLUSION

Staff of Adams County Elections is knowledgeable, conscientious, and skillful in conducting elections. The Adams County Elections staff is professional and staff should be commended for their commitment to the integrity and transparency in the elections process. They have utilized all the resources available to them to provide exceptional service.

They are dedicated and have taken steps to become less reliant on outside vendors for the programming and ballot production.

Updating forms and notices, posting the required signage and election information on the day of the election and ensuring staff is sufficiently trained will help keep procedures in compliance with statute and rule.

The reviewer appreciates the openness of the Adams County Auditor and staff participating in this review. Their friendliness and professionalism made the review a pleasant experience. The reviewer made a series of recommendations and suggestions for consideration by the Adams County Elections Department. These are meant to enhance and improve Adams County's procedures.

Report Prepared by Kay Ramsay, Elections Program Specialist, Election Certification and Training Program

Signature: 

Date: May 2010