

# Douglas County

## 2011 General Election

### State of Washington



Conducted by: Miriam Campbell  
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 issues 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 Douglas County during the 2011 General Election cycle. Miriam Campbell, Elections Program Specialist, represented the Election Certification and Training Program during the review. The Honorable Thad Duvall, Douglas County Auditor, Marty Whitehall, Elections Supervisor, and other members of the staff participated on behalf of the Douglas County Auditor's Office.

Both the reviewer and the Douglas 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 Douglas 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 Douglas 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

Douglas County is located in the north central agricultural region of Washington State. The county is large in area and diverse in geography with the Columbia River defining its borders.

The Douglas County Auditor's Office is in the beautiful, historic Douglas County Courthouse located in the county seat of Waterville. The elections department serves 47 precincts and approximately 18,300 registered voters. The office is a voting center that provides in-person voting services during regular business hours. The department also performs critical administrative functions such as maintenance of voter records, ballot insertion and mailing, ballot inspection and digital scanning of voted ballots. Like all counties in Washington State, Douglas County votes entirely by mail.

In addition to the main office in Waterville, the County Auditor provides secured ballot deposit sites in the population center of East Wenatchee as well as in Bridgeport, Mansfield, and Rock Island. These sites were available to voters beginning 20 days before the Primary. The department's website provides useful information for voters including a list of deposit site locations and mapping directions.

The reviewer had the opportunity to observe many of the election department's procedures during the Primary. Various aspects of the process were also reviewed through a voter registration questionnaire, requested county documents, and the department's written procedures manual. The staff was friendly, cooperative and patient.

Douglas County has recently implemented procedures for a new voter registration management system and a new digital scan voting system. The 2011 General Election was the department's second election using both systems. The department is to be commended for its commitment to voter registration administration, learning new election technologies, and for its efforts to keep current with ever-changing election laws. The staff was committed to becoming skilled in each of these new systems in order to serve the county's registered voters.

During this same time frame, the staff was also immersed in preparations for the redistricting process just prior to the 2012 adoption of new district lines. Preparing for redistricting and working with two new election technologies added to the already demanding election cycle of 2011.

## 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.

### CANDIDATE FILING, APPEARANCE ON THE BALLOT, DISTRICT BOUNDARIES

**Procedure:** During candidate filing week, the Douglas County Auditor's Office accepted an online Declaration of Candidacy without verifying the candidate was registered in the district of filing. Although the candidate lived in the district, the election department's voter registration system inaccurately identified the candidate as living outside the district. Because staff failed to verify the candidate's registration, this street file error was not detected in time to prevent the omission of the race from the ballot for a group of eligible voters within the district (including the candidate).

To correct the situation, the elections department worked diligently with the district and its own GIS department to identify eligible voters in the district that may have received a ballot with the omission. The department successfully sent corrected ballots to the eligible voters before Election Day.

**Requirement:** *RCW 29A.20.021 (1), "A person filing a declaration of candidacy for an office shall, at the time of filing, be a registered voter and possess the qualifications specified by law for persons who may be elected to the office."*

*RCW 29A.20.021 (3), "The name of a candidate for an office shall not appear on a ballot for that office unless... the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office."*

**Recommendation:** If the Douglas County Auditor's Office had verified the candidate's registration at the time of filing, a discrepancy with the district's boundary information might have come to the election department's attention during candidate filing week. Early discovery of the discrepancy might have prevented omission of the race on ballots.

In the future, staff must verify that each declared candidate is properly registered to vote in the district of filing before approving the candidate's filing. This prevents a non-qualified candidate

from appearing on the ballot, and, potentially alerts the county to inaccurate or incomplete information provided by a local district. The elections department may document that the candidate's voter record has been verified by logging the candidate's voter registration number on the face of the declaration.

When a declaration of candidacy is submitted through the online filing system, the candidate may choose to skip the VRDB check. A notation is appended to the unapproved candidate's submission to alert county election officials that confirmation of the candidate's registration is necessary prior to approval of the filing.

Finally, the department might consider communicating with local districts more frequently than required. Some counties have found that regular electronic mailings from the County Auditor to jurisdictions can help the elections department keep its street file and district boundary information current.

## REQUEST FOR OBSERVERS

**Procedure:** The Douglas County Auditor's Office conducts open and transparent elections. However, prior to the 2011 General Election, the office did not send a notice to the county chair of each major political party requesting a list of individuals willing to serve as observers or notification of the time and date which processing began.

**Requirement:** *RCW 29A.40.100, "County auditors must request that observers be appointed by the major political parties to be present during the processing of ballots at the counting center. County auditors have discretion to also request that observers be appointed by any campaigns or organizations."*

*RCW 29A.60.170(1), "At least twenty-eight days prior to any special election, general election, or primary, the county auditor shall request from the chair of the county central committee of each major political party a list of individuals who are willing to serve as observers. The county auditor has discretion to also request observers from any campaign or organization."*

*WAC 434-250-110(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."*

**Recommendation:** Douglas County must request observers from each major political party prior to each election. This notice should request the number of observers needed to view each part of the process. Sending the required request may increase interest in the election

process and provide the county with further opportunity to educate the public about elections. Most importantly, the political parties will be notified of upcoming elections.

## BALLOT MATERIALS FOR MILITARY AND OVERSEAS VOTERS

**Procedure:** The Douglas County Auditor’s Office sends ballots and instructions to military and overseas voters. The ballot materials for the 2011 General Election did not provide a secrecy cover sheet for voters to return ballots electronically.

Further, the instructions direct voters to sign an oath that isn’t required in state or federal law. For example, language contained in the oath asks voters returning ballots electronically to understand that they must, “relinquish any right to ballot security.” The augmented oath appears to be printed in lieu of providing the voter with the required secrecy cover sheet.

**Requirement:** *RCW 29A.40.091, “Service and overseas voters must be provided with instructions and a secrecy cover sheet for returning the ballot and signed declaration by fax or email.”*

**Recommendation:** The Douglas County Auditor’s Office sends ballot packet materials to military and overseas voters. However, the elections department must also send a secrecy cover sheet in the ballot packet materials; this applies to both mailed and emailed ballots.

Voters must not be required to waive their ballot secrecy when returning a ballot electronically. The instructions to voters must clearly explain how to electronically return a ballot while maintaining privacy. Instructions should not ask a voter to “relinquish” any rights. Contrary to the wording added to the oath, security of the ballot is not likely to be compromised; rather, without a secrecy cover sheet, the voter’s *privacy* could be compromised.

If the department’s intention was to use the voter’s declaration sheet as the secrecy cover sheet, then again, this would not ensure the voter’s privacy because the voter’s signature is requested upon the declaration sheet. The department could instruct voters to use the back of the instruction sheet as the ballot privacy sheet.

The election department must provide the same declaration on emailed ballots as all ballots issued in Washington State. The declaration should not be augmented with language that isn’t provided for in statute or rule.

The 2011 legislative session changed how military and overseas voters receive and return ballots. Changes enacted by HB 1000 became effective immediately and are summarized in [Clearinghouse 11-04: "Military and Overseas Voters"](#) , issued June 17, 2011.

## DEPOSIT SITE PROCEDURE

**Procedure:** The Douglas County Auditor’s Office utilizes numbered seals and seal logs to document access to its ballot deposit site boxes. Douglas County’s policy requires two people to be present when ballots are removed from deposit boxes. Ballots are then placed into a container and transported by one person between designated locations. The container itself is not sealed with a numbered seal during transport.

**Requirement:** *WAC 434-261-045, “...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.”*

*WAC 434-250-110 (5), “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.”*

*WAC 434-250-130, “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: (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.”*

*WAC 434-250-100(2), “Ballots must be placed into secured transport carriers and returned to the county auditor's office or another designated location.”*

**Recommendation:** Douglas County maintains written procedures for emptying ballot deposit sites, securing ballots and transporting containers. The County Auditor must ensure that the steps described in the written procedures are followed; a container of ballots must be secured with a numbered seal before allowing one person to transport it. One log is specifically for the ballot deposit box and another log is for the transport container. An alternate procedure would be requiring two staff members to remain with the ballots at all times during transport.

Sealing the container before transporting it between locations illustrates that any inappropriate access to ballots will be detected.

## VOTING CENTER REQUIREMENTS

**Procedure:** The Douglas County Auditor’s Office also functions as a voting center. The center did not display the required HAVA information in the voting center near the accessible voting area, nor the date of the 2011 General Election.

**Requirement:** *WAC 434-250-105, “Each voting center must:*  
*(i) Display a HAVA voter information poster; and*

*(j) Display the date of that election;”*

**Recommendation:** To comply with HAVA requirements, Douglas County must display required information in its voting center for each election where voting occurs. The current HAVA information poster is laminated and provides space for the elections department to write or display the required election information. The poster must be updated with the required information prior to each primary and general election.

#### RESOLUTION LOG

**Procedure:** The Douglas County Auditor’s Office correctly resolves digitally scanned ballot images in its voting system. The resolution determinations are made by two authorized staff members. The final step of printing and signing a log of resolutions did not occur.

**Requirement:** *WAC 434-261-102, “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.”*

**Recommendation:** Douglas County must print resolution logs; each resolution log must be signed by the same two staff members making the determinations. This is significant because the log identifies the personnel canvassing the ballot images and making the corresponding resolutions. Just as duplication logs provide documentation for ballots that have been duplicated, resolution logs provides a record of resolutions and who made them.

## 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.

### BALLOT PROCESSING

The Douglas County Auditor's Office currently sorts voted ballots by precinct. Sorting by precinct requires a great deal of time and effort on the front end of the process that may be time and cost prohibitive in the digital scan environment. The department's current process requires multiple sorts as the department pre-sorts, manual counts, and fine sorts. In a larger election, fine sorting of ballots can create a bottleneck between the inspection and digital scanning phases.

**Suggestion:** The department should consider conducting an analysis of the benefits of its current procedure of sorting returned ballots by precinct. An analysis may reveal a large amount of time expended on the front end of the processing phase.

The transition to a digital scan voting system is an opportunity to try sorting by batch. The current ballot processing procedures could be streamlined by sorting returned ballots into batches while maintaining the accountability of the election.

### RESOLVE BATCHES

This election cycle was only the second time Douglas County processed ballots with its new voting system. Because of the transition from an optical scan system to a digital scan system, the staff had to be trained in new technologies as well as new policies and procedures. Inspected ballots were not organized into batches to be auto-resolved and batches needing resolution.

**Recommendation:** To increase the efficiency of its ballot processing path, the elections department should anticipate that ballots needing resolution of votes in order for them to be counted should be set aside into different batches. For greatest efficiency and best record keeping, the department should scan as many readable ballots as possible, automatically

resolve the applicable votes, and set aside ballots needing manual resolution into a “resolve batch.”

## WRITTEN PROCEDURES

The Douglas County Elections Department has a procedures manual that contains well-written procedures for all aspects of administering elections. The department’s manual refers to procedures for optical scan ballots and the county’s former voter registration vendor. It does not reflect the county’s current digital scanning environment.

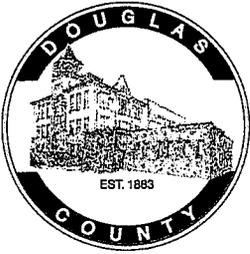
**Suggestion:** The Douglas County Auditor’s Office should make every effort to update its procedures manual so that it reflects the election department’s actual procedures, including procedures related to its new voting systems. An updated procedures manual provides valuable documentation that the department is in compliance with election laws.

Again, the elections department is to be commended for its ability to be trained and skilled in both a new voter registration system and a new tabulation system in a short period of time. It should continue to update its policies accordingly.

## COUNTY'S RESPONSE TO DRAFT REVIEW REPORT

The Election Certification and Training Program issued a Draft Review Report to the Douglas County Canvassing Board in October 2012. In accordance with WAC 434-260-145, we provided Douglas 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.



*Thad L. Duvall*  
*Douglas County Auditor*

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October 10, 2012

TO: Miriam Campbell, Secretary of State Election Certification and Training Program

RE: Douglas County Response to Election Procedures Review

Douglas County would like to thank the Secretary of State for providing a review process that helps election offices throughout the state keep up with the latest policies and procedures as spelled out in RCW and WAC.

We have addressed the six recommendations contained in the review and have taken steps to make the necessary changes in procedure that will bring Douglas County Elections into compliance.

Thanks for working with us during this process and providing a well written election procedure review.

*Thad Duvall*

Thad Duvall  
Douglas County Auditor

## CONCLUSION

The Douglas County Auditor and elections department are to be commended for their dedication to election administration. The department's voter registration procedures are excellent. This is critical in ensuring that eligible voters are registered in a timely manner and according to ever-changing state and federal laws.

While the department should update its written procedures to reflect its current digital scan environment, the department's efforts to convert to new election technologies and adapt to changing policies are evident. The department must continue to pay attention to detail and continue on its course of compliance.

While the Douglas County Auditor and elections department is experienced in election administration, the staff is open to suggestions and committed to training. The staff was patient and cooperative during the review while fulfilling its many election duties during a very demanding election cycle. Some of the recommendations in this report are minor adjustments that will be easily made by the department.

Report Prepared by Miriam Campbell, Elections Program Specialist, Election Certification and Training Program

Signature:



Date: October 2012