

Ferry County

2010 Primary Election

State of Washington



Conducted by: Kay Ramsay
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 Ferry County during the 2010 Primary Election cycle. Kay Ramsay, Elections Program Specialist, represented the Election Certification and Training Program during the review. Dianna Galvan, Ferry County Auditor and Liz Stinson, Elections Supervisor, participated on behalf of the Ferry County Auditor's Office.

Both the reviewer and the Ferry 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 Ferry 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 Ferry 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

Ferry County is located in the northeastern corner of Washington State. Ferry County is the 9th largest county in the state. However, its population is the 4th smallest in the state. Bordering Canada to the north and the Columbia River to the east, the southern half is within the Colville Confederated Tribal land and the Colville National Forest claims the northern half. That leaves a mere 18% of taxable land within the county.

Ferry County was created in 1899 and named for Governor Ferry, the last territorial governor and first governor of Washington State. Republic, the county seat, has had a mining history from the time of its inception. The Republic mines were the major producers of gold in Washington. The last remaining operational gold mine in the state is in Republic.

Ferry County has 4,335 active registered voters within its 36 precincts and is entirely within the 7th legislative and the 5th Congressional districts. Ferry County was one of the first counties in our state to conduct all of its elections by mail. With one part-time position dedicated to the elections department, the County Auditor must use personnel from other sections in the County Auditor's Office, such as licensing and recording, to assist because of insufficient staffing in the elections department.

The reviewer had the opportunity to observe many of the elections department procedures. Some procedures were reviewed through written documents and some were verbally explained. All aspects of administering elections were reviewed.

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.

QUESTIONNAIRE TO CITIES TOWNS AND DISTRICTS

Procedure: The Ferry County Elections Department correctly sends a questionnaire to all of the cities, towns, and districts in the county every year to obtain information necessary for candidate filing.

The questionnaire was not sent until March 22nd, 2010. The department requested the districts respond no later than May 1st, 2010.

Requirement: *WAC 434-215-005 states, "Prior to March 1 of each year, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29A.04.321 and 29A.04.330. The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, and the annual salary for the position at the time of the filing period. Responses should be received prior to April 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period."*

Recommendation: The elections department must send the questionnaire every year by March 1st and request responses from the districts by April 1st.

VOTER REGISTRATION NOTICES

Verification Notice

Procedure: If a new voter registration application is received without the applicant's signature or the citizenship box not checked, the Ferry County Elections Department returns the incomplete form to the applicant accompanied by a letter requesting that the applicant return the completed form, with signature, to the County Auditor.

If a new voter registration form is received without the applicant's date of birth or an incomplete address the elections department sends a postcard to the applicant accompanied by a letter requesting that the applicant complete and return the postcard. Neither the letters nor the postcard contains the required affidavit.

Requirements: *RCW 29A.08.110 (1) states, "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."*

RCW 29A.08.230 indicates, "For all voter registrations, the registrant shall sign the following oath: 'I declare that the facts on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of a felony, I will have lived in Washington at this address for thirty days immediately before the next election at which I vote, and I will be at least eighteen years old when I vote. '"

Recommendation: A single verification form must be designed to request all required information needed to process a registration, including the oath and signature line. The notice must include a declaration of U.S. citizenship and provide prepaid return postage.

Confirmation Notice

Procedure: When a voter is placed on inactive status, Ferry County Elections Department sends the voter a confirmation notice postcard along with a letter explaining the reason for the notice. The postcard allows the voter to fill out the necessary information and return it to the County Auditor.

The accompanying letter asks the voter to return the notice, no later than 45 days from the date of the letter. The letter warns that if the confirmation card is not returned and the voter does not vote in two federal elections, their name will be removed from the voter registration list. The letter goes on to state, that if it is not returned, verification or confirmation of the voter's address may be required before the voter is allowed to vote.

The confirmation notice does not provide prepaid postage.

Requirement: *RCW 29A.08.635 states, “Confirmation notices must be on a form prescribed by, or approved by, the secretary of state and must request that the voter confirm that he or she continues to reside at the address of record and desires to continue to use that address for voting purposes. The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal elections, his or her voter registration will be canceled.”*

29A.08.030(4) states “Confirmation notice’ means a notice sent to a registered voter by first-class forwardable mail at the address indicated on the voter’s permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter’s residence address. The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information”.

Recommendation: The letter accompanying the notice must be revised. No deadline should be given for the voter to return the notice. The section of the letter warning the voter should be reworded to state that the registration will be canceled if the voter fails to respond or vote “in either of the next two federal elections.”

Requiring confirmation or verification of the inactive voter’s address is not required by law as a prerequisite to voting. That statement must be removed from the notice. The notice must be redesigned to include prepaid postage.

Identification Notice

Procedure: When a voter registration application is missing a driver’s license number or state identification number, the applicant is sent an identification notice and the application is put into a pending file. The notice informs the applicant that unless the requested information is received within 45 days, the applicant will not be registered to vote. This form is not currently designed to include prepaid postage.

Requirement: *RCW 29A.08.107 (2) states in part; “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.”*

WAC 434-324-045(1) requires;” If the applicant is provisionally registered pursuant to WAC 434-324-040(5), the county auditor must verify the applicant’s identity before counting the applicant’s ballot. The county auditor may use other government resources and public records to confirm the applicant’s driver’s license or state identification card number or the last four digits

of the applicant's Social Security number. The county auditor may also attempt to contact the applicant by phone, e-mail or other means to obtain identification information.

(2) If, after these attempts, the county auditor is still unable to verify the applicant's identity, the county auditor must send the applicant an identification notice that includes a postage prepaid, preaddressed form by which the applicant may verify or send information. The identification notice must include:

(a) A statement explaining that because the applicant's identity cannot be verified with the information provided on the application, he or she is provisionally registered to vote.

(b) A statement explaining that if this information is not provided, the applicant's ballot will not be counted.

(c) A statement explaining that federal law requires the applicant to provide a copy of one of the following forms of identification either before or when they vote:

(i) A Washington driver's license or state ID card;

(ii) The last four digits of his or her Social Security number;

(iii) Valid photo identification;

(iv) A valid enrollment card of a federally recognized tribe in Washington;

(v) A current utility bill, or a current bank statement;

(vi) A current government check;

(vii) A current paycheck; or

(viii) A government document, other than a voter registration card, that shows both the registrant's name and current address.

(5) A provisional registration must remain on the official list of registered voters for at least two general elections for federal office. If, after two general elections for federal office, the voter still has not verified his or her identity, the provisional registration shall be canceled.

Recommendation: When an application is received missing a driver's license number, state identification number or the last four digits of the social security number, the applicant should be provisionally registered and the voter's record flagged as requiring verification of identity. An identification notice, which includes all required elements found in WAC 434-324-045, should be sent to the voter. The form must be redesigned to include prepaid postage.

Notice of Incapacitated Person

Procedure: When a notice is received from a court that a voter has been declared incompetent, staff correctly determines whether the person is a registered voter in Ferry County. If the voter is registered, the county Auditor sends a verification notice and a confirmation card to the voter.

Requirement: RCW 29A.08.515 mandates; "Upon receiving official notice that a court has imposed a guardianship for an incapacitated person and has determined that the person is incompetent for the purpose of rationally exercising the right to vote, under chapter 11.88 RCW, if the incapacitated person is a registered voter in the county, the county auditor shall cancel the incapacitated person's voter registration".

WAC 434-324-108 states; "Upon receipt of a court order declaring an incapacitated person does not retain voting rights as outlined in RCW 11.88.010, the auditor must search his or her county election management system to determine whether the person is a registered voter. If the auditor determines the incapacitated person's name and other identifying information match, he or she must cancel the incapacitated person's voter registration and send notification to the secretary through the county election management system. The auditor must also send a copy of the court order to the secretary. After canceling an incapacitated person's registration, the auditor must send a cancellation notice to the incapacitated person using the last known address."

Recommendation: When a notice is received from a court, the elections staff must verify that the person is a registered voter. Immediately upon verification the voter must be cancelled and a cancellation notice should be sent.

RETURN TO ACTIVE STATUS

Procedure: When a voter who has been placed on inactive status attempts to vote, the voter's status is correctly made active again but, the voter is issued a provisional ballot.

Requirement: *29A.08.625(1)states; "A voter whose registration has been made inactive under this chapter and who requests to vote at an ensuing election before two federal general elections have been held must be allowed to vote a regular ballot applicable to the registration address, and the voter's registration restored to active status."*

Recommendation: The voter must be allowed to vote a regular ballot.

NOTICE OF ELECTION

Procedure: The Ferry County Elections Department published a legal notice of election that included the date of the election and the fact that Ferry County votes entirely by mail. The notice listed each office, the names, addresses and the candidates' party preference and the availability of disability access voting equipment. The notice did not list the following information:

- Location where voters may obtain a replacement ballot
- A statement that postage is required to return the ballot
- The dates and times of designated deposit sites and voting centers

Requirement: *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 also state:*

- (c) The location where voters may obtain replacement ballots;*
- (d) Return postage is required;*
- (e) The dates, times and locations of designated deposit sites and voting centers."*

Recommendation: Ferry County should add location where voters may obtain replacement ballots and postage requirements to its Notice of Election.

Because the Auditor’s Office is open 20 days before an election, the dates and office hours of the Auditor’s Office should be listed in the Notice of Election.

AUDITOR’S OFFICE AS A VOTING CENTER

Procedure: Counties that conduct elections entirely by mail must operate the County Auditor’s Office as a voting center. A Disability Access Unit was available and sample ballots, voter registration forms, cancellation cards, and provisional ballots were available. A HAVA information poster was displayed.

The following areas were not in compliance:

- The Ferry 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 and registration instructions printed in at least 16 point bold type was not displayed in the voting center on the day of the election

Requirement: *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.”

RCW 29A.44.140 (1) states, “Each county auditor shall provide voting and registration instructions, printed in large type, to be conspicuously displayed at each polling place and permanent registration facility.”

Recommendation: Because the County Auditor’s Office is 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. Voting instructions must be provided in at least 16 point font.

RESOLUTION AND DUPLICATION LOGS

Procedure: The Ferry County Elections Department does an excellent job of utilizing its digital scan system to resolve questions of voter intent, write-ins, overvotes, and undervotes on voted ballots. The department’s voting system keeps an electronic audit log of all actions taken in the process; however, the department does not print and sign a copy of the log.

Requirement: *WAC 434-261-102 requires, “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 and signed by the two staff.”*

Recommendation: The resolution log must be printed and signed to document who resolved which ballots. This could be accomplished by having only one team of two resolve ballots on any given day and printing the log once the process is complete, or printing the log when the team of two changes.

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.

STAFFING

The elections department is understaffed. Because of budget reductions, the single, full time position in the Ferry County Elections Department was recently cut to a half time position. There are only the Ferry County Auditor and one half time elections administrator, with the help of staff from other sections of the office, to ensure that voter registration and elections are run correctly from start to finish. The Ferry County Auditor also has extensive responsibilities in Recording, Licensing, and Accounting. They do not have time to adequately address certain critical areas of elections administration.

Suggestion: This reviewer would strongly recommend establishing a full-time position. Such a position, devoted entirely to elections, is necessary during non-election times to keep the department current by developing a procedure's manual, updating office forms and processes, and daily maintenance of voter registration information and attending training.

Adequate staffing is essential for completing all the steps needed to provide accurate, secure elections. Attention to detail and accuracy must be priorities for any election. The current staffing levels impede accomplishing all the required tasks.

WRITTEN PROCEDURES

Ferry County elections staff do not have an organized procedures manual. The reviewer was given written procedures for some processes, however, many procedures are undocumented. Entire sections, such as voter registration and Voter Registration Database maintenance, need to be covered in detail. Continuing to expand the written procedures is critical to efficient operations of the elections office.

Suggestion: A current procedures manual is an invaluable tool for election administration, especially when the County Auditor's Office has inexperienced staff or is short handed. The manual should include policies and procedures for all aspects of administering elections. The manual is not only important to new people performing the task, but should include the many

tasks in election administration that are performed infrequently. The manual would provide consistency and document the elections department's compliance with the laws.

Some things to keep in mind when compiling a procedure's manual:

- Include all parts of election and voter registration administration, including use of the disability access units.
- There is nothing wrong with borrowing another county's procedures, especially when both counties use the same technology, however; the text must be reviewed and converted to accurately describe the procedures used in the Ferry County Elections Department.
- Update the written procedures frequently. Keeping written procedures current with the law and office practice is imperative. The reviewer suggests an annual review of all written procedures to ensure they are current.
- Old versions of active office documents should either be destroyed or archived in accordance with the Ferry County retention schedule when superseded.
- Adopting a standard format for office procedures may help in organizing policies and tasks. Several counties utilize templates that document applicable statutes, the forms or documents needed to support the procedures, and any personnel assigned to perform tasks. These templates also address timelines and deadlines applicable to the tasks.

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February 9, 2011

Attn: Kay Ramsay
Secretary of State's Office
Election Certification and Training Program

RE: Ferry County Election Review

We the Ferry County Canvassing Board have reviewed the report dated January 10, 2011. The recommendations have been taken into consideration. We are currently working on updating our notices. We will make sure that the questionnaire to all cities, towns, and districts will be sent by March 1, of every year.

When a voter is placed on inactive status then returned to active status they are issued a regular ballot.

The Notice of Election will now include the suggestions included in this review.

Resolution and Duplication logs are to be printed and signed by two staff members. They have been stored digitally but will now be printed and signed.

As we are currently short staffed because of budget cuts we will just have to work within those boundaries. However, we will always try to maintain an excellent and impartial election cycle.

We have a copy of policy and procedures. We are currently reviewing and making changes as needed.

Sincerely,

Dianna Galvan
Ferry County Auditor

CONCLUSION

The Ferry County Elections Department conducts accurate, well-run elections in spite of the lack of resources available to them. The Ferry County Auditor's Office works very hard to ensure the integrity of each election. The elections department demonstrates excellent reconciliation procedures, conscientious ballot security measures and friendly public service.

With any county conducting elections, having up to date written procedures can be a lifesaver. Written procedures document compliance with law, and can assist in training new staff. It is extremely difficult to find enough time to maintain written procedures, especially with so many election laws changing as rapidly as they have in the past few years. It is highly suggested that the Ferry County Auditor's Office continue to expand written procedures and do their best to update the written procedures that are already in existence.

During this review, the Ferry County Auditor and entire staff were professional and cooperative. The reviewer was able to visually observe, read in written procedure, or discuss verbally with the staff the many aspects of election administration. Following the recommendations and suggestions in this report will further improve the processes of the Ferry County Auditor's Office.

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