

Election Procedures Review
Of
Clark County
State of Washington
2008 April Special 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 were 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 Clark County during the April Special Election cycle. Tracy Buckles, Program Specialist, represented the Election Certification and Training Program during the review. Greg Kimsey, Clark County Auditor, Tim Likness, Elections Supervisor, and other members of the staff participated on behalf of the Clark County Auditor's Office.

Both the reviewer and the Clark 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 Clark 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 Clark 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.

Table of Contents

| | |
|------------------------------------|--------|
| Overview | Page 1 |
| Recommendations | Page 2 |
| Suggestions | Page 4 |
| County's Response to Review Report | Page 5 |
| Conclusion | Page 8 |

Overview

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

Clark County votes entirely by mail. The elections department is fortunate to have the space necessary for processing mail ballots. The space allows for transparent processes while maintaining the integrity of administering elections.

The staff is experienced and very knowledgeable. They have successfully managed the multitude of changes in election law and a fairly new voting tabulating system.

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

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.

Acknowledgement Notice

The Clark County Elections Department correctly sends an Acknowledgement Notice (a voter registration identification card) to all newly registered voters or to voters who have had a change in his or her registration. The notice contains the following language: "Under our election laws, your registration is permanent as long as you vote in at least one of every two federal elections."

RCW 29A.08.620 requires, "A county auditor shall assign a registered voter to inactive status and shall send the voter a confirmation notice if any of the following documents are returned by the postal service as undeliverable:"

RCW 29A.08.630 indicates, "If the inactive voter fails to provide such a notice or take such an action within that period, the auditor shall cancel the person's voter registration."

Recommendation: The elections department should remove the language from the Acknowledgment Notice that warns the voter that his or her registration is only permanent if he or she votes in one of two federal elections. That stipulation only applies if the voter is inactive because mail has been returned to the County Auditor as undeliverable. A voter who has not been placed on inactive status does not have to vote in one of two federal elections for the registration to be permanent.

Drop Off Sites

The Clark County Elections Department served as a voting center. Additionally, the department had one 24-hour drop box that was available 20 days before Election Day. There were 34 staffed deposit sites open on Election Day. The staff at each site secured the ballot box with a padlock and retained the key. After 8:00 p.m., the staff at each site unlocked and opened the ballot box. Each box was then secured with a numbered seal before it was transported to the Clark County Elections Department. At the two sites visited by the reviewer, the staff was not aware of any procedures in the event that a voter deposited a ballot after 8:00 p.m.

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

The same WAC requires, "If a ballot envelope is returned after 8:00 p.m. on election day, deposit site staff must note the time and place of deposit on the ballot envelope, and such ballots must be referred to the canvassing board."

Recommendation: The elections department should have the staff at the deposit sites secure each ballot box with a numbered seal and record the seal number. This would document access to the ballot box, whereas, a padlock and key provide no documentation.

The staff at the deposit sites must follow the procedures in the WAC for ballots deposited after 8:00 p.m. The department should consider emphasizing this in training.

County Auditor's Office as a Voting Center

The election department offices served as a voting center. The office met all but two of the requirements for functioning as a voting center. There was no sign outside the building indicating it was a place for voting. The election staff provided a card for people wishing to vote on the disability access unit. The card had all the required elements and additionally contained the oath required on mail ballots.

WAC 434-250-100 requires, "Each voting center must...(c) Be marked with signage outside the building indicating the location is a place for voting...(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."

Recommendation: The Clark County Elections Department must display a sign outside the building to indicate it is a place for voting. Since the oath is not a required element, the department must remove the oath on the card for the voters utilizing the disability access unit.

Duplicating Ballots

The elections department utilized a log to track ballots that were duplicated. The log contained space to record the precinct, duplication number, original serial number and new serial number. The staff also had a rubber stamp that they used on the ballots that recorded the duplication number and the initials of the staff that duplicated the ballots.

RCW 29A.60.125(2) requires, "A log must be kept of the ballots duplicated which must at least include: (a) The control number of each original ballot and the corresponding duplicate ballot; (b) The initials of at least two people who participated in the duplication of each ballot; and the total number of ballots duplicated."

Recommendation: The Clark County Elections Department should utilize a log that contains the elements listed in the RCW. The log serves as a single source of information for duplicated ballots.

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.

Free Access for Provisional Ballots

The elections department correctly provides a card to each person who votes a provisional ballot. The card provides information to the voter on how they should obtain the disposition of his or her provisional ballots. However, the card indicates the provisional ballot was issued because the voter's name was not in the poll book or the poll worker could not ascertain the voter's status.

Suggestion: The elections department should update the notification card to reflect the County's status as a county that votes entirely by mail.

Written Procedures

The Clark County Elections Department has a thorough written procedures manual. However, the challenge with written procedures is keeping them up to date. The election department's manual includes information about absentee ballots, poll workers, poll watchers and outdated procedures about the counting center.

Suggestion: The elections department should make updating the procedures manual a priority. Since it is a presidential election year, it is busier than usual and an updated manual will play a critical role to those persons performing tasks they do not usually perform or perform infrequently. Also, it provides valuable documentation that the county is in compliance with election laws.

County's Response to Draft Review Report

The Election Certification and Training Program issued a Draft Review Report to the Clark County Canvassing Board in July 2008. In accordance with WAC 434-260-145, we provided Clark County 10 days to respond, in writing, to recommendations listed in the draft report.

The Clark 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.



proud past, promising future

CLARK COUNTY
WASHINGTON

CLARK COUNTY
CANVASSING BOARD

July 14, 2008

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

Dear Ms. Buckles,

This is in response to the Draft Report of the Election Procedures Review of Clark County, issued July, 2008 by the Office of the Secretary of State.

Thank you for your observation that "Overall the Clark County Elections Department has excellent election procedures. They are knowledgeable, conscientious, and dedicated to administering elections openly and accurately." We support your view that the department strives for perfection.

We appreciate your Recommendations and Suggestions. Listed below are the steps that have been taken, or that are planned to be taken, to address these.

Acknowledgement Notice – The language on the Acknowledgement Notice has been corrected.

Drop Off Sites – Numbered seals will be provided to staff at deposit sites to secure ballot boxes and training will be provided to these staff to communicate this procedure as well as the proper procedures to follow for ballots that are brought to the deposit site after 8:00 p.m. on Election Day

County Auditor's Office as a Voting Center – We will place a sign on the outside of the Elections Department to indicate that it is a place for voting. We will remove that portion of the oath referred to in the report from the card that people sign before using the direct recording electronic voting units.

1300 Franklin Street · P.O. Box 5000 · Vancouver, WA 98666-5000

(360) 397-2078 · Fax (360) 397-6007 · www.clark.wa.gov

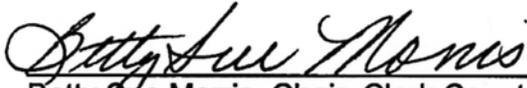
Duplicating Ballots - While our existing records provide all the information required by R.C.W. 29A.60.1250 when ballots are duplicated, we will develop a log to serve as a single source of that information.

In addition, your suggestions relating to updating documents and procedures to reflect Clark County's status as a county that votes by mail will be implemented.

Thank you again for your efforts. We sincerely appreciate the work you, and your staff, put into conducting this review.

Sincerely,

Clark County Canvassing Board


Betty Sue Morris, Chair, Clark County Board of Commissioners


Art Curtis, Clark County Prosecuting Attorney


Greg Kimsey, Clark County Auditor

Conclusion

Overall, the Clark County Elections Department has excellent election procedures. They are knowledgeable, conscientious, and dedicated to administering elections openly and accurately.

The elections department does an exceptional job communicating with the voters of Clark County. The department is diligent at making sure vital information is available to voters in various formats and publications.

The department also does a very good job accounting for all of the mail ballots. When the canvassing board certified the election, they were presented with documentation that indicated all the ballots tabulated equaled the ballots received by the department minus those rejected by the canvassing board.

The elections department should ensure that duplicated ballots are logged according to the statute to ensure that there is one source for tying duplicated ballots to original ballots.

The Clark County Elections Department is doing a remarkable job. The staff works well as a team; each member performs his or her duties efficiently, professionally, and with a positive attitude. It is readily apparent that the whole department strives for perfection. Addressing the items mentioned in this report will make this already fine operation even better.

Review Report Prepared by:

Tracy Buckles
Elections Program Specialist
Office of the Secretary of State



Signature

Date: July 17, 2008