

Benton County

2011 Primary Election

State of Washington



Conducted by: Miriam Campbell, Elections Specialist
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 Benton County during the 2011 Primary Election cycle. Miriam Campbell, Elections Program Specialist, represented the Election Certification and Training Program during the review. Brenda Chilton, Benton County Auditor, Stuart Holmes, Elections Supervisor, and other members of the staff participated on behalf of the Benton County Auditor's Office.

Both the reviewer and the Benton 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 Benton 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 Benton 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

Benton County is located in the south central portion of Washington State in beautiful, arid wine country where the Columbia River comprises its north, south, and east boundaries. The Benton County Auditor's Office is located in the county seat of Prosser and serves approximately 87,000 registered voters. All counties in Washington State conduct elections by mail.

The Benton County Elections Department provides in-person voter services during regular business hours in the county courthouse. The courthouse office also provides licensing and recording services to the public. This location supports most critical election administration functions such as maintenance of voter records, ballot insertion and mailing, ballot inspection and processing; it houses all the machinery and electronics for every aspect of the election process. The department endeavors to provide many online services to voters through its website as well.

During the early voting period of an election cycle, voters are also served at the County Auditor's two sub-offices. One sub-office is located in Kennewick, the county's largest population center, and the other is in Richland. Accessible voting units (AVUs) are deployed at the courthouse in Prosser and at each sub-office. Replacement ballots are available at these three locations, and online through the elections website.

The Benton County Auditor also provides voters with two additional deposit sites for returning voted ballots. These sites are located at the Benton City Hall in Benton City, and the Benton County Justice Center in Kennewick. All totaled, secure ballot drop boxes are at five locations throughout Benton County.

The elections department has employed video security procedures at the main office to document access and strengthen ballot security. It also uses live video streaming on its website to increase public transparency of the election process.

The Benton County Election Department is progressive and pays attention to detail. The staff is leading the elections community in its understanding of elections law, digital scan operations, and design principles for election information for voters.

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.

PRECINCT LIMITS

Procedure: A precinct is a geographic entity established for the purpose of conducting elections. In 2011, the legislature increased the allowable number of active registered voters in a precinct from 900 to 1,500 for the conduct of elections. Even with the recent increase, the Benton County Elections Department maintains six precincts containing more than 1,500 active voters. Two of those precincts contain more than 2,000 active voters.

Requirement: *RCW 29A.16.040 (2) states, "The county legislative authority may establish by ordinance a limitation on the maximum number of active registered voters in each precinct within its jurisdiction. The number may be less than the number established by law, but in no case may the number exceed one thousand five hundred active registered voters."*

Recommendation: The upcoming redistricting process in 2012 presents an excellent opportunity for the Benton County Auditor to adjust the precincts it maintains. The Benton County Auditor must ensure that no precinct exceeds the maximum 1500 active registered voters.

DISABILITY ADVISORY COMMITTEE PLAN

Procedure: Benton County Elections has established a Disability Advisory Committee (DAC) to advise the department in accommodations for persons with disabilities. The committee developed its required DAC plan in June of 2009; the plan has not been updated annually.

Requirement: *RCW 29A.46.260 requires, "The committee shall assist election officials in developing a plan to identify and implement changes to improve the accessibility of elections for voters with disabilities... Counties must update the plan at least annually."*

Recommendation: The Benton County Auditor’s Office must update its DAC plan annually. The department could revive its collaboration with county and community partners to convene its DAC and adopt a meaningful plan. If the plan has not changed significantly over the course of a year, it is still recommended that the committee meet and reaffirm the plan. If improvements to the plan are identified by the committee, it’s recommended that those improvements be detailed in the plan and implemented.

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 PATH AND WORKFLOW

For a county with nearly 90,000 registered voters, the Benton County Elections Department has limited ballot processing space compared to other counties of similar population levels. The department has adapted to its segmented, cramped workspace by carefully compartmentalizing different stages of the election process as much as is practicable.

One of the natural consequences of conducting elections in a small, segmented space is that the path of ballot processing does not have a linear flow. This means that the flow of ballots during stages of the process intersects or crosses frequently. In Benton County, mail trays with ballots at different stages of the process share the same "holding areas" on table surfaces. The reviewer did not observe any inadvertent processing mistakes in this election. However, in 2012, the county can anticipate high volume elections with many more mail trays and ballots to process, more temporary workers to train, and an overlapping ballot path with a difficult workflow. The lack of definition between processes in a cramped space presents opportunities for inadvertent mistakes.

Security depends upon a clear, linear ballot path. Although security cameras will document inadvertent mistakes, they cannot prevent them. Lack of a clear definition between the various stages of processing can increase the risk for ballots missing a central step in processing. A clear, linear flow strengthens the integrity of the election process.

Suggestion: To maintain the security of its elections, Benton County should strongly consider reevaluating the type and amount of space allotted to election administration. More space devoted to elections could provide the department with an opportunity to design a clearer ballot path and logical workflow. Providing ample space for processing will positively impact

elections in Benton County. Changing the flow to a linear ballot path will decrease risk while strengthening the security and integrity of the process.

MANUAL DATE STAMPING

The Benton County Elections Department accounts for each returned ballot envelope received in its office. The department employs excellent counting and reconciliation procedures.

As part of the accounting process, the department stamps each ballot envelope received in its office by hand. The manual stamp indicates the date and location at which the envelope was originally received.

Manual date stamping of ballot return envelopes is not required in state law. The department utilizes many other methods for determining when a voter's ballot was received; it employs transport logs, seal logs, and postmarks to document when and where a ballot was deposited. Further, if a postmark on an envelope is not readable, the county verifies and accepts the date signed by the voter on the declaration in accordance with state law. The date manually stamped by election staff on a ballot envelope is not relevant to the ballot's acceptance.

Suggestion: To increase efficiency of ballot processing and improve Benton County's workflow, the department should consider eliminating the task of manually date stamping every ballot envelope received. The department employs many other procedures to ensure that only eligible ballots received prior to 8 PM on Election Day are counted.

COMMENDATIONS

The following commendations are to acknowledge the county election department's especially creative, effective procedures or solutions that go above and beyond what the law requires.

VOTER OUTREACH AND EDUCATION

The Benton County Auditor's Office utilizes progressive outreach methods to educate voters and provide excellent customer service. The elections department readily and regularly communicates with voters through an array of electronic methods, including the online voters' pamphlet complete with candidate videos. This is commendable because voters, media, and organizations can easily request or locate information about elections in Benton County, thereby amplifying the department's transparent conduct of the election process.

For example, voters can locate news about special filing periods, election results, redistricting forums, and voter outreach events through the main elections web page. Further, visitors can access the "most up-to-date election information" through its website on Twitter, Facebook, YouTube, and the county's elections blog, "Beyond the Ballot."

It's important to note that the office has a written policy for social media communications.

Voters also benefit from these services:

- Online replacement ballot requests
- Live video feed of canvassing at the ballot processing center located in Prosser
- Social media education providing frequent notifications and updates to stakeholders
- Ballot drop box locator with mapping capability

Benton County Elections is to be commended for its efforts to educate its voting community.

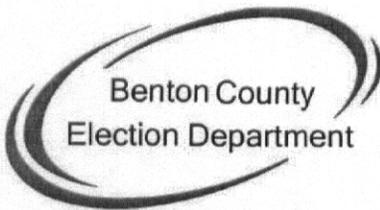
VOTER REGISTRATION

The Benton County Auditor's Office has a thorough understanding of the complexities of federal and state voter registration laws. The elections department is compliant in all areas of voter registration. This is commendable because election laws are multifaceted and change frequently. The department is to be commended for its voter registration administration.

COUNTY'S RESPONSE TO DRAFT REVIEW REPORT

The Election Certification and Training Program issued a Draft Review Report to the Benton County Canvassing Board in December, 2011. In accordance with WAC 434-260-145, we provided Benton 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.



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December 5, 2011

Miriam Campbell
PO BOX 40229
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Dear Ms. Campbell:

Thank you very much for your time and efforts in reviewing the Benton County Election Department during the 2011 Primary Election. In accordance with WAC 434-260-145, below you will find Benton County's response to the recommendations filed in your report.

Precinct Limits

The Benton County Election Department has been aware of the size of several growing precincts, two of those precincts being over 2,000 registered voters. The Election Department decided it was in its best interests not to split those precincts prior to the time the legislative and congressional districts were redistricted in 2012. Splitting the precincts prior to 2012 could potentially cause confusion with the State Redistricting Commission, local redistricting, and unnecessary work if a new district nicely splits the precinct. All precincts will be split to reduce the size to no more than 1,500 registered votes during the redistricting in 2012.

Disability Advisory Committee Plan

Benton County's Disability Advisory Committee reviews it's Plan annually. However, there are no updates made to document about specific projects or ideas that the Committee discusses. At our next meeting, those ideas will be added to the Disability Advisory Committee Plan and documented with their beginning and completion dates.

Benton County would also like to thank you for the suggestions in your report. The Election Department has already implemented your suggestion about discontinuing manual date stamping, as state law does not require it. You also suggested that we consider reevaluating the type and amount of space allotted to the Election Department. We continue to look for new and creative ways to solve the growing space issues that interfere with ballot path, workflow, and election security.

Sincerely,

A handwritten signature in cursive script that reads "Brenda Chilton".

BRENDA CHILTON,
Benton County Auditor

Democracy... It's what we do

CONCLUSION

The Benton County Elections Department is to be commended for its excellence in election administration. The department pays attention to detail, endeavors to assist voters through a variety of outreach methods, and stays current on ever-changing election laws.

While the County Auditor's staff is experienced in election administration, the staff is also progressive and forward thinking. The department has a collaborative spirit, working with Design for Democracy and the Secretary of State's Office for the improvement of ballot design and usability for voters statewide. The department has also contributed its expertise to many election training events, willingly assisting county peers.

The department has done an admirable job of adapting to its present area with limited space in the county courthouse. With changes to the county's workflow through elimination of its manual stamping procedure and, more importantly, investigating potential facilities for ballot processing, Benton County's election procedures will improve.

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



Date: December 6, 2011