

Election Procedures Review  
Of  
**Skamania County**  
State of Washington  
2006 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 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 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 election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code. Reviews are conducted at regular intervals in conjunction with a county primary, special or general election, at the direction of the Secretary of State.

Pursuant to RCW 29A.04.570 (1) (b), the Election Certification and Training Program conducted an election review in Skamania County during the February Special Election cycle. Amber Cervantes, Program Specialist, represented the Election Certification and Training Program during the review. J. Michael Garvison, Skamania County Auditor and David O'Brien, Elections Supervisor, participated on behalf of the Skamania County Auditor's Office.

Skamania County allowed the reviewer to thoroughly review and examine all aspects of the election processes. The county provided documentation and materials during the review which greatly contributed to a successful examination process.

Both the reviewer and the Skamania County Auditor's Office approached the review in a spirit of cooperation. The State commends the Skamania County Auditor's Office for its organization and preparation in making the review process a positive and useful experience.

Contents of this report are based on observations of election practices and procedures and on interviews with county election personnel. The reviewer obtained information based on the actual observation of a particular procedure, based on verbal explanation or written procedures. In all cases, the predominant concern is whether or not the county's actions constitute compliance with the intent of statutes and rules.

The purpose of this review report is to provide Skamania County Auditor's Office 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 Skamania County 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, in any way, the validity of the outcome of any election or of any canvass of election returns.

# Table of Contents

## Section 1

Overview and Recommendations Page 4

## Section 2

Suggestions Page 9

## Section 3

County Response Page 11

## Section 4

Conclusion Page 14

# Section 1

## Overview and Recommendations

During the course of this review, several county processes and procedures were either observed or reviewed, including pre-election procedures, Election Day procedures, post-election procedures, canvassing, reconciling, and certification procedures. There were no polling place procedures to observe as Skamania County votes entirely by mail. Comments regarding some of these observations are noted here and recommendations follow these observations.

Outstanding security procedures for storing ballots are employed by the Skamania County Auditor's Office. Each day, after the signatures have been verified, the ballots are placed in large, metal ballot boxes until further processing. Each metal box is secured with a numbered seal. A seal log is maintained for each box documenting all access in and out of the box. All of the sealed metal boxes are stored inside a wooden cabinet which is locked with a padlock. Skamania County could further its outstanding security procedures by expanding the use of numbered seals and seal logs to unsigned ballots and mobile ballot boxes.

Developing an updated policy and procedure manual would be an asset to the Auditor's Office. Because the office size is small and there is a limited number of election staff, it would be very difficult to replace the knowledge of current staff if they were to become unavailable during an election. Procedure manuals become very important tools when a new person has to step into a role to take somebody's place.

The elections department could greatly benefit from additional staff. It is very difficult to maintain voter registration records with current information through data entry when there is such a limited number of staff. Voter registration maintenance is forced to be put on hold while more pressing tasks of conducting an election are managed.

Some of the recommendations in this report require relatively minor changes in the county's procedures. However, because elections are so complicated, even minor changes can have a major impact on the election process.

The following recommendations and suggestions will improve and enhance the county's election procedures and policies.

## Review Recommendations

### Cancellation of Deceased Voters.

The Skamania County Auditor's Office cancels a voter when notification is received that a voter is deceased. The information may come in the form of a returned ballot scrawled with the word deceased on it or may come from a phone call.

RCW 29A.08.510 provides three avenues for which a voter may be cancelled due to death, "(1) ...the registrar of vital statistics shall prepare a list of persons...The secretary of state shall compare this list with the registration records of deceased voters...(2) ...each county auditor may also use newspaper obituary articles as a source of information in order to cancel a voter's registration...(3) In addition, any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his or her personal knowledge or belief another registered voter is deceased."

**Recommendation 1:** The Skamania County Auditor's Office must not cancel a voter without a request in writing. Although elections staff makes an effort to confirm the death by phoning a relative, they must follow the law which requires the request to be in writing and accompanied by a signature.

### Notice of Closing the Voter Registration Files.

Prior to the closing of voter registration files, the Skamania County Auditor's Office published a notice to inform the voters of such. The notice indicated that the registration files were closed to new registrants and transfers within the Washougal and White Salmon School Districts beginning 30 days prior to the election. The notice also indicated that as provided by RCW 29A.08.145, a voter could register in-person up to 15 days prior to the election.

RCW 29A.08.145 states, "A qualified elector in the state may register to vote or change his or her registration address in person in the office of the county auditor of the county in which the applicant resides," (emphasis added).

**Recommendation 2:** When publishing the notice of closing the registration files, the Skamania County Auditor's Office should have included that voters may also change their address in-person between the 30-day closing and the 15-day closing. This change in statute became effective January 1, 2006 in response to the Statewide Voter Registration Database.

However, a bill has passed during the 2006 legislative session which will change this practice again. The bill requires that no transfers, including those between county to county be conducted after the 30-day cut-off. In future notices, the language should state that only voters registering for the first time in Washington are eligible to register in person during the 15 to 30-day timeframe.

### Ballot Drop-Box.

The Skamania County Auditor's Office provides a ballot drop-box for its voters. The ballot box is locked with a pad-lock. The ballot drop-box is displayed on a counter on the far side of the office lobby. Several people enter the office and use that corner of the lobby for other activity.

There is also a large beam which can obstruct a clear view of the ballot box from several areas of the office.

WAC 434-250-100 (3) states, “Ballot boxes must be locked and sealed at all times, with seal logs that document each time the box is opened, by whom, and the number of ballots removed.”

WAC 434-261-045 states, “*Received ballots must be maintained in secure storage except during processing, duplication, inspection by the canvassing board, or tabulation. 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.*”

**Recommendation 3:** Auditor’s staff should use a numbered seal and seal log for documenting access to the ballot drop-box located in the Auditor’s Office lobby. In addition, the box should be placed on a counter closer to staff and further from the door or a way to attach the box to the counter it currently occupies should be considered to prevent somebody from grabbing the box and walking out the door.

#### Canvassing Board Manual.

Although the Skamania County Canvassing Board does have a two-page procedure manual, it is very out of date. The statutory references are not current, nor are the terminology used in describing procedures. For example, the term ‘special ballot’ is used and there are no longer special ballots; they have been called provisional ballots for several years now. In addition, there is no mention of newly required documents, including the reconciliation report. There are also no signatures or dates on the manual to document that the Canvassing Board adopted the manual and if so, when it was adopted.

RCW 29A.60.140 (4) states, “*The county canvassing board shall adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction.*”

**Recommendation 4:** The Skamania County Canvassing Board’s procedure manual must be updated to reflect current law. Signing the manual will provide documentation that the board has adopted the manual.

#### Security of Mobile Ballot Boxes and Ballots to be Presented to the Canvassing Board.

Outstanding security procedures for storing ballots are employed by the Skamania County Auditor’s Office. Each day, after the signatures have been verified, the ballots are placed in large, metal ballot boxes until further processing. Each metal box is secured with a numbered seal. A seal log is maintained for each box documenting all access in and out of the box. All of the sealed metal boxes are stored inside a wooden cabinet which is locked with a padlock. However, the ballots being held for the canvassing board because of missing or mismatched signatures and the mobile ballot boxes used to store the ballot images until Election Night are stored in a drawer that is locked with a key-lock.

WAC 434-250-130 (6) states, “*A 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 absentee ballot process*”

**Recommendation 5:** Although the security is exceptional for most of the ballots received at the Skamania County Auditor’s Office, the security practices should be extended to ballots which are waiting to be reviewed by the County Canvassing Board; ballots for which voters have either not signed the affidavit or the signature provided does not match the one on record, and the mobile ballot boxes that contain the information from the ballots that have been scanned prior to tabulation. These items are in a locked drawer. A ballot box with a hasp should be used as is used for the other ballots so that a seal number and seal log can be employed.

Notification to Voter of Unsigned Registration Application.

The Skamania County Auditor’s Office sends voters a form letter when they forget to sign their voter registration application. The letter does not include the oath required of a voter to sign in order to register to vote.

RCW 29A.08.230 requires, *“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 6:** The Skamania County Auditor’s Office must add the oath to any other document when requesting the voter sign for registration purposes.

Hospital Absentee Ballots.

The Skamania County Auditor’s Office does not provide an application for a voter to request and receive a hospital ballot. There are also no written procedures regarding this process.

WAC 434-250-030 (4) states, *“As authorized by RCW 29A.40.080, requests for an absentee ballot may be made by a resident of a health care facility, as defined by RCW 70.37.020 (3). Each county shall provide an application form for such a registered voter to apply for a single absentee ballot by messenger on election day. The messenger may pick up the voter’s absentee ballot and deliver it to the voter and return it to the county auditor’s office.”*

**Recommendation 7:** The Auditor’s Office must create an application form for a voter to request and receive a hospital absentee ballot. In addition, Auditor’s staff should also develop written procedures regarding how to handle such a request.

Special Absentee Ballots.

The Skamania County Auditor’s Office does not provide an application for a voter to request and receive a special absentee ballot.

RCW 29A.40.050 (1) states, *“As provided in this section, county auditors shall provide special absentee ballots to be used for state primary or state general elections. An auditor shall provide a special absentee ballot only to a registered voter who completes an application stating that she or he will be unable to vote and return a regular absentee ballot ...”*

WAC 434-250-030 (3) requires, *“...each county auditor must provide the applications. In addition to the requirements for a single absentee ballot, as provided in subsection (2) of this section the form must include: (a) A space for an out-of-state, overseas, or service voter not*

*registered to vote in Washington to indicate his or her last residential address in Washington; (b) A checkbox requesting that a single absentee ballot be forwarded as soon as possible; and (c) The declaration required in WAC 434-250-050.”*

WAC 434-250-030 (2) requires, “(a) A space for the voter to print his or her name and the address at which he or she is registered to vote; (b) The address to which the ballot is to be mailed; (c) a space for the voter to sign and date the application.”

**Recommendation 8:** The Skamania County Auditor’s Office must develop a form for a voter to request a special absentee ballot that includes all of the required pieces of information cited above. In addition, Auditor’s staff should develop detailed procedures regarding the issuance of special absentee ballots, instructions for such, and how to process the ballots when the voter also returns a regular ballot.

## Section 2

### Suggestions

The following are suggestions for increasing efficiency and improving operations with 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 discussed in the section as areas of election administration in which the county auditor might improve the efficiency and operation of the office.

**Suggestion 1:** Election staff verbalized that confirmation notices are only generated two to three times per year. In addition, the maintenance work of entering data collected to make voters inactive, cancel voters due to a deceased list, etc. is only performed periodically due to a shortage of staff. Because Skamania County votes entirely by mail, it is essential that voter registration records are kept as up to date as possible to ensure that voters are receiving the correct ballots and are assigned to the correct status of either active or inactive. Now that counties will be depending on the accuracy of other counties registration databases due to the Statewide Voter Registration Database, it is even more imperative that counties maintain the most current voter registration information as possible.

**Suggestion 2:** The Skamania County Auditor's Office needs current written policies and procedures. The ones supplied to the reviewer were out of date and did not span the entire arena of elections. All areas of elections should be covered in a manual. The procedures should be task oriented so that a person with no experience would be able to perform the function after reading the procedure. A detailed policy and procedure manual can be essential to a county with limited staff. If the one or two staff with considerable elections knowledge becomes unavailable during an election, a policy and procedure manual will allow another person to fill in for the absent staff. A complete manual also provides documentation of an office's compliance with election law through their written policies and procedures. Although it is a monumental task to develop and maintain a thorough procedure manual, taking a lot of time and effort, it is well worth it.

**Suggestion 3:** Although there were holes punched in both the security and outer envelopes as required, the holes were not utilized in the presence of the reviewer. After opening a group of ballots staff counted both the number of ballots and envelopes to ensure the numbers matched. The purpose of the holes is that after removing the ballots from the envelopes, the holes should be matched up and a person should be able to see through the holes to ensure no ballots have been left behind. The opening staff did not attempt to line up the holes or to look through them for verification. The practice of lining the holes up to verify no ballots have been left in envelopes should be incorporated into the ballot opening process.

**Suggestion 4:** When the Skamania County Auditor's Office receives a ballot that the voter has either not signed their envelope or the signature on the envelope does not match the one on file, election staff attaches a Follow Up form to the envelope. Information pertaining to contacting the voter is recorded on the Follow Up form including the voter's name, id number, phone number called, voter's response, date and time of attempt, initials of the staff person, and whether a notice has also been mailed to the voter. Once the office receives the requested information from the voter, the Follow Up form is removed from the envelope and thrown away.

Instead of throwing the forms away, the forms should be retained with the rest of the election materials to document compliance with 29A.60.165 which requires that the record be kept and is a public record. In addition, a space should be added to the form to record the date that the voter eventually signs the affidavit, copy of the affidavit, or new voter registration form.

**Suggestion 5:** All precincts in Skamania County are vote-by-mail. For a county to designate a precinct as a vote-by-mail precinct, it must contain less than 200 active registered voters after subtracting any permanent absentee voters. The Auditor's Office provided the reviewer a listing of the number of registered voters in each precinct and a list of mail voters in each precinct broken down between the various types of mail ballots including ongoing absentee voters. All precincts contained less than the limit of 200 voters. However, all precincts had a number of voters in which the system has classified as 'no code' mail ballots. Since there were some precincts fairly close to the limit of 200, it is concerning that there are groups of voters which are not classed as either absentee or vote-by-mail. As the county's voter registration population grows, it will become more difficult for election administrators to correctly determine whether or not the precincts meet the 200 voter limit.

RCW 29A.48.010 (2) authorizes, "*The county auditor may designate any precinct having fewer than two hundred active registered voters at the time of closing of voter registration as provided in RCW 29A.08.140 as a mail ballot precinct...In determining the number of registered voters in a precinct for the purposes of this section, persons who are ongoing absentee voters under RCW 29A.40.040 shall not be counted...*"

The Skamania County Auditor's Office should consider becoming a vote-by-mail county under the recent legislation. Although this would not require many changes administratively, it would be beneficial to election staff not to be required to track each precinct prior to each election ensuring that the numbers are below the 200 limit.

**Suggestion 6:** When the Skamania County Auditor's Office completes an address change, name change, cancellation, or other record maintenance to a voter's registration record, staff attaches the documentation to the back of the original voter registration card and maintains it indefinitely. Due to the lack of space the office has access to for storage; it may be more efficient to determine which documents do not require indefinite maintenance and sort those from the things which do. This would allow staff to periodically dispose of expired documents.

## **Section 3**

### **County's Response to Draft Review Report**

The Election Certification and Training Program issued a draft review report to the Skamania County Canvassing Board in March 2006. In accordance with WAC 434-260-145, we provided Skamania County with a 10-day period in which to respond, in writing, to recommendations listed in the draft report.

The Skamania 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.



**SKAMANIA COUNTY  
BOARD OF COMMISSIONERS**

Skamania County Courthouse  
Post Office Box 790  
Stevenson, Washington 98648

(509) 427-9447 FAX: (509) 427-7365  
TDD Relay Service (800) 833-6388

**PAUL J. PEARCE**  
District 1

**JIM RICHARDSON**  
District 2

**Al McKEE**  
District 3

April 21, 2006

Office of the Secretary of State  
Attn: Amber Cervantes  
PO Box 40237  
Olympia, WA 98504

RE: Election Procedures Review

Dear Ms. Cervantes:

We wanted to thank the Office of the Secretary of State for their assistance in reviewing the election procedures in Skamania County. Your review will help us strengthen the internal controls necessary to ensure fair, honest, and open elections. I will respond to the items described in order of the report.

**Recommendation #1** – We appreciate this recommendation and will strive to implement it.

**Recommendation #2** – We appreciate this recommendation and will strive to implement the changes as passed by HB 3041 of which the Auditor, J. Michael Garvison helped to get passed in the 2006 legislative session.

**Recommendation #3** – We appreciate this recommendation and have already implemented procedures doing so for the next regularly scheduled election.

**Recommendation #4** – We appreciate this recommendation and the Canvassing Board will work together in implementing these necessary changes.

**Recommendation #5** – We appreciate this recommendation and all ballots waiting for review will be secured in the same manner as all other ballots.

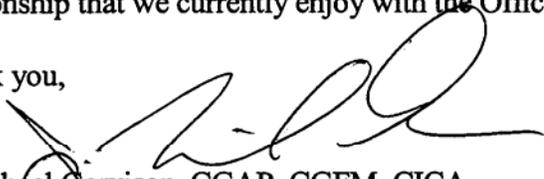
**Recommendation #6** – We appreciate this recommendation and we will work on implementing these procedures.

**Recommendation #7** – We will create an application form for a hospital absentee ballot.

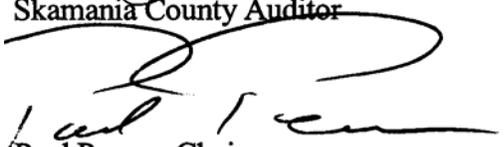
**Recommendation #8** – We will create a form for a special absentee ballot.

We appreciate the professional demeanor and working relationship that Ms. Cervantes helped to foster during our election procedures review. We hope to continue the wonderful working relationship that we currently enjoy with the Office of the Secretary of State's Office.

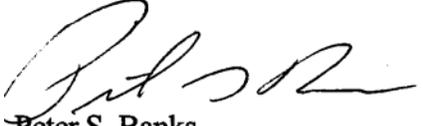
Thank you,



J. Michael Garvison, CGAP, CGFM, CICA  
Skamania County Auditor



Paul Pearce, Chair  
Skamania County Board of Commissioners



Peter S. Banks  
Skamania County Prosecuting Attorney

## Section 4

### Conclusion

Overall, the Skamania County Auditor's Office employs great election procedures including exceptional ballot security practices using numbered seals and seal logs to document access. These outstanding security measures should be extended to the ballots awaiting the Canvassing Board's review and the mobile ballot boxes.

Although under-staffed, the office strives to ensure that elections are conducted with integrity and accountability. Auditor's personnel are organized, thorough and conscientious.

The office and ultimately the voters of Skamania County would benefit from additional election staff. With the number of current staff, it is very difficult for the office to keep up with the amount of work necessary to ensure the accuracy of the voter registration database.

This reviewer has made a series of recommendations and suggestions for consideration by the Skamania County Auditor and the County Canvassing Board. These are meant to enhance and improve Skamania County's procedures. The Office of the Secretary of State Election Certification and Training Program is available for any additional assistance the Auditor may request.

Review Report Prepared by:

Amber Cervantes  
Election Program Specialist  
Office of the Secretary of State



April 25, 2006

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Date

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Signature