



Washington
Secretary of State
SAM REED

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MEMORANDUM

TO: Snohomish County Canvassing Board

FROM: Libby Nieland
Elections Certification and Training Program
Office of the Secretary of State

RE: Special Election Review – Legislative District 44 Pos. 2 Recount

DATE: December 10, 2008

Pursuant to Revised Code of Washington (RCW) 29A.04.570, the Office of the Secretary of State Elections Certification and Training Program conducted a special review of Snohomish County's post-election procedures for the November 2008 General Election. The closeness of the race for Legislative District 44, Position 2, required a mandatory hand recount. This recount was also observed.

The review consisted of an interview with Garth Fell, Snohomish County Election Manager, and examination of supporting documents. The interview, conducted on November 25, 2008, examined compliance by the Snohomish County Auditor with rules addressing manual recounts as prescribed by Washington Administrative Code Chapter 434-264. Additionally, the processes used in the 2008 General Election regarding accountability and reconciliation of ballots, audit of electronic voting devices, manual inspection of ballots, and ballot security were examined.

The Snohomish County Auditor provided the following documents specific to the 2008 General Election: certification and recounts procedures in the Snohomish County Canvassing Board Administrative Manual; notifications required by RCW 29A.64.030; recount rules for observers and visitors; audit results for the direct recording electronic voting devices (RCW 29A.60.185); office procedures used by Snohomish County Elections/Voting Division for ballot storage, hand recounts, recounts of electronic voting device ballots, preparation for recounts, and the official certification documents from the Snohomish County Canvassing Board's meeting to certify the 2008 General Election.

The following recommendation is intended to assist the Snohomish County Elections Department in improving election procedures. The Snohomish County Canvassing Board may respond individually or as a group to the review recommendation in writing by November 21,

2008. Any written response will be included as part of the Final Special Review Report and kept on file in the Office of the Secretary of State.

Certification Reconciliation Report

The minutes of the Snohomish County Canvassing Board certification meeting confirms that the Board was informed verbally of errors and discrepancies that occurred during the 2008 General Election. The Snohomish County Auditor provided a verbal explanation of the discrepancies to the Board. Written narrative of the discrepancies and resulting corrective action was not included in the official canvassing report of the 2008 General Election.

WAC 434-262-070 requires, *“Upon completion of the verification of the auditor's abstract of votes and the documentation of any corrective action taken, the county canvassing board shall sign a certification that the abstract is a full, true, and correct representation of the votes cast for the issues and offices listed thereon. . . . This certification, the auditor's abstract of votes, any adding machine tapes produced during the verification process, and the written narrative of errors and discrepancies discovered and corrected, if applicable, shall constitute the official county canvass report.”*

Recommendation: Discrepancies, when they occur, must be included in the official canvassing report to the Snohomish County Canvassing Board. Errors and discrepancies must be presented to the Canvassing Board in writing with a description of the actions taken to identify and correct issues.

The reviewer appreciates the cooperation of the Snohomish County Auditor and staff in conducting this special review. The staff demonstrated a willingness and openness in sharing information with the reviewer. Confidence of voters depends upon the integrity of the election which in turn is dependent on the transparency of the process.

Snohomish County Elections is a well run organization with exceptional staff and leadership. It is apparent that the staff is knowledgeable and dedicated to preserving the integrity of the election process. Following the recommendation above will enhance current practices, and help protect the accuracy and transparency of Snohomish County's elections.



**Snohomish County
Auditor's Office**

Carolyn Weikel
County Auditor

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Connie Barndt
Chief Deputy Auditor

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December 19, 2008

To: Libby Nieland
Elections Certification and Training Program
Office of the Secretary of State

Fr: Carolyn Weikel
Snohomish County Auditor

Re: **Special Election Review of Legislative District 44 Position 2 Recount**

On December 15, 2008 the Snohomish County Canvassing Board received your written review of Snohomish County Elections' post-election procedures for the November 2008 General Election. I have been asked to respond on behalf of the Board.

Your review outlined one recommendation that is specific to WAC 434-262-070 and states that "discrepancies, when they occur, must be included in the official canvassing report to the Snohomish County Canvassing Board. Errors and discrepancies must be presented to the Canvassing Board in writing with a description of the actions taken to identify and correct issues."

Snohomish County Elections has documented the occurrence of discrepancies on the certification reconciliation reports and has historically presented information regarding errors and discrepancies to the Canvassing Board verbally. These actions have been documented in writing in the Canvassing Board meeting minutes as you acknowledge in your letter.

Based on your recommendation, Election staff will document any errors and discrepancies and provide a written narrative of the reconciliation processes and any other corrective actions taken to resolve any errors or discrepancies. The written report will be provided to the Canvassing Board for review, discussion and action as appropriate.

I am pleased your overall assessment is that the Elections Division is "a well run organization with exceptional staff and leadership." We work hard to maintain administrative processes that are accurate, accountable and transparent and to provide top level customer service to the citizens of Snohomish County.

Thank you for validating that we have established procedures to ensure quality elections processes.

Sincerely,

Carolyn Weikel
Snohomish County Auditor

cc: Janice Ellis, Snohomish County Prosecuting Attorney
Dave Somers, Snohomish County Councilman
Garth Fell, Snohomish County Elections Manager