

The background of the cover features the Seal of the State of Tennessee. It includes a green five-pointed star in the upper left, a circular seal with a grid pattern, and a portrait of George Washington. The text "THE STATE OF TENNESSEE" is written around the seal, and "1889" is at the bottom. The title "2006 Elections" is written in a white cursive font across the top.

# 2006 Elections

Report to the Legislature  
Office of the Secretary of State  
Elections Division



*Washington*  
**Secretary of State**  
SAM REED

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Dear Legislators,

Never in our state's history has the elections process been the subject of so much change and scrutiny as the time since the 2000 Presidential election in Florida and the 2004 Governor's race in Washington State.

During these years we have seen the U.S. Supreme Court decision in *Gore v. Bush*, the passage of the Help America Vote Act, and significant election reform legislation and litigation in the state of Washington.

The change has been so dramatic, in fact, that the Elections Division in my office has needed to promulgate over 350 new or amended regulations in the last two years simply to stay current with federal and state laws and court decisions.

Change has been pronounced in areas including vote by mail, voting systems, disability access, voter identification, voter information, ballot tracking, form of the primary, and the new statewide voter registration database.

I am very proud of the fine job done by the County Auditors and the elections community in this state in response to these many changes.

We know you continue to receive inquiries from constituents regarding election issues. The attached report by the Elections Division in my office has been prepared to keep you current on the major 2006 election events and to assist as you respond to your constituents.

If you have further questions, please do not hesitate to contact me directly or State Elections Director Nick Handy at (360) 902-4156.

Sincerely,

SAM REED  
Secretary of State

## Vote-by-Mail

Washington State has embraced Vote-by-Mail.

Following the Legislature's authorization in 2005 allowing counties to switch to vote-by-mail, Washington State now has 34 counties that vote entirely by mail and five counties that continue to offer poll sites.

- In the 2006 Primary, 93% of voters voted by mail.
- In the 2006 General Election, 89% of voters voted by mail.

Even in those counties that continue to have poll sites, vote by mail is strongly favored by voters. For example, in the 2006 Primary, King County was 80% vote by mail and Pierce County was 90% vote by mail.

## Voter Turnout

Due in part to vote by mail, voter turnout in Washington continues to increase.

Turnout in the 2006 general election was 64.5%, up 8% from the last non-presidential even year election in 2002. In total, nearly 300,000 more people voted in this year's election than in the 2002 election. Turnout in the general election was the second highest turnout in this type of election cycle for the last 30 years.

Turnout in the 2006 primary was 38.8%, up 4.5% over the last non-presidential even-year primary in 2002. In total, over 150,000 more people voted in this year's primary than in the last non-presidential even year primary.

## Voter Registration Database

The Help America Vote Act (HAVA) requires that, effective January 1, 2006, each state with voter registration have one uniform statewide voter registration system administered at the state level.

Effective January 1, 2006, Washington State implemented its Voter Registration Database in the Office of the Secretary of State.

The database is periodically checked throughout each year for duplicates, deceased and felon voters and was used by all thirty nine counties for all six elections in 2006.

In 2006, 176,373 names were removed from the Voter Registration Database as part of an aggressive effort to clean up the voter roles. Names deleted fell in the following categories.

|                                       |         |
|---------------------------------------|---------|
| Total cancellations for felony        | 4,500   |
| Total cancellations for deceased      | 40,105  |
| Total cancellations for duplicate     | 39,814  |
| Total cancellations for other reasons | 91,954  |
| Total                                 | 176,373 |

Washington's voter registration database has received national recognition for its innovative approach. The states of New York and California, for example, dispatched delegations to study Washington's database, and have announced intentions to use Washington's system as a model.

Washington's new voter registration database provides current, accurate and updated information on all voters registered in the state.

The public portions of Washington's database are made available each month to any interested party for a modest fee. This information is also available through the State Library for on-site use, or may be checked out through the library's catalog at no charge.

## Disability Access Voting Equipment

Many Washington voters voted privately and independently for the first time in the 2006 primary and general elections.

The Help America Vote Act (HAVA) requires that every polling place in America provide disability access voting equipment to ensure people with disabilities may vote privately and independently.

Every Washington county provided disability access voting equipment at each poll site. For counties that are all vote by mail, at least one disability access unit was available at the County Auditor's office. Many counties offered multiple sites throughout the county where disability access units were available.

Disability access units were available for voters for the 20 day period that ballots were available to vote by mail voters.

In total, 737 disability access units were in operation for the 2006 elections and over 31,000 voters voted on these units

in the primary and general.

Many disabled Washington voters were thrilled to vote independently and privately for the first time in their lives.

## Voter Identification

The 2005 legislature mandated voter identification (ID) requirements at poll sites in Washington State for the first time. These new ID requirements have been well received by Washington voters. While photo ID is not required, most voters readily produce a Washington State driver's license or similar photo identification without being requested by poll workers.

Under a federal court ruling in August 2006, Washington State was required to register voters whose registration information did not match existing driver's license or social security data. The court also ruled, however, that Washington must require these voters to provide identification before a ballot is accepted for processing. These ID requirements were implemented without incident in the 2006 fall elections.

## Initiatives and Referenda

Four initiative campaigns submitted petitions to qualify for the 2006 general election ballot, and one constitutional amendment was referred to the ballot by the Legislature. Three of these measures were successfully randomly checked by our office and certified to the general election ballot.

|       |                  |
|-------|------------------|
| I-920 | Estate Tax       |
| I-933 | Property Rights  |
| I-937 | Energy Resources |

A constitutional amendment, House Joint Resolution 4223 (personal property tax exemption), was referred to the ballot by the Legislature.

One initiative, I-917 (car tabs), failed the random signature check. As the law provides that an initiative may not be rejected based on a random check, the Elections Division conducted a 100% check of the 266,000 signatures submitted. This was the first 100% check conducted on an initiative in over ten years and was a significant undertaking.

To complete the check prior to certification of ballot measures to the general election ballot, the Elections Division office recruited and trained 60 signature checkers and operated double shifts for sixteen hours a day for over a month to complete the check. Due to computerization, this check was completed at a substantial savings over the last 100% check. I-917 failed the 100% check and did not qualify for the general election ballot.

## Storm Events

Washington elections survived two major storm events in 2006: a major rain storm on general election day and a significant snowfall on certification day.

General election day in Washington occurred on a 100 year rain storm event which dropped 7 inches of rain in a 24 hour period. The rain event left some voters unable to get to post offices or drop sites on Election Day, and two King County precincts were required to relocate due to flooding.

Washington's election administrators responded with creative and innovative ways to collect the ballots, including using troubleshooter teams and county sheriff deputies to pick up ballots at residences, and using fax and email.

Eight counties had voters submit a total of 169 "flood ballots" after Election Day. Flood ballots were submitted by voters who were unable to submit their ballots in a timely manner because of weather conditions. These ballots were then submitted to each County Canvassing Board for final determination regarding acceptance and processing. Ultimately, 131 of these flood ballots were accepted by Canvassing Boards and counted.

Vote by mail greatly assisted in alleviating the issues associated with the rain storm event, as a majority of Washington voters had voted and mailed ballots prior to Election Day.

Certification of the general election occurred on a day in which a severe snow storm shut down several counties, preventing San Juan and Skagit counties from certifying the election on the day prescribed by statute. County offices were not open and closed roads prevented Canvassing Board members from meeting that day.

Washington's election community is relieved that the serious wind storm in December 2006 that shut off power in many Washington counties for up to a week occurred just after certification of the general election. Such a power outage during an election would have severely disrupted election operations.

## Certification and Training Program

The 2005 Legislature required that the Elections Division review each county's election operations every three years, and authorized three new staffing positions for this purpose. The review schedule for 2006 through 2009 is set forth on the next page.

| ELECTION REVIEWS -- THREE YEAR SCHEDULE |              |             |              |
|---|--------------|-------------|--------------|
| Reviewed in 2006                        | 2007         | 2008        | 2009         |
| Adams                                   | Benton       | Chelan      | Adams        |
| Asotin                                  | Cowlitz      | Clallam     | Asotin       |
| Ferry                                   | Douglas      | Clark       | Ferry        |
| Franklin                                | Grant        | Columbia    | Franklin     |
| Grays Harbor                            | Lincoln      | Garfield    | Grays Harbor |
| Island                                  | Mason        | Jefferson   | Island       |
| King                                    | Okanogan     | Kitsap      | King         |
| Klickitat                               | Pacific      | Kittitas    | Klickitat    |
| Lewis                                   | Pend Oreille | San Juan    | Lewis        |
| Skamania                                | Pierce       | Skagit      | Skamania     |
| Snohomish                               | Thurston     | Spokane     | Snohomish    |
| Stevens                                 | Whatcom      | Wahkiakum   | Stevens      |
|   | Whitman      | Walla Walla | Yakima       |

The Certification and Training program in 2006 offered nine training programs for election administrators statewide involving over 60 hours of training and 640 attendees.

Course offerings and participation will increase for 2007 when the program participates in a joint conference in June with election officials in the state of Oregon.

The Certification and Training program also ensures that regulations promulgated by our office are consistent with federal and state statutes.

As a result of the unprecedented level of change in federal and state election laws, the Elections Division adopted over 350 new or amended WAC rules in the last two years.

## King County Update

As many legislators may continue to receive requests regarding the status of election administration in King County, the following update on King County is provided.

Following Dean Logan’s acceptance of a position as Chief Deputy of Los Angeles County Elections, the King County elections department has been capably administered by Jim Buck and Sherril Huff-Menees.

Jim Buck is serving as interim Director of King County Records, Elections and Licensing Services. Sherril Huff-Menees, the former Kitsap County Auditor, is serving as the Assistant Director of King County Records, Elections, and Licensing services, and as the acting Elections Supervisor. Both are experienced in election administration and both have provided stable leadership for King County’s election program during this interim period.

The Secretary of State’s Office has provided numerous

grants of HAVA funds totaling over \$14 million to King County elections for various election improvements. Key grants awarded in the last two years include the following.

|   |             |
|---|-------------|
| New Election Management System .....            | \$3,120,000 |
| Disability Access Units .....                   | \$4,967,000 |
| Ballot Tracking and Accountability .....        | \$2,850,000 |
| Election Ombudsman .....                        | \$195,000   |
| Voter Education and Outreach .....              | \$1,069,000 |
| Poll site Accessibility .....                   | \$400,000   |
| Election Management Training and Reporting..... | \$571,500   |
| Tabulation Upgrades .....                       | \$1,500,000 |

The Certification and Training program reviewed King County in the 2006 general election. Four senior election officials from the Secretary of State’s Election Division participated in the review.

These officials participating in the review have provided a positive report on the careful and thorough processes implemented in King County in the general election.

When finalized, the King County Review will be posted along with all other county reviews on the Secretary of State Elections website.

## Ballot Tracking

Since the 2004 Governor’s race, Washington’s election officials have dramatically increased efforts toward accounting for every ballot.

In addition to two new reconciliation reports required by the legislature following each election, most counties have implemented new ballot tracking processes.

Through a HAVA grant awarded by the Secretary of State’s office, many counties implemented new ballot tracking procedures in 2006. These electronic ballot tracking processes allow the county to track each ballot from issuance through processing in a way that ensures secrecy of the ballot and voter privacy.

The Secretary of State’s office is requesting funding support from the legislature in the 2007 session to continue funding these ballot tracking programs. These programs were initiated by the counties through grants from the Secretary of State’s Office using federal HAVA funds that will not be available in the future.

## Washington Election Information

Washington’s Election Information (WEI) system is a new and valuable voter education and outreach tool launched in

2006 to expand access to election-related information for all Washington citizens.

The WEI is being made available in full or part to all County Auditors by the Office of Secretary of State.

Each county may choose how extensively it wishes use the WEI, ranging from a full-featured web presence where none existed before to enhancing an existing website.

The WEI gives all counties in Washington State the ability to publish accurate and timely election-related content to a website accessible to all citizens.

Many portions of the WEI are translated into Spanish and Chinese and some portions are translated into additional languages. The WEI also has a text mode that makes it easier for persons with disabilities to have the web pages read via computer software and speakers.

When fully developed, the WEI will allow counties to publish lists of candidates who have filed for offices in upcoming election, publish candidate photos and statements and report the results of elections at every level of government.

The WEI will also allow counties to publish locations of ballot drop boxes and polling places to help voters submit ballots on time and to access Disability Access Voting Units.

## Election Issues

Washington did not have significant election issues in 2006. The national media on Election Day focused on problems occurring in other states, including long lines at polling sites, poorly designed ballots, machine malfunctions, ill-prepared poll workers, voter confusion over new systems, and ballot errors.

Washington State did not experience these issues, although two situations do merit discussion below.

### (1) Pick a Party Box—Consolidated Ballots

Washington's pick-a-party primary requires voters using a consolidated ballot to check a box on the ballot indicating a major political party affiliation. If the voter does not check the box, no partisan votes will count. Nonpartisan votes will count.

Based upon data sampling in 15 counties involving a hand review of 6,000 ballots, it appears that approximately 9% of Washington voters did not check a party box, but proceeded to vote in partisan races. If that projection is accurate, between 90,000 and 100,000 partisan votes were not counted in the primary.

To address this issue, the Secretary of State will be

proposing legislation that will allow the partisan votes to count as long as the voter votes a straight party ticket, even if the voter fails to check a party box.

### (2) Skagit County—Ballot Measures

Skagit County failed to include the full ballot title on state ballot measures, but caught the error early and engaged in an aggressive outreach campaign to county voters well in advance of the general election. Voters in Skagit County were provided with the full ballot title by separate mailing and given an opportunity to request a replacement ballot. Only a handful of voters requested a replacement ballot.

## Primary Status Report

After 75 years using a blanket primary, Washington State has administered a pick-a-party primary in 2004, 2005, and 2006. In 2005, King and Snohomish Counties had partisan elections for county races.

Initiative 872, sponsored by the Washington State Grange and passed by the voters at the 2004 general election, provides for a "top two primary". After passage, however, I-872 was declared unconstitutional by the U.S. District Court in 2005 and the 9th Circuit Court of Appeals in 2006.

The Washington State Grange and the Secretary of State, represented by the Attorney General, have petitioned the U.S. Supreme Court to review the 9th Circuit decision. The U.S. Supreme Court is currently receiving briefs on this issue and is expected to rule this Spring whether to accept the case for review.

## Help America Vote Act (HAVA)

The Help America Vote Act (HAVA) was passed by the Congress following the 2000 Presidential Election to improve the administration of elections.

The Congress also appropriated funds to the states to implement HAVA requirements and to improve election administration.

Washington State received \$63 million in HAVA funds from the federal government.

Through a grant program administered by the Office of the Secretary of State, these funds have been allocated to state and county election programs. The HAVA Grant Advisory Board appointed by the Secretary reviews and makes recommendations on all grants to counties.

Following the final grant cycle currently underway, all HAVA funds received by the state of Washington will have

been granted or allocated to specific election improvement projects. Examples of the types of improvements that have resulted from HAVA grants are set forth below.

- **Voter Registration Database.** Washington State implemented its \$6 million voter registration database on time and on budget. Washington State has moved from 39 different voter registration databases to one centralized state database. The centralized database has resulted in improved voter registration management for felons, duplicates, deceased, and other voters.
- **Punch Card Replacement.** Sixteen Washington counties have replaced punch card voting systems with HAVA approved systems.
- **Election Management Systems.** Most counties in Washington have upgraded election management systems with HAVA funds. Formerly, some counties were literally using a file card system for voters. These new modern election management systems have dramatically improved accountability in local elections.
- **Voter Education and Outreach.** Many counties are instituting for the first time voter education programs concerning voting procedures, voting rights and voting technology. The state and counties have coordinated extensive voter education campaigns via television, radio, web, and print materials.
- **Disability Access Voting Equipment.** All counties have received approved grants to purchase disability access voting devices.
- **Access Improvements for Voters with Disabilities.** Sixteen counties have received grants that improve access to a poll site or elections office. These grants provide or improve signage, automatic doors, paving and painting for accessible parking stalls, handrails, chair lifts, and elevators.
- **County Education Fund.** The county education fund creates an allotment of \$406,000 for use by counties to access training and education that will improve the administration of elections. Many small counties do not have budgeted funds for training.
- **General Election Improvements.** Many counties received grants for training equipment, and better equipment to help accurately and expeditiously get absentee ballots to voters.

## Litigation Update

Updates on key election related lawsuits in Washington State are as follows.

- **Top Two Primary Lawsuit.** The Federal District Court and 9th Circuit Court of Appeals ruled the “top two” primary set forth in I-872 to be unconstitutional. The Washington State Grange and the state are currently requesting that the U.S. Supreme Court accept review of the 9th circuit decision. The U.S. Supreme Court is expected to decide this Spring whether to accept review of the case.
- **Madison Case.** In the Madison case, the Washington State Supreme Court is currently reviewing a King County Superior Court ruling that felons who have fulfilled the prison sentence, but not paid all court ordered financial obligations, are eligible to vote. The case was argued in the state Supreme Court in June 2006, but the court has not issued a ruling.
- **Farrakhan Case.** In the Farrakhan case, the federal district court ruled that Washington’s felon disenfranchisement law does not result in discrimination in elections on account of race under the Voting Rights Act. The district court ruling is being appealed to the 9th Circuit Court of Appeals.
- **Brennan Center Case.** In this litigation brought by the Brennan Center in New York, the federal district court ruled in August 2006 that voters must be registered to vote even if information on the registration form does not match DOL or Social Security information. The court also ruled, however, that Washington must require these voters to provide identification before a ballot is counted. These ID requirements were implemented without incident in the 2006 fall elections.
- **Initiative Signature Gatherers.** A lawsuit was filed in 2006 by a coalition of interest groups regarding the new legislative requirement that initiative gatherers must sign a declaration on the back of each initiative petition. The issue raised is whether signatures on the petition may be counted if the declaration is not signed. The lawsuit was brought in the context of I-917 (\$30 car tabs). The Thurston County Superior Court dismissed the lawsuit as moot after I-917 did not qualify for the ballot due to insufficient signatures.

For more information on any election related matter, please feel free to contact the Elections Division of the Office of the Secretary of State.

Nick Handy, Director of Elections  
Office of Secretary of State