

Klickitat County

2009 General Election

State of Washington



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 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 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 Klickitat County during the 2009 General Election cycle. Tracy Buckles, Elections Program Specialist, represented the Election Certification and Training Program during the review. Brenda Sorensen, County Auditor, Brandie Sullivan, Elections Supervisor, and Mert Scheradella participated on behalf of the Klickitat County Auditor's Office.

Both the reviewer and the Klickitat 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 Klickitat 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 Klickitat 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

Klickitat County was created from a portion of Walla Walla County in 1859. The county has 12,067 registered voters with a population of just over 20, 000. The county seat, Goldendale, is the largest city in the county.

The county is home to the landmark war memorial replica Stonehenge (Maryhill Stonehenge) and the Maryhill Museum of Art. Klickitat County is also home of the historical Sam Hill Memorial Bridge, which crosses the Columbia River.

Klickitat County has one congressional district and one legislative district. This simplifies even year elections, but odd year elections, with approximately 38 junior taxing districts and many split precincts, are very complicated to administer. The election staff did a good job administering this difficult election.

The staff is very knowledgeable and conscientious. They are dedicated to the integrity of the elections process and are continually striving to improve processes.

The following recommendations and suggestions will help improve and enhance Klickitat County's election policies and procedures.

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.

VERIFICATION NOTICES

If the elections department receives an incomplete voter registration application, they utilize different verification notices depending on what information is missing. If the date of birth is missing, they look up the date through the Department of Licensing. With all verification notices, they enclose a blank voter registration application and ask that the voter fill out the application completely.

RCW 29A.08.110 requires, "If it [the application] is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. The verification notice shall require the applicant to provide the missing information."

RCW 29A.08.220 requires, "An applicant for voter registration shall be required to complete only one application and to provide the required information other than his or her signature more than one time."

Recommendation: The elections department must revise the verification notice and request only the information missing from the voter registration application, including the date of birth. They must not request that the voter complete an entirely new application.

PUBLIC INFORMATION

If a person requests a list of registered voters in Klickitat County, the elections department provides the following: name, address, precinct, registration date, status, voting history and voter identification number. They do not provide the date of birth or gender.

RCW 29A.08.710 requires, "The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection ...The voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number."

Recommendation: The Klickitat County Elections Department must make all elements listed in the RCW available for public inspection.

BALLOT SECURITY

The Klickitat County Elections Department has two outdoor ballot deposit boxes. One is located on the block next to the courthouse and the other is in the town of White Salmon. The boxes are secured with two padlocks that are opened by keys. The staff did not use numbered seals and seal logs.

There is no storage space for ballots in the ballot processing area. When they were not being processed, the ballots were sometimes left in a work station unattended and unsecured.

WAC 434-250-100 (3) 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."

WAC 434-250-110(2) requires, "All absentee ballots must be kept in secure storage until final processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel."

WAC 434-261-045 requires, "Received ballots and ballot images must be maintained in secure storage except during processing, duplication, inspection by the canvassing board, or tabulation."

Recommendation: The elections department must secure the outdoor ballot deposit boxes with numbered seals and logs that will document access to the boxes. When the reviewer discussed this with the staff, it was concluded that replacing the smaller of the two padlocks with a numbered seal and adding a log would be the best plan to secure the box. They plan to accomplish this by the next election.

The staff must also ensure that ballots are kept secure when not being processed. They have some storage options in their work stations they are considering.

PROCEDURES FOR MISSING/MISMATCHED SIGNATURES

The elections department correctly notifies voters by first class mail if a voter's signature is missing from the mail ballot envelope or if the signature does not match. The following information was not included:

- The letter for mismatched signatures does not inform the voter that they can sign a copy of the affidavit on the envelope that the office has supplied and ALSO enclose a valid copy of government or tribal identification.
- The letter to voters who neglected to sign the affidavit on the mail ballot envelope does not inform the voter that they may appear in person to sign the envelope.

WAC 434-261-050 (2) requires, “If the voter neglects to sign the oath on an absentee or provisional ballot envelope, or signs the oath with a mark and fails to have two witnesses attest to the signature, the voter must either:

(a) Appear in person and sign the affidavit ...

(b) Sign a copy of the affidavit provided by the auditor or mark the affidavit in front of two witnesses and return it to the auditor...

(3) If the signature on the oath of an absentee or provisional ballot does not match the signature on the voter registration record, the voter must either:

(a) Appear in person and sign a new registration form ...

(b) Sign a copy of the affidavit provided by the auditor, and provide a photocopy of a valid government or tribal identification that includes the voter’s current signature. The signature on the affidavit must match the signature the signature on the identification and both of those must match the signature on the ballot envelope.”

Recommendation: The elections department must revise both the letter for missing signatures and signatures that do not match the voter registration record. The letters must inform the voter of all the options available to them for curing a signature.

EMAIL BALLOT PROCEDURES

The Klickitat County Elections Department sends voters who request an email ballot a packet of information and forms. The Affidavit of Absentee Voter that the voter is required to sign does have the correct wording. Email ballots use the same affidavit as regular mail ballots.

WAC 434-250-050 prescribes the affidavit to be printed on mail ballots.

Recommendation: The elections department must revise the Affidavit of Absentee Voter so that it meets the requirements of the affidavit in WAC 434-250-050. Klickitat County votes entirely by mail and there is no distinction between voting an email ballot or voting a regular ballot sent through the mail. All the voters must subscribe to the same affidavit.

PROVISIONAL BALLOTS

The elections department received a request by telephone for a ballot from a voter who was registered in another county. The staff mailed the voter a provisional ballot with the outer and security envelopes. The staff also issued one provisional ballot from the elections office. They did not require the voter to provide identification nor did they provide information to the voter about free access to determine the disposition of the voter’s ballot.

The affidavit on the outer envelope is not current and contains polling place information even though all elections are by mail.

RCW 29A.04.008(5) defines a provisional ballot as "...a ballot issued at the polling place on election day by the precinct election board to a voter who would otherwise be denied the opportunity to vote a regular ballot..."

WAC 434-250-100 (2) defines a voting center. "If a location offers replacement ballots, provisional ballots, or voting on a direct recording electronic device, it is considered a voting center. The requirements for staffed ballot deposit sites apply to voting centers."

WAC 434-250-100(g) requires, "Each voting center must...Request identification, consistent with RCW 29A.44.205 and WAC-434-253-024, from each voter voting on a direct recording electronic device or voting a provisional ballot."

RCW 29A.44.207 requires, "The provisional ballot outer envelope must also contain a declaration as required for absentee ballot outer envelopes...The voter shall vote the provisional ballot in secrecy and, when done, place the provisional ballot in the security envelope and return it to the precinct election official. The official shall then give the voter written information advising the voter how to ascertain whether the ballot was counted, and if applicable, the reason why the vote was not counted."

WAC 434-253-048 requires, "Each county shall establish a free access system as required by the Help America Vote Act...(2) The free access system must employ measures to ensure that access is free of cost to the voter and restricted to the individual who cast the ballot, and that voter's personal information is secure and confidential."

Recommendation: The elections office is considered a voting center, which is the equivalent of a polling place for counties that vote entirely by mail. Provisional ballots are defined as ballots issued at the polling place, and therefore; the elections staff should not mail provisional ballots to voters. If there was enough time to mail the voter a provisional ballot, the voter would have been able to get a ballot mailed to him/her from the correct county and would have been able to vote on issues pertinent to his/her location.

The provisional ballot envelope must be redesigned and updated to comply with the requirements for the declaration and remove language pertaining to polling places.

The staff must require provisional ballot voters to provide identification. Additionally they must give them written notice at the time they vote that informs them of how to obtain the disposition of their ballot.

BALLOT DUPLICATION LOG

The elections department has good procedures for duplicating ballots. They utilized a log where they recorded the number assigned to the ballots, the action taken and the initials of the two people who duplicated the ballots. However, the total number of duplicated ballots was not recorded.

RCW 29A.60.125 (2) requires, "A log must be kept of the ballots duplicated, which must at least include: (c) The total number of ballots duplicated."

Recommendation: The election staff should add a place on the duplication log to record the total number of ballots duplicated.

POLITICAL PARTY OBSERVERS

The Klickitat County Auditor correctly sent a letter to each major political party requesting observers for all ballot processing procedures, but does not specify the number needed.

WAC 434-261-020 requires, "Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center procedures, and shall request, in writing, that each major political party appoint representatives to fill the requirements."

Recommendation: When the County Auditor requests the presence of political party observers, she must estimate the minimum number of observers needed to observe each part of the process and include that information in her request.

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.

WRITTEN PROCEDURES

The Klickitat County Elections Department has the beginnings of a good written procedures manual. They have indicated that it is a "work in progress."

Suggestion: A current procedures manual is an invaluable tool for election administration, especially when the county experiences turnover in personnel, as the county has experienced in recent years. The elections department has a good start on a procedures manual, however, it is critical that the elections staff continue to expand and update the manual they have started.

BALLOT PROCESSING SPACE

The elections department lacks sufficient space to process ballots. The entire ballot processing, from signature checking through scanning, is done at the work stations of the elections staff. Inadequate space has been the cause ballot processing errors in other counties.

Suggestion: The County Auditor should obtain additional space from the County for ballot processing. Proper space provides critical space between ballot processing areas, allows for ballot security, and makes the processes open and transparent to the public and political party observers. The County could consider workspace options beyond the county courthouse or if possible, within the courthouse.

COUNTY'S RESPONSE TO DRAFT REVIEW REPORT

The Election Certification and Training Program issued a Draft Review Report to the Klickitat County Canvassing Board in March 2010. In accordance with WAC 434-260-145, we provided Klickitat 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.



Klickitat County Auditor

FROM THE OFFICE OF: Brenda Sorensen

Licensing • Records & Recording • Elections • Voter Maintenance • Accounting • Payroll

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April 14, 2010

Tracy Buckles, Elections Program Specialist
Office of the Secretary of State
Certification and Training Program
PO Box 40220
Olympia, WA 98504-0229

Dear Tracy:

Thank you for reviewing our 2009 General Election. We appreciate the time and effort spent on this review so we might improve election administration in Klickitat County.

With this being the first review since Klickitat County changed from poll site to mail ballot voting, I recognize there were many areas that required additional time and review.

Following you will find my responses to the recommendations made within this report:

Recommendation regarding verification notices:

"The elections department must revise the verification notice and request only the information missing from the voter registration application, including the date of birth. They must not request the voter complete an entirely new application."

The verification notices have been revised to request only the missing information.

Recommendation regarding requests for voter registration lists:

"The Klickitat County Elections Department must make all elements listed in the RCW available for public inspection."

Previously the voter's name, address, precinct, registration date, registration status, voting history, voter identification number, gender and only the birth year, not the complete birth date had been included on voter registration lists requested. This element has been corrected.

Recommendation regarding ballot security:

"The elections department must secure the outdoor ballot deposit boxes with numbered seals and logs that will document access to boxes. When the reviewer discussed this with the staff, it was concluded that replacing the smaller of the two padlocks with a numbered seal and adding a log would be the best plan to secure the box. They plan to accomplish this by the next election."

Previously a padlock had secured the cross bar on the remote accessibility ballot drop box. There was not enough room in the padlock hole for both the padlock and a numbered seal. Although numbered seals and seal logs for entry and closure of the ballot collection bags were used, a numbered seal was not used on the ballot box itself. The cross bars were removed and the padlock holes were drilled out slightly larger. Metal numbered seals were purchased; both the padlock and numbered seals with accompanying logs will be used for both the ballot boxes and the ballot collection bags used to collect ballots from these boxes. The recommendation for the remote accessible ballot boxes to have numbered seals/logs has been satisfied.

"The staff must also ensure that the ballots are kept secure when not being processed. They have some storage options in their work stations they are considering."

The ballot security recommendation has been satisfied with our purchase of a large container (similar to what the US Postal Service uses) which will hold nearly all of our mail trays for a full county-wide election. This "cage" has shelving, locks, is on wheels and is housed in our office's storage room or the vault; both rooms are locked after hours. Any ballots that will not fit in this container can be locked and sealed either in overhead cabinets or the elections room in the courthouse basement.

Recommendation regarding procedures for missing/mismatched signatures:

"The elections department must revise both the letter for missing signatures and signatures that do not match the voter registration record. The letters must inform the voter of all the options available to them for curing a signature."

This letter has been revised and now complies with mail ballot statutory requirements; the recommendation has been satisfied.

Recommendation regarding issuance of provisional ballots:

"The elections office is considered a voting center, which is the equivalent of a polling place for counties that vote entirely by mail. Provisional ballots are defined as ballots issued at the polling place, and therefore; the elections staff should not mail provisional ballots to voters. If there was enough time to mail the voter a provisional ballot, the voter would have been able to get a ballot mailed to him/her from the correct county and would have been able to vote on issues pertinent to his/her location."

The need to issue a provisional ballot does not commonly occur in this county and this was done in error. Policies and procedures have been updated to ensure this does not happen in the future. This recommendation has been satisfied.

"The provisional ballot envelope must be redesigned and updated to comply with the requirements for the declaration and remove language pertaining to polling places."

Correcting the language on the provisional ballot envelope was an oversight when changing from poll site voting to mail ballot voting. The envelope has been redesigned and we are awaiting arrival of an order from the printer. This recommendation has also been satisfied.

"The staff must require provisional ballot voters to provide identification. Additionally they must give them written notice at the time they vote that informs them of how to obtain the disposition of their ballot."

Although the voter called in and their registration information was confirmed via the Statewide Voter Registration Data Base and the elections staff felt assured this was the correct voter, physically checking their identification was not done. Identification will be required prior to issuing provisional ballots in the future. The ballot was mailed and returned with the signature verified upon receipt. Information on how to obtain disposition of their ballot was not provided to them but is now included on a separate insert that will accompany any provisional ballot issued. This recommendation has been satisfied.

Recommendation regarding ballot duplication logs:

"The election staff should add a place on the duplication log to record the total number of ballots duplicated."

The duplication log did not include a column indicating the total number of ballots duplicated; the numbers were written at the top of the form. The duplication log has since been revised to include a column to record the number of ballots duplicated and the recommendation has been satisfied.

Recommendation regarding political party observers:

"When the County Auditor requests the presence of political party observers, she must estimate the minimum number of observers needed to observe each part of the process and include that information in her request."

Although the letter sent to the political parties requested observers, it did not state the minimum number as required by statute. The verbiage in the letter has been changed to read in part "...at least one...". This recommendation has been satisfied.

We appreciate the continual outstanding support and professionalism provided from the Secretary of State's Election Division.

Sincerely,



Brenda Sorensen
Auditor

cc: Tim O'Neill, Prosecuting Attorney
Rex Johnston, Chair, Board of Commissioners

CONCLUSION

The reviewer commends the Klickitat County Elections Department for their election procedures. They impressed the reviewer with their attention to detail, organization, and dedication to the election process.

The elections department lacks sufficient space for ballot processing. Although they did an admirable job under less than ideal circumstances, they would benefit greatly from additional space. Additionally, while the elections department is adequately staffed during non-election work periods, if they needed to hire extra seasonal staff for processing returned ballots, there would be very little space for them to work. During a larger election, this could impose serious issues with processing ballots.

More space for ballot processing will also afford the elections department the opportunity to improve security. The elections department has secure storage for ballots in the basement, however, they do not have adequate storage in the work areas for circumstances when they are processing ballots and have to leave the area temporarily.

The elections department should make changes to some of its procedures and documents in the areas of voter registration, processing ballots envelopes with missing or mismatched signatures and processing email ballots.

The areas listed in this report will help keep procedures in compliance with statute and rule. Many require only minor changes in forms, notices, or procedures. However, because elections are so complicated, even minor changes can have a major impact on the election process.

The reviewer made a series of recommendations and suggestions for consideration by the Klickitat County Elections Department. These are meant to enhance and improve Klickitat County's procedures.

Report Prepared by Tracy Buckles, Elections Program Specialist, Election Certification and Training Program



Signature

Date 05-07-10