

Pacific County

2011 General Election

State Of Washington



Conducted by: Libby Nieland, 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 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 Pacific County during the 2011 Primary Election cycle. Libby Nieland, Elections Program Specialist, represented the Election Certification and Training Program during the review. Pat Gardner, Pacific County Auditor, and other members of the staff participated on behalf of the Pacific County Auditor's Office.

Both the reviewer and the Pacific 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 Pacific 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, based on the General Election of 2011, includes a series of recommendations and/or suggestions intended to assist the Pacific 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.

TABLE OF CONTENTS

Overview	1
Recommendations	2
Suggestions	12
County's Response	17
Conclusion	21

OVERVIEW

Pacific County, a coastal county at the southwestern corner of Washington, doubles in population during the summer months. The year-round population of 20,920 has remained relatively stable over the past ten years. In spite of being a seasonal tourist destination, bounded by the Pacific Ocean, most of Pacific County is rural. Only four cities are incorporated in Pacific County, all located on the coast or along major estuaries.

The County Auditor maintains two offices, one in South Bend and an auxiliary office in Long Beach. The Pacific County Elections Department serves 13,300 registered voters and 129 local elective offices with only one full-time Elections Deputy. The County Auditor and Deputy Auditor are very active in conducting elections.

Three outside ballot deposit sites are available to voters beginning 18 days before every election. These deposit sites are open 24 hours-a-day during the entire 18 days. All deposit sites are located in the larger population centers of the county and are fully accessible to voters. Two staffed voting centers are available on Election Day.

Election staffing has changed three times in the past three years. The loss of experienced personnel has had a crippling impact, especially when one considers the added loss of several full-time Auditor's office positions in 2011 due to budgetary cut-backs. Assumption of additional duties by the County Auditor, and lack of experienced election staff, has delayed essential training for new elections personnel.

Some elections documents in use in Pacific County in the November 2011 Election were not compliant with the law. The written Pacific County Election procedures are out-of-date and inaccurate, and greatly affect the ability of new staff to complete a task accurately without direct assistance of the County Auditor. Staff should be able to successfully complete an election by following written procedures. The lack of updated procedures places inexperienced staff at a great disadvantage.

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.

INCOMPLETE VOTER APPLICATIONS

Procedure: Whenever a voter registration application lacks required information, staff sends a pre-addressed, pre-paid verification notice to the applicant requesting the missing information. The notice asks the voter to complete the bottom half of the page by providing all information and return the form to the County Auditor. The notice does not provide a space to request an applicant to confirm U.S. citizenship or require the applicant to attest to the required affidavit by signing.

Requirement: *RCW 29A.08.010 states, "The minimum information provided on a voter registration application that is required in order to place a voter registration applicant on the voter registration rolls includes:*

- (d) A signature attesting to the truth of the information provided on the application; and*
- (e) A check or indication in the box confirming the individual is a United States citizen."*

RCW 29A.08.110 (2) stipulates, "The verification notice shall require the applicant to provide the missing information."

Recommendation: The notice must be designed and used in such a manner that the applicant is requested to provide only information missing from the original application.

The verification notice must request the applicant's name, residential address, date of birth, the applicant's signature to the declaration that is on the voter registration form. In addition, the form must also provide a checkbox or some other method for the applicant to confirm citizenship.

CONFIRMATION NOTICES

Procedure: Confirmation notices are sent to voters when the voter is first placed into inactive status to update the residential address. Pacific County's confirmation notices include the following statement: "If this card is not returned, verification of your current address may be required on election day."

Requirement: *RCW 29A.08.635 mandates, "confirmation notices must be on a form prescribed by, or approved by, the secretary of state and must request that the voter confirm that he or she continues to reside at the address of record and desires to continue to use that address for voting purposes. The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal general elections, his or her voter registration will be canceled."*

Recommendation: The statement that verification of the voter's address may be required on Election Day must be removed; there is no such requirement in law. If an inactive voter wishes to vote, a regular ballot is issued and no other action is required. The County Auditor is currently in the process of updating the notice.

NAME CHANGES

Procedure: Pacific County requires every voter requesting a change of name to submit a completed registration form.

Requirement: *RCW 29A.08.440 permits, "A registered voter who changes his or her name shall notify the county auditor regarding the name change by submitting a notice clearly identifying the name under which he or she is registered to vote, the voter's new name, and the voter's residence, and providing a signature of the new name, or by submitting a voter registration application."*

Recommendation: Statute does not specify form or format for a voter wishing to change his or her name, provided all required information are submitted in writing. The Pacific County Auditor must comply with the voter's name change request if these requirements are met. No additional submission should be required.

CANCELLATION OF VOTERS

Procedure: Upon receiving notification from a court that a voter has been determined incapacitated and unable to vote, the Pacific County Auditor correctly cancels that voter's registration. The voter is not notified of the cancellation.

Requirement: *WAC 434-324-108 requires, "After canceling an incapacitated person's registration, the auditor must send a cancellation notice to the incapacitated person using the last known address."*

Recommendation: Voters canceled for reason of incapacitation must be notified. This is the only type of cancellation requiring voter notification.

PRE-CANDIDATE FILING QUESTIONNAIRE

Procedure: On March 1, 2011, the Pacific County Auditor mailed a questionnaire to local districts regarding offices scheduled to appear on the 2011 ballot. The questionnaire requested the districts return the form no later than April 29, 2011.

Requirement: *WAC 434-215-005(1), at the time of the review required, "Prior to March 1, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29A.04.321 and 29A.04.330. Responses should be received prior to April 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period."*

Note: Revision to the WAC, effective January 6, 2012, has changed the deadlines to January 30 and March 1 respectively.

Recommendation: Questionnaires to districts must be sent on time and must contain correct deadlines for return. It should be noted that, as of January 2012, WAC 434-215-005 changed the last date for mailing questionnaires to January 30 and now requires a return date of March 1. The county election questionnaire and accompanying procedures must reflect the new deadlines.

MAIL BALLOT PACKET

Procedure: The Pacific County Auditor mails ballot packets (consisting of a ballot, security envelope, and self-addressed return envelope with declaration) to every active registered voter no later than 18 days prior to each election and primary. The security envelope provides the voter with precise and abundant instructions for voting and returning a ballot; however, the only deadline provided for returning a ballot relates to postmarking a ballot returned by mail.

Instructions include the statement that “Your ballot must be voted in secret and shown to no one.”

Requirement: At the time of the review *WAC 434-250-040(1) required “Instructions that accompany an absentee ballot must include: (h) Notice that, in order for the ballot to be counted, it must be either postmarked or deposited at a designated deposit site no later than election day.” WAC 434-250-040 was replaced by WAC 434-230-015 effective 1/6/12.*

WAC 434-230-015(3) "Instructions that accompany a ballot must: (h) Explain that, in order for the ballot to be counted, it must be either postmarked no later than election day or deposited at a ballot drop box no later than 8:00 p.m. election day."

Recommendation: Instructions to voters must include all deadlines for returning ballots, regardless of the method of return.

A secrecy statement was previously required by state law; the law has been repealed and the statement must be deleted.

OVERSEAS AND MILITARY BALLOTS

Procedure: Ballot materials sent to service and overseas voters include a ballot, permit-postage paid, self-addressed return envelope, and security envelope. The ballot packet lacks a clearly designated secrecy sheet (also known as privacy sheet) for returning voted ballots electronically.

Service and overseas voters receive instructions on how to return a voted ballot electronically. These instructions differ from legal requirements by requiring the voter to sign and return a secrecy affidavit.

Requirement: *RCW 29A.40.091(1) "Service and overseas voters must be provided with instructions and a secrecy cover sheet for returning the ballot and signed declaration by fax or e-mail."*

Recommendation: Ballot materials sent to service and overseas voters must include a secrecy cover sheet for securing the privacy of a ballot returned by email or fax. The secrecy sheet may contain other information, such as ballot instructions, but must clearly indicate by title that it is a secrecy (privacy) sheet.

A voter is not required to waive secrecy when electronically returning voted ballots under state law. Any such statements in the instructions must be removed.

SPECIAL ABSENTEE BALLOT

Procedure: When requesting a special absentee ballot in Pacific County, the voter must sign a declaration stating the voter will be *residing or stationed outside the continental United States* and will be unable to vote and return a regular absentee ballot by mail. The Pacific County special absentee application form lacks any place for the voter to print his or her name, although it does provide space for the voter to write in the voter registration address and temporary mailing address.

Requirement: *RCW 29A.40.050(1) "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 ballot by normal mail delivery within the period provided for regular ballots."*

WAC 434-250-030(1) "The form must include:

- (a) A space for the voter to print his or her name and address where registered to vote;*
- (d) A checkbox indicating that the voter will be unable to vote and return a regular ballot by normal delivery within the period provided for regular ballots"*

Recommendation: Special absentee ballots are not restricted to overseas voters, but must be available to any registered voter who submits a completed application no earlier than 90 days before the applicable primary or election. Pacific County's special absentee applications must be updated as follows:

- The declaration must be corrected; and
- A place must be provided to write the voter's name.

The Pacific County Auditor could utilize the approved special absentee application form currently available to all counties on the Secretary of State's website.

BALLOT CONSTRUCTION

Procedure: The General Election 2011 ballot contained two proposed changes to the state constitution certified by the Secretary of State to the County Auditors as:

“Proposed to the People by the Legislature
Amendment to the State Constitution.”

The section header for the state measures, Senate Joint Resolution No. 8205 and 8206, appeared on Pacific County ballots as:

“Proposed by the People by the Legislature Amendment to the State Constitution.”

Printed in this manner, the text infers that the people of Washington State are asking the Legislature to amend the State Constitution, when in fact, it was the Legislature making a proposal to the people.

Requirement: *RCW 29A.36.020(4) “The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment, or other statewide question at the same time and in the same manner as the ballot titles to initiatives and referendums.”*

RCW 29A.72.250 “The secretary of state shall at the time and in the manner that he or she certifies to the county auditors of the various counties the names of candidates for state and district officers certify to each county auditor the serial numbers and ballot titles of the several initiative and referendum measures to be voted upon at the next ensuing general election or special election ordered by the legislature.”

Recommendation: Although the difference may appear slight, ballots must replicate the exact language of state measures as certified by the Secretary of State. Extensive proofreading is an essential part of election administration. It would be devastating to be accused of misleading the public because a simple typo was missed during proofreading.

CURING SIGNATURES

Procedure: The Pacific County Auditor correctly notifies a voter if the voter’s signature to the ballot declaration fails to match the signature on record. The notice lists the actions the voter must take to cure the signature in order for the ballot to validate. The notice sent to the voter requires the use of a notary if the voter wishes to rectify the signature by mail.

Requirement: *At the time of the review, WAC 434-261-050(3) stated “If the signature on the declaration does not match the signature on the voter registration record, the voter must either:*

(a) Appear in person and sign a new registration form no later than the day before certification of the primary or election. The updated signature provided on the new registration form becomes the signature on the voter registration record for the current election and future elections; or

(b) Sign a copy of the declaration 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 copy of the declaration must match the signature on the identification, and both of those signatures must match the signature on the ballot declaration. The voter must return the signed declaration and identification to the auditor no later than the day before certification of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections; or

(c) Sign a copy of the declaration provided by the auditor in front of two witnesses who attest to the signature. The signature on the copy of the declaration must match the signature on the ballot declaration. The voter must return the signed declaration to the auditor no later than the day before certification of the primary or election. The county auditor may also send the voter a new registration form to update the signature on the voter registration record for future elections.”

WAC 434-261-050 was amended (effective January 6, 2012), and there are now only two methods for updating a signature available to voters; neither of them requires a notary.

Recommendation: Staff must revise the mismatched signature notice by deleting the requirement for notarization of the voter’s signature. It is suggested that the notice be updated to match the current requirements of WAC by including both the ballot declaration and voter registration oath for the voter's signature.

STAFFING

Procedure: For the past three years, the Pacific County elections department has had an unusually high rate of staff turnover. Because the department only has two positions, the Deputy County Auditor (acting as Election Supervisor) and the Elections Deputy, any change in staffing severely affects the conduct of elections. Currently, the County does not meet the legal requirement for the number of certified election administrators. Although employees of other divisions of the Auditor’s office support election activities when possible, most election tasks are technical in activity and knowledge. Additionally, the Auditor's Office has suffered a staffing reduction of two office positions, so support is not always available to elections.

The Pacific County Auditor is the only person, in the office, with previous experience in all phases of the election process. Limitations on retaining essential and knowledgeable seasonal staff hamper the ability of the County Auditor to conduct accurate and accountable elections.

Requirement: *RCW 36.22.220 "The county auditor of each county, as ex officio supervisor of all primaries and elections, general or special, . . . may appoint one or more well-qualified persons to act as assistants or deputies; however, not less than two persons of the auditor's office who conduct primaries and elections in the county shall be certified . . . as elections administrators."*

Recommendation: The County Auditor, with the support of the County Canvassing Board, must ensure the election process is supported by knowledgeable staff, permanent and seasonal, and sufficient in number to guarantee that the integrity of the election is maintained.

It is in the best interest of the Pacific County citizens for the Pacific County Auditor to seek specialized assistance during elections, particularly in technical areas such as programming, testing the ballot tabulation system, and delivery of election results to the website. Having sufficient staffing levels in the elections department is of the highest priority, especially when considering the increase in election activity during the 2012 Presidential Election year.

Since the time of this review, the Pacific County Auditor has added a Deputy Auditor with 23 years of experience in election administration.

RESOLUTION OF BALLOTS

Procedure: Pacific County uses a digital scan tabulation system capable of resolving unreadable votes on images of the ballots. Resolution of votes is done by two staff members immediately after the ballots are removed from security envelopes. Although votes were resolved over seven days, the only resolution report printed and signed was on the day of certification of the election. Staff fails to print a resolution report after each session documenting the ballots resolved and signed by those making the resolutions.

Requirement: *WAC 434-261-102 "In counties tabulating ballots on a digital scan vote tallying system, two staff designated by the auditor's office must resolve ballots identified as requiring resolution. A log of the resolutions must be printed linking staff conducting the resolutions to the ballots resolved. The log must be signed by the two staff."*

Recommendation: A resolution log, linking ballots resolved to staff making resolution determinations, must be printed and signed following each session of resolving ballots.

SECURITY

Procedure: A single staff member transports the ballots from the South Bend Post Office in an open container to the elections office. Upon receipt of the envelopes containing voted ballots at the office, a barcode reader is used to enter the received envelope into the election management database. Staff is unable to compare any initial manual count to the number entered into the database, thereby ensuring that all envelopes received are recorded.

Validly voted ballots, still in envelopes, are sorted by precinct after each signature has been verified. On Election Day, a single person was sorting the envelopes in a room out of sight of all other staff or observers. Later, unsecured ballots were left alone on a table in an unlocked room, out of sight of all staff and accessible through an unsecured hallway entry.

Requirement: *RCW 29A.40.110(2) "All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening."*

WAC 434-250-130 "Each county auditor shall maintain an audit trail with respect to the processing of ballots, which shall include, but not be limited to, the following: (6) 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 process."

WAC 434-250-110(5) "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."

Recommendation: Security measures must be immediately implemented by the County Auditor upon receipt of ballots, including ballots in envelopes. A single person should never transport unsecured ballots or process ballots out of sight of other staff. A primary rule for ballot security is two people must be present until the ballots are secured so as to detect unauthorized access.

An audit trail that does not allow comparison of an initial manual count of returned ballot envelopes to the total data entries is incomplete. This comparison confirms that all ballot envelopes were entered into the election management system. Staff must begin initial processing by manually counting the ballots returned each day, prior to bar-coding the envelope information into the election management system.

Any time ballots are not being actively processed, security measures require placing ballots, or envelopes containing ballots, into containers, securing them with numbered seals and employing the use of seal logs.

CERTIFICATION OF ELECTION

Procedure: The Pacific County Canvassing Board convened on November 29, 2012 to certify the results of the November 8, 2012 General Election. The County Auditor correctly presented the cumulative results, and supporting documents including the election reconciliation report. The election reconciliation report inaccurately reported statistical details for only 454 ballots rather than details for all 8,563 ballots returned by voters. Using this incomplete information, the Pacific County Canvassing Board certified the 2012 General Election as complete, true and correct.

Requirement: *RCW 29A.60.235 “The county auditor shall prepare, make publicly available at the auditor's office or on the auditor's web site, and submit at the time of certification an election reconciliation report.”*

RCW 29A.60.140 requires “(3) The county canvassing board may not delegate the responsibility of certifying the returns of a primary or election, of determining the validity of challenged ballots, or of determining the validity of provisional ballots referred to the board by the county auditor

Recommendation: The County Canvassing Board, Auditor and staff must develop a better understanding of the final election reports and the focus of each. It is the responsibility of the County Canvassing Board to certify the accuracy of the final returns and reports prior to certification of the election. The Board must allow sufficient time at a meeting to review the reports and confirm the number of ballots cast, ballots counted, ballots rejected and that the number of voters credited are fully accounted. Time allocated to the meeting should also allow for investigation of discrepancies.

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.

REQUEST FOR IDENTIFICATION

Procedure: When a voter does not provide valid identification at the time of registration, staff correctly registers the voter as provisional and sends an individually crafted request for the missing information to the voter.

Suggestion: Staff time could be reduced on this task by implementing a standardized notice to voters when provisionally registered. The form should essentially follow that in WAC 434-250-045.

WRITTEN PROCEDURES

Procedure: The elections department has a printed procedures manual; however, it is very much out-of-date with old processes (e.g. ballot rotation and nominating petition forms which were discontinued after passage of I-872), old forms, copies of outdated informational supporting documents (such as copies of RCWs, articles on retention material of 42 USC section 1974) and references old citations. Some forms included in the manual are not supported by written procedures.

Suggestion: Procedures are invaluable when covering processes that might be controversial or take place infrequently. For instance, tasks such as resolving a tied race or validating a filing fee petition should be included in written procedures.

Written procedures are especially important when training new staff.

Procedures are most effective when focusing upon time lines, staff assigned to the task, and essential steps necessary to complete the process. A quick and manageable way to maintain up-to-date procedures is by using electronic format. This permits hyper-linking to supporting documents associated with each task. Links reduce the need to update a procedure each time

a supporting document changes. Electronic formats are also easier to search, share and update when compared to printed material.

Written procedures are difficult to keep current, but become even more so when cluttered with material (e.g., copies of RCWs, WACs and articles regarding retention of federal documents) that could be referenced, but need not be retained in the manual. This material need be only be referenced in procedures.

Time should be dedicated to updating written procedures: however, the Pacific County Auditor could get a "jump start" by searching for current up-to-date procedures among counties with the same election management and tabulation systems.

MAIL BALLOT PACKET

Procedure: The ballot security envelope has instructions to the voter on both sides. Based on the sequence of action, some instructions might be better located, for instance:

- Requirement to sign and date the declaration on the return envelope.
- Instructions to attach first class postage to the return envelope.
- Locations of ballot deposit sites in Pacific County for persons wishing to drop off the ballot in person.

Suggestion: Instructions applicable to actions after the security envelope has been sealed in the return envelope should be located elsewhere. It is essential that the voter access these instructions without ripping open the return envelope.

ACCESSIBLE VOTING UNIT (AVU)

Procedure: Accessible voting units (AVU) are provided at elections centers during the required 18-day voting period. Voters wishing to vote using an AVU are required to attest to an oath by signing a "poll book." Organized by precinct, the page provides a number of lines, with the voter enters in his or her name, address, precinct portion, signature and voter ID. The voter is told to sign anywhere on the page.

Suggestion: Our culture trains people to sign on the next line when signing an organized log. The completed pages of the "poll book" appear to confirm this habit, despite the instruction by staff to sign randomly. Voters are signing chronologically on the page and a link could reasonably be made between votes cast and voter. It would be better to break this link by providing the oath for the voter's signature on a separate sheet or card. After the voter signs,

the oath should be dropped into a sealed box containing all the cards signed by voters using the accessible voting units in that election.

INITIAL PROCESSING OF BALLOTS

Procedure: Signatures are verified at the desks of the Election Deputy and the Deputy Auditor, both located in the main office and public reception area. Interruptions and distractions by public and co-workers tend to break their concentration and workflow when validating signatures.

Suggestion: Signature verification, voter validation and ballot processing all require concentration and focus. Efficiency and accuracy could be improved by doing these tasks at two workstations setup in the room used for election processing. This would isolate these tasks and prevent distractions.

INITIAL BALLOT PROCESSING

Procedure: An initial processing board of four teams convenes to separate the ballots from the mailing and security envelopes in the ballot processing room. Several procedural variants were observed during the review.

A few teams failed to verify that envelopes were empty by using the examination holes.

No ballot inspection team had access to the *Statewide Standards of What is a Vote* during the manual inspection of the ballots. No other information aids regarding what is a readable vote were provided to the ballot inspection teams.

A variety of pens and pencils were available on the table where teams were inspecting ballots.

Suggestion: Failure to follow office procedures is a matter of training and supervision. The supervisor should be knowledgeable about the process to confidently review and verify that tasks are completed according to procedures.

A procedure for verifying that all envelopes are empty should be adopted that is observable and consistently implemented. This could be as simple as inserting a wire tie through the batch of envelope holes prior to setting the envelopes aside.

When preparing for the opening board, all work spaces should be readied. Necessary tools and reference material should be made available. For the sake of accountability, a specific pen color should be used exclusively by staff. (Upon receiving this suggestion, the County Auditor immediately implemented the exclusive use of red pens for ballot processes.) Since the opening

board also is responsible for manually inspecting ballots, each team should have a copy of the *Statewide Standards of What is a Vote* at hand.

CANVASSING BOARD

Procedure: On August 25, 2011, the Pacific County Canvassing Board issued two delegations of duty to be in effect from January 1, 2011 through December 31, 2011. Specific individuals were authorized to issue, inventory, secure, process and audit vote by mail ballots. The second document named staff members to act on the Board's behalf in examining outer envelopes for validity as well as opening, and canvassing vote by mail ballots and write-in ballots. These documents appear to supersede a delegation of individuals made in January 2011.

Suggestion: The Pacific County Canvassing Board correctly delegates duties in writing, but delegation of duties could be consolidated in a single document. In light of frequent staff changes at Pacific County, a delegation document could name the County Auditor and then specify "duly appointed staff" rather than listing individual names.

RETENTION OF MATERIALS

Procedure: The Pacific County Auditor retains materials for the full retention period, and then some time after. During the review, two versions of mail ballot packets were provided to the reviewer; one was current for the 2011 General Election while the second was out of date.

Suggestion: Holding on to out-of-date materials or documents is an invitation to errors and confusion. As exemplified by this review, it is all too easy to accidentally issue the old items. Encourage staff to follow the County Auditor's retention schedule and dispose of documents and supplies after the retention period has passed.

NOTICES OF ELECTION

Procedure: The only official notice required to be published for an election is a "Notice of Election." Pacific County published this notice for the 2011 General Election on October 5, 2011 in two newspapers; however, some published information was incomplete or inaccurate.

- Notice of the voter registration deadlines included a statute that was repealed in the spring of 2011.
- A separate "Notice of Closing of Voter Registration Files," was published, although the requirement for this notice was repealed in 2009. The information originally required by the Notice of Closing published in the Notice of Election.

- A statement was included that voters registering during the late period must vote by casting absentee ballot. This requirement was repealed in 2011 by passage of ESSB 5124.

Suggestion: The intent of a published notice is to provide accurate and current information in a readable format to the public. The Pacific County Auditor meets the current requirements for notices of election, but updating the notice would save time and money. Staff should periodically review and update notification formats for clarity and conciseness. It is often helpful to consult other counties when drafting a new notice.

CANDIDATE FILING TECHNOLOGY

Procedure: Advances in technology often present challenges to a lightly staffed office. Annexations, dissolutions and mergers of jurisdictions require the updating of at least three databases in order to accurately provide election information to the public. The election web reporting system, the Washington State Elections system, was not updated to reflect an annexation of a portion of Pacific County into a fire district in a neighboring county. The no-current database presented problems in notification of candidate filings for that jurisdiction and in reporting the race results.

Suggestion: Prior to candidate filing, the Washington State Election system should be reviewed to verify that all jurisdictions are entered, and all offices are ready for filing, including newly revised jurisdictions. It is important to synchronize district information between the election management database and the all other support systems. The County Auditor has already added this procedure to the candidate filing checklist.

PACIFIC COUNTY AUDITOR

Pat M. Gardner
County Auditor & Recorder
P.O. Box 97
South Bend, WA. 98586-0097



Willapa Harbor Area – (360) 875-9313
Peninsula Area – (360) 642-9313
Naselle – (360) 484-7313
North Cove Area – (360) 267-8313
FAX – (360) 875-9333
TDD – (360) 875-9400

PACIFIC COUNTY COURTHOUSE
National Historic Site

Pacific County would like to thank Secretary of State, Sam Reed, and staff for taking the time to review the General Election for 2011 and accompanying procedures.

After reviewing the comments and suggestions, I would like to make the following comments.

Comments to the Review Recommendations.

1. Incomplete Voter Application –The Verification Notice is a form that is ordered from our election vendor. I have contacted the vendor with the necessary changes. We will incorporate the new form when we receive it. It was recommended to use the forms that the Secretary of State has and I find it interesting that they do not even comply with the recommendations from the reviewer.
2. Confirmation Notices – The Confirmation Notice is a form that is ordered from our election vendor. I have contacted the vendor with the necessary changes. Your office just came out with the new Confirmation Notice in July 2012. We have ordered new confirmation notices and will incorporate the new notices as soon as they are available. It was recommended to use the forms that the Secretary of State has and I find it interesting that they do not even comply with the recommendations from the reviewer.
3. Name Changes – Pacific County will process any name change, regardless of format, when the voter provides all required information in writing, the name change will be implemented.
4. Cancellations of Voters – RCW 29A.08.140 “A person who is already registered to vote in Washington may update his or her registration no later than twenty-nine days before the day of the primary, special election, or general election to be in effect for the primary, special election, or general election.” With a deceased voter you are making a change (update) to their registration by cancelling it. I do not see any where that they can be cancelled at any time.

As to the concern about the incapacitated voter, Pacific is now sending out letters to the voter.

5. Pre-Candidate Filing Questionnaire – We have changed the policy and have added the correct dates that were implemented January 2012.
6. Mail Ballot Packet – WAC 434-250-040 (1) does not exist. On the Ballot Secrecy Envelope we do have a statement that states if you choose not to mail your ballot you may deliver to the Pacific County Auditor’s Office, Pacific County Courthouse, 300 Memorial Ave., South Bend WA 98586 or Pacific County Long Beach Office, 7013 Sandridge Rd., Long Beach WA 98631.
7. Overseas and Military Ballots – Pacific County has a secrecy sheet and requirement that the voter sign and return a secrecy affidavit. As of January 2012 we have been updating the policy and procedures to reflect this change. We also have a cover sheet that is sent with each military/overseas ballot with all the information/instruction on how to receive and return etc. The policy has been undated.
8. Special Absentee Ballots –Pacific County has not had any request for Special Ballots in over 20 years. Policy and forms are now updated to reflect the changes needed. Since we do not have absentee ballots anymore maybe this needs to reflect the change in law.
9. Special Elections – Pacific County does correspond with the jurisdiction, the Prosecuting Attorney checks the Ballot Title and makes any changes or oks to form and a letter along with the ballot title is sent to the jurisdiction. Pacific County does conform to RCW 29A.36.080, by sending a letter and the ballot title as it is to appear on the ballot. The wording in the correspondence will be updated in our policies.
10. Ballot Construction – In designing the ballot we only use what has been certified by the state and do not add or delete. We use the exact language of the state measures; in fact it came from the WEI system.
11. Curing Signatures – The policy has been updated to reflect the actual way signatures are cured. A voter can either come into the office or send the signature via mail. Pacific County follows WAC 434-230.015 and has for many years. We do not ask the voter to affirm a physical inability to sign the ballot declaration and have not for years. We follow WAC 434-230-015 by allowing two witnesses to affirm the mark.
12. Staffing – Pacific County has had several changes in the election department due to staff leaving. Currently the Pacific County office has one certified Administrator. The Auditor’s office has hired a new Chief Deputy with election background from Pierce and King County with over 23 years experience. It also should be noted that he has been certified as an election administrator while working at Pierce and King County. The Election Deputy has only to take the test to become a Certified Assistant. Pacific County is working on two employees becoming certified in the near future.

13. Resolution of Ballots –Each time the ballots are scanned for election the Auditor’s office staff prints out a resolution sheet of each ballot that was resolved that day. In the past we did not sign the sheet but have been since November 2011. The daily sheets are kept with the ballots in locked containers. A record of the locks is put in the locked box and a copy in the Election file.
14. Security – The Pacific County Auditor’s office transports the ballots in either bags or trays from the post office. The staff enters each ballot into the VR system. The ballots are then separated into precinct and then totaled; the VR totals and the totals of the precinct count must match. This is a double check on the count of the ballots received. The Auditor’s office has a camera in the election room that the staff and anyone can view at anytime as to what is going on. The computer is on the Auditor’s office counter for the public to view.

When a staff/board members leaves the election room while ballots are there, there is a log sheet and a seal number is recorded on the log sheet inside the election room. The door is locked and a seal is placed on the door. When the door is unlocked and the seal is broken the seal is kept and recorded on the log sheet.
15. The reconciliation report included all ballots, votes cast, counted, rejected and credit for voting. The numbers were written in at the end of the canvass and the Canvass Board signed the document and certified the election. The report is available for the public. It is placed in the election working file and also in the vault for public viewing.
16. Mail Ballot Packet – The ballot secrecy envelope is provided by an Election vendor and is used by several other counties at this time.
17. Assistance voting Unit – Voters are not signing chronologically on the voter poll book, If a voter signs on the third slot the next voter can sign on the first, second, fourth etc. they are not signing in order of voting like you have indicated in your report. We have implemented a slip for each voter as suggested instead of a log sheet. The slips are kept in an envelope lock in the secured election room.
18. Initial processing of ballots – We do have an election room for processing ballots with camera for the public to see without being present. Since Pacific county only has one person for each job conducted within the Auditor’s office (Elections, Licensing, Recording, Accounts payable, benefits and payroll) it would be impossible to have that person leave their station. They are needed to assist in the office when staff attendance is low. We do not hire extra help to check signatures.
19. Canvassing Board – I will make the change from listing the Auditor staff to “duly appointed staff”.
20. Retention of Materials – The Auditor’s office has destroyed outdated material.

The Pacific County Auditor's office staffs are trained to do several jobs unlike other offices. The election staff also do licensing and recording. When time allows the election staffs have been updating the Policy and Procedures for elections to date all changes that have been suggested have been made. The Pacific County Auditor's office would love to have the Policy and Procedures in electronic form but we do not have the funds for this type of technology. Maybe in the future the Secretary of State office could supply Acrobat Professional or Adobe Suite to all counties.

I have a concern that the Secretary of State office does reviews and does not have the time or staff to get back to the county in a timely matter. The review was started in September 2011 and to date there has only been one draft for review sent the end of June 2012, 9 ½ months later. This draft comes to us after we have held elections. If there are problems I feel they should be address as soon as possible even if they are small. In the draft there were several recommendations made using the new current laws (2012) that were not even in effect at the time of the election that was being reviewed. For example the confirmation card charge was mentioned and the RCW states the counties can use the old card until December 2012. Since the review was 9 ½ months late I believe it would be helpful to have a page of suggestions for the new changes at the beginning to help re-enforce the changes that are coming not include them as items needed to improve at the time of the review.

This letter has been review and approved by the Canvas Board:
David Burke – Pacific County Prosecuting Attorney
Lisa Ayers – Pacific County, County Commissioner District 3
Pat M. Gardner – Pacific County Auditor

CONCLUSION

The greatest challenge facing the Pacific County Elections Department is the need to rapidly elevate the knowledge and experience of current staff. Since the conclusion of this review, the Pacific County Auditor has hired a new Chief Deputy, with a solid background in elections administration. However, staff should be provided every opportunity to increase understanding and skill in all matters of election administration.

Obsolete materials, procedures and policies need to be discarded. At a minimum, retention of materials past the legal requirement can confuse staff. Retaining old forms, templates and materials can easily lead to erroneous issuance. Staff deserves to have unnecessary information and forms removed from the office.

Pacific County Elections written procedures need to be updated. Doing so will greatly aid staff in understanding the numerous tasks necessary to successfully conduct elections. While updating the procedures, the Pacific County Auditor should review office practices that will enhance ballot and election security, while increasing staff efficiency.

The period between the gathering of information for this review and the final issuance of the report was unusually long. Following the review period, the Pacific County Auditor initiated several changes to election procedures; however, the review process is based on a limited period so changes implemented after the election of review are not necessarily noted in this report.

During this review, the Pacific County Auditor and staff were professional and cooperative. The reviewer was able to visually observe, read in written procedure, or communicate verbally with staff regarding the many aspects of election administration. The recommendations and suggestions in this report are issued with the intent of improving and strengthening the election processes of the Pacific County Auditor's Office.

Report prepared by Libby Nieland, Elections Program Specialist, Election Certification and Training Program:



Date August 2, 2012