

Election Procedures Review
Of
Clallam County
State of Washington
2008 Presidential Primary Election



Conducted by the
Office of the Secretary of State
Election Certification and Training Program



Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years. The Legislature also added a requirement that the Program conduct a follow-up visit 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 Clallam County during the 2008 Presidential Primary Election cycle. Kay Ramsay, Program Specialist, represented the Election Certification and Training Program during the review. Patricia Rosand, Clallam County Auditor, Shoona Radon, Elections Supervisor and other members of the staff participated on behalf of the Clallam County Auditor's Office.

Both the reviewer and the Clallam 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 Clallam 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 Clallam 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

Clallam County is located on the North Olympic Peninsula of Washington State. The county's land area is 1,752 square miles with 200 miles of coastline. The county seat is Port Angeles. The community name derives from Spanish for "Port of Our Lady of the Angels." Port Angeles is on the Strait of Juan De Fuca.

There are three incorporated communities in Clallam County: Port Angeles, Sequim and Forks, with a county population of over 68,000. There are 43,500 active registered voters in its 95 precincts. Clallam County conducts all of its elections by mail.

The reviewer had the opportunity to observe many of the elections department procedures. Some procedures were reviewed through the written procedures manual and some were verbally explained by the staff. All aspects of administering elections were reviewed.

The Clallam County Elections Department has excellent procedures. This was a very complicated election to administer and the department did a very good job. The staff is very dedicated and conscientious.

The Voter Registration section of the elections department is located on the first floor of the court house. All other election related functions take place on the basement level. Good communication between the two areas is especially important because of this physical division.

Because the Elections Department does not have adequate space, the processing of ballots took place in two separate rooms. For this election, the elections department was given permission to use a large office space next to them that had been vacant.

The department has especially good procedures for accounting for ballots. With ballot processing taking place in two separate rooms this becomes much more difficult and does not allow for an open, transparent process. Additionally, these limitations may jeopardize efficiency and accuracy.

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.

Notice of Election

The Clallam County Elections Department published a legal notice of election that included the date of the election, instructions on how to obtain a replacement ballot, drop box locations were listed and the fact that there would be no polling locations open for this election. The notice included the date that the device to assist voters who are disabled would begin to be available. Also listed in the notice was each office, the names, addresses and party affiliations of the candidates.

The notice did not mention that return postage is required.

WAC 434-250-310(3) states, "In addition to the information required in the notice of election published pursuant to RCW [29A.52.351](#), a county auditor conducting an election by mail, whether for a single jurisdiction or the entire county, must also state: ...

- (a) The election will be conducted by mail and regular polling places will not be open;*
- (b) The precincts that are voting by mail if it is only specific precincts rather than the entire county;*
- (c) The location where voters may obtain replacement ballots;*
- (d) Return postage is required;*

Recommendation: The Auditor's Office functioned as a voting center. Therefore, included in the notice of election must be the hours the Auditor's Office will be open on Election Day, and whether the location is handicapped accessible. The notice must also contain the language that postage is required to return the ballot by mail.

Special Absentee Ballot Request

The Auditor's Office has an application for a special absentee ballot. It includes a statement for the voter to sign that they believe they will be unable to vote and return a regular absentee ballot and other elements required by law. They do not have a place for the voter to request a regular absentee ballot.

WAC 434-250-030(b) requires the application include "A checkbox requesting that a single absentee ballot be forwarded as soon as possible..."

WAC 434-250-040(b) requires the application also include, “Notice that the voter may request and subsequently vote a regular absentee ballot, and that if the regular absentee ballot is received by the county auditor prior to certification of the election, it will be tabulated and the special absentee ballot will be voided.”

Recommendation: The Clallam County Auditor’s Office should amend the application to include the requirements defined by the above administrative rules.

Canvassing Board Manual

The Clallam County Canvassing Board has compiled rules into a manual. The manual contains hypothetical situations to exemplify rule applications. A few of the statutory references and timelines in the Clallam County Canvassing Board Manual are incorrect.

There is no record that the current rules were officially adopted by the Clallam County Canvassing Board at a public meeting.

RCW 29A.60.140(5) requires, “All rules adopted by the county canvassing board must be adopted in a public meeting under chapter 42.30 RCW.”

Recommendation: The Clallam County Canvassing Board Manual needs to be revised. Once updated, the manual should be officially adopted by the Canvassing Board at a public meeting. The date of adoption should be included in the manual.

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.

Workspace

Clallam County has made good use of the office's limited workspace. The space, while organized, is used for multiple tasks such as checking signatures, processing ballots, tabulating ballots, conducting canvassing board meetings, etc.

At one time this space was adequate. This is no longer the case. For this election, a vacant room adjacent to the elections office was available to use for some of the ballot processing. Without the use of this space it would have been extremely difficult to avoid errors. This space will not be available to the Elections Department during the 2008 Primary or Presidential Elections. The Clallam County Elections Department does not have adequate space to conduct large turnout elections. The department does not have room to conduct multiple tasks or to accommodate the extra help needed for such an election.

Suggestion: Following the 2004 Governor's race, there has been greater emphasis on the accuracy and accountability of ballot processing. The current work space arrangement could jeopardize the accuracy of operations in the office, especially this year when voter turnout and therefore the volume of ballots to process is expected to be heavy. The county should provide more workspace for the elections department.

Ballot Envelopes Referred to the Canvassing Board

The Canvassing Board referred a ballot to the Prosecuting Attorney's Office for investigation. Later when the reviewer inquired about the ballot and whether or not the Prosecuting Attorney's Office had received it, elections staff were unable to locate any documentation of the Canvassing Board's decision and the ballot was not sent to the Prosecutor's Office.

Suggestion: The decisions of the Canvassing Board should be documented for each envelope and ballot. This may be done directly on the envelopes or ballots. It may also be helpful to tape record the meetings. Additionally, a list of ballot numbers and canvassing decisions is very effective and can be included in the meeting minutes. This procedure will assist in reconstructing the decisions of the Canvassing Board in the event of a challenge or recount.

Procedures Manual

A current procedures manual is an invaluable tool for election administration, especially when the elections field has had so many changes to procedures in a relatively short period of time.

The elections staff is in the process of updating the policy and procedures manual, which had not been updated since 2005 and 2006. There are many areas in election administration that need to

be covered, so continuing to expand the manual is important. A complete manual includes a detailed, step-by-step list of tasks to follow to complete the procedure. Listing a procedure may be as simple as citing an RCW or WAC but, must also include the tasks.

Suggestion: The following elements should improve the procedures manual.

1. Include all parts of election and voter registration administration, including the disability access units.
2. Ensure that procedures reflect the actual practices followed by the Auditor's Office and include a step-by-step list of tasks necessary to complete each procedure.
3. Update the procedures to reflect current law. One of the most difficult tasks is keeping written procedures up to date with changes in law or rule, and changes in actual practice. The reviewer suggests an annual review of all written procedures to ensure they are kept current.
4. Out-of-date citations and forms need to be removed or updated.
5. Every effort should be made to thoroughly update the procedures manual as soon as possible in anticipation of what could be a record turnout election this year.

County's Response to Draft Review Report

The Election Certification and Training Program issued a Draft Review Report to the Clallam County Canvassing Board in July 2008. In accordance with WAC 434-260-145, we provided Clallam County 10 days to respond, in writing, to recommendations listed in the draft report.

The Clallam County Canvassing Board provided the following response to the Draft Review Report. The signed original of their response is on file in the Office of the Secretary of State.



Clallam County Auditor
Patricia M. Rosand

The following responses to the recommendations and suggestions, made as a result of the review of The Clallam County Auditor's Election Division during the 2008 Presidential Primary, have been reviewed and signed by the members of the Clallam County Canvassing Board.

RECOMMENDATIONS

Notice of Election

The reviewer was correct in the omissions she noted in the Presidential Primary Notice of Election. Our notices normally contain this information, but it was an error that it was not contained in the Presidential Primary notice. I have attached a copy of our Notice of Election for the September Primary. We now have a checklist for the notice to make sure the omissions do not occur in the future.

Special Absentee Ballot Request

The form has been amended to contain the correct language. I have attached a copy of our Special Absentee Ballot Application.

Canvassing Board Manual

The recommendations that the reviewer made concerning the canvassing board manual are correct. We were in the process of updating the manual during the review, and expect to have it completed and available for the November Canvassing Board Meeting. Once approved by the canvassing board, a copy will be sent to the reviewer.

SUGGESTIONS

Workspace

The Clallam County Canvassing Board agrees with the reviewer regarding the lack of workspace for elections. Our previous review recommended that the voter registration staff be located near the election center. As Clallam County has recently purchased a building near the courthouse and plans to relocate several departments from current courthouse, I have spoken with both the County Administrator and the Building Maintenance Supervisor, requesting the permanent assignment of the room adjacent to the election center for election use.

It would be an ideal to move elections back into the Auditor's office, near voter registration, but space, security and financial constraints make it impossible at this time.

Ballot Envelopes referred to the Canvassing Board

We disagree with the reviewer's statement that we do not make a record of the ballot decisions. We not only note the decision on each ballot, by stamping it approved or rejected and the having the canvassing board initial that decision; but we also keep a log of each ballot and note the decision on that log.

We do agree that the ballot the reviewer referred to was not sent to the Prosecuting Attorney for review. This will be remedied by the Election Supervisor conducting a follow up on the rejected ballots to make sure all appropriate letters were sent and canvassing board recommendations followed. This follow up will take place before the 30 day reconciliation report is sent to the OSOS.

While we appreciate the suggestion that we tape record the canvassing board meetings, it would an additional election cost in time and materials, that we don't feel would be of great benefit. We do keep written minutes of the canvassing board meetings.

Procedures Manual

As the reviewer noted, we are in the process and near completion of our policy and procedures manual. Due to staffing limitations and continual elections, this project has not always been a priority over our main objective of conducting elections. During the Presidential Primary, we were receiving almost daily updates from the OSOS on how to conduct the election. There was not a reasonable amount of time to incorporate the new WAC's and rules into our manual. We did make sure that all staff was covered on all changes.

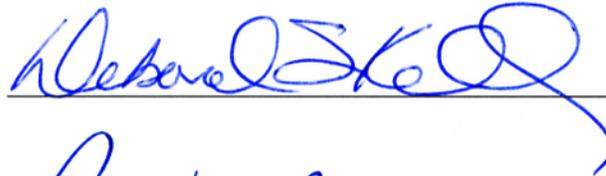
Now, with the Top 2 Primary, there is another large amount of new material which needs to be incorporated into the manual.

We will send the review the completed procedures manual. We anticipate having the manual completed by certification of the November 2008 General Election. A copy of the manual will be sent electronically to the reviewer.

The Canvassing Board appreciates the constructive comments and professional manner in which the review was conducted by Kay Ramsey. We feel the reviewer took in to account the difficult circumstances that surrounded the Presidential Primary.



Chair of the Board of County Commissioners,
Clallam County



Prosecuting Attorney, Clallam County



Auditor, Clallam County

Conclusion

The Clallam County Elections staff is extremely committed to performing their jobs with excellence. Staff is commended for thorough and accurate accounting of ballots, from the time of receipt until the final canvass of ballots. Their attention to the daily accounting is exemplary.

The Clallam County Elections Department, under the leadership of County Auditor Patricia Rosand, is doing a remarkable job. The many improvements made since Ms. Rosand took office in 2006 are apparent in all areas. The staff works well as a team; each member performs his or her duties efficiently, professionally, and with a positive attitude. It is readily apparent that the whole department strives for perfection. Addressing the items mentioned in this report will make this already fine operation even better.

The areas listed in this report will help keep procedures in compliance with statute and rule. Some 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 Clallam County Elections Department. These are meant to enhance and improve Clallam County's procedures.

Review Report Prepared by:

Kay Ramsay
Elections Program Specialist
Office of the Secretary of State

September 9, 2008

A handwritten signature in black ink that reads "Kay Ramsay". The signature is written in a cursive style with a long, sweeping tail on the "y".

Date:

Signature