

Election Procedures Review  
Of  
**Wahkiakum County**  
State of Washington  
2008 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 Wahkiakum County during the 2008 Primary Election cycle. Kay Ramsay, Elections Specialist, represented the Election Certification and Training Program during the review. Diane Tischer, Wahkiakum County Auditor, and other members of the staff participated on behalf of the Wahkiakum County Auditor's Office.

Both the reviewer and the Wahkiakum 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 Wahkiakum 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 Wahkiakum 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

Wahkiakum County is located in Southwest Washington on the Columbia River. Its unique geography of rivers, sloughs and forests has been the setting for at least three movies. It is the smallest county in the western portion of the state. Cathlamet, the second oldest town in Washington, is the county seat. Despite its proximity to two major cities, Vancouver, Washington, and Portland, Oregon, it is still very much a rural community and maintains a steady population.

The population in Wahkiakum County is approximately 3,900, with 68% of the population registered as active voters. Wahkiakum is entirely within the 3<sup>rd</sup> Congressional District and the 19<sup>th</sup> Legislative District. There are 11 precincts in Wahkiakum County and elections are conducted entirely by mail.

With no additional staff dedicated to the elections department, the County Auditor must use personnel from other sections in the Auditor's Office, such as licensing and recording, to assist because of insufficient staffing in the elections department.

State law requires every county to have two certified election administrators, who must attend annual training in order to retain the certification. Diane Tischer, Wahkiakum County Auditor, is the only certified election administrator on staff in the Wahkiakum County Auditor's Office. Keeping current with changes in election processes and election laws is essential to administering elections. Attendance at training will assist the elections department to correctly administer elections. Unfortunately, lack of personnel for support of basic office functions prevents staff from taking time out to attend all trainings.

During the current election and review, Diane Tischer, the Wahkiakum County Auditor, the limited help from staff in other sections in the office, and the occasional help from the Chief Deputy Auditor were responsible for conducting the election. Temporary help processed the returned ballots. Due to the staffing issues, the County Auditor must perform many of the duties necessary to conduct an election.

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

# 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.

## Questionnaire to Cities, Towns and Districts

The Wahkiakum County Elections Department correctly sends a questionnaire to all of the cities, towns, and districts in the county every year to obtain information necessary for candidate filing. The questionnaire lists the incumbents and positions for all offices within a district, and requests the district confirm the information in the questionnaire.

The questionnaire was not sent until April 4, 2008. The department requested the districts respond no later than May 2, 2008. The questionnaire did not confirm salaries for offices that would be open for candidate filing.

*WAC 434-215-005 requires, "Prior to March 1 of each year, 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. The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, and the annual salary for the position at the time of the filing period. 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."*

**Recommendation:** The elections department must send the questionnaire every year by March 1<sup>st</sup> and request responses from the districts by April 1<sup>st</sup>. The questionnaire must ask the district to verify salary information.

## Certified Election Administrators

Each county is required to have at least two certified election administrators on staff. The County Auditor, Diane Tischer, is the only certified election administrator in the Wahkiakum County Auditor's Office.

*RCW 36.22.220 requires, "The county auditor of each county, as ex officio supervisor of all primaries and elections, general or special, within the county under \*Title 29 RCW, 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 under \*\*chapter 29.60 RCW as elections administrators."*

**Recommendation:** At least one other person on staff must become certified as an elections administrator.

**Application Missing Information**

When a voter registration application is received by the elections office without a driver’s license number, state identification number, or the last four numbers of the applicant’s social security number, and the box indicating that they do not have any of these is not checked, the County Auditor sends a letter to the applicant that states that without a driver’s license number the application cannot be processed. The letter does not inform the applicant that the information must be received within 45 days if they wish to be registered to vote.

*RCW 29A.08.110 requires, “If the applicant fails to provide the information required for voter registration, the auditor shall send the applicant a verification notice. The applicant may not be registered until the required information is provided. If a verification notice is returned as undeliverable or the applicant fails to respond to the notice within forty-five days, the applicant shall not be registered to vote.”*

**Recommendation:** When an application is received missing information, the applicant must be sent a verification notice. The verification notice shall require the applicant to provide the missing information. The notice must be returned within 45 days, and failure to respond within the deadline will result in denial of the application.

**Verification of Applicant's Identity**

When a voter registration application is received and the box is checked indicating that they do not have an ID or social security number, the County Auditor sends a letter to the applicant that states that without a driver’s license number the application cannot be processed.

The applicant is not sent a notice which lists the other acceptable, alternate forms of identification and explains that their ballot will not be counted unless adequate identification is provided.

*WAC 434-250-045(1) states, If the voter registration record of an absentee voter is flagged as requiring verification of identity, a notice must be sent at the time of the election explaining that a photocopy of identification must be provided in order for the ballot to be counted, and listing what forms of identification are acceptable.*

**Recommendation:** When a voter indicates on a voter registration they do not have the requested identification, the voter registration record must be flagged as requiring verification of identity and notice must be sent to the applicant. This notice must be in substantially the same as the notice found in WAC 434-250-045.

**Verification of Signatures**

Whenever a voter’s signature on a returned ballot envelope does not match the signature in the voter registration record, the elections department sends the voter a letter and a new voter registration form. The letter instructs the voter to sign and return the registration form to update

the signature on file. The letter continues to state that the new signature will be used to verify the signature on the voter's returned ballot.

The letter sent to the voter does not include all methods a voter may use to update a signature.

*WAC 434-261-050(3) states, "If the signature on the oath of an absentee or provisional ballot envelope does not match the signature in 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 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 on the identification, and both of those signatures must match the signature on the ballot envelope. The voter must return the signed affidavit 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 affidavit provided by the auditor in front of two witnesses who attest to the signature. The signature on the affidavit must match the signature on the ballot envelope. The voter must return the signed affidavit 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.*

**Recommendation:** The letter sent to a voter requesting an update of the signature on record must include instructions in all methods available to the voter to provide that signature. The letter must also include the deadline the office must receive the updated signature in order for the ballot to be counted. Signature verification letters must be revised to include all required information.

### **Forms to Cancel Voter Registration**

A registered voter may request that the voter registration record of any person whom they personally know to be deceased, be canceled. County Auditors are required to supply forms for this purpose. The Wahkiakum County Auditor's Office does not have a form for this purpose.

*WAC 434-324-095 states, "...the auditor must maintain a supply of, furnish to the public upon request, and include in the supplies sent to each precinct for use by the precinct election officials, forms for the purpose of permitting registered voters to request that the voter registration record of any person, whom they personally know to be deceased, be canceled."*

**Recommendation:** A form must be available to registered voters for requesting cancellation of the registration of a deceased voter.

### **Replacement Ballots**

Ballot materials sent to voters did not include information on how the voter may obtain a replacement ballot if the original ballot is destroyed, spoiled or lost.

*WAC 434-250-040(1) states, Instructions that accompany an absentee ballot must include: (g) An explanation of how to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;*

**Recommendation:** In the future, instructions on how to obtain a replacement ballot must be included in the ballot materials sent to voters.

### **Provisional Ballots**

After an election, the elections department sends a letter to each provisional ballot voter to inform them whether their ballot was counted and the reasoning for that determination. The county did not have printed information for provisional voters advising them how to ascertain whether their vote was counted and if not counted, why it was not counted.

*RCW 29A.44.207 states, “The official shall then give the voter written information advising the voter how to ascertain whether the vote was counted and, if applicable, the reason why the vote was not counted.”*

**Recommendation:** Sending a letter to provisional ballot voters to inform them whether their ballot was counted and the reasoning for that determination is acceptable, however the elections department must have printed instructions available to give to voters casting provisional ballots at the time of voting, advising them, that a letter will be sent informing them of whether their ballot was counted and the reasoning for that determination.

# 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.

## Procedures Manual

A current procedures manual is an invaluable tool for election administration, especially when the County Auditor's Office has inexperienced staff or is short handed. Wahkiakum County elections staff do not have an organized procedures manual. The reviewer was given written procedures for some processes, however, many procedures are undocumented. Entire sections, such as candidate filing, ballot design and programming, need to be covered in detail. Continuing to expand the written procedures is critical to efficient operations of the elections office.

**Suggestion:** The manual should include policies and procedures for all aspects of administering elections. The manual is not only important to new people performing the task, but should include the many tasks in election administration that are performed infrequently. The manual would provide consistency and document the elections department's compliance with the laws.

Some things to keep in mind when compiling a procedure's manual:

1. Include all parts of election and voter registration administration, including use of the disability access units.
2. There is nothing wrong with borrowing another county's procedures, especially when both counties use the same technology, however; the text must be reviewed and converted to accurately describe the procedures used in the Wahkiakum County Elections Department
3. Update the written procedures frequently. Keeping written procedures current with the law and office practice is imperative. The reviewer suggests an annual review of all written procedures to ensure they are current.
4. Old versions of active office documents should either be destroyed or archived in accordance with the Wahkiakum County retention schedule when superseded.

## Staffing

In the opinion of this reviewer, the elections department is understaffed. There are only the Wahkiakum County Auditor and the Chief Deputy Auditor, with the help of temporary staff, to ensure that voter registration and elections are run correctly from start to finish. The Wahkiakum County Auditor and Chief Deputy Auditor also have extensive responsibilities in Recording, Licensing, and Accounting. They do not have time to adequately address certain critical areas of elections administration. The lack of staff also prevents anyone in the office from attending election related trainings. These trainings are designed to keep election administrators up-to-date on changes to election law, maintaining voter registration files, conducting elections and other election related areas.

**Suggestion:** The Wahkiakum County Auditor's Office recently lost the single half-time position that was dedicated to elections. At the very least, this position should be reinstated. This reviewer would strongly recommend establishing a full-time position. Such a position, devoted entirely to elections, is necessary during non-election times to keep the department current by developing a procedure's manual, updating office forms and processes, and daily maintenance of voter registration information and attending training. A full time person could also fulfill the requirement for a second certified election administrator.

Adequate staffing is essential for completing all the steps needed to provide accurate, secure elections. Attention to detail and accuracy must be priorities for any election. The current staffing levels impede accomplishing all the required tasks.

# County's Response to Draft Review Report

The Election Certification and Training Program issued a Draft Review Report to the Wahkiakum County Canvassing Board in April 2009. In accordance with WAC 434-260-145, we provided Wahkiakum County 10 days to respond, in writing, to recommendations listed in the draft report.

The Wahkiakum County Auditor provided the following response to the Draft Review Report. The signed original of the response is on file in the Office of the Secretary of State.

**Wahkiakum County Auditor**

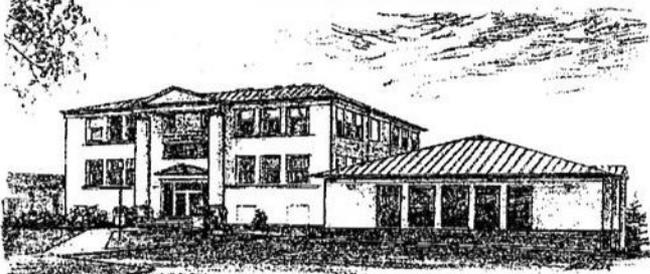
Diane L. Tischer

PO Box 543

Cathlamet, WA. 98612

360.795.3219 phone

360.795.0824 FAX



*Wahkiakum County Courthouse  
Cathlamet, Washington*

April 10, 2009

Kay Ramsay  
Elections Program Specialist  
Secretary of State  
P.O. Box 40229  
Olympia, WA 98504

RE: Election Review

Kay,

In the following statements please find my respond to your review recommendations.

1. Questionnaire to Cities, Towns and Districts

I've revised the questionnaire and will send out to Districts by the end of February each year. See attached form.

2. Certified Election Administrators

With the Counties decline in revenues we'll work to achieve having a second certified administrator.

3. Application Missing Information

I've revised the verification notice to include that the notice is to be returned with 45 days. See attached form.

4. Verification of Applicant's Identity

In reference to WAC 434-250-045 the registration record be will flagged and a notice sent to the applicant.

5. Verification of Signatures

I have revised letter to include the other methods available. See attached form.

6. Forms to Cancel Voter Registration

I've revised form to include cancellation of deceased voters. See attached form.

7. Replacement Ballots

Instructions will be printed on the ballots.

8. Provisional Ballots

Printed instructions will be on the ballot. See attached form.

Sincerely,

*Diane L. Tischer*

Diane L. Tischer  
Wahkiakum County Auditor

February 26, 2009

The Wahkiakum County Election Department is in the process of preparing for the 2009 primary and general elections. In order to avoid any confusion during **filing week (June 1, 2009 – June 5, 2009)**, I am writing to verify which positions are up for election this fall.

Please send confirmation of offices to be filled at the 2009 General Election, the name of the incumbent and the annual salary for the position at the time of the June 1<sup>st</sup> filing period per WAC 343-215-005.

**Additionally, to assist in the proper assignment of voting districts, our office needs a current map and legal description of your jurisdiction if you have made any changes since 2008.**

Please return this information by **April 1, 2009** and address your response to:

**Diane L. Tischer  
Wahkiakum County Auditor  
P. O. Box 543  
Cathlamet, WA 98612**

**If you have any vacancies after you have returned this list, please let us know so we can make those adjustments before filing period.**

Thank you for your help in updating this information. Should you have any questions about this letter, please call me at 795-32319 or 465-2654.

Sincerely,

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Diane L. Tischer  
Wahkiakum County Auditor

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April 15, 2009

«FirstName» «LastName»  
«SendToAddress»  
«SendToCity», «SendToState»

Dear «FirstName»:

Our office has received your voter registration form, but we are unable to process your request because it lacks the following information:

- You did not sign the "Voter Declaration". I have included a new voter registration form with this letter. Please complete the form and sign your name and return in the stamped, self-addressed envelope.
- We are unable to process your application because the form used is outdated and is missing some required fields. Enclosed is the updated form with the new requirements, please fill it out completely and return.
- You did not include the address where you live. Your ballot is designed according to your taxing district, so where you reside is very important. Please write your current residence address on the line below and return this letter.

**Residence:**

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- The date of birth you listed was inaccurate or blank. Please write the correct date of birth on the line below and return this letter to our office.

**Date of Birth:**

---

We are unable to process your registration because you did not mark the circles at the top of the form. It is essential that you indicate if you are a citizen of the United States and you are 18 years of age or older. We are sending a new registration form for you to complete. Until we receive the information from you, you are not registered to vote. Please complete and return the form to us in the stamped, self-addressed envelope.

You did not provide proper identification in Box 1, A or B as required by Federal Law. You must provide your Washington State Driver's License number or if you do not have a driver's license, the last 4 digits of your social security number.

(Your driver's license number is located on the top front of your driver's license).

**Driver's License #** \_\_\_\_\_

**(If you do not have a Dr. Lic. #, you must provide the last 4 digits of SS #)**

**Last 4 digits of SS #** \_\_\_\_\_

As soon as the missing information is received by our office, your voter registration will be completed and you will be mailed a voter registration card. If this form is not returned within 45 days, failure to respond within the deadline will result in denial of the application per RCW29A.08.110.

Should you have any questions about this delay in your voter registration, please feel free to call the Elections Office at (360) 795-3219.

Sincerely,

Diane L. Tischer  
Wahkiakum County Auditor

Dear Voter:

Based on your recent registration, federal law requires that you provide identification with your ballot.

**If you fail to provide identification, your ballot will not be counted.**

Please provide a copy of one of the following:

- Valid photo identification;
- A valid enrollment card of a federally recognized tribe in Washington;
- A current utility bill;
- A current bank statement;
- A current government check;
- A current paycheck; or
- A government document, other than a voter registration card, which shows both your name and address.

You may return the photocopy with your ballot but, in order to protect the secrecy of your ballot, do not place the photocopy inside the security envelope.

**If you do not provide a copy of your identification, your ballot will not be counted.**

If you have any questions, please feel free to contact the Elections Office at 360-795-3219.

Sincerely,

Diane L. Tischer  
Wahkiakum County Auditor

November 1, 2008

Dear Voter:

There appears to be considerable difference between your signature on your original voter registration record and the signature on your November 4, 2008 General ballot. The difference is enough that your ballot is currently being held for the Wahkiakum County Canvassing Board to review during certification of the election on November 24, 2008.

To be certain your ballot will be counted, you must either:

- Appear in person at the Wahkiakum County Auditor's Office and sign a new registration form, no later than November 24, 2008; or
- Sign a copy of the affidavit provided and return it no later than November 24, 2008. You may include with the affidavit a photocopy of a valid government or tribal issued identification document that includes your current signature; or
- Mail back a signed copy of the affidavit that was signed in front of two witnesses. The signature on the affidavit must match the ballot envelope. The signature on the affidavit will only be good for the current election only.

If the second signature provided does not match your original voter registration signature, it will be necessary to appear in person and sign a new voter registration form no later than November 24, 2008.

A current signature on file will allow future ballots to be processed quickly and expeditiously. Please update your signature by 4:00 p.m November 24, 2008, or your ballot will be reviewed by the Wahkiakum County Canvassing Board and may not be counted in this election.

If you have any questions regarding this matter, please feel free to call our office at (360) 795-3219.

Sincerely,

Diane L. Tischer  
Wahkiakum County Auditor

Encl: Return envelope  
Affidavit

# REQUEST FOR CANCELLATION

I hereby request that the following voter registration be cancelled because:

- I no longer live in Wahkiakum County.
- I no longer wish to be a registered voter.
- The person named below is deceased.
- Other: \_\_\_\_\_

## Cancelled Voter Information:

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Address (Old Residence)

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
County

Voter Date of Birth:

MM / DD / YY

\_\_\_\_\_  
Signature of Voter Cancelling Voter Registration

If reporting deceased, please provide the date of death and State

Date \_\_\_\_\_ State \_\_\_\_\_

\_\_\_\_\_  
Signature of Voter/Relationship to Deceased

\_\_\_\_\_  
Date Signed

Mail the completed and signed form to:

WAHKIAKUM COUNTY ELECTIONS  
64 MAIN STREET – P.O. BOX 543  
CATHLAMET, WA 98612

If you have questions, please contact the Elections Department at (360) 795-3219.

## Conclusion

Wahkiakum County provides accurate, well-run elections in spite of the lack of resources available to them. In addition to the regular responsibilities, they strive to provide extra service and outreach for voters.

The Wahkiakum County Auditor's Office works very hard ensuring the integrity of each election. The elections department demonstrates excellent reconciliation procedures, conscientious ballot security measures, and friendly public service.

The County Auditor's staff, and the voters of Wahkiakum County, would greatly benefit from attending more training opportunities related to election processes. Adding a second certified election administrator needs to be a priority.

Current office procedures and documents need to be updated to comply with statute. Additional staffing would provide the County Auditor with the time necessary to write office procedures.

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.

This reviewer has made a series of recommendations and suggestions for consideration by the Wahkiakum County Canvassing Board.

Review Report Prepared by:

Kay Ramsay  
Elections Program Specialist  
Office of the Secretary of State



Signature

Date: April, 2009