

Election Procedures Review
Of
Lincoln County
State of Washington
2008 General 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 Lincoln County during the 2008 General Election cycle. Kay Ramsay, Program Specialist, represented the Election Certification and Training Program during the review. Shelly Johnston, Lincoln County Auditor, Tina Brown and other members of the staff participated on behalf of the Lincoln County Auditor's Office.

Both the reviewer and the Lincoln 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 Lincoln 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 Lincoln 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	Page 1
Recommendations	Page 2
Suggestions	Page 6
County's Response to Review Report	Page 7
Conclusion	Page 10

Overview

On November 24, 1883, 6 years before Washington was to become a state, Lincoln County, was formed. Lincoln County was named after our 16th president, Abraham Lincoln.

Lincoln County is located west of Spokane County in Eastern Washington. Lincoln County is an agricultural county with rich soils, boasting some of the highest soft white wheat yields in the nation.

Lincoln County is located solely in the 5th congressional and 7th legislative districts, with Davenport as the county seat. Total population is estimated to be at 10,350. There are 6,845 active registered voters in its 46 precincts. Lincoln County conducts all of its elections by mail.

In the course of this review, the reviewer observed pre-election tasks, election procedures, post-election procedures, canvassing, and certification of the election. The election staff verbally explained the tasks the reviewer was unable to observe.

All materials requested by the reviewer were available during the initial visit. Each document was organized and numbered to correspond to the extensive list of requested documents. This was very beneficial during the review process. The Lincoln County Elections Department has an exceptional procedures manual. All election related subjects are included with the list of tasks needed to perform each one.

During the course of the review, staff members were extremely helpful and pleasant to work with. Morale in the office appears very high and the dedication of the staff is unmistakable. While this report lists some areas that need to be addressed, overall the Lincoln County Auditor's Office is doing an excellent job administering elections.

Some of the recommendations in this report require relatively minor changes in the county's procedures. However, because elections are so complicated, even minor changes can have a major impact on the election process.

The following recommendations and suggestions will improve and enhance the county's election procedures and policies.

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.

Precincts

Davenport precinct #041 currently exceeds the maximum number of registered active voters permitted by law.

RCW 29A.16.040(3) states, "Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred active registered voters."

Recommendation: Any precinct with more than 900 hundred active registered voters should be divided into two or more precincts during the next redistricting.

Questionnaire to Cities, Towns and Districts

The Lincoln 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 was not sent until May 7th, 2008. The department requested the districts respond no later than May 23, 2008.

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 1st and request responses from the districts by April 1st.

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 wasn't 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 as to whether their ballot was counted and the reasoning for that determination is acceptable. Additionally, the voter must receive written information about the letter at the time of receiving the ballot.

Notice of Election

The Lincoln County Elections Department correctly published a legal notice of election that included the date of the election, noted the County Auditor's Office as a voting center on the day of the election and hours of availability, drop box locations and listed each office, the names, addresses and party affiliations of the candidates.

The notice did not include the date that the device to assist voters who are disabled would be available. There was also no mention of the amount of postage needed to mail the ballots or instructions on how to obtain a replacement ballot.

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:

- (c) The location where voters may obtain replacement ballots;*
- (d) The amount of postage required on the return envelope;*
- (e) The dates, times and locations of designated deposit sites and sites for voting devices that are accessible to the visually impaired."*

Recommendation: In the future, the Notice of Election that the elections department publishes, must include all of the required information according to WAC 434-250-310(3).

Ballot Security

Overall, security in the Lincoln County Elections Office is good. The reviewer saw one area of concern during the signature verification step of ballot processing.

While verifying signatures on a tray of returned ballots, the elections supervisor had to step away from her desk, leaving the tray of ballots unattended and unsecured.

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

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

Recommendation: Ballots must be secured whenever they are unattended. Placing them into a locked cabinet is one way to secure the ballots while staff tends to other responsibilities.

Verification Notice

The verification notice, lists all of the required elements on a registration application. The elections department puts a check mark next to the section that requires more information from the registrant and asks them to return the notice with the information. The notice states that the information must be received by the next election or the voter will be required by federal law to show identification the first time they vote.

When an application is missing a driver's license number, state identification number, or a social security number and the box indicating that they do not have a driver's license number, state identification or social security number is not checked, the same verification notice is sent to the applicant. The notice states that if they do not have either a driver's license or state identification number, the last four numbers of their social security number must be provided. Failure to provide this information may prevent the registration from being processed. The other acceptable forms of identification are not listed.

The verification notice does not provide a place for voters to sign a declaration in the case of a missing signature on the voter registration form nor does it 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."

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. The county auditor may provide an inner envelope separate from the security envelope for return of the photocopy of the identification."

Recommendation: The verification notice that is sent by the elections department must be revised to include the 45-day warning.

When an application is received missing only a driver's license number or state identification number, a letter which includes all required elements found in WAC 434-250-045(1) should be sent to the voter.

Inactive Voters

The elections department sends a Request to Cancel notice, not a confirmation notice, to voters assigned to inactive status.

RCW 29A.08.635 states, “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 elections, his or her voter registration will be canceled.

Recommendation: In the future, a confirmation notice should be sent to the voter, not a request to cancel notice.

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.

Voter Identification Cards:

When sending voters their identification cards, the elections department includes a note in the envelope that explains that the voter is receiving a certificate of voter registration as requires by statute. The voter is asked to verify the information on the card, and if correct, sign it and place in their billfold.

The note goes on to say that the card serves as proof that they are a citizen of the United States of America and they are a registered voter.

Suggestion: Referring to the voter identification card as a certificate of voter registration may be confusing to voters. Since the card identifies the voter and the precinct and districts they vote in, the language about a certificate should be removed. A voter registration card is not proof of citizenship and therefore, the statement should be removed.

Work Space:

Whenever there is an election in Lincoln County, temporary election staff, sorts, opens and inspects incoming ballots in what is usually a small staff break room. The room is very small and workspace consists of a kitchen size table and minimal counter space. While staff is very organized and ballot accountability procedures are excellent, this space is not adequate for even year, high turnout elections.

Suggestion: The space used for ballot processing may be adequate for smaller, odd year and special elections, but not for high turnout elections such as this one. The county should provide more permanent or temporary workspace for the elections department before the next even year election.

Staffing:

Staff in the Auditor's Office has been reduced by three, making if necessary for remaining staff to assist in all areas and functions of the office. During an election, the elections supervisor, working alone, is answering phone calls, assisting customers with election related questions and concerns, issuing replacement and provisional ballots while verify signatures on incoming ballot envelopes.

Suggestion: Additional temporary staff should be hired to assist the elections supervisor with these duties, particularly during an even year election.

County's Response to Draft Review Report

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

The Lincoln 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.



Lincoln County

World's second-largest wheat producing county.

Office of the Auditor

Shelly Johnston, Auditor

P.O. Box 28 • Davenport, WA 99122 • (509) 725-4971

April 22, 2009

Kay Ramsay
Office of the Secretary of State
P O Box 40232
Olympia WA 98504-0232

Dear Kay,

The Lincoln County Canvassing Board has reviewed your recommendations and suggestions from our County Review held in conjunction with the 2008 General Election. Please accept the following as our responses to your comments:

Recommendations:

Precincts:

Lincoln County's intention is to re-precinct precinct 41, City of Davenport, to meet the requirements of RCW 29A.16.040(3) when we re-district after the 2010 census. We would seek support from the Office of the Secretary of State to eliminate the 900 voter limit in all vote-by-mail counties.

Questionnaire to Cities, Towns and Districts:

Lincoln County is aware of the statute. However, with limited staff and multiple spring elections, it was difficult in 2008 to meet the time requirements of the WAC. We will strive to meet the timelines established in the WAC in the future.

Provisional Ballots:

Lincoln County is aware of the statute. The attached document will be handed to each provisional voter in the future.

Notice of Election:

The Notice of Election has been modified to reflect the items noted and will be included in future notices.

Ballot Security:

Ballots will not be left unattended. In the future, ballot trays will be secured whenever staff is required to step away.

Verification Notice:

Lincoln County has modified the verification notice to include the 45 day warning and a separate verification notice has been created to use when the applicant has not included appropriate ID that includes all required elements in WAC 434-250-045(1).

Inactive Voters:

Lincoln County is currently working with the Office of the Secretary of State to create an approved confirmation notice that will be sent to inactive voters.

Suggestions:

Voter Identification Card:

The notification that accompanies Voter Identification card has been modified to remove the statement regarding proof of citizenship.

Work Space:

Lincoln County appreciates the suggestion. In even-numbered, high turnout elections, the Elections Department will try to use the Commissioners Chambers when possible to allow more space.

Staffing:

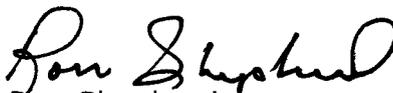
Thank you for the suggestion. Lincoln County will endeavor to hire additional temporary staff when financially feasible.

We sincerely appreciate the feedback we received during this review process and know that it will help to enhance and improve our county's election procedures.

Lincoln County Canvassing Board



Shelly Johnston
Lincoln County Auditor



Ron Shepherd
Lincoln County Prosecuting Attorney



Dennis D. Bly
Chairman, Board of County Commissioners

Conclusion

Lincoln County Elections staff is knowledgeable, conscientious, and skillful in conducting elections. Staff should be commended for their commitment to the integrity and transparency of the process. They have utilized all the resources available to them to provide exceptional service.

Often times, when resources and staffing are limited, maintaining a policies and procedures manual becomes a low priority, when in fact it should be the opposite. An up-to-date manual makes it possible for someone unfamiliar with the process to step in and perform the procedure in an emergency. Staff in the Lincoln County Auditor's Office has managed to maintain their manual, making it an invaluable tool for them.

The elections department is understaffed in Lincoln County, as is the case with most county elections offices across the state, but they have conducting elections down to a science.

The elections department has developed a good relationship with the political parties and welcome observers at every step of the process.

The reviewer appreciates the openness of the Lincoln County Auditor and staff participating in this review. Their friendliness and professionalism made the review a pleasant experience.

The recommendations made by the reviewer in this report are for consideration by the Lincoln County Auditor and County Canvassing Board. These are meant to enhance and improve Lincoln County's elections procedures. The Office of the Secretary of State is available for any additional assistance the County Auditor may request.

Review Report Prepared by:

Kay Ramsay
Elections Program Specialist
Office of the Secretary of State

Date: April 23, 2009

Kay Ramsay