

# Skamania County

## 2010 General Election

### State of Washington



Conducted by: Tracy Buckles  
The Office of the Secretary of State  
Election Certification and Training Program

## INTRODUCTION

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2009, the Legislature altered the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every five years. The Legislature also added a requirement that the Program conduct follow-up contact to verify that the County Auditor's Office has taken steps to correct the 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 Skamania County during the 2010 General Election cycle. Tracy Buckles, Elections Program Specialist, represented the Election Certification and Training Program during the review. Tim Todd, Skamania County Auditor, David O'Brien, Elections Supervisor, and other members of the staff participated on behalf of the Skamania County Auditor's Office.

Both the reviewer and the Skamania 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 Skamania 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 Skamania 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

Skamania County is in the Columbia River Gorge. Up to 4,000 feet deep, the Gorge stretches for more than 80 miles as the Columbia River winds westward through the Cascade Range, forming the boundary between Washington to the north and Oregon to the south. The Columbia River Basin is North America's fourth largest, extending throughout the Pacific Northwest and into Canada.

The County is bordered by the Washougal River to the west, the White Salmon River to the east, the Columbia River to the south and the Mt. St. Helens National Volcanic Monument to the north. The Gifford Pinchot National Forest occupies 80% of the county's land mass. The population centers are located near the river in Stevenson, North Bonneville and Carson.

Skamania County has approximately 6,500 registered voters. The County contains two congressional districts and one legislative district. All of these districts are shared with neighboring counties.

The Skamania County Elections Department has only one full-time elections employee, the Elections Manager. The County Auditor is relatively new to the position and will be evaluating the need for more staff. This reviewer believes they need at least an additional half-time person dedicated to elections.

This review report clearly shows the issues included here are largely related to the staff lacking the time that it takes to keep up with all of the election related details.

## 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.

### CONFIRMATION NOTICES

**Procedure:** The elections department correctly sends voters a confirmation notice and places the voter on inactive status if they receive information that the voter no longer lives at the address where they are registered to vote. They utilize jury summons as one source for this information. When the elections department receives a response from a confirmation notice indicating the voter has moved out of the state, they cancel the voter's registration if the voter checked the appropriate box and signed the notice.

The confirmation notice sent by the elections department is incorrect because it refers to polling places and to verifying an inactive voter's address. Additionally it requires the voter respond within 30 days.

**Requirements:** *RCW 29A.08.640 (3) requires, "If the response from the voter indicates that the voter has left the state, the auditor shall cancel the voter's registration on the official state voter registration list."*

*RCW 29A.08.030 (4) indicates, "Confirmation Notice means a notice sent to a registered voter by first-class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address."*

*RCW 29A.08.620 (4) requires, "The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice if any of the following occur: (a) Any document mailed by the county auditor to a voter is returned by the postal service as undeliverable without address correction information..."*

**Recommendation:** The elections department should not take any action regarding a voter's status if the information is received on a jury summons since the summons was not mailed by the County Auditor. When the voter indicates they have left the state by responding to a confirmation notice, the elections department must cancel the voter's registration with or without a signature from the voter.

The confirmation notice must be changed. The card indicates that verification of the voter's address may be required at the polls on the Election Day. First of all, there are no polling places in Skamania County and also, if an inactive voter attempts to vote, they should be given a regular ballot and no other action should be taken. The requirement for a response within 30 days must be removed because there is no deadline for responding to a confirmation notice.

#### VERIFICATION NOTICE

**Procedure:** The elections department sends a verification notice to voters whose voter registration application is missing information required to register to vote. The notice asks the voter to complete the bottom half of the page and return it to the County Auditor's Office. There are more than six items the on the bottom half of the form and a blank line for the voter to sign.

**Requirement:** *RCW 29A.08.110 requires, "If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information."*

**Recommendation:** The elections department must change the verification notice and ask only for the missing information. If the voter's signature is missing, the notice must include the same affidavit that is on the voter registration application.

#### POLITICAL PARTY OBSERVERS

**Procedure:** The elections staff sends a letter to each political party requesting election board workers. The letter includes a request that the party submit names of workers with the qualifications necessary to transport ballots from the polling place to the courthouse on election night.

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

**Recommendation:** The County Auditor must send letters to the major political parties and request political party observers, including the number of observers needed. The letter that is currently sent is not required; however, if the elections department chooses to continue to send it, it should be updated to reflect that the county votes entirely by mail.

## DISABILITY ADVISORY COMMITTEE

**Procedure:** Each county in Washington State is required to establish a Disability Advisory Committee to assist election officials with developing a plan to improve the accessibility of elections to voters with disabilities. The Skamania County Auditor's Office had not established a Disability Advisory Committee at the time of this review. Because an Advisory Committee has not been established, they did not have a Disability Plan to review.

**Requirement:** *RCW 29A.46.260 (2) requires, "Each county shall establish and maintain an advisory committee that includes persons with diverse disabilities and persons with expertise in providing accommodations for persons with disabilities. The committee shall assist election officials in developing a plan to identify and implement changes to improve the accessibility of elections for voters with disabilities. ...*

*Counties must update the plan at least annually. The election review staff of the secretary of state shall review and evaluate the plan in conformance with the review procedure identified in RCW 29A.04.570."*

**Recommendation:** The Skamania County Auditor's Office must take the necessary steps to establish a Disability Advisory Committee as soon as possible and adopt a plan. They could consider joining with another county to form a committee.

## CANDIDATE FILING

**Procedure:** The Skamania County Elections Department utilizes a checklist to facilitate candidate filing. The checklist has a place for the filing officer to confirm that they have verified the candidate is registered in the district they are filing for and confirm the candidate's residency for a one-year requirement for candidates for city offices.

If a candidate wishes to withdrawal his or her Declaration of Candidacy, the elections department provides them with a form to complete. This form indicates a notary is required or must be signed in the presence of a filing officer.

The election department's documentation indicates that if a candidate sends his/her Declaration of Candidacy by mail, the declaration must be notarized.

**Requirements:** *RCW 29A.20.021 requires, "...the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in the geographic area represented by the office."*

*RCW 29A.24.131 indicates, "A candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file under RCW 29A.24.050 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that his or her name not be printed on the ballot."*

**Recommendation:** The County Auditor should not attempt to verify residency requirements for candidates filing for city offices. The only requirement to file for an office is that the candidate is registered to vote in the geographic jurisdiction. The one-year requirement for city office holders is a requirement for holding the office, not filing for the position.

The elections department must not require a notary or witness to accept a withdrawal of candidacy. As long as they receive written notification from the candidate, in any form, with a signature they must accept the withdrawal. Additionally, the department must not require that Declarations of Candidacy that are sent to the Auditor via the mail be notarized.

#### PUBLIC NOTICE OF AVAILABILITY & VOTER REGISTRATION DEADLINES

**Procedure:** The elections department did not publish a notice that assistance is available with voter registration and voting for elderly and disabled persons. This notice regarding assistance may be included with the Notice of Registration Deadlines. They did publish a notice of “Closing of Registration Books.” This notice indicated the registration rolls would be closed to new registration and transfers. Recent changes in the law indicate what the deadlines are for voter’s wanting to *update* their registration.

**Requirements:** *RCW 29A.04.220 requires, “The county auditor shall provide public notice of the availability of registration and voting aids, assistance to elderly and disabled persons...”*

*RCW 29A.08.140 (2) requires, “A person who is already registered to vote in Washington may update his or her registration...” (3) Prior to each primary and general election, the county auditor shall give notice of the registration deadlines by one publication...”*

**Recommendation:** The elections department should change their current notice of “Closing the Registration Books” to a “Notice of Registration Deadlines” and include information about assistance for elderly and disabled voters.

#### MISMATCHED SIGNATURES

**Procedure:** The elections department sends letters to voter’s whose signature on the mail ballot affidavit does not match the signature on the voter’s registration record. The letter does not inform the voter that if they are unable to sign, they may mail the form back with the signatures of two witnesses. They send a blank voter registration application with the letter. Also, if a voter appears in person, they are asked to bring photo identification.

**Requirement:** *RCW 29A.61.050 (3) requires, “If the signature on the oath of an absentee or provisional ballot envelope 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)...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 the 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 elections department must revise the mismatched signature notification to include the option of having two witnesses attest to the signature and add a place for the witnesses to sign. They should not include a voter registration application; instead they should send a copy of the affidavit. They must also not require a voter who signs a new registration form in person at the County Auditor's Office to show identification.

## BALLOT APPLICATIONS

**Procedure:** The Skamania County Elections Department does not have an application for a voter to request a hospital ballot, which is a ballot issued to a hospitalized voter via messenger on Election Day. They also do not have special ballot request form to receive a ballot as early as 90 days prior to the election.

**Requirements:** RCW 29A.40.080 requires, "Only the registered voter personally, or a member of the register voter's immediate family may pick up an absentee ballot for the voter at the office of the issuing officer unless the voter is a resident of a health care facility, as defined by RCW 70.37.020(3), on election day and applies by messenger may pick up the voter's absentee ballot.

WAC 434-250-030(4) requires, "...requests for an absentee ballot may be made by a resident of a health care facility... Each county shall provide an application form for such a registered voter to apply for a single absentee ballot by messenger on election day."

RCW 29A.40.050(1) requires, "As provided in this section, county auditors shall provide special absentee ballots to be used for state primary and general elections. An auditor shall provide a special absentee ballot only to a registered voter who completes an application..."

**Recommendation:** The elections department must have applications available to any voter needing a hospital ballot or a special ballot.

## BALLOT RESOLUTION

**Procedure:** The elections department correctly ensures that there are always two people present when resolving ballots. One person actually uses the computer to resolve ballots while the other person observes the process. After each batch of ballots, they print a batch report and the two people initial the report.

**Requirement:** *WAC 434-261-102 requires, “In counties tabulating ballots on a digital scan system, two staff designated by the auditor’s office must resolve ballots identified as requiring resolution. A log of the resolutions must be printed and signed by the two staff.”*

**Recommendation:** Although the Skamania County elections staff prints a batch report of scanned ballots, that particular report does not show resolution instances. The elections department must print a report that shows all instances when they resolved an issue on a ballot.

## CANVASSING BOARD MANUAL

**Procedure:** The Skamania County Canvassing Board does not have a manual that documents their policies and standard procedures. The law requires that the board adopt administrative rules for their canvassing process.

**Requirements:** *RCW 29A.60.140 (4) requires, “The county canvassing board shall adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction.”*

*WAC 434-261-086 requires, “Pursuant to 42 U.S.C. 15481 (a)(6) and Bush v. Gore, 531 U.S. 98 (2000), the following standards determine whether irregular marks on a ballot constitute a valid vote that may be counted.”*

**Recommendation:** The Skamania County Canvassing Board must adopt written procedures to cover all of their processes, meetings, policies, etc. The manual must incorporate the Statewide Standards on What is a Vote. This should be a high priority for the board.

## 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.

### BALLOT PROCESSING STAFF

**Procedure:** Since the elections department has only one full-time staff person, they utilize staff from other areas of the County Auditor's Office, such as licensing and recording. They hired two temporary workers to help with processing incoming ballots. The Elections Manager scanned and resolved all of the returned ballots while one of the temporary workers observed. A staff member from licensing assisted voters at the counter with questions, replacement ballots, etc., in addition to assisting licensing customers. He was also the only person to verify signatures on returned ballot envelopes. The Chief Deputy assisted with opening and inspecting ballots, among other miscellaneous tasks. The chance of errors is increased when election procedures are interrupted.

**Suggestion:** The County Auditor should hire more temporary staff to help with ballot processing. Specific people should be assigned specific tasks that they can perform without interruptions. The voting center was very chaotic with staff trying to accomplish multiple things at once. The Elections Manager should be overseeing the process and troubleshooting issues as they come up. The manager was not free to do this because he was resolving ballots. Also, while resolving ballots he was frequently interrupted to print labels, answer the phone and answer questions from staff and the public.

### BALLOT DUPLICATION

**Procedure:** The Skamania County Elections Department duplicates ballots that would not be read by the vote tabulating equipment as the voter intended. They follow the correct procedures for duplication, including keeping a log. After a ballot is duplicated, they paper clip the original ballot to the duplicate. When they tabulate the ballots, they have to remove the paper clips and after tabulation they match the ballot up again and paper clip them together.

**Suggestion:** The elections department should not spend time and staff paper clipping ballots together before and after tabulation. Each ballot is assigned the same unique number that enables the ballots can be tied together if questions arise. Those numbers are recorded on the ballots and the log. The ballots that have been duplicated should be stored separately in a secure location as soon as the duplicating is done and the new ballots should be processed and stored with a batch of regular ballots. This process is unnecessary and time consuming.

## REPLACEMENT BALLOTS

**Procedures:** The elections department staff fills out an application when a voter requests a replacement ballot over the phone or email and the voter fills out the application if they request the replacement ballot in person. The staff then prints two labels from the voter registration system and places one on the application and one on the ballot. The staff also prints a label that they place on the form required of persons using the AVU.

Blank replacement ballots are in secure storage in the vault area. Two staff enter the area to retrieve the proper ballot.

**Suggestion:** There is no need or requirement to have an application or form for replacement ballots, a label on the application, or for a label on the form for AVU voters. The voter registration system will identify how many or to which voters replacement ballots were issued. Tracking which voters used an AVU is not required. The elections staff should stop both practices and simply enter the necessary information into the voter registration system.

Two people are not required to access or transfer blank ballots. Because the elections department does not have the staff or the time, blank unvoted ballots should be kept in a convenient location where one person can quickly and easily access the ballots when needed.

## PROVISIONAL BALLOTS

**Procedure:** When a provisional ballot is issued, the elections staff copies a regular ballot onto colored paper and mark through the bar code so that the ballot cannot be scanned. After the ballot is voted the staff must then duplicate it on to a regular ballot.

**Suggestion:** The elections department should utilize the sample ballots already printed on a colored paper for provisional ballots. In a vote-by-mail environment, the county issues very few provisional ballots and using sample ballots will eliminate need for copying and duplicating provisional ballots. Using sample ballots ensures the voter can vote on all issues that are applicable to his/her voting precinct without issuing a ballot specific to his/her precinct.

## PRECINCT COMMITTEE OFFICERS (PCOS)

**Procedure:** The elections department sends a list of current PCOs to the political parties and requests an update of any positions that were appointed due to a vacancy.

**Suggestion:** The elections department is not required to track vacancies and/or appointments for the office of PCO. The County Auditor's only responsibility to PCO candidates is to accept their candidate filings and ensure they are on the proper precinct ballot. Any appointments and vacancies are strictly a party function covered by the parties' rules.

## UPDATE DOCUMENTS

The following documents should be updated:

- Delegation to conduct canvassing board duties
  - Includes language about enhancing ballots, poll books, etc.
- Free access notice to provisional ballot voters
  - The language references finding out if the ballot was received and it should inform the voter how to find if the provisional ballot was counted.

## WRITTEN PROCEDURES MANUAL

**Procedure:** The Skamania County Elections Department does not have a functional written procedures manual. What they do have is so out of date it serves no purpose. A current procedures manual is an invaluable tool for election administration, especially when the county has only one staff person. There are also many areas in election administration that are performed so infrequently, there must be written procedures to ensure staff knows how the task was performed previously or a task they may have never before performed.

**Suggestion:** The elections department must make writing a procedures manual a priority. Employing additional election staff will free up the elections manager to update the manual. The reviewer has the following suggestions to create a comprehensive procedures manual:

- Include all parts of the elections and voter registration administration, including the disability access units.
- Borrow procedures from other counties with the same vote tabulation system. While there is nothing wrong with borrowing another county's procedures, they should be altered to fit the actual practice of your county.
- The manual should be written in a step-by-step format. Examples and citations may be included, but should not constitute the procedure.
- The procedures need to be updated 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.

## COMMENDATIONS

The following commendations are to acknowledge the county election department's especially creative, effective procedures or solutions that go above and beyond what the law requires.

The Skamania County Elections Department should be commended for their extra thorough procedures for all aspects of ballot security. At all times, ballots are secured in containers with numbered seals and logs. They always have two people present when a seal is broken and record who and why the seal was broken.

The elections department printed their voters' pamphlet in conjunction with the Office of the Secretary of State. They did an especially good job of photographing and directing voters to the ballot deposit sites.

## COUNTY'S RESPONSE TO DRAFT REVIEW REPORT

The Election Certification and Training Program issued a Draft Review Report to the Skamania County Canvassing Board in April 2011. In accordance with WAC 434-260-145, we provided Skamania County 15 business days to respond, in writing, to recommendations listed in the draft report.

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



**SKAMANIA COUNTY AUDITOR  
TIMOTHY O. TODD**

Skamania County Courthouse  
240 NW Vancouver Ave | PO Box 790  
Stevenson, WA 98648

(509) 427-3730  
Fax (509) 427-3740

May 2, 2011

Office of the Secretary of State  
Attn: Tracy Buckles  
PO Box 40237  
Olympia, WA 98504

RE: Election Procedures Review

Dear Ms. Buckles:

We sincerely appreciate the election procedures review you conducted during our 2010 General Election. Additionally we are grateful for the list of recommendations and suggestions provided us. Our goal is 100% compliance with state laws, policies and procedures.

We have taken immediate action to correct these recommendations which are a manner of procedural change or those of an administrative nature and have included those actions in the "Corrective Actions Taken" enclosure attached.

We realize the importance of and are diligently working on completion of a policy and procedures manual, a canvassing board manual and the establishment of a disability advisory committee, each of which presents a challenge due to staffing constraints.

We also want to thank you for the outstanding and thorough review. Your demeanor throughout this review brings great credit to the Office of the Secretary of State and attests to your outstanding personal qualities and qualification as an election review official. Additional we want to thank the Certification and Training Division for the outstanding support we receive from them.

Sincerely,

Timothy O. Todd  
Skamania County Auditor

cc: Paul Pearce, Chair, Board of Commissioners  
Adam Kick, Prosecuting Attorney



**Corrective Actions Taken:**

**RECOMMENDATIONS**

Confirmation Notice: We have eliminated the use of jury summons and updated our confirmation notice as recommended.

Verification Notice: We are following the recommendation.

Political Party Observers: We have updated our correspondences for the political parties as recommended.

Disability Advisory Committee: We are attempting to determine if we can feasibly have a viable local committee or if we should join with another adjacent county.

Candidate Filing: Our checklist has been updated to follow the recommendation.

Public Notice of Availability & Voter Deadlines: We intend to use the notice of registration deadline as recommended.

Mismatched Signatures: We intend to use the notice provided during the review process as recommended.

Ballot Applications: The hospital and special ballot application forms have been created as recommended.

Ballot Resolution: We have implemented the ballot resolution recommendations.

Canvassing Board Manual: We are in the process of developing a canvassing board manual.

**SUGGESTIONS**

Ballot Processing Staff: We will take the suggestion to hire additional temporary staff under advisement.

Ballot Duplication: We are going to use your suggestion and just binder clip the duplicated ballots together separately.

Replacement Ballots: We will consider the suggestions.

Provisional Ballots: The suggestion to use the sample ballot for provisional ballots warrants serious consideration.

Precinct Committee Officers: We no longer send precinct committee officer letters to the local political parties.

Update Documents: Forms have been updated as suggested.

Written Procedures Manual: We are in the process of writing a procedures manual.

## CONCLUSION

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

The elections department lacks sufficient staff for ballot processing. Although they did an admirable job under less than ideal circumstances, they would benefit greatly from additional staff during peak election times.

A majority of the recommendations in this report reflect that the staff, which consists of one full-time election employee, does not have the time to keep documents, manuals, applications, etc. current. However, even the most minor issues can make a large difference. The County Auditor should ensure that there is assistance in the elections department when needed for projects, such as proofreading/editing written procedures and documents sent to voters and other stakeholders.

The majority of the suggestions in this report are meant to streamline procedures that are not required by law and are unnecessary considering the lack of staff. By adjusting some procedures and adding temporary staff for ballot processing, the Elections Manager will have more time to oversee the procedures and manage the elections department, especially on Election Day.

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 Skamania County Elections Department. These are meant to enhance and improve Skamania County's procedures.

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



Signature

Date May 9, 2011