

Election Procedures Review
Of
Thurston 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 Thurston County during the 2008 Presidential Primary Election cycle. Tracy Buckles, Elections Specialist, represented the Election Certification and Training Program during the review. Kim Wyman, Thurston County Auditor, Steve Homan, Elections Manager, and other members of the staff participated on behalf of the Thurston County Auditor's Office.

Both the reviewer and the Thurston 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 Thurston 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 Thurston 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

Thurston County has approximately 150,000 registered voters and the county votes entirely by mail. The elections department is adequately staffed and they are fortunate to have adequate space to process mail ballots.

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. All aspects of administering elections were reviewed.

The Thurston 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 department has especially good procedures for accounting for ballots. Additionally, the staff has organized the ballot processing space in such a manner that they have achieved increased efficiency and security while allowing for open, transparent processes.

The following recommendations and suggestions will help improve and enhance Thurston County's already excellent election policies and procedures.

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.

Verification Notices

The elections department sends a verification notice to voters if there is required information missing from a voter registration application. The notice is a letter to the voter, with a new application, informing the voter that the application was incomplete. The notice also informs the voter that if they do not supply the missing information the registration will remain in suspension and "may ultimately result in cancellation."

RCW 29A.08.030 defines a verification notice as, "...Means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information."

RCW 29A.08.110(1) indicates, "If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information."

Recommendation: The elections department must change its verification notice. The notice must inform the applicant of the deficiency and request only the information that is missing, rather than require the voter to complete another application. The language in the notice that informs the voter that the registration may ultimately result in cancellation is incorrect because the voter is not registered to vote at this point in the process.

Processing Name Changes

The Thurston County Auditor's Office missed a request from a voter to change her name. The voter completed the application correctly; however, the elections department entered the voter in the voter registration system as a newly registered voter.

WAC 434-324-010(3) requires, "Upon entry of an applicant information, the auditor must check for duplicate entries. (4) Each auditor must have a quality assurance program to maintain accurate data entry into the statewide voter registration database."

WAC 434-324-113 indicates, "In addition to conducting searches to identify felons, duplicate registration records, and deceased voters as outlined in the chapter..."

Recommendation: The Auditor’s Office has written procedures for auditing data in the voter registration system. The department should review its procedures and adjust them accordingly and consider additional training for the persons entering the data.

Notice of Closing the Voter Registration Files

The elections department published a timely notice of closing the voter registration files. The notice indicates voter registration rolls will be closed to new registrations, transfers of registrations and name changes after January 19, 2008.

RCW 29A.08.140 requires, “The registration files of all precincts shall be closed against transfers for thirty days immediately preceding every primary, special election, and general election to be held in those precincts.”

Recommendation: The elections department must not close the voter registration files to name changes. The RCW clearly indicates that the rolls are only closed to transfers. Voters may register during that time for the next election and may register in person at the Auditor’s Office to vote in the current election. They may change their name at any time.

Notice of Election

The Thurston County Elections Department correctly published its Notice of Election and included most required information. It was missing only two items—notice that the election would be held entirely by mail and a statement that postage is required to return the ballots.

WAC 434-250-310 requires, “In addition to the information required in the notice of election published pursuant to RCW 29A.52.351 and 29A.52.311, a county auditor conducting an election by mail, including a county auditor that conducts every election by mail, must also state: (a) The election will be conducted entirely by mail and regular polling places will not be open; (d) Return postage is required.”

Recommendation: The elections department should add the two required missing statements to its Notice of Election.

Candidate Filings by Fax

The Thurston County Elections Division Policies and Procedures manual indicates that the elections department accepts mailed in and faxed declarations of candidacy during the 10-day period preceding the first day to file declarations in person. The manual also indicates they do not accept faxed declarations of candidacy that require a filing fee.

RCW 29A.24.081 indicates, “Any candidate may mail his or her declaration of candidacy for an office to the filing officer in the following manner: (2) Any properly executed declaration of candidacy received by mail on or after the tenth business day immediately preceding the first day for candidates to file for office and before the close of business on the last day of the filing period shall be included with filings made in person during the filing period.”

RCW 29A.04.255 indicates, “The secretary of state or county auditor shall accept and file in his or her office electronic facsimile transmissions of the following documents: (1) declarations of candidacy;”

Recommendation: The elections department should change its procedures for accepting faxed declarations of candidacy. State law only allows acceptance of mailed declarations of candidacy 10 days before filing officially starts. Faxed filings should not be accepted during that period... Additionally, faxed filings should be accepted if the filing fee is received by the close of the candidate filing period.

Special Absentee Ballots

The Thurston County Elections Department’s special absentee ballot application has the absentee ballot oath and a place for the voter to sign the request under the oath. It also has *instructions to the voter* that they only qualify if they are unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots. They correctly accept requests for special ballots 90 days prior to the election.

RCW 29A.40.050 indicates, “An auditor shall provide a special absentee ballot only to a registered voter who completes an application stating that she or he will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.”

Recommendation: The elections department must change their application by removing the absentee ballot oath and replacing it with language in the RCW: “I will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.”

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 Security

The Thurston County Elections Department has security cameras placed strategically throughout ballot processing areas. The space used for processing ballots is divided into two basic areas, one for initially processing and duplicating ballots and one for inspection and tabulation. Each area has a secure cage/room for security. The cage for ballots that need to be duplicated is open during the day.

Suggestion: When the county staff is not processing ballots for duplication, they should consider securing the cage with a numbered seal and utilizing a seal log. The security cameras meet state law requirements for ballot security. Using numbered seals and a log will provide additional security that is visible to observers.

Written Procedures

The Thurston County Elections Department has a very good written procedures manual. However, there are a few areas of administering elections that are not included or are lacking step by step instructions.

Suggestion: The department should add, but not be limited to, the following procedures: issuing hospital ballots and processing filing fee petitions.

County's Response to Draft Review Report

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

The Thurston 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.



May 6, 2008

Tracy Buckles
Office of Secretary of State
Election Program Specialist
520 Union Ave SE
PO Box 40229
Olympia, WA 98504-0229

Dear Ms. Buckles:

The Thurston County Canvassing Board has received the draft review report of the *Election Procedures Review of Thurston County*. Thank you for your professional review of Thurston County's election policies and procedures. The election staff found the feedback useful and informative. They have made adjustments to their policies and procedures as noted below.

1. Verification Notices

We will make the recommended changes to our verification letter.

2. Processing Name Changes

This was simply a data entry error that was not caught during auditing. We have retrained staff and will continue to use the date of birth as our first check to ensure that we do not create a duplicate voter record.

3. Notice of Closing the Voter Registration Files

We will remove any reference to name changes from our notices of closing.

4. Notice of Election

We will update our Notice of Election language. However, this language has the potential to confuse voters because we conduct all of our elections by mail and have no regular polling places. Return postage is required only for those ballots returned by mail. A growing percentage of voters utilize our ballot drop boxes which do not require postage on the ballot envelopes.

Thurston County recommends the WAC be changed to remove the language referencing regular polling places and change the language requiring postage to indicate postage is required for ballots returned in the mail.

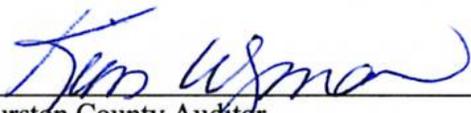
5. Candidate Filing by Fax

We will amend our policies and procedures to reflect the recommendation.

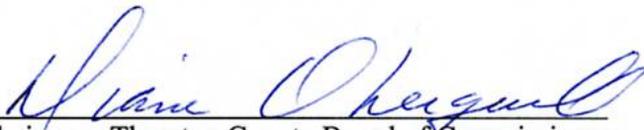
6. Special Absentee Ballots

We will change the special absentee ballot application to reflect the affirmative language in the RCW.

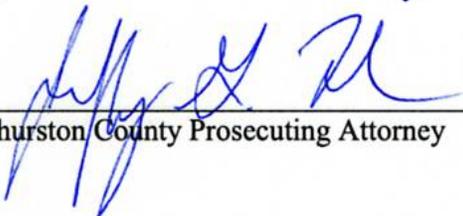
Thank you for the opportunity to respond to the recommendations made in the report.



Thurston County Auditor



Chairman, Thurston County Board of Commissioners



for: Thurston County Prosecuting Attorney

Conclusion

The reviewer commends Thurston County for their election procedures. They thoroughly impressed me with their election procedures and policies. Their attention to detail, organization, and dedication to the election process was evident in every area.

It was apparent to the reviewer that a large part of their success is due to their ability to work as a team.

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

Review Report Prepared by:

Tracy Buckles
Elections Program Specialist
Office of the Secretary of State

Date: May 13, 2008

Signature

