

Washington State Plan

As required by the

HELP AMERICA VOTE ACT of 2002 (HAVA)

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THE OFFICE OF THE SECRETARY OF STATE

SECRETARY OF STATE
SAM REED

The Help America Vote Act of 2002 moves the elections process in our country into the 21st Century. I commend Congress and the President for recognizing the importance of our democracy by investing in the elections process with this sweeping legislation.

I am pleased to present to you Washington's plan for implementing the Help America Vote Act (HAVA). In this plan, we have provided a comprehensive review of the changes and enhancements necessary to comply with the new federal requirements imposed by HAVA.

We, in Washington, have a long and proud tradition of independence and integrity in our electoral process. Our governing structure, which shares the responsibility for administering elections between state and local government, serves us well.

Therefore, we approached the development of our state plan with the following guiding principles:

1. To build on the strength of the relationship between local and state governments in Washington;
2. To approach implementation with the goal of retaining our role as leaders in election administration;
3. Where practical, to place the burden of implementation on those responsible for the administration of elections—not on the voter; and
4. To maximize available resources to sustain implementation costs beyond the availability of federal funding.

Please take a moment to review this progressive plan for the future of our state's election process. Elections in Washington will be enhanced through the construction of a statewide voter registration database—bringing security and consistency to our voter registration rolls. Access to voting will be improved through the implementation of secure, modern voting systems, and voters with disabilities will be provided the opportunity to vote independently for the first time with the help of new technology.

This sweeping legislation demands skilled, trained, professional election officials. We will continue to call for the highest level of integrity and performance from those who administer elections in our state and we will continue to operate in an open, accessible manner.

I welcome the challenges presented in this plan and invite your input and contributions to meeting the principles outlined in the Help America Vote Act.

Together we will ensure the state of Washington remains a national leader in elections administration. With best regards,

SAM REED

Secretary of State

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1. Introduction:

An Overview of Elections in Washington

Elections are currently administered in the state of Washington at the county level. State law designates the Secretary of State as “...the chief election officer for all federal, state, county, city, town, and district elections...”, but the specific duties of that office are essentially limited to those areas of election administration where the coordination of efforts involves more than a single county. These include, but are not limited to candidate filings, certification of election returns, multi-county and state recounts, voter outreach and registration activities, and voter information efforts.

Additionally, the state administers a Certification and Training Program for local election officials, serves as the approving authority for voting systems used in the state, oversees the initiative and referendum process, engages in a vigorous voter outreach and education program, and produces and distributes a state voters and candidates pamphlet prior to each state general election. This pamphlet is mailed to every household in the state and is also available in alternative formats for people with disabilities. General elections in Washington are held annually.

In 38 of Washington’s 39 counties, the chief election officer is the elected County Auditor. In King County, Washington’s largest county, the chief election officer is the Director of the Records, Elections, and Licensing Services Division. This individual is appointed by the elected County Executive. When, in this report, the term ‘County Auditor’ is used, it should be understood to include this officer unless specifically noted to the contrary.

In three counties (Clallam, Snohomish, and Whatcom) the auditor position is non-partisan, by virtue of a county charter provision. The remaining County Auditors, excluding King County, are partisan elected officials. All County Auditors serve a four year term.

As the chief election officer, the County Auditor is responsible for all aspects of election management. The auditor’s responsibilities include voter registration and the maintenance of voter registration records, voter outreach and voter education, the hiring and training of election board workers, the printing of ballots, the issuing of absentee ballots, and the tabulating of election returns. The certification of election returns at the county level is done by the County Canvassing Board.² The County Canvassing Board consists of the County Auditor, the Prosecuting Attorney, and the Chair of the County Legislative Authority, or their designated representatives.

The state’s chief election officer—the Secretary of State—is a partisan officer, elected to a four-year term with other statewide officers in presidential election years. The Secretary of State certifies the returns of state primaries and general elections.

Elections are conducted in Washington pursuant to the provisions of applicable federal law, the Washington State Constitution, the Revised Code of Washington (RCW), and the Washington Administrative Code (WAC). Election statutes are scattered throughout the 91 titles of the Revised

Code of Washington, but general election provisions are found mainly in Title 29 of the Code. Title 29 grants the Secretary of State broad administrative rule-making authority pursuant to the Administrative Procedures Act, and election rules adopted pursuant to the provisions of that Act are found in Title 434 of the WAC. As a general principle, the State Constitution and Title 29 RCW spell out what must be done and when it must be accomplished. Chapter 434 WAC generally details how these acts are to be performed.

The Constitution of the State of Washington enshrines “Freedom of Elections” in the Declaration of Rights: “All Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.”³ Under Article VI the State Constitution establishes qualifications for voting and requires that all elections be conducted by secret ballot. Other constitutional provisions provide for the recall of elected officials, vest legislative power equally with the people, with the initiative and referendum process, and the legislature, set the qualification for state and legislative office (US citizenship and qualified elector in the state or district), and establish the responsibility of the Secretary of State for canvassing statewide election returns.

Additionally, election administrators at the state and local level rely on an extensive library of court cases, prosecuting attorney opinions, and attorney general opinions to facilitate the administration of elections.

At the 2002 General Election⁴, Washington’s voting age population was estimated at 4,536,596. This figure includes non-resident military and students. The voting eligible population—excluding non-residents and non-citizens—was estimated at nearly 4,167,093.⁵ Of that number, 3,209,648 were registered to vote (77.0%). 1,808,720 ballots were cast at the 2002 General Election—a 56.35% turnout of those registered. Of that number, 1,233,727 ballots were cast by mail (68.21%). Currently two of Washington’s counties—Clallam and Ferry—vote entirely by mail ballot.

There has been a slow but steady expansion of absentee voting and vote-by-mail over the last 25 years. Washington has had absentee ballot on demand for a number of years, but two fairly recent legislative enactments have greatly increased the popularity and use of mail voting. In the mid-1980’s, the state legislature authorized permanent absentee voting for those with disabilities and for those over the age of 65. In the early 1990’s this was extended to any voter who desired such status. Additionally, voters were afforded the opportunity to become ‘ongoing’ absentee voters at the time of registration. Some counties have actively encouraged voters to take advantage of this procedure, with the result being that in those counties the vast majority of ballots are cast by mail.

A second legislative change, again enacted first during the 1980’s and subsequently expanded, has significantly increased the number of vote-by-mail precincts and the number of elections that can be conducted entirely by mail ballot. Any precinct with fewer than 200 active registered voters may be designated a vote-by-mail precinct, odd-year primaries (non-partisan offices) may be conducted by mail, and any county, city, town, or junior taxing district may request that non-partisan special elections be conducted by mail ballot.

Washington may rightly be considered a leader among states in the administration of elections. The state has been at the forefront of such innovative and progressive changes as the secret ballot, the Franchise for 18 year olds, Women’s Suffrage, Motor Voter, the expanded use of absentee ballots, the extensive use of provisional ballots, voter information and education programs, the development of a Certification and Training Program for local election administrators, and numerous other areas of election administration.

Appendix A details Washington’s registered voters, votes cast, and absentee data by county for the 2002 General Election. Additionally, included in Appendix B is a county-by-county breakdown of the types of voting systems used.

2. How the State will use the requirements payment to meet the requirements of Title III, and, if applicable under Section 251(a)(2), to carry out other activities to improve the administration of elections. (Sec. 254, (a)(1))

a. Voting System Standards

To comply with the second-chance voting requirements, counties using poll-site based ballot counting devices shall operate them in a manner consistent with HAVA and existing state law, which states:

“Each poll-site ballot counting device must be programmed to return all blank ballots and overvoted ballots to the voter for private re-examination. The election officer shall take whatever steps are necessary to ensure that the secrecy of the ballot is maintained. The precinct election officer shall provide information and instruction on how to properly mark the ballot.”⁶

The voter will be allowed a replacement ballot if needed.

Counties using Direct Recording Device (DRE) voting devices shall operate them in a manner consistent with HAVA— allowing each voter to review their selections and correct errors before finalizing and casting their ballot. DRE and other voting devices and systems shall ensure that review and error correction procedures are accessible to individuals with disabilities, and respect individual voter privacy. The Secretary of State will adopt administrative rules requiring counties using only DRE voting devices in polling places to have Optical Scan paper ballots available to any voters who select not to vote on the DRE equipment.

To comply with the second-chance voting requirement for mail-in voting and counties with central count equipment the state will embark on a cooperative voter education plan with the counties. This program will have two parts. The first part is an overall general publicity campaign informing voters of the need to double check their optical scan ballots and that they have the option of obtaining a new ballot if they make an error. The second part is a local campaign conducted by each County Auditor that is specific to the voting system employed by the county. The system-specific campaign will be developed cooperatively by groups of county and state election officials

working with each system. The state will organize a web-based presence and a media plan. To the extent available, requirements payments will be used to fund these activities. The Secretary of State will consult with experts and stakeholders on disability and alternative language issues regarding the development of each of these programs. This will include advice on all aspects of the cooperative voter education plan, the media and web-based presence, and local campaigns.

All voting systems used in Washington State will comply with the HAVA requirements for audit capacity and existing state law, which defines a ballot as “a physical or electronic record of the choices of the individual voter...”⁷

These systems will also comply with requirements concerning alternate language accessibility contained in the Voting Rights Act and ballot presentation standards for voters with limited eyesight.

The state will ensure the purchase of DRE voting systems for each county for the purpose of meeting the disability access provisions of Title III. This will be accomplished in the 16 former punch card counties via the federal punch card buyout money. The remaining 23 counties will be funded through the requirements payments based on the availability of funds. The state will provide DRE purchasing funds via a formula⁸, which is based on a number of variable factors such as the number of poll sites, distribution of the projected disabled and senior population, and the total number of registered voters. The formula determines a payment for each county to purchase the required DRE equipment. This amount represents the maximum contribution that the state will provide for purchasing any county DRE system. The county may negotiate a contract and purchase any qualifying system but the county will be responsible for costs in excess of their share of the federal money. If the contracted costs are less than the county share, the remainder is available to the county to use for compliance with other Title III requirements.

The state will negotiate with voting systems vendors for optional-use state contracts. The Department of Information Services will assist in this effort. The intent is to gain maximum economies of scale for the state and to allow counties to conduct their purchases without duplicating costly local bid-letting processes. Each county may purchase from the state contract(s), or negotiate a contract on their own. Counties may also make purchases from other county contracts through inter-local agreements.

The state will forward the federal money directly to contracted vendors on behalf of each county. This will occur after a contract has been signed by the county with a vendor for a qualifying system, and an inter-local agreement has been signed between the county and the Secretary of State guaranteeing compliance with HAVA. If a county signs a contract that exceeds its share of the federal funds, the county is responsible for the remaining cost. If the contract amount is less than the county share of the federal funds, the remainder is retained in the state election fund.

The state will work with any county that is all vote-by-mail to determine an adequate number of DRE machines for the courthouse or election office and other locations in the county, for disability access. The state will confer with experts on disabilities issues in making this assessment. The intent is to adequately serve the geographic areas and communities of each county. The state will work with

county election officials and the legislature to create laws and procedures covering DRE installations in county facilities and early-voting location DRE installations.

Washington State has already adopted administrative rules providing uniform definition for what constitutes a vote. This was done by a committee of state and local election officials. The general public and all state and local officials were provided an opportunity, through the provisions of the Administrative Procedures Act, to comment on the proposed rules. See Appendix C for a copy of the administrative rules.

b. Provisional Voting

Washington is a pioneer in provisional voting. Our system is election tested and voter approved. Washington adopted procedures for provisional voting in 1977, although the practice had existed unofficially for a number of years prior to that. In order to implement additional requirements in HAVA, the Secretary of State will adopt administrative rules for tracking the resolution of an individual voter's provisional ballot by local elections officials. Administrative rules will be adopted for informing the voter (and only the voter) if requested by free access. The rules may include options such as a toll-free telephone or TTY number or notification by mail or other accessible format as identified by the voter. The counties will be required, by administrative rule, to inform the voter how they can learn the resolution of their ballot. The rules may require the counties accomplish this by posting a notice in the polling location, or handing out the information on a card with the toll-free number. The rules will ensure that voters with disabilities will be informed in a manner and format which is accessible and understandable. Requirements payments, to the extent available, may be used for the development of systems to provide voters free access to information regarding the resolution of their provisional ballot.

c. Voting Information Requirements

Depending on availability, requirements payments may be used to produce posters for each type of voting system. The posters will be available to counties for placement in each poll site. The Secretary of State will consult with the Governor's Committee on Disability Issues and Employment and the Washington Assistive Technology Alliance regarding alternative methods for conveying this information at the polls to disabled individuals. The posters will contain the following information:

- How to cast a vote

- How to cast a provisional ballot

- Instructions for mail-in registrants and first-time voters

- General information on voting rights and provisional balloting

- General information on federal and state laws

The adoption of administrative rules requiring counties to display the poster or a poster produced by the county containing, at a minimum, the same information, a sample ballot, the date of the

election, and the times the poll site is open at the polling place is required. These rules will also specify requirements and recommendations with respect to placement, format, and other characteristics which will ensure the poster and the information included on it are accessible to individuals with disabilities.

All voting-related materials will be provided in alternative formats necessary to accommodate the needs of individuals with various disabilities.

d. Computerized Statewide Voter Registration List

Section 303 of HAVA requires states to implement a “single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the state level.” The list must contain the name and registration information of every legally registered voter in the state and must assign a unique identifier to each voter in the state.

In Washington State there are two separate voter registration files. Currently, official voter registration records are created and maintained at the county level. Each county elections office updates and separately maintains voter registration records. The state also keeps a file for use in checking petition signatures.

During the last seven years the Secretary of State has been working to create a modern, centralized signature-checking system. This effort was initially driven by a desire to economize, and to improve the accuracy and efficiency of the state petition signature verification process. When the state began automating the process, telephone modem access was used to link to county voter files. As the project evolved, county voter computer files were compiled, with signature images attached, in a database in Olympia.

The project gathered new functions and requirements over time, including list comparisons and address updates intended to improve the usability and quality of voter registration information. This included county-to-county list comparisons, looking for duplicate registrations and multiple voters, as well as Department of Corrections information on felons whose voting rights have been removed.

Washington will establish a single, statewide voter registration database with integrated election management capabilities available for all 39 counties and the Secretary of State’s office. Phase I of this project will implement a single, interactive state-wide voter registration database (VRDB) designed to interact with county election management systems and to interact in some fashion with commercial election management systems (EMS) operating at the county level. The overriding principle of this phase is to meet all minimum HAVA requirements.

After successful implementation of Phase I, the Secretary of State’s office will work cooperatively with the County Auditors to tightly integrate VRDB and EMS in Phase II, allowing the state to provide greatly enhanced voter information services to the counties. Phase II will also look at increasing the standardization of election management processes and may include building an EMS in-house to replace county EMS systems, or building additional tools and linkage mechanisms. This

will increase options for the state system to merge election data from the other applications used locally to administer elections with the VRDB.

Requirements payments, to the extent available, will be used for the development of the VRDB. Additionally the payments may be used to purchase the following: hardware for the system; hardware for local election officials to run the system; connectivity between the VRDB and local EMS systems; or licenses for EMS systems for local elections officials so they have systems that communicate with the VRDB.

During the 2004 Washington State legislative session the Secretary of State will seek executive request legislation to bring state law into compliance with the statewide voter registration database requirements contained in HAVA.

The Statewide Voter Registration Database System will:

Be a centrally administered database maintained and administered by the Secretary of State which will interact with commercial election management systems (EMS) operating at the county level;

Ensure that names and registration information of every valid registered voter appear on the state's computerized list and will ensure coordination with county election officials, that only voters validly registered on the state list will be eligible to vote;

Allow any election official in the state to obtain information contained in the computerized list and to update the registration information related to voters residing in their jurisdiction;

Allow voter registration information obtained by any election official to be entered into the state computerized list on an expedited basis. Duplicate voter records and verification of driver's license numbers or the last four digits of social security numbers will be identified on an expedited basis as well;

Provide for authenticating new registration applications, using the driver's license number or last four digits of the social security number in coordination with the Washington State Department of Licensing. In addition, the system will provide ongoing verification of valid registrations by coordinating with computerized lists provided by the Department of Corrections to remove felons, and computerized lists provided by the Department of Health Services to remove deceased voters;

Ensure that invalid registrations are removed in a timely manner. (i.e., the system will prevent or remove "moved out of state," duplicate, deceased, and felon registrations from voter lists;)

Assign a unique voter identifier number to each registered voter;

Track and report changes made to voter records, as well as voting history for each voter;

Verify voter status to differentiate between active, inactive, canceled/suspended, and pending;

Track statistical data about voter registration activity at the state, county and precinct levels and include statistics required by the National Voter Registration Act of 1993;

Provide comprehensive technological security measures to prevent unauthorized access to the system and the computerized voter list;

Be implemented through a partnership between the counties, the County Technical Advisory Committee, and the Secretary of State;

Be designed around Washington's primary election requirements and all applicable state laws;

Encourage uniformity of registration data formats, fields and other technical specifications between counties, to facilitate the interactivity of the system;

Be implemented proactively to protect and encourage the full voting rights of all eligible citizens; and

Ensure adequate safeguards to prevent the disenfranchisement of eligible citizens.

e. Requirements for voters who register by mail

The state will consult with experts on disability issues regarding the accessibility of mail-in registration forms. The State Elections Division is currently matching data on mail-in registration forms against the Department of Licensing database. The State, in cooperation with County Auditors, will develop practices and policies to fully comply with the requirements for first time voters who register by mail. The state may, based on the availability of funds, use requirements payments to implement these practices and policies. The state will consult with experts on disability issues regarding the accessibility of mail-in registration forms.

The state may, based on the availability of funds, use requirements payments to produce mail-in voter registration forms that contain the two newly-required questions; Will you be at least 18 years old at the time of the next election? and, Are you a citizen of the United States of America? The forms will also be altered so that applicants can record their driver's license number and/or the last four digits of their social security number. See Appendix E for a PDF version of the form that is available on the Secretary of State's website.

3. How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1) including a description of—(A) the criteria to be used to determine the eligibility of such units or entities for receiving the payments; and (B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8). (Sec. 254, (a)(2))

The Secretary of State will manage activities and projects funded by the HAVA requirements payments, and the state will account for all expenditures, funding levels, program controls and outcomes in accordance with state and federal laws.

To comply with disability access requirements, the state will provide funds to counties via a formula based on a number of variable factors such as the number of poll sites, projected distribution of disabled and senior populations, and total number of registered voters. The formula determines a

payment for each county to purchase the required DRE systems. This amount represents the maximum contribution that the state will provide for purchasing any county DRE system. The state will forward the federal money directly to contracted vendors on behalf of each county. This will occur after a contract has been signed by the county with a vendor for a qualifying replacement system and an inter-local agreement has been signed between the county and the Secretary of State guaranteeing compliance with HAVA.

The Secretary of State will establish a local government grant program to assist County Auditors in complying with HAVA requirements. After initial state compliance with HAVA requirements, a portion of the requirements payments authorized in Title II will be allocated for local government grants. The Secretary of State will administer the grant program and will be responsible for meeting federal auditing requirements. The Secretary of State may make the award of grants contingent on a local match or maintenance of effort requirement.

Examples of Activities eligible for Local Government Grant Funding

This list is not comprehensive and the state may fund grant applications for activities not listed as long as the activities are associated with compliance with the Title III requirements of HAVA.

- Replacement or upgrade of voting equipment.

- Purchase of additional voting equipment.

- Development and production of poll worker recruitment and training materials.

- Voter education programs.

- Publication of a local voters pamphlet.

- Toll-free access system to provide notice of the outcome of provisional ballots.

- Purchase or lease of election management system hardware and software.

- Training for local election officials.

The performance measures detailed in section 9 of this plan will be used to monitor compliance with the mandate of the Act. After January 1, 2006, when all the deadlines have passed, the Secretary of State will produce a report on how the performance goals have been met.

4. How the state will provide for programs for voter education, election official education and training, and poll worker training which will assist the state in meeting the requirements of Title III. (Sec. 254, (a)(3))

a. Election Officials Education and Training

Washington State requires that each county has at least two certified election administrators on staff. These administrators are certified through the “Certification and Training Program,” which trains election administrators, administers the certification program, and reviews county election offices for compliance with state and federal law. The training and compliance reviews ensure consistency in

the application of election law from county to county. The Certification and Training program will institute new training programs on the requirements in HAVA that include: Voting System Requirements, Statewide Voter Registration System Requirements, methods of poll worker training, election recounts, and accessibility for people with disabilities and alternative language requirements as part of the certification training. The Program will ensure during its regular election review procedures compliance and consistency with HAVA requirements. (See Appendix D for state laws outlining the Certification and Training Program.)

Experts on disability issues will be consulted in developing the curriculum for the accessibility for people with disabilities and alternative language requirements of the certification training.

b. Poll Worker Training

State administrative rules will be adopted requiring poll worker training in managing voting systems at the poll site, system requirements that ensure accurate tabulation of votes, how voters may correct their ballots, how to handle unusual situations, accessibility for people with disabilities, alternative language requirements, provisional ballots, and how to process mail-in registrants and first-time voters. Experts on disability issues will be consulted in developing the curriculum for the accessibility training for poll workers, which will include information about how to treat respectfully and effectively respond to requests for accommodations. Special efforts will be made to promote recruitment of individuals with disabilities, speakers of alternative languages and other minority-groups as poll workers.

The Secretary of State intends to apply for grants under the Help America Vote College program outlined in Title V of the act. The state will work proactively with counties that have difficulties recruiting poll workers to supplement the number of workers with college students. The workers would receive the same training outlined above.

c. Voter Education Plan

Voter education encompasses the combination of activities intended to help voters make informed choices about candidates and ballot measures and then indicate those choices accurately and effectively when voting. Voter education includes informing voters about candidates, what the ballot will look like, how to use voting equipment, how to properly cast a ballot, where a polling place is located, the hours polls are open, and how to register to vote.

The audience for the voter education program includes every eligible citizen and registered voter in the state. The goal of the voter education plan is to provide educational programs for voters and to facilitate a firm understanding of our state's election process, including the laws and administrative rules that govern Washington elections.

HAVA places significant emphasis on reaching out to students in our schools, community colleges and universities to improve voter education and outreach, expand voter registration and

participation, and furnish poll workers and other needed personnel to assist County Auditors in conducting elections. The Secretary of State has developed a comprehensive student voter outreach program in cooperation with educators, student representatives and County Auditors, for the purpose of encouraging students at all levels to take an active part in our democracy as citizens and voters.

The Voter Education Plan will include strategies designed to increase the participation of people with disabilities in the voting process, and understanding of the efforts being made to ensure that voting is accessible to all. The Washington Protection and Advocacy System will be invited to actively participate in the development of the plan and its implementation. In addition, the Voter Education Plan will promote strategies designed to serve the needs and ensure the voting rights of speakers of alternative languages and other eligible citizens.

EXAMPLES OF VOTER EDUCATION:

With the increasing ease, access, and effectiveness of the Internet, election administrators should develop websites that provide educational and outreach information. The following is a sample list of educational and outreach activities.

- Voters Pamphlet for the state and every county (printed and online)
- Web-based education through Election Information Reporting System
- Voter Outreach Through Education website
- Sample ballot with pictures and comprehensive instructions
- High school voter outreach/education tours
- Weekly voter outreach through “offices” in public locations
 - Booths at county fairs, public/farmers markets, street fairs, and other public events
 - Audio video instructions on the Secretary of State’s website detailing how to properly cast a ballot on each type of voting system used in Washington
 - Projects, modifications, or auxiliary aids for improving the accessibility of voting for individuals with disabilities
 - Accessibility surveys of polling places
 - Outreach visits to disability service providers, advocacy groups, and policy-making organizations (e.g., Developmental Disabilities Council, Independent Living Centers)

5. How the state will adopt voting system guidelines and processes which are consistent with Sec. 301. (Sec. 254, (a)(4))

Current state laws require examination and approval of all voting systems prior to sale or use in the state. Before the state examines a voting system, it must first be approved by an Independent Testing Authority (ITA) for compliance with federal voting systems standards. These standards are currently established by the Federal Elections Commission (FEC) and, under HAVA, are established by the

National Institute for Standards and Technology (NIST). The ITA process includes examination of the system hardware and a complete review of the software source code, which is held in escrow by the ITA. During the state certification review, systems are examined for their ability to comply with the election processes unique to Washington, including rotation of partisan candidate names on primary ballots, accommodating precinct splits, and tabulating votes in a blanket primary. Voting systems must also be certified and in use in another state prior to approval for sale or use in Washington.

The state will update current voting system standards by adopting Federal Standards either in administrative code or proposing legislation. This will include the HAVA definition of a voting system contained in Sec. 301(6) (b). Legislation may also be proposed on early voting and in-person courthouse or election office lobby voting. The state will review the administrative code to ensure the strength of language concerning programming for the primary, rotation, and split precincts.

The Secretary of State will define the administrative structure of voting system standards by adopting administrative rules that:

- define information on voting system ownership;
- assign responsibility for programming, testing, logic and accuracy testing, notification of processes, documentation of systems, system security;
- provide for version control and certification by the county of system hardware and software version (this version control will rely on version number and file size confirmation);
- define procedures for web availability of a certified systems listing, including version number, version file size, certification application process, document review process, certification system review and testing process, demonstration hearing, verification of system compliance to standards for an accessible system, and notification to vendors and counties via the web.

Further, the state will create a process for de-certification defined in administrative code, covering complaint procedures, investigation procedures, hearing methods, and issuance of de-certification or withdrawal of certification. This will also allow withdrawal of certification for older systems no longer in use, and will include a procedure for notification of counties with antiquated systems that have withdrawal pending.

The state will embark on a cooperative voter education plan with the counties for second chance voting. This will have two parts. The first part is an overall general publicity campaign informing voters about the need to double check their optical scan ballots. The second part is conducted by each county specific to the voting system employed by the county. The system specific campaign will be developed cooperatively by groups of county and state election administrators working with each system. The state will organize a web-based presence and a media plan. The state will also confer with experts on disability issues in developing informational materials and technical assistance resources for counties and state election administrators.

The Steering Committee and the Secretary of State recognize that the elimination of punch card voting and the disability access requirements in HAVA have created an incentive and, in a limited context, a directive for counties to purchase electronic voting equipment. Input received during the public comment period and at the public hearings raised concerns regarding the security of direct recording electronic (DRE) voting equipment.

Public comments focused primary on the issue of a ‘paper trail’ or other hard-copy audit trail as a back-up or alternative to the electronic record of individual votes. While a paper audit trail exists both in state and federal law, citizens commenting on the plan advocate that this be a “voter verified” paper or other medium that allows voters to verify their choices independently of the DRE’s electronic record at the time they cast their vote.

Consistent with the HAVA requirements for audit capacity, the definition of a ballot under Washington State Law includes “a physical or electronic record of the choices of an individual voter...” The DRE systems certified for use in Washington meet that standard.⁹

It is acknowledged that the public dialogue on the issue of voter verification is continuing—in Washington and throughout the United States. As referenced in this plan, the Secretary of State will require that all existing and future voting systems certified for use in Washington meet federal, voluntary voting system standards as they are adopted in accordance with HAVA or by state law.

In reviewing proposed changes to voting system requirements, the Secretary of State will advocate for standards that are consistent with the following criteria, adapted from the report and findings of an ad hoc Task Force on Touch Screen Voting established in February 2003 by the California Secretary of State:

Voting equipment should and must meet the requirements of federal and state laws requiring access to voting.

The time requirements for product development and certification are significant issues in terms of the timing of the development of potential market solutions to address issues related to voter verification.

Any recommendations to change current voting equipment recognize the paramount importance of a successful election in terms of voter confidence, and no recommendations should be utilized to undermine the successful administration of these elections.

Any proposed method of verification must not inconvenience voters, create lines at the polling place, or otherwise discourage voters from casting a ballot.

Any new equipment options should be as simple to administer as possible so as to not create unnecessary complexity at the polls.

There are a number of logistical challenges that are present with any paper-based voting system using printers and these challenges need to be explored and understood in greater detail.

Local jurisdictions, if they desire independent verification on their systems, should have a range of verification options to choose from, which could include paper-based and/or electronic options.¹⁰

Federal funds appropriated by HAVA, to the extent available, should be provided to assist in the costs of upgrading any system that does not meet voting system requirements implemented as a result of HAVA or state implementing legislation. County Auditors are strongly encouraged to include language in acquisition contracts requiring no cost or low cost upgrades to keep voting systems current with evolving voting system standards.

The Secretary of State will establish a Stakeholder Advisory Committee similar in nature and composition to the State Plan Steering Committee to assist in reviewing voting systems certification standards and other voting system requirements, and to encourage continued public confidence in state and federal voting systems regulations.

6. How the State will establish a fund described in subsection (b) for the purposes of administering the State's activities under this part, including information on fund management. (Sec. 254, (a)(5))

The Washington State Legislature established an Elections Fund during the 2003 Legislative Session specifically for receiving federal funds under HAVA." The law reads in part:

NEW SECTION. Sec. 1. A new section is added to chapter 29.04 RCW to read as follows:(1) The election account is created in the state treasury. (2) The following receipts must be deposited into the account: Amounts received from the federal government under Public Law 107-252 (October 29, 2002), known as the "Help America Vote Act of 2002," including any amounts received under subsequent amendments to the act; amounts appropriated or otherwise made available by the state legislature for the purposes of carrying out activities for which federal funds are provided to the state under Public Law 107-252, including any amounts received under subsequent amendments to the act; and such other amounts as may be appropriated by the legislature to the account. (3) Moneys in the account may be spent only after appropriation. Expenditures from the account may be made only to facilitate the implementation of Public Law 107-252.

The State Elections Division within the Office of the Secretary of State will manage the fund. The state is responsible for accounting of all expenditures, funding levels, program controls and outcomes in accordance with state and federal laws.

7. The State's proposed budget for activities under this part, based on the State's best estimates of the costs for such activities and the amount of funds to be made available, including specific information on—A. the costs of the activities required to be carried out to meet the requirements of Title III; B. the portion of the requirements payments which will be used to carry out activities to meet such requirements; and C. the portion of the requirements payment which will be used to carry out other activities. (Sec. 254, (a)(6))

The Secretary of State has received the Title I state payment of \$12.8 million.

Over the next three federal fiscal years (2003-2005), the Secretary of State estimates that Washington is eligible to receive up to \$62.8 million in requirements payments authorized in Title II. At the time of

submission of this plan, full funding for Fiscal Year 2003 was not appropriated by Congress and it is impossible to estimate how much will be appropriated in each of the subsequent fiscal years. The Secretary of State will request, in the 2003-05 state supplemental budget, the amount necessary to meet the 5 percent matching requirement for these payments.

The Secretary of State intends to budget HAVA funding based on the following priorities: 1) federal funding will be used first to address requirements placed on the state and counties by the new law and discretionary improvements to elections systems will be funded second; 2) that election system improvements visible to the public are made early in the process by state and county election officials. The Secretary of State will consult with local election officials and other stake holders in administering all HAVA funds.

The following budget is based on a broad estimate of costs and activities necessary to meet the mandates of HAVA. It was developed under the assumption that full federal appropriation of funds authorized in the Act is unlikely, but that additional appropriations will be made in future federal fiscal years. Based on the variability of funding, this budget will be modified and adjusted accordingly.

After initial compliance with HAVA requirements, and further federal funding authorization, a portion of the remaining funds will be allocated to the local government grants program. Interest earned on the federal funds may also be used for the local government grant program.

8. How the State, in using the requirements payments, will maintain the expenditures of the State for activities funded by the payment at a level that is not less than the level of such expenditures maintained by the State for the fiscal year ending prior to November 2000. (Sec. 254, (a)(7))

Washington will maintain expenditures of the state for activities funded by the payment at a level equal to or greater than the level of such expenditures in state FY 2000— \$2,870,710.¹²

9. How the state will adopt performance goals and measures that will be used by the State to determine its success and the success of units of local government in the State in carrying out the plan, including timetables for meeting each of the elements of the plan, descriptions of the criteria the State will use to measure performance and the process used to develop such criteria, and a description of which official is to be held responsible for ensuring that each performance goal is met. (Sec. 254, (a)(8))

The Secretary of State, with the cooperation of County Auditors, is responsible for ensuring the success in meeting each performance goal. The Secretary of State will consult with stakeholders in refining these performance goals and measures as the State Plan is implemented.

After January 1, 2006, when all the deadlines have passed the Secretary of State will produce a report on how performance goals have been met. The performance goals include:

a. Elimination of punch card voting equipment

- i. Timetable: January 1, 2006
- ii. Criteria: Replacement of punch card voting equipment and compliance with Title III HAVA requirements for the 16 counties that utilized punch card equipment in the 2000 General Election.

- iii. How Criteria is Judged: Success of meeting this performance goal is based on the number of punch card voting systems still in use after January 1, 2006.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

b. Voter education program on how to correctly cast a ballot for each type of voting system

- i. Timetable: January 1, 2006
- ii. Criteria: Establishment and implementation of a voter education program specific to each type of voting system that clearly explains to voter how to correctly cast a ballot, correct an error, how to obtain a replacement ballot, and the effect of casting multiple votes for an office.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the establishment and implementation of a voter education program developed in cooperation with County Auditors that is specific to each type of voting system used in Washington.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

c. Accessibility for individuals with disabilities

- i. Timetable: January 1, 2006
- ii. Criteria: Implementation of at least one Direct Recording Electronic voting device that meets the accessibility standards in each polling place in the state and adequate placement of this equipment throughout counties that have adopted vote-by-mail, and significant involvement by people with disabilities and other stakeholders in implementation of this equipment.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the placement of at least one accessible Direct Recording Electronic voting device in each polling place in the state and adequate placement of this equipment throughout counties that have adopted vote-by-mail, and evidenced by increased participation on the part of people with disabilities in the voting process.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

d. Provisional Voting

- i. Timetable: January 1, 2004
- ii. Criteria: Implementation of a free access system in each county so that the voters can determine if their provisional ballot was counted.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the establishment of a free access system in each county so that the voters can determine if their provisional ballot was counted.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

e. Posting of voting information

- i. Timetable: January 1, 2004
- ii. Criteria: Posting of the required information in each polling location.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the posting of the required information in each polling location in the state.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

f. Statewide Voter Registration Database

- i. Timetable: January 1, 2006
- ii. Criteria: Implementation of a “single, uniform, official, centralized, interactive, computerized statewide voter registration list that is defined, maintained, and administered at the state level”.
- iii. How Criteria is Judged: Success of meeting this performance goal is based on the implementation of a statewide voter registration system that meets the requirement of HAVA.
- iv. Responsible Official: Secretary of State with the cooperation of County Auditors.

10. A description of the uniform, nondiscriminatory State-based administrative complaint procedures in effect under Section 402. (Sec. 254, (a)(9))

The Secretary of State will adopt a State-based Administrative Complaint Procedure consistent with the requirements of HAVA in Washington Administrative Code. The procedure will follow the “Brief Adjudicative Proceedings” provisions authorized in the Administrative Procedures Act.¹³ After publishing the preliminary version of the State Plan for the required public comment period, the Secretary of State will move forward with adopting the administrative rules outlining the State-based Administrative Complaint Procedure.

The rules will clearly state that the State-based Administrative Complaint Procedure does not apply to, or alter, voter registration challenges in RCW chapter 29.10 or election contests in RCW chapter 29.65, or trigger a recount as outlined in RCW chapter 29.64.

Elements of the State-based Administrative Complaint Procedure to be adopted include:

Procedures must be uniform and non-discriminatory;

Complaint must be filed with the Secretary of State no later than 30 days after the certification of an election regarding violations that have already occurred, are presently occurring, or will occur in the future;

The complaint procedure will be clearly posted at all polling places, and forms and information will be made available to voters in accessible formats and alternative languages. All election workers will be provided with training regarding the appropriate response to complaints;

The Secretary of State designates one or more presiding officers;

When necessary, presiding officers shall be trained in the requirements of accommodation for disability, and with issues related to barriers to access and accommodations;

The presiding officer(s) shall give each party an opportunity to explain their views in writing or, the complainants option, at a hearing on the record within ten days after the filing of the complaint;

The presiding officer(s) will issue a written decision;

The complainant shall be informed in writing or in a format that s/he can understand of the right to a hearing on the record.

Any aggrieved party may request an administrative review of the initial determination by the Secretary of State or a designee and that review and determination is final;

If final determination is not made within 45 days the complaint shall be arbitrated and a final determination made within 30 days;

Final determinations shall be posted on the Secretary of State's website and copies available to the public at reproduction costs;

The procedures will apply only to violations of Title III of HAVA;

Individuals will be advised that they may receive consultation from the state's protection and advocacy system for violations of the disability access requirements;

The state may consolidate complaints; and

County elections officials will be encouraged to resolve complaints informally if possible, but if the person wishes to file a complaint they must be provided a form to do so.

Legislation will be proposed during the next legislative session that will apply the State-Based Administrative Complaint Procedure to all elections.

11. If the State received any payment under Title I, a description of how such payment will affect the activities proposed to be carried out under the plan, including the amount of funds available for such activities. (Sec. 254, (a)(10))

Punch card replacement will cover 16 counties in Washington State. Of these counties, which are listed in an attachment, 14 are true punch card counties and two are Data Vote punch card systems. One of the eligible counties completed part of the process by replacing their punch card system with an optical scan system that includes poll site-based optical scan second-chance voting. This conversion took place subsequent to the 2000 General election but prior to the enactment of HAVA. It is the intent of the Secretary of State to reimburse this county directly.

It is the intent of the Secretary of State that the punch card buyout money be used to complete the installation of a complete HAVA-compliant system in each of the punch card counties. This means the total removal of punch card voting, the installation of an optical scan absentee voting system for absentee voting and the installation of either an optical scan and/or DRE system at the poll sites in each county. The DRE minimum installation for each poll site required under Section 301 for

disability access will be accomplished with the punch card buyout money for the punch card counties.

The state will allocate the punch card buyout money via a formula.¹⁴ The formula works with several variable factors that include the number of central count optical scan ballot counters, the number of poll sites, projected distribution of disabled and senior populations and the total number of registered voters. The formula determines each county's share of the federal punch card buyout funding. This amount represents the maximum contribution that the state will provide for replacing the county's system. The county may negotiate a contract and purchase any qualifying system but the county will be responsible for costs in excess of their share of the federal money.

The state will negotiate with voting systems vendors for optional-use state contracts. The Department of Information Services will assist in this effort. The intent is to gain maximum economies of scale for the state and to allow counties to conduct their purchases without duplicating costly local bid-letting processes. Each county may purchase from the state contract(s), or negotiate a contract on their own. Counties may also make purchases from other county contracts through inter-local agreements.

The state will pay the federal buyout money directly to contracted vendors on behalf of each county. This will occur after a contract has been signed by the county with a vendor for a qualifying replacement system and an inter-local agreement has been signed between the county and the Secretary of State guaranteeing compliance and complete replacement of punch card voting by the county. If a county signs a contract that exceeds their share of the federal buyout, the county is responsible for the remaining cost. If the contracted costs are less than the county share the remainder is available to the county to use for compliance with other Title III requirements.

Early out election administration improvement funding will be budgeted in the same manner as requirements payment, based on the following priorities: 1) funding will be used first to address requirements placed on the state and counties by the new law and discretionary improvements to election systems will be funded second; 2) that election system improvements visible to the public are made early in the process by state and county election officials.

12. How the state will conduct ongoing management of the plan, except that the state may not make any material change in the administration of the plan unless the change—A. is developed and published in the Federal Register in accordance with section 255 in the same manner as the State plan; B. is subject to public notice and comment in accordance with section 256 in the same manner as the State plan; and C. takes effect only after the expiration of the 30-day period which begins on the date the change is published in the Federal Register in accordance with subparagraph (A). (Sec. 254, (a)(11))

Washington State has a long history of being a national leader in both innovation and quality of election services provided to its citizens. The development of a very high level of trust and coordination between local election officials and the Secretary of State has created fertile ground for original ideas and fresh ways to solve problems and improve service. New ideas get a clear and thorough discussion and, when implemented, are administered with the highest level of

professionalism. By actively seeking local election official input, the most effective means of meeting HAVA requirements will be identified while still allowing Washington State to take advantage of the opportunities provided by HAVA.

Ongoing management of the State Plan is the responsibility of the Secretary of State as the Chief Election Officer. The Secretary of State recognizes that HAVA requires significant enhancements in the administration of elections in Washington State. To ensure that implementation of HAVA and ongoing management of the State Plan in Washington is progressive, the Secretary recognizes four guiding principles: 1) building on the strength of the relationship between local and state government in Washington; 2) approach implementation with the goal of retaining our role as leaders in election administration; 3) where practical, place the burden of implementation on those responsible for administration of elections—not on the voter; and 4) maximize available resources to sustain implementation costs beyond the availability of federal funding.

The Secretary of State will not make any material change in the administration of the State Plan unless the change:

- is developed and published in the Federal Register in accordance with Section 255 of the Act in the same manner as the State Plan;

- is subject to public notice and comment in accordance with Section 256 of the Act in the same manner as the State Plan; and

- takes effect only after the expiration of the 30-day period that begins on the date the change is published in the Federal Register.

13. A description of the committee which participated in the development of the State plan in accordance with Section 255 and the procedures followed by the committee under such Section and Section 256. (Sec. 254, (a)(13))

Three separate committees were established to draft and review the state plan. In order to continue the cooperative relationship between state and local officials, numerous local election administrators were included in the process. These committees include: the Steering Committee, Election Administrator Advisory Group, and the Drafting Committee.

Steering Committee

The Secretary of State appointed the following persons to the Steering Committee as required by Section 255:

- Janet Anderson, Representing the League of Women Voters

- Norma Brummett, Representing the Washington State Association of County Auditors

- Deborah Cook, Washington Assistive Technology Alliance

- David Danner, Representing the Office of the Governor

- Terry Denend, Assistant Director, King County Records, Election and Licensing Services Division (Served in the place of the Director at several meetings.)

Gayatri Essey, Community Representative
Kelly Haughton, Representing the Washington State Libertarian Party
Dean Logan, Director of Elections
Pat McCarthy, Pierce County Auditor (Required as the Chief Election official from the 2nd most populous jurisdiction)
Sam Reed, Secretary of State
Bob Roegner, Director, King County Records, Election and Licensing Services Division (Required as the Chief Election official from the most populous jurisdiction)
Karla Rutherford, Washington Initiative for Supported Employment
Michael Snyder, Representing the Washington State Democratic Party
Kristina Swanson, Representing the Washington State Association of County Auditors
Michael Young, Representing the Washington State Republican Party
Counsel to the Committee, Jeff Even, Assistant Attorney General
Staff to the Committee, John Pearson & Bill Huennekens, Office of the Secretary of State

This committee provided feedback on initial drafts of the State Plan. The Steering Committee reviewed the preliminary draft released on 30 May for public notice and comment and considered suggestions or recommendations made during the 30 day public comment period.

While not all members of the steering committee agreed on all elements of the State Plan, each member contributed to the process. The Steering Committee was united in its dedication to ensuring free, fair, open and honest elections for every citizen and resident of the State of Washington.

Election Administrator Advisory Group

Sheryl Moss, Office of the Secretary of State, Group Facilitator
Julie Moore, King County
Diana Housden, Klickitat County
Lori Augino, Pierce County
Bob Terwilliger, Snohomish County
Steve Homan, Thurston County
Tim Likness, Clark County
Mila Jury, Okanogan County
Diana Soules, Yakima County

This group worked closely with the Drafting Committee on the actual development and production of the various drafts of the State Plan.

Drafting Committee

John Pearson, Facilitator and Coordinator

Office of the Secretary of State Elections Division Staff including:

Bill Huennekens, Dave Elliott, Erika Aust, Shawn Merchant, Hal Lymus, Paul Miller,
Carolyn Berger, Justin Anderson, Sheryl Moss and
Tracy Buckles

Jeff Even, Assistant Attorney General

Jeff Wise, Office of the Secretary of State Executive Staff

Drafting Committee met weekly to update the status of the plan.

This committee researched and drafted the State Plan. The members used resources from outside the Elections Division and agency as necessary. These resources included staff from the Fiscal Division of the Office of the Secretary of State, Office of Financial Management, Department of Information Services, Department of Licensing, Office of Governor, County Auditors, local elections staff, and members of disability advocacy groups.

Dean Logan, John Pearson, Bill Huennekens, Jeff Even, Dave Elliott, Sheryl Moss and Erika Aust acted as reviewers for all elements of the plan and served as a resource for all members of the Drafting Committee.

Voter Registration Database Advisory Group

Tracy Buckles, Office of the Secretary of State

Tina Clarke, Office of the Secretary of State

Dave Elliott, Office of the Secretary of State

Hal Lymus, Office of the Secretary of State

Paul Miller, Office of the Secretary of State

Kay Ramsey, Office of the Secretary of State

Roger Carpenter, Clark County

Suzanne Sinclair, Island County

Karen Cartmel, Jefferson County

Lori Augino, Pierce County

Mike Rooney, Pierce County

Mike McLaughlin, Spokane County

Steve Homan, Thurston County

Pete Griffin, Whatcom County

Diana Soules, Yakima County

This group, which existed prior to the passage of HAVA, was utilized by the Drafting Committee members working on portions of the plan dealing with the statewide voter registration database.

Public Notice and Comment

As required by HAVA, the Secretary of State worked with the media to inform the public of the release of the state plan, how to obtain a copy of the plan, and how to submit comments. Further, electronic copies of the preliminary draft of the plan were sent to each County Auditor. On May 30, 2003, the Secretary of State presented a summary of the preliminary draft of the state plan at a media briefing on Television Washington (TVW), the public affairs channel in Washington that is similar to C-Span. The program aired live and was replayed several times. Finally, a notice was published in the Washington State Register detailing how to obtain a copy of the plan, and how to submit comments. The notice read:

Secretary of State Sam Reed has released the Preliminary Washington State Plan required under the Help America Vote Act of 2002, Public Law 107-252, 116 Stat 1666 (2002). The Preliminary Washington State Plan is available for public comment and review for 30 days beginning Friday, May 30, 2003. Copies are available from the Secretary's website at <http://secstate.wa.gov/> or may be obtained by contacting the Office of the Secretary of State at: 360.902.4169; toll free 1.800.448.4881; TDD/TTY 1.800.422.8683; email elections@secstate.wa.gov; Mail PO Box 40229, Olympia, WA 98504-0229. The information is available in alternative formats upon request for individuals with disabilities. Comments must be received by Saturday, June 28, 2003.

Public hearings were conducted on the preliminary draft of the State Plan in four locations across the state: Yakima, July 8, 10:00 am – 12:00 pm; Pasco, July 8, 6:00 pm – 8:00 pm; Vancouver, July 9, 6:00 pm – 8:00 pm; and Olympia, July 10, 10:00 am – 12:00 pm. These locations are all in counties that must switch from punch card voting equipment. Each of the hearings included a summary of the preliminary plan by committee staff and then testimony from the public. Everyone who wished to testify at the public hearings was afforded an opportunity. Eighty seven individuals signed in and attended the hearings and approximately forty individuals testified.

In addition to the public comments received at the public hearings, over 330 comments were received via the internet/email, phone, or regular mail. The majority of the comments requested a requirement for a voter verified paper audit trail for Direct Recording Electronic voting equipment. Many of the comments also requested that any newly purchased voting system be able to count a ranked ballot. These requirements are not suggested in the state plan because they are policy issues that are more appropriately addressed through the legislative process and are not requirements found in HAVA or elements of implementing HAVA. Elements are included in the state plan to address the continued integrity of voting systems in Washington.

Some citizens gave strong support to the proposed plan, while others highlighted other issues and concerns. These included: importance of absentee voting; raising active voter participation via

election-day holidays, increased voter outreach and same-day registration; voting by immigrants and speakers of alternative languages (for and against); budget incentives for County Auditors; and full voting rights and access for citizens with disabilities. In addition to comments by individual citizens (and vendors) submissions were also received on behalf of several groups, including political and citizens organizations, and Rock the Vote.

Finally, the Washington Protection and Advocacy System provide a comprehensive set of suggestions and recommended changes. Many of these suggestions were incorporated in the plan and their effort is greatly appreciated.

Timeline

- Feb 13—Steering Committee meeting, briefing of HAVA and work plan for developing State Plan.
- March 14—Election Administrator Advisory Committee meeting, review of HAVA and meet with drafting committee members.
- April 17— Steering Committee meeting, briefing and review of preliminary draft and the significant issues and options for implementing HAVA.
- April 25 –Election Administrator Advisory Committee meeting, briefing and review of first draft.
- May 1—Steering Committee meeting, briefing and review of first draft.
- May 21—Steering Committee meeting, review second draft.
- May 30—Draft finished and available for public notice and comment as required by section 256.
- June 28—Public notice and comment period finished.
- June 30—July 11—Consideration of public comments regarding preliminary version of the plan.
- July 2—Steering Committee meeting, consider public comments.
- July 8—Public hearings on Preliminary Draft of State Plan in Yakima and Pasco.
- July 9—Public hearings on Preliminary Draft of State Plan in Vancouver.
- July 10—Public hearings on Preliminary Draft of State Plan in Olympia.
- September 3—Submission of State Plan to the federal government, FEC or new Election Assistance Commission if constituted.

APPENDIX A

2002 General Election Statistics

COUNTY	TOTAL REGISTERED VOTERS	TOTAL BALLOTS CAST	TURNOUT	BALLOTS CAST BY MAIL	PERCENTAGE OF BALLOTS CAST BY MAIL OF TOTAL BALLOTS CAST BY MAIL
Adams	6,088	3,651	59.97%	3,250	89.01%
Asotin	11,907	6,247	52.46%	2,567	41.09%
Benton	77,043	41,345	53.66%	24,299	58.77%
Chelan	32,703	20,378	62.31%	16,898	82.92%
Clallam	39,383	27,956	70.98%	27,956	100%
Clark	174,687	93,975	53.79%	71,957	76.57%
Columbia	2,473	1,851	74.84%	1,279	69.09%
Cowlitz	49,860	27,576	55.30%	23,957	86.87%
Douglas	16,354	9,227	56.42%	6,377	69.11%
Ferry	3,878	2,765	71.29%	2,765	100%
Franklin	18,100	10,228	56.50%	8,278	80.93%
Garfield	1,505	1,012	67.24%	657	64.92%
Grant	32,121	18,401	57.28%	10,858	59.00%
Grays Harbor	31,725	18,842	59.39%	11,051	58.65%
Island	39,992	26,086	65.22%	17,798	68.22%
Jefferson	18,561	13,746	74.05%	9,508	69.16%
King	1,031,348	548,353	53.16%	327,431	59.71%
Kitsap	125,344	79,011	63.03%	62,706	79.36%
Kittitas	16,636	10,182	61.20%	5,346	52.50%
Klickitat	11,006	6,492	58.98%	2,189	33.71%
Lewis	41,543	23,924	57.58%	16,396	68.53%
Lincoln	6,227	4,389	70.48%	3,302	75.23%
Mason	27,231	17,253	63.35%	10,406	60.31%
Okanogan	19,165	11,985	62.53%	8,877	74.06%
Pacific	12,375	7,781	62.87%	4,566	58.68%
Pend Oreille	7,025	4,769	67.88%	928*	19.46%
Pierce	347,702	192,734	55.43%	158,913	82.45%
San Juan	9,721	7,064	72.66%	4,766	67.46%
Skagit	59,156	33,681	56.93%	17,886	53.10%
Skamania	5,607	3,531	62.97%	2,513	71.06%
Snohomish	318,170	181,075	56.91%	117,308	64.78%
Spokane	226,493	132,843	58.65%	101,714	76.56%
Stevens	26,587	14,644	55.07%	6,493	44.33%

Thurston	130,689	73,859	56.51%	57,411	77.73%
Wahkiakum	2,484	1,892	76.16%	1,345	71.08%
Walla Walla	26,062	15,438	59.23%	8,349	54.08%
Whatcom	91,656	55,066	60.07%	36,202	65.74%
Whitman	21,414	10,931	51.04%	3,208*	29.34%
Yakima	89,627	48,537	54.15%	36,017	74.20%
TOTAL	3,209,648	1,808,720	56.35%	1,233,727	68.21%

APPENDIX B

Voting Systems

COUNTY	SYSTEM	VENDOR	TYPE	CENTRAL/POLLSITE
Adams	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Asotin	BCCS Punch Card 228	Webb systems	Punch Card	Central
Benton	ES&S Opscan 150	Election Systems and Software	Punch card	Central
Chelan	Global Accuvote	Global Election Systems	op-Scan	Both
Clallam	BCCS Punch Card 228	Webb systems	Punch Card	Central
Clark	BCCS Punch Card 228	Webb systems	Punch Card	Central
Columbia	Opscan 150	Election Systems and Software	op-Scan	Central
Cowlitz	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Douglas	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Ferry	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Franklin	Data-vote	Sequoia Pacific	Punch Card	Central
Garfield	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Grant	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Grays Harbor	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Island	BCCS Punch Card 228	Webb systems	Punch Card	Central
Jefferson	Optech 4C Model 200	Election Systems and Software	op-Scan	Central
King	Global Accuvote	Global Election Systems	op-Scan	Both
Kitsap	Optech 4C Model 200	Election Systems and Software	op-Scan	Central
Kittitas	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Klickitat	Global Accuvote	Global Election Systems	op-Scan	Both
Lewis	BCCS Punch Card 228	Webb systems	Punch Card	Central
Lincoln	BCCS Punch Card 228	Webb systems	Punch Card	Central
Mason	BCCS Punch Card 228	Webb systems	Punch Card	Central
Okanogan	BCCS Punch Card 228	Webb systems	Punch Card	Central
Pacific	BCCS Punch Card 228	Webb systems	Punch Card	Central
Pend Oreille	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Pierce	Optech 4C-400/IIIPe	Election Systems and Software	op-Scan	Both
San Juan	Global Accuvote	Global Election Systems	op-Scan	Both
Skagit	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Skamania	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Snohomish	Optech 4C-400/ AVC Edge DRE	Sequoia Voting Systems	op-Scan /DRE	Both

Spokane	ES&S Opscan 550 Mdl 100	Election Systems and Software	op-Scan	Both
Stevens	ES&S Opscan 150	Election Systems and Software	Punch Card	Central
Thurston	ES&S Opscan 150	Election Systems and Software	Punch Card	Central
Wahkiakum	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Walla Walla	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Whatcom	BCCS Punch Card 228	Webb systems	Punch Card	Central
Whitman	ES&S Opscan 150	Election Systems and Software	op-Scan	Central
Yakima	Data-vote	Sequoia Pacific	Punch Card	Central

APPENDIX C

Washington State Administrative Code on Uniform Definition of a Vote

WAC 434-261-005 Definitions. (1) “Manual inspection” is the process of inspecting each voter response position on each voted ballot upon breaking the seals and opening the ballot containers from the precincts or, in the case of precinct counting systems, prior to the certification of the election;

(2) “Duplicating ballots” is the process of making a true copy of valid votes from ballots that may not be properly counted by the vote tallying system to blank ballots of the same type and style, or as directed by the canvassing board;

(3) “Ballot enhancement” is the process of adding or covering marks or punches on an optical scan ballot to ensure that the electronic voting equipment will tally the votes on the ballot in the manner intended by the voter, or as directed by the canvassing board;

(4) “Readable ballot” is any ballot that the certified vote tallying system can accept and read as the voter intended without alteration, and that meets the standards of the county canvassing board subject to the provisions contained in this title. In the case of punch cards, this means all voting response positions are cleanly punched and removed from the card;

(5) “Unreadable ballot” is any ballot that cannot be read by the vote tallying system as the voter intended without alteration. Unreadable ballots may include, but not be limited to, ballots with damage, write-in votes, incorrect or incomplete marks or punches, and questions of vote intent. Unreadable ballots may subsequently be counted as provided by these administrative rules;

(6) “Valid signature” is the verified signature of a registered voter eligible to vote in the primary or election as contained in the voter registration files of the county. A mark with two witnesses on an absentee ballot, a mail ballot precinct ballot, or a vote-by-mail ballot shall be considered a valid signature.

WAC 434-261-070 Manual inspection of ballots. (1) Upon breaking the seals and opening the ballot containers from the precincts, all voting positions on voted ballots shall be manually inspected on both sides of the ballot and every voting position for unreadable ballots. The same manual inspection

process shall apply to absentee ballots, mail ballot precinct ballots, and vote-by-mail ballots. This manual inspection shall include examining each voter response position, and is a required part of processing ballots used with all electronic vote tabulating systems.

(2) The inspection of ballots tabulated at the poll site is not required provided that the poll site ballot programming provisions of RCW 29.51.115 are being complied with.

(3) If the manual inspection process detects any physically damaged ballots, unreadable ballots which might not be correctly counted by the tabulating equipment, or that contain marks or punches that differ from those specified in the voting instructions contained on or with the ballot but clearly form a discernible and consistent pattern on the ballot to the extent that the voter's intent can be clearly determined, the county may either:

- (a) Refer the ballots to the county canvassing board;
- (b) Duplicate the ballots if authorized by the county canvassing board as per WAC 434-261-090; or
- (c) Enhance the ballots if authorized by the county canvassing board and enhancement can be accomplished without permanently obscuring the original marks or punches of the voters as per WAC 434-261-080 and 434-261-085.

(4) In the case of punch card ballots, if two or more corners or attachment points are detached in a punch position, the vote is valid and the chad must be removed without duplication, enhancement, or reference to the county canvassing board. If less than two corners are detached, then subsection (3) of this section shall apply.

WAC 434-261-075 Manual inspection of ballot—Acceptability of marks or punches.

(1) If the voter returns voting responses by mail on any form other than the ballot sent, the votes thereon shall be acceptable and tallied provided that:

- (a) Only votes for offices or measures for which the voter is eligible are counted.
- (b) The candidate or measure response position for which the voter is voting can be clearly identified.
- (c) The ballot issued is not returned, or if returned, contains no marks or punches indicating an attempt to vote it.
- (d) A valid signature on an absentee oath is on file with the county auditor.

The votes accepted must then be duplicated to a ballot that can be read by the electronic voting equipment as prescribed in WAC 434-261-090.

(2) Corrected absentee ballots shall be counted in the following manner:

- (a) If a voter follows the instructions for correcting a vote, either the written instructions or others given to the voter by the county auditor, the correction shall be made and the corrected vote tabulated. The county auditor may enhance or duplicate the ballot.

(b) If a voter appears to have corrected their ballot in a manner other than as instructed, the vote for that candidate or issue shall not be tabulated unless the voter provides written instructions directing how the vote should be counted.

(3) Where a voter has indicated a write-in vote on their ballot which duplicates the name of a candidate who already appears on the ballot for the same office, the ballot shall be enhanced or duplicated to count one vote for the candidate indicated. Such a vote shall not be considered an overvote or a write-in vote.

(4) An absentee ballot, a mail ballot precinct ballot, and a vote-by-mail ballot shall not be counted if a voter signs the oath with a mark and does not have two witnesses attest to the signature.

(5) If a ballot contains marks or punches that differ from those specified in the voting instructions, those marks or punches shall not be counted as valid votes unless there is a discernable and consistent pattern, to the extent that the voter's intent can clearly be determined. If there is such a pattern, the ballot shall be enhanced or duplicated to reflect the voter's intent.

WAC 434-261-080 Ballot enhancement—Optical scan systems. Ballots shall only be enhanced when such enhancement will not permanently obscure the original marks of the voters. Ballots shall be enhanced by teams of two or more people working together. When enhancing ballots, the county shall take the following steps to create and maintain an audit trail of the actions taken with respect to those enhanced ballots:

(1) Each ballot to be enhanced must be assigned a unique control number, with such number being marked on the face of the enhanced ballot;

(2) A log shall be kept of the ballots enhanced and shall include at least the following information:

(a) The control number of each ballot enhanced;

(b) The initials of at least two people who participated in enhancing each ballot; and

(c) The total number of ballots enhanced;

(3) Enhanced ballots and ballots to be enhanced shall be sealed into secure storage at all times, except when said ballots are in the process of being enhanced, are being tabulated, or are being inspected by the canvassing board.

WAC 434-261-085 Ballot enhancement—Punch card systems. Ballots shall only be enhanced when such enhancement will not permanently obscure marks or punches of the voters. Teams of two or more people working together shall enhance ballots. When enhancing ballots, the county auditor shall take the following steps to create and maintain an audit trail of the actions taken with respect to those enhanced ballots:

- (1) Each ballot to be enhanced must be assigned a unique control number, with such number being marked on the enhanced ballot.
- (2) A log shall be kept of the ballots enhanced and shall include at least the following information:
 - (a) The control number of each ballot enhanced;
 - (b) The initials of at least two people who participated in enhancing each ballot; and
 - (c) The total number of ballots enhanced.
- (3) When the county canvassing board rejects one or more votes on a ballot that contains other valid votes, as in the case of special ballots, the ballot must be duplicated without the rejected vote(s) or the vote(s) may be overvoted on the original ballot. When overvoting, the punch made by the county auditor shall be clearly indicated on the ballot and shall follow the rules for enhancement.
- (4) Enhanced ballots and ballots to be enhanced shall be sealed into secure storage at all times, except when said ballots are in the process of being enhanced, are being tabulated, or are being inspected by the canvassing board.

WAC 434-261-090 Ballot duplication. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots shall be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the actions taken with respect to those duplicated ballots and the corresponding duplicate ballots:

- (1) Each ballot to be duplicated and the corresponding duplicate ballot must be assigned a unique control number, with such number being marked upon the face of each ballot, the purpose being to insure that each duplicate ballot may be tied back to the original ballot;
- (2) A log shall be kept of the ballots duplicated and shall include at least the following information:
 - (a) The control number of each ballot duplicated and the corresponding duplicate ballot;
 - (b) The initials of at least two people who participated in the duplication of each ballot; and
 - (c) The total number of ballots duplicated;
- (3) Duplicated ballots and the corresponding duplicate ballots, as well as ballots requiring duplication shall be sealed into secure storage at all times, except when said ballots are in the process of being duplicated, are being tabulated, or are being inspected by the canvassing board.

WAC 434-240-200 Absentee ballot—Instructions to voters. Included with each absentee ballot provided to applicants must be instructions for properly voting the ballot and for returning it in a manner that will guarantee the voter secrecy of his or her ballot. The instructions shall include the following:

- (1) Detailed instructions for correctly marking the ballot;
- (2) Detailed instructions on how the voter must correct a spoiled ballot. To make a correction on an absentee ballot, voters shall be instructed to cross out the incorrect vote and to vote the correct choice;
- (3) Instructions on how the voter is to complete and sign the affidavit on the return envelope, or if unable to sign their name, that their mark be witnessed by two other persons;
- (4) Instructions on how the voter is to place his or her ballot in the security envelope and place the security envelope in the return envelope;
- (5) Instructions regarding postage, if required;
- (6) Notice to the voter that the ballot must be postmarked not later than election day.
- (7) Instructions on how to obtain a replacement ballot.

County auditors shall be permitted to use any existing stock of absentee ballot instructions, in the form specified by state law or administrative rule prior to January 1, 2002. Upon exhaustion of that stock or not later than December 31, 2002, county auditors shall comply with the provisions of this regulation when ordering absentee ballot instructions.

WAC 434-238-090 Instructions to voters. Instructions shall be included with the mail ballot, the return envelope, and ballot envelope delivered to the voter. The instructions shall include all information required for absentee ballots. The instructions shall also:

- (1) Advise the voter that the election is to be by mail ballot, the amount of postage required on the return envelope, and that regular polling places will not be open;
- (2) List the location of the place where the voter may obtain a replacement ballot if his or her ballot is destroyed, spoiled, or lost;
- (3) List the location(s), dates, and times where the voter may deposit his or her ballot prior to or on election day in the event the ballot is not mailed;
- (4) Advise the voter that in order for his or her ballot to be counted it must be either postmarked not later than the day of the election or deposited at a designated place;
- (5) Advise the voter that any person attempting to vote when he or she is not entitled or who falsely signs the affidavit shall be guilty of a felony, punishable by imprisonment for not more than five years or a fine of not more than ten thousand dollars, or both such fine and imprisonment; and
- (6) State that every voter has the right to vote his or her ballot in secret.

APPENDIX D

Washington State Law on the Certification and Training Program

RCW 29.60.010 Election administration and certification board—Generally.

(1) The Washington state election administration and certification board is established and has the responsibilities and authorities prescribed by this chapter. The board is composed of the following members:

- (a) The secretary of state or the secretary's designee;
- (b) The state director of elections or the director's designee;
- (c) Four county auditors appointed by the Washington state association of county auditors or their alternates who are county auditors designated by the association to serve as such alternates, each appointee and alternate to serve at the pleasure of the association;
- (d) One member from each of the two largest political party caucuses of the house of representatives designated by and serving at the pleasure of the legislative leader of the respective caucus;
- (e) One member from each of the two largest political party caucuses of the senate designated by and serving at the pleasure of the legislative leader of the respective caucus; and
- (f) One representative from each major political party, as defined by RCW 29.01.090, designated by and serving at the pleasure of the chair of the party's state central committee.

(2) The board shall elect a chair from among its number; however, neither the secretary of state nor the state director of elections nor their designees may serve as the chair of the board. A majority of the members appointed to the board constitutes a quorum for conducting the business of the board. Chapter 42.30 RCW, the open public meetings act, and RCW 42.32.030 regarding minutes of meetings, apply to the meetings of the board.

(3) Members of the board shall serve without compensation. The secretary of state shall reimburse members of the board, other than those who are members of the legislature, for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Members of the board who are members of the legislature shall be reimbursed as provided in chapter 44.04 RCW.

[1992 c 163 § 3.]

RCW 29.60.020 Powers and duties of board.

(1) The secretary of state and the board created in RCW 29.60.010 shall jointly adopt rules, in the manner specified for the adoption of rules under the administrative procedure act, chapter 34.05 RCW, governing:

- (a) The training of persons officially designated by major political parties as elections observers under this title, and the training and certification of election administration officials and personnel;
- (b) The policies and procedures for conducting election reviews under RCW 29.60.070; and
- (c) The policies and standards to be used by the board in reviewing and rendering decisions regarding appeals filed under RCW 29.60.070.

The initial policies and standards adopted under (c) of this subsection shall be adopted concurrently with adoption of the initial policies and procedures adopted under (b) of this subsection.

(2) The board created in RCW 29.60.010 shall review appeals filed under RCW 29.60.050 or 29.60.070. A decision of the board regarding such an appeal shall be supported by not less than a majority of the members appointed to the board. A decision of the board regarding an appeal filed under RCW 29.60.070 concerning an election review conducted under that section is final. If a decision of the board regarding an appeal filed under RCW 29.60.050 includes a recommendation that a certificate be issued, the certificate shall be issued by the secretary of state as recommended by the board.

(3) The board created in RCW 29.60.010 may adopt rules governing its procedures.

[1992 c 163 § 4.]

RCW 29.60.030 Duties of secretary of state.

The secretary of state shall:

(1) Establish and operate, or provide by contract, training and certification programs for state and county elections administration officials and personnel, including training on the various types of election law violations and discrimination, and training programs for political party observers which conform to the rules for such programs established under RCW 29.60.020;

- (2) Administer tests for state and county officials and personnel who have received such training and issue certificates to those who have successfully completed the training and passed such tests;
- (3) Maintain a record of those individuals who have received such training and certificates; and
- (4) Provide the staffing and support services required by the board created under RCW 29.60.010.

[2001 c 41 § 11; 1992 c 163 § 5.]

RCW 29.60.040 Training of election administrators.

A person having responsibility for the administration or conduct of elections, other than precinct election officers, shall, within eighteen months of undertaking those responsibilities or within eighteen months of July 1, 1993, whichever is later, receive general training regarding the conduct of elections and specific training regarding their responsibilities and duties as prescribed by this title or by rules adopted by the secretary of state under this title. Included among those persons for whom such training is mandatory are the following:

- (1) Secretary of state elections division personnel;
- (2) County elections administrators under RCW 36.22.220;
- (3) County canvassing board members;
- (4) Persons officially designated by each major political party as elections observers; and
- (5) Any other person or group charged with election administration responsibilities if the person or group is designated by rule adopted by the secretary of state as requiring the training.

The secretary of state shall reimburse election observers in accordance with RCW 43.03.050 and 43.03.060 for travel expenses incurred to receive training required under subsection (4) of this section.

Neither this section nor RCW 29.60.030 may be construed as requiring an elected official to receive training or a certificate of training as a condition for seeking or holding elective office or as a condition for carrying out constitutional duties.

[1992 c 163 § 6.]

RCW 29.60.050 Denial of certification—Review and appeal.

(1) A decision of the secretary of state to deny certification under RCW 29.60.030 shall be entered in the manner specified for orders under the administrative procedure act, chapter 34.05 RCW. Such a decision shall not be effective for a period of twenty days following the date of the decision, during which time the person denied certification may file a petition with the secretary of state requesting the secretary to reconsider the decision and to grant certification. The petitioner shall include, in the petition, an explanation of the reasons why the initial decision is incorrect and certification should be granted, and may include a request for a hearing on the matter. The secretary of state shall reconsider

the matter if the petition is filed in a proper and timely manner. If a hearing is requested, the secretary of state shall conduct the hearing within sixty days after the date on which the petition is filed. The secretary of state shall render a final decision on the matter within ninety days after the date on which the petition is filed.

(2) Within twenty days after the date on which the secretary of state makes a final decision denying a petition under this section, the petitioner may appeal the denial to the board created in RCW 29.60.010. In deciding appeals, the board shall restrict its review to the record established when the matter was before the secretary of state. The board shall affirm the decision if it finds that the record supports the decision and that the decision is not inconsistent with other decisions of the secretary of state in which the same standards were applied and certification was granted. Similarly, the board shall reverse the decision and recommend to the secretary of state that certification be granted if the board finds that such support is lacking or that such inconsistency exists.

(3) Judicial review of certification decisions shall be as prescribed under RCW 34.05.510 through 34.05.598, but shall be limited to the review of board decisions denying certification.

[1992 c 163 § 7.]

RCW 29.60.060 Election review section.

An election review section is established in the elections division of the office of the secretary of state. Permanent staff of the elections division, trained and certified as required by RCW 29.60.040, shall perform the election review functions prescribed by RCW 29.60.070. The staff may also be required to assist in training, certification, and other duties as may be assigned by the secretary of state to ensure the uniform and orderly conduct of elections in this state.

[1992 c 163 § 8.]

RCW 29.60.070 Review of county election procedures.

(1)(a) The election review staff of the office of the secretary of state shall conduct a review of election-related policies, procedures, and practices in an affected county or counties:

- (i) If the unofficial returns of a primary or general election for a position in the state legislature indicate that a mandatory recount is likely for that position; or
- (ii) If unofficial returns indicate a mandatory recount is likely in a statewide election or an election for federal office.

Reviews conducted under (ii) of this subsection shall be performed in as many selected counties as time and staffing permit. Reviews conducted as a result of mandatory recounts shall be performed between the time the unofficial returns are complete and the time the recount is to take place, if possible.

(b) In addition to conducting reviews under (a) of this subsection, the election review staff shall also conduct such a review in a county periodically, in conjunction with a county primary or special or general election, at the direction of the secretary of state or at the request of the county auditor. If any resident of this state believes that an aspect of a primary or election has been conducted inappropriately in a county, the resident may file a complaint with the secretary of state. The secretary shall consider such complaints in scheduling periodic reviews under this section.

(c) Before an election review is conducted in a county, the secretary of state shall provide the county auditor of the affected county and the chair of the state central committee of each major political party with notice that the review is to be conducted. When a periodic review is to be conducted in a county at the direction of the secretary of state under (b) of this subsection, the secretary shall provide the affected county auditor not less than thirty days' notice.

(2) Reviews shall be conducted in conformance with rules adopted under RCW 29.60.020. In performing a review in a county under this chapter, the election review staff shall evaluate the policies and procedures established for conducting the primary or election in the county and the practices of those conducting it. As part of the review, the election review staff shall issue to the county auditor and the members of the county canvassing board a report of its findings and recommendations regarding such policies, procedures, and practices. A review conducted under this chapter shall not include any evaluation, finding, or recommendation regarding the validity of the outcome of a primary or election or the validity of any canvass of returns nor does the election review staff have any jurisdiction to make such an evaluation, finding, or recommendation under this title.

(3) The county auditor of the county in which a review is conducted under this section or a member of the canvassing board of the county may appeal the findings or recommendations of the election review staff regarding the review by filing an appeal with the board created under RCW 29.60.010.

[1997 c 284 § 1; 1992 c 163 § 9.]

RCW 29.60.080 Powers and duties of county auditor and review staff.

The county auditor may designate any person who has been certified under this chapter, other than the auditor, to participate in a review conducted in the county under this chapter. Each county auditor and canvassing board shall cooperate fully during an election review by making available to the reviewing staff any material requested by the staff. The reviewing staff shall have full access to ballot pages, absentee voting materials, any other election material normally kept in a secure environment after the election, and other requested material. If ballots are reviewed by the staff, they shall be reviewed in the presence of the canvassing board or its designees. Ballots shall not leave the custody of the canvassing board. During the review and after its completion, the review staff may make

appropriate recommendations to the county auditor or canvassing board, or both, to bring the county into compliance with the training required under this chapter, and the laws or rules of the state of Washington, to safeguard election material or to preserve the integrity of the elections process.

[1992 c 163 § 10.]

RCW 29.60.090 Election assistance and clearinghouse program.

The secretary of state shall establish within the elections division an election assistance and clearinghouse program, which shall provide regular communication between the secretary of state, local election officials, and major and minor political parties regarding newly enacted elections legislation, relevant judicial decisions affecting the administration of elections, and applicable attorney general opinions, and which shall respond to inquiries from elections administrators, political parties, and others regarding election information. This section does not empower the secretary of state to offer legal advice or opinions, but the secretary may discuss the construction or interpretation of election law, case law, or legal opinions from the attorney general or other competent legal authority.

[1992 c 163 § 11.]

APPENDIX F

Preliminary Estimated DRE Funding Formula
(subject to change based on funding and alteration of variables)

COUNTY	COUNTY PAYMENT	SOFTWARE/INST MINIMUM PAYOUT	2002 VR TOTAL	2002 POLLSITE TOTAL	DRE POLLSITE PAYOUT
min softw payout	\$900,000.00				
DRE payout	\$7,464,000.00				
total payments	\$8,364,000.00				
		PAYOUT	POLLSITES		
		\$37,500.00	1,244		
		\$6,000.00			
Adams	\$49,500	\$37,500.00	6,088	2	\$12,000
Chelan	\$85,500	\$37,500.00	32,703	8	\$48,000
Columbia	\$43,500	\$37,500.00	2,473	1	\$6,000
Cowlitz	\$121,500	\$37,500.00	49,860	14	\$84,000
Douglas	\$91,500	\$37,500.00	16,354	9	\$54,000
Ferry	\$49,500	\$37,500.00	3,878	2	\$12,000
Garfield	\$43,500	\$37,500.00	1,505	1	\$6,000
Grant	\$313,500	\$37,500.00	32,121	46	\$276,000
Grays Harbor	\$205,500	\$37,500.00	31,725	28	\$168,000
Jefferson	\$127,500	\$37,500.00	18,561	15	\$90,000
King	\$3,439,500	\$37,500.00	1,031,348	567	\$3,402,000
Kitsap	\$205,500	\$37,500.00	125,344	28	\$168,000
Kittitas	\$109,500	\$37,500.00	16,636	12	\$72,000
Klickitat	\$103,500	\$37,500.00	11,006	11	\$66,000
Pend Oreille	\$49,500	\$37,500.00	7,025	2	\$12,000
Pierce	\$613,500	\$37,500.00	347,702	96	\$576,000
San Juan	\$67,500	\$37,500.00	9,721	5	\$30,000
Skagit	\$313,500	\$37,500.00	59,156	46	\$276,000
Skamania	\$79,500	\$37,500.00	5,607	7	\$42,000
Snohomish	\$1,075,500	\$37,500.00	318,170	173	\$1,038,000
Spokane	\$607,500	\$37,500.00	226,493	95	\$570,000
Wahkiakum	\$61,500	\$37,500.00	2,484	4	\$24,000
Walla Walla	\$205,500	\$37,500.00	26,062	28	\$168,000
Whitman	\$301,500	\$37,500.00	21,414	44	\$264,000
Totals	\$8,364,000.00	\$900,000.00	2,403,436	1,244	\$7,464,000.00

APPENDIX G

Preliminary Estimated Punch card Buyout Funding Formula

(subject to change based on funding and alteration of variables)

	PAYOUT	BALLOT BALLOT COUNTERS	POLLSITES	COUNTER NUMBER
total \$	\$6,799,430.00			
Ballot counter payout	\$1,500,000.00	\$50,000	30	39,000
DRE payout	\$2,514,000.00	\$6,000	419	
soft/inst min payout	\$562,500.00	\$37,500		
Spokane payment	\$1,000,000.00			
payouts	\$5,576,500.00			
prorate \$	\$1,222,930.00			

COUNTY	TOTAL COUNTY PAYMENT	INSTALLATION MINIMUM PAYMENT	SOFTWARE & MINIMUM # OF BALLOT COUNTERS	BALLOT COUNTER PAYOUT	2002 VR TOTAL	2002 POLLSITE TOTAL	DRE POLLSITE PAYOUT	2002 PERCENT PUNCH VR	SHARE PRORATE \$ TOTAL	
Asotin	\$171,561.54	\$37,500.00	1	\$50,000.00	11,907	11	\$66,000.00	1.48%	\$18,061.54	\$14.41
Benton	\$416,365.29	\$37,500.00	2	\$100,000.00	77,043	27	\$162,000.00	9.56%	\$116,865.29	\$5.40
Clallam	\$215,239.44	\$37,500.00	2	\$100,000.00	39,383	3	\$18,000.00	4.88%	\$59,739.44	\$5.47
Clark	\$954,479.90	\$37,500.00	5	\$250,000.00	174,687	67	\$402,000.00	21.67%	\$264,979.90	\$5.46
Franklin	\$162,955.60	\$37,500.00	1	\$50,000.00	18,100	8	\$48,000.00	2.25%	\$27,455.60	\$9.00
Island	\$336,163.22	\$37,500.00	2	\$100,000.00	39,992	23	\$138,000.00	4.96%	\$60,663.22	\$8.41
Lewis	\$428,515.91	\$37,500.00	2	\$100,000.00	41,543	38	\$228,000.00	5.15%	\$63,015.91	\$10.31
Lincoln	\$138,945.64	\$37,500.00	1	\$50,000.00	6,227	7	\$42,000.00	0.77%	\$9,445.64	\$22.31
Mason	\$320,806.27	\$37,500.00	1	\$50,000.00	27,231	32	\$192,000.00	3.38%	\$41,306.27	\$11.78
Okanogan	\$206,571.08	\$37,500.00	1	\$50,000.00	19,165	15	\$90,000.00	2.38%	\$29,071.08	\$10.78
Pacific	\$214,271.44	\$37,500.00	1	\$50,000.00	12,375	18	\$108,000.00	1.53%	\$18,771.44	\$17.31
Stevens	\$271,829.39	\$37,500.00	1	\$50,000.00	26,587	24	\$144,000.00	3.30%	\$40,329.39	\$10.22
Thurston	\$837,740.04	\$37,500.00	4	\$200,000.00	130,689	67	\$402,000.00	16.21%	\$198,240.04	\$6.41
Whatcom	\$578,531.51	\$37,500.00	3	\$150,000.00	91,656	42	\$252,000.00	11.37%	\$139,031.51	\$6.31
Yakima	\$545,453.75	\$37,500.00	3	\$150,000.00	89,627	37	\$222,000.00	11.12%	\$135,953.75	\$6.09
Totals	\$5,799,430.00	\$562,500.00	30	\$1,500,000.00	806,212	419	\$2,514,000.00	100%	\$1,222,930.00	\$7.19

Footnotes

1 RCW 29.04.070 (Codification of all election laws will change in 2004 as the result of reform legislation.)

2 Pursuant to RCW 29.62.015 the members of the canvassing board are the County Auditor, Prosecuting Attorney and chair of the legislative authority.

3 Article I, § 19.

4 See Appendix A for a table with this information.

5 Data taken from http://elections.gmu.edu/VAP_VEP.htm and certified election returns from local election officials

6 RCW 29.51.115

7 RCW 29.01.006(k)

8 See Appendix F for DRE Funding Formula

9 RCW 29.01.006(l)(k)

10 For example, a jurisdiction may consider selecting a specified percentage of voting precincts where each ballot is printed out for comparison with the electronic tally.

11 Chapter 48 Laws of 2003

12 Figure provided by the Fiscal Division of the Office of the Secretary of State.

13 RCW Chapter 34.05

14 See Appendix G for the punch card buyout formula