

Snohomish County

2009 Primary Election

State of Washington



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

INTRODUCTION

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2009, the Legislature altered the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every five years. The Legislature also added a requirement that the Program conduct follow-up contact to verify that the County Auditor's Office has taken steps to correct the problems noted in the report.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Snohomish County during the 2009 Primary Election cycle. Miriam Campbell, Elections Program Specialist, represented the Election Certification and Training Program during the review. Carolyn Weikel, Snohomish County Auditor, Garth Fell, Elections Manager, and other members of the staff participated on behalf of the Snohomish County Auditor's Office.

Both the reviewer and the Snohomish County Elections Division approached the review in a spirit of cooperation. The division allowed the reviewer to thoroughly review and examine all aspects of the election processes. The staff provided documentation and materials during the review which greatly contributed to a successful examination process.

The purpose of this review report is to provide the Snohomish County Elections Division with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes recommendations and/or suggestions that are intended to assist the Snohomish County Elections Division in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election, or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting the validity of the outcome of any election or of any canvass of election returns.

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OVERVIEW

Snohomish County ranks as one of the fastest growing counties in Washington State. It is a composite of concentrated urban areas and vast rural areas which presents unique challenges for the administration of elections. To meet such challenges, the Snohomish County Auditor's Office and Elections Division is highly organized, well-informed, and dedicated to the fair and open process of administering elections.

The Snohomish County Auditor's Office serves approximately 370,000 registered voters. Its operations are located within two buildings in the county seat of Everett, Washington. Voter registration services are based in the county building while ballot processing is conducted in an offsite, secured location across the street. Excellent communication between the two sites alleviates the physical separation. The department manages its limited space well despite the immense amount of security, equipment, and storage needed for conducting large elections.

In addition to the Honorable Carolyn Weikel, Snohomish County Auditor, the elections division consists of Garth Fell, Elections Manager; Wendy Mauch, Election Supervisor; nine permanent elections and voter registration staff; and many seasonal employees. The County Auditor and permanent staff draw from a depth of experience and expertise. In particular, they employ exemplary administrative tools, precise ballot tracking procedures, and strong security measures. During the elections cycle, seasonal employees are hired and trained to assist with ballot processing and ballot deposit sites. It was apparent to the reviewer that the staff fosters an open, receptive environment in which all visitors feel welcome to observe the elections process.

Since 2006, Snohomish County has conducted all elections by mail. Snohomish County provides staffed ballot deposit sites and voting centers on Election Day.

In the course of this election, the reviewer observed pre-election tasks, election procedures, post-election procedures, canvassing, and certification of the election. The election staff was highly responsive and verbally explained any task the reviewer was unable to observe. Staff members were organized and clarified all questions asked by the reviewer.

Overall the Snohomish County Auditor's Office is doing an excellent job of administering elections. The recommendations and suggestions in this report require relatively minor changes in the county's procedures which when implemented will further improve and enhance the county's elections process.

RECOMMENDATIONS

The following recommendations identify areas in which the county should review its interpretation of the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), the Washington State Constitution, or Federal election law. The reviewer obtained information based on actual observation of a procedure, verbal explanation or written procedures. The reviewer provides a description of the county's procedure, a citation of the applicable law, and a recommendation based on the citation.

CANDIDATE FILING OATH

WAC 434-215-012 contains the official Declaration of Candidacy form. The form applies to all offices, except PCOs, and contains a required oath to be signed by candidates. Snohomish County amended the form by adding a second oath. The second oath lists specific requirements for holding county office and instructs those particular candidates to attest to it. The second oath is not required by state or local law.

RCW 29A.24.031 states, *"The secretary of state shall adopt, by rule, a declaration of candidacy form for the office of precinct committee officer and a separate standard form for candidates for all other offices filing under this chapter."*

RCW29A.24.031 states, *"The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process."*

WAC 434-215-012 instructs, *"Declarations of candidacy filed either in person or by mail shall be in substantially the following form..."*

WAC 434-215-070 (5) states the system shall, *"Inform, and require the candidate to acknowledge, that submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitution and laws of the United States and the state of Washington, and that he or she agrees to payment of the filing fee;"*

Recommendation: Snohomish County Elections must remove the second oath from its candidate filing procedures.

Requirements exist for many offices, both statewide and local; however, the specific requirements for those offices do not appear on the official Declaration of Candidacy form, nor should candidates be obliged to sign an oath not required by law. Snohomish County Elections

may choose to inform candidates of the requirements contained in the county's charter, but should remove the oath on the filing form itself.

CONFIRMATION NOTICE

When an official document is returned as undeliverable by the United States Postal Service, the division sends a Confirmation Notice to the voter's mailing address. However, for applicants eligible to vote in the 2009 Primary, the notice was not sent to the voter's residence address or other known addresses.

RCW29A.08.030 defines a Confirmation Notice as, "...a notice sent to a registered voter by first-class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address."

Recommendation: Snohomish County Elections must send Confirmation Notices to any address at which the voter may reasonably receive mail. Voters who receive mail at post office boxes, for example, may also receive mail at residential addresses. In a vote by mail environment, the Confirmation Notice is essential. New legislation has removed the requirement to send ballot applications to inactive voters prior to each election, which makes the Confirmation Notice even more important. At the time of the Primary, the division was in the process of updating this procedure.

ACCESSIBLE VOTING CENTER SITE

Snohomish County Elections chose a logical offsite location to host one of its staffed voting centers on Election Day. The disAbility Resource Center (DRC) is closely connected to the community of users which would most likely utilize accessible voting units. The screens of the AVUs faced in a direction accessible to voters, but also towards persons seated at a nearby table and potentially within their view.

Additionally, cards filled out by voters were punched and placed sequentially into a file folder by voting center staff. As voters were served, their cards were filed in the order they voted.

The cards, labeled as "Accessible Voting Records," required voters to sign an oath not required by law.

RCW29A.44.060 states, "The county auditor shall provide... voting devices within which the voters may cast their votes in secrecy."

WAC 434-250-100(f) states each voting center must, "Record the name, signature and other relevant information for each voter who votes on a direct recording electronic voting device in such a manner that the ballot cannot be traced back to the voter."

Recommendation: To ensure voter secrecy, the elections division should reposition the units located at the offsite voting center.

The reviewer also suggests that voting center staff be trained to either shuffle the "Accessible Voting Record" cards signed by voters, or, refrain from punching and placing them sequentially in a file folder so that the order in which people vote cannot be distinguished. The new procedure should be added to the written procedures in Snohomish County's *Accessible Voting Sites Guidebook*.

The oath must be removed from the "Accessible Voting Record" as it is not required by state or local law.

DETERMINING THE NUMBER OF OBSERVERS

The Snohomish County Elections Division requests, in writing, that major political parties provide a representative to observe all aspects of the balloting process, but does not indicate the number of observers necessary.

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

Recommendation: The ballot processing area is dissected into three major areas divided by walls and open doorways. It is difficult for an observer to view the process in more than one room at one time. Therefore, the elections division must assess its counting center facility and recommend to the party an optimum number of observers needed in each ballot processing area to observe all aspects of the counting center proceedings.

SUGGESTIONS

The following are suggestions for increasing efficiency and improving operations within the County Elections Division. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks as areas of election administration in which the County Auditor might improve the efficiency and operation of the office.

BALLOT DEPOSIT SITES

Snohomish County currently exceeds the legal requirements for providing ballot return locations by operating five staffed ballot return locations on Election Day in addition to the Auditor's Office.

Suggestion: Snohomish County might consider expanding the ballot return service by providing secure, unstaffed drop boxes at additional locations around the county.

Many counties in Washington State have successfully implemented ballot deposit boxes, expanding the opportunities for their voters. The boxes can also be open 24 hours a day providing greater flexibility for voters. We understand that following our Primary review the county implemented a 24-hour ballot drop box on its campus. This implementation can serve as a model for expanding this service to other communities in the county.

COMMENDATIONS

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

BALLOT PROCESSING, TRACKING, AND RECONCILIATION

The Election Division's administrative tools and dedication to daily ballot tracking is exceptional. Reports developed by the staff for ballot reconciliation and canvassing board meetings have been helpful models for other counties and contribute to the consistency of elections in the State of Washington.

WRITTEN PROCEDURES

Election laws and procedures change frequently, which presents many challenges for election administrators including the constant upkeep of current, written procedures. The Snohomish County Elections Division has exceptionally written procedures which are easily readable, summarize tasks well, cite statutory references, clearly assign task responsibilities to staff members, and include dates for deadlines. Because election tasks are highly technical and sometimes administered infrequently, such written procedures are critical in helping staff complete tasks correctly. Current written procedures also provide useful background in the event of sudden staff turnover.

The division's written procedures also include helpful guides and resources for voters and candidates. Snohomish County Elections is to be commended for its diligence in maintaining complete and current written procedures.

COUNTY'S RESPONSE TO DRAFT REVIEW REPORT

The Election Certification and Training Program issued a Draft Review Report to the Snohomish County Canvassing Board in January 2010. In accordance with WAC 434-260-145, we provided Snohomish County 15 days to respond, in writing, to recommendations listed in the draft report.

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



Snohomish County

Auditor's Office - Elections and Voter Registration Division

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February 2, 2010

To: Miriam Campbell
Election Certification and Training Program, Office of the Secretary of State

From: Carolyn Weikel, Auditor
Snohomish County

Re: **Election Procedures Review – August 18, 2009 Primary**

Dear Ms. Campbell,

Thank you for conducting an Election Procedures Review of Snohomish County for the August 18, 2009 Primary.

I believe in continuous improvement and support the legislatively mandated election review process for counties as it provides an opportunity for us to receive outside perspective on our elections procedures and practices. I appreciate the time you dedicated to ensuring that this process is meaningful and for your efforts to understand and clarify how elections are conducted in Snohomish County.

On behalf of the Snohomish County Canvassing Board and after careful consideration of your observations and comments, please find our responses below to the specific recommendations and suggestion detailed in the Draft Review Report.

Recommendations

Candidate Filing Oath

Snohomish County is a charter county with additional requirements specified within our charter to hold county office. The Auditor's Office has historically asked candidates filing for office to acknowledge that they meet these additional requirements by signing a statement as to such. While we feel that our candidate filing forms have been "substantially" in the same form as required under Washington Administrative Code (WAC) 434-215-012 and that the inclusion of this oath for county offices is not in violation of any law or code, we will remove the oath for county offices from future candidate filing forms.

Confirmation Notice

As the Draft Review Report states, the Auditor's Office has been working with our voter registration system vendor and our print vendor to make sure that the confirmation notice is sent out to any

address at which the voter could reasonably receive mail. Because of the population size of our county, it is necessary to have a technical solution to this process – hand addressing envelopes is not viable. The solution was in place for confirmation cards issued following voter registration status changes made from Primary undeliverable mail. All confirmation cards are now sent to any address at which the voter could reasonably receive mail.

Accessible Voting Site

This recommendation heading covers three separate recommendations.

In regards to the orientation of voting equipment, it is our practice to ensure that voting equipment is arranged to provide for voting privacy. Based on space limitations at the disAbility Resource Connection and our projected (and realized) voter turnout for this facility, the equipment was situated as described in the report. While we do not believe any voter's privacy was compromised due to the fact that 1) a total of 3 voters used the equipment and 2) a voter's body naturally obstructs view of the screen, we have modified our voting center instruction booklet and training to include discussion and sample layout for the voting equipment so the voting screens are oriented so people cannot approach behind a voting voter.

Our site workers were instructed during training to alphabetize the accessible voting records to ensure that voters could not be matched to votes cast on the machine. Based on your observations, we will provide greater emphasis to this process in our training. We have also added this process to our voting center instruction booklet.

The oath on the Accessible Voting Record has been removed.

Determining the Number of Observers

Snohomish County does contact each political party in writing prior to each election and communicate the number of observers we need. As the sample letter present during the review indicates, we have determined that "an observer" is sufficient based on the scheduling of activities and the flexibility of observers to see all aspects of the operations. We have never limited the number of observers the party could send and have always been open to observation because we feel the election process needs to be observable by the citizen's of Snohomish County. Based on your recommendation, we will re-evaluate the wording we choose in the letter to indicate the number of observers we request from each political party.

Suggestion

Ballot Deposit Sites

Snohomish County agrees with your suggestion for additional ballot deposit sites. In the 2009 General Election the County opened a 24-hour drop box on the Snohomish County campus. The 24-hour drop box was well received and provided greater convenience for many of our voters. With additional grant funding, we will expand this service to additional locations around the county.

Thank you for the opportunity to respond to the recommendations and suggestion made as a result of the Election Procedures Review of Snohomish County.

CONCLUSION

Providing election and voter registration services to rural and urban communities is the primary role of the Snohomish County Elections Division. Through dedication to staff training, knowledge of election laws, and strong communication with voters and candidates, the division serves voters to its utmost abilities. The Snohomish County Elections Division demonstrates a high level of professionalism. The staff's teamwork is evident as it achieves accuracy and speed despite two buildings and large volumes of balloting materials.

Recommendations and suggestions generated by this review pertain to procedures or materials that require only slight modifications. One improvement in particular would be installing additional ballot deposit boxes to serve an expansive area like Snohomish County.

Addressing the items in this report will help to refine an already successful elections division.

Report Prepared by Miriam Campbell; Election Certification and Training Program



Signature

Date: February 10, 2010