Final Review Report

Election Procedures Review
Of
Columbia County
State of Washington
2008 Primary Election

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

Issued December 2008

Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years. The Legislature also added a requirement that the Program conduct a follow-up visit to verify that the County Auditor's Office has taken steps to correct the problems noted in the report.

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

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Columbia County during the 2008 Primary Election cycle. Sheryl Moss, Program Manager, represented the Election Certification and Training Program during the review. Sharon Richter, Columbia County Auditor, represented the Columbia County Auditor's Office.

Both the reviewer and the Columbia County Auditor's Office approached the review in a spirit of cooperation. The reviewer was allowed 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 Columbia County Auditor's Office with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist 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

Columbia County is located in the Blue Mountains just to the east of Walla Walla County. The county was named after the Columbia River even though the river is not part of the county. Composed largely of farm land, the county has 2,585 registered voters, making it the second smallest county in Washington State.

Because of Columbia County's size, three people handle elections, motor vehicle licensing, document recording, and other services of the Auditor's Office. The County Auditor's staff works cooperatively to administer elections along with their other duties. Facilities are limited and staffing may be inadequate at times during an election.

Columbia County's population has not changed significantly in the past 10 years. As a result, precincts lines have not been changed in that time period.

The Hart voting system and the Votec voter registration system were purchased with a Help America Vote Act (HAVA) grant in 2005. The County Auditor's staff has successfully integrated the systems into their procedures and the systems serve their voters well. With the tight budget times ahead, the county may have difficulty meeting the maintenance fees of systems purchased with HAVA money.

While space is limited, the staff is innovative and works hard to make sure every step in administering an election is done well.

In the course of this review, the reviewer observed pre-election tasks, election procedures, post-election procedures, canvassing, and certification of the election. The reviewer also examined all written procedures and documents generated supporting the 2008 Primary Election. The County Auditor's Office staff verbally explained some tasks the reviewer was unable to observe.

The reviewer was pleased to find substantial documentation supporting almost every process conducted by the elections office. The records created and maintained by staff assisted in a thorough review.

Recommendations

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

Precinct Boundaries

Columbia County experiences very little change in population, so changing precinct lines is a rare occurrence. There are two precincts, Tucannon and Rainwater, which do not meet the compact requirement. Additionally, there are still precincts that follow township/range lines instead of physical features. These precinct lines are not required to change unless the lines are changed for other reasons. The procedures manual incorrectly states that precinct lines are defined by section, township, and range because of the agricultural nature of the county.

RCW 29A.16.050 states, "(2) Every voting precinct shall be composed, as nearly as practicable, of contiguous and compact areas.

(3) Except as provided in this subsection, changes to the boundaries of any precinct shall follow visible, physical features delineated on the most current maps provided by the United States census bureau. A change need not follow such visible, physical features if (a) it is necessitated by an annexation or incorporation and the proposed precinct boundary is identical to an exterior boundary of the annexed or incorporated area which does not follow a visible, physical feature; or (b) doing so would substantially impair election administration in the involved area.

(4) After a change to precinct boundaries is adopted by the county legislative authority, if the change does not follow visible physical features, the county auditor shall send to the secretary of state an electronic or paper copy of the description, a map or maps of the changes, and a statement of the applicable exception under subsection (3) of this section. For boundary changes made pursuant to subsection (3)(b) of this section, the auditor shall include a statement of the reasons why following visible, physical features would have substantially impaired election administration."

Recommendation: Columbia County needs to alter precinct boundaries in the precincts where the boundaries are not compact after the 2010 census. If precinct lines need to be altered following the 2010 census, precinct lines should follow visible physical features. Precinct lines changes need to follow visible, physical features whenever possible, even in the rural areas.

Voter Registration Notices

Voter ID cards (Acknowledgment Notices) are nonforwardable, but the form does not have the proper postal endorsement.

RCW 29A.08.030 (2) states, "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgement notice may be a voter registration card."

Recommendation: Voter ID cards should be sent by nonforwardable mail.

Questionnaire to Cities, Towns, and Districts

Columbia County Auditor's Office staff correctly sent a questionnaire to cities, towns, and districts in a timely manner. However, the questionnaire did not include a request for salary confirmation. Instead, the letter asked for the filing fee associated with each position.

WAC 434-215-005 requires, "Prior to March 1 of each year, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29A.04.321 and 29A.04.330. The purpose of the questionnaire shall be to confirm information which the auditor may disseminate to the public regarding the filing for elective offices. The questionnaire should request, as a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, and the annual salary for the position at the time of the filing period. Responses should be received prior to April 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period."

Recommendation: Most districts do not have the information needed to determine the correct filing fee. The notice should ask for the annual salary instead of the filing fee.

Political Party Observers

The County Auditor staff sends a letter to political parties prior to each election. The letter did not include a request for official observers.

RCW 29A.40.100 states, "County auditors must request that observers be appointed by the major political parties to be present during the processing of absentee ballots. The absence of the observers will not prevent the processing of absentee ballots if the county auditor has requested their presence."

WAC 434-250-110 (1) states, "Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which absentee processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of absentee ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of absentee ballots."

WAC 434-261-020 states in part, "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. Where more than one observer is to be appointed, the political party shall designate one of their observers as supervisor. Counting center observers shall be provided training with respect to ballot processing procedures and the vote tallying system as required by RCW 29A.12.120."

Recommendation: Prior to each primary or election, the number of observers required to observe all parts of the election process be determined and requested from each party. Due to the size and layout of the County Auditor's Office, one observer from each party would be sufficient for most elections.

Absentee Ballot Materials

Special absentee ballot request forms have an oath for the voter to sign. WAC 434-250-030 describes the required information to be included in a special absentee ballot request. An oath is not included in the list.

WAC 434-250-030(3) states in part, "As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications. In addition to the requirements for a single absentee ballot, as provided in subsection (2) of this section, the form must include:

(a) A space for an overseas or service voter not registered to vote in Washington to indicate his or her last residential address in Washington; and

(b) A checkbox requesting that a single absentee ballot be forwarded as soon as possible."

Recommendation: Remove the oath from the special absentee request form or use the form available on the Secretary of State's website.

Ballot Drop Site

The County Auditor staff maintains one drive-up ballot drop box, located on the courthouse grounds. Voters are also able to deposit ballots in the County Auditor's Office. The drive-up box is not located at a geographical location different than the Auditor's Office.

WAC 434-250-320 states, "A county auditor conducting a county-wide election entirely by mail must provide at least two locations to deposit ballots. These locations may be either a ballot deposit site or a voting center, as defined in WAC 434-250-100. At least one location may be at the county auditor's office. All other deposit sites must be at geographical locations that are different from the Auditor's Office."

Recommendation: At every county-wide election, an additional ballot deposit location needs to be added in a location that is geographically different than the County Auditor's Office. The location can be a permanent ballot deposit box or it can be a temporary deposit site for Election Day only. Different options are described in WAC 434-250-100.

Disability Advisory Committee

Columbia County has not formed a disability advisory committee as required by RCW 29A.46.260.

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

Recommendation: Columbia, Garfield, and Asotin Counties have discussed forming a joint advisory committee, but have not made much progress in forming the committee. Columbia County may consider sharing the same members of another county's committee, such as Walla Walla. In any case, a committee must be formed to create a plan. The plan should include the number of voting centers required; the locations of voting centers and drop off facilities; outreach to voters with disabilities; implementation of the Help America Vote Act; and other election related functions necessary to maximize accessibility to persons with disabilities. The plan must be reviewed at least annually.

Suggestions

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

Election Calendar

The only election calendar used by Columbia County is the state election calendar.

Suggestion: Columbia County should create a calendar or checklist that reflects the deadlines and events required in every step of each election. Such a calendar will ensure that all parts of an election are accomplished in a timely manner.

Staffing

The Columbia County Auditor's Office is a small office with only three employees in the front office. They did employ a temporary person that came in two days a week to assist in the election, however; the reviewer was told that normally temporary staff was not employed. When processing ballots, two staff members are located away from the front desk area, leaving only one person. The reviewer observed several times when the County Auditor was called away from ballot processing to take care of business at the front counter. As a result, ballots and ballot image disks (MBBs) did not have full security during processing.

Suggestion: A temporary staff person should be hired for every general election, at least part time. The person should be in the office whenever ballot processing takes place. Ballots and MBBs should never be out of sealed containers unless two people are with them at all times. The temporary staff person would provide the additional personnel needed to maintain the security of the ballots and MBBs.

Ballot Processing

Columbia County staff conscientiously accounted for every envelope and ballot at every step of opening and processing the ballots. By opening the ballots in batches, keeping everything in a specific order, it would be possible to associate a particular ballot with the voter's signed envelope. Also, black and blue pens were used during the processing of the ballots.

Suggestion: When the ballots are first opened, mix order of ballots and/or envelopes so the ballot cannot be associated with a specific voter, keeping who voted what ballot a secret. In some counties, observers have been concerned about the possibility of staff altering votes on ballots. Only allowing green or red pens are around ballots eliminates this concern.

Ballot Deposit Box

Columbia County maintains a drive-up ballot deposit box on courthouse grounds. The box has limited signage to identify it as a ballot deposit location.

Suggestion: Additional signage would help voters identify the location of the ballot deposit box. While the location is listed in the ballot materials, there is little to identify the box. The reviewer recommends a sign on the street directing voters to the box and signs on the side of the box identifying it as the deposit box. When an additional deposit location is used, the same signage should be used.

Procedures Manual

Columbia County has made an excellent start on a procedures manual. Procedure manuals should provide a step by step guide to running an election. The County Auditor's manual was patterned after another county's manual and may contain procedures that do not reflect actual practice. Additionally, there are areas in the manual that are incorrect or missing.

Suggestion: Columbia County should review the manual for accuracy and completeness. The reviewer suggests the following:

- The manual does not have any procedures related to voter registration and Voter Registration Database maintenance.
- The Address Confidentiality Program voters procedure does not have a time frame for mailing ballots. As these ballots are delivered by a circuitous route, mail ACP ballots with military ballots.
- The drop box procedure does not include emptying the box.
- The state voter pamphlet should be added to the list of materials to be sent to out of state voters.
- In the procedure titled "Ballot Security", counted ballots cannot be accessed unless authorized by the canvassing board, not the County Auditor.
- In the section "Appearance of Names on Ballot", superior court judge provisions listed do not apply to Columbia County. If one candidate files, it should say they appear on both the primary and general ballots.

Canvassing Board Manual

The canvassing board manual includes most required elements. There are a few areas that are out of date.

Suggestion: Update the recount procedures to include new WAC requirements. Refer to or incorporate the voter intent rules in the manual.

County's Response to Draft Review Report

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

The Columbia 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.

Columbia County Washington

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December 16, 2008

Tracy Buckles
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Dear Tracy,

Here are my responses to the recommendations in our review report. I have also included a copy of the letter we send to our cities, towns and districts.

As I stated in my response, the example I gave Sheryl was for our county commissioners. It had been modified from our normal letter since we do payroll and already knew the salary amounts. I don't know if this will change the recommendation Sheryl made or not. If not, then my response will be to state that we will include the request for salaries in our letters. Let me know what you decide.

Also, I have sent my responses and draft report to my prosecutor but have not heard back. If she has additional comments, I will get those to you as soon as possible.

Happy Holidays,

Sharon D Richter

Sharon D. Richter
Columbia County Auditor

RESPONSES TO RECOMMENDATIONS

PRECINCT BOUNDARIES

Following the 2010 census, the Columbia County Commissioners will reassess our precincts to determine the need to alter the precinct boundaries. If a determination for reprecincting is made, all precinct boundaries will comply with RCW 29A.16.050.

VOTER REGISTRATION NOTICES

A "Do Not Forward" stamp has been purchased to use on our voter ID cards.

QUESTIONNAIRE TO CITIES, TOWNS AND DISTRICTS

In our usual letter to the cities, towns, and districts, we do request the amount of the annual salary. I see we need to change the information return date from May to April. The letter for 2008 was to our county commissioners. Since we do payroll and know what the salaries are, it was not requested.

POLITICAL PARTY OBSERVERS

Letters to the political parties concerning primary and general election information will include a request to provide observers.

ABSENTEE BALLOT MATERIALS

We will use the form provided by the state for our special absentee ballot requests.

BALLOT DROP SITE

I requested permission from the Starbuck City council to install a ballot drop box next to the city hall. Approval for my request was granted. We are currently compiling information to apply for a HAVA grant to cover expenses for this project. The drop box installation will be scheduled prior to the primary election.

DISABILITY ADVISORY COMMITTEE

A Disability Advisory Committee was formed this November for the counties of Asotin, Columbia and Garfield. A plan was developed. The top priority for all the counties was to establish drop box sites.

Conclusion

The Columbia County Auditor's Office staff provides excellent service to the county's voters. They are organized, conscientious and are dedicated to the integrity of the election process.

The areas listed in this report will help keep procedures in compliance with statue and rule. Many require only minor changes in forms, notices, or procedures. However, because elections are so complicated, even minor changes can have a major impact on the election process.

The department has excellent daily reconciliation procedures. The department reconciles ballots and ballot envelopes at every step of the process.

Ballot security is very good. The additional suggestions in this report will provide excellent security for voted ballots.

Forming a disability advisory committee must be a priority for the Columbia County Auditor in 2009. While finding members may be difficult in a small county, there are options and help available. The Secretary of State's Office and other organizations are available to provide assistance.

The County Auditor's Office staff should continue to work on updating the procedures manual. The manual is nearly complete. Adding and updating procedures should complete the manual. An annual review of the manual should be incorporated in the yearly work schedule to ensure the manual remains current.

During the review, the staff members were professional and cooperative. Following the recommendations and suggestions in this report will further improve the processes of the Columbia County Auditor's Office.

Review Report Prepared by:

Sheryl Moss
Certification & Training Manager
Office of the Secretary of State

Date: December 29, 2008

Signature