

Franklin County

2009 Primary Election

State of Washington



Conducted by: Kay Ramsay
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 Franklin County during the 2009 Primary Election cycle. Kay Ramsay, Elections Program Specialist, represented the Election Certification and Training Program during the review. Zona Lenhart, Franklin County Auditor, Diana Killian, Elections Supervisor, and other members of the staff participated on behalf of the Franklin County Auditor's Office.

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

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

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

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OVERVIEW

Franklin County, located in Eastern Washington, was formed in 1883. The County is named in honor of Benjamin Franklin. There are 1,242 square miles within its boundaries. Franklin County is one of the fastest growing counties in the nation boasting a population increase of 47.3% since 2000. By June 2009, Franklin County's population totaled 72,700; 54,490 persons residing in the county seat of Pasco.

Pasco is one of three cities in Washington State that make up the Tri-Cities region. Tri-Cities, composed of the cities of Pasco, Kennewick and Richland, is located in southeast Washington and is situated at the confluence of the Columbia, Yakima and Snake Rivers.

The Franklin County courthouse, originally built in 1912, has recently undergone a multi-million dollar remodel returning the building to its original state of glory. Its stained glass rotunda and unique architecture are truly stunning. It has earned its place on the National Register of Historic Places.

Franklin County reports 24,231 active registered voters within its 93 precincts and two legislative districts, the 9th and 16th. This largely agricultural county lies entirely within the 4th Congressional district. Because of a large Hispanic population, election materials are produced in Spanish. Designing and conducting voter outreach for the non-traditional communities is challenging.

RECOMMENDATIONS

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

CONFIRMATION NOTICE

A confirmation notice is correctly sent to voters when mail is returned indicating the voter no longer lives where they are registered to vote. The notice requires the voter to respond within 30 days.

RCW 29A.08.635 mandates, "The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal general elections, his or her voter registration will be canceled."

Recommendation: The confirmation notice must explain that the voter's registration will be cancelled after two federal general elections if he or she does not respond or vote during that time period. The request for a response in 30 days should be removed from the notice.

RECEIVING FAXED OR EMAILED VOTED BALLOTS

Instructions for returning voted ballots by fax or email do not inform voters the original ballot must be received in the elections office by the day of certification of the primary or election. The instructions only address the signed affidavit. *WAC 434-208-070(2) mandates "If the original document must be signed, acceptance of an electronic filing is conditional until receipt of the original document. If a voted ballot is submitted electronically, the ballot and the envelope bearing the original signature of the voter must be received on or before the date on which the election is certified pursuant to RCW 29A.60.190."*

Recommendation: Instructions for returning a faxed or email ballot must inform the voter that the original ballot and signed affidavit must be received by the deadline.

MISSING OR MISMATCHED SIGNATURES

Whenever a voter neglects to sign the oath on a mail or provisional ballot envelope or the signature does not match the voter registration record, the voter is sent a notice. The notice neglects to inform the voter of any deadlines applicable to counting ballots.

WAC 434-261-050(1) instructs “If a voter neglects to sign the oath on an absentee or provisional ballot envelope, signs the oath with a mark and fails to have two witnesses attest to the signature, or signs the ballot envelope but the signature on the envelope does not match the signature on the voter registration record, the auditor shall notify the voter by first class mail of the correct procedures for curing the signature. If the ballot is received during the last three business days before the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded by the last three business days before the final meeting of the canvassing board, the auditor must attempt to notify the voter by telephone using information in the voter registration record.”

3(c) states in part “The voter must return the signed affidavit to the auditor no later than the day before certification of the primary or election.”

Recommendation: The letter sent to voters with mismatched signatures must inform voters of the deadline for correcting a signature in order for ballots to be counted.

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.

SECURITY

The Franklin County Elections Facility has two entrances. An entrance marked for authorized personnel only and a door located approximately eight feet from the first door with a security key pad next to it and it is marked for deliveries. When staff is at this facility, the door for authorized personnel is often left unlocked. Often staff is in the back section of the elections facility and are unable to hear if anyone enters or is knocking on either of the entrances. Because of this arrangement, the ballots and employees are not physically protected.

Suggestion: The County Auditor should consider having the security key pad moved to the door marked for authorized personnel. Entry could then be secured from unauthorized access by limiting access to only those that have been issued a secure code by the Auditor.

PUBLIC ACCESS

The door marked for deliveries at the Franklin County Elections Facility enters into a public viewing and service area. With a few exceptions, this door remains locked. No door is marked as a public entrance. When working in the back section of the elections facility, staff is unable to see or hear anyone outside of the facility that may want to observe. The public is denied access to the observation and service area.

Suggestion: The County Auditor should consider having a bell or an intercom installed at the door or some other way to alert elections staff when someone wants entrance to the office.

TIME

The official time for closing ballot boxes and producing election results is determined from individual cell phones. Office computers were synchronized to the same time. The publicly displayed clock in the elections office was not synced with the computers and cell phones.

Suggestion: The Franklin County Auditor might want to establish an official timepiece. Using the same publicly displayed time to close the box and produce the tabulation report would reduce

voter and observer confusion. All official timepieces visible to the public or recording information should be set to the same time.

PROCEDURES

Elections Department Procedures

The elections department has very good written procedures for many of the duties they perform, however some tasks need updating. Recently implemented procedures need to be added.

Suggestion: One of the most difficult tasks is keeping written procedures up to date in regard to changes in law or rule, and changes in actual office practices. The reviewer suggests an annual review of all written procedures to ensure they are kept current. Written procedures provide consistency and instruction to someone who may not be familiar with a process.

Canvassing Board Manual:

The County Canvassing Board Manual should be updated. For example, the manual still says Primary Elections must be certified 10 days after the election.

Suggestion: There are many changes in election laws initiating changes in a county's procedures. It would be beneficial for the Board to review its manual on an annual basis, or as often as practical.

COMMENDATIONS

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

The Franklin County Auditor and the county elections department partnered with "Everyone Counts," an election company based in San Diego California that provides universal access voting solutions and consulting, to test an internet ballot delivery system. The project was funded by a HAVA grant tied to making voting more accessible for people who are visually impaired.

The delivery system allows a voter to access and vote their ballot electronically. The voter prints out the voted ballot and, following the same procedures as with any mail ballot, returns the ballot to the County Auditor either by mail or using a deposit site.

This ballot delivery system is compatible with many assistive devices used by persons with disabilities, allowing the voter to cast his or her vote privately and independently. Other advantages for this kind of voting are military and absentee ballots.

The Franklin County Auditor and staff worked quickly and diligently to implement this test project in time for the Primary Election. The voters in Franklin County will also have this option available to them during the 2009 General Election.

The Auditor and the elections department staff understands the importance of voter outreach to non-english speaking citizens and works very hard to do so. They have worked diligently to ensure that all election materials are also available in Spanish and one person on staff serves as a translator. A Hispanic advisory committee composed of members of this community and those who work with the Hispanic community has been formed to give the county elections department input and insight on ways to reach out to them.

One of the outreach efforts that have been very successful for them is to have elections staff available at the public library on the Friday before each election to answer questions and assist voters. This presence assists voter's and also raises awareness of the upcoming election.

The Franklin County Elections staff has increased outreach efforts to the younger or more computer literate generation by using their website, facebook and twitter to post election related issues.

Franklin County Auditor

1016 North 4th Avenue
Pasco, WA 99301

ZONA LENHART, Auditor
509-545-3840 • Fax: (509) 545-2142
www.co.franklin.wa.us

P.O. Box 1451
Pasco, WA 99301

March 10, 2010

Kay Ramsay
Elections Program Specialist
PO Box 40229
Olympia WA 98504

Dear Kay,

Following are our responses to the recommendations and suggestions made in the election procedures review conducted during the 2009 Primary Election.

Recommendation 1: Confirmation Notice

Response: The confirmation notice already had the information required by statute "If this card is not returned and you do not vote before two Federal General Elections have passed, your voter registration will be canceled" and therefore is in compliance. In a separate area, we advise the voter to return the postcard within 30 days, but we do not state that it is required to return the postcard within 30 days, and statute does not specifically prohibit us from that. Regardless, the form will be updated to comply with RCW 29A.08.635 as interpreted by our reviewer by removing the request for a response within 30 days.

Recommendation 2: Receiving Faxed or Emailed Voted Ballots

Response: Instructions have been updated to inform the voter that the original ballot and signed affidavit must be received by the deadline.

Recommendation 3: Missing or Mismatched Signatures

Response: The letter sent to voters with mismatched signatures has been updated to inform the voters of the deadline for correcting a signature in order for ballots to be counted.

Suggestion 1: Security

Response: We have received a cost quote and submitted a HAVA grant application to move the security key pad to the door marked for authorized personnel only.

Suggestion 2: Public Access

Response: We have received a cost quote and submitted a HAVA grant application to move the security key pad from the public access door, allowing us to unlock it during business hours. Upon entering, we have a bell on the counter to alert us of visitors.

Suggestion 3: Time

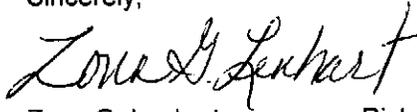
Response: The clock referred to was located at the ballot processing center. It was never considered or intended as our official timepiece. Its use is primarily for staff and board workers processing ballots on days other than Election Day. We have moved it from public view until we can replace it with an atomic clock prior to the 2010 Primary in August.

Suggestion 4: Procedures

Response: The Franklin County Canvassing Board agrees with this suggestion in reviewing written procedures at least annually for both the elections department procedures and canvassing board manual. The example referred to has been updated to read "Primary Elections must be certified 15 days after the election" and will be approved at an upcoming Canvassing Board meeting.

It has been a pleasure to work with you and the Office of the Secretary of State during this review. We appreciate your time in doing this review.

Sincerely,



Zona G. Lenhart
Franklin County Auditor



Rick Miller
Chair, Board of County Commissioners



Steve M. Lowe
Prosecuting Attorney

dgk

CONCLUSION

Staff of Franklin County Elections is knowledgeable, conscious, and skillful in conducting elections. The Franklin County Elections staff is professional and staff should be commended for their commitment to the integrity and transparency in the elections process. The elections department employs excellent security procedures. Ballots are either in the presence of at least two staff members or in secured storage at all times. Ballots are accounted for at every step of the process and are reconciled at the end.

They are very independent and prefer to be on the cutting edge of new technology and they have utilized all the resources available to them to provide exceptional service. The election facility will be a first rate facility once security and public access issues have been addressed.

The reviewer appreciates the openness of the Franklin County Auditor and staff participating in this review. Their friendliness and professionalism made the review a pleasant experience.

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

Report Prepared by Kay Ramsay, Elections Program Specialist, Election Certification and Training Program

Signature



Date March 15, 2010