

CITIZENS ELECTIONS ADVISORY COMMITTEE MEETING
February 25, 2010
Minutes

Date: February 25, 2010

Meeting Began: 2:00 p.m.

In Attendance: Shirley Forslof, Whatcom County Auditor
Debbie Adelstein, Chief Deputy Auditor
Pete Griffin, Election Supervisor
Nancy Moore, Auditor Staff
Todd Backman, Computer Technology
Robbi Ferron, League of Women Voters
Gerrit Kuiken, Republican Party
Margit Kingston, Disability Community
Steve Schuck, representing Democratic Party
Larry & Sharon Helm, Guest
Robin Holcomb, Guest

Shirley Forslof called the meeting to order at 2:00 p.m. and introductions were made around the room. Shirley stated that none of the proposed bills in the 2010 legislative session have passed. The statuses of some of the bills are as follows:

HB2495 relates to the commencement of the final processing of ballots. Present law mandates that ballots cannot begin to be processed until 7:00 a.m. on Election Day. The bill would allow ballot processing to begin at 8:00 a.m. on the Monday immediately *before* the day of the election. The tabulation results must still be held in secrecy until after 8:00 p.m. on Election Day. A majority of Washington State Auditors are in favor of being allowed to begin processing ballots the day before Election Day. **Status:** In Senate Government Operations & Elections.

HB1623 and SB5631 (proposed and supported by the Secretary of State) relates to the commencement time of the final processing of ballots. The second part of HB1623 and SB5631 relates to ballot return time. The bill would change legislation so that ballots *must be received either in a drop box or at the auditor's office no later than 8:00 p.m.* A majority of auditors oppose this bill. **Status:** Bill is Inactive.

HB2483 relates to overseas and military voters. The bill would allow overseas or military voters to receive a ballot by fax, e-mail, or other electronic means and to return their ballot by the same means. **Status:** In Senate Rules. Shirley said that the Secretary of State and Washington State Auditors are supportive of the bill. She sent an e-mail to the Office of the Secretary of State, WACO, and the Auditor's Legislative Committee stating that the majority of CEAC members attending the January CEAC meeting strongly oppose the bill because they believe it would be a precursor to Internet voting. One CEAC member, a retired military person, is strongly in favor of the bill because it would afford the opportunity for overseas and military voters to have their ballot returned in time to be counted. Robbi Ferron commented that the League of Women Voters statewide oppose HB2483.

House Bill (HB) 2398 relates to publicized election notices and is a WACO and Washington State Association of County Auditors (WSACA) priority bill. **Status:** In Senate Rules.

SB6243 relates to the elimination of provisions for candidate filings at locations other than the Public Disclosure Commission. The bill is supported by a majority of auditors. **Status:** In the House, Executive action taken on February 23rd.

HB1880 relates to the ballot envelope flap that covers the voter's signature. The bill would modify the law to remove the requirement to conceal the voter's signature and give the county auditor the flexibility to use a ballot envelope that does not cover the signature. **Status:** In Senate Rules. Status for **ESB6430**, companion bill to HB1880, is inactive. It did not get out of the House Committee.

HB1572 is a clean-up bill proposed by the Secretary of State. The bill would eliminate outdated language in the RCWs that no longer pertains, e.g., poll sites, poll workers, etc. The bill would also change language in the RCWs pertaining to Precinct Committee Officers. **Status:** Bill is still alive.

HB2496 relates to ballot design. The Secretary of State would implement rules regarding the ballot design but would also allow county auditors some flexibility with the layout. **Status:** In Senate Rules.

SB6797 would require publication of a local voters' pamphlet for *all* elections. A majority of auditors oppose the bill due to the significant cost to produce voters' pamphlets for all elections and the amount of time involved in the preparation and publication of the pamphlet. **Status:** Inactive. Shirley commented the bill may come back in the 2011 legislative session.

ESHB1752 relates to the observation of election procedures. Canvassing Board members would establish a reasonable viewing area for observing ballot inspection and duplication. **Status:** Inactive.

HB2702 and **SB6689** relates to ballot title information. If a ballot title relates to a property tax levy, the ballot title must state whether the levy is new or a replacement and include a comparison of the financial impact from a taxing district's prior year, if any, and the current ballot in both dollar and percentage change terms. **Status:** Inactive.

Bills must pass the opposite chamber (House bills must pass the Senate, and Senate bills must pass the House) by Friday, March 5, 2010. The legislative session is scheduled to end March 11, 2010.

Other: Shirley stated that each voting center is mandated by Federal law to have a minimum of one Accessible Voting Unit (AVU), Whatcom County has three. The cost for each AVU at the time Whatcom County purchased them was \$3,600 per AVU. If they were bought today, the cost would be closer to \$5,000 each. The Help America Vote Act (HAVA) paid for the AVUs. Pete mentioned that regretfully, no one voted on the AVUs in the February 9th Special Election.

Shirley mentioned that anyone can become a trained political party observer as it is a public process. Steve Schuck commented legislation implies training Republican and Democrats. Pete reiterated that anyone can become a trained observer, not just Republicans or Democrats. The language is specific in that it does require Republicans and Democrats to become trained election observers but it also does not prohibit anyone other than those parties to become trained.

Shirley mails a letter, required by state law, to the Republican and Democrat chairs before every election and requests political party observers for the upcoming elections. Washington State law also provides that the political parties may choose the random batches of ballots for the hand count.

There will be a special election on April 27, 2010, for Whatcom Transportation Authority.

Shirley stated there was a 47% voter turnout in the February 9th Special School District Election. Prior to vote by mail, voter turnout in a special election would customarily be in the 20th percentile. Vote by mail has significantly increased turnout.

A voter can go to the Whatcom County Auditor's website to find out if their ballot has been received by the Auditor's Office. It does not, however, reveal *when* it arrived, therefore, the voter will not know if the ballot arrived in a timely fashion. It also does not reveal if a voter's ballot has been returned by the post office as undeliverable.

If a voter's signature does not match that of the signature on file or if a ballot envelope has not been signed, the voter is immediately notified by mail. If the voter has not responded within three days of the certification of the election, the correspondence is then followed up with a phone call. A question was asked about the percentage of voters that respond to the notification. Pete answered the percentage of voters that respond is related to the type of election, e.g., if it is a Presidential election, the response is much higher than for a special election.

Pete added the number of "no signature matches" referred to the Canvassing Board have decreased as voters continue to provide us with updated signatures. If the original signature is faded or "noisy", we will scan the signature from the ballot envelope provided we are sure it is the voter's signature. The original signature is never destroyed, however. When verifying signatures, the most recent signature is used to verify. Pete said anytime there is any activity in a voter's file in the election management system, the operator's name, date, and time of the activity is recorded.

Shirley said it is not mandated that the auditor's office send notification to voters whose ballots have arrived too late to be counted. Debbie commented that it is well publicized that voters should read the last pick-up time on a mailbox before depositing their ballot. Shirley said that candidates are now encouraging voters to mail their ballot early to ensure a timely arrival.

Shirley praised the statewide database highlighting it's efficiency in detecting dual voter registrations. Pete said that every county performs a global update each month. There is not a country-wide database.

A question was asked about the life expectancy of the 400C optical scan readers. Shirley contacted Kitsap and Snohomish counties. Kitsap purchased their equipment in 1995 and Snohomish in 1996. Both counties are using the same equipment although the software has been updated. Pete added although the equipment was purchased in the 1990s, it has been completely refurbished. He said there is no warehouse with stocked parts, the parts get refurbished. Voting equipment is not built ahead and it has to be federally certified. It is not specific to Sequoia and holds true for all vendors of voting equipment.

Pete stated that two of the Election staff went to Oakland, California for training on Sequoia 400C maintenance. He said we have been very pro-active in conducting maintenance before

and after every election. In addition to our internal maintenance, Sequoia staff performs a maintenance check annually. Shirley is comfortable that the 400Cs will endure for the foreseeable future. Debbie reminded members the 400Cs are not in operation on a daily basis.

Robbi asked about the cost of Precinct Committee Officer (PCO) elections. Shirley said the cost of the PCO elections is hundreds of thousands of dollars statewide but she will have to look into the cost on a local level. This year the Washington State Association of County Auditors will be meeting with the chairs of the political parties. The association has ideas to present to the chairs of the parties regarding PCO elections and possible legislation for the 2011 session. New legislation will require the consensus of both parties.

Shirley mentioned that Pierce County voters defeated continuing rank choice voting in the November 2009 General Election.

Pete mentioned that the precinct abstracts are available on our website for the February 9, 2010 School District Election.

Meeting adjourned at 3:30 p.m.

Next Scheduled Meeting: March 25, 2010