

CITIZENS ELECTIONS ADVISORY COMMITTEE MEETING
September 23, 2010
Minutes

Date: September 23, 2010

Meeting Began: 2:05 p.m.

In Attendance: Shirley Forslof, Whatcom County Auditor
Debbie Adelstein, Chief Deputy Auditor
Pete Griffin, Election Supervisor
Nancy Moore, Auditor Staff
Todd Donovan, City of Bellingham
Gerrit Kuiken, Republican Party
Stephen Schuck, representing Democratic Party
Bill Verwolf, Small Cities Representative
Mary Ellen Woods, representing League of Women Voters
Larry Helm, Guest

Shirley Forslof called the meeting to order at 2:05 p.m. and introductions were made around the room.

Shirley announced that the August 17 Primary Election went very smoothly. The only votes that could be counted for Precinct Committee Officer (PCO) candidates, subject to new Secretary of State (SOS) rules, were candidates that filed a Declaration of Candidacy during the regular filing period or that filed a Declaration of Candidacy as a write-in candidate. Whatcom County did not have any PCO candidates that filed as a write-in, therefore, only the PCO candidates that were on the ballot were counted.

Shirley said we are preparing for the November 2 General Election. If a voter will not be here at the time of the election, they may stop in to receive a special ballot. RCW 29A.40.050 provides that a special ballot may be issued only to a registered voter who completes an application stating that she or he will be unable to vote and return a regular ballot by normal mail delivery within the period provided for regular ballots. The special ballot is actually a PDF of the ballot the voter would receive in the mail. The special ballots are duplicated by the opening board team onto regular ballots in order to be counted by the 400C optical scan readers.

Another type of early ballot is the UOCAVA ballots, used for military and/or overseas voters. Those voters have the option of receiving their ballot by e-mail, fax, or by regular postal mail. Pursuant to the voter's request, the ballot is delivered to them by the option of their choice.

Shirley stated that Pete Griffin has been working on the Washington Election Information (WEI) system. WEI is a project of the Secretary of State and was funded by grants.

Although not up and running as of the present date, the WEI system has a new feature that will allow the military or overseas voter to visit our website, click on a link, click on the "My Vote" logo, and finally click on the "Get MyBallot Packet" section of the website. The "Get MyBallot Packet" contains all instructions, forms, and the specific ballot for that voter. The voter then chooses to either mail the voted ballot to the Auditor's office or to return it electronically. The ballot will be duplicated by the opening board onto a regular ballot *after* the *original* voter's

signature has been received by the Auditor's office. Pete stated that although a voter could conceivably print out a ballot packet more than once, he emphasized that *only one ballot will be counted* for that voter. The ballot envelope scanner code will be scanned upon receipt at the Auditor's office and no further ballots will be accepted from that voter. The "Get MyBallot Packet" was precipitated by the "Move Act", federal legislation that mandates a ballot packet be available to be downloaded online. Pete clarified this is *not* Internet voting, the system only allows for a voter to download their personalized ballot packet. The "Get MyBallot Packet" link should be up and running in approximately one week.

If a voter chooses to e-mail or fax their voted ballot, the voter must sign a waiver that acknowledges the loss of privacy of their ballot. However, in order to *count* the ballot, we must receive the oath with the original voter's signature. Shirley stated removing the mandate for the original voter's signature is one of the Washington State Auditors' priority proposals for the 2011 legislative session. Auditors would like to be able to count an e-mailed or faxed voted ballot without having to wait for the original signature. She explained the voter is required to sign the oath when they e-mail or fax their voted ballot and their signature is still compared to the signature on file for that voter. A military or overseas voter can more easily fax or e-mail their voted ballot. Waiting for the original voter's signature can impede the counting of military ballots or in some instances, the overseas original ballot is not returned in time to be counted at all.

Pete relayed there will continue to be a ballot return status section for those voters that want to ensure their ballot has been received by the Auditor's office with the WEI system, however, there will be a 24-hour delay between the time the ballot has been scanned as received and the time it is posted on the site as being received. With the WEI system, ballots received will be posted once every 24 hours.

Shirley stated of the 39 counties in Washington State, only King and Pierce counties have not joined the WEI system. She also relayed that the company, Dominion, bought out Sequoia, the manufacturer of our 400C optical scan reader ballot counters.

Shirley mentioned the Federal government mandates that military and overseas voters be mailed their ballot 45 days prior to a federal election. A waiver was granted to the State of Washington excluding the state from the 45-day rule because Washington State mails ballots to military and overseas voters 30 days prior to an election and they have until 15 days after a primary and 21 days after a general election, certification dates, to have their ballot returned to the Auditor's office. Additionally, military and overseas Washington State voters historically have a return ballot status in the 90th percentile. Subsequently, military and overseas voters have 45 days for a primary and 51 days for a general election for their ballot to be received by the Auditor's office. Pete added that many states require that a ballot must be *received* no later than Election Day.

The Secretary of the State *may* present a bill in the 2011 legislative session that would change PCO elections from every two years to every four years, holding the PCO elections in the same year as the presidential preference primary election year.

Possible proposed 2011 legislation:

- a) Make the office of auditor a non-partisan office in all Washington State counties. Presently, the only non-partisan elected officials are in charter counties. Shirley stated there is a strong feeling among auditors that the auditor should be a non-partisan office.
- b) If two or less candidates run for a partisan office, no primary would be held.

Shirley clarified the requirement for counting write-in candidates on a ballot. If a candidate files as an official write-in candidate and a voter writes in the candidates name in an abbreviated format, the vote for that write-in candidate will be counted. For example, if John E. Doe files as an official write-in candidate and a voter writes the name J. Doe on their ballot, the vote will be counted for John E. Doe. If, however, a person does not file as an official write-in candidate, votes for write-in candidates may not have to be individually counted according to Washington State law.

Washington State law states that if a candidate loses in a primary election, the candidate is not allowed to file as a write-in candidate in the same year general election for the same office.

Shirley stated there is no threshold to be elected a Precinct Committee Officer, the requirement of a certain number of votes to be elected a PCO no longer exists. Pete added that the law used to be that a PCO could not be elected unless the PCO candidate received 10% of the highest vote getter of a particular party in the general election. Since there is no longer a party, there is nothing to base the 10% on.

Shirley reported that political parties do not pay for the election costs borne by the PCO elections. Although PCOs are party elections and party officers, the county incurs the entire cost associated with PCO elections. Shirley added that a fire district or city, for example, pays a portion of the election costs for having a candidate and/or ballot measure for that district or city on the ballot. Every district with the exception of the state and federal government in even year elections pays a portion of the election costs. With PCO elections, the county bears the entire expense associated with PCOs. Political parties are the only entity that does not pay for their portion of election costs.

Pete added the costs associated with PCO elections are 30% higher than when PCO candidates are not on the ballot. The costs increase by 30% across the board for creating the ballots, proofing the ballots, and the cost for K & H to print the ballots. Shirley added that if the number of precincts were to increase, the costs would rise even higher. Debbie pointed out that the cost for the August 17, 2010 Primary Election which included the PCO elections was \$294,000.00. Pete said we could save a substantial amount of money by not having to put a PCO candidate's name on the ballot if there were no opposition. Generally there is only one Democrat PCO candidate for a particular precinct and one Republican PCO candidate. Shirley added there are very few opposed PCO races. The cost savings could be significant with the elimination of unopposed PCO candidates on the ballot.

Shirley recently attended a redistricting workshop presented by the Secretary of State's Office. The redistricting of each county will be a result of the compilation from the 2010 census. County auditors should have the redistricting plans from their local jurisdictions by the end of December 2011. In 2011 the County Council will form a redistricting committee which will affect council boundaries. Every school district that has a director district is to be redistricted based on

population. Washington State law provides that each precinct shall be of the same congressional, legislative, and county council district. Redistricting will also involve new legislative boundaries which will subsequently result in the creation of new precincts. Shirley mentioned that precincts and boundary lines will need to be approved by the County Council at least 30 days prior to filing week.

Shirley mentioned there is a stay on a court case that would give voting rights to a felon while still incarcerated or on probation. Current legislation provides that if a person is no longer incarcerated or on probation, the person has their voting rights restored. The case could be presented to the prosecuting attorney to rescind an ex-felon's voting rights if the ex-felon still owes debt, however.

Washington State now has access to court and state patrol files. If anything other than a monetary issue is revealed, the person cannot get registered to vote. The state sends a convicted felon roster to the elections division on a monthly basis. More information about an ex-felon's voting rights is available through the Whatcom County Election's website.

Ballots for the November 2 General Election will be mailed October 13. The Logic & Accuracy test for the Accessible Voting Units will be held at 9:00 a.m. on October 11 and the L & A test for the 400C optical scan readers will be conducted at 9:00 a.m. on October 28.

Observer training will be held in conference room #512 at 3:30 p.m. on October 7.

With no further business the meeting adjourned at 3:25 p.m.

Next Meeting:

To Be Announced.

****Note: The October 28th meeting is cancelled.****