

**CITIZENS ELECTIONS ADVISORY COMMITTEE MEETING**  
**December 16, 2010**  
**Minutes**

Date: December 16, 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  
Robbi Ferron, League of Women Voters  
Margit Kingston, Disability Community  
Gerrit Kuiken, Republican Party  
Myra Ramos, Whatcom Fair Voting  
Bill Verwolf, Small Cities Representative  
Larry Howlett, Steve Wolff, Steve Schuck, Larry Helm, Guests

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

The recount for State Representative District 42 Position 2 was certified on December 3, 2010. The same number of ballots was counted during the recount as was certified in the November 2 General Election. There was a five-ballot variance at the conclusion of the recount which is well within the expected outcome. Shirley complimented her staff's diligence throughout the election.

Shirley reported a 74.62% voter turnout for the November 2 General Election with 86,993 voters voting, a record number for an off-year general election. Whatcom County presently has 116,580 registered voters. Out of the 86,993 returned ballots, approximately 462 had challenged signatures that were resolved either by the voter updating their signature or resolved by the Canvassing Board's determination.

Pete mentioned that Pierce County, the only county in Washington State that still has polling sites, had the lowest turnout of all Washington counties.

Steve Schuck, a Democratic Party observer, complimented the Auditor's staff on their receptiveness to suggestions made by the parties. Shirley in turn complimented the party observers, in particular the lead party observers, on their professionalism. Myra Ramos stated that Jim Fox, the lead Democratic observer, spoke in a very praiseworthy manner about the conduct of the 2010 General Election at a recent Whatcom Fair Voting meeting.

Shirley stated the number of ballots received in the General Election was the number of ballots that were counted with the exception of two ballots, both of which were Primary Election ballots and could not be counted.

Debbie mentioned party observers have proven beneficial as it affords the opportunity for observers' comments which in turn helps streamline and refine certain procedures in the election process.

Shirley mentioned that Washington County Auditors will propose in the 2011 legislative session that a military or overseas voter's faxed or e-mailed signature be accepted as the original so that the ballot can be counted immediately. Presently, we cannot count a ballot from an overseas or military voter until the original, signed affidavit (oath) is received in the mail. A ballot can be e-mailed or faxed to an overseas or military voter, it can be returned by the same method, but the ballot presently cannot be counted until we receive the original, signed affidavit in the mail. There are times that we don't receive the original, signed affidavit back in time for the ballot to be counted. Proposed legislation would allow that the ballot be counted with the voter's faxed or e-mailed signature which would expedite the counting process. The Secretary of State may include the proposed legislation as part of their clean-up bill. The Federal government is advocating the proposed legislation to make it easier for overseas and military voters to vote.

Pete reiterated that we already are accepting faxed and e-mailed ballots from military and overseas voters. The *only* change the proposed legislation would bring about is that we would be able to accept a faxed or e-mailed signature as an original signature and count the ballot without waiting for the signed oath to be returned by mail before counting the ballot. Shirley interjected that signature verification would still be conducted with the faxed or e-mailed signatures.

In Whatcom County overseas and military ballots are mailed 30 days prior to Election Day and must be returned no later than certification day, 21 days after General Election Day. Most states mandate ballots be returned no later than Election Day; Washington State law provides that a voter's ballot must be postmarked by Election Day. Washington State law exceeds federal requirements for ballot return. In addition, Washington State allows that an overseas or military ballot be accepted if the date the voter signed and dated the oath is on or before Election Day. The Election Day postmark law does not apply to military and overseas voters.

Washington State has developed the "My Ballot" system designed for military, overseas, and out of area voters. The voter can visit the website, look up their own registration, and download a ballot specific to that voter.

Pete stated that we mailed 920 ballots to overseas and military voters in the 2010 General Election and we received 422 ballots back. Out of the 422 ballots returned, two ballots were rejected; one for no signature and one for no signature match.

Washington State Auditors will propose legislation in the 2011 session that all auditors in the State of Washington be non-partisan. Presently only charter counties are non-partisan.

Shirley mentioned that Sam Reed and Governor Gregoire have proposed the presidential primary election be eliminated in 2012 due to the exorbitant cost of the election and the current budget deficit. Sam Reed has been a proponent of the presidential primary election for years but feels it is necessary to eliminate the presidential primary in 2012 because of the budget. The legislation will be asked to pass the bill in the 2011 legislative session.

With regard to election observer training, Shirley stated that anyone is welcome to attend observer training. She mentioned that training is not a mandate to observe the various processes of an election as they are open public meetings, however, a trained observer has the knowledge to understand what they are observing. The training *is* required for official political party observers. Trained observers have the first priority to observe the election process if

space should ever become an issue. Shirley commented that observers who don't have the benefit of the knowledge attained through election observer training can create misunderstandings when observing the election.

Whatcom Fair Voting (WFV) requests a change in procedure with regard to the batches of ballots chosen on Election Day that are hand counted the following day (the RCW states the ballots must be selected on Election Day and hand counted within 48 hours of Election Day). Presently six random batches of ballots are chosen by the political party observers on Election Day that are hand counted the following day to verify the 400C optical scan readers' accuracy. WFV would like the time frame for the selection and counting of those six batches of ballots be extended. Specifically, WFV proposes that the Canvassing Board in each county be given the discretion and flexibility to set the policy regarding the time frame for selection, how many batches of ballots are chosen, and the subsequent counting of the randomly chosen batches of ballots. Myra further explained the rationale is that if someone were to entertain the thought of election manipulation, it would be impossible to gauge when the selection of batches would be made. Shirley commented that she is unsure how receptive the legislature would be. She feels the consensus of auditors is the present procedure works well and changing the procedure for the selection of and hand counting of the batches would disrupt the flow of ballot counting.

Debbie reminded CEAC members that the purpose of the selection of batches and hand count is to verify the accuracy of the 400C optical scan readers and is not intended to serve as an audit. She added that strides have been made over the years to have all Washington State counties operate consistently and with uniformity in their procedures. The suggestion to authorize counties to use their own discretion with regard to ballot selection and when the ballots are hand counted negates the progress that has already been accomplished.

Pete stated that although we are not required by law to randomly choose batches for a hand count the day after Election Day in *special* elections, we proactively continue to practice the procedure.

Gerrit opined that he is in favor of a change in legislation to give the authority and discretion to a county's Canvassing Board to choose the number of batches and the time frame in which the hand count must be conducted. Shirley mentioned that some Washington State counties don't conduct the selection of randomly chosen batches of ballots for a hand count.

Whatcom County will receive preliminary data from the 2010 Census in April 2011 and redistricting should be complete by the end of 2011. Congressional, legislative, and school director districts will be amended which will result in precinct changes. The hope is that precincts will become more uniform in size. The County Council will appoint a redistricting committee after the census data is received.

Pete stated the planning for precinct updates, changes, and boundaries will begin in late 2011. The earliest date for the establishment of new precincts will be March 2012. Shirley stated the new precincts need to be completed 30 days prior to filing week, the first full week in June, and the ordinance needs to be to County Council 30 days prior to that. County Council passes the ordinance to create the new precincts. Pete added that by law, a precinct cannot cross a legislative boundary line or cross county council boundaries.

Myra Ramos announced that at a recent award ceremony of the League of Women Voters, Shirley Forslof was designated Suffragette of the 21<sup>st</sup> Century. Shirley thanked the League of

Women Voters and Myra Ramos who nominated her for the award. Robbi Ferron stated that Shirley has done a tremendous job promoting the voting rights of women in Whatcom County.

Discussion ensued about changing the day for CEAC meetings to the fourth Monday of every month. Confirmation will be provided via e-mail to all CEAC members.

With no further business the meeting adjourned at 3:55 p.m.