

Skagit County

Election Procedures Review | 2019 Special Election

Final Report Issued August 2019

The report does not affect the validity of the outcome of a primary or election or the validity of any canvass of returns (RCW 29A.04.570).



Elections Division

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Review Process

The county elections department procedures review process:

- Promotes consistency of election administration statewide.
- Provides feedback to the County Auditor.
- Highlights best practices in our state.

County elections departments are scheduled for review every 5 years.¹

This review, required by state law, evaluates Skagit County Elections Department procedures and practices. A certified elections administrator from the Elections Division of the Office of the Secretary of State conducted the review.

The reviewer followed a checklist containing election procedures and processes. The election department procedures reference state statutes, state rules, and federal acts regarding the administration of elections and voter registration. The reviewer observed election practices during the 2019 February Special Election. Written procedures and county documentation were analyzed for compliance with state laws and rules.

¹ RCW 29A.04.560, RCW 29A.04.570

County Elections Department Fact Sheet

Election: February 12, 2019

Registered voters: 76,212

Ballots returned: 14,867

Percentage of voter turnout: 36.73%

Total ballot deposit sites available: 10

Voting centers: 1

24-hour deposit sites: 9

Jurisdictions: 65

Permanent staff: 3 full-time, 17 part-time

Seasonal staff: none

Total county square miles: 1,920

Unique challenges: Skagit County recently received funds for additional staffing, new equipment, and increased facility space during Primary and General Elections. Implementing the new changes will take time before true impact is recognized.

Incorporated areas: Anacortes, Burlington, Mount Vernon, Concrete, Hamilton, La Conner,
Lyman

Unincorporated areas: Alger, Bayview, Big Lake, Clear Lake, Blanchard, Bow, Conway, Edison,
Fir Island, Guemes Island, Lake Cavanaugh, Marblemount, Rockport,
Samish Island, Shelter Bay, Swinomish Reservation

Voter registration system: Votec

Tabulation system: Hart Verity

Best Practices

County elections department activities that improve efficiency, accuracy, and voter services.

Inclement Weather Plan

Excessive snow required Skagit County Elections to successfully activate their inclement weather plan. The plan consisted of joint collaboration between the Auditor and Sheriff's Office which allowed for all ballot boxes to be closed at 8pm election night. Elections staff rode with a sheriff's deputy to each ballot box, emptied and sealed the ballot box and then brought the ballots back to the Auditor's Office. Each staff member commented they felt safe in the treacherous weather conditions and appreciated the dedicated Sheriff Deputies.

Zip Ties

Skagit County Elections threads a plastic zip tie through each batch of envelopes after all ballots have been removed. This is a great way to quickly see the envelopes are empty and do not contain any voted ballots.

Ballot Return Data

Skagit County Elections does not charge a fee for ballot return reports. Reduced work related to cashiering, financial tracking, and mailing of receipts were the primary reasons the county decided to no longer charge for these reports. The community appreciates the quick and efficient customer service provided by the Skagit County Elections Department.

Accessible Community Advisory Committee

In Dec. of 2017, the Governor's Committee on Disability Issues and Employment invited Skagit County to an informational meeting in Anacortes. In Feb. 2018, about 15 individuals in Anacortes (Skagit County Auditor included), formed the Anacortes ACAC. In June of 2018, they made a presentation to the Skagit County Board of County Commissioners, proposing that a county-level ACAC be formed. The Board was very interested in that and directed the Legal Dept. to do a review and make sure we started the ACAC on solid footing. At that time, the County Administrator also directed the Health Dept. to be the facilitator of the County-level ACAC, as they head-up many such community minded groups. The Health Dept. expects to have final sign off in late June 2019. Additionally, the mayors of Concrete, Sedro-Woolley and Mount Vernon are all interested in starting ACAC groups in their communities, that will operate in conjunction with Anacortes and the county-level group. The Skagit County Auditor is commended for her dedication to the creation of these groups as a means to increase voter participation and accessibility services within the county.

Suggestions for Improvement

These suggestions assist the county elections department in implementing state and federal laws and rules.

Verification Notice

The verification notice does not include the required 45 day response deadline. When a voter registration application is missing required information the department must state the voter has 45 days to return the form prior to the voter application becoming void.²

Identification Notice

The Identification Notice does not state the voter is provisionally registered until identification can be verified. An identification notice is sent to the voter to obtain the correct driver's license number, state identification card number, last four digits of the social security number, or an alternate form of identification. The Identification Notice must be updated to include notice that the voter is provisionally registered.³

Communication with Military and Overseas Voters

Skagit County Elections does not contact new military and overseas voters to determine how they want to receive all future ballots. Skagit County Elections must offer these voters the option to receive their ballots either by mail, fax, or email as soon as possible after the registration is received if a military or overseas voter did not provide that information on the registration form.⁴

Logic and Accuracy Test

Skagit County Elections did not notify the political parties or the candidates of the Logic and Accuracy test date and time, nor was it posted on the website. The Skagit County Auditor must provide notification of the Logic and Accuracy test to political parties, candidates, and provide notification via the county website.⁵

Voting Center Signage

Skagit County Elections has one voting center located in the Skagit County Auditor's Office. No signage was visible from outside the courthouse. More signage is required to direct the public to

² [RCW 29A.08.110](#)

³ [RCW 29A.08.030](#); [RCW 29A.08.107](#); [WAC 434-324-045](#); [WAC 434-324-010](#)

⁴ [WAC 434-235-020](#)

⁵ [WAC 434-335-320](#); [RCW 42.30.080](#)

the Skagit County Elections Office. This signage must be visible from outside the voting center and in place during business hours beginning 18 days before each election.⁶

Updating Ballot Signatures

Skagit County Elections utilizes a combined signature challenge letter for both unsigned and mismatched signature challenges. Skagit County Elections updates voter signatures via this returned Unsigned and Mismatched Signature Form. The form must include both the ballot declaration oath and the voter registration oath in order to update a voter registration signature. Skagit County Elections must update their signature challenge form to include both oaths.⁷

Provisional Ballot

Skagit County Elections was unable to provide a provisional ballot packet. A provisional ballot packet must be available eighteen days before the election. Provisional ballots must be visually distinguishable from other ballots and incapable of being tabulated by a voting system. Skagit County Elections must ensure that provisional ballots are available for voters every election.⁸

Canvassing Board

Member Oath of Office

Skagit County Elections does not have a Canvassing Board member oath of office. The oath required is similar to the one taken by county auditors and deputy auditors in the performance of their duties. Skagit County Elections must obtain an oath from each of the canvassing board members prior to canvassing the yearly elections.⁹

Meetings

All Skagit County Canvassing Board meetings are subject to the requirements of open public meetings.

Website. The Skagit County Auditor's office does not post Canvassing Board meeting information on its website. In addition to the published Notice of Election, each Canvassing Board Meeting date, time, and location must be posted on the county website.¹⁰

Minutes. The Skagit County Canvassing Board meeting minutes did not include required information such as time and location of the meeting, administrative motions made, or the time adjourned. The Skagit County Canvassing Board must provide clear and concise minutes that

⁶ [WAC 434-250-105\(1\)\(b\)](#)

⁷ [WAC 434-261-050](#)

⁸ [RCW 29A.36.115](#); [RCW 29A.40.160](#)

⁹ [RCW 29A.60.140](#)

¹⁰ [RCW 29A.60.140\(5\)](#); [RCW 42.30.077](#); [RCW 42.30.080](#)

include information discussed, documents reviewed, and any decisions made regarding ballot rejection as a board.¹¹

Canvassing Board Manual

Skagit County Elections was not able to produce a current Canvassing Board Manual. The County Canvassing Board is required to have a manual which must include at a minimum:

1. Written procedures regarding the conduct of a recount
2. Scenarios for when ballots are to be duplicated

The manual must be updated and officially adopted by the Canvassing Board at a public meeting. The date of adoption must be included in the manual. The Canvassing Board should review the manual on a regular basis.¹²

Ballot Box Installation Plan

Skagit County Elections has not installed the designated number of ballot boxes necessary to provide one ballot drop box per fifteen thousand registered voters in the county, and a minimum of one ballot drop box in each city, town, and census-designated place in the county with a post office. Skagit County must install boxes in Lyman, Hamilton, Conway, Clear Lake, Rockport, and Marblemount. Skagit County Elections must comply with legal requirements regarding installation of ballot boxes at designated locations.¹³

¹¹ [RCW 42.30.080](#); [RCW 42.30.035](#); [WAC 434-262-031](#)

¹² [RCW 29A.60.140](#); [WAC 434-261-100](#)

¹³ [RCW 29A.40.160](#)

County Response



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Skagit County 2019 Election Review Response

Tuesday, July 30, 2019,

Following is Skagit County's official response to the Elections Review conducted by the Washington State Secretary of State's Office in February, 2019. The final version of the report was issued in April 2019. The review was conducted primarily by SOS staff member Cindy Gobel, with assistance from other SOS staff.

Sandra Perkins
Signed

8/1/19
Date



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Skagit County 2019 Election Review Response

In response to the Review, Skagit County Elections has implemented, or is in the process of implementing, the following changes.

Following are Skagit County's responses to Review section, "Suggestions for Improvement," starting on page 5. That section contains all changes proposed by the reviewer. Each reviewer suggestion is in a sub-heading under "Suggestions for Improvement" – our responses are grouped by those sub-headings.

1. Header "Verification Notice" (P. 5)

The reviewer wrote:

The verification notice does not include the required 45 day response deadline. When a voter registration application is missing required information the department must state the voter has 45 days to return the form prior to the voter application becoming void.

Skagit County Election's response:

We have added the 45 day response deadline to the Verification Notice.

2. Header "Identification Notice" (P. 5)

The reviewer wrote:

The Identification Notice does not state the voter is provisionally registered until identification can be verified. An identification notice is sent to the voter to obtain the correct driver's license number, state identification card number, last four digits of the social security number, or an alternate form of identification. The Identification Notice must be updated to include notice that the voter is provisionally registered.



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Skagit County 2019 Election Review Response

Skagit County Election's response:

The County's Identification Notice has been modified to include the statement that the voter is only provisionally registered until identification can be verified.

3. Header "Communication with Military and Overseas Voters" (P. 5)

The reviewer wrote:

Skagit County Elections does not contact new military and overseas voters to determine how they want to receive all future ballots. Skagit County Elections must offer these voters the option to receive their ballots either by mail, fax, or email as soon as possible after the registration is received if a military or overseas voter did not provide that information on the registration form.

Skagit County Election's response:

If the Secretary of State's Office does not put the following on the state's Voter Registration form, Skagit County Elections has, or will...

- Implement a new form for military and overseas voters to indicate how they want to receive all future ballots: either by mail, email, or fax;
- Contact those military and overseas voters as soon as possible after their registration is received to determine the voters ballot receipt-method preference if the voter did not provide that information on the registration form;
- Implement the above changes only if the Secretary of State's Office does not implement the above questions on the state's Voter Registration form. As of this writing (7/3/2019), Skagit County has not been informed that these changes have been



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put on the state's Voter Registration form.

4. Header "Logic and Accuracy Test" (P. 5)

The reviewer wrote:

Skagit County Elections did not notify the political parties or the candidates of the Logic and Accuracy test date and time, nor was it posted on the website. The Skagit County Auditor must provide notification of the Logic and Accuracy test to political parties, candidates, and provide notification via the county website.

Skagit County Election's response:

We will...

- Add parties and candidates to the list of those to be notified, and;
- Put notification of the LAT's date and time on the website.

5. Header "Voting Center Signage" (P. 5)

The reviewer wrote:

Skagit County Elections has one voting center located in the Skagit County Auditor's Office. No signage was visible from outside the courthouse. More signage is required to direct the public to the Skagit County Elections Office. This signage must be visible from outside the voting center and in place during business hours beginning 18 days before each election.

Skagit County Election's response:

Skagit County Elections will...

- Put signs on our checklist of elections activities;
- Investigate having the county's Facilities Department put



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Elections ("Voter Registration") on permanent signs.

6. Header "Updating Ballot Signatures," (P. 6)

The reviewer wrote:

Skagit County Elections utilizes a combined signature challenge letter for both unsigned and mismatched signature challenges. Skagit County Elections updates voter signatures via this returned Unsigned and Mismatched Signature Form. The form must include both the ballot declaration oath and the voter registration oath in order to update a voter registration signature. Skagit County Elections must update their signature challenge form to include both oaths.

Skagit County Election's response:

We updated our signature challenge letter to include both oaths, as described.

7. Header "Provisional Ballot," (P. 6)

The reviewer wrote:

Skagit County Elections was unable to provide a provisional ballot packet. A provisional ballot packet must be available eighteen days before the election. Provisional ballots must be visually distinguishable from other ballots and incapable of being tabulated by a voting system. Skagit County Elections must ensure that provisional ballots are available for voters every election.

Skagit County Election's response:

We will implement a provisional ballot packet that will be...

- Available 18 day before an election;



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- Visually distinguishable from other ballots;
- Incapable of being tabulated by our voting system.
- A different envelope will be used for provisional ballots that will:
 - Be visually different from all other envelopes;
 - Identify the data to be captured, and...
 - List the determinations that were made.

Additionally, our website will show the disposition of their provisional ballot, or how they can determine that.

8. Header “Canvassing Board,” (starting on P. 6)

The header “Canvassing Board” contains underneath it several sub-headers. All those sub-headers are addressed here.

Sub-header “Member Oath of Office,” where the reviewer wrote:

Skagit County Elections does not have a Canvassing Board member oath of office. The oath required is similar to the one taken by county auditors and deputy auditors in the performance of their duties. Skagit County Elections must obtain an oath from each of the canvassing board members prior to canvassing the yearly elections.

Skagit County Election’s response:

- A Canvassing Board Oath of Office has been created and implemented.
- Sub-header “Meetings,” where the reviewer wrote:
- All Skagit County Canvassing Board meetings are subject to the requirements of open public meetings.
- Website. The Skagit County Auditor’s office does not post Canvassing Board meeting information on its website. In addition to



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the published Notice of Election, each Canvassing Board Meeting date, time, and location must be posted on the county website.

Sub-header "Minutes," where the reviewer wrote:

The Skagit County Canvassing Board meeting minutes did not include required information such as time and location of the meeting, administrative motions made, or the time adjourned. The Skagit County Canvassing Board must provide clear and concise minutes that include information discussed, documents reviewed, and any decisions made regarding ballot rejection as a board.

Skagit County Election's response:

- All Canvassing Board meeting dates and times will be on our website, in addition to being in the published Notice of Election.
- We will add wording to our Canvassing Board minutes to the effect of...
 - "...per motion by the Skagit County Canvassing Board, the following actions were taken...", or...
 - A title to the effect of "...Canvassing Board Meeting to Determine...", or some such "introductory" statement
- We will list what document (ballot) types were reviewed, e.g. no-signs, questioned signatures, late ballots, reconciliations, etc.
- We will ensure that all Canvassing Board meetings meet all requirements of open public meetings.

Sub-header "Canvassing Board Manual," where the reviewer wrote:

Skagit County Elections was not able to produce a current Canvassing Board Manual. The County Canvassing Board is required to have a manual which must include at a minimum:



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- Written procedures regarding the conduct of a recount
- Scenarios for when ballots are to be duplicated

The manual must be updated and officially adopted by the Canvassing Board at a public meeting. The date of adoption must be included in the manual. The Canvassing Board should review the manual on a regular basis.

Skagit County Election's response:

An up to date Canvassing Board Manual has been created.

Sub-header "Ballot Box Installation Plan," where the reviewer wrote:

Skagit County Elections has not installed the designated number of ballot boxes necessary to provide one ballot drop box per fifteen thousand registered voters in the county, and a minimum of one ballot drop box in each city, town, and census-designated place in the county with a post office. Skagit County must install boxes in Lyman, Hamilton, Conway, Clear Lake, Rockport, and Marblemount. Skagit County Elections must comply with legal requirements regarding installation of ballot boxes at designated locations.

Skagit County Election's response:

Skagit County's plan is to purchase and install more ballot boxes when it is funded by the State. Litigation is pending that challenges Senate Bill 5472 (Ballot Drop Box Bill) as a violation of RCW 43.165.060, prohibition of new or extended programs without full reimbursement.



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Additional Action Items

The following "Additional Action Items," not included in the review's final version, have been, or will be, implemented in response to discussions that occurred during the course of the review.

County response to a conversation about "Ballot Title Communication"

Our procedure for finalizing measure ballot titles now includes the following requirements:

1. The Elections Department must receive notice of acceptance of the ballot measure language from the Prosecuting Attorney's Office. That notice shall...
 - a. Be in email or hard-copy form, and
 - b. Include the exact language of the ballot title as accepted.
2. The Elections Department shall provide, in email or hard-copy form, the exact language of the ballot title to:
 - a. The person(s) or municipality proposing the measure, and...
 - b. To any person requesting a copy of the ballot title.
3. Documentation used in this process includes start and end dates for each point in this process.

Synopsis

During the review election procedures and processes were examined. The county elections department procedures were reviewed against state statutes, state rules, and federal acts regarding the administration of elections and voter registration. The reviewer observed election practices during the February 12, 2019 Special Election.

The reviewer identified areas of best practices:

- Inclement Weather Plan
- Zip Ties
- Ballot Return Data
- Accessible Community Advisory Committee

The report suggests improvement in the following areas:

- Verification Notice
- Identification Notice
- Communication with Military and Overseas Voters
- Logic and Accuracy Test
- Voting Center Signage
- Updating Ballot Signatures
- Provisional Ballot
- Canvassing Board
 - Member Oath of Office
 - Meetings
 - Website
 - Minutes
- Canvassing Board Manual
- Ballot Box Installation Plan

The response of the County Auditor and County Canvassing Board addresses compliance with state and federal laws to ensure accessible, fair, and accurate elections.

The report does not affect the validity of the outcome of a primary or election or the validity of any canvass of returns. The election reviewer does not have jurisdiction to make such an evaluation, finding, or recommendation under this title. (RCW 29A.04.570).