

Scholes, Jon

From: Bayne, Ryan
Sent: Friday, December 23, 2005 8:58 AM
To: Ferguson, Bob; Patterson, Julia
Cc: Haugen, Kirstin; Scholes, Jon; Nuerenberg, Erika
Subject: FW: Oregon's Vote by Mail reviewed

FYI

-----Original Message-----

From: Sims, Ron
Sent: Friday, December 23, 2005 7:26 AM
To: Logan, Dean; Bayne, Ryan; Whitney, Sheryl; Kaushik, Sandeep
Subject: Oregon's Vote by Mail reviewed

<http://www.sos.state.or.us/executive/Southwell.pdf>

Responses to Councilmember Bob Ferguson's questions regarding vote-by-mail

June 16, 2006

Is voter fraud more likely with mail-in or poll voting?

Currently, with more than 60% of registered voters voting by mail and less than 40 % voting at the polls, instances of voter fraud are uncommon. Outright voter fraud occurs very rarely in King County and/or across the state. That is not intended to minimize the issue, voter fraud is and will remain a legitimate concern, but it needs to be considered in its appropriate context.

Since the 2004 General Election, 17 cases have been referred to the King County Prosecuting Attorney's Office, 7 resulted in prosecution. An additional 191 alleged or potential double voting cases are being researched. Most of these were alleged double voting related to multiple registrations.

Many of the cases involving double voting, particularly those that occurred during the 2004 General Election were related to voters who were registered twice under different names, registered twice but in two different counties, or registered with the same or similar name with different addresses.

With the implementation of the state-wide database, and the resources that have been compiled for sharing of information, tens of thousands of duplicate registrations have been identified and either canceled or merged statewide. King County is in the process of reviewing 191 potential or alleged cases of double voting. Out of the 191, 57 records have been merged and 68 additional records were found to be duplicates when compared to other Washington counties via the state-wide database. A majority of the 68 records have either been cancelled in one county or the other. The balance of the records are still being researched. Although Elections have essentially eliminated the opportunity for future double voting for these records by canceling or merging the records noted above, those where duplicate voting can be substantiated will be transmitted to the Office of the Prosecuting Attorney. At this time, 21 cases have been identified by staff for consideration by the PAO, in addition to the 17 cases sent last year.

Given that voter fraud is an infrequent occurrence and that continuous efforts are being applied by King County, the Office of the Secretary of State, and other concerned citizens and organizations, fraud is no more or

less possible in either system. It can happen, and has happened in both systems.

Key to preventing fraud is the integrity of the voter registration process and data base. Ensuring accuracy and preventing duplication, to reduce the areas of opportunity to commit fraud, play a critical role in the effort to prevent fraud, and they benefit equally in a poll based or mail ballot environment. It also addresses both the unintentional and intentional efforts to commit illegal acts.

Voter outreach and education with a focus on how each individual can take responsibility for increasing election security and reduce double voting will also help address the unintended consequences and to a lesser degree the intended efforts to commit fraud. Knowing when ballots can be expected, picking up mail from their mailbox on a daily basis, securing their ballot at home until they are ready to vote and mail it, and extra steps like dropping mail at a US Mail Box or directly to a Post Office are ways in which voters can help secure their ballot.

Beyond the additional benefits achieved through outreach, there are laws and regulations in place that guide law abiding voters and there are civil and criminal penalties for those who choose to break the law. King County Elections cannot prevent mail theft, lost ballots, or intentional efforts to commit fraud, but election administrators can and have put in place systems and procedures intended to deter and prevent such efforts from resulting in fraudulent ballots being tabulated.

Concerns about ballots getting lost in the mail - Idea – Test the systems by mailing out a certain amount and seeing the success rate.

The focus from an elections administration standpoint is the ability to provide a replacement ballot when it is determined that a ballot is not received by a voter and to ensure that the original ballot is prevented from being counted. Moving to an all mail elections environment will help prevent purposeful or unintended attempts to cast more than one ballot since the number of alternative voting options will be limited.

How will machines be tested during all-mail voting?

State and federal law requires election tabulation equipment to be federally approved and state certified. Additionally, the law requires election officials to perform a public logic and accuracy test to validate each machine that will be used to process ballots prior to each election. All of King County's equipment, including the new Accessible Voting Units, are federally approved and state certified to current standards. In a VBM environment, prior to deployment, the logic and accuracy test will continue

to be conducted on all voting equipment used at regional polling centers as well as on all of the devices used to tabulate ballots in a central count environment.

How does the voter know that we have received the ballot once they mail it? Will there be a tracking process so that they know where the ballot is at all times?

Currently, a voter can call, visit the election office or go online to find out if they have been credited with voting. An absentee voter can visit the KC Elections web site and download a file listing all voters who have cast ballots in the election by voter ID number. Future development will allow a more user friendly tool to verify that your ballot has been received and processed. Tracking systems are planned regardless of the decision to go to all mail elections. These systems will initially be based on election administration functions. Future functionality may likely include individual voter access to tracking information. Voters will still be able to verify whether their ballot has been received and processed using existing services.

A more robust system will be available in the future, a system that will provide knowledge of where the ballot is at all times is not known to exist in any proven elections environment of a similarly sized jurisdiction.

Additional information regarding tracking systems will be provided in the response to proposed amendments.

Will postage be covered for ballots if/when KC goes to all mail voting?

Free return postage is not contemplated in state law, nor is it part of the current proposal to go to all mail voting. Access to Regional Voting Centers and drop off locations for those who do not want to purchase stamps, who want to bypass the USPS, or who want to cast a ballot in person on the accessible voting equipment, will be available as alternative options. For outgoing ballot mailings, King County sorts and barcodes each piece in order to qualify for maximum discounts. Ballots mailed in the days just prior to Election Day, are mailed First Class. Because return envelopes are mailed individually by voters, they do not qualify for discounts on the First Class rate. Prepaid First Class mailing would add several hundred thousand dollars to the cost of conducting county-wide elections and would be inconsistent with the practices of the 34 other vote-by-mail counties.

Will financial assistance for low income voters regarding stamps on absentee ballots be available?

Financial assistance of this nature has not been considered given there are multiple alternatives.

How are the other counties doing in their conversion?

Several King County Elections staff members attended the statewide elections administrator's conference in Spokane last week. It was an excellent opportunity to talk with elections officials around the state about VBM evaluation.

Responses were exceptionally positive. Most related that fears they had about voters having difficulty with the change were relieved when the implementation actually took place. Voters adjusted well over-all. Increased turnout was experienced in special elections. There is strong appreciation for the aspect of not having to conduct two election processes – polls and mail. The impact of this change is very positive from an administrative aspect. Helpful information was exchanged regarding timing issues for preparation, voter outreach education efforts as well as media education.

In a networking opportunity where problems are more likely to be discussed than positives for the purpose of gaining helpful feedback, there were no disaster stories, no regrets about transitioning to VBM. King County will benefit from the information that is available from elections administrators around the state who have transitioned to VBM.

Follow-Up Questions from COW 06-05-06
VBM Supplemental Request

1. How are administrative rules being handled at REALS? Although the council does not usually approve these rules, how can we be informed regarding development?
 - In your review of the amendment on this issue, if it does not work for you as written, can you devise some other method for council review and input?

As described in the Overview of the Executive Policy/Procedure System:

Executive Policies (AEP's), and Administrative Policies (AP's) are approved by the King County Executive after completion of the review and comment process. Adoption of Public Rules (PR's) by a department other than a county board, commission, committee or other multimember body is accomplished and approved by the Department's director or the sheriff or assessor, for his or her respective department, signing the proposed rule. These policies are distributed for review and comment to representatives of each county department for at least forty five (45) days. In addition to this internal review, the public including members of each Unincorporated Area Council is given the opportunity to comment on all proposed Public Rules (PR's). The public may send written comment to the county agency responsible for writing the Public Rule, and/or provide verbal comment at a scheduled public hearing.

In contemplating the decision to conduct all elections by mail, there are no currently anticipated needs to establish a distinctly new public rule. Elections operates within the governing legal framework established by federal and state law, and in accordance with county code when local decisions are allowed by law. This structure provides consistency across jurisdictional boundaries statewide. There are currently four local Public Rules associated with Elections. Public Rule Ele 9-2 PR - King County Election Polling Places: Use of Facility for Purposes other than Voting is the only likely rule that will be superseded or amended in association with the move to vote by mail.

In order to amend or replace Public Rule Ele 9-2 PR, the policy and process establish in INF 7-1A-2 (AEP) will be followed. This allows for public notice of the intent to adopt, a written public comment period, and potential opportunity for oral public comment.

The actual policies and procedures related to the administration of vote-by-mail elections, including the operation of regional voting centers and drop boxes, will follow federal and state law. Administrative Rules and procedures are not specifically contemplated. Internal Division policies

and procedures will be created where necessary, reviewed and approved by the Division Director.

Comment on the specific amendment will be provided separately.

2. Why are elections positions so difficult to fill? Is this a priority for REALS?

Filling positions is a priority. Although the April report indicated 21.28 positions in REALS were vacant, two have recently been filled and over 10 are in application review or interview stages of the selection process. Additionally, since July of last year, REALS has hired 34.5 new FTE staff. Twenty of these new hires were within the Elections Section.

Despite the high numbers of new hires, it is still fair to say that there has been difficulty in filling positions. More extensive recruiting, reopening and/or extending recruitment periods have been necessary in several recruitments with limited yields of candidates recommended for hire list. Increased minimum qualifications and more significant skills testing for various positions has also increased the time it takes to fill positions and reduced the number of candidates available in the final selection process. Recruitment challenges are not limited to a certain position or level, though there seems to be less interest in positions within the Elections Section than others. In several cases, even in entry level positions, people have said they are unwilling to put themselves in such a stressful environment.

The Superintendent of Elections position has been vacant since July 2005. An executive search service was engaged to reach out locally and nationally in hopes of generating interest from qualified prospective candidates. Although the high profile and politically charged local environment has definitely contributed to the challenge of filling this position, nationally there is not a flood of new people entering into the election administration field and movement from within the field is more likely among experienced administrators choosing to leave the elections field. The insecure nature of the position (at-will) and the required confirmation process by the council have been viewed as significant barriers.

Although having vacancies in a number of positions seems unnerving, and it has certainly added to the work load of those remaining, the reality is that vacancies have provided opportunities to better adapt to a changing work structure and culture. New staff bring fresh approaches to each work unit, they bring new skills and expertise that has been selected to help the organization meet the challenges ahead. Although institutional knowledge is helpful and experience valued (without question), the tools, systems, and practices used by election administrators today have changed significantly in the past few years. The balance of new and experienced

staff creates perhaps a change dynamic that facilitates greater flexibility and willingness to change.

3. REALS staff testified that vacant positions rotate as staff are hired and others separate. It appears that there may be some key positions such as Superintendent of Elections that have remained vacant for some time. Besides the superintendent, what other positions have remained vacant for a fairly long time? Does the HR process help or hinder the filling of positions? Please provide information on how filled and unfilled positions affect work of the section.

The Assistant Superintendent of Voter Registration position appears as vacant however the position has been filled via a temporary reassignment since August 2005 from the Department of Executive Services. The division recently recruited for the classification on a permanent basis and little interest was received. The job announcement will be reposted next week.

The Administrator I (Mail Ballot Supervisor) position has been vacant since last October. The position is being reviewed for classification purposes. Recruitment is anticipated to occur in the next month.

The IT Manager position was approved as a new position last summer as part of the 14 new FTEs allocated to REALS Administration and Elections. Recruitment and interviews have been conducted, additional interviews have recently been scheduled and a hiring decision is anticipated soon.

The entry level IT Systems position was also approved as part of the 14 new positions. There was not enough time in the fall, during the election cycle, to focus on this position. Once the IT Manager position is filled and a final assessment of the knowledge and skills needed in the position is completed (taking into consideration anticipated new equipment), recruitment will begin.

The HR process has not been a hindrance to filling positions. Quite the opposite; HR has provided exceptional support and assistance to Elections to facilitate recruiting and hiring activities. Immediate and constructive response has been the standard for our relationship with HR. Recruitment efforts have involved reaching out to multiple Web sites, statewide distribution lists, paid advertisements, etc. in order to raise awareness of and generate interest in various positions within REALS.

4. Concerns were raised about fraud and the number of ballots confirmed as double voting and the number of cases forwarded to the PAO for prosecution. Could you please provide detail on the number of cases forwarded to the Prosecutor in the last year? How many cases of alleged/potential fraud have come to your attention in the last year?

Per the PAO, a total of 17 cases were referred by Elections to the PAO and the Sheriff's Office. All of them were investigated by the Sheriff's Office, the PAO filed charges in seven cases. The others were declined for prosecution. Some of the cases were allegations of voting for another person/deceased spouse and some were other types of double voting (double registrations).

A total of 191 alleged/potential double voting cases have come to our attention in the past year from a variety of sources including the Office of the Secretary of the State, citizens, organizations, and staff in our office via either our regular maintenance of the voter registration file, cleaning up records via the statewide Voter Registration Database (VRDB), or internal queries run to identify duplicate voters and/or duplicate registrations. Documentation received has ranged from copies of voted ballot envelopes to lists of individuals with similar names who "might have double voted" in an election.

In addition to the 191 alleged/potential double voting cases, a number of PDR requests have also been received, requesting over 400 additional records be pulled, copied and provided for review. Many of these requests are related to records with similar names that individuals believe might be double voters. Of the records that are being requested and/or are under review, approximately 90% of them are related to the November 2004 election.

Elections takes concerns about double voting and voter registration integrity very seriously. Within Elections, the Voter Services section has primary responsibility for coordinating the duplicate voter identification process. Voter Services staff have developed and updated internal processes to address potential double voters in a consistent, systematic way. When a potential duplicate voter is identified, staff research and gather documentation to determine if double voting has occurred by pulling materials relevant to their voting record including original poll books pages, ballot envelopes, registration records and voting history. All documentation is reviewed to determine if they are the same voter and/or if there are duplicate records. In cases where duplicate records are identified those records are resolved (e.g. merged, cancelled or transferred as appropriate). If it is determined to be the same voter, further review occurs to determine if an error in voter crediting occurred and/or whether they believe double voting occurred. If the evidence does not support that double voting occurred (e.g., not the same voter, crediting error, etc), tracking and corrections are made to our database as appropriate. If the evidence supports that it is likely that the voter voted or attempted to vote twice, or the evidence is inconclusive, that information will be forwarded to the Prosecuting Attorney's Office for review for further action.

We are still in the process of reviewing and making final determinations on the 191 records that have been brought to our attention as possible double voters, as well as the potential duplicate registrations. Of the 191, 68 were records where the other registration was in another county. While many of the records are still under review and the numbers will change, preliminary findings on the records reviewed to date indicate 21 cases have been identified by staff for consideration by the PAO. In addition, 16 had already been forwarded to the PAO. Voter Services has determined that at least 33 were not duplicate voters. The remaining records are under further review and/or pending additional documentation. The majority of duplicate registration records have been or will be merged or canceled where appropriate.

5. Council staff stated that the number of county voters is 1 million and that approximately 1/4 to 1/3 of the voters would require signature updates. Please confirm this information.

It is important to distinguish that the voter will be encouraged but not "required" to do anything as a part of the outreach effort that has been contemplated to update signatures. There are currently 415,579 registered active voters who are not permanent absentee voters. This would represent essentially the pool of voters that would be targeted for a signature update effort. Voters will be encouraged to update their signature now, long before the move to all mail elections. Updating signatures early will help balance the work associated with signature updating and avoid a major rush of updating just before an all mail election. The Executive's approach is to create multiple opportunities for voters to update their signature before moving to all mail elections. In 2007, a similar effort for updating signatures is anticipated.

A voter's registration will remain in tact regardless of an updated signature. However, in an all mail election, King County must be able to verify a person's signature before the ballot can be accepted and further processed. When signatures do not match, King County sends affidavits/voter registration cards, places phone calls, etc., to make contact and update and verify the signature prior to certification. Updating a voter's signature will facilitate the verification process and help ensure that a voter is not disenfranchised for not having a matching signature.

6. If a registered voter prefers not to vote their mail ballot and went to a regional voting center, would the voter be allowed to vote? If so what is the means – a provisional ballot? Could they vote their mail ballot at a regional voting center?

The Executive, since his press conference in late December 2005, has been very clear that he wanted voters to have options for in-person voting. The Moving to Vote By Mail plan addressed this policy requirement by including both regional voting centers and mail ballot drop off boxes

located throughout the county. Although the quantity and specific locations have yet to be determined as these are appropriate issues for the Project Team to address, having these options will continue to be part of the plan.

In a VBM environment as proposed by the Executive, mail ballots may be dropped off at either a regional voting center or a mail ballot drop off site. Ballots that are dropped off will be transported to the mail ballot processing facility for all processing.

Any King County registered voter will be eligible to cast a ballot on the Accessible Voting Equipment from any regional polling center. Although the primary intent for this equipment is to facilitate access to casting a secret ballot for person's with disabilities, any voter can and will be allowed to use the equipment in lieu of their mail ballot. Before casting a ballot on the electronic voting equipment, the voter will first need to check in with a poll-worker who will verify, electronically (via a real time connection to the voter registration system), the voter's eligibility and verify that a mail ballot has not already been processed. The voter is then issued a voter access card by the poll worker which enables the voter to cast a ballot using the electronic voting equipment.

Access to regional voting centers will also provide an option for voters who need a replacement ballot. Although a replacement ballot can be requested and sent in the mail, voters would have the option of going to a regional voting center and vote using an Accessible Voting Unit.

The only time a provisional ballot would need to be issued to a voter is if they do not appear in the voter registration system, but they believe they are an eligible registered voter. Voting a provisional ballot would then allow further investigation and analysis, by elections staff, to determine if the voter is in fact eligible to cast a ballot before the provisional ballot envelope is opened and processed for tabulation.

7. How will the touch screen voting machines meant, in part, for the disabled function? Specifically, you have discussed visually impaired voters being able to vote a secret ballot. What about other types of disabilities as was mentioned in public testimony, such as persons who must use blow straws – will the equipment work for them? What type of equipment is proposed? How will they be staffed?

Features of the accessible voting units that provide accessibility include the audio ballot for those who are blind or have low vision, the touch screen ballot displays the ballot in large text font and/or high contrast, and the touch screen ballot takes far less dexterity than current optical scan ballots. Additionally, literacy and language related issues are also addressed with the addition of AVU units/equipment and their audio functionality. Work is currently underway to facilitate "sip and puff"

devices that would allow individuals who are paralyzed the ability to vote a secret and independent ballot.

The type of equipment proposed is what we have already purchased and used in the May Special election.

King County will continue to work collaboratively with both political parties and our disability Advisory committee to help staff regional voting centers, much like the approach used now for staffing polling places. Historical participation of partisan political parties will remain a key element in the staffing model for regional voting centers.

8. Public testimony raised the concern over mis-delivered mail and errors or fraud related to the use of the postal service. Do you think human errors will be greater or fewer in a VBM system?

New and supplemental procedures have been put in place, since 2004, to address many of the issues related to human error, both at the polls and in processing mail ballots. The goal is to prevent or minimize opportunities for errors to occur through increased training, process improvement, increased quality control measures, and where possible automated systems.

Voter outreach and education is also an important factor in the effort to reduce errors. Educating voters to place their voted ballot in a secure mail box, drop off a ballot at one of multiple drop-off locations, and to take care to ensure they have followed the instructions will all help reduce errors. Implementing a tracking system to verify that one's ballot has been counted, and as technology and systems allow, more detail for where the ballot is in the process will also help increase confidence in the system and reduce the opportunity for error.

To increase accountability and reduce the number of opportunities for human error, part of the approach to future mail ballot processing has included the anticipated use of more automated systems for sorting, tracking, and verifying mail ballots. Reducing the number of times a mail ballot envelope needs to be handled and removed from the security cage will increase accountability and security.

Elections staff work in a number of ways with the USPS to facilitate good relationships and to reduce the risk of error. Involving the USPS in the design of outgoing and incoming envelopes, obtaining their approval to ensure mail pieces will qualify for discounts and process efficiently through the USPS system are some of the efforts we have made. Address verification through return mail and National Change of Address systems, forward communication about upcoming major mailings, separating return addresses so voted ballots are separated on the incoming side from non-deliverable return ballots, and certified receipts upon delivery to establish

chain of custody for major mailings are all ways in which Elections is working with the USPS. Future opportunities using USPS Confirm services will continue to provide valuable information for tracking and accountability.

At this time, 34 other counties already conduct all elections by mail (King, Kittitas, Klickitat, Island, and Pierce are the five remaining counties that do not). The entire state of Oregon conducts all elections by mail. Currently, King County conducts a significant portion of every election by mail. King County already has more regular absentee voters than any all mail elections jurisdiction in the country.

While errors are possible in any environment, and the alternative to all mail elections is not guaranteed to be error free, the reality is, if errors occur at the polls, they occur in one or more of over 527 polling places and by one or more of over 4,000 poll workers. In a vote-by-mail environment, staff processing ballots are located in a single location with more control and greater supervision. Although there would be regional voting centers, fewer people having the opportunity to make mistakes, coupled with increased time for training and other changes anticipated in an all mail environment will help reduce errors.

A consolidated facility and regional voting centers will significantly increase accessibility and transparency for observers as well. Observers will not have to spread out to over 527 polling places, or to one of three or four Election's operating facilities.

In March 2006, the King County Citizens' Election Oversight Committee stated the belief that, "All mail elections should result in: a streamlined elections process; renewed focus on accuracy; fewer opportunities for fraudulent and inadvertently cast ballots by those not eligible to vote; and reduced opportunities for eligible voters to vote purposely or accidentally more than once."

Responses to Proposed Amendments to Vote-by-Mail Legislation

June 16, 2006

H1 - Hague

The noted effect does not accurately reflect the language included in the amendment. The proposed language would require all administrative rules and procedures for vote-by-mail elections to be approved by motion, not just those associated with the regional voting centers and ballot drop boxes.

Administrative Rules related to the operational level of establishing and managing regional voting centers and ballot drop boxes are not anticipated. Division policies and procedures will be developed at the Section level and approved by the Division Director. As proposed, the Division will seek stakeholder input with regard to both RVC's and drop boxes before any final policies and procedures are established.

In general, Administrative Rules are not anticipated, however, one existing rule related to the activities around polling places will need to be updated. For example, the restriction on electioneering in this rule is limited to Election Day. Since it is anticipated that both RVC's and drop boxes will be available at least 18 days prior to an election, restrictions on electioneering during the entire 18 day period, up to and including Election Day, need to be considered.

Current policies and procedures are already geared in large part towards a VBM environment. Moving to VBM will increase volume and leverage existing policies and procedures to the extent possible. Because policies and procedures change at the operational level, in large part to take advantage of efficiencies, implementation of best practices, address deficiencies, etc. requiring Council review and approval of day to day procedures will reduce the flexibility that is needed to manage a complex and dynamic organization.

H2 - Hague

The amendment would require the Executive to submit a report to the Council that identifies the costs involved with the regional voting centers and ballot drop boxes, that identifies the locations of regional voting centers and ballot drop boxes and that identifies security measures that will be put in place for the operation of regional voting centers and ballot drop boxes.

This is a reasonable request in and of itself, but in the context of all of the other reports that have been requested, it is significant. Since the request involves areas

of consideration that would naturally be part of the planning process, preparing materials for this request should not be overly burdensome.

One area in particular is security. The motion seems to indicate an expectation that sheriff's deputies be included in the security plan at the regional voting centers, but it does not make a clear policy statement of that expectation. Security can be achieved in a variety of ways. Staffing the RVC's with partisan political party judges and inspectors; using numbered seals and logs to lock receptacles, equipment, and certain supplies; and requiring no less than two (one from each political party and who are not members of the same family) poll workers when unsealing and or transporting ballots are all ways in which security is addressed. These approaches are essentially what are in place today at over 527 polling places in a county-wide election. The presence of deputies at Regional Voting Centers could have an intimidating effect.

L1 - Lambert

Requires that ballots will not be forwarded to voters who may have moved, but will return to the headquarters of elections.

State law leaves the decision regarding the forwarding of mail ballots to the discretion of local auditors. This amendment would be a departure from the current process and would likely be problematic.

Currently, mail ballots are forwarded, to ensure that eligible voters receive their ballot in time to cast a vote in any given election. If the decision is made to eliminate this service, ballots will be returned as undeliverable to the Elections office.

Eliminating forwarding would likely be contentious, but perhaps not until the full impacts have personally effected individual voters. The risk is that in the process, otherwise eligible voters may be disenfranchised, resulting in an increased number of eligible voters not receiving ballots, calls from frustrated voters who have not received their ballot; provisional ballots issued at the polls; and/or eligible voters who are unable to vote because they do not receive and return an absentee ballot within statutory requirements.

This will place an additional burden on Election's staff and the process of running an election because staff will be impacted by the need to field calls from frustrated and angry voters who have not received their ballots and are requesting that a ballot be resent to a different location. In such cases, the original ballot will be suspended and a new ballot will be reissued and additional staff time and printing costs will be required to resend ballots. As an alternative, if the ballot has already been returned and is physically in Election's custody, and organized for review, each request could involve a manual search for the ballot to be resent. In this case, there are still additional costs in locating, new insertion of the ballot

into a newly addressed envelope and additional postage at first class rates. If the actual ballot is still in transit, or cannot otherwise be identified, then a new ballot would need to be printed and mailed to the voter. In either case new First Class postage would need to be applied.

The statutory deadline for requesting or changing a voter's official residence address is 30 days prior to Election Day. Ballots are mailed essentially 20 days prior to Election Day. In a major county-wide election, the volume of new voter registrations and the short time frame between the cut off date and when the data needs to be entered into the system and available for mailing ballots already represents a huge effort.

King County does conduct list maintenance activity in compliance with statutory requirements, including the use of the National Change of Address (NCOA) system to maintain correct address information. This data does provide information related to the unique situation of each voter such as: a permanent change of address, change of mailing address only, or temporary change of mailing address, etc.

Every mail ballot, whether forwarded or not, contains an oath on the reply envelope signed by the voter that swears or affirms under penalty of perjury the following:

I am a legal resident of the State of Washington;
I am entitled to vote in this election;
I have not already voted in this election;
It is illegal to vote if I am not a United States citizen;
It is illegal to vote if I have been convicted of a felony and have not had my voting rights restored;
It is illegal to cast a ballot or sign an absentee envelope on behalf of another voter, except as otherwise provided by law;
Attempting to vote when not entitled, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both.

L2 - Lambert

Requires at least one regional poll center in each council district; that all regional poll centers will be open for federal, state and county-wide elections. Also requires that regional poll centers will be open in council districts where voters reside who are eligible to vote in the special election. Requires that regional voting centers allow voters living anywhere in King County to vote in any regional vote center.

The Executive's VBM plan already included the ability for any King County voter to vote at any regional voting center. The Executive's approach is

essentially unique to King County in the sense that regional voting centers are being proposed at all. Most other VBM jurisdictions, including Oregon counties, do not offer regional voting centers. Other jurisdictions have achieved federal requirements for accessibility by providing Accessible Voting Units, for persons with disabilities, located in their local county courthouse. The Executive's vision is not just to increase accessibility for persons with disabilities by providing regional voting centers, but also to market these regional voting centers and accessible voting units as ways in which any voter who still desires to vote in person may do so. Whether it is to maintain that sense of civic participation and duty one feels when visiting a polling place, or fundamentally not wanting to cast a mail ballot, each voter could decide for themselves what alternative options they prefer.

The Executive's proposal did not specify the quantity or location of regional voting centers. Executive staff have referenced, by way of example and for discussion purposes, one RVC per council district with the possible addition of Vashon Island and the Elections office. Requiring at least one in each council district is an acceptable standard. The County may want to revisit the concept of RVC's in the future after several years of experience. It is possible that significant underutilization could develop after several years of all mail voting, and alternative options aimed at providing persons with disabilities continued access to a barrier free secret ballot may be warranted.

The problematic language in this amendment is the sentence referencing special elections. It states, "For special elections, regional polling centers will be open in all council districts in which any voters reside who are eligible to vote in the special election." This additional language limits the flexibility elections officials have when conducting special elections. Regional Voting Centers may change from time to time based on availability, accessibility, demand, cost, etc. In addition to potentially adding a greater election cost burden to a local district by ordinance, it may not make economic sense to require by ordinance that a Regional Voting Center be established regardless of the number of voters who reside in a council district that are participating in an election. If a small portion of a district is located in one council district or perhaps two districts, but the majority of a local district is in a third council district, it may make sense to establish one RVC and not three. Preferable language would eliminate the reference to special elections altogether and allow that decision to be made by the Director based on the unique circumstances of each election. Alternatively, guiding language agreed to by motion could be adopted that preserves the Director's ability to be flexible and cost conscious yet still creates the desirable policy outcome that provides RVC's during special Elections.

Requires implementation of an electronic tracking system for ballots so voters can check on-line to see where their ballot is in the voting process and if they have been credited for voting.

Elections already provides information over the phone, in person, and via the Elections webpage that will confirm whether a voter's ballot has been approved for tabulation.

The Executive shares in the vision of a tracking system that some day will provide voters the ability to view the progression of their ballot through the mail and along the path of being processed by election officials. That is why the plan for all mail voting included the reference to processing equipment that would facilitate increased tracking and accountability. Unfortunately, secure technology to support this amendment does not exist in any proven elections environment of similar size and complexity.

Executive staff have met with various vendors that want to sell a tracking system, but no system offers a complete end to end tracking solution. A tracking solution must do more than just track ballots, it must be able to support the complex process of tracking each ballot in a non-linear system. In this manner, it is an accounting system as much as it is a tracking system. It must facilitate election processing accountability efforts with a high degree of accuracy and it should do so without generating additional workload and complexity. It must also preserve voter secrecy.

The tools and systems King County is considering for use in processing ballots will have individual capacity to provide data tracking. As additional equipment is implemented, and as technology and the market respond to operational demands, more robust systems and more affordable integrated solutions will emerge. Until they do, King County should be prepared to move to an all mail ballot system that is not contingent upon an unproven or non-existent technology.

L4 - Lambert

Requires the REALS division to update a voter's registration records information and signature at least every 20 years.

Under federal and state law, as long as the signature can be verified, and as long as no official mail is returned that might indicate a change of address/residence, King County does not have the authority to cancel, put on inactive, or not count a ballot. A voter could choose to voluntarily update their voter registration, but King County would not have any authority to require it.

In an all mail ballot system, if a signature on an incoming ballot cannot be verified when compared against the original signature on the voter registration card (or an electronic image thereof), information is immediately sent to the voter,

including follow-up phone calls, to update the signature in time to process the ballot before certification. If a voter is unable to update their signature prior to certification, the ballot is not processed.

Additionally, King County regularly performs list maintenance as required by state and federal law by using various approved methods. County wide mailings to registered voters and/or utilizing the National Change of Address service helps identify potential changes to a voter's registration that can be flagged for follow up with the voter.

S1 – Lambert

Paragraph C – This statement is not substantiated by factual evidence or descriptive context. “Many” is a relative term? Many in the audience at the public hearing might agree with this statement. Many of the more than one million voters and over 600,000 regular absentee voters might disagree.

Paragraph D – This statement is misleading and inaccurate. As has been stated before, most election contests, whether races or measures, are decided by a majority or plurality of votes. With some measures, a supermajority (sixty (60) percent) is required to pass. No other election contest requires a greater than sixty percent majority

Since nearly sixty percent of voters already choose to vote by mail, and since more than 60 percent and often 70% to 80% of ballots cast are through the mail in any given election, a suggestion that “many voters prefer to have the option of voting at the polls or by mail” is misleading.

Paragraph D - Most would agree that what voters want and largely expect is for elected officials to make tough decisions in an informed and open manner. Placing this issue on the ballot when greater than 60% and likely 70% of voters already regularly cast their ballot by mail, is disregarding the choice of the majority.

Section 5 is problematic for the reasons stated above regarding L3. (required tracking system)