

Jefferson County Elections Division

Election Observer Manual



Donna M. Eldridge
Jefferson County Auditor

deldridge@co.jefferson.wa.us

1820 Jefferson St.
P O Box 563
Port Townsend WA 98368
(360)385-9118



**ES&S Model 650
Ballot Tabulator**

**The AutoMARK®
A ballot marking device**



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Introduction

Welcome to Jefferson County Elections. You have been appointed to observe the election process as an official representative of your political party. Your role is to provide a truly independent perspective of the election. The political parties observing the entire election process helps to build public confidence in the accuracy and integrity of the elections process.

The role of the observer is vastly different than that of the election worker. As an observer it is important for you to understand the election process but you are prohibited by law from touching or handling any ballots, where as the election worker is at the Election Center to complete an individual task, but not necessarily know the complete process.

Please remember that the official observer program is dictated by State law and is a formal agreement between your party and the Jefferson County Auditor. If you have any questions, please direct them to the County Auditor or Chief Deputy Auditor.

Any state laws (RCWs) or state regulations (WACs) regarding election observers that are mentioned in this manual are included at the end of this manual. If you have questions regarding these statutes, please direct them to the County Auditor or Chief Deputy Auditor.

Duties and Responsibilities

1. To provide a truly independent perspective of the election.
2. To be at the Election Center on time and to follow the Observer Guidelines.
3. Wear your badge identifying you and your party.
4. Bring questions and concerns to the attention of the County Auditor or Chief Deputy Auditor.
5. To observe all aspects of the mail ballot processing.



“Election Center”: Where all functions of the ballot processing and tabulation take place.

"Election Observers": Those persons designated by the county political party central committee chairperson to observe the counting of ballots and related elections procedures;

“Logic and Accuracy Test”: Using a pre-audited group of ballots, the ballot tabulating system is tested for verification that votes cast for all candidates and propositions are being counted correctly. The test also verifies that the machine is functioning to specifications.

“Initial Processing”: All steps taken to prepare mail ballots for tabulation, except for the reading of ballots by an electronic vote tallying system. Initial Processing includes, but is not limited to:

1. Removal of the security envelope from return envelope;
2. Removal of the ballot from the security envelope;
3. Manual inspection for damage, for write-in votes, and for incorrect or incomplete marks;
4. Duplication of damaged and write-in ballots;
5. And, other preparation of ballots for final processing.

“Final Processing”: The reading of ballots by an electronic vote tallying system, but does not include tabulation. This can begin after 7:00 a.m., the day before the election,

as long as the County Auditor has an approved Security Plan filed with the Secretary of State.

“Tabulation”: The production of returns of votes cast regarding candidates or measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals. This can begin no earlier than 8:00 p.m., Election Day.

“Voting Center”: Any location that offers replacement ballots, provisional ballots or an accessible voting device (AutoMARK®).

Refer to the back of this manual for a full glossary of Terms

Observer Guidelines

We have included the following guidelines to help you understand the roll of an Official Observer and what is expected of you, as an Official Observer.

- 1) Each major political party will be contacted prior to each election and given the work schedule of ballot processing. The Auditor shall request that each party appoint representatives to observe the process. Before final assignment as observers, the Auditor, who may refuse to approve any person so appointed, shall review the list of appointed party representatives. (WAC 434-261-020).
- 2) Each party is responsible for recruiting and scheduling their own observers as they choose. Ballot processing will continue, regardless of whether observers are present or not. In order to avoid a conflict of interest, the county cannot be involved in the scheduling of observers. Parties will be notified of any schedule changes as they occur.
- 3) When more than one (1) observer has been requested, each party is to designate who acts as their party "Supervisor". The name badge shall indicate "Supervisor" as well as party affiliation.
- 4) Official party observers are volunteer positions.
- 5) Official observers are required to wear a badge identifying you as the official observer of your party. You will be required to wear this badge when observing our processes.
- 6) In order for you to effectively do your job, you need to understand what is happening around you. Please ask the County Auditor or Chief Deputy Auditor whenever you are unfamiliar with a certain process. Remember, as the official party observer, it is **your responsibility to bring your questions or concerns to their attention.**
- 7) Observers may view any process that occurs during their shift. Feel free to move about in the Election Center to observe staff at work, but **please be careful not to interfere with processing.**
- 8) **By law, observers may not touch ballots, ballot containers, or vote tallying equipment. Please remember this while performing your duties.**

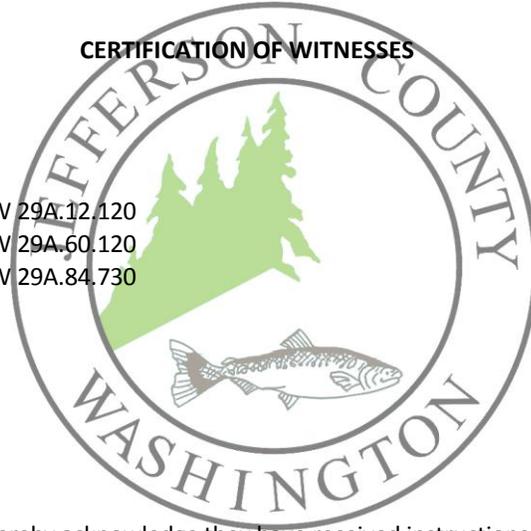
- 9) Depending upon when you observe, you may be asked to sign an Certification of Witnesses when the processing of incoming ballots begins. Everyone who is present in the room while ballots are being processed signs this oath. The oath simply informs you of the strict laws concerning the secrecy and confidentiality of ballots and that no one will divulge any vote count prior to the tabulation of any ballot.
(Attached Copy)
- 10) As an observer, you are expected to remain objective and independent from the Election Department. Please refrain from any actions which may jeopardize this status or appear as a conflict of interest
- 11) Due to time constraints and the critical nature of our job, we cannot allow workers to be disrupted. Please help us maintain a work environment free of distractions so that everyone can concentrate on their current task. This does not include speaking to the Auditor or Chief Deputy Auditor. Part of our job is to answer your questions.
- 12) The Office of the Secretary of State also conducts election observer training sessions. If you are interested in obtaining more information regarding these training sessions, please call the Secretary of State's Office at 360.902.4151.

Attachment

SPECIAL, PRIMARY OR GENERAL

ELECTION DATE

CERTIFICATION OF WITNESSES



References:

RCW 29A.12.120
RCW 29A.60.120
RCW 29A.84.730

Political Party Observers
Pre-Inspection Election Boards
Election Center Personnel

The undersigned do hereby acknowledge they have received instructions in the proper conduct of their duties. Pre-Inspection Boards will inspect all voted ballots for damage, write-in votes, and incorrect or incomplete marks.

No person may divulge any results of any voted ballot at any time prior to the closing of the polls for that election and until after the ballots have been tabulated.

Dated this _____ day of _____, 20 ____.

(Name) _____

(Party) _____

(Name) _____

(Party) _____

(Name) _____

(Party) _____

(Name) _____

(Party) _____

Applicable RCW's

RCW 29A.12.120

Election Center (Counting center personnel) — instruction, requirements.

(1) Before each state primary or general election at which voting systems are to be used, the county auditor shall instruct all counting center personnel who will operate a voting system in the proper conduct of their voting system duties.

(2) The county auditor may waive instructional requirements for counting center personnel who have previously received instruction and who have served for a sufficient length of time to be fully qualified to perform their duties. The county auditor shall keep a record of each person who has received instruction and is qualified to serve at the subsequent primary or election.

(3) No person may work in a counting center at a primary or election at which a vote tallying system is used unless that person has received the required instruction and is qualified to perform his or her duties in connection with the handling and tallying of ballots for that primary or election.

RCW 29A.12.130

Tallying systems — programming tests.

At least three days before each state primary or general election, the office of the secretary of state shall provide for the conduct of tests of the programming for each vote tallying system to be used at that primary or general election. The test must verify that the system will correctly count the vote cast for all candidates and on all measures appearing on the ballot at that primary or general election. The test shall verify the capability of the vote tallying system to perform all of the functions that can reasonably be expected to occur during conduct of that particular primary or election. If any error is detected, the cause shall be determined and corrected, and an errorless total shall be produced before the primary or election.

Such tests shall be observed by at least one representative from each major political party, if representatives have been appointed by the respective major political parties and are present at the test, and shall be open to candidates, the press, and the public. The county auditor and any political party observers shall certify that the test has been conducted in accordance with this section. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or general election.

RCW 29A.40.100**Observers.**

County auditors must request that observers be appointed by the major political parties to be present during the processing of ballots at the counting center. County auditors have discretion to also request that observers be appointed by any campaigns or organizations. The absence of the observers will not prevent the processing of ballots if the county auditor has requested their presence.

RCW 29A.60.170**List of observers — counting center, direction and observation of proceedings — manual count of certain precincts.**

(1) At least twenty-eight days prior to any special election, general election, or primary, the county auditor shall request from the chair of the county central committee of each major political party a list of individuals who are willing to serve as observers. The county auditor has discretion to also request observers from any campaign or organization. The county auditor may delete from the lists names of those persons who indicate to the county auditor that they cannot or do not wish to serve as observers, and names of those persons who, in the judgment of the county auditor, lack the ability to properly serve as observers after training has been made available to them by the auditor.

(2) The counting center is under the direction of the county auditor and must be open to observation by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

(3) A random check of the ballot counting equipment may be conducted upon mutual agreement of the political party observers or at the discretion of the county auditor. The random check procedures must be adopted by the county canvassing board prior to the processing of ballots. The random check process shall involve a comparison of a manual count to the machine count and may involve up to either three precincts or six batches depending on the ballot counting procedures in place in the county. The random check will be limited to one office or issue on the ballots in the precincts or batches that are selected for the check. The selection of the precincts or batches to be checked must be selected according to procedures established by the county canvassing board and the check must be completed no later than forty-eight hours after election day.

RCW 29A.64.041

Procedure — request to stop — observers.

(1) At the time and place established for a recount, the canvassing board or its duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount the votes for the offices or issues for which the recount has been ordered. Ballots shall be handled only by the members of the canvassing board or their duly authorized representatives.

The canvassing board shall not permit the tabulation of votes for any nomination, election, or issue other than the ones for which a recount was applied for or required.

(2) At any time before the ballots from all of the precincts listed in the application for the recount have been recounted, the applicant may file with the board a written request to stop the recount.

(3) The recount may be observed by persons representing the candidates affected by the recount or the persons representing both sides of an issue that is being recounted. Witnesses shall be permitted to observe the ballots and the process of tabulating the votes, but they shall not be permitted to handle the ballots. The observers may not make a record of the names, addresses, or other information on the ballots, declarations, or lists of voters unless authorized by the superior court. The secretary of state or county auditor may limit the number of observers to not less than two on each side if, in his or her opinion, a greater number would cause undue delay or disruption of the recount

Applicable WAC's

WAC 434-261-020

Political party observers.

Counting center operations shall be observed by at least one representative from each political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request, in writing, that each major political party appoint representatives to fill the requirements. Where more than one observer is to be appointed, the political party shall designate one of their observers as supervisor. The county auditor may require observers to receive training with respect to ballot processing procedures and the vote tallying system.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

WAC 434-335-290

Logic and accuracy test observers.

The official logic and accuracy test must be observed by at least one representative of each major political party, if representatives have been appointed by the parties and are present at the test. The party observers must be instructed as election observers by the county auditor. The official logic and accuracy test must be open to candidates, the press, and the public. If any observer hinders or disturbs the logic and accuracy test process, the observer may be removed from the test area. An observer who has been removed from a logic and accuracy test may also be barred from future tests. The absence of observers may not delay or stop the test from being conducted.

WAC 434-335-330

Logic and accuracy test certification.

(1) The county auditor or deputy, the secretary of state representative, and any political party observers must certify that the test of voting systems that will be used in

the primary or general election was conducted in accordance with RCW [29A.12.130](#). This certification must include verification that the version numbers for all software, firmware, and hardware of the voting system used have not changed from the certified versions. Copies of this certification must be retained by the secretary of state and the county auditor and may be posted by electronic media. All test results, test ballots, and a copy of the tabulation programming or the actual tabulation equipment must be kept in secure storage employing the use of numbered seals and logs or other security measures that will detect any inappropriate access to the materials until the day of the primary or election. These items may be sealed and stored separately.

(2) For special elections not held in conjunction with a state primary or general election, the secretary of state is not represented and does not retain a copy of the certification. The county auditor or deputy and any political party observers must certify that the test of voting systems that will be used in the special election was conducted in accordance with RCW [29A.12.130](#). This certification must include verification that the version numbers for all software, firmware, and hardware of the voting system used have not changed from the certified versions. Copies of this certification must be retained by the county auditor and may be posted by electronic media. All test results, test ballots, and a copy of the tabulation programming must be kept in secure storage, employing the use of numbered seals and logs or other security measures that will detect any inappropriate access to the materials until the day of the primary or election. These items may be sealed and stored separately.

(3) If, for any reason, any changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC [434-335-310](#).



ELECTION DATE _____

SEAL LOG FOR: _____

DATE	TIME	SEAL NUMBERS	SIGNATURES	DATE	TIME	NEW SEAL NUMBERS And INITIALS OF TWO PERSONS
		Start Here				
			X			
			X			
			X			
			X			
			X			
			X			
			X			
			X			
			X			
			X			
			X			
			X			
			X			
			X			
			X			
			X			

Attachment

Glossary of Terms	
Abstract of Votes	The official statements of votes cast at an election or primary as prepared by the county auditor.
Accessible Voting Unit	The AutoMARK® is a ballot marking device, assists voters with disabilities for voting privately and independently when using an optical scan ballot.
Ballot Counter	A system or machine used to tally votes from ballots.
Ballot Counter Programming	The programming used to tell ballot counter which marks equate to which votes.
Ballot Duplication	The process of transferring votes to a blank ballot from a ballot that cannot be read by the ballot counter. These duplicated ballots need to be marked using a control number so it is clear which old ballot each new ballot represents.
Ballot Path	The path the ballots follow from the ballot box until final storage upon certification of the election.
Ballot Tabulator	Same as ballot counter.
Canvass	Final determination of ballots “referred to canvassing board”.
Canvassing Board	The County Auditor, the County Prosecutor, and the Chair of the County Legislative Authority; responsible for canvassing and certifying all elections. Some duties may be designated.
Canvassing Board Designee	A person designated by the Canvassing Board to carry out one or more of the statutory responsibilities the Canvassing Board is allowed to delegate.
Central Counting System	A system of counting ballots in which all ballots are brought to a central location on election night to be fed through the ballot counter -- usually the County Auditor’s office.
Class C Felony	The classification of crime one is guilty of if he/she falsely signs a Declaration of absentee voter or affidavit of voter registration; 5 years in jail, \$10,000 fine, or both such fine and imprisonment.
Counting System	The method by which ballots are counted: Optical scan, paper-ballot, direct recording device, etc. This term is often used to identify the vendor of the ballot counting system, as well.
Disability Access Voting Location	A location designated by the County Auditor for the conduct of in-person disability access voting
Drop Box	A secured, unstaffed box designated for the return of voted ballots opened 24/7 - 20 days before an election and locked and secured by 8:00 p.m. Election day.

Election Board Workers	A generic term for any of a number of jobs filled by election workers. This term does not refer to elections department staff.
Election Center	The location where incoming ballots are processed.
Election Observer	A person officially appointed by the chair of the county central committee of each party to observe election procedures.
Electronic Vote Tallying System	An electronic system for tallying votes, such as an optical scan system. Or, DRE's "Direct Recording Equipment.
Final Processing	The reading of ballots by an electronic vote tallying system, but does not include tabulation. This can begin after 7:00 a.m. the day before the election if a Security Plan is filed and approved with the Secretary of State.
Gross Misdemeanor	The classification of crime committed when a person divulges the vote count prior to 8:00 PM on election night; 1 year in jail, \$5000 fine or both fine and imprisonment.
Header Card	A card fed into a ballot counter before a precinct's ballots; used to tell the ballot counter what precinct is being counted and what districts or contests are valid in that precinct.
L & A Tests "Logic and Accuracy Tests"	Logic and Accuracy Test; used to verify the ballot counter and Programming, correctly counts each style of ballot, and correctly produces cumulative totals. L&A Tests are required before each Primary, General and Special Election.
Mail Ballot Processing	The administrative handling of all mail ballots, including signature checking, assigning voting credit, the opening and inspecting of all mail ballots, and the feeding of ballots into the ballot counter, but excluding any action that produces, in any manner, election returns or vote tallies.
Manual Count	A process that may be requested jointly by political party observers representing each party; a precinct's ballots are counted by hand and then by machine; the results are compared and discrepancies corrected. This process may be requested three times on election night.
OP-SCAN System	An Optical Scan system of voting; also called Mark Sense. Voters vote by marking with a pen or pencil on a paper ballot. The ballot is fed through a machine that "reads" (scans) the marks on the ballot and correctly allocates a vote to the name next to the mark.
Over-Vote	A race or measure with more than one voting response marked.

Pre-Inspection Board	Consists of teams of two who open the ballot envelope, separate the security envelope from the return envelope and inspect the ballot making sure it can be read by the tabulator.
Provisional Ballots	These are ballots issued at the Auditor's Office to voters whose name does not appear in the voter file, was sent a ballot, or any other reason when a voter cannot vote a regular ballot.
Reconciliation Report	A report by the County Auditor and staff used to reconcile total votes cast, with total number of ballots returned and counted.
RCW	Revised Code of Washington
Secure Storage	Employs the use of numbered seals and logs or any other security measures, which will detect inappropriate access to secured materials.
Signature Checking	The process of verifying that the signature on the declaration mail ballot envelope match the signature on the original registration card of the voter to whom the ballot was issued.
Spoiled Ballot	A ballot that can't be read by the ballot tabulator because it was damaged or the voter changed their mind when filling in the oval.
System Log	A log produced by the ballot counter showing the activity of the counter and the operator; used to verify all activity during counting.
Tabulation	The process of producing any manner of election returns or vote tallies in a readable format. Tabulation may not begin until after 8:00 PM on the day of the election.
Test Deck	The group of ballots used to verify the accuracy of the vote tallying system during the Logic and Accuracy test.
Timing Tracks / Marks	Timing tracks tell the ballot counter which portions of the ballot represent valid votes and for which candidates these votes are to be assigned.
Under-Vote	A race or measure with no vote cast.
UOCAVA	Acronym for the Federal Uniformed and Overseas Citizens Absentee Voting Act. Voters flagged as UOCAVA are mailed or emailed ballots 45 days before a Federal Election and 30 days before all other elections.
WAC	Washington Administrative Code

**JEFFERSON COUNTY RULES FOR
OBSERVERS, MEDIA AND PUBLIC**

(During Election Activities at the Election Center)

References: WAC 434-335-290 RCW 29A.12.120
 WAC 434-250-340 RCW 29A.60.170
 WAC 434-261-010
 WAC 434-261-020
 WAC 434-261-060

Attachment

The Election Center proceedings shall be open to the public, but no persons except those authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

Public observation is not to interfere with the proceedings or jeopardize the security of the ballots.

Political party observers designated pursuant to law shall be instructed as election observers by the county auditor prior to observing an election. The number of such observers shall be determined by the county auditor. If a party observer hinders or disturbs the Logic and Accuracy process, the county auditor may remove that observer from the test area and request the political party to appoint a different observer for future tests.

Election Center Observers shall be provided training with respect to ballot processing procedures and the vote tallying system.

No person may serve as a political party observer unless that person has received the required instruction and is familiar with the operation of the election center and the vote tallying system and the procedures required to verify the accuracy of the programming for that vote tallying system. Upon request, the county auditor will provide that instruction and training.

Political party observers have the right of witnessing the proceedings only for the purpose of ascertaining if the statutes and rules pertaining to the ballot tabulation process are properly carried out. Violation of, or exceptions to procedures should be immediately reported to the elections department personnel.

In order to provide security for the ballots, only those designated political party observers have the authority to enter the area where ballots are being processed. The pre-inspection board works in the Auditor's private office and works as a team of two. Room is limited so the parties are asked to provide one (1) observer each for that function.

Political party observers have the authority to observe the operation of the ballot tabulator. Other observers would be permitted to observe the tabulator upon request.

The political party observers, upon mutual agreement, may request that a precinct be selected at random for a manual count on receipt of the ballots from the polling place. This may be done as many as three times during the tabulation of ballots on the day of the primary or election.

Conversations are to be kept to a minimum and at a level that will not disturb the canvassing authority.

The Media having pre-authorization from the county auditor may enter the lobby of the election center.

The Public must remain outside the lobby of the election center in order to avoid hindering or disrupting the concentration of elections staff.

insert layout of Jefferson County Ballot Path