

AN OBSERVER'S GUIDE
To
WASHINGTON STATE
ELECTIONS



Washington
Secretary of State
SAM REED

ELECTIONS DIVISION

Introduction

We, in the state of Washington, enjoy a unique tradition of promoting citizen involvement in our political system. The role of observers is grounded in our heritage of encouraging citizens to participate in our political process. Their objective observation of the procedures helps ensure the integrity of our elections.

This pamphlet is intended to explain the process of issuing, processing, and counting ballots by Election Divisions throughout the state. Information related to a specific county's procedures may be obtained from the County Auditor's office or Elections Department. This pamphlet is not intended to be a substitute for the statutes governing this process, but rather should be read in conjunction with them.

If you have any questions or need additional information, please contact your County Auditor or Elections Department, or the Secretary of State's Elections Division. We will be happy to assist you.

Sincerely,



SAM REED
Secretary of State

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Phone numbers and office locations for all 39 counties are located on the Secretary of State's website at

www.secstate.wa.gov/elections/auditors.aspx



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State laws regarding elections may be found in the Revised Code of Washington, Title 29A, and the Washington Administrative Code, Title 434. Both publications are posted on the Washington State Legislature website at www.leg.wa.gov under Laws and Agency Rules.

RCW 29A.04.311

Election Information

Election Dates

You can find more detailed information about specific dates related to elections at the online elections calendar at www.secstate.wa.gov/elections.

Primary

The Primary is held on the third Tuesday of September before the General Election or the seventh Tuesday before the General Election, whichever comes first. The purpose of the primary is to nominate candidates to move on to the General Election.

Washington State currently uses a pick-a-party primary system for partisan primaries. If a voter wants to vote on partisan offices, he or she must select only one party's ballot and vote for that party's candidates. The voter also has the option of selecting a ballot containing only nonpartisan offices and candidates. There is no record of which party's ballot a voter has selected.

Presidential Preference Primary

RCW 29A.56.020

In addition, a presidential preference primary may be held during a presidential election year on the fourth Tuesday in May or an alternate date proposed by the Office of the Secretary of State. Voters may use this opportunity to demonstrate to the political party chairs which candidate they would like to see their party endorse for the presidential election.

General Election

RCW 29A.04.321

The General Election is held on the first Tuesday after the first Monday in November. The candidates that get the most votes in the General Election are elected to office.

RCW 29A.04.321
RCW 29A.04.330

Special Elections

State law allows for additional dates at which special elections may be held:

- The first Tuesday after the first Monday in February
- The second Tuesday in March
- The fourth Tuesday in April
- The third Tuesday in May

Candidate Filing

Filing Dates

RCW 29A.24.050

Candidates may file for office during regular business hours with the filing officer beginning the fourth Monday in July and ending on the following Friday.

RCW 29A.24.081

Candidates may file by mail starting 10 business days before the first day of the regular filing week.

Filing Fees

RCW 29A.24.091

The filing fee is equal to 1 percent of the annual salary at the time of filing for any office which has a fixed annual salary of more than \$1,000 per year.

The filing fee is \$10 for any office which has a fixed annual salary of \$1,000 or less.

There is no filing fee for any office which is compensated on a per diem or per meeting basis.

The filing fee is \$1 for the office of Precinct Committee Officer.

A candidate who does not have sufficient assets at the time of filing may use a filing fee petition in lieu of the required dollar amount. The petition must contain one valid signature for every dollar of the filing fee.

RCW 29A.24.070

Where to File

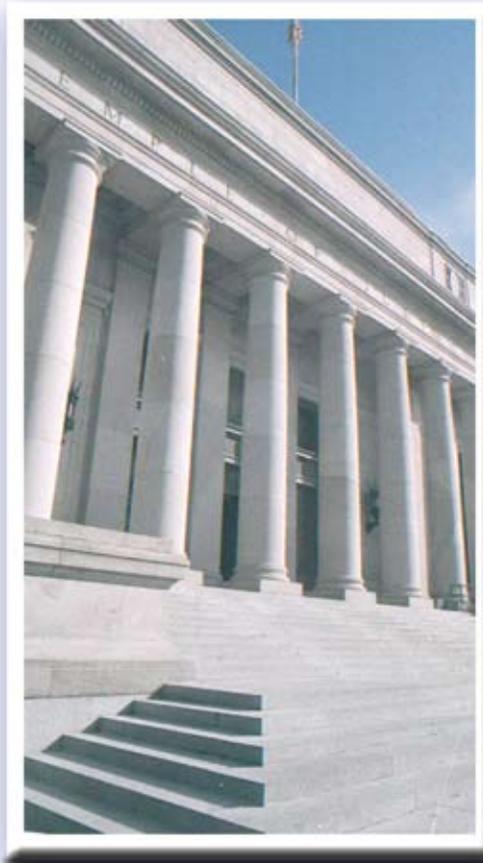
If the office is for a single county Legislative, Court of Appeals, or Superior Court race, the filing may be made with either the County Auditor (in King County it is the Records, Elections and Licensing Services Division) or the Office of the Secretary of State.

If the office is for a statewide office, or a Legislative, Court of Appeals or Superior Court race covering multiple counties, the filing must be made with the Office of the Secretary of State.

All other offices are filed with the County Auditor or Elections Department.

RCW 29A.24.040

Filing for office over the internet is possible if filing with the Office of the Secretary of State.



Political Party Observers

RCW 29A.04.086

Anyone has the right to observe any part of the election process. Major political parties also have a responsibility to provide observers to monitor the election process. A political party is designated as a major party if one of its nominees received more than 5 percent of the total votes cast for President, United States Senator, or a statewide office in a General Election in an even numbered year. Observers may watch all parts of the election including opening absentee ballots, counting ballots, and securing ballots. Prior to an election, County Auditors or Elections Departments contact the political parties to inform them of how many observers will be needed.

Below are common questions about being a Political Party Observer. More specific information is found in other chapters of this manual.

What should I do if I am appointed to be a Political Party Observer?

RCW 29A.40.100 RCW 29A.44.430

You should contact your County Auditor or Elections Department to be put on a list of official observers. The County Auditor or Elections Department will provide you with the required training. The County Auditor or Elections Department will also tell you when and where you need to be an observer for each procedure.

Where can I be trained to be a Political Party Observer?

RCW 29A.12.120

The County Auditor or Elections Department provides training that you are required to attend. The Office of the Secretary of State may also conduct training, but you are not required to attend.

Are Political Party Observers only in the Primary and General Elections?

No. All elections need to have observers before, during, and after Election Day.

What should I observe?

You are encouraged to observe:

- Printing of ballots
- Ballot assembly
- Logic and accuracy tests prior to Election Day, including the testing of any poll site ballot counters
- Signature comparison, opening and inspection of mail ballots
- Election Night procedures
- Ballot duplication
- Ballot tabulation
- Ballot storage and security
- Provisional ballot processing
- Canvassing Board meetings
- Reconciliation of ballots and ballot totals
- Certification of the election
- Any other times when ballots are handled by the County Auditor's office or Elections Department

Every county may have different procedures after the polls close. It depends on whether a county is voting by mail, if the ballots are counted at a poll site, or if ballots are counted at a counting center.

How close can I be to the ballots?

RCW 29A.60.170

You cannot touch or interfere with ballot processing. You can be as close as space allows without interfering with the process.

Vote-By-Mail Counties

RCW 29A.40.110

RCW 29A.48.040

Counties conducting their elections by mail will have ballot drop off locations. "Drop off ballots" may be collected from the drop off locations several times on Election Day. Both drop off ballots and ballots that come in the mail may be processed on Election Day. Ballots may be opened and prepared for counting before Election Day, but they cannot be put into a ballot counter until 7:00 a.m. on Election

Day. The results can only be printed after 8:00 p.m.

Political Party Observers should watch the delivery, opening, processing, counting and storing of the ballots.

RCW 29A.48.060

One race can be counted by hand in up to three precincts to check against the printed results. The major political parties must agree to the precincts and the race to be counted.

Counties that Count Ballots at the Poll Site

RCW 29A.44.330

RCW 29A.60.060

When the polls close, the ballot counters at the poll site print out the results for each precinct. The results are also saved on a disk or cartridge. The results then may or may not be sent over telephone lines to a counting center. The printed results, disk or cartridge, and other supplies are delivered to the counting center. If the results were not sent over telephone lines, the results will be loaded from the disk or cartridge onto a computer. Absentee ballots may also be processed throughout the day.

RCW 29A.60.170

One race can be counted by hand in up to three precincts to check against the printed results. The major political parties must agree to the precincts and race, and notify the County Auditor or Elections Department within 30 minutes of the polls closing.

RCW 29A.60.060

Observers are encouraged to watch the delivery of the materials to the counting center, the loading of the results onto the computer, and the processing, counting, storing and securing of absentee ballots and poll site election results.

Counties that Count Ballots at a Counting Center

RCW 29A.60.110

When the polls close, the precinct election officers bring the ballots, poll books, and supplies into the counting center. The ballots are checked in, inspected, duplicated when necessary, and then counted. Absentee ballots may also be processed throughout the day.

RCW 29A.44.280

RCW 29A.60.110

RCW 29A.60.170

Political Party Observers are encouraged to observe the delivery, opening, inspection, processing, duplication, counting, storing, and securing of the poll site and absentee ballots.

RCW 29A.60.170

One race can be counted by hand in up to three precincts to check against the printed results. The major political parties must agree to the precincts and race. The decision to hand count these ballots may be done at the counting center on Election Day.

What about after Election Day?

There are many activities to observe after Election Day. Political Party Observers are encouraged to watch the processing, counting, and reconciliation of absentee and provisional ballots, Canvassing Board meetings, certification of the election, and any other activities involving ballots.

RCW 29A.60.190

The General Election is certified 21 days after Election Day. The Primary and all other elections are certified 10 days after Election Day.

What about recounts?

RCW 29A.64.041

If races need to be recounted, Political Party Observers are needed to watch the entire process.

What if I have questions or complaints?

Talk with your County Auditor (in King County it is the Records, Elections and Licensing Services Division) or the person assigned to answer your questions.



Absentee and Mail Ballots

Mailing Ballots

RCW 29A.40.070
RCW 29A.48.010

Absentee ballots must be available at the County Auditor's office or Elections Department at least 20 days before an election. Ballots must be mailed to voters at least 18 days before an election.

Securing Ballots

RCW 29A.40.110

All absentee and mail ballots received on, before or after Election Day are kept in secure storage when not being directly processed. Secure storage includes the use of numbered seals and seal logs in order to be able to detect any inappropriate access to the secured materials.

Ballot Processing

The Outer Envelope

RCW 29A.40.110
RCW 29A.48.050

Auditors may begin opening voted absentee and mail ballots as soon as they are received. The County Canvassing Board or its designee, usually a staff member of the County Auditor's office or Elections Department, checks the voter's signature and the postmark on the envelope. The envelope must be postmarked the day of the election or earlier. Ballots may also be deposited in the County Auditor's office or Elections Department, a polling location, or a designated deposit site not later than 8:00 p.m. on Election Day. For out-of-state, overseas, and service voters, the date the voter signed the envelope is considered the date of mailing.

RCW 29A.40.110
RCW 29A.60.165

If the signature on the envelope matches the signature on the voter's registration and has a valid postmark, the ballot moves on to the next step. If the signature on the envelope is missing or does not match the one on file, the voter is notified either by phone or mail.

RCW 29A.40.110

The Security Envelope

After the signatures are verified, the outer envelopes are ready to be opened. Removing the security envelope from the outer envelope and removing the ballot from the security envelope are two separate processes. This prevents an opener from knowing which ballot belongs to which voter. In counties where the tabulation of votes is done by hand, the separation of ballots from security envelopes does not begin until after 8:00 p.m. on Election Day. Employees are required to verify that the envelopes are empty by looking through holes punched in the outer and security envelopes.

RCW 29A.60.125

Inspecting Ballots

Absentee and mail ballots must be inspected prior to counting. The inspection process consists of a thorough examination of each ballot and each race. Election workers look for physically damaged ballots, unreadable ballots which might not be correctly counted by a tabulation machine, marks or punches that differ from the voting instructions, stray marks, tears or creases in the ballot, and write-in votes. Such ballots are either duplicated or referred to the County Canvassing Board for determination.

RCW 29A.60.125

Ballot Duplication

Damaged or incorrectly marked ballots may be duplicated when the marks on the ballot clearly indicate the voter’s intent. Ballots are only duplicated by teams of two employees from the County Auditor’s office or Elections Department. A unique control number is assigned to each duplicated ballot. This number is recorded on both the original and duplicate ballots. A log is kept of the unique control number, the initials of the two people who conducted the duplication, and the total number of ballots duplicated. The original ballots and the duplicate ballots are also kept in secure storage at all times.

RCW 29A.40.110

Ballot Tabulation

Absentee and mail ballots may be processed through a ballot counter beginning at 7:00 a.m. on Election Day, but the results may not be produced until after 8:00 p.m. on Election Day.

RCW 29A.60.160

After Election Day, counties process ballots every three days when in possession of more than 25 ballots, and every single day if the population of a county exceeds 75,000 people. Sundays and legal holidays are not counted for this purpose.

The Polling Place

RCW 29A.44.070

Polling places open at 7:00 a.m. and close at precisely 8:00 p.m. Any voters already in the polling place at 8:00 p.m. may vote. Closing procedures are open to the public and observers.

RCW 29A.44.410

RCW 29A.44.420

RCW 29A.44.430

The poll workers consist of inspectors, judges and clerks. For each precinct in the polling place, there is one inspector and one judge from the political party that received the most votes in that county for President during the last presidential election. A second judge should be from the party that received the next highest number of votes. The Auditor may assign a clerk if he or she believes it is necessary. The County Auditor or Elections Department appoints the poll workers from a list provided by the major political parties. If the political parties do not provide complete lists of poll workers, the County Auditor or Elections Department may appoint others to fill the positions.

RCW 29A.44.490

RCW 29A.44.520

The poll workers sign an oath prior to undertaking their duties.

The poll workers are in charge of the polling place and they have knowledge of what can and cannot take place in the polling place. The following acts are not allowed:

RCW 29A.44.010

RCW 29A.84.510

- Campaigning
- Collecting petition signatures
- Impeding the voting process

RCW 29A.44.201

RCW 29A.44.207

The poll workers are responsible for issuing the correct ballots to voters, replacing spoiled ballots, issuing provisional ballots and making sure that the provisional ballots are not deposited in the ballot box. Provisional ballots are ballots given to voters who cannot vote a regular ballot. For example, voters whose names are not in the poll book, who have requested an absentee ballot, or who do not have identification.

RCW 29A.44.205

RCW 29A.44.020

State law requires any person voting at the polls to provide identification to the poll worker before signing the poll book. If a voter does not have identification, the voter must vote a provisional ballot. An observer may look at the poll book or at the inspector's copy as

POLLING PLACE

RCW 29A.44.280

RCW 29A.60.060

RCW 29A.44.050

RCW 29A.60.110

long as voters are not waiting to vote and it does not interrupt the voting process.

After the polling place closes, the poll workers must account for voted ballots. The poll workers must unseal and open the ballot box to count the ballots. The signatures are also counted in the poll book. The poll workers then compare the number of ballots in the ballot box with the number of signatures in the poll book. In counties where ballots are counted at the polling place, the poll workers also print out the results of the poll site ballot counter, and compare those results with the number of signatures in the poll book. This information is then written on a ballot accountability form. The poll workers must seal all ballots and transport them to the counting center.



The Counting Center and Post-Election Activities

Ballots Counted at the Counting Center

- RCW 29A.44.050**
RCW 29A.44.330 Ballots are delivered from the poll site to the counting center by two people: one representative from the Democratic Party and one representative from the Republican Party. They are received by a board consisting of two election workers who keep a log of the time each precinct's ballots are received. They compare the seal number on the ballot box with the seal number recorded on the transport log on the ballot box to ensure that the ballots have not been tampered with.
- RCW 29A.60.125** After the ballots are checked in, they are inspected by election workers. The inspectors are looking for any ballot that may not be read correctly by the vote counting system. This includes stray or incomplete marks, damage to the ballot, and incorrect ink. Any ballots that have votes that the counting system cannot read as the voter intended must be duplicated.
- RCW 29A.60.110** All the ballots that can be read correctly by the counting system are tabulated. After they've been tabulated, they are put in secure storage. The ballots cannot be accessed again unless there is a problem that needs to be resolved before the election is certified, the ballots are to be recounted, or the County Auditor or Elections Department is directed to reopen the container by a court order.
- RCW 29A.40.110**
RCW 29A.48.060 Mail and absentee ballots may be tabulated beginning at 7:00 a.m. The county must wait until 8:00 p.m. to print out the unofficial results.
- RCW 29A.44.210**
RCW 29A.44.231 In counties with poll sites, as soon as possible after Election Day, election staff compare the number of ballots tabulated in each precinct to the number of signatures in the poll book. These two numbers should match. If they do not, election staff must investigate and resolve the discrepancy if at all possible. The documented results of the investigation must be presented to the County Canvassing Board.

POST-ELECTION

RCW 29A.44.231
RCW 29A.60.180
RCW 29A.60.235

Election staff must give credit to all voters who cast a vote, and compare that number with the number of ballots tabulated to ensure that the number is the same. If the number is not the same, election staff must investigate and resolve the discrepancy. Staff must document all efforts to resolve the discrepancy and present that documentation to the County Canvassing Board.

After Election Day, the election staff continues to process mail ballots by checking signatures and postmarks, opening envelopes, and inspecting and tabulating ballots. Any ballots with unmatched signatures, with missing signatures, or where the voter's intent is not clear are presented to the County Canvassing Board for determination.

RCW 29A.60.195
RCW 29A.60.140

During this time, election workers also investigate provisional ballots. They first determine if the voter is registered. If the voter is registered, they determine which races and issues the voter is eligible to vote on and then count those votes. If the voter is not registered, elections staff makes sure the voter's registration was not cancelled by mistake. If the voter's registration was properly cancelled, the Canvassing Board does not count that ballot. Only the County Canvassing Board has the authority to reject ballots.

Election Certification

- RCW 29A.60.190** Counties must certify the General Election 21 days after Election Day and all other elections 10 days after Election Day.
- RCW 29A.60.140**
RCW 29A.60.190
RCW 29A.60.200 An election is certified during a public meeting of the County Canvassing Board. At that time, the chair of the County Commission or County Council administers an oath to the County Auditor (in King County it is the Records, Elections and Licensing Services Division Director) attesting to the accuracy of the results. The County Auditor presents a final copy of the results, the oath, and the reconciliation report to the Canvassing Board.
- RCW 29A.60.235** The reconciliation report must demonstrate that the number of ballots received equals the number of ballots counted plus the number rejected. If the numbers do not match, then the report shall include the detailed steps taken to balance the numbers. The following information must be included in the reconciliation report:
- Number of registered voters;
 - Ballots counted;
 - Provisional ballots issued, counted and rejected;
 - Absentee ballots issued, counted and rejected;
 - Federal write-in ballots counted and;
 - UOCAVA ballots issued, counted and rejected.
- RCW 29A.60.190**
RCW 29A.60.200
RCW 29A.60.230 If the County Canvassing Board is satisfied with the results, the board signs the certification. A copy of the certification must be electronically transmitted immediately after certification to the Office of the Secretary of State for Primary and General Elections. A hard copy of the certification must be mailed to the Office of the Secretary of State no later than the next business day.
- RCW 29A.60.210** If there are discrepancies with the results and/or the reconciliation report, the County Canvassing Board may recanvass the ballots. The recanvass must be completed on or before the last day to certify the election.

Recounts

RCW 29A.64.041

A recount may be conducted to verify the number of votes counted for a particular office or measure. It may be either mandatory or requested.

Observers are allowed to observe all parts of the recount.

When the race to be recounted is not countywide, the ballots subject to the recount may need to be sorted. This may take place prior to the day set to begin the actual recount. Contact your County Auditor or Elections Department to observe this process.

Mandatory Recounts

A mandatory recount is required when the difference in the results is within the following margins:

RCW 29A.64.021

- For statewide offices and measures, when the difference is less than 2,000 votes and less than one half of 1 percent, then the race will be recounted using vote tallying systems. When the difference is less than 1,000 votes and less than one fourth of 1 percent, the race will be recounted by hand.
- For all other offices, when the difference is less than 2,000 votes and less than one half of one percent, then the race will be recounted using vote tallying systems. When the difference is less than 150 votes and less than one fourth of 1 percent, the race will be counted by hand.
- Local ballot measures do not qualify for mandatory recounts. They may be recounted, however, upon request.

RCW 29A.64.061

If the office is statewide or is a judicial, congressional, or legislative district that crosses county lines, the Secretary of State determines when the recount is to be certified. Otherwise, the County Canvassing Board determines when the recount is to be held.

Before, during, and after the recount, security of the ballots should be maintained. The ballots should be stored in sealed containers whenever ballots are not being processed. The ballots should be secured each night any time a recount takes more than one day to complete.

Machine Recounts

A recount by vote tallying system requires running the ballots through the ballot counter a second time. In the case of the Hart System, the ballot images as canvassed are reloaded into the ballot tabulation software. In the case of Direct Recording Electronic voting devices, the results must be re-loaded into the vote tallying system.

RCW 29A.64.061

Once all the results have been recalculated, the County Canvassing Board certifies the results and amends the official abstract of the election with the new totals. If the Secretary of State called for the recount, a copy of the amended results is sent to the Office of the Secretary of State.

Manual Recounts

During a manual recount, the results are counted by teams of at least two people, who count the votes by hand. There are many ways to conduct a manual recount. One typical method is as follows:

- A precinct's ballots are delivered to a recount team of two people made up of one Republican and one Democrat.
- One member of the team sorts the ballots according to ballots with votes for each candidate, ballots with no votes on the race, and ballots with more than one vote on the race.
- Any ballots that do not clearly indicate the voter's intent are referred to the County Canvassing Board for determination.
- The first member of the team counts each stack of ballots.
- The second member of the team repeats the steps taken by the first member.
- The two members must agree to the totals for each stack. Once they agree on the totals, the numbers are added to the results for the recount. If they cannot agree, the ballots may be given to a different counting board to verify the number of votes.

- The County Canvassing Board determines which votes should be counted from those referred by the recount teams. Any valid votes found on these ballots are also added to the results.
- When all the ballots have been tallied by the individual recount teams, the results from each team are added together with the valid votes from the County Canvassing Board. This is the new total for the race.

RCW 29A.64.061

Once the new total has been verified, the County Canvassing Board certifies the new totals and amends the abstract of votes.

Requested Recounts

RCW 29A.64.011

A recount may be requested by an officer of a political party, a candidate of the office, or a group of five or more registered voters.

RCW 29A.64.011
RCW 29A.64.030

The request for a recount must be done in writing and filed with the appropriate filing officer within three business days after the certification of an election. The request must state whether the recount will be performed by hand or by the vote tally system and whether all precincts or selected precincts are to be recounted.

RCW 29A.64.030
RCW 29A.64.081

A deposit is required at the time of the request of 15 cents per ballot to be recounted by vote tally system or 25 cents per ballot for a hand recount. Each County Canvassing Board determines the actual cost of the recount. If the actual cost is higher, the requester must pay the difference. If the cost is lower, the difference is refunded to the requester. If the recount changes who wins the election, the entire deposit is refunded.

A requested recount is conducted in the same manner as a mandatory recount.

Elections that end in a tie

RCW 29A.60.221

Whenever there is a tie between candidates, a mandatory recount will be conducted. If the race is still tied after the recount, the winner is decided by lot. By lot can be flipping a coin, drawing a number, etc.

Glossary

Ballot Duplication. The process of making an exact copy of a ballot to make sure it will be counted correctly by a ballot counting system.

Ballot Counter. A machine that tabulates votes in a readable format. Also known as a vote tallying system.

Ballot Inspection. Each ballot must be inspected for errant marks or damage that would prevent the votes being counted correctly by a vote tallying system.

County Canvassing Board. The Board is made up of the County Auditor (in King County it is the Records, Elections and Licensing Services Division Director), County Prosecuting Attorney, and the chair of the County Commission or County Council.

Counting Center. The location in a county where ballots are processed and counted. In the case of counties that have ballot counters at the poll site, it is where the results from the polls are combined into one set of election results.

Direct Recording Electronic (DRE). A touch screen or other device which allows disabled voters to vote without assistance. This type of voting equipment is required by the federal Help America Vote Act.

Election Observer. Official observer appointed by one of the major political parties. May not be an election worker hired to process ballots. An Election Observer is not a poll watcher.

Poll Watcher. An individual associated with a political party, candidate, or organization to observe and record the activities at a poll site.

Precinct Election Officers. The people who run elections at each poll site.

Provisional Ballots. A ballot issued when the voter's name is not on the voter list, was sent an absentee or mail ballot and asked to vote at a poll site instead, did not have identification at the poll site, or any other reason when a voter can not vote a regular ballot.

Secure Storage. Locations provided for the storage of all material connected with the mail ballot process. They are under the direct control of the County Auditor (in King County it is the Records, Elections and Licensing Services Division). Secure storage employs the use of numbered seals and logs or any other security measures which will detect inappropriate access to secured materials.

Tabulate. To total votes in a readable format.

UOCAVA. Acronym for the federal Uniformed and Overseas Citizens Absentee Voting Act.