

Guide for Monitoring the Balloting Operation

Rev B

3 November 2021

**For Kitsap County Republican Party
CF DeCosta and Vinton Linard**

1. Prior to the election

The ballot counting system has a Logic and Accuracy (L&A) Test performed by the County and witnessed by the State and this operation should be monitored by the public. The dates for this operation are on the County Auditors Website and usually occur one month or less prior to the election. This is also a good time for the Auditors Office officials to get to know you and recognize you as election monitors for the Republican Party. Your presence has a lot of benefit to the process of keeping everyone knowledgeable of the public witnessing the process so they are more likely to religiously follow the requirements with no shortcuts or omissions.

The software utilized by the county has been certified by the Federal Government and the Secretary of State. It was maintained in a secure box for custody transfer to the county with special password access only obtained by the County once the box is received by the County by the county calling the company that made and certified the software and getting the password. This company has been authorized by the Government for this purpose and certifies the software to be proper and not tampered with or have unknown algorithms in it for nefarious purposes much like Escrow certifies the paperwork for a home sale. They are an independent organization hired for this purpose.

2. Development and maintaining the data base of eligible voters

The requirements for updating the eligible voter data bases for federal elections are covered in Federal law under NVRA 52 USC & 20507(d)(2) and paragraph (e). The State of Washington has implemented this requirement in RCW 29.10.071, 29.10.075 and 29A.08.510 (Dead Voter), 610 (Moved voter), 620 (Undeliverable Mail), and some other associated referenced section of the law.

Assignment of voter to inactive status—Confirmation notice. (1) A county auditor shall assign a registered voter to inactive status and shall send the voter a confirmation notice if any of the following documents are returned by the postal service as undeliverable: (a) An acknowledgement of registration; (b) An acknowledgement of transfer to a new address; (c) A vote-by-mail ballot, absentee ballot, or application for a ballot; (d) Notification to a voter after precinct reassignment; (e) Notification to serve on jury duty; or (f) Any other document other than a confirmation notice, required by statute, to be mailed by the county auditor to the voter. (2) A county auditor shall also assign a registered voter to inactive status and shall send the voter a confirmation notice: (a) Whenever change of address information received from the department of licensing under RCW 29.07.270, or by any other agency designated to provide voter registration services under RCW 29.07.420, indicates that the voter has moved to an

address outside the county; or (b) If the auditor receives postal change of address information under RCW 29.10.180, indicating that the voter has moved out of the county. Also if the voter fails to vote in two successive Federal elections the voter is removed from the active voter rolls, RCW 29.10.075. The records for voters removed from the eligible voter rolls are public information and can be requested from the County Auditor's office to assure this process is being performed.

3. Registering to vote and capturing the signature of record of the voter for verification of voter eligibility for ballot verification

A resident of Washington State can register to vote in many ways, including on line and manually filling out voter registration requests, but the most prevalent is registering to vote when you get or update your Washington State driver's license. There are presently two types of Washington State drivers' licenses, the regular driver license and the enhanced driver license, which requires social security number verification and place of birth verification or birth certificate. On the regular drivers' license application there is a square the applicant checks that they are a citizen of the United States or not, but this is not verified by the State of Washington or the Department of Motor Vehicles in any manner and this box can be checked by illegal or legal aliens (Non US Citizens) as being a US citizen, either on purpose or in error. This loophole in the system of voter registration is known by the State of Washington and has been reported up the chain of command, thru our County Commissioners and Auditors Office and verified by the Secretary of State of Washington as needing to be fixed. The present solution is to utilize the enhanced Washington State driver's license which requires showing citizenship at time of obtaining the driver's license. But people, aliens (non US citizens) and others) applying for a driver's license in the state of Washington can still request to get the regular driver's license which does not require verification of citizenship and it is less expensive to get also. The list of eligible voters developed from the driver's license list and other registration forms are thus sent out a ballot for the district they live in for voting. When the folks vote by absentee ballot here in Washington the signature on the outside of the ballot is compared to the signature of record they put on the driver's license form or other registration record for comparison that the county has stored in their computer records file. Other signatures of record for that same person, like home purchase, legal licenses, county permits, etc., are also retained by the county for use in comparison so the county has multiple signature verifications for most voters. During the ballot verification process county authorized personnel who are trained by the Washington State Highway Patrol, in signature verification, verify each and every ballot signature to the signature of record in county files to validate the ballot and voter. If a voter signature of record has their full name, full middle name and last name on the record but signs the ballot with first initial and last name or a nick name like Tony for Anthony but the correct last name, the signature will be allowed if the physical attributes of the last name signature match the last name signature of record. This is something to watch as it can be confusing. You can monitor how the county employee selects the option on the computer for "needs further review" for a bad or questionable signature or selects acceptable signature for a good signature. Those that cannot be adjudicated as acceptable are forwarded to the County Canvassing Board for resolution. The County Canvassing Board is made up of three people, one of our county Commissioners, the

Public Prosecutor and the County Auditor. Two of these three Canvassing Board members must say the signature is acceptable before the ballot will be opened or counted.

4. Ballots are mailed out to authorized voters and when are received back are sorted by 9 district areas

The Ballots are picked up at the various specifically authorized ballot drop boxes by two authorized County personnel, put in a box and the box is sealed. The sealed box is transported to the Auditors office with a signed seal tally sheet by two people with one signed tally sheet inside the transport box and one signed sheet outside the transport box. These boxes, seals and signature tally sheets are verified by two different county personnel at the auditors' office at the time the boxes are delivered to the auditors' office for counting.

The ballot outside envelope has the voter signature and a bar code on it designating the voter for identification of the voter signature in the voter records in the County. These signatures are verified by the Auditors Office when the transport boxes are opened up for the counting process by processing them thru the scanner in the auditors' office. Utilizing the validated authorized voter list and the addresses of record, ballots are mailed out to all validated voters about three weeks prior to the election. Military Ballot envelopes are identified by black bars in the upper right hand corner of the mailing envelope. The ballots can be returned by US Mail or put in the defined voter drop boxes around the County. The ballots must be either post marked by 8 pm of the day of voting or earlier to be valid. Military ballots are handled slightly different with different time lines. A person can verify that the Auditors Office has received and counted their ballot or not, by going on-line to the Auditors website and putting in their name and date of birth into the system and verify your ballot envelope has been received and ballot counted or not as all ballot "Envelopes" are bar coded to the voter, but the ballot is not coded to the voter. The ballot is bar coded to the precinct and to the election to assure the right ballot is used for the election and is not coded to the voter. If the person knows they mailed in their ballot several days ago and the system does not register their ballot envelope, the person can request another ballot be utilized in person at a voting booth or on line. The system can recognize an existing ballot from the same person and will only count one of them if the original ballot turns up. This duplicate will be flagged at the Auditors Office by the computer system for resolution and resolved by the Auditor Office personnel. The system also can determine if a person who has recently moved to another county has voted in both counties and only count the vote in the County they are presently living in as the entire State is electronically connected by the Washington computer voting system. The system can determine late received ballots and tell the voter that their ballot envelope was received late and will be sent to the Canvassing Board for adjudication. That adjudication will be "not counted" as ballot envelope was received late. All ballots found on or around the ballot collection boxes after the ballot collection boxes are locked at 8 pm on election day will be gathered up, initialed by the drop box pick up team of two people and presented to the Canvassing Board and marked as received late and will not be counted in the vote tally. The election voting collection boxes will also be checked the day after elections and all ballots found around the voting collection box will be picked up double initialed for identification and

retained and returned to the Auditors Office, and marked received late and presented to the Canvassing Board for adjudication but not counted for voting and not opened. The monitors can perform spot checks on this verification by watching the process at the ballot return boxes at 8 pm on voting day and assure all late received ballots are collected (probably at the next morning pickup) and double initialed by two separate ballot collection County personnel, and returned to the auditors' office for review by the Canvassing Board, unopened and not counted. In the past our Monitors have taken pictures of the ballots on and around the ballot collection boxes left by late voters and then we can go into the system and verify the ballot was not counted and was turned over to the Canvassing Board for rejection. Monitoring the Canvassing Board rejection of these ballots is also a good thing to do of course, which was performed this Aug Primary session. There are a wide range of reason for rejecting the signatures on the ballots and for each ballot where there is a rejection of the signature, the voter is contacted by the County by various methods, like mail, phone or personal visit to try to resolve the conflict in the signature. Some signatures are found to be falsified and these are forwarded to the Prosecutors' Office for processing as a Class C Felony against the person voting illegally.

When the ballots are received back at the County they are scanned for signature verification or lack of any signature or signature irregularities like witnesses vs a signature, Power of Attorney signature (not allowed), date received and sorted by 9 different district areas. Power of Attorney signature is not allowed. Witness signatures need verification follow-up by County personnel. The ballots are not sorted by every district but by generally 9 different district areas so if there is a recount on a local issue they will only have to process the ballots that are included in the district areas of the recount. The scanning machine does not have enough slots for separating the ballots into each individual Precinct.

5. Processing the Ballot

Processing the ballot is a complicated and defined procedure to protect the privacy of the voter and their vote. As defined above the mailing envelopes for the ballots are Bar Coded for the tracking reason stated above. After the ballot has been verified as valid by signature match, date time received, correct county and district and correct election, the ballot and the security sleeve are removed from the ballot, but the ballot is not removed from the security sleeve at this time. After processing the sleeve/ballot removal for the quantity on the envelope openers' desk, the ballot mailing envelopes are stacked and tied together with a lanyard thru the viewing hole in the ballot envelope and separated from the actual ballot/sleeve assemblies. Performing this step separates the voter from the actual ballot so no one in the auditor's office can tell who voted for what or whom. The ballots are then removed from the security sleeves and reviewed for marking the vote per the instructions on the ballot. If a ballot is not marked following the procedure on the ballot, they must be adjudicated so the machine reader/scanner can process the ballot. Some reasons for needing adjudication is big check marks vs black ink filling in the box, or marking the box with colored ink or other objects, marking two boxes vs one, crossing out a vote in a manner not shown on the ballot, etc. If a ballot must be duplicated to make it readable for the electronic ballot reader it is done with

four people to assure it is processed properly two people simultaneously witnessing the corrections and two separate people verifying the process went correctly and the old ballot is retained with the new ballot for auditing purposes if needed. All ballot paperwork, mailing envelopes, ballot duplicates and old unreadable ballots are retained for 22 months. A lot of ballots have write-in candidates listed and this is discussed below on how and if they need to count the write-in candidates.

After signature validating the ballots and processing them for readability by the electronic ballot counter, the ballots are brought to an electronically isolated computer ballot counting room for scanning by the ballot reader. The specific count on the ballots, by batches, going into this special locked electronically isolated, secure room, is kept track of to assure the ballot scanner is counting all the selections on the ballots. This special electronically isolated counting room requires double badge access by two separate authorized County personnel at all times. The ballots are fed thru the ballot reader and count verified to the count the County worker or Contractor has fed into the counting machine. This process of processing the vote starts when the system has been certified and the Auditors Office starts receiving ballots from the "process" a week or more before final voting day. The actual vote count for any issue or candidate is not known at this time and is never known until after 8 pm on the end of the voting day. After 8 pm on voting day the tabulation button is pushed and the computer will print out the first tally for the voting process with appropriate witnesses, monitors and Press present. Copies of the initial count are published on line immediately and some copies are passed out to the monitors and Press. More valid ballots properly postmarked are still coming in thru the next few days as the mail system delivers the mail. Some ballots are received electronically on line and they need to be all transferred to a ballot that can be read by the optical scanner system. Those electronically prepared ballots at home must be printed at home, put in a mailing envelope with signature verification for comparison at the Auditors office as described above and mailed to the County Auditor. Ballots received for other counties will be forwarded to those counties. We also receive ballots for Kitsap County that were mailed in other Counties and finally delivered to Kitsap County.

Concerning write in candidates: All write-in candidates are tracked by the computer tally system but the totals for each write-in candidate is not published, only the total of all the write-in candidates for each race. If the total of all the write-in candidates in a category is greater than the candidate with the most votes in that category, then the votes for this race are recounted listing the valid approved write-in candidates and their votes for comparison for determining a winner in that category. See RCW 29A.64.021.

6. Audit and testing of the Ballot counting system before, during and after election day

An audit per RCW 29A.60.170(3) is performed to validate the calibrated optical reader system is operating properly. All the ballots are in boxes of batches of about 200 in each batch box separated by 9 precincts areas. All the batch numbers are put into a bucket and a county worker randomly selects 6 batches for audit. The votes on the ballots for a selected race are then manually counted separately by two different county workers and the count must match or get resolved. The ballots are then run thru the optical reader

system and counted. The votes counted by the optical reader are compared to the manual count and they must agree. Washington State Secretary of State requires that auditor officials are present at logic and accuracy (L&A) tests where we review and ensure, both visually and through **HASH** testing, that the equipment and software in use hasn't changed from the version certified both federally and in Washington. **HASH** testing is the use of digital file signatures, commonly called **HASH** codes, to assure that voting system software has not been modified or tampered with. When a system is booted from the CD, every file used by the voting system, including those files the voting applications use in the operating system, is examined and its digital signature is compared to the certified version of the software. The check takes 1.5 to 2 minutes and gives a GO/NO GO result. The check can be made before, after, and even during an election. Kitsap County Auditor has stated they use **HASH** testing for Operating Code verification in addition to "chain of custody" of the transfer software to this County facility. See paragraph 1.0 for transfer of this operating system to the County.

7. Sending the County Vote tally to the Secretary of State for tally

The votes in the County are first counted after 8 pm on election day. The vote count is then sent each day to the Secretary of State by the direct connection web site the County Auditor has with the Secretary of State. A certified one way thumb drive is used by the County to transmit the data to the Secretary of State each night after counting the votes until the election is certified. Each day after voting day the County also sends to the Secretary of State a PDF file of the vote tally by e-mail. The secretary of State's office is then required to compare the electronic transfer of the vote tally by web page to the e-mail vote tally transfer by PDF file, to assure the vote tally is the same to assure the vote has not been manipulated in transfer. This absentee voting process or vote by mail process is supposed to be the same throughout Washington State, but some Counties have not fully implemented the process but are in the process of doing so.