



**BENTON COUNTY WA**  
Auditor | ELECTIONS

## **Election Observer Manual**



**Benton County Elections Division**

**2618 N. Columbia Center Blvd.**

**Richland, WA 99352**

**[www.bentonelections.com](http://www.bentonelections.com)**

**[elections@co.benton.wa.us](mailto:elections@co.benton.wa.us)**

**2023 Edition**

**Welcome to the Benton County Elections Division.** We appreciate your participation as an Official Party Observer as part of the paid observer program or as an interested voter. Our Observer’s Mission Statement is *“To provide an independent observation and maintain confidence in the accuracy and integrity of the election process.”*

Anyone has the right to observe any part of the election process. The role of an observer differs from that of a paid member of the Elections Division team. As an observer, it is important to understand the election process, however observers are prohibited by law from touching, handling any ballots, processing equipment or containers (RCW 29A.60.170).

Observers are a vital part of the Election process. This program is governed by State law and is a working relationship between the political parties and the Benton County Auditor (RCW 29A.40.100). We have requested the political parties appoint observers. The Auditor has the authority to review the appointments (RCW 29A.60.170, WAC 434-250-110, WAC 434-261-020). This guide is subject to occasional review and updates by the Elections Division.

Auditor.....Brenda Chilton  
Chief Deputy Auditor.....Lorene Roe  
Elections Manager.....Amanda Hatfield  
Elections System Supervisor.....Grace Davidson

- The Elections Division encourages the two local major political parties (Democratic and Republican) and the local League of Women Voters to provide observers to view all aspects of onsite ballot processing during an Election. The paid observer program is eligible only to these political or non-partisan groups.
- Observers can begin observing when initial ballot processing, signature verification and opening of ballots begins for each election. Parties will be notified of the planned schedule in advance of ballots returning. (WAC 434-261-020)
- Political parties are contacted prior to each election and provided the work schedule of ballot processing. (WAC 434-250-110)
- Coordinators, or appointed observers, may observe the tabulation system logic and accuracy testing prior to each election. (RCW 29A.12.130, WAC 434-335-290)
- Each group of observers is requested to designate an Observer Coordinator.
  - A. This individual coordinates the observers in their group, ensuring they are available for all shifts. Up to 6 people from each group is recommended to be on the list for potential shifts. Each shift will be from 9:00 am to 4:00 pm.
  - B. The Observer Coordinator will receive a stipend of \$250.00 per election, provided all specific shifts are filled, and important election events are attended, all of which are identified before each election.
  - C. A preliminary schedule of assignments must be provided by the Observer Coordinator no later than the date Military and Overseas ballots are mailed.
- Only one observer per shift per group will receive a stipend of \$50/day (or \$25 per 4 hour shift) and be allowed inside the ballot processing area. Additional observers are welcome, but will view the processes from outside of the fenced area. Additional observers are not eligible for stipends. Only observers that have attended the mandatory training prior to each election will be eligible for the stipend and will be permitted inside the ballot processing cage.
- All stipends paid to the Observer Coordinator and observers will be subject to any taxes and reporting as may be required by the law.
- If a scheduled observer does not show up for a shift, the Elections Division will still continue on with their scheduled daily work. The group can substitute an assigned observer by notifying the Elections Manager.
- All observers must attend mandatory observer training prior to each election cycle.
- All observers will be required to wear a badge while observing.

All observers will enter the Elections Division in Richland and sign in at the Contact Center. Official observers that have attended the mandatory training will be issued a name badge and will have access to the secure ballot processing area. Official Observers will have access to the ballot processing cage. Only one member of each party is allowed in the cage at a time. Observers that are not part of the paid party program that wish to observe will sign in as well and will be issued a sticker badge and will be escorted to the secure ballot processing area. These observers will not have access inside the caged areas. Badges should be checked back in and the observer will sign out at the Contact Center at the end of their shift.

Any observer questions should be directed to the Elections Manager or the Election Systems Supervisor.

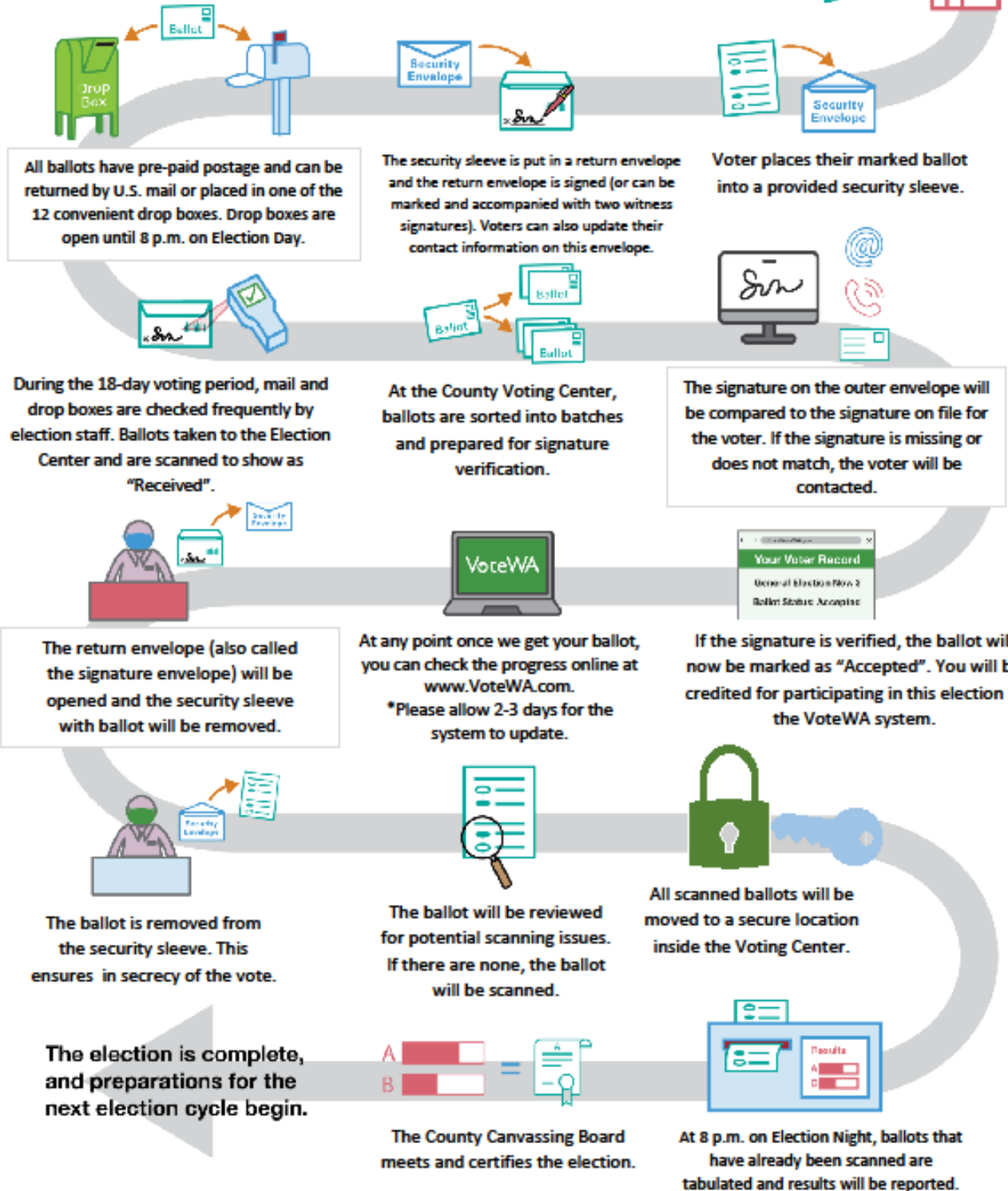
Observers are not permitted to:

- a. Talk or touch workers while work is in progress
- b. Disrupt any of the election duties such as signature verification, post election day audits, pre-certification proceedings, certification, etc. **Observers are to observe the process, not be a participant.**
- c. Discuss election procedures with workers (refer questions to Elections Manager or Election Systems Supervisor)
- d. Touch ballots or equipment
- e. Sit or lean on tables or equipment
- f. Carry or use cell phones, laptops, take notes (concerns should be logged on designated clip board and left with the Elections Division), photos/videos, or record audio. Cell phones are not allowed inside the ballot processing center. You have the option of having a locker assigned to you to store your personal items.
- g. Participate in campaign or political conversations or distribute materials
- h. Be inside the caged portion of the tabulation area
- i. Carry or have on said person any weapons, pursuant to RCW 9.4112.

Conversations between fellow observers must occur outside of workspaces. Disruptions affecting the performance and accuracy of elections work must not occur inside Suite 100 of the voting center. (Entire caged areas)

## Vote by Mail in Benton County

All eligible voters are sent a ballot at least 18 days prior to the Election Day.



## Election Processes for an Election Cycle

### Before an Election:

Registering voters – this is a continual process year-round. Voter registrations are processed from mail, in-person and electronic submissions from various sources.

- **Resolution and Candidate filings** – All candidate filings that get filed in May during filing week must be verified and processed. Resolutions that are submitted for a ballot measure must be verified and a legal ballot title acquired.
- **Designing ballot layouts & Local Voters Pamphlet**– All offices, candidates and measures for a particular election are verified. Offices and measures must be designed and programmed according to state statute. Ballot order for candidates is determined by lot draw. After measures and candidates are finalized, design of the local voters pamphlet is done by the Elections Division.
- **Testing of systems and equipment** – All Elections are programmed into the Clear Ballot Tabulation System. The programming goes through extensive testing prior to generating the ballots. The (AVU's) Accessible Voting Machines are also programmed and put through the same extensive testing.
- **Mailing of Ballots** — Voter list for the current election is sent to our mail vendor for creation and mailing of ballot packets. UOCAVA ballots, new registrants and replacement ballots are mailed out from our office through the USPS.
- **Processing returned ballots** – As ballots are received in the mail and from ballot drop boxes, they are processed but not tabulated. This process includes signature verification, opening of the ballots and scanning the ballots into the scanners in preparation of Election night. Tabulation takes place after 8:00 pm on Election Day and continues daily thereafter when we have 500 or more ballots to count.

### On Election Day:

- Customer Service for voters—this includes ballot runs as well
- Beginning at 8:00 p.m., tabulation of ballots and locking of all ballot drop boxes

### After Election Day:

- Processing and tabulating returned ballots
- Auditing of results (Random Batch Audit)
- Certification of final results
- Conducting necessary recounts (there are no recounts for ballot measures)

## **Logic and Accuracy Testing**

Logic & Accuracy Testing is the process of testing the programming of the tabulation equipment and Accessible Voting Units (AVU) that will be used in any primary, general or special election. The tests verify the systems will correctly tabulate a matrix of predicted votes cast for all candidates and measures that appear on the ballot and that the machines are functioning to required specifications for that election.

A pre-approved test deck of ballots will be used for the test. The test is to be conducted at least 3 days prior to an election. Political parties, the press, the general public and candidates are notified of dates and times of the tests and may attend as observers.

After testing has been completed, the Certification of Witnesses must be signed by all attendees and, along with all test ballots and printed results, shall be sealed for security purposes until the retention period has been met for the election.

## **Emergency Logic and Accuracy Test**

This test must be conducted if, for any reason, changes have to be made to the ballot programming after the official logic and accuracy test has been certified or if the official test cannot be completed as scheduled.

## **Test Deck**

Ballots marked in a pre-determined pattern, pre-approved by the Secretary of State, will be scanned into the tabulation system during the official logic and accuracy test. The deck shall be marked in a pattern that it tests the ability of the tabulating system to correctly count the ballots. The deck shall test the tabulation system's ability to accurately count all candidates, measures, write-in votes, overvotes and blank ballots along with ballots marked by the Accessible Voting Units (AVUs).

## **Ballot Processing**

**Receiving of ballots** - Ballot envelopes are placed in trays specific to whether they were received in a drop box (identified by box) or in the mail. For ballots that were received by drop box, two members of election staff break the seal on the totes containing the voted ballots and work to organize each ballot so that it is facing the same direction. Depending on the election, ballot drop pick ups could happen daily or every other day by two members of election staff.

**Sorter Processes (First Pass)** - Each tray of ballots that have been received are passed through the Agilis sorting machine to collect an image of the signature box of the voted ballot in preparation of signature verification. All trays are ran through this process until all of the mail and drop box ballots received for the day have gone through the sorter once. These envelopes are all placed into yellow trays until signature verification has been completed. These images are then transferred electronically from the sorter drives into a drive into the voter registration system.

**Signature Verification (First Review)** – This is the process of comparing the voter’s signature on the ballot declaration envelope with any signatures in the registration file. If the signature meets the standards set forth in statute, the voter is given credit for voting and the ballot is approved for a 2nd pass with the sorter. If the signature is missing, does not appear to match or has anomalies, the verifier will flag the envelope for that specific reason. It will be outstacked from accepted ballots once it goes through the sorter a 2nd time.

**Sorter Processes (Second Pass)** - Each tray of ballots that have been received and verified through the voter registration system are passed through the Agilis sorting machine a 2nd time to separate the ballots that have been accepted to any challenged ballots that may have been flagged during the signature verification stage. At the time the ballots are ran through the sorter again, the Agilis also opens the signature envelope as it makes its way to assigned pockets. These pockets are programmed to hold 200 accepted ballots that will be placed into green trays that are now ready to be opened and prepared for scanning by election staff.

**Signature Verification (2nd Review)** – This is the process of reviewing all signatures that were not accepted the first time. 2nd Reviews are conducted by supervisory staff with a higher level of training and experience prior to letters being sent out to voters for correction. If Supervisory staff agrees that attention is needed from the voter, a letter is sent out within 24 hours of the initial challenge with an explanation that any forms that need to be returned need to be received no later than 4:00 pm the day before certification of the current election. Any ballots that remain challenged leading up to the day before certification will be presented to the County Canvassing Board for final determination.

***Observers may not express their personal opinion of whether or not a signature appears valid.***



**Scanning and Adjudication of voted ballots** – is the process of scanning the ballots into the tabulation system and adjudicating any issues (i.e. overvotes, undervotes, corrections, write-ins) that will impact how a ballot is tabulated. A team of two election team members will scan the ballots into the tabulation scanners. As each batch of ballots is scanned into the system, the information is recorded on the corresponding target card. Ballots that require attention by the Canvassing Board are removed from the tray, noted on the target card and placed into the canvassing board tray inside the voted ballot secure room. The balanced batch of scanned ballots are sealed into clear bags and then placed into a secure storage container. Once the ballots have been scanned, two election team members will adjudicate the ballots. This is done by bringing up the digital images of the ballots by category that may potentially have issues (undervotes, overvotes, write-ins, corrections) and confirming or indicating in the system how the marks on the ballot should and will be recorded. This is done in strict compliance with the “What is a Vote” guidelines provided by the Secretary of State’s Office and mandated by statute. Any ballots containing marks that cannot be resolved within the confines of the guidelines are removed from the system and forwarded to the Canvassing Board for review. The information regarding resolution is recorded on the target card.

***Observers are not to make any tally or count of the votes on the ballot.***

***Observers are not to interfere with the teams’ processing of the ballots in any way.***

**Tabulation** – is the process of tabulating all of the batches that have been scanned into the tabulation system. The tabulation of ballots must not commence prior to 8:00 p.m. on Election Day per statute. Once the data is compiled in the tabulation system, the cumulative results report is generated and the information is provided to the public via the County’s website, the Secretary of State’s website, and printed reports available in the Contact Center. Following Election Day, ballot processing and tabulation continues daily, provided that 500 or more ballots remain to be counted. If fewer than 500 ballots remain to be processed, they will be held until the day of certification and will be part of the final tally and certification.

**Post Election Day Processes** – is the process of sorting, researching, documenting and duplicating replacement ballots that were issued at the elections office or by another county at the request of a voter. Elections’ staff researches the voter registration within the county and statewide to determine if the voter is eligible to vote. If the voter is registered in another county, the ballot is immediately forwarded on to that county. If the voter is eligible to vote in Benton County, the signature is verified and the voter’s record is researched. If the voter has not previously voted, and is an eligible voter for the current election, the voter is given credit for voting, the current ballot is duplicated to a ballot of the voter’s precinct and all eligible votes are transferred and the ballot is sent to tabulation. If the voter is not eligible to vote in Washington, they are sent a letter explaining why their vote was not able to be counted.

***Observers are not to make any tally or count of the votes on the ballot.***

## **Random Batch Audit**

**Random Batch Audit** – takes place no later than forty-eight hours after Election Day. Six batches of ballots are randomly selected during processing for the audit. If observers are present the day before the audit, they can participate in selecting the 6 batches. The Election Manager will inform the observers of the range number of batches to select from. The contest to be audited is randomly selected from the sample ballot by the County Auditor. The audit compares the hand count of the selected batches and contest to the electronic results of the contest.

## **Certification of Election**

**Certification of Election** – takes place 10 days after a Special Election, 14 days after a Primary and 21 days after a General Election. The Canvassing Board is presented with all remaining items that are challenged for final review. Once all ballots have been accepted, a final scanning of ballots and tabulation is compiled along with the final tally of votes and supporting documentation. Once the Canvassing Board adopts final reports, the election is certified by the Board and is officially closed.

## **Canvassing Board**

Canvassing Board Membership on the board is defined by statute:

- County Auditor, or delegate
- County Board of Commissioners Chair, or delegate
- County Prosecuting Attorney, or delegate

Only the Canvassing Board can reject a ballot.

The Canvassing Board makes all decisions on voter intent not specifically contained in the Secretary of State Voter Intent Statewide Standards on What Is A Vote.

The Canvassing Board certifies final election results.

Meetings are open to the public and the schedule is posted.

## **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.84.420**

### **Unauthorized examination of ballots, election materials - Revealing information.**

- (1) It is a gross misdemeanor for a person to examine, or assist another to examine, any voter record, ballot, or any other state or local government official election material if the person, without lawful authority, conducts the examination:
  - (a) For the purpose of identifying the name of a voter and how the voter voted; or
  - (b) For the purpose of determining how a voter, whose name is known to the person, voted;or
  - (c) For the purpose of identifying the name of the voter who voted in a manner known to the person.
- (2) Any person who reveals to another information which the person ascertained in violation of subsection of this section is guilty of a gross misdemeanor.
- (3) A gross misdemeanor under this section is punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

## WAC 434-250-110

### Processing ballots.

- (1) "Initial processing" means all steps taken to prepare ballots for tabulation. Initial processing includes, but is not limited to:
  - (a) Verification of the signature and postmark on the ballot declaration;
  - (b) Removal of the security envelope from the return envelope;
  - (c) Removal of the ballot from the security envelope;
  - (d) Manual inspection for damage, write-in votes, and incorrect or incomplete marks
  - (e) Duplication of damaged and write-in ballots
  - (f) Scanning and resolution of ballots on a digital scan voting system; and
  - (g) Other preparation of ballots for final processing.
- (2) "Final processing" means the reading of ballots by an optical scan voting system for the purpose of producing returns of votes cast, but does not include tabulation.
- (3) "Tabulation" means the production of returns of votes cast for candidates or ballot measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.
- (4) Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of ballots.
- (5) Initial processing of voted ballots, which may include scanning and resolving ballots on a digital scan voting system, may begin as soon as voted ballots are received. All ballots must be kept in secure storage until final processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel. The county auditor must ensure that all security envelopes and return envelopes are empty, either by a visual inspection of the punched hole to confirm that no ballots or other materials are still in the envelopes, or by storing the envelopes with a tie, string, or other object through the holes.
- (6) Final processing of voted ballots, which may include scanning ballots on an optical scan voting system, may begin after 7:00 a.m. on the day of the election. Final processing may begin after 7:00 a.m. the day before the election if the county auditor follows a security plan that has been submitted by the county auditor and approved by the secretary of state to prevent tabulation until after 8:00 p.m. on the day of the election.
- (7) Tabulation may begin after 8:00 p.m. on the day of the election.
- (8) In counties tabulating ballots on an optical scan vote tallying system, the vote tallying system must reject all overvotes and blank ballots.
  - (a) All rejected ballots shall be outstacked for additional manual inspection.
  - (b) The outstacked ballots shall be inspected in a manner similar to the original inspection with special attention given to stray marks, erasures, and other conditions that may have caused the vote-tallying device to misread and reject the ballot.
  - (c) If inspection reveals that a ballot must be duplicated in order to be read correctly by the vote tallying system, the ballot must be duplicated.

## **WAC 434-261-020**

### **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 processing ballots for a primary or election, the county auditor shall notify the major political parties in writing of the maximum number of official observers allowed to observe ballot processing and the date ballot processing begins. Where more than one observer is appointed, the political party shall designate one of the 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. The counting center is under the direction of the county auditor. All observers are authorized to observe the processing of ballots for the current election as defined by WAC 34-250-110. Observers may not touch or record images of voted ballots, challenge signature check decisions, object to decisions to count or not count votes or ballots, or disrupt ballot processing. The county auditor shall provide written rules for observers. The county auditor may require an observer who does not follow the established rules to leave the counting center.

## **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.

## **ESB 1630 – RCW 9.41**

NEW SECTION Sec. 3 A new section is added to chapter 9.41 RCW to read as follows:

Except as provided in subsections (3) and (4) of this section, it is unlawful for a person to knowingly carry onto, or to possess in, a ballot counting center, a voting center, a student engagement hub, or the county elections and voter registration office, or areas of facilities while being used as a ballot counting center, a student engagement hub, or the county elections and voter registration office

## RCW 29A.84.510

### Acts prohibited in voting center—Prohibited practices.

\*\*\* CHANGE IN 2022 \*\*\* (SEE 1716-S.SL) \*\*\*

(1) During the voting period that begins eighteen days before and ends the day of a special election, general election, or primary, no person may:

(a) Within a voting center:

(i) Suggest or persuade or attempt to suggest or persuade any voter to vote for or against any candidate or ballot measure;

(ii) Circulate cards or handbills of any kind;

(iii) Solicit signatures to any kind of petition; or

(iv) Engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the voting center;

(b) Obstruct the doors or entries to a building in which a voting center or ballot drop location is located or prevent free access to and from any voting center or ballot drop location.

(2) Any sheriff, deputy sheriff, or municipal law enforcement officer shall stop the prohibited activity, and may arrest any person engaging in the prohibited activity.

(3) Any violation of this section is a gross misdemeanor, punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021, and the person convicted may be ordered to pay the costs of prosecution.