

# Political Party Observer Manual

## Thurston County Elections

*Updated 07/8/2022*



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## Introduction

### Observers are a vital part of the Election process.

This program is governed by Washington State law and is a working relationship between the political parties and the Thurston 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).

The role of an observer is vastly different than that of the election worker. As an observer, it is important for you to understand how your role differs.

The integrity of the Election process is a building block to our Country's Democracy. Thurston County is dedicated to this fundamental right. As a Political Party Observer, you play a very important role.

### Observer's Mission Statement

"To provide an independent observation, to maintain confidence in the transparency, integrity, and accuracy of the election process"

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## 2022 Election Dates

<b>February Special Election:</b>	<b>February 8, 2022</b>
<b>Primary Election:</b>	<b>August 2, 2022</b>
<b>General Election:</b>	<b>November 8, 2022</b>

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## To Get Started as an Observer

- Your political party chair or the coordinator of your selected group will contact you after training.
- They will confirm work schedules.
  - Coordinators:  
Donna Patrick, Democratic Party Coordinator  
[donna.patrick62@gmail.com](mailto:donna.patrick62@gmail.com)  
John Clabaugh, Republican Party Coordinator  
360.791.4795, [johnclabaugh76@gmail.com](mailto:johnclabaugh76@gmail.com)

## Observer Role:

- Observers begin working when initial ballot processing, signature verification and opening begins for each election (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 before each election, the post random audit, and the pilot risk limiting audit (RCW 29A.12.130, 29A.60.170, WAC 434-335-290).

## Reporting to work

- Ballot processing will continue with, or without you, (RCW 29A.40.100, WAC 434-250-110). There can only be 1 observer per group at the ballot processing center (BPC) at a time. If one party is unrepresented, then the party that is present may take open slots.
  - Enter the front door and use the computer station to sign in to LobbyGuard.
  - Put on the printed name badge.
  - **Don't forget to sign out!** This is done by simply scanning the barcode on the front of your printed badge. This is crucial for coordinators to track hours.
  - Ask questions and report any concerns immediately; Do not wait.
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## Observer Questions and Concern Log

### Communication

Communication is important to us.

- Open communication is vital to our mutual goal to carry out open and transparent elections.
- We want to avoid uncertainties – please talk to us should you have any questions or concerns.

### Getting Answers

Direct questions to your designated fulltime staff.

- Do not ask questions of extra hire workers or other full-time staff unless given permission.
- Use the Observer Question and Concern Log if/when:
- Your question wasn't answered by staff on shift, OR
- You believe your question or concern is important and needs to be a written record. The log is not meant to replace verbal communications.

## What to observe:

Look for irregularities:

- Workers straying from established procedures.
- Political conversation.
- Unescorted, non-badged individuals.
- Individuals taking photos, audio tapes, notes or making phone calls without permission.
- Election materials that appear to be out of place.

## Rules and Guidelines

- Political discussion is not allowed on the processing floor.
- Observers may not take notes, photos, audio recordings, videos etc.
- The breakroom is for employee use only.
- Direct all questions or comments to your assigned Elections staff member.
- Stay within the designated observer area.
- Do not hold conversations in the observer area.
- Do not place chairs in the observer area.

- The restroom is available.
- No cell phones, food/drinks, or bags are allowed on the floor. Phones can be kept in pockets, but step outside for calls.
- Comply with all reasonable requests from Elections staff.

## **Social Distancing Rules**

- Observers are required to wear masks.
- Stay at least 6-feet away from all election staff and other observers.
- In ballot opening area, observers must stay in the designated areas as marked.
- Do not congregate or chat near the observer sign-in station. If you would like to fill your replacement in on what is happening with processing, please do so outdoors.

## Related RCWs and WACs

### 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 — Random check of counting equipment - Report

(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 must 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, and consistent with rules adopted under RCW [29A.60.185](#)(4), prior to the processing of ballots. The random check process shall involve a comparison of a manual count or electronic count if an audit under RCW [29A.60.185](#)(1)(d) is conducted to the machine count from the original ballot counting equipment 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. The random check procedures must include a process, consistent with RCW [29A.60.185\(3\)](#) and rules adopted under RCW [29A.60.185\(4\)](#), for expanding the audit to include additional ballots when a random check conducted under this section results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots and the method to determine how many additional ballots will be selected. Procedures adopted under RCW [29A.60.185](#) pertaining to investigations of any discrepancy found during an audit must be followed. The check must be completed no later than forty-eight hours after election day.

(4)(a) By November 1, 2018, the secretary of state shall:

(i) For each county, survey all random check procedures adopted by the county canvassing board under subsection (3) of this section; and

(ii) Evaluate the procedures to identify the best practices and any discrepancies.

(b) By December 15, 2018, the secretary of state shall submit a report, in compliance with RCW [43.01.036](#), to the appropriate committees of the legislature that provides recommendations, based on the evaluation performed under (a) of this subsection, for adopting best practices and uniform procedures.

## 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 (1) 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](#).

## RCW 29A.84.730

### Divulging ballot count.

(1) In any location in which ballots are counted, no person authorized by law to be present while votes are being counted may divulge any results of the count of the ballots at any time prior to 8:00 p.m. on the day of the primary or special or general election.

(2) A 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](#).

## WAC 434-250-110

### Processing ballots.

#### (1) Ballot processing definitions:

- (a) "Initial processing" means all steps taken to prepare ballots for tabulation.
- (b) "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.
- (c) "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.
- (d) "Conditional" means a ballot issued when the voter registration system is unable to process an application submitted in person. The voter is conditionally registered and the voter's current ballot shall be accepted only after the application has been processed.

(2) 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.

#### (3) Initial processing includes, but is not limited to:

##### (a) Identification and receipt of current and suspended ballots:

- (i) Current ballots are received and prepared for signature verification;
- (ii) Suspended ballots are received and held until the seventh day following election day to allow time for a voter's current ballot to be received.

##### (b) Sorting of suspended ballots due to voter registration transfers:

- (i) In-county suspended ballots are secured and held;
- (ii) Out-of-county suspended ballots are sent with expedited shipping to the voter's new county in Washington. The suspended ballot must be sent to the new county as soon as possible, but not more than two business days after receipt. Suspended ballots received between seven days after election day and prior to certification shall be mailed to the voter's new county within one day of receipt. Following certification, suspended ballots are mailed to the voter's new county for retention.

##### (c) Processing of current and suspended ballots:

- (i) If the voter's current ballot is received and accepted for tabulation prior to the seventh day after election day, the suspended ballot becomes invalid;
  - (ii) If the voter's current ballot is not received prior to the seventh day after election day, duplicate the suspended ballot onto the precinct ballot that matches the voter's current registration record.
- (d) Verification of the signature and postmark on the ballot declaration by the county of current registration;
  - (e) Removal of the security envelope or sleeve from the return envelope;
  - (f) Removal of the ballot from the security envelope;



- (g) Manual inspection for damage, write-in votes, and incorrect or incomplete marks;
- (h) Duplication of ballots;
- (i) Digital scanning and resolution of ballots by batch where tabulation does not take place; and
- (j) Other preparation of ballots for final processing.

(4) Initial processing of voted ballots may begin as soon as voted ballots are received. Initial processing includes digital scanning and resolution of ballots where tabulation does not take place. 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.

(5) 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.

(6) Tabulation may begin after 8:00 p.m. on the day of the election.

(7) 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 [434-250-110](#).

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.

**Note:** RCWs and WACs change from time to time.

For current laws visit <http://www.leg.wa.gov/codereviser>