KING COUNTY AUDITOR'S OFFICE

AUGUST 2, 2019

Follow-up on King County Elections Could Further Reduce Risks and Barriers to Voting

King County Elections has made significant progress toward implementing our audit recommendations, mitigating potential risks and ensuring that all ballots are counted as cast. Elections has strengthened procedures that require two people to be present when transporting uncounted ballots and accessing software systems that can alter how votes are counted. Elections implemented new and stricter controls around computer use by issuing employee-specific passwords, tracking how many manual changes to ballots occur during an election, and guaranteeing that emailed ballots cannot be deleted. Elections has also worked toward removing barriers to voting by limited-English speaking communities by updating its website with important information and using data when awarding Voter Education Fund grants.

To fully implement all of our recommendations, King County Elections should continue its work in developing a comprehensive risk management strategy, training employees on how to detect tampering, and making it difficult for scanning employees to write on ballots. It should also monitor how many self-printed ballots are returned with a mark instead of a signature, as well as adding a layer of secondary review to decisions about newly filed signatures following a challenge.

Of the 14 audit recommendations:

✓ 8 DONE	⋯ 5 PROGRESS	! 0 OPEN	✕ 1 CLOSED
Fully implemented Auditor will no longer monitor.	**Partially implemented** Auditor will continue to monitor.	**Remain unresolved** Auditor will continue to monitor.	**No longer applicable** Auditor will no longer monitor.

Please see below for details on the implementation status of these recommendations.

Recommendation 1 — PROGRESS

King County Elections should develop, document, and implement a comprehensive risk management strategy, including regular risk assessment, risk mitigation, and monitoring and review of these processes.

STATUS UPDATE: King County Elections has started working toward a comprehensive risk management strategy by completing a risk appetite exercise and conducting a risk profile assessment. Elections plans to continue implementing a process for regular risk assessment over the course of 2019.

WHAT REMAINS: King County Elections should continue its efforts to implement regular risk assessment, as well as developing, documenting, and implementing risk mitigation strategies and associated monitoring.

Recommendation 2 — PROGRESS

King County Elections should develop, document, and implement recurring training for full-time and temporary employees on the criminal penalties for intentional elections tampering and how to detect and report these activities.

STATUS UPDATE: King County Elections trains its staff on proper ballot handling procedures and instructs them to report anything they observe that is different. Elections employees must sign an oath which includes a reference to the criminal penalties for improper handling under Chapter 29A.84 RCW.

WHAT REMAINS: King County Elections should incorporate training materials on how to detect and report specific activities that would indicate a high risk of mishandling, based on the results of its risk management strategy.

Recommendation 3 — DONE

King County Elections should develop, document, and implement procedures to ensure that all items received by mail or drop box during an election are not left in the custody of a single person (or where a single person could access them unobserved) until they are counted.

STATUS UPDATE: King County Elections has developed and implemented written policies that require a two-person chain of custody for all election-related items received by the United States Postal Service or by drop box.

IMPACT: Keeping uncounted ballots within sight of two people at all times further reduces the risk that a ballot could be lost or altered, either intentionally or accidentally. These policies help ensure that every vote is counted as cast.

Recommendation 4   PROGRESS ⊙

King County Elections should develop, document, and implement procedures to ensure that there is a review process when a single person determines whether non-standard items received during an election contain a ballot or verify a voter's identity.

STATUS UPDATE: King County Elections has developed and implemented written policies that require a second-level review of all materials received by mail. This means that all mail items are double-checked for the presence of ballots or returned challenge letters.

WHAT REMAINS: King County Elections should institute policies that require a secondary review of returned challenge letters when a single employee determines that a new signature does or does not confirm the voter's identity.

Recommendation 5   PROGRESS ⊙

King County Elections should develop, document, and implement procedures to ensure that staff do not have opportunities to write directly on a ballot in a way that could alter a vote without being detected.

STATUS UPDATE: King County Elections has written policies that require almost all employees who work with ballots to be in teams of two. Elections has also eliminated all tasks that would require a scan operator to write directly on ballots. However, scan operators still use pens near the scanning machines where ballots are out of their boxes. For example, operators write on the outside of boxes how many ballots are contained within, and this task needs to be done near the scanner monitor.

WHAT REMAINS: King County Elections should secure pens and other writing implements near scanning machines, storing them in such a way as to make it inconvenient and conspicuous to write on ballots (e.g., attaching pens to scanner monitors with a chain that does not reach the table where ballots are kept, but still allows operators to initial the outside of boxes).

Recommendation 6   DONE ✓

King County Elections should record and monitor the number of ballots staff manually change each election and analyze this data to set benchmarks and help detect potentially improper ballot changes.

STATUS UPDATE: King County Elections uses a software-generated report to record and monitor the number of ballots staff manually change. Elections plans to keep reports from each election for benchmarking purposes. In addition, King County Elections has implemented new state rules that require an independent audit of any ballot that cannot be read by scanning machines and needs to be manually re-created consistent with the voter's intent.

IMPACT: By keeping benchmarks on the normal number of ballots manually changed, King County Elections can better detect any potentially improper ballot changes in future elections.

Recommendation 7   DONE ✓

King County Elections should require employees using computers that can access software to alter how ballots are counted to login to these computers using employee-specific passwords.

STATUS UPDATE: King County Elections has implemented employee-specific passwords in order to log into computers that can access software to adjudicate ballots that are not machine-readable.

IMPACT: Using employee-specific passwords makes it easier for King County Elections to monitor who has access to this software and when they are using it, decreasing the risk that the software will be used to alter how ballots are counted improperly.

Recommendation 8   DONE ✓

King County Elections should ensure that a single person, including full-time and temporary employees, cannot access software that can alter how a ballot is counted without being monitored by another person.

STATUS UPDATE: King County Elections has implemented a two-person policy for accessing software that can alter how a ballot is counted. This policy applies to all employees, including both line staff and supervisors.

IMPACT: By requiring two people to be present, King County Elections has reduced the risk of a single person having unmonitored access to software that can alter how a ballot is counted, thereby further reducing the risk of an employee making improper changes.

Recommendation 9   DONE ✓

King County Elections should develop, document, and implement controls to ensure that ballots returned by email cannot be intentionally or unintentionally deleted.

STATUS UPDATE: King County Elections has implemented a written policy that requires a supervisor to regularly check an online backup log for any emails potentially containing ballots that may have been accidentally or intentionally deleted.

IMPACT: By checking for potentially deleted emails, King County Elections has further reduced the risk that a ballot could go missing either intentionally or unintentionally.

Recommendation 10   PROGRESS ⋯

King County Elections should record and monitor the number of ballots it receives that are signed with a mark and two witnesses and analyze this data to set benchmarks and help detect potential abuse.

STATUS UPDATE: King County Elections recorded the number of ballots received during the August 2018 primary that were signed with a mark and two witnesses. However, Elections does not plan to use this count as a benchmark during future elections, since it is extremely time consuming to count all instances of these marks during an election. Elections states that it would be feasible to count the use of marks and two witnesses for self-printed ballots, which is where the Auditor's Office identified the potential for abuse.

WHAT REMAINS: King County Elections should record and monitor instances of self-printed ballots that rely on a mark and two witnesses in order to detect potential abuse.

Recommendation 11   DONE ⊘

King County Elections should inform voters using the Online Ballot Marking Program that self-printed ballots may be less secret than those printed and issued by King County Elections.

STATUS UPDATE: King County Elections modified the language on the optional cover sheet included with self-printed ballots, informing voters that this type of ballot may be less secret when processed by Elections staff.

IMPACT: By informing voters that self-printed ballots may be less secret than regular ballots, King County Elections now allows voters to balance their personal interest in a secret ballot against the convenience of voting with a self-printed ballot.

Recommendation 12   DONE ⊘

King County Elections should use data on the number of ballots requested and ballots returned by ballot language to inform decisions to allocate Voter Education Fund grants to address and reduce disparities in voter engagement among limited-English speaking communities.

STATUS UPDATE: King County Elections has analyzed data of disparities in voter turnout among limited-English speaking communities and uses election data to inform decisions on how to allocate Voter Education Fund grants. Elections continues to prioritize these communities in awarding grants. In addition to grants, Elections will also continue to target media advertising to limited-English speaking voters to increase turnout. Disparities between these communities that were observed in the 2017 general election were not reflected in subsequent elections.

IMPACT: The use of data helps target funding and outreach to the communities that experience the greatest barriers to voting.

Recommendation 13 — DONE

King County Elections should put linguistically appropriate links to the language preference form in prominent places on all language versions of its website.

STATUS UPDATE: King County Elections updated its website to make the language preference form the first link on all non-English-language versions.

IMPACT: Voters can now request ballot materials in a language other than English without needing to navigate the English version of the Elections website, which could remove a barrier to some citizens participating in elections.

Recommendation 14 — CLOSED

King County Elections should not instruct voters who are neither in the military nor overseas to return ballots via email or fax while there is a requirement for these voters to return their original ballot, unless there are no other means to return their ballot on time.

STATUS UPDATE: On August 10, 2018, the Washington secretary of state implemented an emergency change to the Washington Administrative Code that prevents county election officials from accepting ballots electronically from voters who are neither in the military nor overseas. As such, Elections no longer instructs these voters to return their ballots by email or fax.

Peter Heineccius, Principal Management Auditor, conducted this review. If you have any questions or would like more information, please contact the King County Auditor's Office at KCAO@KingCounty.gov or 206-477-1033.