

To: Mark Clark, Executive Director
From: Bill Eller, Election Officer / Regional Manager
Date: April 28, 2014
Re: Election and Appointment Process Policy Issues

Summary

Two policy issues came to light during the 2014 election and appointment cycle. Staff presents those to the Commission for information only as the two issues will go through the “policy on policy” process this summer for July Commission action.

Issue #1 – Notice Publication Method

Issue:

There is a discrepancy between the definitions of “due notice” in the WAC and “print media” in the Election Manual. The discrepancy affects notification to the public about district elections and district elections costs.

Background:

Prior to this year, Commission staff interpreted the due notice requirement necessary for the proper publication of the two notices districts have to publish (the notice of the intent to adopt an election resolution and the notice of the adopted election resolution) to require publication of each notice, twice, at least six days apart, in a newspaper (both times). Districts were also free (and encouraged) to publish both notices in multiple formats (newspaper, web, bulletin boards, newsletters, etc). However, to be in official compliance with election procedures, both notices would have to be published in newspapers, both times. For most districts, this results in a substantial cost of publication of election notices.

However, this year, a number of districts printed the notice first in the newspaper, then for their second notice, they either chose or were forced to publish the second notice in some other media (i.e. not a newspaper – typically on their web page, office door, newsletter, etc).

Districts relied on the definition of “print media” in the Election Manual when choosing to use this alternative method of publication of the second notice. Or, in some instances, districts were forced to publish the second notice in some other media format because the newspaper didn't comply with the districts' instruction to publish the notice a second time. Although allowing for the second publication to be published in alternate media not the traditional interpretation of that provision, Commission election staff found enough ambiguity in its application to allow for this kind of publication by districts for the second notice.

The policy choice is thus: although print publication (newspaper) is the traditional route for election publication notices, most folks are now moving to electronic publication (web or otherwise). However, there are still people who don't access the internet (just as there are people who don't subscribe to newspapers). What sort of publication is necessary to maintain the integrity of the district election system?

Options:

Option #1: New Media: No change from the new interpretation of the definitions of "due notice" and "print media." In other words, districts can continue to publish the first notice in the newspaper, and then can use any other media (electronic or otherwise) to publish the second notice.

Pros: requires the publication of both notices in both old and new media; flexible; reaches a wide variety of media users; lower costs to districts (only publish once in the newspaper).

Cons: might not reach old media users (i.e. newspaper readers) with the second notice.

Option #2: Traditional Media: Revert back to the staff's original interpretation of the definitions of "due notice" and "print media." In other words, notices must be published in the newspaper both times – the first and the second time – in order to be compliance with election procedure. This choice would necessitate the removal of the definition of "print media" from the Election Manual to eliminate confusion over this issue.

Pros: reaches old media users (i.e. newspaper readers) with both notices; familiarity of media outlet. variety of media users; lower costs to districts (only publish once in the newspaper).

Cons: only requires publication in traditional media (i.e. newspapers) and makes additional notice in new media optional for districts, therefore might not reach new media users; higher cost to the district (both notices required to be published in the newspaper).

Option #3: New Media with a Twist: No change from the new interpretation of the definitions of "due notice" and "print media." In other words, districts can continue to publish the first notice in the newspaper, and then can use any other media (electronic or otherwise) to publish the second notice. While the first notice is printed in the newspaper, there would be an added requirement that the first notice also be posted on the districts web page. The first notice would also include a clear statement that future information on the elections will be posted at the district web site. The second notice – or a notice of no election – could then be posted on the district web page. This is the approached used for a state contract RFP.

Pros: (same as Option #1 above).

Cons: (same as Option #2 above).

Regardless of which option is chosen, districts are free (and encouraged) to publish both notices in multiple formats (newspaper, web, bulletin boards, newsletters, etc).

Issue #2 – Appointment Application Material Format and Deadline

Background:

Last year, a number of discrepancies with the deadline for full-term appointment applicants and conservation districts to return paper appointment applications to the Conservation Commission were identified. The Commission chose to resolve that issue by changing all appointment materials (the application form, provisions in the Election and Appointment Manual (EM), and other materials) to read "*applications and supporting materials must be received by the Commission no later than March 31.*" These clarifying amendments were explained to the conservation districts during the fall of 2013 for the 2014 election cycle. However, districts are still having trouble meeting the March 31 deadline. When districts miss the deadline, the procedure is for the Commission to work with the District to re-advertise the full-term vacancy or to seek applicants itself.

Currently, Commission full-term appointment application procedure requires paper applications to be mailed to the Commission headquarters no later than March 31. The appointment application requires an original signature from the applicant. Paper copies of advertisements for appointed vacancies are required to be submitted by the applicant (or by districts if they take possession of the application from the applicant) to the Commission.

However, election materials are to be retained by each District and only electronic copies are to be sent to the Commission. As a result, there is confusion among districts as to what materials need to be supplied in which format (electronic or paper).

Options:

Option #1: No change in current procedure. The appointment process would still require that appointment applicants and districts submit appointment materials by paper, with original signatures, by March 31, to Commission headquarters.

Pros: requires the applicant and districts to ensure the receipt of appointment applications by March 31 of each year, by mail or hand delivery, of the original application and signature; familiar.

Cons: relies on applicants and districts to abide by the deadline and to submit completed materials by hard-copy; original applications and materials processed by Commission staff.

Option #2: Change the appointment process to allow for electronic submittal of appointment materials and to allow for electronic signatures to be accepted. In other words, fill out the appointment application on-line (similar to the form used by Commission financial staff). The March 31 deadline would still be retained.

Pros: flexible; the Commission could act on appointed seat vacancies as they arise during the year, yet still retain the May Commission meeting as the date to appoint full-term appointees to open seats; allows for last-minute compliance with the deadline, reduces staff processing time and costs to districts; tracking records are controlled by the Commission; efficient processing of materials by Commission staff.

Cons: some applicants might need assistance in filling out the application on-line.

Option #3: Keep the March 31 deadline for full-term appointments but change the appointment process to allow for electronic submittal of appointment materials and to allow for electronic signatures to be accepted. In other words, the appointment application would be on-line and filled out by applicants throughout the year. Full-term appointments would have a March 31 deadline, but mid-term appointments could be accepted as they arise.

Pros: flexible; the Commission could act on appointed seat vacancies as they arise during the year, yet still retain the May Commission meeting as the date to appoint full-term appointees to open seats; reduces staff processing time and costs to districts; tracking records are controlled by the Commission; efficient processing of materials by Commission staff.

Cons: some applicants might need assistance in filling out the application on-line.

Policy on Policy Process

It is important to the agency and its constituents that a formal process is followed when developing agency policies. There are three steps that the Commission has adopted that staff intends to use for these policy issues (which would result in action at the July Commission meeting):

Step 1: Commission staff presents proposed Commission policy to the Commission and a regular or special meeting. The Commission is to review the proposal, make any changes, and approve the proposal for distribution to districts for comment.

Step 2: Districts will have a minimum of 45 days to review the proposal, providing sufficient time for the proposal to be considered at a district board meeting.

Step 3: Commission staff will receive all comments from districts, review the policy proposal in light of the comments, make any recommended changes based on the comments the Commission staff deem appropriate, and present the district comments and staff recommendations to the Commission for final approval.