



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 26, 2005

Ordinance 15157

Proposed No. 2005-0055.2

Sponsors Hague, Patterson, Edmonds,
Constantine, Ferguson, von
Reichbauer, Dunn, Phillips, Irons,
Lambert and Hammond

1 AN ORDINANCE establishing the King County elections
2 oversight committee; and adding a new chapter to K.C.C.
3 Title 2.
4
5

6 **PREAMBLE:**

7 1. The proper administration of elections is an essential function of
8 county government in Washington state. Public confidence in the conduct
9 of elections and the prompt and accurate counting of ballots are of the
10 utmost importance to our democratic society. Conducting elections
11 requires numerous other important administrative functions, including
12 registering voters, processing filings for candidates and measures, and
13 publishing voters' pamphlets.
14 2. In the November 2002 general election, the King County elections
15 section failed to mail a significant number of absentee ballots to voters on
16 a timely basis.

17 3. On February 14, 2003, the metropolitan King County council adopted
18 Ordinance 14570, which was enacted. Its purpose was to strengthen the
19 management and oversight of the elections section. The ordinance
20 requires council confirmation of the position of director of the King
21 County records, elections and licensing services division and the position
22 of superintendent of elections.

23 4. In March 2003, the council hired an elections consultant, a former
24 county elections manager, to conduct an independent review of county
25 elections.

26 5. On April 22, 2003, the council's elections consultant produced a final
27 report for the council thoroughly reviewing county elections procedures.
28 The report made short and long-term recommendations for improving the
29 election process in King County.

30 6. Additional problems occurred during the April 22 and May 20, 2003,
31 special elections.

32 7. On July 14, 2003, the council adopted Ordinance 14711 establishing
33 the King County citizens' election oversight committee, which was
34 enacted. The citizens' oversight committee was charged with looking at
35 procedural issues that had been identified in the 2002 and 2003 elections,
36 to identify the causes of the problems, to review all elections procedures,
37 and to recommend actions for improving the conduct of elections in King
38 County. The ordinance also called for the committee to expire after its
39 service was completed.

40 8. In May 2004, the oversight committee issued a one-hundred-fifty-
41 eight-page report and delivered its findings and recommendations to the
42 King County council. The oversight committee identified and discussed
43 twenty-one major issue areas. It made one-hundred nine findings, which
44 justified one-hundred sixteen recommendations for improvements or areas
45 of further study by the county.

46 9. On August 30, 2004, the council passed Motion 11987, which set a
47 schedule to implement the recommendations of the citizens' election
48 oversight committee that had not yet been implemented. The majority of
49 recommendations had already been implemented.

50 10. In the general election of 2004, many counties throughout the state
51 experienced procedural and technical problems in the closest race for
52 governor ever recorded in state history. These problems have raised
53 serious concerns for the state's counties, for the King County council, the
54 King County executive, and the public.

55 11. During the 2005 spring special election, more problems were
56 encountered including envelopes mailed to overseas and military voters
57 that did not contain ballots.

58 12. For the above reasons, the King County council desires to establish a
59 citizens' elections oversight committee to address the problems identified
60 in the 2004 general election and the 2005 spring special election and to
61 make recommendations that will help King County restore public
62 confidence in elections.

63 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

64 SECTION 1. Sections 2 through 8 of this ordinance should constitute a new
65 chapter in K.C.C. Title 2.

66 NEW SECTION. SECTION 2. Establishment – definition. The King County
67 citizens' elections oversight committee is hereby established. For the purposes of this
68 chapter, "the committee" means the King County citizens' elections oversight committee.

69 NEW SECTION. SECTION 3. Membership – appointment process,
70 **requirements and restrictions.**

71 A. The committee members shall be appointed through a single motion approved
72 by the council. Committee membership shall be determined jointly by the chair of the
73 council and the chair of the labor, operations and technology committee. To the extent
74 practicable, members of the previous citizens' election oversight committee should be
75 appointed.

76 B. Committee membership shall include:

77 1. One representative from a nonpartisan organization active in King County
78 that evaluates candidates and ballot measures, such as the Municipal League;

79 2. One representative from a nonpartisan organization active in King County
80 that provides elections information to the public, such as the League of Women Voters;

81 3. One representative of the Chinese-speaking community;

82 4. One representative from the King County Democratic Party;

83 5. One representative from the King County Republican Party;

84 6. One representative from the Washington state Democratic Party;

85 7. One representative from the Washington state Republican Party;

- 86 8. One representative from a junior taxing district;
- 87 9. One ex officio, nonvoting representative from the Office of the Secretary of
- 88 State;
- 89 10. One ex officio, nonvoting representative from the Washington State
- 90 Association of County Auditors;
- 91 11. One representative of an independent research and policy institute; and
- 92 12. Two King County registered voters who are not representatives of any of the
- 93 groups listed in subsection B.1. through 11. of this section.

94 C. All members should have:

- 95 1. A working knowledge of local or state government elections operations and
- 96 management;
- 97 2. A strong commitment to an accountable, transparent, well-managed and
- 98 efficient elections operation in King County; and
- 99 3. A willingness to commit the time necessary to attend committee meetings and
- 100 activities.

101 D. Except for the member representing the Washington State Association of

102 Auditors, a nominee or appointee to the committee shall not hold elective public office or

103 be a candidate for election to public office, other than as a precinct committee officer.

104 NEW SECTION. SECTION 4. Mission and goals. The mission of the

105 committee is to help King County restore and maintain public confidence in elections.

106 The goals of the committee and this ordinance are to investigate and report on problems

107 identified in the 2004 general election and the 2005 spring special election and to

108 recommend improvements to the council that will help reduce any potential for these
109 problems to reoccur. The committee shall make recommendations to the council to:

- 110 A. Improve performance of the King County elections section;
- 111 B. Improve accountability of the King County elections section;
- 112 C. Help identify the resources required to run accurate, open and fair elections;

113 and

114 D. Help ensure that accountability and performance of the elections section is
115 provided in a transparent manner that is meaningful to the residents of King County.

116 **NEW SECTION. SECTION 5. Responsibilities.**

117 A. Before undertaking its other responsibilities identified in this chapter, the
118 committee shall elect officers and adopt administrative procedures consistent with this
119 legislation.

120 B. To accomplish its responsibilities as outlined in this ordinance, the committee
121 shall complete the following tasks:

122 1. Review The Final Report to the County Council on Reviewing the Election
123 Process in King County, which was prepared by the council's consultant; the Office of the
124 Secretary of State's report, which reviewed the November 2002 general election and the
125 April and May 2003 elections in King County; the Final Report of the Citizens' Election
126 Oversight Committee; the 2004 Elections Report to King County Executive Ron Sims;
127 and any elections-related legislation passed by the council since January 2004;

128 2. Review the problems identified in the 2004 general election and the 2005
129 spring special elections and identify how these can be remedied. Specific problems that
130 shall be reviewed by the committee include:

- 131 a. provisional ballots being inserted into optical scanning machines at the
132 polls;
- 133 b. failure to follow established procedures in validating signatures on mail
134 ballots;
- 135 c. the administration and timely mailing of overseas and military ballots;
- 136 d. felons voting who were not eligible to vote;
- 137 e. removing deceased voters from voting rolls and reducing the potential for
138 individuals to cast ballots for deceased voters;
- 139 f. failure to identify, open and count all mail ballots;
- 140 g. ballot duplication and enhancement;
- 141 h. accuracy of voter registration rolls to eliminate voters receiving duplicate
142 ballots at the same address;
- 143 i. ensuring that the number of ballots cast equals the number of ballots issued
144 at poll sites and for the overall election, before certification of the election;
- 145 j. ensuring ballot security; and
- 146 k. other emergent and significant problems that could impact the outcome of
147 an election;
- 148 3. Develop a report on its review of the general election of 2004 and special
149 election of 2005 with recommendations on improvements for the King County elections
150 section. If the solution to any problem is not within the county's authority to implement,
151 the committee shall identify the level of government that could address the problem. The
152 report shall be submitted to the council by June 15, 2005;

153 4. Monitor the fall 2005 primary and general elections to observe if proper
154 procedures are followed, to report on any problems that are observed or come to light, to
155 recommend corrective actions on problems that may arise, and to ensure that any
156 problems that arise are discussed in an open and public manner. The committee shall
157 submit a report to the council on their observations, findings, and recommendations
158 regarding the 2005 primary and general elections by February 1, 2006; and

159 5. By February 1, 2006, recommend to the council what, if any, ongoing role a
160 citizens' election oversight committee should have. The recommendations may consider
161 factors such as:

- 162 a. committee composition;
- 163 b. duration;
- 164 c. role; and
- 165 d. responsibilities.

166 NEW SECTION. SECTION 6. Dissolution date. The committee shall be
167 dissolved on February 28, 2006, unless the council takes action to extend its service.

168 NEW SECTION. SECTION 7. Staffing and operations.

- 169 A. The council shall provide for appropriate staffing of the committee.
- 170 B. County staff in the department of executive services and the records, elections
171 and licensing services division shall provide information requested by the committee in a
172 timely manner.

173 NEW SECTION. SECTION 8. Compensation and reimbursement. The
174 county shall reimburse committee members for mileage at the standard county
175 reimbursement rate for travel within the county to and from scheduled committee

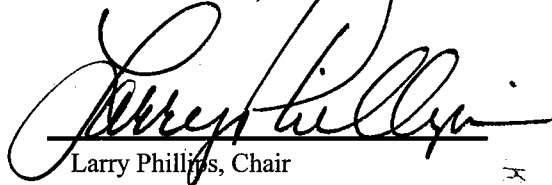
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176 meetings. The county shall provide parking free of charge in the county garage to
177 committee members while attending meetings where committee business is conducted.
178

Ordinance 15157 was introduced on 2/7/2005 and passed as amended by the Metropolitan King County Council on 4/25/2005, by the following vote:

Yes: 13 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer; Ms. Lambert, Mr. Pelz, Mr. Dunn, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Ms. Hague, Mr. Irons, Ms. Patterson and Mr. Constantine
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 5 day of May, 2005.



Ron Sims, County Executive

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CLERK
KING COUNTY COUNCIL

Attachments None