

Excerpts from Elections Reports

King County Commission on Governance: Report and Recommendations
March 2004

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Appointed Auditor: We considered that elections functions are complex task performed for all jurisdictions by the County's elections department, and in the interest of efficiency, the function should be depoliticized and above reproach. We concluded that the Executive should choose a well-qualified professional whose appointment is confirmed the Council. New elections technology must be in the hands of an honest, regarded professional. Only a minority of counties have elected elections officials, sheriffs and judges. A minority of Commission members believed that an elected Auditor to handle elections functions might increase accountability to citizens, allowing the Auditor to advocate for changing technology needs and resources, and assure the security and quality and independence of the election system.

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2. Consider a long-term change in the elections governance and accountability.

King County is the only county in Washington that does not place elections administration under the direct supervision of a separately elected official, usually an elected Auditor. IN the current administration, the REALS Director has a close working relationship with the Executive's Office and direct access to the County Executive. Nevertheless, as one function within REALS, the Elections Section must compete with other sections within the division for resources. It must also compete for funding against all programs within the Executive Services Department and throughout County government that are funded by the County's general expense fund.

Some groups, including some current or former elected officials, advocate keeping appointed senior elections officials on the basis that appointed officials are more professional, have greater managerial and technical experience of complex elections processes and procedures, and are immediately accountable to the County Executive if significant problems arise. The Task Force believes that an official elected in a non-partisan race with primary responsibility for conducting elections would increase accountability to citizens, be better able to educate and encourage citizens to participate fully in the electoral process, be a more effective advocate for improved technology and resources, and establish an independent elections system.

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Electing or appointing a senior elections official:

King County is the only Washington County that does not place the conduct of elections under the direct supervision of a separately elected official, usually an elected Auditor. King County's Superintendent of Elections reports to the Director of the Records, Elections and Licensing Services (REALS) Division, who in turn reports to the County's Administrative Officer. That individual reports to the assistant county executive for administrations, who is accountable to the County Executive. In the current administration, the REALS Division Director has a close working relationship with the Executive's Office and direct access to the County Executive.

As one function within REALS, the Elections Section must compete with other sections within the division for resources. It must also compete for funding against all programs within the Executive Services Department and throughout County government that are funded by the County's general expense fund.

Recently, some groups, such as the King County Commission on Governance advocated keeping appointed senior elections officials on the basis that appointed officials are more professional, have greater managerial and technical experience of complex elections processes and procedures, and are immediately accountable to the County executive if significant problems arise. Others including some members of the Commission believe that an elected Auditor with primary elections responsibility would increase accountability to citizens, be better able to advocate for improved technology and resources, and establish an independent elections system.

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Alternatives that Address the Governance of King County's Elections Office

The senior elections official in King County has been a manager who reports to a division director. King County's Superintendent of Elections reports to the Director of the Records, Elections and Licensing Services (REALS) Division, who in turn reports to the County's Administrative Officer (also the director of the Executive Services Department). That individual reports to the assistant county executive for administration, who is accountable to the County Executive. In the current administration, the REALS Division Director has a close working relationship with the Executive's Office and direct access to the County Executive.

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As one of the five functional responsibilities of REALS, the Elections Section must compete with the other sections within the division for resources. It must also compete for funding against all programs within the Executive Services Department and throughout County government that are funded by the County's general expense fund.

Structural Factors:

- Creating an elected election official or auditor will require a change in the King County charter, including voter approval.
- The earliest possible election of a senior elections official would be in November 2006.
- An elected official normally can only be replaced every four years.
- The REALS director and Superintendent of Elections are appointed by the Executive but must be confirmed by the County Council.
- The 2005 general election will involve nearly every King County elected official.
- The time to begin preparing and training for the next general election begins in July.
- Until the current REALS director was appointed, the head elections official appeared to be a political appointee that changed with each Executive.

Possible Alternatives:

- Maintain the current position and structure.
- Maintain an appointed Elections Director/Superintendent of Elections and move the position out of REALS so that the Director/Superintendent reports directly to the Executive as a member of the Executive's cabinet.
- Create three regional offices (North, East, and South County) that are aligned with the nine council districts. Each office is headed by a regional superintendent of elections who conducts all aspects of elections but reports to the Superintendent of Elections or REALS director for consistency and accountability.
- Elect a Superintendent of Elections with responsibility to conduct elections.
- Elect a County Auditor who maintains records, conducts financial audits and conducts elections.

Arguments Favoring an Elected Official:

- King County is the only county in Washington that does not place the conduct of elections under the direct supervision of a separately elected official, usually an elected Auditor. The system appears to work well in the other 38 counties, even in the majority of them where the office of Auditor is partisan and officeholders are identified as Democrat or Republican. It also appears to work well in other counties across the nation. *(sustainability)*
- An elected official with primary responsibility for conducting elections and registering will be more accountable to the public, and the conduct of elections may be more visible to the citizens of King County. *(accuracy/accountability, public confidence)*
- Under the current system the County Executive's public accountability for the conduct of elections is attenuated by other important responsibilities, such as public health, growth management, transportation, public safety, and the county jail system.

(Attachment continues)

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- Making a separately elected official responsible for the elections system offers independence in the conduct of elections from the executive and legislative branches of County government. (*fairness, accuracy/accountability*)
- An elected official will be able to advocate to the King County Council, which adopts the County's budget, for additional resources and improved technology. In the existing structure, budget requests from the Elections Section must be filtered through the budget development processes of the REALS Division, the Executive Services Department and the County Executive. If those requests are not included in those proposed budgets, they are unlikely to be considered by the Council, including by the public during the Council's public hearings on the Executive Proposed Budget. (*accuracy/accountability, public confidence*)
- Others groups in the community, including some members of the King County Governance Commission, have advocated for an elected Auditor with responsibility for elections to increase accountability to citizens and establish a more independent elections system. (*accuracy/accountability, public confidence*)
- Given the loss of public confidence in King County's elections system as a result of the counting and recounting of votes cast in the 2004 gubernatorial election, it is imperative to regain public confidence and trust. An elected non-partisan County Auditor, accountable to the people for the conduct of elections, is an essential starting point for recapturing public confidence and trust. (*public confidence*)

Arguments Opposing an Elected Elections Official:

From citizens that members and staff have interviewed, the Task Force heard arguments opposing the election of the head of elections and favoring the current structure in which the REALS Division director and Superintendent of Elections are appointed by the King County Executive and approved by the County Council. Those arguments include:

- At the earliest, a County Auditor would be elected in November 2006 and take office in the last days of that year or in early January 2007. For this to occur, the County's Charter would have been changed by a vote of the people in November 2005 or in a special election during winter or spring 2006. Given that there is not a consensus among the County's elected officials for making the head of elections an elected position and that elections for County offices (Executive, Council, Assessor, Sheriff, Prosecuting Attorney) are held in odd-numbered years, it is more likely that the earliest date in which an Auditor would assume office is late 2007 or early 2008. Because the Task Force found that the Elections Section is a seriously flawed organization, it seems too great a risk to wait 18-30 months for an elected official to take office and then begin to make the changes in leadership, management, culture and operations that are required.
- Recently some groups, including a majority of the members of the King County Commission on Governance, advocated for maintaining the appointment of senior elections officials based on the premise that appointed officials are more professional and have greater managerial and technical experience in complex elections processes and procedures.
- If the head of elections was an elected Auditor, a change in leadership because of incompetence could not be made immediately, and would likely not be possible until the next campaign for that office.

Given the advantages of incumbency, a person who promises much while campaigning but fails to deliver on those promises while governing might hold the office for years.

- King County already has appointed professionals who perform all the roles of a County Auditor including an Auditor who is appointed by and reports to the County Council. An additional County elected official who performs these roles significantly complicates governance and budget coordination.

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The Task Force's Six-Month Recommendations:

4. The King County Charter Review Commission, which will be convened this year, should facilitate a public debate about whether a County Auditor with oversight of the elections office should be elected by King County voters.

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STATUTORY AND POLICY RECOMMENDATIONS TO KING COUNTY

Given the breadth and depth of citizen concerns about King County's elections system that the Task Force uncovered last spring, the Task Force concluded that dramatic change was warranted, including a demonstrable increase in accountability. The Task Force therefore proposed three statutory and policy recommendations.

2. Consider a long-term change in elections governance and accountability.

In 2005 the Task Force found that King County is the only county in Washington that does not place the administration of elections under the direct supervision of a separately elected official, usually an elected Auditor.

One of the Task Force's concerns about maintaining King County's current structure of an appointed director of REALS within the Executive Branch was that the Elections Section must compete for resources against the other sections of the REALS Division, the other programs within the Executive Services Department, and all other departments throughout County government that are funded by King County's general expense fund. A number of people the Task Force interviewed, including some current and former elected officials, advocated maintaining the County's structure on the premise that appointed officials are more professional, have greater managerial and technical experience in complex elections processes and procedures, and are immediately accountable to the County Executive if significant problems arise. But the Task Force concluded that an official elected in a non-partisan race with primary responsibility for conducting elections would increase accountability to citizens, be better able to educate and encourage citizens to participate fully in the electoral process, be a more effective advocate for improved technology and resources, and establish an independent elections system.

SIX-MONTH FINDINGS:

The Charter Review Commission is the Likely Forum for the Public Debate about Electing an Auditor with Oversight of the Elections System.

Neither the King County Executive nor Council has acted to advance this recommendation. Some of them may oppose it.

The issue of electing the Auditor, and whether that position would be partisan or non-partisan, is likely to be a subject of public debate in 2006 when the King

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County Charter Review Commission is convened. That topic is expected to be one of the issues on the Commission's agenda, along with revisiting the election of the King County Sheriff and whether or not the Executive and Council should be non-partisan officials.

SIX-MONTH RECOMMENDATION:

The Charter Review Commission Should Facilitate that Public Debate about Electing an Auditor.

The Task Force finds that the Charter Review Commission's process is an appropriate forum to discuss and debate in 2006 the issue of whether the voters of King County should elect an Auditor who oversees the County's elections system. We recommend that when that Commission begins to formulate its agenda, the members put this issue on it. They should consciously and strategically facilitate a public discussion of the merits and detriments of the proposal.

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Elect the County Auditor: Restoring public confidence in the County's elections process requires consistently excellent performance and increased accountability to the voters. King County is the only county in Washington where the chief elections officer is appointed rather than elected. The majority of the CEOC recommends making the Elections Director an elected, non-partisan office. The CEOC is unanimous in recommending that non-elections functions be transferred to other county agencies, to create a stand-alone elections operation focused on one critical task – conducting elections.

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ELECTED AUDITOR

Issue

Should the Elections Director be elected or appointed and should elections be a stand-alone function?

Findings / Observations

- The top Elections official in King County is currently appointed by the County Executive, as one of numerous appointed heads of county divisions. However, due to the importance of the position, the Council must confirm the County Executive's appointment of this division director

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as well as the position of Superintendent of Elections (who reports to the director).

- Thirty-eight of Washington's 39 counties have elected auditors.
- The state's top election official, the Secretary of State, is elected rather than appointed by the governor.
- After the 2004 Election, many citizens expressed strong dissatisfaction with the current appointed Auditor and have called for making this an elected position.

Discussion

An elected auditor will increase public confidence because he/she will be directly answerable to the people for the performance of the office. An elected auditor would contribute to the independence and professionalism of the Elections Section by focusing the organization on a single core mission – running elections.

The CEOC unanimously agreed that conducting elections is important enough to be a stand-alone function. The present licensing and records duties of the division should be assigned to other departments.

Making the head of elections a non-partisan elected official sends a positive message to full-time election employees. It would emphasize that their work is an essential, independent and non-partisan part of our democratic system of government and worthy of being headed by an elected official. Election workers at all levels would be better able to operate free of any appearance of political influence.

Creating an elected auditor is the kind of basic organizational change needed to show voters that King County has thoroughly reformed its elections system. It signals to the public that the problems that occurred in 2004 are being successfully addressed and will not be repeated.

An elected auditor would have to raise money, garner endorsements and conduct a political campaign just like other candidates for public office. For this reason the office should be made a non-partisan position.

Some members of the CEOC feel that an elected auditor would not necessarily improve public confidence or improve the conduct of elections. A non-partisan elected auditor by itself is no guarantee against future controversy. It is possible that in a future-contested election an elected auditor could be just as much a focus of controversy as under the current appointment system. On the positive side the public would have an opportunity to hold the auditor accountable at the next election, which they cannot do for an appointee.

Recommendations

1. Make the auditor's position in King County a non-partisan, popularly-elected office.

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2. Reassign licensing and other non-elections related responsibilities of the Elections Division to other county departments.

Expected Outcomes

Making the auditor a non-partisan elected position would promote a dramatic increase in public trust in King County elections. The Elections Section would no longer be seen as just a routine county department under the control of the County Executive. The higher level of importance given to an elected office would help ensure continued public scrutiny long after the current elections controversy has ended, thus helping to avoid a repeat of the elections problems of the past.