

## Legislation Text

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Clerk 04/25/2005

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

**PREAMBLE:**

1. The proper administration of elections is an essential function of county government in Washington state. Public confidence in the conduct of elections and the prompt and accurate counting of ballots are of the utmost importance to our democratic society. Conducting elections requires numerous other important administrative functions, including registering voters, processing filings for candidates and measures, and publishing voters' pamphlets.
2. In the November 2002 general election, the King County elections section failed to mail a significant number of absentee ballots to voters on a timely basis.
3. On February 14, 2003, the metropolitan King County council adopted Ordinance 14570, which was enacted. Its purpose was to strengthen the management and oversight of the elections section. The ordinance requires council confirmation of the position of director of the King County records, elections and licensing services division and the position of superintendent of elections.
4. In March 2003, the council hired an elections consultant, a former county elections manager, to conduct an independent review of county elections.
5. On April 22, 2003, the council's elections consultant produced a final report for the council thoroughly reviewing county elections procedures. The report made short and long-term

recommendations for improving the election process in King County.

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

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

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

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

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

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

12. For the above reasons, the King County council desires to establish a citizens' elections oversight committee to address the problems identified in the 2004 general election and the 2005

spring special election and to make recommendations that will help King County restore public confidence in elections.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

NEW SECTION. SECTION 3. Membership - appointment process, requirements and restrictions.

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

B. Committee membership shall include:

1. One representative from a nonpartisan organization active in King County that evaluates candidates and ballot measures, such as the Municipal League;
2. One representative from a nonpartisan organization active in King County that provides elections information to the public, such as the League of Women Voters;
3. One representative of the Chinese-speaking community;
4. One representative from the King County Democratic Party;
5. One representative from the King County Republican Party;
6. One representative from the Washington state Democratic Party;
7. One representative from the Washington state Republican Party;
8. One representative from a junior taxing district;
9. One ex officio, nonvoting representative from the Office of the Secretary of State;

10. One ex officio, nonvoting representative from the Washington State Association of County Auditors;

11. One representative of an independent research and policy institute; and

12. Two King County registered voters who are not representatives of any of the groups listed in subsection B.1. through 11. of this section.

C. All members should have:

1. A working knowledge of local or state government elections operations and management;

2. A strong commitment to an accountable, transparent, well-managed and efficient elections operation in King County; and

3. A willingness to commit the time necessary to attend committee meetings and activities.

D. Except for the member representing the Washington State Association of Auditors, a nominee or appointee to the committee shall not hold elective public office or be a candidate for election to public office, other than as a precinct committee officer. NEW SECTION. SECTION 4. Mission and goals. The mission of the committee is to help King County restore and maintain public confidence in elections. The goals of the committee and this ordinance are to investigate and report on problems identified in the 2004 general election and the 2005 spring special election and to recommend improvements to the council that will help reduce any potential for these problems to reoccur. The committee shall make recommendations to the council to:

A. Improve performance of the King County elections section;

B. Improve accountability of the King County elections section;

C. Help identify the resources required to run accurate, open and fair elections; and

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

NEW SECTION. SECTION 5. Responsibilities.

A. Before undertaking its other responsibilities identified in this chapter, the committee shall elect

officers and adopt administrative procedures consistent with this legislation.

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

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

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

- a. provisional ballots being inserted into optical scanning machines at the polls;
- b. failure to follow established procedures in validating signatures on mail ballots;
- c. the administration and timely mailing of overseas and military ballots;
- d. felons voting who were not eligible to vote;
- e. removing deceased voters from voting rolls and reducing the potential for individuals to cast ballots for deceased voters;
- f. failure to identify, open and count all mail ballots;
- g. ballot duplication and enhancement;
- h. accuracy of voter registration rolls to eliminate voters receiving duplicate ballots at the same address;
- i. ensuring that the number of ballots cast equals the number of ballots issued at poll sites and for the overall election, before certification of the election;
- j. ensuring ballot security; and
- k. other emergent and significant problems that could impact the outcome of an election;

3. Develop a report on its review of the general election of 2004 and special election of 2005 with recommendations on improvements for the King County elections section. If the solution to any problem is not within the county's authority to implement, the committee shall identify the level of government that could address the problem. The report shall be submitted to the council by June 15, 2005;

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

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

- a. committee composition;
- b. duration;
- c. role; and
- d. responsibilities.

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

NEW SECTION. SECTION 7. Staffing and operations.

A. The council shall provide for appropriate staffing of the committee.

B. County staff in the department of executive services and the records, elections and licensing services division shall provide information requested by the committee in a timely manner.

NEW SECTION. SECTION 8. Compensation and reimbursement. The county shall reimburse committee members for mileage at the standard county reimbursement rate for travel within the county to and from scheduled committee meetings. The county shall provide parking free of charge in the county garage to

committee members while attending meetings where committee business is conducted.