

S T E F A N S H A R K A N S K Y

July 5, 2005

Dean Logan  
Director, King County Records, Elections and Licensing Services Division  
500 4th Avenue, Room 553  
Seattle, WA 98104  
*by U.S. mail and fax*

Dear Mr. Logan:

I'm writing to follow up on a number of as yet inadequately satisfied requests for public records that I have presented to the King County Records, Elections and Licensing Service Division ("KCREALS"), under RCW 42.17. Unless all of the following requests are satisfied in full by 9am, Wednesday, July 13, I will have no alternative but to obtain an Order requiring King County to Show Cause why it has not complied with the Public Records Act.

- (1) On February 22, 2005 I requested "all documents pertaining to the reconciliation of absentee ballots and absentee voters from the November 2004 election". This request had not been satisfied by April 7 and on that date I clarified the request by asking for "The audit trail documents mandated by WAC 434-240-270, including 'A record of when each absentee ballot application was received, the date the ballot was mailed or issued, and the date the absentee ballot was received' and 'A record of the disposition of each returned absentee ballot not counted' and 'A reconciliation that all absentee ballots counted plus all absentee ballots rejected is equal to the total number of absentee ballots received'". On April 15 I was issued a CD with a data file that purported to be responsive to this request. However, my subsequent research has indicated that this file was not fully responsive. For example, with only a small number of exceptions, it lists at most one ballot for each voter who requested a ballot, when in fact, there many voters who were issued multiple ballots. **I request that KCREALS issue immediately and at no additional charge a replacement CD with a file of identical format as the April 15 file but listing all of the issued ballots, including multiple ballots per voter where applicable.**
- (2) The file mentioned in (1) above did not include information on any of the mail ballots returned by non-registered overseas and service voters. Other county records and court testimony have indicated that 261 such ballots were tabulated. **I request that KCREALS produce copies of these mail ballot envelopes showing voter information along with any other documents showing the precincts where these voters' ballots were tabulated. While I am requesting and will pay for copies of these envelopes, I also request to examine the original envelopes.**
- (3) In response to my April 7 letter, KCREALS issued me on April 13 a CD with a set of "PSI batch files" (i.e. each file is identified by the batch number and purportedly contains all of the av\_id numbers of the ballots that were in each batch). However, this set did not include any files for batches that were created on October 29. **I request that KCREALS issue immediately and at no additional charge a CD containing the October 29 batch files.**
- (4) In my April 7 letter, I requested "Copies of both the absentee ballot outer envelope and provisional ballot envelope for the voters who were identified as having returned absentee ballots in the files on KCREALS' 'Absentee Ballot Return Statistics' web page updated Nov.

18, 2004, but who are credited in the voter registration database as having cast a provisional ballot” and “any other documents that could explain why these voters who returned absentee ballots would be credited as having cast a provisional ballot”. A list of these voters is attached. Bobbie Egan’s letter to me dated April 13, 2005 estimated that this information would be available on May 18, 2005. It has not yet been made available to me. **I request that KCREALS produce these documents immediately.**

- (5) On June 20, 2005 I requested copies of all of the absentee ballot envelopes of batch RB-3365. Bobbie Egan replied on that date that “I suspect that will be ready sometime next week”, meaning the week ending Friday, July 1. After several e-mail and telephone communications with KCREALS staff that week, I was told that the documents were not available after all, but that I would be contacted again this Wednesday afternoon, July 6 in regard to this matter. **I request that KCREALS produce these documents immediately.**
- (6) In her March 7 reply to my February 22 request, Bobbie Egan wrote: “You are welcome to review absentee ballot envelopes if you’d like, however we will need at least one week to make arrangements for such a request”. Indeed, I have asked to review absentee ballot envelopes but my requests were explicitly denied. (see attached e-mail exchange). Although I was allowed to review some *copies* of absentee ballot envelopes, copies are not always an adequate substitute for reviewing original envelopes. **I request to examine the original ballot envelope of every absentee ballot that was returned for the November 2004 election, but rejected prior to validation and not tabulated.**
- (7) In addition to reviewing the original envelopes of the rejected ballots as mentioned in (6) above, **I also request to examine all other source documents that were used in the preparation of the “Mail Ballot Report” that was presented to the canvassing board in November 2004. For example, I request to examine any documents that form the foundation of the report’s claim that a total of 292 ballots were rejected “after validation”**
- (8) I seek to inspect a number of absentee ballot envelope batches in the coming weeks. I will ask to be granted access, within five business days of notice, to inspect entire batches of envelopes (including original batch slips) at the facility where the envelopes are warehoused. Furthermore, I ask that such advance notice for inspecting the batches need consist only of the quantity of requested batches and number of reviewers in my party and that the specific batches requested need not be identified until the time of the inspection. I also ask to accompany and observe the KCREALS staff as they retrieve the requested batches from storage. To begin with, **I request to inspect 5 batches of absentee ballot envelopes at the MBOS facility next week on either July 11<sup>th</sup>, 12<sup>th</sup> or 13<sup>th</sup>, whichever of these days is most convenient for KCREALS and starting at 9am. I will identify the specific batches at the time of inspection.**

Sincerely,

Stefan Sharkansky

Enclosures