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**From:** Handy, Nick [mailto:[nhandy@secstate.wa.gov](mailto:nhandy@secstate.wa.gov)]  
**Sent:** Friday, October 20, 2006 11:43 AM  
**To:** Bob Williams  
**Cc:** Reed, Sam (Office)  
**Subject:** FW: Ballot Measures

Bob,

Thanks for calling this to our attention yesterday and following up again this morning.

We immediately contacted Skagit County Auditor Norma Brummet and the following e-mail this morning summarizes the process we have followed on this one.

Norma is talking with the press and preparing for a supplemental mailing to all voters in her county.

Give me a call if you have further questions.

Nick

(360) 902-4156

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**From:** Handy, Nick  
**Sent:** Friday, October 20, 2006 10:01 AM  
**To:** Norma Brummett ([normab@co.skagit.wa.us](mailto:normab@co.skagit.wa.us))  
**Cc:** Reed, Sam (Office); Excell, Steve; Even, Jeff; Moss, Sheryl; Floyd, Pam; Pearson, John; Deutsch, Joanie  
**Subject:** Ballot Measures

Norma,

This will follow up on our conversations yesterday afternoon and this morning regarding the printing of ballot measures on the Skagit County ballot.

Yesterday afternoon at about 4 pm, we received notice that a voter in Skagit County had observed that one portion of the ballot title for the state measures was not included on his ballot.

Upon receipt of this information, I called you immediately and we had an initial conversation late yesterday afternoon. In that conversation we confirmed that this one portion of the ballot title was not included on all ballots in Skagit County.

RCW 29A.72.050 requires that three components relating to each ballot measure be included on the ballot. These three components are (1) caption describing the ballot measure number and subject matter, (2) a one sentence short description of the measure written by the Attorney General's office, and (3) the question asking voters to vote for or against the measure.

In your case, components (1) and (3) are on the ballot but component (2) was apparently inadvertently left off.

We began a discussion of alternatives for addressing this situation that included discussion of the following options: (1) reprinting of all ballots and mailing to all voters; (2) reprinting the portion of the ballot relating to the ballot measures and mailing that to all voters and (3) issuing a communication to all voters providing the full and correct description of all ballot measures.

After conferring with Assistant Attorney General Jeff Even and senior election officials in our office, we all came to a recommendation that option (3) is the preferred approach in this difficult situation. Our thinking in this regard relates to the serious complications associated with having multiple ballots in circulation to voters. Multiple ballots introduces issues relating to managing receipt and processing of these ballots, associated confusion to voters, and uncertainty introduced into the election process.

This morning at 8:30, we had a conference call with you and your Deputy Prosecuting Attorney Don Anderson and learned that the two of you had also come to this same conclusion in terms of the desired approach. John Pearson, Pam Floyd, Sheryl Moss and I participated in that call with you.

And, as we indicated on the phone this morning, the decision on how best to proceed is a decision for you to make in consultation with your Prosecuting Attorney's office. Our office provides advice, support and recommendations, but the final decision on this is yours.

In implementing the option (3) discussed above, we recommend including the following components to your plan: (1) immediate communications with your local media outlets regarding your plan; (2) a letter communication issued to all voters in the county as soon as possible transmitting full ballot titles for all measures; (3) an announced period during which any voter may obtain and vote a replacement ballot; (4) a communications plan involving print and electronic media; (5) posting full ballot titles on your website; and (6) advising voters of the various locations where this information is readily available including the State Voters' Pamphlet, Secretary of State website, Skagit County website, and websites for the various ballot measures.

Norma, we understand how difficult this is for you. However, the fact that the omission occurred this early in the process and the fact that the omitted information is so readily available to all voters does mitigate the situation.

Our office remains available to assist you in any way on this.

Good luck Norma.

Nick

Nick Handy  
Director of Elections  
Office of Secretary of State  
State of WASHINGTON  
(360) 902-4156

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**From:** Josef K [mailto:[josefk@wavecable.com](mailto:josefk@wavecable.com)]  
**Sent:** Friday, October 20, 2006 10:11 AM  
**To:** Patrick Connor; [sexcell@secstate.wa.gov](mailto:sexcell@secstate.wa.gov)  
**Cc:** [TimF@ATG.WA.GOV](mailto:TimF@ATG.WA.GOV); 'Guthrie, Janelle (ATG)'  
**Subject:** RE: Why isn't the full ballot title on my ballot?

**To all;**

**You might want to consider the following:**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=29A.72.050> – with my highlighting.

## **RCW 29A.72.050**

### **Ballot title — Formulation, ballot display.**

(1) The ballot title for an initiative to the people, an initiative to the legislature, a referendum bill, or a referendum measure consists of: (a) A statement of the subject of the measure; (b) a concise description of the measure; and (c) a question in the form prescribed in this section for the ballot measure in question. The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure.

(2) For an initiative to the people, or for an initiative to the legislature for which the legislature has not proposed an alternative, the ballot title must be displayed on the ballot substantially as follows:

"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). Should this measure be enacted into law?

Yes . . . . .   
No . . . . .

2006 General Election GENERAL ELECTION November 07, 2006	
<p><b>Instruction Text:</b></p> <p>1. Use a black or blue ink pen to mark your choices on the ballot.</p> <p>2. To vote for your choice in each contest, completely fill in the box to the left of your choice.</p> <p>3. To vote for a write-in candidate, completely fill in the box to the left of the words "Write-in" and write in the name AND party of the candidate on the line provided.</p>	PH LE AD CI PH TR CO BT IS
<b>PROPOSED BY INITIATIVE PETITION</b>	
<p><b>INITIATIVE MEASURE NO. 900</b> Initiative Measure No. 900 concerns estate tax.</p> <p>Should this measure be enacted into law?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	PH LE ES TR CI PH TR
<p><b>INITIATIVE MEASURE NO. 933</b> Initiative Measure No. 933 concerns government regulation of private property.</p> <p>Should this measure be enacted into law?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	PH LE ES TR CI PH TR
<p><b>INITIATIVE MEASURE NO. 937</b> Initiative Measure No. 937 concerns energy resource use by certain electric utilities.</p> <p>Should this measure be enacted into law?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	PH LE ES TR CI PH TR

NO "concise description" as you can see at <http://vote.wa.gov/elections/Measures.aspx> that's supposed to be there.

**In my personal view: This is obviously grounds for a re-vote with one exception: If the mainstream media newspaper of record – Skagit Valley Herald – printed the full ballot title on a different page every day until election day.**

**Josef**

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**From:** Josef K [mailto:[josefk@wavecable.com](mailto:josefk@wavecable.com)]  
**Sent:** Thursday, October 19, 2006 6:17 PM  
**To:** [propertyfairness@wsfb.com](mailto:propertyfairness@wsfb.com)  
**Subject:** FW: Why isn't the full ballot title on my ballot?  
**Importance:** High

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**From:** Josef K [mailto:[josefk@wavecable.com](mailto:josefk@wavecable.com)]  
**Sent:** Thursday, October 19, 2006 3:26 PM  
**To:** '[sselections@co.skagit.wa.us](mailto:sselections@co.skagit.wa.us)'  
**Subject:** Why isn't the full ballot title on my ballot?

To Whom This May Concern;

I just got my ballot and in the process of voting in Precinct 125 noticed that the full ballot title is not on my ballot. Although I know enough about the initiatives to vote appropriately, I am concerned for my fellow voters.

I hope if this was a mistake, something can be done. If not, I hope this error is not repeated in future elections – especially since there appears to be enough room on the ballot for the full ballot title.

Thanks;

Josef Kunzler

[josefk@wavecable.com](mailto:josefk@wavecable.com)

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