

Councilman Larry Phillips  
516 Third Avenue, Room 1200,  
Seattle, WA 98104-3272  
May 25, 2006

[REDACTED]

Reference: the County's proposal to switch to all-mail voting

Via Certified Mail, with Return Receipt Request

Dear Councilman Phillips:

I am writing to you today, and sending the letter by certified mail, because you have not responded to my e-mail of May 12 to inform me of your intentions on this issue.

I used to be a permanent absentee voter, but not because it was more convenient. I often found that the official voter's guide was deficient and when I arrived at the polling place there was a contest or issue that I wasn't prepared to address.

Last winter I switched back to poll voting as a direct result of my experience as a poll worker. On the day of the 2005 general election I watched in amazement as the election inspector, an elections troubleshooter, and a third elections employee went to great lengths to encourage an unqualified voter to submit an unlawful provisional ballot. After the polls closed the election inspector told us that she was taught in a training session that the Help America Vote Act (HAVA) states "anyone who wants to vote gets to vote, the people downtown will decide which votes to count." I spoke up and expressed my surprise at that claim, and she repeated the phrase two more times. The next day I checked the HAVA and found that claim to be patently false; check section 302 for yourself. When an organization encourages its employees to violate state and federal election laws, I'm not willing to give up my right to put my ballot into the vote counting machine with my own two hands. If that machine rejects my ballot, I want to "enhance" it with my own pen, rather than let some anonymous county employee decide what my intent might be.

If you are convinced that King County's elections employees deserve my trust, you'll need to demonstrate that with some objective evidence. I'm an engineer, and insist on verifiable analysis, not public relations campaigns. The county has spent large sums of money on at least three investigations of the elections department. Please tell me which of those reports examined a statistically significant number of the county's processed ballots to document the following:

1. The percentage of "enhanced" ballots that were enhanced in a manner allowed by state law
2. The percentage of absentee ballot envelopes that were opened only after the signature was correctly verified and the vote recorded
3. The percentage of absentee ballots that were cast by people who also cast provisional ballots and both were accepted
4. The percentage of absentee voters that were disenfranchised because their ballots were lost in the mail
5. The percentage of people who received absentee ballots and then dropped them into the voting machine on election day (I saw a lot of them)

If you can't document all these issues, then I don't believe you're in a position to ask me to trust the county elections department, and the postal service, with something as important as my ballot.

When it comes to casting my ballot, I'm definitely pro-choice. Please don't take my choice away.

Sincerely yours;

Tim Alan Younker, PE

cc: Dean Logan, Ron Sims, Sam Reed



LARRY PHILLIPS

Chair  
Metropolitan King County Council

June 8, 2006

Dean Logan, Director  
King County Records, Elections, and Licensing Services Division  
500 Fourth Avenue Room 553  
Seattle, WA 98104-2337

Dear Mr. Logan,

Please find the enclosed concerns from a citizen, Tim Alan Younker regarding an all-mail voting system.

In his letter, Mr. Younker requests statistical information about absentee ballots, specifically:

- Percentage of ballots "enhanced" in a manner allowed by state law.
- Percentage of absentee ballot envelopes opened after the signature was correctly verified and vote recorded.
- Percentage of absentee ballots cast by voters who also cast provisional ballots and both were accepted.
- Percentage of absentee ballots lost in the mail.
- Percentage of absentee ballot voters who dropped off absentee ballots into voting machines at poll sites.

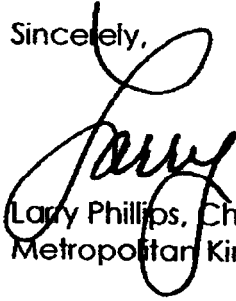
I would appreciate it if you would respond to Mr. Younker directly at [REDACTED] and copy me on any correspondence.

516 Third Ave, Room 1200, Seattle, WA 98104-3272  
206-296-1004 TTY/TDD 206-296-1024 Fax 206-296-0370  
larry.phillips@metrokc.gov

Dean Logan  
June 8, 2006  
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Thank you in advance for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Phillips". The signature is written in a cursive style with a large, looping initial "L".

Larry Phillips, Chair  
Metropolitan King County Council

Enclosure

cc: The Honorable Larry Gossett, Metropolitan King County Council District 2  
Tim Alan Younker



King County

**Department of  
Executive Services**

King County Courthouse  
516 Third Avenue, Room 410  
Seattle, WA 98104-3271

**206-296-3824** Fax 206-296-3829  
TTY Relay: 711

June 28, 2006

Tim Alan Younker  
[REDACTED]  
[REDACTED]

Dear Mr. Younker:

Thank you for your letter to Councilmember Phillips detailing your concerns with the proposal to conduct King County's elections entirely by mail. Since your questions with regard to the process of provisional voting at the polls are technical in nature, Councilmember Phillips has requested I respond on his behalf.

Before I respond to your concerns, let me first thank you for your work as a poll worker; the hours are long, the pay little, and the work is increasingly more difficult year after year. I also appreciate the concerns you raise about provisional voting.

Washington is a pioneer in provisional voting. Unlike many other states in the nation, Washington adopted procedures for provisional voting in 1977, although the practice had existed unofficially for a number of years prior to that.

As you know, provisional ballots benefit voters by allowing an individual to cast a vote, in general, when there is some question as to the individual's eligibility such as when the individual's name is not on the registration list or the individual's eligibility has been questioned by an election official. These ballots are called provisional because they are counted after the election only when and if an election official can determine that the voter is eligible under state law to vote.

The Help America Vote Act (HAVA), Section 302(a) requires that an individual be permitted to cast a provisional ballot upon the execution of a written affirmation before an election official at the polling place. The written affirmation must state that the individual is registered to vote in that jurisdiction and eligible to vote in that election. While HAVA established conditions under which an individual must be allowed to cast a provisional ballot, states are not prohibited from offering provisional ballots for other reasons, or from



*"To provide King County Agencies, Municipalities and the Public  
with high quality, General Government Services"*

using ballots with other names (e.g., a challenged ballot) to serve provisional vote purposes. HAVA explicitly provides that the specific choices on the methods of complying with certain act requirements, including the provisional voting requirements, are left to the discretion of the state.

Washington State law uses RCW 29A.04.008 to define a provisional ballot as such:

"Provisional ballot" means a ballot issued at the polling place on election day by the precinct election board to a voter who would otherwise be denied an opportunity to vote a regular ballot, for any reason authorized by the Help America Vote Act, including but not limited to the following:

- (a) The voter's name does not appear in the poll book;
- (b) There is an indication in the poll book that the voter has requested an absentee ballot, but the voter wishes to vote at the polling place;
- (c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;
- (d) Any other reason allowed by law.

It is incumbent upon the individual to acknowledge, that by signing the oath on the provisional ballot envelope, they are attesting they are legally allowed to vote. Specifically, the oath on the King County provisional ballot envelope states the following:

"I do solemnly swear or affirm under penalty of perjury that:  
I am a legal resident of the state of Washington;  
I am entitled to vote in this election;  
I have not already voted in this election;  
It is illegal to vote if I am not a United States citizen; It is illegal to vote if I have been convicted of a felony and have not had my voting rights restored;

It is illegal to cast a ballot or sign an absentee envelope on behalf of another voter, except as otherwise provide by law; and attempting to vote when not entitled, attempting to vote more than once, or falsely signing this oath is a felony punishable by a maximum imprisonment of five years, a maximum fine of \$10,000, or both."

Based on the information you provided in your letter, the inspector at your polling place was correct in her handling of this voter. Poll workers are trained not to deny someone the right to vote if they believe they are a legally registered voter. With 1.2 million voters, it is impossible for a poll worker to determine *with certainty* that a voter should be prohibited from voting or casting a provisional ballot. During the 2000 Presidential Election, there were hundreds of cases of legally registered voters who were erroneously dropped from poll books. College students regularly vote provisionally because they are away from home and some do not receive an absentee ballot at their college address. It is with these

examples in mind, provisional voting was created. By design, provisional ballots prevent legally registered voters from being turned away from the polls on Election Day.

While provisional voting does give someone not in the poll books the right to vote, it is important for me to point out that provisional ballots are not counted until their registrations are verified by elections officials. In the cases of college students, those ballots are forwarded to their home county elections office to be verified. Once verified only the races for which the voter is eligible to vote on are actually counted. It is a painstaking process, but one that is vital in our democratic voting process.

In addition to your concerns about provisional voting, you requested information about the audits of King County Elections, specifically statistical analysis on ballot enhancement and the processing of absentee ballots at the polls. Changes at both the state and federal level as well as procedural changes in King County since 2004 have addressed many of your concerns. I can assure you that provisional ballots are made available and processed according to legal requirements; no ballots are enhanced by King County staff as this process has been eliminated by state law changes; and no absentee ballots are accepted by poll site tabulation device as a result of state law changes and programming changes within King County.

If you are interested in the type of research done by these groups which include the U.S. Elections Center, the reports are available online:

- King County Citizens' Elections Oversight Committee (2004 and 2006)  
<http://www.metrokc.gov/council/committees/elections/index.htm>
- The U.S. Election Center Report (October 2005)  
<http://www.metrokc.gov/auditor/2005/ElectionErrata.pdf>
- The U.S. Election Center Report (December 2005)  
[http://www.metrokc.gov/elections/news/2005\\_12\\_30\\_ElectionCenterReport\\_Dec2005.pdf](http://www.metrokc.gov/elections/news/2005_12_30_ElectionCenterReport_Dec2005.pdf)
- The Independent Task Force on Elections (June 2005)  
<http://www.govlink.org/electiontaskforce/>

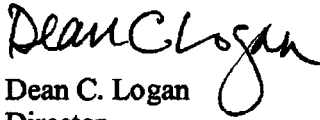
Tim Alan Younker

June 28, 2006

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As King County moves forward to improving the Elections Section and the transition to all-mail voting system, I hope that you continue to participate in our great democracy.

Sincerely,

A handwritten signature in black ink that reads "Dean C. Logan". The signature is written in a cursive style with a large, looped "D" and "L".

Dean C. Logan  
Director

cc:    **The Honorable Larry Phillips, Chair, Metropolitan King County Council**  
      **Paul Tanaka, County Administrative Officer, Department of Executive Services**  
      **(DES)**  
      **Garth Fell, Assistant Superintendent, REALS, DES**  
      **Katie Kuciemba, Poll Worker Coordinator, REALS, DES**

[REDACTED]  
[REDACTED]  
July 12 2006

Dean Logan  
King County Courthouse  
516 Third Ave., Room 410  
Seattle, WA 98104-3271

Via Certified Mail, Return Receipt Request

Dear Mr. Logan:

Thanks for your response to my May 25, 2006 letter to Councilmember Larry Phillips. One issue you addressed was my concern about this episode:

*"On the day of the 2005 general election I watched in amazement as the election inspector, an elections troubleshooter, and a third elections employee went to great lengths to encourage an unqualified voter to submit an unlawful provisional ballot."*

In your letter you stated that "Based on the information you provided in your letter, the inspector at your polling place was correct in her handling of this voter. Poll workers are trained not to deny someone the right to vote if they believe they are a legally registered voter."

If your pollworkers believed that this was a legally registered voter, then they must have been ignorant of our state election laws.

I stated in my letter that the voter was unqualified because he confessed that he had moved to Washington state three weeks earlier. I trust that both you and your employees know this Washington state law: *For all voter registrations, the registrant shall sign the following oath: "I declare that the facts on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of a felony, I will have lived in Washington at this address for thirty days immediately before the next election at which I vote, and I will be at least eighteen years old when I vote."* RCW 29A.08.230

Your pollworkers were aware that this voter had not resided in the state long enough to register to vote. Yet they went to great lengths to attempt to coerce him into submitting a provisional ballot. When the provisional ballot judge discouraged him from submitting a ballot because he was not qualified, someone from your office called him later and requested that he go to another polling place and submit a provisional ballot there.

I have no choice but to conclude that this behavior is unacceptable for an organization that is responsible for handling the election process in accordance with federal and state election laws. It is a breach of the oath that every pollworker takes before the polls open, and it showed blatant disregard for the integrity of the elections process.

My experience as a pollworker took away the last vestiges of confidence that I had in your operation, and your letter attempting to make your employees' conduct appear to be legal and correct has reinforced my disappointment in the King County elections process.

Sincerely yours;

Tim Alan Younker

Cc: Larry Phillips, Ron Sims, Sam Reed, Garth Fell



**LARRY PHILLIPS**

Chair  
Metropolitan King County Council

July 18, 2006

Tim Alan Younker  
[REDACTED]  
[REDACTED]

Dear Mr. Younker,

I received a copy of the enclosed June 28, 2006 response from Dean Logan, Director of the King County Records, Elections, and Licensing Services Division, regarding your questions about the 2005 election records.

I hope you found this response to be helpful and thorough. As you know, King County has made procedural changes since 2004 in accordance with state and federal law, thus eliminating some of the confusion around provisional ballots that you mentioned.

I would like to echo Mr. Logan's thanks for your time as a poll worker and your advocacy on elections issues. Thank you for contacting me regarding this important matter.

Sincerely,



Larry Phillips, Chair  
Metropolitan King County Council

Enclosure

cc: The Honorable Larry Gossett, King County Council District 2  
Dean Logan, Director, Records, Elections, and Licensing Division (REALS)  
Paul Tanaka, County Administrative Officer, Department of Executive Services  
(DES)  
Garth Fell, Assistant Superintendent, REALS, DES  
Katie Kuciemba, Poll Worker Coordinator, REALS, DES

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516 Third Ave, Room 1200, Seattle, WA 98104-3272  
206-296-1004 TTY/TDD 206-296-1024 Fax 206-296-0370  
larry.phillips@metrokc.gov

