

KING COUNTY INDEPENDENT TASK FORCE ON ELECTIONS

# ADOPTED FINDINGS

## OF THE TASK FORCE'S COMMITTEES

*Originally adopted by the Task Force on 17 June 2005.  
Revised and approved by the Task Force on 30 June 2005.*

The following are the initial findings of the three committees of the King County Independent Task Force on Elections: Public Engagement, Policy, and Management Practices and Controls.

The committees' findings are based on the fact-finding that has been conducted between mid-May and mid-June. Fact-finding has consisted of: 1) interviews of approximately three dozen people, including current and former employees of King County's elections office, current and former elected officials, and representatives of business, labor, education and civic organizations and the media; 2) a survey of the employees of King County's elections office in which over 70% participated; 3) review of documents such as policies, reports, training manuals and depositions; 4) inspections of facilities and equipment; and 5) the deliberations of the Task Force and its committees.

Fact-finding will continue over the next month as the Task Force develops, discusses and refines a set of recommendations. The recommendations of the Task Force will be presented to King County in late July.

### **PUBLIC ENGAGEMENT**

As a result of its initial fact-finding, the Task Force has learned that no one expects perfection. The standard sought by most people is not a perfect election. Rather, it is elections in which the results are accurate, and the public believes that the process of voting was easy (accessible) and fair and the outcomes are reliable and accurate. When mistakes are made, as is inevitable because of the involvement of human beings in operating the system, the public expects that mistakes will be detected and corrected, and that those operating the system will be honest and candid about the mistakes and what is need to fix them and/or prevent them in the future.

**The overarching interests:** Based on our interviews of community leaders and citizens, the Task Force finds that the overarching interests in King County's elections system are ease and accuracy.

**Ease:** of conducting the various steps in the process; of voting; of tabulating the results.

**Accuracy:** in the outcome of each step of the process; in the outcome of elections.

These are fifteen common interests that have been articulated by approximately three dozen people who the Task Force has interviewed to date.

***Elections must be:***

1. **Valid:** Every valid vote is counted; invalid ones are not.
2. **Accurate:** The outcome of an election is accurate.
3. **Fair:** Before the process begins we—the public and those who are actively involved in it—know and understand the rules. The rules do not change in the middle of the game.
4. **Open and transparent:** When mistakes occur they are quickly and easily detected and it is possible to determine their impact, if any, on the election's outcome.
5. **Objective, not subjective:** Eliminate or reduce interpretations by third parties, such as the members of the Canvassing Board, representatives of the political parties or the Courts, of how an individual voted.
6. **Non-partisan:** The elections system must treat all participants equitably, and decisions about and throughout the process must be made in the interests of the public, not in the interest of advancing a political agenda or position.

***We must strive for:***

7. **Public Trust:** The public believes the outcome of an election is accurate and reliable.
8. **Accountability:** Hold people accountable for their actions throughout the process.
9. **A system of checks and balances:** The system includes redundant processes or failsafe measures to prevent, minimize or quickly detect mistakes and efficiently resolve them.
10. **Excellent employees:** Devote more time, energy and resources into assisting hard-working, creative and productive employees than defending lazy, incompetent, dishonest and/or uncaring ones.
11. **Quality training:** The people who are involved in the elections processes are well trained and highly qualified.
12. **Customer service:** Voters' receive timely, accurate and understandable information and assistance.
13. **Realistic deadlines:** There is sufficient time built into the processes to do things correctly.
14. **Partnerships:** To achieve and implement lasting reforms of the elections system, partnerships must be formed between the Executive and Legislative branches of King County government, and between King County and other levels of government, the public and key stakeholders such as the political parties, unions, civic organizations and the media.

15. **Appropriate funding:** Since we will get the kind of election we pay for, ensure that the resources are available to fund an election system that achieves the fourteen preceding interests and goals.

Based on the fact-finding conducted by the Task Force, we find that because of the 2004 election in King County:

1. The “public” that is interested in the findings and recommendations of the Task Force, and which the Task Force serves, includes: voters, both King County’s and the state’s; the citizenry-at-large; candidates for public office; the King County Executive and Council; the employees of the Elections Section; State Legislators; political parties; the media, including non-traditional outlets and forums such as internet “bloggers;” and a national audience consisting of elections professionals, election “watchdogs” and interested citizens.
2. Many people to whom we have spoken feel betrayed, outraged and disillusioned. They are no longer certain their votes count, and that has shaken their faith in the franchise of voting and in democracy.
3. The people of King County are deeply embarrassed. We have heard from many sources that across the state and national our election system is being ridiculed and mocked, creating the perception that King County has one of the worst elections systems in the nation.
4. There is a palpable sense of anger and impatience among people to whom we have spoken. “Get it fixed now!” is a sentiment we heard repeatedly.
5. Many citizens have lost confidence in the competence of government to be the steward of each vote.
6. Neither the political parties nor people who identify themselves as Republicans, Democrats or Independents were served by the process.
7. Communication between the County and the citizens it serves is broken. As a result, King County’s credibility has deteriorated, and there has been a further erosion of public trust.
8. An articulate minority of citizens to whom we have spoken believes the problems with the elections system in the aftermath of last year’s election have been blown out of proportion. They believe that both the elections and legal systems worked, and that King County has been unfairly scrutinized and characterized. Given that margin separating the two candidates in the gubernatorial election was smaller than the statistical margin of error, they argue that the system worked, and that the process is vindicated.
9. We owe it to our children and to all future voters to create a system they can have faith in, and which safeguards the right to vote as well as each person’s vote.
10. To rebuild and recapture the public’s trust and faith in the County’s elections system, dramatic change is warranted and there must be a significant, demonstrable increase in accountability.

## **POLICY**

The Policy Committee finds that despite recent elections reform efforts some federal, state, and county policy mandates still create an external environment that significantly impedes the ability of the King County Elections officials to conduct fair and equitable elections. Specific issues that must be addressed include:

- Timing of the primary election date;
- Electing or appointing a King County Auditor or Superintendent of Elections;
- The conduct of elections, including conducting all-mail elections or reforming current policies that unnecessarily complicate the elections process; and
- Reinstatement of voter rights.

### ***Timing of the primary election date:***

Current state law requires primary elections in September. Holding a September primary election creates significant problems and complexities for Washington counties, which have less than 30 days to certify the election results; publish and distribute ballots in time for absentee, military, and overseas voters; and prepare for the general election.

### ***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 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.

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.

***Conducting elections:***

Currently in King County, the elections process basically involves the simultaneous conduct of two dissimilar elections. Increasingly, a majority of King County voters (565,011 or slightly more than 62 percent in 2004) use the permanent absentee or vote by mail process. Nevertheless, the county also conducts a traditional election involving about 330,000 voters assigned to over 2500 precincts and 540 individual polling places. Both elections processes contain independent, complex, and often conflicting requirements that have clearly caused significant problems for King County elections officials.

Elimination of traditional polling place elections by conducting all-mail elections would simplify elections procedures and could increase voter participation in smaller special or off-year elections. While recent changes in state law allow counties to conduct all-mail elections, there are significant policy and procedural barriers to implementation of that model within King County. In addition, some citizens remain concerned that the all-mail elections process is highly susceptible to fraud. If quickly moving to an all-mail election cannot be achieved there remain some elections laws, rules, and policies that if not reformed will unnecessarily complicate or impede King County elections officials in conducting traditional polling place elections.

***Reinstatement of voter rights:***

Universal suffrage or the right of every citizen to vote is a fundamental democratic principal. Therefore, policies that unfairly discriminate against a large class of voters by establishing unreasonable or unclear standards must be examined. Additionally, policies that require elections officials to investigate the credentials of potential voters against unclear standards can impose unnecessary burdens that impede the work of elections officials.

The right to vote by persons convicted of felonies varies considerably from state to state. In most states, the restoration of voting rights is automatically conferred upon completion of sentencing conditions. In Oregon, voting rights are restored when an individual is no longer incarcerated in the state penitentiary. The Washington State constitution disqualifies from voting individuals convicted of an infamous crime whose civil rights have not been restored. Unlike other states, Washington has established a complex system that requires former felons to petition the courts for restoration of civil rights before registering to vote.

The record indicates that King County generally complied with state mandates related to the investigation and cancellation of voter registration from former felon voters. Nevertheless, the record indicates that some 1600 voters statewide, including nearly 800 voters in King County, were felons whose civil rights had not been officially restored. Recent statewide elections reforms enacted in 2005 will improve the process of reporting felons to the state and counties. If implemented properly, these reforms will address the problems identifying convicted felons. Nevertheless, maintaining unclear standards regarding the restoration of civil rights in Washington State and imposing standards different from neighboring states creates an environment in which former felons may inadvertently cast illegal votes and in which elections officials may improperly deny voting rights to individuals who have fully complied with the conditions imposed upon them by the courts.

## **MANAGEMENT PRACTICES AND CONTROLS:**

The Management Practices and Controls Committee finds that Elections Section staff understands the importance of good faith compliance with elections standards and believe that they should be held accountable for maintaining those standards. In addition, the Committee finds that the director of the Records, Elections and Licensing Services Department (REALS) retains the confidence of Elections Section employees who believe he is an ethical leader with strong technical skills.

The Management Practices and Controls Committee finds that despite significant leadership changes over the past five years and the current leadership's efforts to improve the organization, the King County Elections Section remains a seriously flawed organization. Specific areas of concern include:

- An unhealthy organizational culture that does not effectively ensure good faith compliance with election laws, policies and procedures;
- Poor employee morale;
- Ineffective or poor communications between senior managers and elections staff;
- Ineffective implementation of critical operational controls and quality assurance processes that identify and address inevitable human errors before they undermine the elections process;
- Poor or ineffective employee training and certification programs;
- A leadership structure that may lack the skills and resources to achieve needed organizational healing.
- A perception within the Elections Section that managers and employees are treated differently from each other. It is likely that the recent reassignment of the Superintendent of Elections will reinforce this perception.

### ***Leadership:***

The Elections Section employees retain confidence in the REALS director and believe that he is an ethical leader with strong technical skills. He is viewed by many inside and outside King County government as the first true elections professional to head the agency. He is respected by elections officials across the State. When hired in late 2003, he faced an entrenched organizational culture that did not effectively ensure compliance with election law and policies. In the face of the agency's poor performances in the elections of 2000 and 2002, he prioritized rebuilding public credibility over undertaking internal cultural change and engaged in an extensive public engagement to achieve that goal.

Despite the director's efforts, the managerial environment of King County's Elections Section remains seriously flawed. One factor contributing to this situation may be that the director assumed too much responsibility and did not hire leaders with the managerial skills and savvy to

ensure that his vision would be embraced and implemented by staff. Middle level managers, who were often placed in their jobs because of technical skills and longevity of service rather than demonstrated management skills and experience, provided inconsistent supervision across the agency and, in some cases, resistance to the changes the director seeks to achieve. Thus, the organization's leaders may not possess the skills and resources required to achieve the healing needed before the organization can focus on improving King County's elections system and restoring public trust and confidence in it.

### ***Culture and Morale:***

The organizational culture of King County's Elections Section is seriously flawed. The committee found that Elections Section staff know and understand the importance of good faith compliance with elections standards yet the organizational culture within King County and the Elections Section does not provide an effective environment in which they can achieve these vital goals. In addition, the committee found an environment in which poor employee morale, caused largely by external forces, is exacerbated by poor communications and organizational culture.

The committee believes that the Elections Section's flawed organizational culture results from a lack of: 1) employee identification with a compelling, unifying, long-term vision; 2) clear and understandable communications from upper management to employees; 3) employee involvement in and accountability for decision-making; 4) teamwork and a sense of responsibility for the success of the organization; 5) a climate of fear that dissuades employees from informing their supervisors of problems or offering solutions to them; and 6) balance between protecting the jobs of failing employees and protecting the reputations of hard-working, industrious, committed and creative employees.

### ***Communications:***

Communication between the elections office and key constituencies within King County, such as the County's elected officials, remains a significant strength. County elected officials believe that communications with the REALS director remains open, transparent and candid. Communications within the elections office—from upper management to "front line" employees and from the front lines up to the leadership group—are poor. Public communications—written, verbal and symbols—also appear to be failing to convey the agency's intended messages.

### ***Business Planning:***

The King County Elections Section has not implemented a business mapping analysis or strategic plan that would enable the agency to align policy requirements, operational needs and the external political and public environments. Of special note is the omission or lack of enforcement of duplicate or redundant systems (checks and balances) that would enable the agency to efficiently identify mistakes, where they are made, what is needed to fix them and if they have had an effect on the outcome of an election.

***Structure:***

The organization relies too heavily on a formal hierarchical structure. Most information, instructions, messages and requests flow from the leadership team to mid-level managers to the staff. Reliance upon this hierarchy has diluted important messages and directions from the agency's leaders to front line employees, including and, perhaps most importantly, the director's long-term vision of the agency's future. The hierarchical nature of communications and decision-making has also inhibited the free flow of information from employees to upper management, including information the staff has obtained about citizens' interests, needs and concerns concerning the franchise of voting in King County.

***Training:***

Employees, whether full-time or part-time, often lack the formal training or certification needed to do their jobs well. In addition, manuals and other materials that would be of use on a daily basis to guide them in fulfilling the County's and their responsibilities are either poor or nonexistent.