

LAW OFFICES  
OF  
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April 7, 2005

VIA FACSIMILE: 206-296-0108

Bobbie Egan  
King County Records, Elections and Licensing Services Division  
King County Administration Building  
500 Fourth Avenue, Room 553  
Seattle, WA 98104-2337

*Re: Stefan Sharkansky Public Records Requests*

Dear Ms. Egan:

On February 22, 2005, my client, Mr. Stefan Sharkansky, sent your office a letter requesting a number of public records, including "all documents pertaining to the reconciliation of absentee ballots and absentee voters from the November 2004 election". To date, the only such document you have produced is a one-page "Mail Ballot Report" which was presented to the canvassing board on Nov. 17, 2004. You are quoted in today's *Seattle Times* as calling this document "so flawed it was virtually meaningless."

In your March 7, 2005 letter to Mr. Sharkansky you estimated that "any other responsive documents will be available by March 31, 2005". I understand that King County failed to produce any additional responsive documents by that date. In your March 31, 2005 letter, you advised Mr. Sharkansky that you were postponing the estimated availability to April 15 but that "At this time, the Elections Section estimates that it could take additional time to be completely responsive"

This unwarranted delay is not acceptable. Unless all of the following documents, which are encompassed in Mr. Sharkansky's Feb. 22 request, are produced not later than 3pm, Monday, April 11, we 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) All documents pertaining to the reconciliation of absentee ballots and absentee voters from the November 2004 election, which includes, but is not limited to, the following documents:

- a. 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”. These documents should identify each absentee ballot by voter id, and be delivered in computer-readable format, such as Excel spreadsheet, tab-delimited text, or Microsoft Access database.
- b. Computer-readable documents that list the batch number and voter id for every absentee ballot received.
- c. The absentee ballot “batch slips” described in the April 4, 2005 memo from Garth Fell to Dean Logan titled “Discovery and Subsequent Investigation of Untabulated Absentee Ballots”, i.e. “The batch slip details information regarding a batch from the time it is brought into the EMVR system until it is tabulated.”
- d. Any summary reports of ballot counts by batch number and disposition that would indicate batch-level discrepancies between ballots counted at various stages in processing, e.g. discrepancies between the number of ballots “initially verified and transferred the opening process” and the number of ballots ultimately tabulated.
- e. The names and voter ids of all of the approximately 93 voters whose absentee ballots were recently discovered and identified in the April 4 memo from Garth Fell to Dean Logan.
- f. 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. A listing of the names and voter ids of these voters is enclosed. (Mr. Sharkansky also sent you an e-mail with an Excel spreadsheet of this list on March 25). Any other documents that could explain why these voters who returned absentee ballots would be credited as having cast a provisional ballot.
- g. Any other documents that would be directly relevant to the reconciliation of absentee ballots received, counted and rejected in the November 2004 election.

- 2) All documents that describe ballot and voter crediting procedures (for both absentee and provisional ballots) in place at the time of the start of canvass (November 2, 2004) - As well as any changes made after November 2, 2004, and the effective date of the change.
- 3) A working replacement for the defective audio CD of the Canvassing Board minutes that was delivered to Mr. Sharkansky on March 31, 2005.

Thank you in anticipation of your prompt cooperation.

Very truly yours,

Michael G. Brannan  
cc: Stefan Sharkansky