



King County Canvassing Board of Elections

DISCREPANCY REPORT

<u>Election:</u>	General Election, November 2, 1999
<u>Type of Ballot:</u>	Polling place ballots
<u>Precinct/Ballot Code:</u>	Gilman Precinct / Codes 1, 2, 3 & 4
<u>Polling Place:</u>	Clark Elementary School
<u>Problem:</u>	Wrong ballots given to 16 voters

Circumstances:

The North Issaquah Annexation consists of portions of two precincts, OVERDALE and GILMAN. As is standard Elections procedure when one precinct has more than one jurisdictional group (levy code), the ballots for these precincts were printed in different designs, called "splits", one for the voters in the annexation area and one for those not. Each "split" stack of ballots with different designs was packaged separately, and was assigned a separate ballot code number listed by the name of each voter.

In GILMAN precinct, there were actually four splits, two involving residence in or out of the Sammamish Plateau Water and Sewer District and the other two pertaining to residence in or out of the annexation area. The poll book judge, not used to having more than one ballot design for the precinct, simply opened one package and began distributing the ballots to all voters who presented themselves to vote. Around 10 AM, the Polling Place Inspector realized what was happening and corrected the situation. In the meantime, about 30 people in Gilman precinct had voted. Of these, the Inspector was able to identify 16 from the poll book who were given the incorrect ballots. Since all ballots are anonymous to preserve the secrecy of the voter, we could not determine which ballot belonged to which voter, and therefore, we had no way of pulling those 16 ballots from the rest.

Action Taken and Conclusions:

In view of the circumstances, the Manager ordered an audit of the Annexation ballots and poll books to determine exactly what happened and how to account for the ballots issued. The audit identified 13 voters who were given a ballot that incorrectly allowed them to vote upon the annexation measure.

Several voters had stated that they received ballots that did not include the annexation measure on it. The audit was unable to substantiate that any such ballots were issued to eligible voters. The conclusion of the examiners was that on most of the ballots, the annexation measure was the

only measure on the reverse side of the ballot. Despite bold instructions on the lower right corner of the ballots, they failed to turn the ballot over and thereby missed voting on the measure. One voter who missed voting on the measure did return to the polling place was given a second ballot to vote the annexation only. This was handled as a special ballot and was brought before the Canvassing Board. The Board allowed the vote in the annexation contest to be tallied as a legal add-on vote for that contest.

The final vote as shown in the final abstract was 172 "yes" and 119 "no". This was more than enough to pass the annexation. However, the city included an assumption of indebtedness clause that requires more than 60% "yes" votes. The final "yes" vote percentage was 59.11%, just barely missing the needed votes.

State law does allow the city under such circumstances to waive the assumption of indebtedness and annex the territory by ordinance, which they may do.

The issue remains that if the thirteen votes that were invalidly voted were excluded from the count, might this have put the results over the 60% mark and allowed the assumption of indebtedness. This cannot be accurately determined. However, the possibilities are stated below.

Statistics:

Had the votes of the 13 voters incorrectly allowed to vote in the annexation contest been extracted, the possible results would break out as follows:

<i>Of 13, votes yes</i>	<i>Of 13, votes no</i>	<i>new yes % of 278 total votes:</i>
13 yes	0 no	61.87 %
12 yes	1 no	61.51 %
11 yes	2 no	61.15 %
10 yes	3 no	60.79 %
9 yes	4 no	60.43 %
8 yes	5 no	60.07 %
7 yes	6 no	59.71 %
6 yes	7 no	59.35 %
5 yes	8 no	58.99 %
4 yes	9 no	58.63 %
3 yes	10 no	58.27 %
2 yes	11 no	57.91 %
1 yes	12 no	57.55 %
0 yes	13 no	57.19 %

<i>PRECINCT</i>	<i>CATEGORY</i>	<i>REG VOTERS</i>	<i>BALLOTS CAST</i>	<i>YES</i>	<i>NO</i>
Gilman & Overdale GILMAN GILMAN	TOTAL	492	312	171	117
	IN ANNEX	59	49 (36)	20	21
	OUT OF ANNEX	380	205 (218)	N/A	N/A

Key Persons Involved: Julie Anne Kempf, Acting Elections Superintendent; Julie Moore, Acting Assistant Elections Superintendent; Paul Miller, Systems Analyst; Linda Sanchez, Election Operations Supervisor; and Agnes Schmoë, Polling Place Inspector.

Submitted By: Julie Anne Kempf, Acting Elections Superintendent 11/24/99

Reviewed By Canvassing Board Members:

Robert B. [Signature]

} e-mail 11/24/99

Disposition by the Canvassing Board: Further action, if any, to be determined by the city. See RCW 29.04.130.