

**KING COUNTY
INDEPENDENT TASK FORCE ON ELECTIONS**

**THE TASK FORCE'S
TECHNICAL REPORT AND
RECOMMENDATIONS
TO THE
KING COUNTY EXECUTIVE**

27 July 2005

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ADOPTED FINDINGS

OF THE

KING COUNTY INDEPENDENT TASK FORCE ON ELECTIONS

Adopted by the Task Force on 30 June 2005

The following are the adopted 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.

PUBLIC ENGAGEMENT

As a result of its 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 the common interests that have been articulated by the citizens the Task Force has interviewed:

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 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.

ALTERNATIVES

CONSIDERED BY THE TASK FORCE

CRITERIA

After adopting its findings, the Task Force developed a series of alternative recommendations to resolve problems identified in those findings. In addition, the Task Force adopted the following five criteria to evaluate the alternatives and make recommendations:

- **Public confidence** – The recommendation helps restore public trust and confidence in the elections process.
- **Accuracy and accountability** – The recommendation promotes accurate results in a manner that allows the public to hold King County elected and/or appointed officials accountable.
- **Ease** – The recommendation eases or makes the voting and tabulation process less complicated.
- **Fairness** – The recommendation provides substantive and perceived fairness to all citizens, including voters, candidates and political parties.
- **Sustainability** – The solution must work over the long-term no matter who is in charge and no matter which party is in power.

ALTERNATIVES

After the Management Practices and Controls Committee presented its findings and analysis to the Task Force, the Task Force narrowed the range of issues and potential solutions to these major alternatives:

- **Let current leadership implement required changes:** Maintain the current leadership and structure but require leadership to implement an agency turnaround program with specific timelines and measurable goals.
- **Implement an external turnaround program:** Key features of this alternative include: a) current leadership team is replaced; b) an external group reporting directly to the Executive leads the Elections Section through a cultural and structural turnaround; c) current employees are reallocated or invited to compete for positions; and d) promotions would be probationary and require obtaining appropriate certifications.

- **Raise the status of Elections officials:** Maintain an appointed Elections Director/Superintendent of Elections, but move the position out of REALS so that the Director/Superintendent reports directly to the Executive as a member of the Executive cabinet.
- **Implement Regional Elections agencies:** Create three regional offices (North, East and South County) that are aligned with the nine council districts. Each office is headed by a regional superintendent of elections who conducts all aspects of elections but reports to the Superintendent of Elections or REALS director for consistency and accountability.
- **Elect King County elections officials:** Elect a Superintendent of Elections or County Auditor with responsibility to conduct elections.

After a thorough review and discussion of the alternatives, the Task Force concluded that to restore public trust in King County's election system, the highest priority must be to immediately correct the ongoing organizational culture problems. This must occur before adopting any long-term changes in the governance structure. So the Task Force focused on immediate, urgent alternatives, and considered these two:

Alternative I: Require the REALS Division's current leaders to significantly improve the organization's culture.

The REALS Director and leadership team would be required to implement critical changes that address each of the findings discussed above.

Alternative II: Hire a "turnaround" group to provide leadership, management and cultural change to the Elections Section.

King County would hire an outside organization with expertise in organizational "turnarounds" to lead and manage the transition to a new agency culture, including improvements in the elections system. The turnaround team should be directly accountable to the King County Executive and would include election administration professionals and experts to manage the conduct of elections during the interim or turnaround period.

Arguments Favoring Alternative I:

- The current REALS Director is a known elections expert who has retained the confidence of a majority of his subordinates, the King County Executive and state elections professionals.
- Turnaround teams can't be done in the public sector. There are few good examples of external groups performing agency turnarounds in the public sector. Most examples of turnarounds in the elections arena, such as Los Angeles and San Francisco counties, involved the appointment of elections professionals whose individual vision and leadership turned around troubled election organizations.
- External turnaround teams are expensive. Hiring external consultant groups is very expensive and could be prohibitively expensive if they remained in place for over a year. Terminating or transferring under-performing managers and employees who are members of collective bargaining units or hold civil service positions would be very expensive.

- If done poorly, external turnaround teams can hurt more than help. The private and public sectors have both experienced significant failures in company or agency turnarounds (Ford Motor Company the City of Detroit). If a significant group of under-performing managers and workers are able to hunker down and ride out a turnaround time period, the ill will generated by the stress and the “reverse empowerments” could create greater harm to the organization.
- If the turnaround group were in place for 18-30 months, that would constitute a very long period of instability for the employees in the Elections Section.

Arguments Favoring Alternative II:

- The Elections Section remains a seriously flawed organization that does not effectively ensure rigorous compliance with election laws, policies and procedures. In addition, the current leadership has not demonstrated the skills and resources to achieve needed organizational healing. Essentially the current leadership team has still not implemented critical cultural changes that would assure the Task Force and the public that King County can conduct a fair and accurate election. (*accuracy/accountability, public confidence*)
- Even if approved by the voters in the next general election, key governance changes would not take place until at least 2007, leaving the current leadership team in place to conduct four or more elections including two general elections in which new County leaders would be on the ballot. (*accuracy/accountability, public confidence*)
- If needed structural and internal reforms are not implemented but the next several elections are neither contentious nor close, the current leadership team could declare victory and a false sense of security and complacency could return to the King County elections process until another close or contentious election occurs. (*sustainability*)
- The practice of bringing in a “turnaround” leader or group is familiar to public institutions. For example, it is used by universities, where it is rare for a new president to immediately take office upon the departure of her/his predecessor. More common is the practice of a university’s Board of Regents or Trustees appointing an interim leader who makes changes that pave the way for the new president. The interim president may be asked to cut the budget, reposition employees or make other significant changes that are urgently needed, and which would be unfair to expect a new president to accomplish in the first months of her/his tenure before getting a “lay of the land.” (*ease*)

Alternatives that Address the Governance of King County’s Elections Office

The senior elections official in King County has been a manager who reports to a division director. 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 (also the director of the Executive Services Department). 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 of the five functional responsibilities of REALS, the Elections Section must compete with the 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.

Structural Factors:

- Creating an elected election official or auditor will require a change in the King County charter, including voter approval.
- The earliest possible election of an senior elections official would be in November 2006.
- An elected official normally can only be replaced every four years.
- The REALS director and Superintendent of Elections are appointed by the Executive but must be confirmed by the County Council.
- The 2005 general election will involve nearly every King County elected official.
- The time to begin preparing and training for the next general election begins in July.
- Until the current REALS director was appointed, the head elections official appeared to be a political appointee that changed with each Executive.

Possible Alternatives:

- Maintain the current position and structure.
- Maintain an appointed Elections Director/Superintendent of Elections and move the position out of REALS so that the Director/Superintendent reports directly to the Executive as a member of the Executive's cabinet.
- Create three regional offices (North, East, and South County) that are aligned with the nine council districts. Each office is headed by a regional superintendent of elections who conducts all aspects of elections but reports to the Superintendent of Elections or REALS director for consistency and accountability.
- Elect a Superintendent of Elections with responsibility to conduct elections.
- Elect a County Auditor who maintains records, conducts financial audits and conducts elections.

Arguments Favoring an Elected Official:

- King County is the only county in Washington that does not place the conduct of elections under the direct supervision of a separately elected official, usually an elected Auditor. The system appears to work well in the other 38 counties, even in the majority of them where the office of Auditor is partisan and officeholders are identified as Democrat or Republican. It also appears to work well in other counties across the nation. *(sustainability)*
- An elected official with primary responsibility for conducting elections and registering will be more accountable to the public, and the conduct of elections may be more visible to the citizens of King County. *(accuracy/accountability, public confidence)*
- Under the current system the County Executive's public accountability for the conduct of elections is attenuated by other important responsibilities, such as public health, growth management, transportation, public safety, and the county jail system.

- Making a separately elected official responsible for the elections system offers independence in the conduct of elections from the executive and legislative branches of County government. (*fairness, accuracy/accountability*)
- An elected official will be able to advocate to the King County Council, which adopts the County's budget, for additional resources and improved technology. In the existing structure, budget requests from the Elections Section must be filtered through the budget development processes of the REALS Division, the Executive Services Department and the County Executive. If those requests are not included in those proposed budgets, they are unlikely to be considered by the Council, including by the public during the Council's public hearings on the Executive Proposed Budget. (*accuracy/accountability, public confidence*)
- Others groups in the community, including some members of the King County Governance Commission, have advocated for an elected Auditor with responsibility for elections to increase accountability to citizens and establish a more independent elections system. (*accuracy/accountability, public confidence*)
- Given the loss of public confidence in King County's elections system as a result of the counting and recounting of votes cast in the 2004 gubernatorial election, it is imperative to regain public confidence and trust. An elected non-partisan County Auditor, accountable to the people for the conduct of elections, is an essential starting point for recapturing public confidence and trust. (*public confidence*)

Arguments Opposing an Elected Elections Official:

From citizens that members and staff have interviewed, the Task Force heard arguments opposing the election of the head of elections and favoring the current structure in which the REALS Division director and Superintendent of Elections are appointed by the King County Executive and approved by the County Council. Those arguments include:

- At the earliest, a County Auditor would be elected in November 2006 and take office in the last days of that year or in early January 2007. For this to occur, the County's Charter would have been changed by a vote of the people in November 2005 or in a special election during winter or spring 2006. Given that there is not a consensus among the County's elected officials for making the head of elections an elected position and that elections for County offices (Executive, Council, Assessor, Sheriff, Prosecuting Attorney) are held in odd-numbered years, it is more likely that the earliest date in which an Auditor would assume office is late 2007 or early 2008. Because the Task Force found that the Elections Section is a seriously flawed organization, it seems too great a risk to wait 18-30 months for an elected official to take office and then begin to make the changes in leadership, management, culture and operations that are required.
- Recently some groups, including a majority of the members of the King County Commission on Governance, advocated for maintaining the appointment of senior elections officials based on the premise that appointed officials are more professional and have greater managerial and technical experience in complex elections processes and procedures.
- If the head of elections was an elected Auditor, a change in leadership because of incompetence could not be made immediately, and would likely not be possible until the next campaign for that office.

Given the advantages of incumbency, a person who promises much while campaigning but fails to deliver on those promises while governing might hold the office for years.

- King County already has appointed professionals who perform all the roles of a County Auditor including an Auditor who is appointed by and reports to the County Council. An additional County elected official who performs these roles significantly complicates governance and budget coordination.

Alternatives Related to the Timing of the Primary Election Date

The Task Force noted that the 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.

Structural Factors:

- The general election date is the second Tuesday in November.
- Certification of a primary election can take up to fifteen days after the primary, not including a recount or contest.
- The 2004 gubernatorial election, including certifications and recounts took 51 days (58 until SOS certification).
- Military and overseas ballots should be mailed out 45 days before an election in order to enable return by the certification deadline.
- Current state law requires that military and overseas ballots are mailed out at least one month prior to the general election.
- Voter registration and absentee processing increases significantly in the month prior to a general election.
- The candidate filing deadline is currently set at the last week in July.
- Candidates who are state elected officials cannot raise campaign funds from one month before until one month after the state legislative session (December 10, 2004 until May 24, 2005 in the last year).
- Changing the primary date requires action by the state legislature and the Governor's concurrence.

Possible Alternatives:

- Maintain a late September primary;
- Move the primary back to early September (14 days);
- Move the primary back to August (30 to 45 days);
- Move the primary back to July (60 to 75 days); and
- Move the primary back to May or June.

Alternatives Related to the Conduct of 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.

Structural Factors:

- State law allows Washington Counties to conduct all vote-by-mail elections; once a county selects that option they must conduct all subsequent elections by mail.
- State law provides for no more than 900 voters per precinct.
- King County uses a lower number by code.

Possible Alternatives:

- Maintain the current system of permanent absentee plus traditional polling place elections;
- Maintain the current system of permanent absentee plus traditional polling place elections but reduce the precinct size and amount of polling places;
- Maintain the current system of two elections but drastically reduce the amount of polling places by creating regional voting centers staffed by professional elections officials (Larimer model); and
- Conduct all vote-by-mail elections.

Alternatives that Address the Reinstatement of Voting Rights

The record indicates that King County generally complied with state mandates related to the investigation and cancellation of voter registration from former felon voters. The record also indicates that some 1600 voters statewide, including nearly 800 voters in King County, were felons whose civil rights had not been officially restored. 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 of identifying convicted felons.

Nevertheless, enforcing 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.

Structural Factors:

- Allowing incarcerated felons to vote in Washington will require a change to the state constitution.
- Changing the law and procedures for restoring civil rights to former felons will require legislative action with the Governor's concurrence.

- The current structure requires the courts to notify the state and counties that individuals have been convicted of a felony.
- The current structure requires the state and counties maintain a database of former felons and to track the status individual sentences or civil rights restoration actions.
- The current system treats former felons from other states differently than former felons convicted in this state.
- Most former felons move to another neighboring state after they are released.

Possible Alternatives:

- Prohibit the restoration of civil rights of all individuals convicted of certain felonies (Mississippi).
- Maintain the current system requiring completion of the full sentence and petition for restoration of civil rights to various bodies (11 states, including Florida, Virginia, Kentucky, Tennessee, Nebraska, and Wyoming).
- Establish automatic reinstatement of civil rights upon completion of the full sentence including and all financial sanctions or restitution (3 states, including Arizona and Georgia).
- Establish automatic reinstatement of civil rights upon completion of confinement, parole, and probation (17 states, including Texas, Idaho, Arkansas, and New Mexico).
- Establish automatic reinstatement of civil rights upon completion of confinement including parole (4 states, including California, Alaska, Colorado, and New York).
- Establish an Oregon type system of automatic reinstatement of civil rights upon release from incarceration (13 states, including Utah, Montana, North and South Dakota, Michigan, Iowa, and Hawaii).
- Establish a system similar to that of Maine and Vermont in which civil rights are not revoked.

TECHNICAL RECOMMENDATIONS

I. Technical Recommendations Related to King County Elections Management

In its report to the King County Executive, the Task Force recommended that the Elections Section in conjunction with the recommendations of the CEOC and the Council initiated audit, adopt policies and procedures that promote accuracy and accountability within the elections process. Special attention must be focused on mapping of business processes and instituting checks and balances to ensure that errors in 2004 related to voter registration processing, ballot processing, reconciliation of absentee ballots received and reconciliation of voter history/crediting records are cured and not repeated. In addition, the Task Force makes the following technical recommendations:

Leadership

- **Elevate the importance of elections** – The Executive and Council must elevate the importance of elections within County government. Elections are a primary responsibility that defines King County as a regional government and service provider. Making elections one of their highest priorities includes providing greater stability to the agency over time and sufficient resources to fund the kind of elections the citizens of King County expect and desire. In addition, the Executive and Council must take joint responsibility for ensuring that the elections office does not become partisan. One way to maintain this standard is to ensure that the person appointed and approved to head the agency is non-partisan with demonstrated leadership and management skills and professional elections expertise.
- **Define the qualities of Elections leaders** – The Executive must define the characteristics and qualities of the REALS Director, Superintendent of Elections and the Assistant Superintendents to strengthen the leadership of the elections office. Tailor the leadership team's overall skills and activities to the challenges and opportunities faced by the agency at this time and in the foreseeable future. The leadership of the agency must be able to address the agency's culture, business plan, structure, communications and training, while serving as role models for the employees.
- **Hold Elections leadership accountable** – The Executive must negotiate with the senior leadership of the agency—the REALS Director and Superintendent of Elections—specific and measurable annual performance goals and periodically review those goals to ensure they are being attained.
- **Establish a vision for King County Elections** - The REALS director, Superintendent of Elections and members of the agency's leadership team must articulate a clear and compelling vision that is aligned with the public's values and interests. Important elements include:

- Involve employees and key stakeholders in producing a strategic plan that contains specific, measurable, attainable, relevant and timely goals, expected outcomes and prioritized actions that will serve as the road map for achieving the vision. This plan must be the context for staffing, funding, resource allocation, communications, training and work program decisions, and should help guide employees in making daily decisions about how they prioritize their activities and spend their time.
- As part of the plan, there should be a set of performance measurements by which employees, elected officials and constituents can measure progress in achieving the vision and goals and periodically update or refine the plan. Annually surveying customer satisfaction or organizational climate are great tools to measure performance.
- The elections office should semi-annually or annually publish a report to the public in which its progress is evaluated according to the performance measurements.
- **Implement the CEOC recommendations** - As part of the process of developing its strategic plan, the elections office should incorporate into its vision, goals, priorities and actions the May 2004 recommendations of the Citizens' Elections Oversight Committee.

Culture and Morale

- **Create a new culture** - Create a new organizational culture that reflects these values: fairness, trust, customer service, openness, accessibility, accountability, inclusiveness, equity and accuracy.
- **Promote employee ownership** - Instill within the employees the values and culture of public service and customer service; i.e., employees aspire to perfect elections, feel this is their life's work, are dedicated and creative, take ownership of the agency's performance, not just their own or that of their work group, and respectfully and efficiently respond to citizen and stakeholder inquiries.
- **Establish uniform standards** - All employees, whether in management or staff, are held to the same standards of behavior and performance, and are evaluated according to goals and criteria that are well known in advance throughout the entire agency.
- **Establish a culture of accountability.** Increase the personal accountability of all employees through goals and performance standards. There should be consequences for inappropriate or unethical behavior, and those should be known to all as well as applied consistently throughout the organization. In addition, eliminating the current climate of fear and retribution will enhance accountability. Employees should be encouraged to and rewarded for bringing problems and potential solutions to their supervisors. Employees should be given some authority as well as responsibility, and the latitude to take calculated risks within clearly defined boundaries.

Communications

- **Establish an internal communications plan** - Develop an internal communications plan with clear goals and measurements to determine that significant progress is being made in improving communications from top to bottom, bottom to top and across the organization. Important elements include:
 - Holding frequent meetings that involve all levels of management and which are above all else problem-solving sessions;
 - Holding frequent all-staff meetings; daily “stand ups” in which all employees gather for fifteen minutes at the start of the day to discuss key information and plan the day;
 - Holding frequent one-on-one meetings between the REALS Director and/or Superintendent of Elections and employees; and
 - In six months and then periodically thereafter, reissue the same survey that the employees participated in from late May until early June 2005.
- **Communicate more effectively with poll workers** - Make poll workers feel more a part of a team effort and instill in them the new cultural values and qualities of the elections office by communicating with them more effectively. Key messages could include:
 - “Our attempt to create a perfect election depends on your efforts;”
 - “You are very valuable members of our team;” and
 - “These are your duties and responsibilities and these are the reasons why we need you to take them seriously...”
- **Improve poll worker training** - Provide more effective training and feedback to poll workers to enable them to perform their jobs as expected and needed.
- **Improve ease of voting and accuracy of elections through poll site design** - Redesign polling sites in concert with organizations such as Design For Democracy and the American Institute of Graphic Artists, Seattle Chapter. Implementing critical design changes can resolve problems associated with voting at poll sites, such as provisional ballots being put into counting machines, voters not knowing which precinct they are in and poll workers giving inaccurate information.
- **Continue improving external communications** - The REALS director and Elections team has the capability of communicating effectively with its citizens and the voters. For example the Elections section effectively communicated to citizens in anticipation of the new primary election system. The REALS Director and Elections team should continue to improve communications with citizens, voters and key stakeholders to help restore trust and confidence in the County’s elections system.

Business Planning

- **Plan first then execute** - King County Elections Section should stop making important business decisions without adopting comprehensive strategic plan, including those related to staffing and consolidating functions in one new building. The Executive and Council should hold the Elections leadership team accountable for this critical step.
- **Develop a strategic plan** - King County must develop a strategic plan based on a long-term vision, goals and priorities; this plan must include elements that address communications, training,

leadership, staffing, space/facility needs, funding and working more effectively with key partners. In addition, the plan must:

- Balance external (political) environment, including key stakeholder relations, policy (State, County, vision, goals) and internal operations (procedures, practices, administrative rules and culture); and
 - Identify specific features of system that will be improved by a given election; evaluate whether or not goals were achieved and why or why not; identify next set of improvements to be achieved in subsequent election.
- **Adopt improved policies and procedures** - In conjunction with the independent audit, the King County Elections Section must adopt policies and procedures that promote accuracy and accountability within the elections process including a monitoring/tracking system to check each process step; redundant measures to quickly identify mistakes, correct them and determine if they affected election outcome; formal “lessons learned” discussions to prevent future mistakes.

Training

- **Establish agency-wide training plan** – The REALS director and the Elections team should develop and implement a agency training plan which is linked to vision, goals, priorities and work plan. Key elements of the training plan include:
- Training in communication, facilitation, negotiation, teamwork and prioritization skills;
 - Technical training and certification for each position.
- **Create an orientation program** - Develop an orientation program which makes all new hires feel welcome and introduces them to agency’s culture, values, vision, goals and approach to work.
- **Establish an Elections Academy** - Create an Elections Academy for full-time, temporary and volunteers workers; cross training should be one of key features. The Academy will be the primary tool to achieve the training and certification requirements described above.
- **Diversify poll workers** - Diversify the pool of poll workers by including a wide range of volunteer groups, such as business or non-profit groups, high schools and colleges, and County workers.
- **Improve documentation and manuals** - Improve existing training documents and manuals or develop new ones to address policies, issues and practices not currently covered by existing ones. Issue complete elections manuals to all new hires and test their knowledge of important laws, policies and procedures.

II. Technical Recommendations Related to Proposed Changes in the King County Charter or Ordinances

Recommendation 2: Consider a long-term change in elections governance and accountability

The Task Force recommended that the County Executive and Council consider an elected non-partisan official with primary responsibility for conducting elections. While the Task Force makes no recommendations regarding the specific duties this official would hold, the committee members discussed an alternative under which this official would appoint a Superintendent of Elections subject to confirmation by the County Council. In King County, establishing an elected official chosen in a non-partisan race requires a charter amendment.

Specifically, the change would require Council approval of an ordinance proposing to amend Articles 2, 3, 5 and 6 of the King County Charter to create an elected official (county auditor) responsible for elections and other functions; amending Section 250 of the King County Charter, Section 340.10 of the King County Charter, Section 550 of the King County Charter, and Section 680.10 of the King County Charter; adding a new section 350.20.50 to the King County Charter; adding a new Section 642 to the King County Charter and submitting the same to the voters of the county for their ratification or rejection at the next available November general election.

Providing for the appointment of a Superintendent of Elections by the elected official would require an ordinance change, which could be accomplished in the same legislation that establishes the elected position.

III. Technical Recommendations Related to Proposed Changes in the Revised Code of Washington (RCW)

Recommendation 3: Institute vote-by-mail and regional voting centers in 2006

RCW 29A.48.010 provides that “with express authorization from the county legislative authority, the county auditor may conduct all primary, special, and general elections entirely by mail ballot.” That authorization would come from the County Council in the form of an ordinance. The Task Force recommendation also includes establishing regional voting centers. Since the recommendation is for an all vote by mail election, state law does not specify the size and number of polling places. State rules, however, would apply to regional voting centers. For example, under WAC 434-238-060 the Elections Section must provide a notice of locations where the public may deposit ballots not returned by mail. Elections could identify the Regional Voting Centers in this notification.

Recommendation 4: During recounts, place two election observers at or adjacent to counting stations

RCW 29A.64.041 provides for recount observers and prohibits those persons from handling, marking or recording ballots. The law, however, does not require observers to remaining a certain a distance from the counting stations. King County could implement this recommendation by adopting and documenting a recount policy that in future recounts observers will be allowed to sit or stand adjacent to counting stations.

Recommendation 5: Change the date of the primary election to the first Tuesday of June

In 2005, the legislature considered but did not pass HB 2027 an act moving the primary election to the third Tuesday in August. The Task Force recommends moving the primary date back to the second Tuesday in June. Like the current proposed legislation, changing the primary election requires redrafting various elections statutes including RCW 29A.04, .24, .40, .52, .56, .60, and .64. In addition, the bill, if enacted, will require numerous changes in laws related to city and local governance (Chapters 35, 35A, and 36 RCW), candidate financial filing and the legislative fundraising freeze (Chapter 42 RCW), and local or special elections (Chapters 52, 53, 54, 57, and 70 RCW).

Recommendation 6: Reduce from six to four the number of elections held in Washington State during the calendar year

Changing the number of elections held each year requires a redraft of RCW 29A.04.321-.330. Prior legislative attempts to change the number of elections were opposed by local school districts. Recognizing this concern, the Task Force recommendation includes three elections between January and June of each year.

Recommendation 7: Simplify the process of restoring voting rights for former felons

The Washington State Constitution, Article VI, § 3 provides that all persons convicted of an infamous crime may not vote unless restored to their civil rights. Chapters 9.92, 9.94A, 9.96, and 29A.08 RCW establish the different processes for restoring civil rights to former felons. Automatically restoring civil rights to felons upon release from prison would not require an amendment to the State Constitution. In 2005, the legislature considered but did not pass HB 2062 an act; which, if adopted, would automatically restore civil rights to former felons upon release from the custody and supervision of the department of corrections, which includes parole and probation. The Task Force recommends that civil rights be restored upon release from custody (incarceration) as this provides a bright line and resolves discrepancies between state laws in favor of Washington residents.

Recommendation 8: Provide that when a recount is necessary, conduct only one and require that it be conducted by hand

Chapter 29A.64 RCW, as recently amended, provides for mandatory statewide and local recounts under specific circumstances. The Task Force recommendation would change RCW 29A.64.021 to provide that all mandatory recounts would be conducted manually and eliminate the different thresholds for manual and machine recounts. The current standard of less than 2000 votes or ¼ of one percent should remain.

Recommendation 9: Require that state and county elections officials receive all ballots by eight o'clock on election night, except military and out-of state voters

In 2005, the legislature considered but did not pass HB 1751; which, if adopted, amended RCW 29A.40.091 and .110 to require that all ballots including those from overseas and military voters be received by 8:00 p.m. on the day of any primary or general election. The Task Force recommendation would make similar changes but would maintain the current postmark or signature standards for out-of-state, overseas, and military voters.