

# Catalog of unlawfully counted ballots in King County 2004

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## Introduction

This document accompanies a spreadsheet with the details on a number of provisional ballots that appear to have been unlawfully counted by King County Elections in the November 2004 general election. The spreadsheet lists only the unlawful ballots that have been located and photographed. Data records indicate that there were many more counted ineligible ballots whose envelopes have either not been produced by King County at this writing, or which have not yet been located in the pool of tens of thousands of archived envelopes. Several of these photographs and matching transaction log records have already been posted at [soundpolitics.com](http://soundpolitics.com). The remainder can be provided upon request.

The unlawfully tabulated ballots fall into the following categories

Category	Description	Number Documented	Estimated Total in Category
<b>“Fatal Pend”</b>	Voter had returned an incomplete registration form, missing elements required by RCW 29A.08.110, and was therefore not legally registered to vote and not entitled to vote in the November 2004 election	89	100-150
<b>Unregistered</b>	Voter had not returned a registration form by the eligibility deadline for the November 2004 election	30	100
<b>Absentee+Provisional</b>	Voter cast both an absentee and a provisional ballot where both were counted. There are 3 subsets, to be explained below.	146	200

### General Notes:

- Due to constraints of time, availability of volunteer labor and access to envelopes at the discretion of King County Elections, it has not been possible to examine all of the physical ballot envelopes. The estimated category totals are based on anecdotal staff reports, corroboration with other data records and extrapolation of numbers of envelopes found in the pool that has been examined to date. At the time of this writing King County Elections had failed to deliver all of the counted provisional envelopes as promised, with an estimated 700 envelopes still withheld.
- It is possible that there are innocent explanations to some of the ballots that are alleged to have been tabulated unlawfully. For example, it is possible that some of the voters who were classified as “fatal pend” provided the missing information and properly cured the defect in their registration in time for their ballot to be counted. At the time of this writing King County had failed to satisfy a request for public records that could settle these questions.
- All of the photographed ballot envelopes were found in boxes labeled “counted envelopes”, and were slit open and empty as were the other envelopes in the box. These are easily distinguishable from uncounted envelopes, which are kept sealed with the ballots inside and in boxes labeled “uncounted envelopes”.

## Data Sources

The information gleaned from the ballot envelopes is corroborated with information in voter database records provided by King County Elections. The companion spreadsheet uses data drawn from the

following database tables. The first four tables were issued by King County in response to public records requests.

Table	Description	Date Issued
<b>Pre-Election Voter Table</b>	List of purportedly all of the voters eligible to vote in November 2004	11/1/2004
<b>Post-Election Voter Table</b>	List of voters created after the election, with voters “credited” for voting in November 2004. Some credited voters appear in Post-Election table that do not appear in Pre-Election table	1/7/2005
<b>Provisional Table</b>	List of purportedly all provisional ballots that were processed by King County in November 2004	9/12/2005
<b>Absentee Table</b>	List of purportedly all absentee ballots that were issued by King County for November 2004 election, with disposition of returned ballots	9/12/2005
<b>Pending Table</b>	An unofficial list of voters who were identified as “fatal pend” at the end of September 2004. Includes only those voters whose registration applications had been processed at that time; excludes the many voters whose applications were processed during October 2004.	9/2004

## List of Unlawfully Counted Votes

The spreadsheet contains five worksheets , each listing a different category of unlawfully counted votes – one sheet each for Unregistered and Fatal Pend voters and 3 for the different subsets of Absentee+Provisional voters. This section explains the individual data fields in the lists and also provides context for interpreting the data.

Except where noted, the data fields in the spreadsheet are drawn directly from the database tables described above. In other cases, data from the ballot envelopes was entered by hand.

### Common Data Fields

The following data fields are common to several lists –

**Voter\_id** – the number which identifies the voter in the registration database

**First and Last names** – as spelled in the voter database

**Stub Number** – the unique serial number on a provisional ballot envelope issued by King County. May be missing if the ballot was cast in a different county or if the voter used a non-standard envelope.

**LTD** – “last transaction date”. The voter table, provisional table and absentee tables each have an LTD column which indicates the date/time when the record was last changed. Some of the worksheets include LTDs for the voter’s record in more than one of the tables. In some cases the LTDs look suspicious, such as absentee and provisional records changed months after the election. Also, the LTDs for some of the provisional records suggest that many of the questionable ballots were processed in the last two days before the initial certification on November 17.

**Failsafe\_adjudication** (from Provisional Table)– the purported disposition of the ballot. A counted ballot should have value “POK”. In fact, a number of counted ballots have disposition that they were ineligible to be counted, e.g. “RSRCH” (further research needed), “SIGNA” (signature mismatch), “AVBA” (absentee ballot counted)

**Count\_ballot** (from Provisional Table) —should be “Y” if the ballot is counted, “N” if it is not counted, but a number of counted ballots have value “N”.

**Batch** (from Absentee Table) – most records for returned absentee ballots indicate the ballot’s assignment to a batch for processing, tracking and archival storage.

**Envelope** (from Absentee Table) – the absentee ballot’s position within the batch

**Date\_Returned** (from Absentee Table) – the date the absentee ballot was returned and placed into a batch

**Challenged** (from Absentee Table) -- if the batch and date\_returned fields are not blank and this field is blank, the absentee ballot was probably accepted. If the challenged value is not blank, the ballot was probably rejected.

Specific categories of ineligible ballots—

### **Fatal Pend & Irregular**

**Status** (from provisional table)— “A” for active voter, “F” for fatal pend.

**Ltd** (from provisional table) -- The first LTD column is from the provisional table. Many of the fatal pends appear to have been processed on 11/16, suggesting an effort to count everything in sight right before the initial certification of 11/17. If this field is blank, there is no corresponding record in the provisional table.

**V1:reg\_date** and **v1:ltid** – registration date and LTD from the Pre-election database. Blank values indicate that the registration was not included in the Pre-election database. Few of the fatal pends are included in the pre-election database.

**V2:reg\_date** and **v2:ltid** – registration date and LTD from the Post-election database. Blank values indicate that the registration was not included in the Post-election database. Note that state law (RCW 29A.08.210) requires an incomplete registration to be corrected within 45 days of notice. Practically speaking that means that the only “fatal pend” registrations that could have been legitimately corrected between the election and certification would have been those which were first processed starting the second half of September.

**Pend code** – for those voters whose applications were processed in time to be included in the September 2004 fatal pend list, the reason code for the type of fatal pend.

**Marking on ballot** – the handwritten notes from election officials on the ballot envelope. In some cases the initial note says “fatal pend” in green, but there is a later note of “OK” in red, nearly always with the initials JM. It is not clear what the justification was to override the fatal pend.

The rows are highlighted in yellow when matching “transaction log” records have been released by King County indicating that the voter’s registration defect had not been correct before the election was certified, (e.g. no signature on a registration form or invalid or missing address). The lack of a transaction log does not indicate that the records refute that the registration was unsigned, only that the log records have not yet been released by the county. The one row in pink indicates a transaction log that was requested but not provided.

### **Unregistered**

The voters who submitted these ballots cannot be located in either the Pre-election or Post-election database, and in most of these cases, there is no entry in the Provisional Table either. The Initials are the initials of the election worker that appear on the envelope. Except where noted, most of these ballots were assigned to and tabulated in Precinct 1823. Although not all of the boxes of provisional envelopes have been thoroughly searched for these envelopes, extrapolating the numbers of such envelopes that have been found would be consistent with the finding that there were 66 more provisional ballots tabulated in precinct 1823 than there were provisional voters credited in that precinct. Several other provisionals from unregistered voters have also been found where the markings on the envelopes indicate they were tabulated in other precincts.

### **Absentee +Provisional**

There are 3 groups of voters who apparently cast both an absentee and a provisional ballot where both were counted –

Group A – These are 91 voters who were credited voting a provisional, even though other records indicate that they also returned an absentee ballot. (1 of the 91 doesn’t show up in this list due to inconsistencies in voter ids between her records in the absentee and provisional tables). Nearly all of the provisional envelopes have been found. Included on the CD are photographs of approximately 60 of these. None of the absentee envelopes have been found with the indicated batches. As of this writing, King County has not responded to public records requests to produce the absentee envelopes or explain why they cannot be produced. As indicated by the provisional LTD (p.ltd), most of the provisional ballots were processed in the last 24 hours or so before initial certification. The date\_returned fields are all blank. These are the only absentee records in the entire table that have non-zero batch numbers, but blank date\_returned fields. The

absentee LTD (a.ltd) indicates that nearly all of the absentee table records were modified on May 24, 2005, which is highly irregular

Group B – These are 59 voters who were credited absentee even though the Provisional table indicates that they also returned a counted provisional ballot (failsafe\_adjudication = 'POK'). Almost all of the provisional envelopes have been located and were indeed counted. Several of the matching absentee envelopes have also been found. In some cases it's clear that they were signed by the same person. When both matching ballots have been found, the photos are provided in the folder "Group B both". When only one ballot of the pair has been found, the photos are in the folder "Group B one".

Most of the absentee ballots appear to have been processed normally during the election period -- the a.ltd dates are consistent with normal processing dates for the corresponding batches, a few weeks before to a few weeks after election day. On the other hand, most of the ltd dates for the provisional table (p.ltd) were *after* the certification date, suggesting that someone might have realized there was an error in double-counting and fudged the records in an attempt to conceal the problem.

[In a few of these cases (the text is changed to light gray) it appears that two different people signed the two ballots. Some of these cases can be attributed to muddled recordkeeping on two people with similar names, other cases attributable to a spouse or housemate signing the wrong absentee ballot.]

Group C – These are voters who were credited with voting absentee and whose records in the Provisional table appear correct – the failsafe\_adjudication field is set to 'AVBA' indicating that the provisional ballot was rejected on account of a returned absentee ballot. Nevertheless, the provisional envelope is slit open and empty and the ballot presumably counted. Because of the errors in the data records, these envelopes can only be found by exhaustively searching through all of the counted provisional envelopes and that has not been done. Four such envelopes have been identified to date, as a systematic search has only been performed on a small fraction of the envelopes that commenced late in the research. It's estimated that perhaps another 50 such counted ballots exist. There has not yet been an opportunity to search for absentee envelopes for the matching envelopes and consequently none have been located. However, there are no anomalies in the corresponding absentee data records which indicate that the absentee ballots were tabulated.