



King County

**Records, Elections and  
Licensing Services Division**

Department of Executive Services  
King County Administration Building  
500 Fourth Avenue, Room 553  
Seattle, WA 98104-2337

**206-296-1540** Fax 206-296-0108  
TTY Relay: 711

July 14, 2005

Stefan Sharkansky  
5726 Keystone Place North  
Seattle, WA 98103

Dear Mr. Sharkansky:

On July 6, 2005, King County Records, Elections and Licensing Services Division received a public records request from you dated July 5, 2005, outlining outstanding requests and other issues. This letter contains detailed responses to each of these requests.

1. The first item you requested was the replacement of a data file you received in response to previous requests. You indicate that the file did not contain information on voters who had been issued multiple ballots. Staff will generate a file that contains a listing of each ballot sent to a voter and it will be available for you on Friday, July 22, 2005.
2. You requested copies of the 261 "mail ballot envelopes" from non-registered overseas and service voters "along with any other documents showing the precincts where these voters' ballots were tabulated." Copies of these materials will be made available to you on Friday, July 22, 2005. At this time, we do not know how many pages of materials will be responsive to this request; this information will be made available to you Friday, July 22. With regard to your request to "examine the original envelopes," King County Elections' policy is to make copies of the envelopes available, not the originals, to protect the physical integrity of the ballot envelopes. In compliance with RCW 42.17.290, this policy prevents damage to and disorganization of the envelopes and avoids excessive interference with our duty to maintain the envelopes according to required retention schedules.
3. You requested "files for batches that were created on October 29" from PSI batch files. As has been previously communicated to you through your attorney, Michael Brannan, in correspondence dated April 13, 2005, batch file data from PSI for October 29, 2004, was either "corrupt or blank" and no document or data exists that is responsive to this specific request and we consider this particular request closed.
4. You requested copies of provisional ballot envelopes and absentee ballot envelopes of voters listed in an Excel spreadsheet. At this time, we have located and made copies of 27

provisional ballot envelopes from the list you provided and those copies are available to review or purchase on Friday, July 15. We will continue to do further research on the voters credited with casting a provisional ballot and let you know our progress by July 22, 2005. Copies of absentee ballot envelopes will take additional time to retrieve and we estimate we can provide those copies to you by July 22, 2005.

5. You requested “copies of all of the absentee ballot envelopes of batch RB-3365.” We are unable to locate or delineate among returned absentee ballots the particular batch that you are requesting. This batch is likely to be among a group of return envelopes without a batch label. Further, because this is a rebatch, we are unable to determine from our Election Management and Voter Registration System which voters are in this particular batch. Therefore, no document or data exists that is responsive to this specific request and we consider this particular request closed.

6. As stated above, King County Elections’ policy with respect to protection of ballot envelopes is to make copies of the envelopes available, not the originals. In compliance with RCW 42.17.290, this policy prevents damage to and disorganization of the envelopes and avoids excessive interference with our duty to maintain the envelopes according to required retention schedules.

7. You requested “to examine all other source documents that were used in the preparation of the ‘Mail Ballot Report’ that was presented to the canvassing board in November 2004.” This report was generated using hand counts of absentee ballot envelopes in the various categories of rejected ballots on the report and a report from our tabulation system GEMS. This report from GEMS will be available for you to pick up July 22, 2005. Please notify our office if you would like to review copies of the envelopes that were hand-counted in order to complete this report. Should you request to review copies of absentee ballot envelopes that were not counted, we will inform you when copies will be available. Finally, it is conceivable that all returned absentee ballot envelopes are a “source document” and responsive to your request. If that was the intent of your request, please notify our office and we will determine our expected timeline to make those documents available for inspection.

8. In this specific request, you seek immediate access to documents for which you fail to identify. The Public Disclosure Act does not require agencies to make documents immediately available upon request and we are denying your requests contained in paragraph eight.

The Public Disclosure Act provides that agencies have five business days to respond to requests for identifiable public records. (RCW 42.17.320) Agencies may respond by either providing the requested records, denying the request, or giving a reasonable estimate of the time needed to respond to the request. Paragraph eight of your letter is not a Public Disclosure Act request as it is not a request for identifiable public records. Furthermore, should you clarify your request to identify the records you are seeking, it is highly unlikely that the records can be made available to you on the same day you request them. We will respond to your request as

Stephan Sharkansky

July 14, 2005

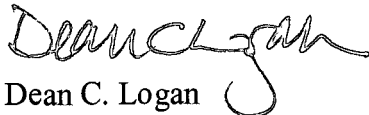
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the law requires within five business days by making the records available, denying the request, or giving you a reasonable estimate of the time needed to respond to your request.

A few additional points raised in paragraph eight of your letter require response. First, review of documents requested through the Public Disclosure Act takes place at the Administration Building downtown, not at MBOS. You can either pay for and have copies mailed to you or you can arrange to review them in our office in the Administration Building. Second, the Public Disclosure Act does not require agencies to allow requestors to "accompany and observe" staff as they collect and copy requested records and we will not allow you to do so. Finally, as we have told you previously, our policy with respect to protection of ballot envelopes is to make copies of the envelopes available, not the originals. In compliance with RCW 42.17.290, prevents damage to and disorganization of the envelopes and avoids excessive interference with our duty to maintain the envelopes according to required retention schedules.

In light of the response provided above to paragraph eight of your letter, we are not able to provide immediate access to records. Please do not show up at MBOS expecting to review records. Instead, please clarify your request to identify the records you are seeking and we will respond as required by the Public Disclosure Act.

Sincerely,



Dean C. Logan  
Director

cc: Janine Joly, Senior Deputy Prosecuting Attorney