

S T E F A N S H A R K A N S K Y

February 13, 2006

Dean Logan
Director, King County Records, Elections and Licensing Services Division
500 4th Avenue, Room 553
Seattle, Washington 98104
By email and fax

Dear Dean:

I am writing in response to your letter of February 3. Unfortunately, you failed to address the material deficiencies in the documents you produced on December 22, 2005 pursuant to my (subsequently revised) public records request of September 30, 2005 for voter database transaction log records. In order to help King County avoid litigation that it is certain to lose, I am writing one final time to explain to you in specific detail how the December 22 data files are incomplete, in the hope that you will respond promptly and either produce the missing records or explain your failure to produce them.

On September 30, 2005 I copied you on a request to King County Executive Ron Sims' spokesman, Sandeep Kaushik, for the following records:

A database file that includes the current voter registration database AND records of all DIMS transactions on voter registration, absentee ballot and provisional ballot records since the conversion of the voter registration system to DIMS in mid 2004, with enough detail to determine:

- * The time and date of the transaction
- * The individual who performed the transaction
- * The substance of the transaction
- * The voter, absentee ballot and/or provisional ballot record(s) affected by the transaction

After additional rounds of correspondence with you and the Executive's office, on or about October 29th you produced printed screen shots of transaction records for approximately 120 voters that I identified. You also promised to provide complete electronic records of all transactions a few weeks after the certification of the November 2005 election. Because of the time that had elapsed, on December 1 I revised my September 30 request and asked that the electronic production also include transactions performed up through the certification of the November 2005 election. On December 22, 2005 you produced a set of CDs containing data files that purported to be a complete set of the transaction records that I requested.

There were a number of issues with the data that led me to conclude that the files you produced on December 22 are missing several hundred thousand records that should have been produced as part of the transaction log. I describe each issue in detail and conclude with a specific request for resolving each issue. (Please note that whenever I refer to a database table in the following discussion, the reference is to the copy of the table that you produced on Dec. 22, 2005, unless otherwise noted).

Issue 1) The ABSENTEE table references 205,096 transactions that do not appear in the ABSENTEE_TRANS table.

The absentee ballot transaction log that you produced contains two essential tables: ABSENTEE and ABSENTEE_TRANS. Each row in the ABSENTEE table corresponds to a distinct absentee ballot and envelope that is issued to a voter in an election. The ABSENTEE_TRANS table represents the specific actions that were performed on the records in the ABSENTEE table. Each row in the ABSENTEE table is

unambiguously identified by the column "av_election_id". One of the columns in the ABSENTEE table is called "av_election_trans_id" and for each row it contains the unique id number of the last transaction performed on that row. This value should correspond with one or more rows in the ABSENTEE_TRANS table, where the values in the respective "av_election_id" and "av_election_trans_id" columns are the same in both tables. There are 2,609,406 rows in the ABSENTEE table. For most of these rows, the transaction referenced by the "av_election_trans_id" does indeed appear as rows in the ABSENTEE_TRANS table. However for 205,096 of the ABSENTEE rows (nearly 8% of the ABSENTEE rows), there are no transactions in the ABSENTEE_TRANS table corresponding with the pair of ("av_election_id", "av_election_trans_id") columns in the ABSENTEE table. For your convenience, I am e-mailing a file ("MissingAbsenteeTransactions.csv") containing the "av_election_id"s and the "av_election_trans_id"s of the affected rows. I noticed that several of the affected rows represent absentee ballots from the November 2004 election that were discovered untabulated during the last week of March 2005 (e.g. "av_election_id" 901789 represents the absentee ballot of Ms. Wendy Stansbury of Bellevue whose absentee ballot was identified in county records as one of the untabulated ballots. The corresponding "av_election_trans_id" in the ABSENTEE table is 1430542 but there are no corresponding rows in the ABSENTEE_TRANS table as would be expected).

Request: I ask that you provide a complete copy of King County's absentee transaction log including records corresponding to the 205,096 transactions that are referenced in the ABSENTEE table but do not appear in the ABSENTEE_TRANS table. I request these records in their extant form as one or more database tables, and I prefer to receive them as tab-delimited text files. If these records exist but you choose to withhold them, please explain why these records are legally exempt from disclosure. If these data records once existed but no longer exist, please produce any documents that would confirm that these records once existed but have since been deleted. If these data records do not exist and there is no documentation that they have been deleted, please explain why the ABSENTEE table references transactions for which there is no data in the transaction log.

Issue 2) The ABSENTEE_TRANS table references 185,497 absentee voter/election records that do not appear in the ABSENTEE table

For every row in the ABSENTEE table there exists a matching unique "NEW RECORD" transaction in the ABSENTEE_TRANS table, indicating the date and time when the ABSENTEE record was created. The "field" column in the ABSENTEE_TRANS row has the value "NEW RECORD" and the "av_election_id" column in the ABSENTEE_TRANS table matches the "av_election_id" column in the ABSENTEE table. However, there are 185,497 "NEW RECORD" transactions in the ABSENTEE_TRANS table with av_election_id values that do not appear in the ABSENTEE table. For your convenience I am e-mailing a file containing these "NEW RECORD" rows from the ABSENTEE_TRANS table ("MissingAbsenteeRecords1.csv"). The conclusion is that there are at least 185,497 rows in King County's source copy of the ABSENTEE table that should have been produced in response to my request but were not produced. There is more evidence in addition to the "NEW RECORD" transactions that such ABSENTEE records must exist in King County's database:

- a) In response to an earlier request, in September 2005 you produced a file essentially the same as the Dec. 22 ABSENTEE table, but containing records exclusively from the November 2004 election. There are 9,884 rows in the September 2005 ABSENTEE table (each representing a unique absentee ballot issued to a voter for the November 2004 election) that do not appear in the Dec. 22 ABSENTEE table. For your convenience I am e-mailing a file containing the "av_election_id" numbers of the records that appear in the Sep. 2005 table, but not in the Dec. 22 table (file "MissingAbsenteeRecord2.csv").

- b) Of the 185,497 “NEW RECORD” rows in the ABSENTEE_TRANS table that do not have a corresponding row in the ABSENTEE table, there are 15,175 which have a matching (same “av_election_id”) “DATE RETURNED” row in the ABSENTEE_TRANS table. This suggests that a corresponding absentee ballot was not only issued, but also returned by the voter, and that there must have been a record in King County’s ABSENTEE table to match the “av_election_id” number on the ballot envelope. For your convenience, I am e-mailing a file containing the “DATE RETURNED” rows from the ABSENTEE_TRANS table for which there is no corresponding row in the ABSENTEE table (file “MissingAbsenteeRecord3.csv”).

Request: I ask that you provide a complete copy of King County’s ABSENTEE table that includes the records corresponding to the 185,497 NEW RECORD rows that exist in the Dec. 22 copy of the ABSENTEE_TRANS table but for which there is no matching row (i.e. row with identical “av_election_id” value) in the Dec. 22 copy of the ABSENTEE table. I request these records in their extant form as one or more database tables, and I prefer to receive them as tab-delimited text files. If these records exist but you choose to withhold them, please explain why these records are legally exempt from disclosure. If these data records once existed but no longer exist, please produce any documents that would confirm that these records once existed but have since been deleted. If these data records do not exist and there is no documentation that they have been deleted, please explain why the ABSENTEE_TRANS table contains transactions for which there is no matching row in the ABSENTEE table.

Issue 3) The VOTER_TRANS table is missing many rows containing details that are required for determining the substance of the transactions.

I compared the voter registration transaction records in the electronic VOTER_TRANS table you produced on Dec. 22nd with the printed screen shots of voter transaction records you provided at the end of October 2005. To my dismay, I found that the electronic records were substantially less complete than the printed screen shots. I am enclosing examples of transaction log screen shots for 3 different voters, along with spreadsheets with all of the electronic transactions records that you produced for those voters on Dec. 22nd. I ask you to compare these pages side by side so that you may conclude that significant amounts of data were withheld from me. In each spreadsheet, the line numbers correspond with the matching records in the screen shot. For the lines that are shown on the screen shots but were not produced in the data file, the spreadsheets show a black stripe, as if the data were redacted by a censor. This table summarizes these 3 examples:

Voter Name	Voter ID	Lines of Transaction data in Screen Shot	Rows of Data in VOTER_TRANS table
Anderson, Jonathan	990637091	23	7
Frigillana, Shirley	990689635	35	11
Wilson, Ruby	990644922	30	7

Clearly, most of the transaction detail that was provided in the screen shots was not provided in the VOTER_TRANS table. These are only 3 illustrative examples of many. The obvious implication is that similar amounts of data were also withheld for all other voters. In fact, the data that was in the screen shots but missing from the VOTER_TRANS table displays some distinct patterns. For example, every transaction where the ‘STATUS’ field changes from ‘F’ to ‘A’ is preceded in the screen shot by a row where

the 'field' column has a value starting with "NEW PEND CODE" and also by a line with 'MISSING INFORMATION' in the 'field' column. Also in the screen shot, the 'STATUS' change transaction typically has a line with 'REASON' in the 'field' column and/or a line with 'REMOVE PEND CODE' in the 'field' column, but no such rows exist in the VOTER_TRANS table. In transactions where the 'STATUS' field changes from 'A' to 'F', the screen shots typically include a 'MISSING INFORMATION' row, but no such lines exist in the VOTER_TRANS table.

I compiled a spreadsheet of values that appear in the 'field' column in the VOTER_TRANS table and the frequency of occurrence. I have also compiled a spreadsheet of values that appear in the 'field' column in the screen shots that were provided to me, but that do not appear in the VOTER_TRANS table. For example, while several of the screen shots contain lines with 'REASON', 'MISSING INFORMATION', and 'NEW PEND CODE' and 'REMOVE PEND CODE' in the 'field' column, these values are entirely absent from the 'field' column in the VOTER_TRANS table. For your convenience, I am enclosing the spreadsheets of the 'field' values that do and do not appear in the VOTER_TRANS table. Although I requested and received fewer than 120 screen shot printouts for voter records that show such a 'STATUS' change transaction, a query of the VOTER_TRANS table reports 19,768 transactions where the 'STATUS' of a voter registration record changed from 'F' to 'A' or vice versa. The only reasonable inference is that the transaction logs for these voters would also include 'REASON', 'MISSING INFORMATION', 'NEW PEND CODE' and 'REMOVE PEND CODE' rows, yet none of these have been provided. For your convenience, I am enclosing a file containing these 19,768 'STATUS' change rows (file "MissingTransDetails.csv")

Request: I ask that you provide a complete electronic copy of King County's transaction log for all transactions performed on the DIMS voter registration database from inception to the present, including all transaction log records that would cause the 'field' column in screen shots to contain any of the values that you did not include in the VOTER_TRANS table. (These 'field' column values are listed in an attached file under the heading **"Field" values in printed screen shots that do not appear in the VOTER_TRANS table 'field' column**) I request these records in their extant form as one or more database tables, and I prefer to receive them as tab-delimited text files. If these records exist but you choose to withhold them, please explain why these records are legally exempt from disclosure. If these records once existed but no longer exist, please produce any documents that would confirm that these records once existed but have since been deleted. If these records do not exist and there is no documentation that they have been deleted, please explain why this information appears in the screen shots that you provided me in October 2005, but does not appear in the VOTER_TRANS table you provided me on Dec. 22nd, 2005.

Please respond promptly to the above requests. Either produce the requested public records, explain why they cannot be disclosed or why you choose not to disclose them, or commit to a firm and reasonable deadline by which you will provide the requested records. If I do not receive a satisfactory response from you by 5pm on February 16, 2006, I will direct my attorney to resume legal proceedings to compel disclosure of the withheld records.

Sincerely,

Stefan Sharkansky

Enclosures

cc: Chip Goss, Esq., Tacey Lamb LLP
Sandeep Kaushik, King County Executive's Office
Dan Satterberg, King County Prosecuting Attorney's Office
Members of the King County Council