



King County

**King County
Citizens' Elections Oversight Committee**

**Annual Report
For the Year 2020**

January 2021

King County Citizens' Elections Oversight Committee

Committee Members

Kyle Vixie

Chair

Registered King County Voter

Eliseo Juárez

First Vice Chair, Voter Participation

Spanish-Speaking Community Representative

Jayson Todd Morris

Vice Chair, Best Practices

Disability Community Representative

Nanette Sullivan

Vice Chair, Election Monitoring

Municipal League Foundation

Hillary Coleman

Registered King County Voter

Allison Feher

League of Women Voters

Julie Kang

Korean-Speaking Community Representative

Jeffrey Manson

King County Democratic Party

Quynh Pham

Vietnamese-Speaking Community Representative

Maya Manus

Urban League of Metropolitan Seattle

Sheryl Moss

Washington State Office of Secretary of State (*ex-officio, non-voting member*)

Seth Orr

Technology Representative

Stefan Sharkansky

King County Republican Party

Stanley Tsao

Chinese-Speaking Community Representative

Staff

Erin Arya, King County Council, External Relations Manager

Miranda Leskinen, King County Council, Senior Legislative Analyst

Citizens' Elections Oversight Committee Annual Report for the Year 2020

Introduction

Authorized in King County Code Section 2.53, the Citizens' Elections Oversight Committee (CEOC) is dedicated to helping King County maintain public confidence in elections. Per the King County Code, the CEOC makes recommendations to the King County Council to:

- A. Improve performance of the Department of Elections; and
- B. Help ensure that accountability and performance of the Department of Elections is provided in a transparent manner that is meaningful to the residents of King County.

As mentioned in the 2019 CEOC Annual Report, the CEOC and its members serve the public, King County Elections (hereafter referred to as KCE), and the King County Council (hereafter referred to as KCC or Council) by making recommendations and reporting to the Council to maintain public confidence. As such, this report is submitted pursuant to King County Code 2.53.041.5, which requires the CEOC to submit an annual report to Council on its "observations, findings and recommendations regarding the Special, Primary and General Elections."

Committee Operations

The newly appointed CEOC met seven times in 2020, nearly twice the requirement specified in the ordinance that established the committee. There was also a meeting scheduled for March 2020 that was canceled to allow KCC and KCE staff time to focus on the emerging COVID-19 situation.

Kyle Vixie, a registered King County voter, is the chair of the committee and Eliseo Juárez, Spanish-speaking community representative is first vice chair, voter participation. Additionally, Jayson Todd Morris, disability community representative is vice chair, best practices and Nanette Sullivan of the Municipal League Foundation is vice chair, election monitoring. All officers hold renewable terms through the end of 2021, per the CEOC approved Charter and Bylaws. A full list of committee members and KCC staff can be found on the preceding page.

The CEOC Charter and Bylaws were amended twice during the year by the CEOC to better define quorum, clarify flexibility for committee members on leave and update for virtual meetings. The CEOC also clarified the procedures and notice period for calling special meetings.

All of the positions on the committee have been filled to date with the exception of:

- One jurisdictional representative (junior taxing district or a city with a population under 20,000)
- One representative from an academic institution who has knowledge of elections

These positions have been open since 2019, however, due to COVID-19, the KCC placed filling vacant positions on boards and commissions on hold. The CEOC hopes to fill these slots by the second half of 2021, pending the resumption of regular Council business.

CEOC Activities and Accomplishments

The CEOC's mission is "to help King County maintain public confidence in elections." In 2019, a Work Plan was approved and Workgroups were created, each led by a vice chair. The Work Plan for 2020 is found in Attachment A at the end of the document. The Workgroup activities ended up becoming limited by the impacts of COVID-19, and therefore more of a focus will be placed upon their operations for 2021.

- 1. Drop Box Monitoring System.** The CEOC put together a pilot survey program for monitoring Drop Boxes utilizing Microsoft Forms for the General Election. The intent was for lessons to be learned for future discussion and the possibility of expanded implementation. This effort was led by Vice Chair Nanette Sullivan. Once the data collected from participants, it can be reviewed by KCE for making future improvements, i.e. Drop Boxes are found to be near poor drainage during rainstorms or in dark lighting. The Municipal League Foundation also partnered with the CEOC on this effort, for more than 45 individual Drop Box observations total for the 2020 General Election.

Per CEOC Vice Chair Nanette Sullivan, "I believe that it is essential to build out the Drop Box Observations for 2021, the pilot program we did in 2020 for the General Election. The goal would be for the committee to continue expanding on ways to access Drop Boxes and voter facilities and report them so that the committee can continue to use the data in the future. The information helps to inform accessibility to the Drop Boxes and any hurdles that a voter may experience when dropping off their ballots. The data can also allow us to relay feedback to King County Elections for discussion and improvements in the monthly meetings. As we advance, I think this is the opportunity to make sure we can provide the committee with a clean-cut way of making changes and improvements for the voters while strengthening communication between CEOC and KC Elections."

- 2. Committee Member Contributions.** The CEOC Chair represented the CEOC on the King County Regional Census Committee. CEOC member Maya Manus also served on this committee. Elections and the Census efforts are related both via their community outreach focus, and by ordinance, as it in part determines the committee's membership. HyeEun Park and Michael Padilla from the Office of King County Executive Dow Constantine also attended the February CEOC meeting and briefed the committee on Census activities.

CEOC member Hillary Coleman was a guest on NPR's "Here and Now" program to talk about the processes and impacts of registering people experiencing homelessness to vote. She noted to the CEOC that locally it's great to have local and state elections officials in Washington state making things possible when it relates to homeless voting issues. The voter registration process is hardest when moving to virtually focused systems and therefore Hillary explained that having different options available is important.

Vice Chair Jayson Todd Morris shared a new report by the program for Disability Research at Rutgers University that indicates that a projected 38.3 million eligible voters in the U.S. have a disability, and millions more live with someone who has a disability. Due to an aging population and advances in medical technology, the number of eligible voters with disabilities has jumped 19.8% in the U.S. since 2008. A projected 67.7 million eligible voters in the U.S. either have a disability or have a household member with a disability,

representing 28.9% of the electorate. This suggests more than a quarter of all eligible voters may be interested in disability issues.

“Research from past elections shows that disability turnout was higher in states with all-mail or no-excuse mail ballot systems,” said Distinguished Professor Douglas Kruse, co-director of the Program for Disability Research at Rutgers University. “But sometimes people with disabilities need assistance in mailing a ballot, and given that they are more likely to live alone, that may dampen any increase in turnout.”

- 3. Training.** King County Council Chief of Staff Carolyn Busch held a training session during a CEOC meeting on King County Council orientation and CEOC legislative intent. The CEOC placed stickers on a map showing where they live. The stickers reflected a concentration in urban centers such as Seattle, so there was discussion about placing future consideration on vacant CEOC positions to fill those spots with people from different districts of the (to allow for more geographic diversity).

The CEOC also toured the K&H ballot printing plant in February where committee members in attendance were briefed by K&H staff on processes and methods, and also noted processes used by other states. This tour was also documented and shared on social media by KCE. The methods and machinery involved appeared to be truly state of the art.

- 4. Guest Speakers.** The CEOC was able to welcome numerous guests to committee meetings which was made possible via the use of Zoom conferencing:

- Secretary of State Kim Wyman thanked members of the CEOC for their service and discussed elections progress in Washington State, the VoteWA system, filing week and how the history of elections in our state fits in with the national conversations happening regarding elections security.
- King County Council Chair Claudia Balducci provided a general overview of her thoughts for the CEOC and also shared her experience with challenges during the 2020 candidate filing process (discussed more extensively in general terms in the “Challenges” section below).
- King County Councilmember Rod Dembowski discussed his thoughts for the CEOC, along with King County Ordinance 18086, which passed unanimously in 2015, promoting access to elections for historically underrepresented communities.
- King County Library System Director (KCLS) Lisa Rosenblum shared details regarding the partnership between KCLS and KCE, noting it is one of the more robust partnerships in the country with 21 Drop Boxes. She also discussed the KCLS program “Vote. It Matters” which has the goal of increasing equity and inclusion. She also noted that libraries are a natural place for people to educate themselves and engage in civic processes.
- World Affairs Council (WAC) President & CEO Jacqueline Miller provided a brief recap of the public portion of a program the WAC hosted with former Director of National Intelligence James Clapper. Miller discussed national security issues surrounding the 2016 election including trolling, hacking of the DNC, and election infrastructure probing.

Special Election and King Conservation District

The February 11 Special Election had a 33% turnout, which per KCE was 1% over their projections with nearly 125,000 ballots returned. Nine school districts and one special purpose district (Drainage District No. 2 also had a Feb. 4 election with 167 eligible properties) ran ballot measures. King County did not have an April Special Election in 2020.

Under Washington State law, some special districts are allowed to conduct their own elections and are not required to follow standard election rules. The King Conservation District (KCD) therefore asked KCE for assistance after their last election saw a .2% turnout. KCD had a limited budget and decided that offering ballots online (on request) and allowing the option for online return (Drop Box and printed submission by mail was still a possibility) would potentially be more effective. On request, KCE agreed to handle KCD ballot processing, signature verification, and results tabulation by contract. This election saw vendor Democracy Live providing a secure online ballot platform with access from January 22 to February 11. The final result was a .5% turnout (nearly 6,500 ballots returned out of 1.25 million registered active voters), which is small, but more than double the previous election.

Director Wise indicated confidence to the CEOC in screen-based signature verification, noting two other pilot projects in Denver. Director Wise also stated “complete confidence in Democracy Live and this technology” and that “the platform uses Amazon Web Services ‘Object Lock’ to ensure the voters’ ballot selections are encrypted and securely stored in AWS. It has been vetted by both local and national IT and security experts. And on the back-end, we will be printing out every ballot and validating every signature.”

The CEOC will discuss further ballot security questions as it relates to the KCD election process in 2021, if anything for lessons to be learned for future possible applications. For example, a CEOC member who saw a live demo of the Democracy Live system observed that it enables election administrators to look up each voter's returned ballot and see what selections the voter made. The member expressed concerns that this may violate the state Constitution's mandate to "secure to every elector absolute secrecy in preparing and depositing his ballot", raising concerns about the system's suitability for use in future King County elections. KCE states this was unique to the KCD pilot program and not Democracy Live. The CEOC has not weighed in on this issue as a committee, though it may in 2021.

There were some national stories that implied that the KCD election was part of an initiative for shifting King County to mobile or online voting. This was inaccurate, as the KCD election was not a regular King County election. Director Wise reports “no plans to move to mobile voting anytime in the foreseeable future and our elections will continue to be conducted exactly as they have been for more than a decade – by mail.” Additionally, the KCD election was not true online voting anyways as paper ballots were still printed and tabulated and a paper ballot remained available for a hand recount. Some of this national media interest may have been spurred by the timing of the KCD election aligning with the voting app challenges faced by the Iowa Caucuses, though that was an unrelated out-of-state party managed process.

Director Wise noted in regard to the KCD election that “tests like this are instrumental as we think about voting options for the future. Voting and technology are inevitably going to change

and my belief is that when we have opportunities to learn more about what the potential risks and new tools are, we should take them.”

Presidential Primary Election (March 10)

The Presidential Primary Election on March 10 saw about 56% of voters returning a ballot, which was incredible considering the turnout in 2016 was 33% and in 2008 42%. This was a record since the state’s first Presidential Primary in 1992. One of the challenges with a Presidential Primary is that many people do not wish to declare their party, though in a Washington state party election, the parties determine their rules. Voters that opted not to pick a party were contacted by KCE to say “we need you to select a party and sign the oath” in order to count your ballot. Party selection is publicly disclosable and part of a voter’s record for 60 days.

KCE also had six Vote Centers open for the Presidential Primary election, returning to Bellevue City Hall and operating in Kent and Federal Way City Halls for the first time. Two new ballot Drop Boxes opened at Angle Lake light rail station and at Kent YMCA. KCE did recommend that voters who needed replacement ballots opt to access one online vs coming into a Vote Center for safety during the pandemic. KCE saw especially significant traffic volumes at their HQ on Election Day.

Primary Election (August 4)

Ballots were mailed on July 15 with 52 offices, 3 ballot measures, and 176 contested Precinct Committee Officer (PCO) races represented. KCE originally projected a 43% turnout, which they thought was a stretch of a goal as the 2016 Primary Election was a 37% turnout. Amazingly, turnout came in at 56%, (essentially the same as the Presidential Primary) with roughly 240,000 coming in at Drop Boxes on Election Day alone.

During the Presidential Primary Election KCE opened six Vote Centers, as mentioned earlier. During the August Primary Election, however, only the Seattle and Renton sites were open, as KCE decided it did not have the capacity available at that point to safely operate six different locations. King County Elections instead rolled out curbside service (drive through and walk-up) at KCE HQ and at the now named Lumen Field for the Primary Election.

Upon arrival voters would be greeted by staff who would direct them to where to park/wait and help them with whatever transactions needed to be addressed. Masks were required at all Vote Centers. Voters could call KCE or pre-order their replacement ballot online to reduce their wait times. There were also nearly 70 Drop Boxes available for the Primary Election. Per Director Wise after the Primary Election, “I think curbside service went well and we were able to help an extraordinary number of voters while social distancing. That said, we need to make major changes to our parking lot plan.”

General Election (November 3)

The 2020 General Election saw 1,231,504 of the 1,420,898 active registered voters in King County returning a ballot for an 86.67% turnout. Even more impressive, KCE posted record-breaking 1,033,486 results on election night (previous record was 615,000 in 2016).

Vote Centers for the General Election were at Bellevue College, Federal Way Performing Arts and Event Center, Kenmore City Hall, Accesso ShoWare Center in Kent, CenturyLink (Lumen) Field Event Center in Seattle, and University of Washington Dempsey Indoor Center in Seattle. The centers were open Saturday, October 31 from 10am to 4pm, Monday, November 2 from 8:30am to 6:00pm, and Tuesday, November 3 from 8:30am to 8:00pm. Director Wise reported that she was pleased to see roughly double the number of voters projected some days at the South King County locations. There was also a media event for opening the Vote Centers on Saturday, October 31 with Director Wise and King County Executive Dow Constantine. This event was also attended by the CEOC Chair, who reports the center appeared to be well laid out and functioning during his visit, though traffic volume was light in the early morning.

There were 73 ballot Drop Boxes available for the General Election, including new boxes at Black Diamond Library, Carnation Library, and in Renton on Powell Avenue. On election night KCE reported no issues at Drop Boxes or known challenges at closing time at 8pm. As Director Wise noted, they “asked voters to vote early, and they responded”. King County Elections reports that during the General Election there were more than 14,000 voters served at Vote Centers, which includes registering more than 5,800 voters. Some adjustments had to be made to the Vote Center location list during 2020 as some of the rooms were too small for operations during COVID-19.

The CEOC Chair was at KCE HQ the night of the election. He reports that operations appeared to be going smoothly during his visit. By the time he arrived in the evening, the ballot processing team had already processed its millionth ballot and was finished for the day. The revised parking lot/traffic control plans that were updated since the Primary Election seemed to work well, and by 7:45pm traffic was moving easily with no real entanglements at the intersection. There were intermittent downpours of rain in the evening, which made standing in line outdoors uncomfortable. KCE made efforts to distribute raincoats, though consideration for adding a line queuing tent may make sense for the future as the wait at some points could be up to 30 minutes. Altogether, the Chair was impressed with the professionalism of the staff and did not witness any undue challenges beyond weather.

General Election Recounts

On December 1, KCE began a mandatory hand recount for the Legislative District No. 5 senatorial race. Such recounts must be conducted if there is a difference of less than 150 votes and also less than 0.25% of the total number of votes cast for both candidates. This race had a 57 vote difference which is 0.068%, hence the qualification for a hand recount. This process required approximately 100 full-time and temporary staff members to complete over roughly a two-week period. On December 16, the winner was certified with no changes to the original result of the race.

There also were two requested hand recounts, one for the Rose Precinct of 466 ballots for President, Governor, Attorney General, and Congressional District No. 1. There also was a requested recount for five precincts in the 9th Congressional Race with 2,944 ballots. No changes resulted from these hand recounts.

An officer of a political party or any group of five or more registered voters may request a recount. A deposit is required in advance of twenty-five cents per ballot. Unless the outcome changes, the source making the request must pay for the recount. Candidates are allowed three observers each, plus one observer for each political party.

Communications

KCE shared the Primary and General Election communications plans with the CEOC for both social media and advertising. The King County focus is on digital advertising as per KCE the dollars go further with this approach, though ads were also placed on buses. According to Director Wise, this placed more “resources on voters who are less likely to vote or have historically faced barriers to voting.”

The “HIT 90” advertising campaign challenged King County to reach a record 90% turnout during the General Election. And this goal was nearly achieved with record results, indicating that record turnout is still possible with vote-by-mail during a pandemic Advertising partners included the Seahawks and the Sounders with Brad Evans. Communications partnerships were also in place with King County Library, King County Metro, Seattle Center and the YMCA. Prepared social media posts and photographs were available for public download and use in personal social media via the KCE website.

A great deal of national attention was focused on vote-by-mail during the 2020 election and as the largest vote-by-mail operation in the USA, KCE was featured often in the national media. This included a livestream of KCE’s vote counting operation during the Presidential Primary in the lower corner of the screen during the daytime on CNN, and a feature on the HBO show Axios with Secretary of State Wyman. To accommodate all of the media interest, KCE compiled a “all things vote-by-mail” toolkit which included procedures, artwork, and best practices. Additionally, Director Wise had the opportunity to testify before the U.S. Congress on vote-by-mail, and Councilmember Balducci and Director Wise wrote an op-ed for the Washington Post: <https://www.washingtonpost.com/opinions/2020/10/15/ignore-attacks-mail-in-balloting-heres-how-make-election-results-unassailably-fair/>.

Also, during 2020 there was a particular focus on live streaming, as people were often required to stay home due to the pandemic (vs attending meetings in person). As such, Canvassing Board meetings were live streamed on Facebook. Video messages from Director Wise were distributed via Facebook, Instagram, and Twitter. And Councilmember Dembowski held a “Virtual Town Hall” with Director Wise answering election related questions on Facebook.

Legislative Session and Rule Changes

The focus of the legislative session in 2020 was mostly geared toward Washington state’s response to COVID-19. There were a few bills related to elections, however, that Director Wise highlighted for the CEOC:

- SB 6313: Requires that certain four-year state colleges contract with their county auditor to establish campus-based student engagement hubs during General Elections. This would mean UW Seattle and Bothell in King County. It also allows people who are 17 years old to vote in in Primary/Presidential Primary Elections if they will turn 18 on (or before) the date of the General Election, effective in 2022. This bill also extends automatic voter registration to those who are 16 and 17 years old, effective in 2023.
- HB 2421: Requires the state to pay the prorated share of costs of any federal or state level race or measure in all elections, not just odd year elections, effective in 2021. Director

Wise said this is a “huge win for counties and will mean significantly more revenue for the General Fund in even numbered years – we estimate on the order of \$4 million.”

- HB 1520: Requires the election calendar date to be printed on the outside of the ballot envelope in bold font that is 20 point or larger.

Also, Director Wise proposed renewing Public Rules ELE 9-1-3 (PR), ELE 9-3-2 (PR) and ELE 9-4-1 (PR) with only “small technical updates” which relate to the local voters pamphlet, campaign finance and geographic boundaries before they expire at the beginning of 2021. King County Public Rule ELE 9-2 (PR) would be repealed as it is no longer relevant under a vote-by-mail system. The CEOC discussed these changes and offered no further feedback as this was viewed essentially as a continuation of the status quo during/post COVID-19.

Challenges

1. **COVID-19.** As the result of COVID-19, numerous adjustments were made by KCE which began on Monday, March 16 and continued to be rolled out through the November 5 General Election. Director Wise stated that “I am proud of this team’s flexibility and willingness to do everything we can to keep ourselves and the community safe while still providing great service to King County voters.” Some of the adjustments included:
 - In mid-March Director Wise asked her team to move entirely to telecommuting by March 23 except for any critical business that can only happen at the office. Early in the pandemic, the Elections Annex at the King County Administration Building and Customer Service Counter in Renton were closed, though phone and online continued to be an option at full capacity. As the year progressed and systems were revised for safety, staff was able to return to the HQ building for critical ballot processing and customer service functions.
 - Public tours and external meetings were canceled, though observers and the media continued to be welcome in the interest of continued process transparency. The observer guidelines for KCE HQ and Drop Boxes were updated for COVID-19. KCE also upgraded the HQ webcams for an improved quality picture and added new cameras in additional ballot processing areas to allow for observation from the safety of home.
 - Multiple changes were made at the KCE HQ facility, both from the perspective of the physical design and the model of service. KCE collaborated with King County’s Facilities Management Division and consultant, DLR Group to modify the Renton HQ and Vote Center in Renton. The goal was to ensure both the ballot processing staff and voters would enter the building safely. This led to plexiglass barriers, work spacing and protocol changes (handwashing, surface sanitizing, glove usage), and a new outside service model. There were also temperature check systems, lockers at check-in for staff and visitors and one directional hallways. KCE Deputy Director Janice Case shared a full set of plans/drawings with the CEOC in a PowerPoint presentation.
2. **Drop Boxes.** Drop Boxes proved incredibly popular in King County due to their convenience and the fact that an Election Day postmark is not needed to be counted on-time (as it would be if mailing via USPS). During the General Election, an unprecedented 74% of ballots were returned at Drop Boxes or more than 909,000 ballots. On one weekend, KCE picked up over 90,000 ballots at Drop Boxes and the previous weekend record was 16,000. As reports came in that boxes were full, teams were quickly dispatched to empty

them. KCE reports that the top five volume boxes during the General Election were Elections HQ, Ballard Library, Redmond City Hall, Issaquah City Hall, and Seattle Central College.

Per KCE slightly more than 96% of King County voters live three miles or less from a Drop Box. In the City of Seattle, 75% of voters live within one mile of a Drop Box. Director Wise shared the Drop Box expansion plan that was previously shared with the KCC in 2016 when boxes were increased from 10 to 43. This included the criteria used for “filling geographic holes and prioritizing lower turnout areas in line with the county’s pro-equity goals.” While there have been numerous requests of KCE to add even more Drop Boxes, this is not currently feasible due to a manufacturing vendor backlog.

There were several reports during the Primary Election from party observers that some Drop Boxes closed up to 2 minutes early based on the clocks on their phones. KCE has been utilizing commercially available atomic clocks as the official time keeping devices at Drop Boxes to avoid complications as the times on voters’ phones or watches may vary. After these reports, KCE checked the Drop Box atomic clocks and found that 36 varied both fast and slow up to 2 minutes, despite being synchronized on Thursday, July 30 during the packing of closing materials. As such, KCE has eliminated the use of the atomic clocks and updated its procedures. The Canvassing Board decided not to count any of the late quarantined ballots because, unfortunately, it was not possible to tell apart those ballots that were delivered within the two-minute window, and those that were clearly late.

There was a vandalism incident with the Alaska Junction Drop Box in West Seattle during the General Election, though this was an isolated matter that was resolved within hours and ballots were not affected. As part of its security plan, KCE also placed plain clothes security at Drop Boxes on Election Day. No other incidents of note were reported to the CEOC.

- 3. United States Postal Service.** There was a significant amount of news during the 2020 elections related to the USPS and potential impacts to service times and quality. Thankfully, KCE reports that they experienced normal transit times for mail delivery. For example, during the Primary Election, the 1.3 million ballots mailed on Wednesday, July 15, 95.5% were delivered by Saturday, July 18 and 99.96% were delivered by Tuesday, July 21, which was as expected. KCE also saw normal delivery times for military, overseas and out-of-state ballots during the Primary and General Elections.

King County receives a discounted rate for outgoing ballots and as official election mail per USPS policy outgoing ballots are treated as first-class mail. KCE put together cost estimates as a contingency if this policy changed, however, this did not happen in 2020. The prepaid return envelopes are Qualified Business Reply Mail, also a first-class level service. It’s worth noting that KCE is part of the USPS Task Force at the state level and regularly meets with USPS officials, so an open line for dialogue exists should issues arise in the future.

KCE reports hearing of voter anxiety about the USPS situation due to stories in the national media. One point of assurance in King County is that voters are encouraged to track their ballot online via the intelligent mail barcode that was added to return envelopes in 2020. Voters can literally track their ballots in the USPS and KCE systems to see when their

ballot is sent, delivered, mailed back, received, signature verified, and counted. And if a signature issue comes up, voters will be able to see that online, and thereby ensure it gets fixed.

To borrow from an email to the CEOC from Director Wise (an expression of her opinion, though the CEOC has not weighed in on these thoughts):

- “We’re possibly the best positioned jurisdiction in the country to conduct an election during a pandemic.
- With a decade long relationship with our regional USPS officials, we will make sure we stay ahead of any issues.
- We have layers upon layers of both physical and cyber security and a team of state and nationally certified election administrators who work tirelessly year in and year out to conduct accessible, secure and accurate elections.”

4. **Candidate Filing Deadlines.** The 2020 candidate filing period that occurred May 11-15 was the first time that statewide system VoteWA was used for candidate filing. Concerns were brought to the CEOC’s attention about the performance of VoteWA during filing week, especially with PCO filings (King County has more than 2,500 precincts). KCE states the system did not initially include the legally required affirmative party declaration for Precinct Committee Officers. While the CEOC’s understanding is the Secretary of State’s Office corrected the issue, hundreds of PCO candidates had to refile. KCE also received reports that some PCO candidates couldn’t identify to the correct party on VoteWA, even when they attempted to refile.

KCE indicated that VoteWA charged multiple filing fees if a candidate hit the submit button multiple times. Director Wise shared that one filer was charged \$10,000 because of this error, though the CEOC was assured by KCE that extra charges were refunded. KCE connected later with King County Democrats and King County Republicans representatives to submit feedback on this matter to the Secretary of State’s Office. KCE also plans to push for more comprehensive testing in 2021 prior to filing week, when 650 filings are expected.

These issues and other technical challenges during candidate filing were outlined to the KCC in a letter from the CEOC on July 15, 2020. The letter is attached at the end of this document as Attachment B.

5. **Voter’s Pamphlet Statement Deadlines.** KCE reported that the administrative deadlines around voters’ pamphlet statement submittals were missed during the 2020 General Election cycle by an unprecedented number of committees. KCE determined that deadlines were not clear and therefore offered a grace period, especially considering COVID-19. Per Director Wise: “We believe in setting out a process and following the rules consistently across all parties, and we also believe that the voters are best served when they are provided as comprehensive of information as possible. To that end, we are holding a supplementary statement submittal period allowing established committees another chance to weigh-in.”

KCE reported that there was “understandable frustration” from committees who had already seen the opposition argument, so the extended opportunity was offered to all

jurisdictions and committees in the interest of fairness. KCE's objective is to provide voters with as much information as possible and, per Director Wise, "because this is an administrative rule made to allow for our translation and voters' pamphlet production time, we decided the best choice for our voters was to provide additional time for statements."

- 6. Voter Registration.** There were concerns brought up over the summer about voters who may have registered at a location that is designated as a commercial address. Voters declare under oath that they provide their residential address to determine their precinct (their ballot mailing address may be a business though). Typically, if a voter registers at a location designated as commercial they will receive a letter letting them know that they are required to register at a residential address. Some research may also be needed by KCE staff in advance, as there are mixed use properties. That said, the law does allow for non-traditional addresses, for example listing of cross streets to assist people experiencing homelessness.

Director Wise told the CEOC that the "Prosecuting Attorney then has the authority to challenge the voters' registration. As the Director of Elections I oversee the challenge hearing and determine if the registration is to be invalidated, but any charges are ultimately determined by the Prosecuting Attorney's Office." And this is one of the reasons that voters' residential addresses are public information: to allow members of the public to challenge if they believe that registration is not correct.

KCE reported enormous numbers of voters getting registered and updating their information, especially during the General Election season where 10,000 registered on September 22, (National Voter Registration Day) alone. This increase in volume meant somewhat of a lag in processing times as it was more than expected, though as temporary data entry staff came on board, the process caught up to the demand. KCE said that it made every effort to get the registration backlog caught up before the ballots were mailed.

COVID-19 also created the need for remote registration to accommodate people who may have been self-quarantined at their home. To abide by the King County Executive's Emergency Declaration, voters were assisted on a case-by-case basis for registering online and then guided through the process to print a ballot from the online ballot marking program. Per Director Wise, this system was only to be utilized in specific situations and under the auspices of a supervisor.

- 7. Fraudulent Ballots.** After research with the Secretary of State's office, KCE reported to the CEOC that eight ballots may have been fraudulently returned for deceased voters in the General Election. There are numerous processes in place to ensure that this is a rare occurrence, including regular data uploads from the Department of Health and the Social Security Administration, local obituaries, and signature verification. These eight instances were verified by signature review staff and therefore were likely forged successfully. However, it's also possible per KCE that delays in updating data in October from the Secretary of State's Office due to cyber security concerns, plus delays in pandemic death recording may have also played a role.

Director Wise states that "this represents just 0.0006% of ballots cast in this election and that all of these cases will be referred to the County Prosecutor, the Secretary of State, and the FBI (because this is a federal election). Additionally, there were no voters identified as

deceased that had a signature challenge. That said, Director Wise reports there were some issues during this election as the seasoned envelope review staff was not available to verify the initial batch of the signature reviewers due to time and space constraints (social distancing and plexiglass dividers). Post pandemic, this system should be able to return to normal according to KCE. There is also a new audit tool in VoteWA that will be rolled out more broadly in future elections for signature verification quality control purposes.

While the preceding challenges are of note and improvements will be tracked during 2021, the CEOC does not have any additional recommendations to submit to the Council at this time related to above. It is suggested, however, that the Government Accountability and Oversight Committee (GAO) invite the CEOC Chair to brief the committee after the Primary Election and before the General Election as well in future years, vs waiting for the Annual Report presentation.

Additionally, the CEOC requests that the Council consider paying a stipend to CEOC members for observation duties, especially Drop Box observation. This is because such activities go above and beyond committee work, requiring members to commit off-work hours on weekends and evenings. CEOC members are representative of our communities and election oversight observation is a service. Therefore, it is in the interest of King County to reduce any barriers to virtual (based on KCE webcams during the pandemic) or in-person observation. Compensating this work at a reasonable hourly or daily rate would be one clear step in that direction.

Conclusion

On June 3, 2020, the CEOC Chair sent the committee the following note: “These challenging times provide a reminder of the opportunity before CEOC as we collaborate as a partner with KCE. While an oversight committee, we’re all on the same team when it comes to ensuring voting is accessible and everyone counts through their vote. This is a moment to review the Voting Rights Act as mentioned in our Charter and Bylaws, as well as Ordinance 18086 which was passed unanimously by the King County Council in 2015. Also, please note the recent Tweets from KCE: “...we can promise you that when you vote, we will count your choice and hear your voice through your vote – no matter the color of your skin, no matter what language you speak, no matter where you stand, no matter what party you prefer.” Through CEOC’s mission and efforts we will continue to play a positive and critical role in making a difference moving forward.”

KCE has again proven itself to be supportive and respectful of the oversight role of the CEOC, providing regular and detailed committee updates via email. Even in the case of situations where things didn’t go as expected, such as with the Drop Box Clocks, Director Wise proactively informed the committee of the challenges, vs waiting for the CEOC to ask questions. Additionally, the Director has made a clear effort to respond within a reasonable timeframe to committee member inquiries over email.

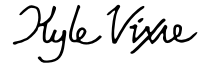
While CEOC members hold a variety of views, in the opinion of the Chair, there is no question that King County’s brand of vote by mail proved itself in 2020 as a model for the nation in terms of accountability, performance, and access. Consider that while adjustments needed to be made during the pandemic, hundreds of thousands of people didn’t need to come into polling places. When the Seattle Times named its local heroes

(<https://www.seattletimes.com/opinion/editorials/trim-the-tree-with-2020s-local-heroes/>),

not only did they mention Director Wise, but the election volunteers as well for 2020. That can be viewed to include the volunteer work of the CEOC.

To reiterate, as mentioned in the 2019 Annual Report, collaborating with KCE to ensure the sustainability of fair, accessible, and accountable elections is in the best interest of all voters in King County. As a commission chartered by the King County Council, we are always open to feedback from the Council and enjoy having Councilmembers join our committee meetings. We look forward to a productive 2021.

Respectfully Submitted,



Kyle Vixie
Chair, CEOC

Approved by CEOC on January 27, 2021



King County

CITIZENS' ELECTIONS OVERSIGHT COMMITTEE (CEOC)

Work Plan 2019-2020

Outside of the requirements that are codified in ordinance, this work plan is designed to be a living document that may be revised or amended by the committee at any time.

AREAS OF FOCUS

CEOC Workgroups

Best Practices

- Monitor trends in voting such as electronic voting, ranked choice voting, etc. Get briefings on proposed or actual changes to state or federal election laws.
- Identify and recommend opportunities for outreach to improve voter participation based upon other best practices researched in other municipalities and Elections staff feedback. Engage in proactive dialogue with Elections about goal setting and implementation of plans to improve voting.

Note: Typically, during the legislative session both Sheryl Moss and Julie Wise provide updates on what types of bills are moving through the legislature. The full committee will also receive updates from the Elections Director regarding their legislative platform.

Election Monitoring*

- Observe and monitor all aspects of the elections process during all elections (after official observer training) utilizing the King County Elections provided observable activities list available online. CEOC members will have their own badges and lanyards to pick-up at check-in anytime during ballots processing.
- Recommend corrective actions (if any) and help ensure that any problems that arise are discussed in an open and public manner. This includes input and assistance to monitor and improve operations of existing Drop Boxes (including closing procedures).**

Note: monitoring includes, but is not limited to: Accessible Voting Centers (AVCs), drop-box utilization and closings, logic and accuracy tests, signature verification, sorting and opening of ballots, ballot accounting, ballot processing and tabulation, and reporting of results.

Voter Participation

- Identify and recommend opportunities for outreach and improving voter participation with a focus on CEOC members respective communities and organizations. Communicate to King County elections what various communities and organizations need from King County Elections and what barriers they face.
- Respond to questions received from individuals, and from communities and organizations (with the CEOC Chair if necessary), about election processes and integrity in collaboration with King County Elections staff.
- Evaluate opportunities to improve voter participation through the engagement of voters speaking languages other than English.
- Collaborate with Elections staff to overhaul the voters' pamphlet and make it more relevant and accessible for 2021. Assist with the development of other voter outreach tools and ballot and envelope structure and printing (if required).

The CEOC will also report to the Council via the CEOC Chair observations, findings, and recommendations regarding elections operations and policies in an annual report to be delivered by February 1, 2020.

Attachment A

Attachment A

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Individual Member Training

Committee members are responsible for attending briefings and participating in trainings conducted by Elections staff or staff from the Secretary of State's Office on various aspects of elections to be held at committee meetings. This includes:

- Observer training for all members (in process)
- Drop Box closer training (as part of a CEOC meeting and video)
- Elections 101 or voter registration focused training (additional info as requested by the committee).
- Election law/legislation: King County Elections is happy to reach out to their PAO representative to implement a training regarding WA State/County election laws (upon request by the committee).

* Each CEOC member will conduct at least one observation at Elections headquarters, to ensure all members are informed as to current elections administration practices.

**CEOC members will report to the CEOC any problems that are observed or come to light.

PERPETUAL CEOC COMMITMENTS

Support and maintain clear channels of communication and solid working relationships.

Serve as a resource to the:

- Director of Elections: by helping to communicate key messages as appropriate.
- Elections Department Leadership: by serving as a sounding board for on new ideas (to be proactively shared with the committee) as well as reviewing draft communications materials.
- Elections staff: to ensure that elections in King County are conducted with the highest integrity

Serve as a liaison between the:

- Elections Department and the public.
- Communities and organizations CEOC members represent.

Additionally, the CEOC shall (via the committee Chair and King County Council staff) work with Council to update the charter, duties, membership, and succession plan of the CEOC.

OPPORTUNITIES TO TRACK FOR 2021+

Adapted from King County Elections staff recommendations:

Ballot Drop Box Locations

While the committee may provide input and assistance to Elections on placement of potential new Drop Boxes (including providing any assistance needed in dealing with jurisdictions in the placement of Drop Boxes), with close to 70 Drop Box locations, King County Elections is not anticipating placing more boxes in the foreseeable future. At this point the focus is on stabilizing and staffing this program that has grown so dramatically over the past few years.

Tabulation Equipment and Prepaid Postage Projects

In recent years the CEOC has focused on the implementation of new ballot tabulation equipment. The CEOC will get a detailed overview of tabulation during the observer training, though the implementation phase is now complete. Additionally, prepaid postage is now standard practice and tasks related to the rollout are long since been completed.

Disaster planning

Longer term discussion if committee is interested. Currently King County does disaster planning on many different levels: internally, with King County in general and with the Secretary of State's Office.

Approved by CEOC on October 9, 2019



King County

King County Citizens' Elections Oversight Committee

King County Council
King County Courthouse
516 3rd Ave, #1200
Seattle, WA 98104

Wednesday, July 15, 2020

Dear King County Councilmembers,

As you know, the 2020 candidate filing period occurred May 11-15 and was the first time that statewide system VoteWA was used for candidate filing. As such, the King County Citizens' Elections Oversight Committee (CEOC) wanted to provide you with a brief update on how the new system fared.

According to King County Elections (KCE), 114 offices are up for election this year and 85 of those filed with KCE. They received 278 total filings. In addition, 5,282 precinct committee officer positions are up for election this year and KCE received 1,839 total filings (1,415 for the Democratic Party and 424 for the Republican Party). KCE provided limited curbside service in addition to the online filings. After filing week closed, they held a lot via Skype to determine the order that candidates will appear on the ballot.

Concerns have been brought to the CEOC's attention about the performance of VoteWA during filing week, especially with PCO filings. That Monday and Tuesday, KCE states the system did not include the legally required affirmative party declaration for Precinct Committee Officers. Our understanding is the Secretary of State's Office corrected the issue late Tuesday though KCE states hundreds of PCO candidates had to refile. KCE also received reports that some PCO candidates couldn't identify to the correct party, even when they attempted to refile.

Another issue of concern, feedback to KCE indicated that VoteWA did not provide clear confirmation as you proceed through the filing process. As a result, KCE states that some candidates were charged multiple filing fees because they hit submit multiple times. Director Wise shared that one filer was charged \$10,000 because of this error. The CEOC has been assured by KCE that extra charges have since been refunded.

In addition, technical and performance issues continued and were witnessed by KCE staff. This included next page not advancing, system timing out, white screen, lack of indication that the system was processing, and other operational issues that Friday from 3:30 p.m. through the close of filing. Unfortunately, this impacted a number of individuals attempting to file for PCO. To underscore the severity of the problem, at our May meeting, the CEOC had the pleasure of hearing from King County Council Chair Claudia Balducci. She shared that she too experienced the difficulties in filing for PCO described above.

Attachment B

Attachment B

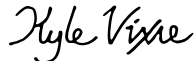
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King County Elections Director Julie Wise reports that she appealed to the Secretary of State's Office to extend the filing period, but her request was denied. KCE decided that the best course of action was to accept the filings of any individuals who contacted them saying that they experienced issues with the system late Friday afternoon.

As part of their next steps, KCE states that they will be meeting with King County Democrats and King County Republicans to gather feedback that they will submit to the Secretary of State's Office. They also plan to push for comprehensive and robust testing next year prior to filing week. KCE expects 650 filings next year.

The CEOC intends to continue to update the King County Council on matters of accountability, performance, and access during this important 2020 election year and beyond. We are happy to share that Secretary of State Kim Wyman joined the CEOC for part of our July 15th meeting to offer timely information and answer questions as well. As an oversight commission chartered for, and dedicated to its mission, our collaborative relationship with KCE is of great benefit to the Council. We all share the goal of maintaining public confidence in our elections.

Sincerely,



Kyle Vixie
Chair, CEOC

King County Citizens' Elections Oversight Committee (CEOC) Members:

Eliseo Juárez, Vice Chair of Voter Participation
Nanette Sullivan, Vice Chair of Elections Monitoring
Jayson Todd Morris, Vice Chair of Best Practices
Hillary Coleman, Registered voter
Allison Feher, League of Women Voters
Julie Kang, Korean-speaking community
Jeffrey Manson, King County Democratic Party
Maya Manus, Urban League of Metropolitan Seattle
Seth Orr, Technology representative
Quynh Pham, Vietnamese-speaking community representative
Stefan Sharkansky, King County Republican Party
Stanley Tsao, Chinese-speaking community representative

cc:

Julie Wise, Director, King County Elections
Carolyn Busch, Chief of Staff
Melani Pedroza, Clerk of the Council
Patrick Hamacher, Director of Council Initiatives