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SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR SHOHOMISH COUNTY

Stefan Sharkansky, an individual,  
  
Plaintiff,  
  
v.  
  
King County; Ron Sims, King County  
Executive; King County Records, Elections and  
Licensing Services Division; and Dean Logan,  
an individual,  
  
Defendants.

NO.  
  
Summons (20 Days)

**STATE OF WASHINGTON TO:**

- King County;**
- Ron Sims, King County Executive;**
- King County Records, Elections and Licensing Services Division;**
- Dean Logan, Director**

A lawsuit has been started against you in the above-entitled court by Stefan Sharkansky, plaintiff herein. Plaintiff's claims are stated in the written complaint, a copy of which is served upon you with this summons.

1 In order to defend against this lawsuit, you must respond to the complaint by stating your  
2 defense in writing, and by serving a copy upon the person signing this summons within twenty  
3 (20) days (sixty (60) days if service is out-of-state) after the service of this summons, excluding  
4 the day of service, or a default judgment may be entered against you without notice. A default  
5 judgment is one where plaintiff is entitled to what they ask for because you have not responded.  
6 If you serve a notice of appearance on the undersigned person, you are entitled to notice before a  
7 default judgment may be entered.  
8

9 You may demand that plaintiff file this lawsuit with the court. If you do so, the demand  
10 must be in writing and must be served upon the person signing the summons. Within fourteen  
11 (14) days after you serve the demand, the plaintiff must file this lawsuit with the court, or the  
12 service on you of this summons and complaint will be void.  
13

14 If you wish to seek the advice of an attorney in this matter, you should do so promptly so  
15 that your written response, if any, may be served on time.

16 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State  
17 of Washington.

18 DATED this 25<sup>th</sup> day of October, 2005.

19 TACEY LAMB LLP  
20

21  
22 By \_\_\_\_\_  
23 C. Chip Goss, WSBA No. 22112  
24 Attorneys for Rood  
25 22833 Bothell Everett Hwy., Suite 218  
26 Bothell, WA 98021  
425.489.2878  
chip@taceylamb.com

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SUPERIOR COURT OF THE STATE OF WASHINGTON  
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Stefan Sharkansky, an individual,  
  
Plaintiff,  
  
v.  
  
King County; Ron Sims, King County  
Executive; King County Records, Elections and  
Licensing Services Division; and Dean Logan,  
an individual,  
  
Defendants.

NO.  
  
Complaint for Violations of the Public  
Disclosure Act, RCW 42.17

Stefan Sharkansky, plaintiff, by and through attorney of record, C. Chip Goss of Tacey  
Lamb LLP, hereby complains and alleges as follows:

**I. Parties**

1.1 Stefan Sharkansky is an individual and resident of King County, Washington.

1.2 Defendant King County is a political subdivision of the state of Washington.

Ron Sims is the King County Executive and Dean Logan is the Director of the King County  
Records, Elections and Licensing Division.

**II. Venue and Jurisdiction**

1           2.1     Venue and jurisdiction is proper in Snohomish County Superior Court pursuant  
2 to RCW 42.17.340(5) and RCW 36.01.050.  
3

### 4                                       III.    Facts

5           3.1     Stefan Sharkansky repeats and incorporates by this reference the allegations set  
6 forth in paragraphs 1.1 through 2.1.  
7

8           3.2     On December 27, 2004 Stefan Sharkansky submitted a public records request to  
9 the County for “a list of all King County voters who submitted ballots in the Nov. 2 election.”

10          3.3     The County did not satisfy this request in full until September 12, 2005.

11          3.4     On February 22, 2005 Sharkansky submitted a public records request to Dean  
12 Logan, Director of King County Records, Elections and Licensing Services Division,  
13 specifically requesting among other things “all documents pertaining to the reconciliation of  
14 absentee ballots and absentee voters in the November 2004 election.  
15

16          3.5     Thirty-eight (38) days passed before the county responded with an estimate that  
17 documents would be available April 15, 2005.

18          3.6     On April 7, 2005 Sharkansky submitted through his attorney a public records  
19 request renewing his request for “all documents pertaining to the reconciliation of absentee  
20 ballots and absentee voters from the November 2004 election,” and specifically identifying,  
21 among other things, “the audit trail documents mandated by WAC 434-240-270” and copies of  
22 “both the absentee ballot outer envelope and the provisional ballot envelope” for certain known  
23 voters who submitted both types of ballots.  
24

25          3.7     Sharkansky determined from limited data files available to him in March that 91  
26 voters who returned absentee ballots also were credited with a provisional ballot.

1           3.8     The County responded April 13, 2005 repeating that documents would be  
2 produced April 15, 2005 and that the “ballot outer envelopes” would be produced May 18, 2005.

3           3.9     The County without explanation did not make a complete production of  
4 documents responsive to Sharkansky’s request on either April 15, 2005 or May 18, 2005.

5           3.10    As of July 5, 2005 the County had not produced any of the absentee and  
6 provisional ballot envelopes Sharkansky had requested, so he renewed his request and also asked  
7 to examine all the original absentee ballot envelopes.  
8

9           3.11    Sharkansky also noted that “. . . information on any of the mail ballots returned  
10 by non-registered overseas and service voters” that were responsive to his request of February  
11 22, 2005 also had not been produced by the County. Sharkansky determined from County  
12 records and court testimony that approximately 251 non-registered overseas and service voters  
13 had submitted ballots.  
14

15           3.12    The County finally responded July 14, 2005 stating that only 27 (out of 91) of the  
16 provisional ballots were found and estimating that other documents would be produced July 22,  
17 2005. Sharkansky appeared at the elections office July 25, 2005, and received only 27  
18 provisional ballots (out of the 91 identified) and 134 pages relating to non-registered overseas  
19 and service voters without precinct information. The County determined the precinct  
20 information for the non-registered overseas and service voters and on August 9, 2005 produced,  
21 after eliminating duplicate pages, only 114 pages representing write-in ballots from 113 voters  
22 (out of approximately 251 requested).  
23

24           3.13    On September 2, 2005 the County informed Sharkansky that a single additional  
25 provisional ballot envelope responsive to his request had been located. According to the  
26 County’s own records, 63 provisional ballot envelopes remained undisclosed.

1           3.14    The County had provisional ballots responsive to his requests that were not  
2 disclosed to Sharkansky. On September 16, 2005 Sharkansky obtained permission to examine  
3 the contents of a box marked “provisional ballot envelopes November 2004” that the County  
4 provided to him in a pallet of boxes the day before. Inside were approximately 59 more  
5 envelopes responsive to his request of April 7, 2005.  
6

7           3.15    Instead of responding to Sharkansky’s specific request, the County produced  
8 several pallets of boxes of absentee ballots that contained none of the 91 absentee ballot outer  
9 envelopes responsive to his April 7, 2005 request. He did determine that the absentee ballots  
10 corresponding to the 91 provisional ballots that he had identified could not be found in the boxes  
11 where the County’s database records indicated these ballots should be.  
12

13           3.16    On September 26, 2005 Sharkansky renewed his request for the absentee ballot  
14 outer envelopes from the 91 voters who also submitted provisional ballots, renewed his request  
15 for “ballots of all of the unregistered overseas and service voters whose ballots were tabulated,”  
16 and further requested access to all remaining provisional ballot envelopes.  
17

18           3.17    On September 30, 2005 Sharkansky requested that the County produce the  
19 current voter registration database and the DIMS transaction log of any changes.  
20

21           3.18    The County responded on October 7, 2005 representing that it would not work on  
22 his database and DIMS transaction log request until December 1, 2005 and expected to produce  
23 the information December 9, 2005.  
24

25           3.19    Because the information was critical to the upcoming election, on October 11,  
26 2005 Sharkansky reduced his immediate request simply to the DIMS transaction log, screen  
shots if necessary, for only a limited number of identified voters.  
27

28           3.20    The County did not respond.

1 3.21 Having received no response, he renewed his revised request October 17, 2005.

2 3.22 The County responded on October 21, 2005, representing that it would provide  
3 the DIMS transaction screen prints on October 28, 2005. The County also acknowledged  
4 without explanation that it had not provided all the provisional ballot envelopes responsive to  
5 Sharkansky's request and would produce them on October 24, 2005 and further documents on  
6 October 28, 2005.  
7

8 3.23 As of this date, more than six months after Sharkansky's requests, the County has  
9 neither produced nor explained its failure to produce the 91 absentee ballot outer envelopes and 4  
10 provisional ballot envelopes for voters who submitted both, nearly 140 records of non-registered  
11 overseas or service voters, and hundreds of provisional ballots indicated in the provisional table  
12 provided by the County.  
13

14 **IV. Causes of Action**

15 4.1 Stefan Sharkansky repeats and incorporates by this reference the allegations set  
16 forth in paragraphs 1.1 through 3.23.  
17

18 4.2 Defendants have failed to comply with their obligations under the Public  
19 Disclosure Act, RCW 42.17 et seq. and produce timely responses to Sharkansky's requests for  
20 public records subject to disclosure under 42.17.330.  
21

22 4.3 Defendants have engaged in unlawful delay and obstruction of the disclosure  
23 of public records that Sharkansky is entitled.

24 4.4 Sharkansky is entitled to immediate disclosure of the public records requested.

25 4.5 As a direct result of defendants' unlawful conduct, Sharkansky is entitled to  
26 statutory penalties, attorney fees and costs.

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**V. Prayer for Relief**

Wherefore, Stefan Sharkansky prays for the following relief:

1. That judgment be granted to Stefan Sharkansky against defendants.

2. That judgment be granted ordering defendants to produce immediately to Stefan Sharkansky all public records remaining outstanding at trial;

3. That judgment be granted awarding Stefan Sharkansky statutory penalties, attorney fees and costs, including but not limited to RCW 42.17.340(4), in an amount to be determined at trial;

4. That judgment be granted to Stefan Sharkansky awarding such other and further relief as is equitable and just.

DATED this 25<sup>th</sup> day of October, 2005.

TACEY LAMB LLP

By \_\_\_\_\_  
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SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR SHOHOMISH COUNTY

Stefan Sharkansky, an individual,  
  
Plaintiff,  
  
v.  
  
King County; Ron Sims, King County  
Executive; King County Records, Elections and  
Licensing Services Division; and Dean Logan,  
an individual,  
  
Defendants.

NO.  
  
Plaintiff's Motion for Order to Show Cause

**I. Introduction**

COMES NOW Stefan Sharkansky, plaintiff, by attorney C. Chip Goss of Tacey Lamb LLP, and respectfully requests that the court issue an order compelling defendants to appear before the court and show cause why the court should not order defendants to produce immediately public records requested by Mr. Sharkansky and award to Mr. Sharkansky statutory penalties, attorney fees and costs for untimely disclosure. For over six months, Mr. Sharkansky has sought from defendants the production of public records subject to disclosure under RCW 42.17.330 et seq. relating to defendants' voter records procedures. Defendants without explanation have failed to disclose the specific records requested by Sharkansky. Defendants

1 further have failed to respond to Mr. Sharkansky's supplemental requests for public records and  
2 to provide reasonable explanations and estimates of the time when the specific records will be  
3 disclosed. This court should order defendants to show cause why they have been unable to  
4 comply with the significant obligations of the Public Disclosure Act.

## 5 **II. Facts**

6  
7 For nearly a year, Defendants repeatedly have engaged in a pattern of incomplete  
8 production and delay in response to reasonable public records requests by Mr. Sharkansky. On  
9 December 27, 2004 Sharkansky submitted a public records request to the County for "a list of all  
10 King County voters who submitted ballots in the Nov. 2 election." The County did not satisfy  
11 this request in full until September 12, 2005. Declaration of Stefan Sharkansky Supporting  
12 Motion for Order to Show Cause (Sharkansky Declaration).

13  
14 On February 22, 2005 Sharkansky submitted a public records request to Dean Logan,  
15 Director of King County Records, Elections and Licensing Services Division, specifically  
16 requesting among other things "all documents pertaining to the reconciliation of absentee ballots  
17 and absentee voters in the November 2004 election. Thirty-eight (38) days passed before the  
18 county responded with an estimate that documents would be available April 15, 2005.  
19 Sharkansky Declaration

20  
21 On April 7, 2005 Sharkansky submitted through his attorney a public records request  
22 renewing his request for "all documents pertaining to the reconciliation of absentee ballots and  
23 absentee voters from the November 2004 election," and specifically identifying, among other  
24 things, "the audit trail documents mandated by WAC 434-240-270" and copies of "both the  
25 absentee ballot outer envelope and the provisional ballot envelope" for certain known voters who  
26 submitted both types of ballots. Sharkansky determined from limited data files available to him

Motion for Order to Show Cause - 2 of 8  
(Sharkansky v. King County)  
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1 in March that 91 voters who returned absentee ballots also were credited with a provisional  
2 ballot. The County responded April 13, 2005 repeating that documents would be produced April  
3 15, 2005 and that the “ballot outer envelopes” would be produced May 18, 2005. Sharkansky  
4 Declaration

5 As of July 5, 2005 the County had not produced any of the absentee and provisional  
6 ballot envelopes Sharkansky had requested, so he renewed his request and also asked to examine  
7 all the original absentee ballot envelopes. Sharkansky also noted that “. . . information on any of  
8 the mail ballots returned by non-registered overseas and service voters” that were responsive to  
9 his request of February 22, 2005 also had not been produced by the County. Sharkansky  
10 determined from County records and court testimony that approximately 251 non-registered  
11 overseas and service voters had submitted ballots. Sharkansky Declaration  
12

13 The County finally responded July 14, 2005 stating that only 27 (out of 91) of the  
14 provisional ballots were found and estimating that other documents would be produced July 22,  
15 2005. Sharkansky appeared at the elections office July 25, 2005, and received only 27  
16 provisional ballots (out of the 91 identified) and 134 pages relating to non-registered overseas  
17 and service voters without precinct information. The County determined the precinct  
18 information for the non-registered overseas and service voters and on August 9, 2005 produced,  
19 after eliminating duplicate pages, only 114 pages representing write-in ballots from 113 voters  
20 (out of approximately 251 requested). Sharkansky raised the discrepancy in a letter to the  
21 County August 23, 2005. Sharkansky Declaration  
22  
23

24 The County responded August 26, 2005 affirming that Sharkansky’s request for non-  
25 registered overseas and service voter information had been satisfied in full and representing that  
26 further provisional ballots would be produced September 2, 2005. The County also granted to

1 Sharkansky access to all original absentee ballots beginning September 6, 2005. Sharkansky  
2 Declaration.

3 On September 2, 2005 the County informed Sharkansky that only 1 additional  
4 provisional ballot envelope responsive to his request had been located. According to the  
5 County's own records, 63 provisional ballot envelopes remained undisclosed. Sharkansky  
6 Declaration.

7  
8 On September 9, 2005 the County in response to Sharkansky's renewed request August  
9 31, 2005 again affirmed that it had no further documents responsive to his request for "any  
10 documents containing absentee ballot requests" from non-registered overseas and service voters.  
11 Sharkansky Declaration.

12 From September 6 through 26, 2005 Sharkansky examined pallets of boxes of absentee  
13 ballots provided for my examination at the County's discretion. On September 16, 2005  
14 Sharkansky obtained permission to examine the contents of a box marked "provisional ballot  
15 envelopes November 2004" that the County provided to him in a pallet of boxes the day before.  
16 Inside were approximately 59 more envelopes responsive to his request of April 7, 2005.  
17 Sharkansky Declaration.

18  
19 After examining many pallets of boxes, Sharkansky was unable to locate any of the 91  
20 absentee ballot outer envelopes responsive to his April 7, 2005 request. He did determine that  
21 the absentee ballots corresponding to the 91 provisional ballots that he had identified could not  
22 be found in the boxes where the County's database records indicated these ballots should be.  
23 On September 26, 2005 Sharkansky renewed his request for the absentee ballot outer envelopes  
24 from the 91 voters who also submitted provisional ballots, renewed his request for "ballots of all  
25 of the unregistered overseas and service voters whose ballots were tabulated," and further  
26

Motion for Order to Show Cause - 4 of 8  
(Sharkansky v. King County)  
[showcause.mot.doc]

1 requested access to all remaining provisional ballot envelopes. Sharkansky Declaration.

2 After considerable analysis of the incomplete information provided by the County in  
3 response to his requests, Sharkansky determined that a critical piece missing from “all  
4 documents pertaining to the reconciliation of absentee ballots and absentee voters in the  
5 November 2004 election” was the current voter registration database and, most importantly, a  
6 log of all DIMS transactions where registration and ballot information was changed. On  
7 September 30, 2005 he requested that the County produce the database and the DIMS transaction  
8 log. The County responded on October 7, 2005 representing that it would not work on his  
9 database and DIMS transaction log request until December 1, 2005 and expected to produce the  
10 information December 9, 2005. Because the information was critical to the upcoming election,  
11 on October 11, 2005 Sharkansky reduced his immediate request simply to the DIMS transaction  
12 log, screen shots if necessary, for only a limited number of identified voters. Having received  
13 no response, he renewed his revised request October 17, 2005. Sharkansky Declaration.  
14

15  
16 The County responded on October 21, 2005, representing that it would provide the DIMS  
17 transaction screen prints on October 28, 2005. The County also acknowledged without  
18 explanation that it had not provided all the provisional ballot envelopes responsive to  
19 Sharkansky’s request and would produce them on October 24, 2005 and further documents on  
20 October 28, 2005. Sharkansky Declaration.  
21

22 As of this date, more than six months after Sharkansky’s requests, the County has neither  
23 produced nor explained its failure to produce the 91 absentee ballot outer envelopes and 4  
24 provisional ballot envelopes for voters who submitted both, nearly 140 records of non-registered  
25 overseas or service voters, and hundreds of provisional ballots indicated in the provisional table  
26 provided by the County. Sharkansky Declaration.

Motion for Order to Show Cause - 5 of 8  
(Sharkansky v. King County)  
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1 The records that Sharkansky have requested are critical to an analysis of the County's  
2 system for processing and reconciling ballots. The discrepancies that he has exposed from the  
3 incomplete information that the County has provided raise significant questions that must be  
4 addressed prior to the November 8, 2005 general election. Sharkansky Declaration.

5 **III. Issue**

6 Whether under RCW 42.17.340(1) and (2), the court should issue an order compelling  
7 defendants to show cause why, after six months, the court should not order the public records  
8 requested by Sharkansky produced immediately and award to Sharkansky penalties, attorney  
9 fees and costs?  
10

11 **IV. Evidence**

12 This motion is supported by the declaration of Stefan Sharkansky with exhibits submitted  
13 herewith.  
14

15 **V. Argument**

16 Defendants repeatedly and unreasonably have delayed over six months the production of  
17 public records subject to disclosure under the Public Disclosure Act (PDA), RCW 42.17, and  
18 have produced only incomplete records that are critical to the upcoming general election of  
19 November 8, 2005. The people of Washington preserve their sovereignty over their government  
20 through the right to demand and obtain public records under the PDA. RCW 41.17.010. The  
21 provisions of the PDA must be "liberally construed and its exemptions narrowly drawn to  
22 promote this policy." RCW 42.17.251. Penalties under the PDA are essential to "discourage  
23 improper denial of access to public records and [to encourage] adherence to the goals and  
24 procedures dictated by the statute." Hearst Corp. v. Hoppe, 90 Wn.2d 123, 140, 580 P.2d 246  
25 (1978).  
26

1 This court should order that defendants appear and explain their failure to produce in the  
2 last six months the complete public records Sharkansky has requested. RCW 42.17.340  
3 provides:

4  
5 (1) Upon the motion of any person having been denied an  
6 opportunity to inspect or copy a public record by an agency, the  
7 superior court in the county in which a record is maintained may  
8 require the responsible agency to show cause why it has refused  
9 to allow inspection or copying of a specific public record or class  
10 of records. The burden of proof shall be on the agency to establish  
11 that refusal to permit public inspection and copying is in  
12 accordance with a statute that exempts or prohibits disclosure in  
13 whole or in part of specific information or records.

14 (2) Upon the motion of any person who believes that an agency  
15 has not made a reasonable estimate of the time that the agency  
16 requires to respond to a public record request, the superior court in  
17 the county in which a record is maintained may require the  
18 responsible agency to show that the estimate it provided is  
19 reasonable. The burden of proof shall be on the agency to show  
20 that the estimate it provided is reasonable.

21 Defendants have failed for over six months to produce absentee ballot outer envelopes and  
22 provisional ballot envelopes responsive to Sharkansky's public records request of April 7<sup>th</sup>, 2005.  
23 Defendants have failed to produce nearly 140 records of non-registered overseas and service  
24 voters responsive to Sharkansky's public records request of July 5, 2005. Defendants repeatedly  
25 have failed to produce records according to their own estimated timelines and have provided no  
26 explanations for their delay.

Further, this court should order defendants to appear and show cause why Sharkansky  
should not be awarded penalties, attorney fees and costs resulting from defendant's failure to  
comply with the PDA. RCW 42.17.340(4) provides:

Any person who prevails against an agency in any action in the

1 courts seeking the right to inspect or copy any public record or the  
2 right to receive a response to a public record request within a  
3 reasonable amount of time shall be awarded all costs, including  
4 reasonable attorney fees, incurred in connection with such legal  
5 action. In addition, it shall be within the discretion of the court to  
6 award such person an amount not less than five dollars and not to  
7 exceed one hundred dollars for each day that he or she was denied  
8 the right to inspect or copy said public record.

9 The time is critical. Defendants for so long have stalled the production of documents that  
10 are of paramount importance in the upcoming election, November 8, 2005. The incomplete  
11 information obtained by Sharkansky suggests hundreds of ballots were mishandled by  
12 defendants and improperly tabulated and/or reconciled. In order to have any confidence in the  
13 upcoming election, the people of Washington must have access to records of defendants' faulty  
14 procedures in order to insure they are corrected and not repeated. Without an order to show  
15 cause, defendants undoubtedly will continue to frustrate Mr. Sharkansky and the right of the  
16 people of Washington to retain their sovereignty over their government.

## 17 **VI. Conclusion**

18 Defendants have failed to timely respond to the public records requests of Stefan  
19 Sharkansky. For the reasons state above, this court should issue an Order to Show Cause for  
20 defendants to appear before the court and demonstrate why the court should not order defendants  
21 to produce immediately public records requested by Mr. Sharkansky and award to Mr.  
22 Sharkansky statutory penalties and attorney fees for untimely disclosure.

23 Respectfully Submitted this 25<sup>th</sup> day of October, 2005.

24 TACEY LAMB LLP

25 By \_\_\_\_\_  
26 C. Chip Goss, WSBA No. 22112  
Attorneys for plaintiff



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SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR SHOHOMISH COUNTY

Stefan Sharkansky, an individual,  
  
Plaintiff,  
  
v.  
  
King County; Ron Sims, King County  
Executive; King County Records, Elections and  
Licensing Services Division, and Dean Logan,  
an individual,  
  
Defendants.

NO.  
  
Declaration of Stefan Sharkansky  
Supporting Motion for Order to Show Cause

Stefan Sharkansky hereby subscribes, swears and declares:

1. I am plaintiff in the above-matter, over eighteen years of age and have personal knowledge of the following.
2. On December 27, 2004 I submitted a public records request to the County for “a list of all King County voters who submitted ballots in the Nov. 2 election.” The County did not satisfy this request in full until September 12, 2005.
3. On February 22, 2005 I submitted a public records request to Dean Logan, Director of King County Records, Elections and Licensing Services Division, specifically requesting among other things “all documents pertaining to the reconciliation of absentee ballots

Declaration of Stefan Sharkansky Supporting Motion  
for Order to Show Cause - 1 of 12  
(Sharkansky v. King County)  
[ShowCause.dec]

1 and absentee voters in the November 2004 election.” “A true and correct copy of this  
2 request is attached as Exhibit 1.

3 4. Thirty-eight (38) days passed before the county responded with an estimate that  
4 documents would be available April 15, 2005.

5 5. On April 7, 2005 I submitted through my attorney a public records request renewing my  
6 request for “all documents pertaining to the reconciliation of absentee ballots and  
7 absentee voters from the November 2004 election,” and specifically identifying, among  
8 other things, “the audit trail documents mandated by WAC 434-240-270” and copies of  
9 “both the absentee ballot outer envelope and the provisional ballot envelope” for certain  
10 known voters who submitted both types of ballots. I determined from limited data files  
11 available to me in March that 91 voters who returned absentee ballots were credited with  
12 a provisional ballot. A true and correct copy of this request is attached as Exhibit 2.

13 6. The County responded April 13, 2005 repeating that documents would be produced April  
14 15, 2005 and that the “ballot outer envelopes” would be produced May 18, 2005.

15 7. As of July 5, 2005 the County had not produced any of the absentee and provisional  
16 ballot envelopes I had requested, so I renewed my request and asked to examine all the  
17 original absentee ballot envelopes. I also noted that “. . . information on any of the mail  
18 ballots returned by non-registered overseas and service voters” that were responsive to  
19 my request of February 22, 2005 also had not been produced by the County. I  
20 determined from County records and court testimony that approximately 251 non-  
21 registered overseas and service voters had submitted ballots. A true and correct copy of  
22 my July 5, 2005 correspondence to the County is attached as Exhibit 3.  
23  
24  
25  
26

Declaration of Stefan Sharkansky Supporting Motion  
for Order to Show Cause - 2 of 12  
(Sharkansky v. King County)  
[ShowCause.dec]

LAW OFFICES  
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- 1 8. The County finally responded July 14, 2005 stating that only 27 (out of 91) of the  
2 provisional ballots were found and estimating that other documents would be produced  
3 July 22, 2005.
- 4 9. I appeared at the elections office July 25, 2005, and received only 27 provisional ballots  
5 out of 91 identified) and 134 pages relating to non-registered overseas and service voters  
6 without precinct information. The County determined the precinct information for the  
7 non-registered overseas and service voters and on August 9 2005, produced, after  
8 eliminating duplicate pages, only 114 pages representing write-in ballots from 113 voters  
9 (out of approximately 251 requested). I raised the discrepancy in a letter to the County  
10 August 23, 2005.
- 11 10. The County responded August 26, 2005 affirming that my request for non-registered  
12 overseas and service voter information had been satisfied in full and representing that  
13 further provisional ballots would be produced September 2, 2005. The County also  
14 granted to me access to all original absentee ballots beginning September 6, 2005.
- 15 11. On September 2, 2005 the County informed me that only 1 additional provisional ballot  
16 envelope responsive to my request had been located. According to the County's own  
17 records, 63 provisional ballot envelopes remained undisclosed.
- 18 12. On September 9, 2005 the County in response to my renewed request August 31, 2005  
19 again affirmed that it had no further documents responsive to my request for "any  
20 documents containing absentee ballot requests" from non-registered overseas and service  
21 voters.  
22  
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24  
25 13. From September 6 through 26, 2005 I examined pallets of boxes of absentee ballots  
26

1 provided for my examination at the County's discretion.

2 14. On September 16, 2005 I obtained permission to examine the contents of a box marked  
3 "provisional ballot envelopes November 2004" that the County provided to me in a pallet  
4 of boxes the day before. Inside were approximately 59 more envelopes responsive to my  
5 request of April 7, 2005.

6  
7 15. After examining many pallets of boxes, I was unable to locate any of the 91 absentee  
8 ballot outer envelopes responsive to my April 7, 2005 request. I did determine that the  
9 absentee ballots corresponding to the 91 provisional ballots that I had identified could not  
10 be found in the boxes where the County's database records indicated these ballots should  
11 be.

12  
13 16. On September 26, 2005 I renewed my request for the absentee ballot outer envelopes  
14 from the 91 voters who also submitted provisional ballots, renewed my request for  
15 "ballots of all of the unregistered overseas and service voters whose ballots were  
16 tabulated," and further requested access to all remaining provisional ballot envelopes. A  
17 true and correct copy of this request is attached as Exhibit 4.

18  
19 17. After considerable analysis of the incomplete information provided by the County in  
20 response to my requests, I determined that a critical piece missing from "all documents  
21 pertaining to the reconciliation of absentee ballots and absentee voters in the November  
22 2004 election" was the current voter registration database and, most importantly, a log of  
23 all DIMS transactions where registration and ballot information was changed. On  
24 September 30, 2005 I requested that the County produce the database and the DIMS  
25 transaction log. A true and correct copy of this request is attached as Exhibit 5.

26  
Declaration of Stefan Sharkansky Supporting Motion  
for Order to Show Cause - 4 of 12  
(Sharkansky v. King County)  
[ShowCause.dec]

- 1 18. The County responded on October 7, 2005 representing that it would not work on my  
2 database and DIMS transaction request until December 1, 2005 and expected to produce  
3 the information December 9, 2005.
- 4 19. Because the information was critical to the upcoming election, on October 11, 2005 I  
5 reduced my immediate request simply to the DIMS transaction log, screen shots if  
6 necessary, for only a limited number of identified voters. A true and correct copy of this  
7 revised request is attached as Exhibit 6.
- 8 20. Having received no response, I renewed my revised request October 17, 2005.
- 9 21. The County responded on October 21, 2005, representing that it would provide the DIMS  
10 transaction screen prints on October 28, 2005. The County also acknowledged without  
11 explanation that it had not provided all the provisional ballot envelopes responsive to my  
12 request and would produce them on October 24, 2005 and further documents on October  
13 28, 2005.
- 14 22. As of this date, more than six months after my requests, the County has neither produced  
15 nor explained its failure to produce the 91 absentee ballot outer envelopes and 4  
16 provisional ballot envelopes for voters who submitted both, nearly 140 records of non-  
17 registered overseas or service voters, and hundreds of provisional ballots indicated in the  
18 provisional table provided by the County.
- 19 23. The records that I have requested are critical to an analysis of the County's system for  
20 processing and reconciling ballots. The discrepancies that I have exposed from the  
21 incomplete information that the County has provided raise significant questions that must  
22 be addressed prior to the November 8, 2005 general election.
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Declaration of Stefan Sharkansky Supporting Motion  
for Order to Show Cause - 5 of 12  
(Sharkansky v. King County)  
[ShowCause.doc]

1 Under penalty of perjury of the laws of the state of Washington the foregoing is true and  
2 correct to the best of my knowledge.  
3

4 Signed in Seattle, Washington, this 25<sup>th</sup> day of October, 2005.  
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8 \_\_\_\_\_  
Stefan Sharkansky  
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Declaration of Stefan Sharkansky Supporting Motion  
for Order to Show Cause - 6 of 12  
(Sharkansky v. King County)  
[ShowCause.dec]

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**EXHIBIT 1**

Declaration of Stefan Sharkansky Supporting Motion  
for Order to Show Cause - 7 of 12  
(Sharkansky v. King County)  
[ShowCause.dec]

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S T E F A N   S H A R K A N S K Y

February 22, 2005

Dean Logan  
Director  
King County Records, Elections and Licensing Services Division  
500 4th Avenue, Room 553  
Seattle, WA 98104  
*by certified mail and fax*

Dear Mr. Logan:

Please accept this letter as a transmittal of a number of discrete requests for public records from King County Records, Elections and Licensing Service Division ("KCRELS"), under RCW 42.17

- (1) I reiterate my as yet unfulfilled request of Monday, December 27, 2004 for "a list of all King County voters who submitted ballots in the Nov. 2 [2004] election". Although KCRELS released to me a CD-ROM containing a voter list, you have been cited in the media as explaining that the list issued to me was not a list of voters who submitted ballots in the election, but a list that was created "as a result of the labor-intensive "voter crediting" or "voter history" process that is done after election results already have been certified." [*Seattle Post-Intelligencer* February 18, 2005]. If in fact the list that I received was not a list of all King County voters who submitted ballots in the Nov. 2, 2004 election, then I request all documents in which the list of all such voters is contained.
- (2) I reiterate my as yet unfulfilled request of January 10, 2005 for a file of all the King County voter registrations that have been cancelled since Nov. 1, 2004, including full name, full address, registration date and voter id and a reason for cancellation, as provided in RCW 29A.08.770
- (3) I reiterate my as yet unfulfilled request of February 10, 2005 for public records pertaining to the employment of Conor McCarthy, to include Mr. McCarthy's dates of employment, title, duties, pay rate and qualifications.
- (4) I reiterate my as yet unfulfilled request of February 15, 2005 for the files identified in the Nov. 3, 2004 email from Travis Elsom to Bill Huennekens as "No sing [sic] on File" is the list of people who returned a ballot, but we don't have their signature images stored in the data base" and "'AV ballot not signed" is the list of people who did not sign their returned ballot"
- (5) I request all of the "Poll site ballot reconciliation" documents from the November 2004 election, which King County was required to create under WAC 434-253-203
- (6) I request all documents pertaining to the reconciliation of absentee ballots and absentee voters from the November 2004 election.
- (7) It has been reported in the press that approximately 250 of 348 initially unverified provisional ballots have subsequently been attributed to eligible voters. I request the names, addresses and voter ids of these 250 or so voters, the polling places where their ballots were cast and any documents related to the subsequent identification and crediting of these voters.



FEBRUARY 22, 2005

- (8) I request any other documents pertaining to the reconciliation of ballots and voters from the November 2004 election, including all reports presented to the canvassing board prior to the certifications of the three vote counts that show the reconciliation of ballots and/or voters and that explain any discrepancies in the number of ballots counted.
- (9) I request all documents that describe provisional ballot and voter crediting procedures in place at the time of the start of canvass (November 2, 2004) - As well as any changes made after November 2, 2004, and the effective date of the change.
- (10) It was reported in the news media that "County officials said the county's election system does not allow more than one vote per person to be counted." [*Seattle Post-Intelligencer*, January 22, 2005] I request all documents that describe absentee ballot and voter crediting procedures in place during the canvassing period, including the procedures that prevent more than one vote per person from being counted.
- (11) I request copies of all document requests to you, Bobbie Egan, Bill Huennekens and/or other members of your staff whether in email or in hard copy form from any person for any type of document pertaining to the reconciliation of ballots and voters that was made between November 2, 2004 and February 21, 2005.

Sincerely,

Stefan Sharkansky

Enclosure

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**EXHIBIT 2**

Declaration of Stefan Sharkansky Supporting Motion  
for Order to Show Cause - 8 of 12  
(Sharkansky v. King County)  
[ShowCause.dec]

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OF  
MICHAEL G. BRANNAN

MICHAEL G. BRANNAN  
ATTORNEY AT LAW

2033 SIXTH AVENUE, SUITE 800  
SEATTLE, WASHINGTON 98121  
TEL 206-448-2065  
FAX 206-728-2729

JANICE OAKES SCHAFER  
OF COUNSEL

April 7, 2005

VIA FACSIMILE: 206-296-0108

Bobbie Egan  
King County Records, Elections and Licensing Services Division  
King County Administration Building  
500 Fourth Avenue, Room 553  
Seattle, WA 98104-2337

*Re: Stefan Sharkansky Public Records Requests*

Dear Ms. Egan:

On February 22, 2005, my client, Mr. Stefan Sharkansky, sent your office a letter requesting a number of public records, including "all documents pertaining to the reconciliation of absentee ballots and absentee voters from the November 2004 election". To date, the only such document you have produced is a one-page "Mail Ballot Report" which was presented to the canvassing board on Nov. 17, 2004. You are quoted in today's *Seattle Times* as calling this document "so flawed it was virtually meaningless."

In your March 7, 2005 letter to Mr. Sharkansky you estimated that "any other responsive documents will be available by March 31, 2005". I understand that King County failed to produce any additional responsive documents by that date. In your March 31, 2005 letter, you advised Mr. Sharkansky that you were postponing the estimated availability to April 15 but that "At this time, the Elections Section estimates that it could take additional time to be completely responsive"

This unwarranted delay is not acceptable. Unless all of the following documents, which are encompassed in Mr. Sharkansky's Feb. 22 request, are produced not later than 3pm, Monday, April 11, we will have no alternative but to obtain an Order requiring King County to Show Cause why it has not complied with the Public Records Act:

- 1) All documents pertaining to the reconciliation of absentee ballots and absentee voters from the November 2004 election, which includes, but is not limited to, the following documents:

- a. The audit trail documents mandated by WAC 434-240-270, including “A record of when each absentee ballot application was received, the date the ballot was mailed or issued, and the date the absentee ballot was received” and “A record of the disposition of each returned absentee ballot not counted” and “A reconciliation that all absentee ballots counted plus all absentee ballots rejected is equal to the total number of absentee ballots received”. These documents should identify each absentee ballot by voter id, and be delivered in computer-readable format, such as Excel spreadsheet, tab-delimited text, or Microsoft Access database.
- b. Computer-readable documents that list the batch number and voter id for every absentee ballot received.
- c. The absentee ballot “batch slips” described in the April 4, 2005 memo from Garth Fell to Dean Logan titled “Discovery and Subsequent Investigation of Untabulated Absentee Ballots”, i.e. “The batch slip details information regarding a batch from the time it is brought into the EMVR system until it is tabulated.”
- d. Any summary reports of ballot counts by batch number and disposition that would indicate batch-level discrepancies between ballots counted at various stages in processing, e.g. discrepancies between the number of ballots “initially verified and transferred the opening process” and the number of ballots ultimately tabulated.
- e. The names and voter ids of all of the approximately 93 voters whose absentee ballots were recently discovered and identified in the April 4 memo from Garth Fell to Dean Logan.
- f. Copies of both the absentee ballot outer envelope and provisional ballot envelope for the voters who were identified as having returned absentee ballots in the files on KCREALS’ “Absentee Ballot Return Statistics” web page updated Nov. 18, 2004, but who are credited in the voter registration database as having cast a provisional ballot. A listing of the names and voter ids of these voters is enclosed. (Mr. Sharkansky also sent you an e-mail with an Excel spreadsheet of this list on March 25). Any other documents that could explain why these voters who returned absentee ballots would be credited as having cast a provisional ballot.
- g. Any other documents that would be directly relevant to the reconciliation of absentee ballots received, counted and rejected in the November 2004 election.

- 2) All documents that describe ballot and voter crediting procedures (for both absentee and provisional ballots) in place at the time of the start of canvass (November 2, 2004) - As well as any changes made after November 2, 2004, and the effective date of the change.
- 3) A working replacement for the defective audio CD of the Canvassing Board minutes that was delivered to Mr. Sharkansky on March 31, 2005.

Thank you in anticipation of your prompt cooperation.

Very truly yours,

Michael G. Brannan  
cc: Stefan Sharkansky

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**EXHIBIT 3**

Declaration of Stefan Sharkansky Supporting Motion  
for Order to Show Cause - 9 of 12  
(Sharkansky v. King County)  
[ShowCause.dec]

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5726 Keystone Place North

Seattle, Washington 98103

(206) 526-9970

(206) 526-7088 fax

theshark@usefulwork.com

July 5, 2005

Dean Logan

Director, King County Records, Elections and Licensing Services Division

500 4th Avenue, Room 553

Seattle, WA 98104

*by U.S. mail and fax*

Dear Mr. Logan:

I'm writing to follow up on a number of as yet inadequately satisfied requests for public records that I have presented to the King County Records, Elections and Licensing Service Division ("KCREALS"), under RCW 42.17. Unless all of the following requests are satisfied in full by 9am, Wednesday, July 13, I will have no alternative but to obtain an Order requiring King County to Show Cause why it has not complied with the Public Records Act.

- (1) On February 22, 2005 I requested "all documents pertaining to the reconciliation of absentee ballots and absentee voters from the November 2004 election". This request had not been satisfied by April 7 and on that date I clarified the request by asking for "The audit trail documents mandated by WAC 434-240-270, including 'A record of when each absentee ballot application was received, the date the ballot was mailed or issued, and the date the absentee ballot was received' and 'A record of the disposition of each returned absentee ballot not counted' and 'A reconciliation that all absentee ballots counted plus all absentee ballots rejected is equal to the total number of absentee ballots received'". On April 15 I was issued a CD with a data file that purported to be responsive to this request. However, my subsequent research has indicated that this file was not fully responsive. For example, with only a small number of exceptions, it lists at most one ballot for each voter who requested a ballot, when in fact, there many voters who were issued multiple ballots. **I request that KCREALS issue immediately and at no additional charge a replacement CD with a file of identical format as the April 15 file but listing all of the issued ballots, including multiple ballots per voter where applicable.**
- (2) The file mentioned in (1) above did not include information on any of the mail ballots returned by non-registered overseas and service voters. Other county records and court testimony have indicated that 261 such ballots were tabulated. **I request that KCREALS produce copies of these mail ballot envelopes showing voter information along with any other documents showing the precincts where these voters' ballots were tabulated. While I am requesting and will pay for copies of these envelopes, I also request to examine the original envelopes.**
- (3) In response to my April 7 letter, KCREALS issued me on April 13 a CD with a set of "PSI batch files" (i.e. each file is identified by the batch number and purportedly contains all of the av\_id numbers of the ballots that were in each batch). However, this set did not include any files for batches that were created on October 29. **I request that KCREALS issue immediately and at no additional charge a CD containing the October 29 batch files.**
- (4) In my April 7 letter, I requested "Copies of both the absentee ballot outer envelope and provisional ballot envelope for the voters who were identified as having returned absentee ballots in the files on KCREALS' 'Absentee Ballot Return Statistics' web page updated Nov.

18, 2004, but who are credited in the voter registration database as having cast a provisional ballot” and “any other documents that could explain why these voters who returned absentee ballots would be credited as having cast a provisional ballot”. A list of these voters is attached. Bobbie Egan’s letter to me dated April 13, 2005 estimated that this information would be available on May 18, 2005. It has not yet been made available to me. **I request that KCREALS produce these documents immediately.**

- (5) On June 20, 2005 I requested copies of all of the absentee ballot envelopes of batch RB-3365. Bobbie Egan replied on that date that “I suspect that will be ready sometime next week”, meaning the week ending Friday, July 1. After several e-mail and telephone communications with KCREALS staff that week, I was told that the documents were not available after all, but that I would be contacted again this Wednesday afternoon, July 6 in regard to this matter. **I request that KCREALS produce these documents immediately.**
- (6) In her March 7 reply to my February 22 request, Bobbie Egan wrote: “You are welcome to review absentee ballot envelopes if you’d like, however we will need at least one week to make arrangements for such a request”. Indeed, I have asked to review absentee ballot envelopes but my requests were explicitly denied. (see attached e-mail exchange). Although I was allowed to review some *copies* of absentee ballot envelopes, copies are not always an adequate substitute for reviewing original envelopes. **I request to examine the original ballot envelope of every absentee ballot that was returned for the November 2004 election, but rejected prior to validation and not tabulated.**
- (7) In addition to reviewing the original envelopes of the rejected ballots as mentioned in (6) above, **I also request 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. For example, I request to examine any documents that form the foundation of the report’s claim that a total of 292 ballots were rejected “after validation”**
- (8) I seek to inspect a number of absentee ballot envelope batches in the coming weeks. I will ask to be granted access, within five business days of notice, to inspect entire batches of envelopes (including original batch slips) at the facility where the envelopes are warehoused. Furthermore, I ask that such advance notice for inspecting the batches need consist only of the quantity of requested batches and number of reviewers in my party and that the specific batches requested need not be identified until the time of the inspection. I also ask to accompany and observe the KCREALS staff as they retrieve the requested batches from storage. To begin with, **I request to inspect 5 batches of absentee ballot envelopes at the MBOS facility next week on either July 11<sup>th</sup>, 12<sup>th</sup> or 13<sup>th</sup>, whichever of these days is most convenient for KCREALS and starting at 9am. I will identify the specific batches at the time of inspection.**

Sincerely,

Stefan Sharkansky

Enclosures



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**EXHIBIT 4**

Declaration of Stefan Sharkansky Supporting Motion  
for Order to Show Cause - 10 of 12  
(Sharkansky v. King County)  
[ShowCause.dec]

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S T E F A N   S H A R K A N S K Y

September 26, 2005

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

Dear Dean:

I am writing with status on some of my prior public records requests and with some follow-up requests prompted by information that I have recently found in documents responsive to my earlier requests.

1. Regarding the absentee and provisional data files that were issued to me on a CD on September 13<sup>th</sup>. The two data files appear to be in order. Unless I encounter any unforeseen deficiencies in the data, I consider these requests closed to my satisfaction.

2. I acknowledge receipt of the Fedex containing 114 pages with copies of federal write-in ballot declarations from 113 voters, along with a cash refund in the amount of \$3.00. However, having now examined approximately 1,600 original federal write-in ballot envelopes, including the originals for the 113, I am not convinced that these copies are responsive to my requests for copies of ballots of all of the unregistered overseas and service voters whose ballots were tabulated last November. Indeed, it is not possible to ascertain from the condition of the envelopes and the canvasser notes on the envelopes which of these ballots were tabulated, which were rejected, and which of the tabulated ballots were cast by registered voters. Nearly all of the envelopes are open with the actual ballots still inside. Also, I am still confused by the press releases of January 5 and January 7 which indicated that "1,342 write-in ballots received and 1,081 validated and counted", "16 [federal write-in] ballots" were "received too late" and "251 federal write-in absentee ballots [from unregistered voters] were tabulated." Please provide the following: (a) any documents that describe the procedures used during the November 2004 election to verify and tabulate federal write-in ballots, to store the used federal write-in ballots and envelopes, and/or any documents that describe the notes that canvassing staff wrote on the federal write-in envelopes; (b) any additional documents that were used as sources for the numbers of federal write-in ballots that were reported in the January 5 and January 7 press releases.

3. Regarding the 91 voters for whom I requested copies of both the absentee and provisional envelopes on April 7.

a. At this time I have not received any copies of the absentee envelopes. None of these absentee envelopes appear among the more than 3,400 rejected envelopes that I have examined. Nor do any of the envelopes appear among any of the batches of tabulated envelopes that I have examined. If any of these envelopes have been removed from their batches, please release those envelopes to me at the Archives without further delay. In the alternative, please provide any documents that would explain why such envelopes are not present in the batches indicated in the absentee ballot data files provided me.

b. Mary Stoa informed me by telephone and fax on or about September 2 that only 29 of the requested provisional ballot envelopes could be located. In fact, I discovered more than 40 additional responsive envelopes bundled together near the top of the box of provisional envelopes that was released for my inspection on Friday, September 16. Given the possibility that a member of your staff was aware of these

SEPTEMBER 26, 2005

documents and knowingly concealed them from public disclosure, I now request access to inspect all of the remaining provisional ballot envelopes from the November 2004 election without delay.

Sincerely,

Stefan Sharkansky

CC: Councilmember Jane Hague  
Councilmember Kathy Lambert  
Dan Satterberg  
Deborah Kennedy

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**EXHIBIT 5**

Declaration of Stefan Sharkansky Supporting Motion  
for Order to Show Cause - 11 of 12  
(Sharkansky v. King County)  
[ShowCause.dec]

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**Subject:** information request  
**From:** Stefan Sharkansky  
**Date:** Fri, 30 Sep 2005 11:17:47 -0700  
**To:** sandeep.kaushik@metrokc.gov  
**CC:** "Logan, Dean" <Dean.Logan@METROKC.GOV>  
:

Sandeep,

As I mentioned on the phone, I'm researching a story for The Stranger about various apparent irregularities I discovered in the archive of election documents.

I'm now seeking access to additional computer records to confirm additional details. This should be considered a public records request under RCW 42.17 In particular, I am interested in the history of database transactions on voter registration records and the associated absentee ballot and provisional ballot records. I would be grateful for assistance in obtaining the following

1) 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

To help me understand all of the data in (1), I also request whichever of the following can be arranged most quickly--

- a) Print outs of DIMS screen shots showing the complete voter registration record and transaction logs on the voter registration, absentee ballot and/or provisional ballot records for the voters identified in the attached spreadsheet
- b) An opportunity to sit with a member of the Elections technical staff and examine in real-time the DIMS voter registration, absentee ballot and provisional ballot records and the transaction logs for the voters identified in the attached spreadsheet.

Please let me know when I can expect to obtain this information.

Thank you very much,  
Stefan Sharkansky

<b>VoterIDsNeedResearch0930.xls</b>	<b>Content-Type:</b> application/vnd.ms-excel <b>Content-Encoding:</b> base64
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**EXHIBIT 6**

Declaration of Stefan Sharkansky Supporting Motion  
for Order to Show Cause - 12 of 12  
(Sharkansky v. King County)  
[ShowCause.dec]

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

October 11, 2005

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

Dear Dean:

I'm writing to reply to Bobbie Egan's letter of October 7<sup>th</sup> in response to my September 30<sup>th</sup> request for DIMS transaction log data.

While I would like to obtain the entire transaction log in electronic form, I am most interested in the transaction log entries for certain voters whom I identified in my October 3<sup>rd</sup> email to Sandeep Kaushik. My request presented three alternative methods for KCREALS to produce the requested records (a dump of the entire transaction log, screen shots of specific voter records, or live viewing of specific voter records on a computer screen) I will accept, for now, the production of records in whichever of the three proposed formats would enable KCREALS to provide the earliest complete response. I reject the characterization that my proposal to view the specifically identified records on a computer screen is not a proper records request. It simply proposes one possible method for inspecting records which exist as computer data entries.

KCREALS' proposed timeframe for delivering the requested records is unreasonable and unacceptable. I see no reason why these records cannot be produced in one of the three requested forms within one week. Please reply with a more reasonable timetable for the production of the requested records, or explain the exact steps involved in producing the requested documents that would justify a longer timeframe. If I do not receive a satisfactory response by 6pm Thursday, October 13, I will instruct my attorney to file a motion in Superior Court.

Sincerely,

Stefan Sharkansky

cc: Mark Lamb, Esq.  
Councilmember Kathy Lambert  
Councilmember Reagan Dunn

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SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR SHOHOMISH COUNTY

Stefan Sharkansky, an individual,  
  
Plaintiff,  
  
v.  
  
King County; Ron Sims, King County  
Executive; King County Records, Elections and  
Licensing Services Division, and Dean Logan,  
an individual,  
  
Defendants.

NO.  
  
Motion to Shorten Time

COMES NOW Stefan Sharkansky, plaintiff, by attorney C. Chip Goss of Tacey Lamb  
LLP, and respectfully requests that the court issue an order shortening time to note Plaintiff's  
Motion for Order to Show Cause for hearing Thursday, October 27<sup>th</sup>, at 9:00 a.m. For over six  
months, Mr. Sharkansky has sought disclosure of public records subject to disclosure under  
RCW 42.17.330 et seq. relating to defendants' vote processing and records procedures.  
Defendants without explanation have failed to disclose the specific records requested by  
Sharkansky. Defendants further have failed to respond to Mr. Sharkansky's supplemental  
requests for public records and to provide reasonable explanations and estimates of the time  
when the specific records will be disclosed.



1 Defendants vote processing and records procedures are of critical importance to the  
2 upcoming election of November 8<sup>th</sup>, 2005. Assuming in the light most favorable to defendants  
3 that the records requested by Mr. Sharkansky have been lost or misplaced, it strongly suggests  
4 that ballots were mishandled and, possibly, improperly tabulated and/or reconciled. It is  
5 imperative that the procedures leading to such an unacceptable situation be addressed and  
6 corrected before the upcoming election.  
7

8 Unless the court shortens the time for Mr. Sharkansky's Motion for Order to Show Cause  
9 to be heard, the people of Washington will be denied the opportunity to examine defendants'  
10 flawed voting records procedures before millions of new votes from the November 8<sup>th</sup>, 2005  
11 election must be counted under these faulty procedures.

12 Respectfully Submitted this 25<sup>th</sup> day of October, 2005.

13 TACEY LAMB LLP  
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16 By \_\_\_\_\_  
17 C. Chip Goss, WSBA No. 22112  
18 Attorneys for plaintiff  
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King County; Ron Sims, King County  
Executive; King County Records, Elections and  
Licensing Services Division, and Dean Logan,  
an individual,  
  
Defendants.

NO.  
  
Declaration Supporting Motion to Shorten  
Time

C. Chip Goss hereby subscribes, swears and declares:

1. I am counsel for plaintiff in this matter.
2. I did provide to the Clerk of the King County Council and to prosecuting attorney

on this day true and correct copies of the following:

- Summons
- Complaint for Violations of the Public Disclosure Act
- Plaintiff's Motion to Shorten Time
- Declaration Supporting Motion to Shorten Time
- Proposed Order Shortening Time
- Plaintiff's Motion for Order to Show Cause
- Declaration of Stefan Sharkansky Supporting Motion for Order to Show Cause;
- Proposed Order to Show Cause;

1 Under penalty of perjury of the laws of the state of Washington the foregoing is true and  
2 correct to the best of my knowledge.

3 Signed in Seattle, Washington, this 24<sup>th</sup> day of October, 2005.

4 TACEY LAMB LLP

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6 By \_\_\_\_\_  
7 C. Chip Goss, WSBA No. 22112  
8 Attorneys for plaintiffs  
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