



King County

Ron Sims
King County Executive

CHARTER REVIEW COMMISSION

Mark Yango
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King County Charter Review Commission
Meeting Minutes – November 27, 2007
Chinook Building, 5:30pm-7:30pm

The November 27, 2007 meeting of the King County Charter Review Commission was called to order by co-chair Governor Mike Lowry at 5:37 p.m.

Commission members in attendance:

Mike Lowry, Co-chair
Lois North, Co-chair
Trisha Bennett
Juan Bocanegra
Doreen Cato
Dan Gandara
Darcy Goodman
Kirstin Haugen
John Jensen
Terry Lavender
Sharon Maeda
Allan Munro
James Williams

Absent:

Jim English
Bryan Glynn
John Groen
Tara Jo Heinecke
Gregg Hiramawa
Gary Long
Sarah Rindlaub
Mike Wilkins

Staff:

Mark Yango, Charter Review Coordinator
Charlotte Ohashi, Administrative Assistant, Charter Review Commission
Becky Spithill, Project Manager, Charter Review Commission
Corrie Watterson Bryant, Project Manager, Charter Review Commission

Council and PAO Staff:

Ross Baker, Council Chief of Staff
Mike Sinsky, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office
Nick Wagner, Council Co-Liaison to the Commission

Guest Speakers:

Ralph Munro, Former Washington Secretary of State

Don Whiting, Former Washington State Chief Elections
Pat McCarthy, Pierce County Auditor,
Kurt Triplett, Chief of Staff to King County Executive Ron Sims

1. Opening Remarks

Governor Mike Lowry asked for approval of minutes from the October 30, 2007 meeting. The minutes were approved as presented.

2. Guest speaker presentations

Ralph Munro

Mr. Munro outlined the history of elections authorities in the United States, noting that counties were initially the only elections authorities, and many Secretaries of State had no jurisdiction over local elections at all. He noted that the federal government began to involve itself in elections over the issues of absentee ballots for service members, civil rights, handicapped accessibility, and the Help America Vote Act. Secretaries of State are now the chief elections officers of their states.

Mr. Munro presented his positions on a number of issues:

- Supports election of the county Director of Elections. The elected Secretaries of State tended to be more innovative and fast-moving in their work
- Believes in partisan positions, because most elections are essentially partisan anyway
- Recommends that regarding Instant Runoff Voting, King County should watch how the process in Pierce County works
- Does not support allowing citizens to amend the Charter

Don Whiting

Regarding the signature threshold for citizen initiatives: Research that Mr. Whiting conducted in the mid-70s in Washington State found that 1/5 of proposed initiatives made it to the ballot, and almost exactly 50% of those that did, passed. Looking at 2006 data, the percent of initiatives that qualified for the ballot was a bit lower than in the 70s, but exactly 50% of the initiatives that made it to ballot passed.

Mr. Whiting believes that these results reflect a perfect standard, in which it is neither too easy nor too hard to get an initiative passed. Mr. Whiting urged the CRC to use about the same standard for amending the charter by citizen initiative (1/5 make it to ballot, 50% pass).

Regarding partisanship: Mr. Whiting noted that partisanship exists at all levels of government. A case was recently heard at the Supreme Court on I-872, on Washington's "nonpartisan" blanket primary; watch for that decision in February.

Regarding instant runoff voting: Mr. Whiting is an advocate of these types of voting systems, though they have two fundamental problems: 1) they are complicated for the voters to understand and 2) they are complicated for elections officials to implement. The system that is

the easiest to explain is the least effective (IRV). He recommended that the CRC wait to see how Pierce County's system functions before considering it for King County.

Questions and Answers (paraphrased)

Mrs. North: regarding amending the charter by initiative, our subcommittee (Governmental Structure) felt that it should be more difficult to amend the charter than to implement ordinances. We settled on the signature threshold used by many Washington home rule counties, of 20% of the signatures cast in the last election for county Executive.

Mr. Whiting: This is a matter that the CRC must decide itself. However, it is important to have specific language in the charter prohibiting direct amendment of the charter.

Mr. Lowry: We based the threshold on the last Executive election, as we believed the Gubernatorial threshold would be too prohibitive for citizen initiative. What would be the falloff between votes cast in the Executive and Gubernatorial elections?

Mr. Whiting: There would be some falloff. You could also choose to use a threshold of signatures using a percentage of the registered voters in the last election.

Mr. Lowry: What is your opinion on paid signature gatherers?

Mr. Munro: It has changed the equation; our forefathers would have never dreamed of this. That said, everyone in government is furious with Tim Eyman, but he hits on ideas that find a public nerve point.

Mr. Whiting: The damage done to the political process from paid signature gathering is that the volunteers are driven out, because the professionals are better at getting signatures. You now can't succeed at a citizen initiative campaign without the paid signature gatherers.

Kurt Triplett

Key issues for the Executive Ron Sims:

- The charter has stood the test of time. As the constitution of our county, it should be changed sparingly, and then in particular to fix something that can't be changed any other way.
- The CRC should create a true, rational process for amending the charter. We don't believe that the charter should be amended by citizen initiative, but the Supreme Court has made its ruling. It's critical to establish a high but not impossible signature standard. Twenty percent is a great start, though it could be even higher.
- The Elections Director should remain an appointed position. You can have a good elections director whether the position is elected or appointed. But we believe that the best elections director would result from an appointed position.
 - King County's elections system is highly specialized and technical. The nature of the position makes an appointed director more appropriate.

- The current system of appointment by the Executive, and confirmation by the Council, creates a very high threshold to ensure that the most qualified person holds the position.
- In the case of a bad elections director, it is easier to change that person if the position is appointed rather than elected.
- Special interest politics and money may be brought to bear in a race for an elected elections director.
- The Sheriff should be returned to an appointed position, because it is highly skilled and technical. This has only become more the case with the addition of new duties for the Sheriff, including emergency management and homeland security. In addition, the Executive is opposed to transferring collective bargaining duties from the Executive to the Sheriff's Office.
- Positions that are currently partisan should remain partisan; this key identifier for the voters should be maintained. There are also issues in county government that do break down along party lines.
- It makes sense that the recommendations of the CRC should go straight to the ballot now that citizens can amend the charter directly. This informed group should be able to amend the charter as well. The Council should also be able to put alternative amendments on the ballot along with the CRC's recommendations.

Questions and Answers (paraphrased)

Mr. Bocanegra: What does it cost to run an election for an elections director?

Mr. Triplett: The cost is probably minimal. The accountability of the office and the ability to change someone out quickly are the key points, though, not the cost.

Mrs. North: What about qualifications for the elections director?

Mr. Triplett: If a county office is elected, there should be qualifications for that office established by ordinance. With an appointed professional, however, that person will be vetted by the Council and can be removed by the Executive, which lends further credence to appointing rather than electing the elections director.

Ms. Cato: What does accountability mean, with regard to elected versus appointed officials?

Mr. Triplett: With an elected official, you are stuck with elected officials for four years. In the past, such as with King County Elections, a quick response to poorly performing appointed officials has been important. Also, quite a few innovations have occurred because appointed elections officials have had the time to look around for the latest ideas.

Ms. Lavender: Does the Executive have any comments or direction to give the CRC with regard to perception of a lack of government representation in the unincorporated areas of the county?

Mr. Triplett: The county keeps trying new things in every year and every budget, and I think has succeeded a lot more than people think, in aggregate. But there really is no solution, and no one has fully figured this out. The basis for representation in county government is based on population, and it's difficult to put that aside.

Mr. Jensen: Should the Council be permitted to submit a companion/alternative charter recommendation on the ballot, if the CRC's recommendations go straight to the ballot?

Mr. Triplett: Yes, the Council could have the ability to submit a complementary action.

Mr. Munro: What signature threshold would the Executive support for getting citizen charter amendments to the ballot?

Kurt: Our concern is that the threshold should be set fairly high. I like using the Governor's race turnout, because it has the highest turnout, though the Executive is also a rational choice because that office is local. A twenty percent signature threshold is a good one.

Mr. Munro: Does the Washington Supreme Court decision that authorized citizen amendment of the charter prevent us from inserting something in the charter that would prohibit amending charter by initiative?

Mr. Sinsky: According to the Supreme Court, our existing charter language allows amendment of the charter by initiative. That could be changed, to explicitly disallow amendment by initiative.

Mr. Triplett: We would support that change.

Pat McCarthy

Ms. McCarthy stated that the integrity of Pierce County's elections is her office's first and foremost priority. Innovation is also a priority in Pierce County, as is voter education and outreach.

In November 2006, Pierce County's Charter Review Commission submitted a charter amendment to implement Instant Runoff Voting (IRV). The campaign was built on voter dislike of the new pick-a-party primary. It was approved by the voters by 53%. The Auditor is required to implement IRV for certain county offices by July 2008.

Ms. McCarthy noted that she was not an advocate of ranked choice voting, initially, but that Pierce County Elections is fully committed to successfully implementing the system.

Impacts of IRV: the major political parties will now choose who can use the party label, the winner will be elected at the general election only, and voters will receive at least two ballot pages (traditional and IRV). Voters will still need to select a party.

Challenges:

- Number of candidate rankings
- Filing for office
- Results reporting
- Voting options
- Voter education
- Codifying procedures

Ms. McCarthy noted that San Francisco is a good model for voter education efforts.

She also reported that the cost to implement IRV in Pierce County is currently projected to be \$3 million dollars. This includes approximately \$1.1 million dollars in one-time expenses, including the IRV voting software.

Ms. McCarthy's more extensive, prepared written remarks are attached to these minutes.

Questions and Answers (paraphrased)

Mr. Munro: Please explain the IRV process again; in an IRV election, what happens to my second and third choices after the first round is tabulated, and assuming my first choice is eliminated?

Ms. McCarthy: Your second and third choices now become your first and second choices. These types of questions are an excellent example of why we needed so much money for voter education! The emphasis of our efforts, however, is teaching voters how to mark the ballot.

Mr. Williams: How many rounds does it take to identify the final winner? If you have a front-runner that is dramatically ahead, the algorithm doesn't matter, correct?

Ms. McCarthy: Yes; in San Francisco, the front-runner in every election we looked at was the eventual winner. There is no need to run the algorithms every day; we want to get to run the algorithm twice, ideally.

Ms. Bennett: This seems like a difficult process to implement.

Ms. McCarthy: Yes, but advocates say that nicer elections will be the result, and there may be truth to that. The winner may now be determined by voters' second and third choices, so candidates will do best if they do not alienate their opponents' supporters. There will also be people who will like this system because they aren't vested in a single candidate, but in two or three candidates.

Ms. Cato: How did San Francisco educate the population, and how will Pierce County educate its citizenry? This is very complex.

Ms. McCarthy: We want to ensure that voters have confidence in the process. We may need more assistants at the polls. We will also have people staffing phones, answering voters' questions, and will put inserts in the ballots explaining the process. We will use the newspaper media as much as possible to get the word out to voters about how to vote in an IRV election.

Mr. Munro: Will you report the results of the first round?

Ms. McCarthy: November 2008 is a very important election, and our focus will be on managing an outstanding election. With regard to ranked choice voting, we will most likely report our results on election night, but will wait to run the algorithm until later in that week. We will choose accuracy over speed if there is a conflict.

Mr. Baker: How can you run the algorithm before all of the ballots are in? Do you have to physically rerun the ballots to run the algorithm again?

Ms. McCarthy: You run the algorithm for that moment in time. If the race is close enough, you can run the election again on the computer.

3. Issue status update

Mr. Yango reviewed the issues that will come before the CRC at its next meeting, on December 11th. These issues include adding "sexual orientation" to the anti-discrimination clause, eliminating the budget allotments section from the Charter, and formalizing charter amendment by citizen initiative, with a signature threshold of 20% of the votes cast in the last Executive election.

The meeting was adjourned at 7:21pm. The next meeting of the full CRC will be Tuesday, December 11, 2007 in the Chinook Building, R-121.

Respectfully submitted by Corrie Watterson Bryant