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Election manager linked to false report

By Keith Ervin
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King County's absentee-ballot supervisor has testified that she collaborated with her boss when she filled out a report that falsely showed all ballots were accounted for in the November election.

Nicole Way said in a deposition Friday that she and assistant elections superintendent Garth Fell agreed to the misleading report because officials didn't know how many absentee ballots were returned by voters.

Way is the first employee to link an upper-level manager with a practice that failed to meet state ballot-auditing regulations.

The regulations require counties to reconcile the number of absentee ballots returned by voters with the number of ballots accepted or rejected. Way's report showed perfect reconciliation because it simply added the number accepted and rejected to calculate ballots returned.

Elections officials now acknowledge that dozens of absentee ballots were misplaced and the votes not tabulated during the November election. The ballots were never counted as accepted or rejected.

She said elections director Dean Logan and elections superintendent Bill Huennekens were aware that a newly installed computer was unable to give a precise count of ballots returned, but she did not suggest that they knew how the Mail Ballot Report was prepared.

Elections officials declined to comment on Way's testimony.

"That's something that's part of my deposition as well," Fell said. "I'd let that record speak for itself when it comes out."

Fell, who was deposed one day before Way, will answer more questions from lawyers tomorrow. His deposition wasn't available yesterday.

King County elections spokeswoman Bobbie Egan said Logan and Huennekens also would not comment. "This is part of the election contest, and we must respect that," Egan said.

Way, who has been suspended with pay during an investigation into problems with the handling of absentee ballots, testified in connection with the Republican Party's contest of Democrat Christine Gregoire's election as governor.

That contest goes to trial Monday before Chelan County Superior Court Judge John Bridges. Republicans have cited King County's inability to say who cast hundreds of ballots as one reason to

overturn the election.

Way testified elections officials couldn't keep track of ballots returned because the new computer system "didn't seem to track things on the scale that we would need it [to]."

She also said the computer didn't tally the number of ballots it automatically rejected for various reasons.

Way said she and Fell agreed that adding together the number of ballots accepted and rejected was "the only thing we could do" to come up with a ballots-returned number. "I believe he was sitting at my desk when we were filling it out, and we discussed it then," she said.

Secretary of State Sam Reed has called King County's ballot report "appalling" and "totally unacceptable."

Logan last month reassigned Way and her entire staff to jobs outside the Mail Ballot Operations Satellite after 95 valid absentee ballots from the November election were found uncounted inside their original envelopes.

Way and three other employees later were placed on paid administrative leave when ballot envelopes were mailed without ballots to some voters for an April 26 special election.

In other testimony, Way said:

- It is possible there are more uncounted ballots, despite a painstaking search through boxes of ballot envelopes. She didn't elaborate on that statement.
- The county had no system for investigating discrepancies in counts of absentee ballots between the time they were verified and the individual votes counted.
- At least 566 valid absentee ballots weren't included in two out of three vote counts in the governor's election because she mistakenly thought there weren't any signatures in county files to verify the ballots.

She said an unknown number of valid ballots weren't counted in the September primary for the same reason.

Logan and Huennekens ordered staff members a year ago to not count absentee ballots when they couldn't find a signature in the voter database to compare to the voter's signature on the ballot envelope.

But Huennekens said in a deposition last month he recently learned that an unknown number of provisional ballots were counted after workers failed to find signatures on file. Provisional ballots are those cast by voters whose names don't appear in poll books or who are voting outside their precincts. They aren't supposed to be counted until the voters' eligibility and signatures are verified.

Assistant elections superintendent Carlos Webb said yesterday that he had instructed the staff to count those unverified ballots, but he declined to explain why.

More than 700 other provisional ballots were counted at polling places before voters' eligibility was verified — a violation of county and state policies.

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