



King County

Ron Sims
King County Executive

CHARTER REVIEW COMMISSION

Mark Yango
Charter Review Coordinator

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King County Charter Review Commission
Meeting Minutes – July 31, 2007
Seattle Municipal Tower, 5:30pm-7:30pm

The July 31, 2007 meeting of the King County Charter Review Commission was called to order by co-chair Governor Mike Lowry at 5:40 p.m.

Commission members in attendance:

Mike Lowry, Co-chair
Lois North, Co-chair
Trisha Bennett
Doreen Cato
Dan Gandara
Bryan Glynn
John Groen
Kirstin Haugen
Tara Jo Heinecke
John Jensen
Terry Lavender
Gary Long
Sharon Maeda
Allan Munro
Sarah Rindlaub
Mike Wilkins
James Williams

Absent:

Juan Bocanegra
Jim English
Darcy Goodman
Gregg Hirakawa

Staff:

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

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Hong-Nhi Do, Executive Intern

Council and PAO Staff:

Ross Baker, Chief of Staff, King County Council

Rebecha Cusack, Legislative Lead Analyst, King County Council

Jeanne Keenan, Legislative Aide, District 6, King County Council

Grace Reamer, Legislative Aide, District 3, King County Council

Mike Sinsky, Senior Deputy Prosecuting Attorney, Prosecuting Attorney's Office

Jennifer Stacy, Deputy Prosecuting Attorney, Prosecuting Attorney's Office

Nick Wagner, Principal Legislative Analyst, King County Council

Others:

Dick Albrecht, King County Charter Freeholder

Donna Gordon, former Charter Review Commission coordinator

Toby Nixon, former state legislator

Sonny Putter, Suburban Cities Association

Mark Smith, Professor of Political Science, University of Washington

1. Opening Remarks and Introductions

Mike Lowry made introductory comments and asked for approval of minutes from the June 26, 2007 meeting. Allan Munro suggested an edit on page 4, changing the word "incorporated" to "unincorporated." The minutes were approved as amended.

Mike Sinsky introduced Jennifer Stacy, who will be assisting with legal advice on charter issues.

Mr. Sinsky gave a brief report on I-25, the county initiative to elect the Director of Elections. He explained that the CRC should refrain from taking a position on I-25 prior to our 2008 report, because it is potentially illegal for a commission to take a position on an active ballot initiative. The law does not restrict individual members from publicly taking a position.

Mike Wilkins asked if there is anything barring the CRC from having input when it is timely. Mr. Sinsky answered that the commission could comment on the initiative inside its 'normal and routine activities'. He advised, though, that deviating from our existing schedule to consider I-25 now might not be considered part of our normal and routine activities.

After some discussion, the commission decided not to take a position on I-25 at this time. Reasons included the tight timeline of September 21 to get recommendations to the Council, legal uncertainties, and avoiding too much focus on one particular charter issue.

2. Guest Speakers

Dick Albrecht, King County Charter Freeholder:

Mr. Albrecht spoke in opposition to electing the Director of Elections. He said that there is a common theme in our political life, which is that when a segment of the public becomes concerned with the way something is not working, there becomes a strong urge to "do

something,” regardless of whether that something is better than the status quo. He characterized I-25 as such a response.

Mr. Albrecht suggested that this commission work to 1) achieve an understanding of the Director of Elections position, and the public’s expectations; 2) set qualifications for the position; and 3) outline the selection process to find the person with the best qualifications, who would seek this position.

He also recommended criteria for measuring the performance of the elections system, including creating a system that 1) makes it easy for a qualified citizen to register and vote; 2) only allows qualified people to vote, and maintains confidentiality of the vote; 3) ensures that each person casts only one ballot in each election; and 4) produces an accurate, prompt, and verifiable tabulation.

Mr. Albrecht argued that the kind of leader qualified to manage such a system is not a politician, who has to campaign every four years and maintain a high public profile. He suggested that the skill set and management capability needed for the position of Director of Elections would best be found in an appointed leader.

Toby Nixon, Former State Legislator, 45th District:

Mr. Nixon spoke in favor of electing the Director of Elections. He is currently the chair of Citizens for Accountable Elections, which spearheaded I-25. He recommends separating out the functions of the current elections department from the Executive’s office, making the Director of Elections a nonpartisan elected official running an office that is dedicated only to elections.

Mr. Nixon stressed that we need confidence that our elections are fair, accurate, and legal. He noted that the an elected position gives the officeholder the ability to speak out and advocate changes needed to improve elections, and also to advocate for the resources needed to properly conduct elections. If an elected director fails, no one can protect them.

Mr. Nixon commented that the original charter assumed that most offices would be appointed, and that these trained professionals would be insulated from politics. Over time, he suggested, elections came to be viewed as a low priority in county budget negotiations. But elections officials could not speak independently without the consent of the Executive. Mr. Nixon said that elections integrity is only a small issue in Executive elections, leading to little accountability for elections with the voters.

He noted that the Council and the Executive both appointed commissions that have recommended electing the Director of Elections.

Mark Smith, Professor of Political Science, University of Washington

Mr. Smith spoke on electing versus appointing the Director of Elections. He examined the subject from a neutral point of view, and did not take a position on I-25. Mr. Smith offered an

objective in deciding whether to elect or appoint the director: Devising a process that will yield a Director of Elections who is competent and fair.

Reasons outlined by Mr. Smith to prefer an appointed position include taking politics out of the process and avoiding undervote on the ballot. Undervote is the phenomena in which voters vote in greater numbers for the positions at the top of the ballot than the bottom. Positions such as Executive receive more votes than the county judges, for example. The Director of Elections would be 'downballot' and receive fewer votes than the Executive receives.

Reasons given by Mr. Smith to prefer an elected position include consistency with the rest of Washington, where all other county elections directors are elected, and real or perceived incompetence and/or unfairness in the management of recent elections.

Mr. Smith noted that "with either elections or appointments, you can end up with a person who is competent and fair. You can also fail with either process. There is no silver bullet."

Questions for the speakers:

Sarah Rindlaub asked Mr. Albrecht whether he had taken into account the recommendations of the two elections commissions appointed, referenced by Mr. Nixon. Mr. Albrecht said that he had, but that he disagreed with them.

Sharon Maeda asked how much it would cost to run a viable campaign for the Director of Elections position. Mr. Nixon directed the question to an audience member, who answered that it would cost \$150,000 at a minimum. Ross Baker noted that Seattle City Council candidates typically spend \$250,000. Bryan Glynn asked how that money would be raised. Mr. Nixon said he was not sure, and was not sure exactly who would be interested in running for the office. Mr. Jensen argued that you could not look at elected offices as 'soiled' by fundraising.

Doreen Cato said that she felt torn on the issue of electing versus appointing the director, but that two big criteria in considering the question were accountability and competency. She said that appointees were sufficiently competent; but that citizens' big complaint was that they are not accountable. She asked Mr. Albrecht how accountability is defined, with an appointee.

Mr. Albrecht answered that we cannot elect everyone, and that there is a limit to how many people I can hold directly accountable, as a citizen. This idea is supported by the phenomena of ballot dropoff/undervote.

John Groen replied that to produce a fair leader, independence is implied. For judges, a lifetime appointment provides independence. While with elected judges, there is accountability to the people. Mr. Groen argued, then, that an appointee would need to be appointed for life *or* elected for a term to ensure that they execute their duties fairly.

Mr. Groen asked Mr. Smith that, if his view is correct that there can be a failure in both systems (elected or appointed), which implicitly has the greater confidence of the public? Mr. Smith

replied that the public could be equally confident in both; you do not hear about the Director of Elections at all when things are going well, only when they are in the news.

James Williams asked Mr. Nixon about the track records of Snohomish and Pierce counties' elected directors of elections. Mr. Nixon first noted that both offices are subject to term limits. He then replied that Snohomish County recently had problems with touch screen machines and counting votes, and that the director recently resigned. He summarized that though Snohomish County has had issues, they have not had more problems than King County.

3. Charter Issue Tracker and Subcommittees

Mark Yango gave a brief presentation on the issue tracker, a summary in Excel of all of the charter issues received by the commission. He noted that Mr. Sinsky has flagged issues that we are precluded from addressing because of conflicts with constitutional, state, or federal law, or because they are code issues more than charter issues.

Mr. Williams noted that the library issues were flagged as conflicting with state law. Mr. Sinsky replied that while the commission has a limited ability to change the charter to resolve this issue, we are not precluded from mentioning it in our report or addressing it in some other way.

Mr. Yango presented three recommended subcommittees for the commission's deliberation phase: regional governance, elections reform, and rural/unincorporated issues. Commissioners agreed to discuss the committees further over email.

Ms. Cato asked if each committee would have help from the PAO. Mr. Sinsky said that he and Jennifer Stacy would be available for the committees' legal questions.

Next Meeting: Wednesday September 12, 2007 (to set up subcommittees). Next regular business meeting: Tuesday September 25, 2007

Co-chair Lois North adjourned the meeting at 7:40 pm

Respectfully submitted by Corrie Watterson Bryant