

September 23, 2005

Bradley J. Schlozman, Esquire  
Assistant Attorney General  
Civil Rights Division  
Room 7254 - NWB  
Department of Justice  
1800 G St., N.W.  
Washington, DC 20006

Dear Mr. Schlozman:

The Evergreen Freedom Foundation has been investigating numerous irregularities in the conduct of the 2004 General Election in Washington State, including suspected late mailing of military and minority ballots. After months of attempting to obtain definitive mailing records from King County through public records requests, we are now able to conclude that King County Election officials failed to meet required dates for the mailing of numerous military and minority ballots. Furthermore, King County maintains that it has no record of when ballots were actually mailed by their mailing vendor, PSI.

King County, therefore, has not only deceived the state of Washington and the Department of Justice, but also disenfranchised an unknown number of military personnel by its actions. Of 15,289 ballots mailed to overseas or military voters, 12,474 were counted. A significant percentage of the remaining 2,815 ballots may not have been returned because of the late mailing.

On July 21, 2004, the Department of Defense (DoD) and the Department of Justice (DoJ) sent a letter to Washington's Secretary of State, Sam Reed, regarding compliance with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), discussing deadlines for the mailing of overseas civilian and military ballots and offering assistance. On September 29, 2004, Assistant Attorney General Acosta sent a letter by facsimile to Mr. Reed reiterating UOCAVA requirements and pointing out that the Federal Voting Assistance Program strongly recommends allowing a 45-day turnaround time for ballots, with 30 days the minimum allowable time. A draft response obtained from public records indicates that Mr. Nick Handy, Director of Elections, responded that Washington state would comply with UOCAVA by mailing overseas ballots 20 or more days before the election. This was evidently unacceptable to the DoJ and subsequent exchanges resulted in an agreement that all overseas ballots would be mailed by October 8, 2004. Mr. Handy transmitted this agreement to all county auditors by email.

On October 8, 2004, Mr. Handy sent a letter to Mr. Edward Keefe of the DoJ Civil Rights Division affirming that he had consulted with Washington county election officials and that all ballots would be in the mail that day. On October 12, Mr. Handy emailed Mr. Keefe to inform him that Island County was unable to meet the October 8<sup>th</sup> date. This was the sole correction

made by Mr. Handy to his October 8<sup>th</sup> statement. Additionally, King County published a statement that all overseas ballots had been mailed by October 7, 2004. This statement was false! In fact, public records show that a significant number of overseas military ballots were not mailed by October 8<sup>th</sup> nor were they mailed by the state deadline of October 15, 2004.

Specifically, at least 340 military ballots and 423 Chinese language ballots were mailed late. Of the 340 late military ballots, 75 were for overseas personnel. These ballots were delivered to the mailing vendor, PSI, and it is not known when the ballots were actually mailed. King County is either unwilling or unable to provide records that show the actual mailing dates for the absentee ballots that were provided to PSI.

Enclosed is a timeline of the events described above, an analysis of the relevant public records, and supporting documentation.

We believe that a Department of Justice investigation of this matter is necessary and urgent. The misleading statements by King County officials appear to be attempts to cover up both incompetence and violations of state and federal law. Regardless of motive, all of the facts and circumstances surrounding the failures of election officials must be uncovered before the citizens of the county can have confidence that corrective action has been taken and that the same problems will not happen again. If disenfranchisement of military voters did occur, King County officials must be held accountable for their actions.

Thank you for your consideration. Please feel free to contact me if you need further information.

Cordially,

Bob Williams  
President

Cc: Eric Eversole, Esquire  
Voting Section, Civil Rights Division