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August 22, 2005

Norm Maleng
King County Prosecuting Attorney
W554 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Dear Prosecutor Maleng,

Thank you for your talk at the Downtown Seattle Republican Club meeting last week and our discussion afterwards. I believe consistent enforcement of laws is vital to our society and I was heartened by your repeated affirmation that you will file on any case where you have evidence of a crime. You quoted a principle often stated by John Carlson and one that I strongly believe in: "If there's no consequences attached to a crime you're going to have a crime wave." Unfortunately, we have seen that effect in the election process. There has been a failure to enforce election laws in our state and so violations have mushroomed to the extent that integrity of the system has been seriously compromised and the ability of officials to restore fair elections is in question.

Given your earlier comments, I was quite surprised by our discussion after the meeting. You apparently agree that deliberately providing false information on a voter registration form and signing that form is criminal, particularly given the prominent notice on the form of the penalties for providing false information. Nevertheless, you have not brought charges against Judge Betty Fletcher or her husband, Professor John Fletcher, for providing false residential information on their voter registration applications even though they deliberately gave this false information and have been illegally voting in the wrong jurisdiction.

You indicated that the reason you haven't charged the Fletchers is that you understand how judges and other law enforcement officials may fear having their addresses known. However, you earlier spoke about charges brought against a woman who cast a vote for her husband who died of cancer because she thought she knew how he was going to vote. You said, "You could be drawn to that case with sympathy, but you can't tolerate that type of activity so we filed on that case, and there's a fine imposed, and that can be the end of it. But you've got to send a signal that the election system means what it is ..." I believe you stated it properly. Crimes should not be ignored because we are sympathetic with the motive. And neither should there be a double standard – one for those in law enforcement and the judiciary and a different one for the rest of us.

I mentioned that I had submitted the names of persons who registered in Precinct 1823 with false residential addresses to Dean Logan and a copy to you. (Precinct 1823 is the home of the King County Administration Building.) I checked all of the addresses in that precinct because of reports that there were voters registered in private mailboxes. These reports were incorrect, but I

did find people registered in offices and at a nonexistent location. Mr. Logan has a statutory responsibility to register persons only if they provide a valid residential address. He has not been carrying out this responsibility. In fact, it was alleged by one of his employees that he has given direction to stop verifying registration information, even though residential addresses can be easily checked through property records. I submitted my report to Mr. Logan on July 27 and, to date, have received no response. I have enclosed a copy of the letter, since you said you do not remember seeing the original.

The attached list is by no means exhaustive; it is from only one precinct in King County. There are other false registrations that should be investigated. For example, I performed a simple database query of the letters "PMB" to find voters who had registered as residing in private mailboxes. I provided a list of twelve such registrants in King County to Mr. Logan's office. There is no excuse for election officials to accept such obviously false registrations.

Stefan Sharkansky identified another example of false residential registration involving a prominent citizen, County Executive Ron Sims. Mr. Sims' nephew, Donald Sims Jr., is registered as residing at Executive Sims' home and is credited for voting absentee in the 2004 primary election. According to his biography, however, he was actually living and working on Staten Island at that time. It is possible that the absentee ballot was forwarded to New York or cast by someone else living in Ron Sims' household. Your office should certainly investigate the circumstances surrounding this registration and balloting.

Providing false residential registration information is a felony, under both state and federal law. It is a serious crime for good reasons; votes cast by persons in the wrong jurisdiction cancel legitimate votes. Furthermore, false information may actually be masking a false identity. I believe that registration law and all other election laws must be strictly enforced. As you said, "We demand a political culture that is honest – that is forthright – that people trust in. And that's why, anytime that we have evidence in a case like this, we're going to go for it. And that's why I think people are so concerned, not only for partisan reasons, but were so concerned about the last election that we had here in the State of Washington, is because we believe things need to be done right, and that the election system has to work..." I trust that you will "go for it" in the future whenever criminal violations of election law are brought to your attention.

Yours truly,



Robert M. Edelman
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(360) 886-7166

July 27, 2005

Dean Logan
Records, Elections, and Licensing Services Division
King County Administration Building
500 4th Avenue
Room 553
Seattle, WA 98104

Dear Mr. Logan;

This letter is to make you aware of fourteen persons who are improperly registered in King County Precinct 1823 at invalid residential addresses. The following is a list of these registrants with comments that explain why each registered residential address is not valid:

<u>Voter ID</u>	<u>Name</u>	<u>Residence</u>	<u>Comments</u>
950805340	Joseph M Garshae	605 1 st Ave #350	Office Building
921599358	David Murphy	605 1 st Ave #375	Office Building
980419576	Karen Ellen Bendler	605 1 st Ave #300	Office Building
990613438	Jason D Story	308 4 th Ave #803	Address does not exist
940491975	Antonio F Daguio	308 4 th Ave #522	Address does not exist
40298827	Yusef A Barre	308 4 th Ave #617	Address does not exist
990603291	Rodolfo S Mutya	308 4 th Ave #R 826	Address does not exist
985996	Robert R Grause	308 4 th Ave #717	Address does not exist
960448618	Crystal L Hayes	308 4 th Ave #516	Address does not exist
950532980	Gaylen S Iwasaki	619 Western Ave #10	Office Building
840235726	Edward M Cox	619 Western Ave	Office Building
980648605	Michael A Knutson	619 Western Ave #12	Office Building
990199892	Jodi Ann Mikesell	619 Western Ave #22	Office Building
960523873	David C Wilson	619 Western Ave #22	Office Building

Please note that this letter is not a registration challenge. The code requires that a challenge to a voter's residence specify the voter's actual residence. This apparently presumes that the registered address is a real residence and, for that matter, that the person exists, is alive, and the persons actual residence can be determined.

I provided this information to your office in person and was told that it was your office's policy not to investigate allegations of invalid registration. I believe that this policy is faulty, particularly if your agents have failed to properly review applications.

RCW 29A.08.110 requires that proper review include a determination that the provided residential address is valid. It provides in part:

On receipt of an application for voter registration under this chapter, the county auditor shall review the application to determine whether the information supplied is complete. An application that contains the applicant's name, complete valid residence address, date of birth, and signature attesting to the truth of the information provided on the application is complete. [Emphasis added.]

Failure by an applicant to provide a valid residential address may be commission of a fraud. RCW 29A.84.010 specifies the procedure to be followed when a possibly fraudulent voter registration comes to your attention:

(1) A county auditor who suspects a person of fraudulent voter registration, vote tampering, or irregularities in voting shall transmit his or her suspicions and observations without delay to the canvassing board.

(2) The county auditor shall make a good faith effort to contact the person in question without delay. If the county auditor is unable to contact the person, or if, after contacting the person, the auditor still suspects fraudulent voter registration, vote tampering, or irregularities in voting, the auditor shall refer the issue to the county prosecuting attorney to determine if further action is warranted.

(3) When a complaint providing information concerning fraudulent voter registration, vote tampering, or irregularities in voting is presented to the office of the prosecuting attorney, that office shall file charges in all cases where warranted.

RCW 29A.84.110 specifies penalties for failure to perform the duties of your office related to voter registration:

If any county auditor or registration assistant:

(1) Willfully neglects or refuses to perform any duty required by law in connection with the registration of voters; or

(2) Willfully neglects or refuses to perform such duty in the manner required by voter registration law; or

(3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or

(4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law,

he or she is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

Please review the above information and inform me what corrective actions will be taken. Also, please inform me if your policy on investigating the validity of residential addresses has been correctly stated.

Respectfully submitted,
[original signed by]

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cc: Norm Maleng, King County Prosecuting Attorney