

PRESS RELEASE

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FOR IMMEDIATE CIRCULATION

FRANKLIN CONTY JUDGE JACQUELINE STAM DISMISSES PUBLIC RECORDS ACTION SEEKING INSPECTION OF NOVEMBER 3, 2020 ELECTION RECORDS



On August 8, 2022, Franklin County Superior Court Judge Jacqueline Stam dismissed with prejudice a public records action filed by Washington Election Integrity Coalition United (“WEiCU”) seeking inspection of ballot related public records for the Franklin County November 3, 2020 General Election.

The Court invalidated WEiCU’s complaint under local rules then dismissed the complaint on the merits relying on case law finding that ballots may not be disclosed under the entire election code due to voter privacy and secrecy concerns.

WEiCU asserted that case **opinion** cannot constitute an “other **statute**” exemption as required for agencies to withhold public records under the plain language of the Public Records Act (RCW 42.456.070(1)), and that in any event, the case law cited by Franklin County did not address Washington’s ballot de-identification statute (RCW 29A.08.161) which negates any voter

privacy or secrecy concerns. Under Washington state law, no record may be created or maintained by the state, local agency, or a political organization that identifies a voter with the information marked on a voter's ballot. As such, ballots and ballot images are de-identified public records.

Franklin County, which uses Dominion voting systems, also sought to avoid inspection by claiming voters might hand-write personally identifying information on their ballot. In response, WEiCU cited RCW 42.56.210(1) which prohibits agencies from claiming statutory exemption to inspections where personally identifying information can be deleted from the records sought, noting that Franklin County could redact any such stray marks from ballots prior to inspection.

WEiCU's Director, Tamborine Borrelli, finds Franklin County's refusal to comply with the records request issued back in August 2021 unacceptable, noting, "if the public can't see the tabulation software, can't see the ballot images, can't see the ballots themselves, how are they able to confirm the legitimacy of their own elections. . . how can our government prevent us from confirming our Constitutional right to free and equal elections?"

WEiCU monitored official results of the 2020 Election across Washington State and found multiple instances of votes being swapped between candidates, favoring Democratic Party candidates such as Governor Jay Inslee. Per Borrelli, "it's disappointing to have to appear before Inslee-appointed judges across the state, such as Judge Stam [appointed by Governor Inslee in 2021], and see them block public access to public records that have no statutory basis for being withheld. Our election system is broken, and the courts are covering for our elected officials."

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