

Court of Appeals No. 35174-2-III  
Grant Co. Superior Court Cause No. 17-2-00228-0

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COURT OF APPEALS, DIVISION III  
STATE OF WASHINGTON

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FRED MEISE, DOUG BIERMAN, PAT HOCHSTATTER, MIKE COUNSELL,  
JASON MELCHER AND JARED POPE,  
Petitioners

v.

MICHELE JADERLUND, GRANT COUNTY AUDITOR  
Respondent,

and

KATIE PHIPPS, MICHELLE KITTRELL, KRISTA HAMILTON, SUSAN MOBERG,  
CRAIG HARDER, DENNIS KEARNS, and BARBARA KEARNS,  
Intervenors.

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APPEAL FROM THE SUPERIOR COURT OF GRANT COUNTY

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BRIEF OF RESPONDENT

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**I. ISSUES PERTAINING TO APPELLANT'S ASSIGNMENTS OF ERROR**

- A. MUST THE ELECTION BE NULLIFIED BECAUSE THE GRANT COUNTY AUDITOR'S FAILED TO COMPLY WITH THE TELEPHONIC NOTICE PROVISIONS OF RCW 29A.60.265(1) AND (2)(A) WHEN, ABSENT EVIDENCE OF FRAUD, JUDGES ARE REQUIRED TO EXERCISE RESTRAINT IN FAVOR OF UPHOLDING ELECTIONS? (ASSIGNMENT OF ERROR No. 1)
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**II. STATEMENT OF THE CASE**

Moses Lake School District No. 161 (the District) held a special election February 14, 2017, seeking approval of a \$135 million bond measure. Of the 9,459 valid ballots counted, 5,678 approved and 3,781

rejected the measure, satisfying a supermajority requirement with 60.03 percent approving. CP 21, 91, 98. The Grant County Canvassing Board certified this result on February 24, 2017, as required by RCW 29A.60.190. CP 100.

One hundred twenty-six ballots contained either a mismatched signature or no signature at all. CP 103. The Grant County Auditor (the auditor) mailed letters and correction forms to each of the 126 addresses of record as required by RCW 29A.60.165. CP 103, 105–06. The record does not show any of the 126 letters were returned to the auditor’s office as undeliverable.

Ninety-five voters returned the correction form and cured their challenge for further canvassing. CP 103. Thirty-one voters did not respond. *Id.* No party disputes that each irregular-signature voter, including the 31 non-responding voters, received the auditor’s letter. The auditor did not attempt further written communication with the 31 non-responding voters and did not try to call the 26 voters in that group who provided telephone numbers when they registered to vote. CP 91, 103.

The Grant County Canvassing Board (the Board) rejected all 31 ballots during the February 24, 2017 canvass. CP 103.

Six registered voters, Petitioners in this case, sought a recount and filed an Election Contest Petition on March 8. CP 3–13. The Board

conducted the recount on March 9, 2017, under RCW 29A.64.011. The vote did not change and was certified by the Board March 10. CP 92.

Intervening bond supporters filed a memorandum in support of motion to dismiss the petition. CP 76–89. The court granted the District leave to file an amicus brief. RP 4.

The trial court denied the petition on the merits following hearing held on March 20, 2017. RP 55. Before issuing its ruling, the court identified seven general principles gleaned from its review of the body of Washington cases addressing compliance with various election laws and regulations. RP 43–50.

The court identified the first general principle: “election rules and laws are passed to afford an opportunity for the expression of the popular will and an ascertainment of the result with certainty.” RP 44. “Such rules are generally held to be directory, merely, and not so mandatory or jurisdictional in their character as to defeat an election in which they are not wholly observed.” RP 44–45.

The court identified the second general principle: statutorily-prescribed formalities of giving notice of an election are directory unless the statute specifically declares the election shall be void if the formalities are not observed. RP 45.

The court noted it had not been able to find any statutory changes in response to rulings generating these first two principles, despite one of the cited cases<sup>1</sup> having been decided over 100 years ago. RP 45.

The third general principle upholds fair elections in which notice was given, but not according to the statutorily-required procedure. RP 46. A fair election is one in which “the electors generally participated . . . so that the election constituted a reliable expression of popular opinion.” *Id.* Citing *Sch. Dist. v. Taxpayers of*, 37 Wn.2d 669, 225 P.2d 1063 (1950), the court concluded “[t]he Washington Supreme Court is committed to the doctrine of substantial compliance of giving notice of a special election . . . [and] the requirement need only be substantially complied with . . . .” *Id.*

The fourth general principle is that because the elective process is reserved to the people and to the state constitution, the judiciary should exercise restraint when asked to interfere. *Id.*

Fifth, elections should not be disturbed by the courts unless clearly invalid. RP 47.

Sixth, any statutory provision affecting the merits of the election is mandatory. *Id.* Failure to follow mandatory provisions is grounds to void the election. *Id.*

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<sup>1</sup> *Murphy v. Spokane*, 64 Wash. 681, 117 P. 476 (1911)

Finally, the court noted it found only one case discussing whether a party contesting the election must prove failure to follow statutory provisions changed the outcome of the election. RP 48. The court rejected the proposition that the petitioners bore a burden to prove the auditor's failure to attempt to call 26 non-complying, non-responding voters changed the outcome of the election. *Id.* Instead, the court declared "neither side has the burden to prove this proposition, one way or the other." *Id.*

The court recognized "the issue [in this case] has to do with improper notice to people who have already voted of a mismatched or missing signature." RP 51. The court discussed both the issue's similarities to and differences from issues concerning notice of an election itself. *Id.* The court ultimately concluded principles gleaned primarily from cases involving election notice may be applied to the issue of telephonic notice to the voters who did not respond to the auditor's written notice. RP 52.

The court recognized the question of substantial compliance depended on the initial perspective. RP 54. Viewed through the narrow lens of telephonic notice, the auditor failed to comply with the statute. *Id.* The court acknowledged "where there's no compliance, that's not substantial compliance." *Id.* From the broader viewpoint—that of "just

notice in general”—the court found the auditor did substantially comply by mailing notices to the voters with mismatched or missing signatures. *Id.* The court observed RCW 29A.160.165 does not state “performance is essential to the validity of the election or that unless the formalities are observed that the election will be void.” RP 55. The statute set out the manner and time of notice required for irregular signatures. *Id.* The auditor gave notice to all voters with mismatched or missing signatures, but, as in the “notice of election” cases from which the court gleaned its seven general principles, the notice here was not given exactly as set out in the statute. *Id.*

The court emphasized controlling case law mandated judicial restraint as one of the guiding principles. *Id.* Exercising that restraint, the court denied the petition to annul the election. *Id.*

The petitioners timely filed their notice of appeal.

### **III. ARGUMENT**

A. THE GRANT COUNTY AUDITOR’S FAILURE TO COMPLY WITH THE TELEPHONIC NOTICE PROVISIONS OF RCW 29A.60.265(1) AND (2)(A) DOES NOT REQUIRE NULLIFICATION OF THE ELECTION; ABSENT EVIDENCE OF FRAUD, JUDGES ARE REQUIRED TO EXERCISE RESTRAINT IN FAVOR OF UPHOLDING ELECTIONS.

Whether the auditor’s failure to attempt a follow-up phone call constitutes misconduct is not the relevant question before this Court. “The

terms malfeasance and neglect of duty are comprehensive terms and include any wrongful conduct that affects, interrupts, or interferes with the performance of official duty.” *State v. Miller*, 32 Wn.2d 149, 152, 201 P.2d 136, 138 (1948) (internal quotations and citations omitted). Under that broad definition, and the even broader dictionary definition the appellants propose, any failure to perform statutorily prescribed duties is arguably “misconduct.”

Washington law does not support this application. All parties here cite to and discuss a substantial body of Washington cases addressing a variety of election irregularities, none of which dive into—or even tiptoe around—any question of official misconduct. Appellants fail to cite any election irregularity cases, from this or any other jurisdiction, equating malfeasance or misfeasance in office with failure to fully fulfill all requirements of a statutory election provision. The historic string of cases upholding elections in the face of far more serious statutory violations leads inescapably to the conclusion that courts focus on the effect of the violation and not on whether the official committed misconduct.

The relevant question, then, is whether nullification is the required remedy for failure to follow the telephonic notice provisions of RCW 29A.60.165(1) and (2)(a). Nullification is not the required remedy.

Unless a statute expressly states failure to strictly comply with its provisions will void the election, duties assigned by that statute are directory only; nullification is not required in the event the provisions are not carried out in strict compliance with the statute. *See, e.g., Shaw v. Shumway*, 3 Wn.2d 112, 118–19, 99 P.2d 938, 941 (1940); *Murphy v. Spokane*, 64 Wash. 681, 684, 117 P. 476 (1911). When an election statute does not expressly designate performance of any particular act essential to the validity of the election, all courts are required to hold such statutes “directory” only. *McCormick v. Okanogan Cty.*, 90 Wn.2d 71, 76, 578 P.2d 1303 (1978) (citing *Murphy v. Spokane, supra*, 64 Wash. at 684).

The statute at issue here, RCW 29A.60.165(1) and (2)(a)<sup>2</sup>, does not state failure to comply with its provisions will void the election. Thus, the

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<sup>2</sup> RCW 29A.60.165(1) and (2)(a) provide:

(1) If the voter neglects to sign the ballot declaration, the auditor shall notify the voter by first-class mail and advise the voter of the correct procedures for completing the unsigned declaration. *If the ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information.*

(2)(a) If the handwriting of the signature on a ballot declaration is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by first-class mail, enclosing a copy of the declaration, and advise the voter of the correct procedures for updating his or her signature on the voter registration file. *If the ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information.* (emphasis added.)

provision at issue—that auditors *shall* attempt telephonic contact with irregular-signature voters who fail to respond to mailed written notice—is directory, not mandatory. *Dumas v. Gagner*, 137 Wn.2d 268, 283–84 , 971 P.2d 17 (1999). The auditor’s failure to comply does not automatically invalidate the election. *Id.*

Chief among general tenets governing elections is the longstanding principle “that the judiciary should ‘exercise restraint in interfering with the elective process which is reserved to the people in the state constitution.’” *Id.* at 283 (quoting *McCormick, supra*, 90 Wn.2d at 75). For over 120 years, Washington courts have been loath to overturn elections for violation of statutory provisions when those provisions are merely directory. *See, e.g., Richards v. Klickitat Cty*, 13 Wash. 509, 512, 43 P. 647 (1896) (universal authority holds mere irregularities in notice will not defeat an election; it is “scarcely worth while to enter into a discussion of that question here”); *Rands v. Clarke County*, 79 Wash. 152, 139 P. 1090 (1914) (election not invalid for failure to post notice, citing cases holding notice requirements are directory, not mandatory unless legislature specifically provided failure to post notice invalidates election); *Murphy v. Spokane, supra*, 64 Wash. at 684 (election not invalidated by failure of election officers to comply with statutory requirements concerning number, selection, qualification, and duties of election officers

and with times polls opened and closed); *Vickers v. Schultz*, 195 Wash. 651, 81 P.2d 808 (1938) (election not invalidated by failure to post notice of election where purpose of notice served by wide publicity); *State ex rel. Dore v. Superior Court*, 171 Wash. 423, 18 P.2d 51 (1933) (election notice sufficient despite containing inaccurate description of office to be filled).

*Hill v. Howell*, 70 Wash. 603, 127 P. 211 (1912) spotlights the extent to which courts should exercise restraint when asked to overturn an election for procedural irregularity. “Where an election appears to have been fairly and honestly conducted, it will not be invalidated by mere irregularities which are not shown to have affected the result, for in the absence of fraud the courts are disposed to give effect to elections when possible. And it has even been held that *gross irregularities not amounting to fraud do not vitiate an election.*” 70 Wash. at 612 (emphasis added).

“[T]he power to throw out an entire division is one which ought to be exercised with the greatest care and only under circumstances which demonstrate beyond all reasonable doubt that the disregard of the law has been fundamental or so persistent and continuous that it is impossible to distinguish what votes are lawful and what are unlawful, or to arrive at any certain result whatever, or where the great body of the voters have been prevented by violence, intimidation, and threats from exercising their franchise.”

*Id.* at 612–13. Honestly conducted elections ought generally to stand, even though individual electors may have been deprived of their votes, or

unqualified voters been allowed to participate. *Id.* at 613. This is so, even when “[i]ndividuals may suffer wrong in such cases, and a candidate who was the real choice of the people may sometimes be deprived of his election . . . .” *Id.*

No such atrocities occurred here. Here, 31 voters with irregular signatures are presumed to have received written notice their vote would not be counted if they did not take steps to correct their ballot. They did not respond. The auditor’s failure to attempt telephonic notice to the 26 nonresponding voters who provided telephone numbers does not, in and of itself, overcome the principle of judicial restraint on which the trial court correctly relied when it denied the appellant’s petition.

B. THE TRIAL COURT CORRECTLY CONCLUDED THE AUDITOR SUBSTANTIALLY COMPLIED WITH THE NOTICE REQUIREMENTS OF RCW 29A.60.165(1) AND (2)(A) BY MAILING NOTICE TO EVERY VOTER WITH AN IRREGULAR BALLOT SIGNATURE.

“The vital and essential question in all [election irregularity] cases is whether the want of the statutory notice has resulted in depriving sufficient of the electors of the opportunity to exercise their franchise to change the result of the election.” *State ex rel. Mullen v. Doherty*, 16 Wash. 382, 389, 47 P. 958, 960 (1897). This question requires assessment of whether the election was conducted in substantial compliance with the relevant statutes; historically, courts uphold elections upon finding

substantial compliance. *See, e.g., Coloma v. Eaves*, 92 U.S. 484, 491–92, 23 L.Ed. 579 (1875) (bonds issued in conformity with governing regulations not invalidated by erroneous recital of compliance with conditions precedent); *Seymour v. Tacoma*, 6 Wash. 427, 432, 33 P. 1059 (1893) (election not invalidated by lack of notice; “observance of each particular is not held a prerequisite to validity”); *Loop v. McCracken*, 151 Wash. 19, 28–29, 274 P. 793 (1929) (sufficient general notice of election; election not invalidated by lack of legal notice); *Rands, supra*, 79 Wash. at 159 (short notice of election in substantial compliance; no showing election outcome might have been different); *Vickers, supra*, 195 Wash. at 657 (citing holding from *Mullen, supra*, 16 Wash. at 389).

The written notice mailed by the auditor to each of the 126 irregular-signature voters substantially complied with the notice requirements of RCW 29A.60.165(1) and (2)(a). Notice under the statute is a two-part process. Each subsection contains both notice requirements: written notice by first class mail, followed by an attempt to telephone anyone failing to respond to the mailing within three days of the meeting of the canvassing board.

The statute originally reversed the order of notice, requiring auditors to personally notify voters by telephone if they failed to sign the ballot envelope or if their ballot signature did not match their registration

signature. *See* Laws of 2005, ch. 243, § 8. Leaving a voice mail message was not considered “personal contact.” *Id.*

The statute changed in 2006 under 2005 Wa. HB 2695. Initial notice by first class mail replaced telephonic notification. *Id.* Telephonic contact was relegated to a back-up notification procedure, and only for those noncomplying voters who failed to respond to their written notice within a certain time. *Id.* Now, the auditor no longer has to successfully connect with a nonresponding voter by telephone; only the attempt is required. *Id.* Before the 2006 amendment, neither subsection (1) or (2)(a) had any backup requirement at all. *Id.*; Laws of 2005, ch. 243, § 8.

With the 2006 amendment, the Legislature clearly indicated its preference for written notification as the primary procedure to ensure all voters had an opportunity for their vote to be counted. This makes sense. All voters will have a mailing address. Not all voters will have a telephone. The trial court correctly viewed the issue of substantial compliance from a perspective of notice overall, as the Legislature did, and not from the restricted focus of telephone contact, as the appellants suggest.

There is no question the Grant County Auditor should have attempted to call the 26 nonresponding voters who provided a telephone number. Failure to do so, however, cannot nullify this election because

even 100 percent compliance would have been unlikely to have affected the outcome. Of the 9,459 valid ballots counted, 5,678 approved and 3,781 rejected the measure, satisfying the supermajority requirement with 60.03 percent approving. CP 21, 91, 98. The auditor's mailing successfully prompted corrections from 95 of 126 irregular-signature voters, 75.4 percent. The Board counted those 95 votes, leaving 31 votes uncounted. The maximum number of nonresponding voters who could have been contacted by telephone was 26. If the auditor had successfully made contact with all 26, and all 26 had corrected their ballots, the total number of voters would have increased to 9,485. Bond opponents needed 40.01 percent of that total, 3,795 votes, to change the outcome of this election. They would have had to garner 14 of the 26 uncounted votes, or 54 percent. While such an outcome is hypothetically possible, it is unlikely even full compliance and a 100 percent response would have changed the election outcome. The appellants should not be allowed to overturn this election without clearly demonstrating the results do not accurately reflect the will of the people. To conclude the outcome here would have been different, one must assume a grossly disproportionate number of nonresponding voters opposed the measure.

In 1919, the Washington Supreme Court upheld a school bond election despite its opinion that "[t]he action of the officials of the district

in failing to publish notice according to the letter of the statute cannot be commended, nor should others be encouraged to follow such a course.” *Lee v. Bellingham Sch. Dist.*, 107 Wash. 482, 485, 182 P. 580 (1919). Having made its disapproval clear, the Court found the voters generally were fully advised of the date and purpose of the special election. *Id.* No one was deprived of their privilege to vote and, as here, there was no evidence the result of the election would have been different had proper notice been given. *Id.* The Court found itself constrained by precedent, “the more so that the Legislature, knowing the law, as it is presumed to, has not seen fit to amend it so as to provide that an election shall be void if the statutory requirements are not strictly observed.” *Id.* at 486.

Here, too, every irregular-signature voter was given an opportunity to correct the irregularity and have their vote counted. There is no evidence an attempt to contact 26 voters by telephone would have changed the outcome of the election.

This Court should find the trial court did not err when it concluded the auditor substantially complied with the statutory notice requirements.

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C. THE TRIAL COURT CORRECTLY APPLIED THE DOCTRINE OF SUBSTANTIAL COMPLIANCE BECAUSE THE AUDITOR'S WRITTEN NOTICE TO THE IRREGULAR-SIGNATURE VOTERS SATISFIED THE PURPOSE OF RCW 29A.60.165(1) AND (2)(A).

The appellants argue “the primary purpose of the telephone requirement of RCW 29A.60.165(1) and (2)(a) is not accomplished by other forms of notice.” Br. of Appellants at 14. The proper perspective from which to assess legislative purpose is from the language of the statute as a whole. *Smith v. Showalter*, 47 Wn. App. 245, 248–49, 734 P.2d 928 (1987). The appellants ignore the statute’s plain language and legislative history (set out above). The issue here is not to identify the primary purpose of the telephone requirement of those statutory subsections. Obviously its purpose is to give one last chance to voters who fail to respond to written notice of their signature irregularities.

An unbiased reading of the language of each subsection, however, especially in light of the 2006 amendments, highlights the absurdity of so restricted a focus. The Court should focus on the primary purpose of each subsection in its entirety, which is to notify as many as possible of those voters who neglected to sign their ballot envelopes or whose signatures could not be matched up with the signature on their registration form.

That the Legislature gave some thought to how this is best accomplished is evident from the 2006 amendment, when written notice

by first class mail replaced telephone contact. Auditors are no longer required to actually make contact—an attempt is sufficient. The legislators had to have been aware that not all attempts would be successful.

Telephone numbers change. Not everybody has a telephone. Staff in the auditor's office would presumably attempt to call during regular business hours, hours when many people would be out of the home. This now-secondary directive was designed to give one last chance to voters who failed, as 31 did here, to respond to written notice presumably received.

Attaching primary significance to the “suspenders” portion of a belt-and-suspenders statute is contrary to the rules of statutory construction. This Court should find written notice delivered to all 126 irregular-signature voters substantially complied with the Legislature's purpose: to give voters the opportunity to correct a careless error.

Ninety-five voters corrected their signatures. Thirty-one did not. The thread running through all substantial compliance cases is whether “that which was done, although irregular or deficient, *tended to* accomplish that which would have been accomplished had the statute been followed specifically.” *Davis v. Gibbs*, 39 Wn.2d 481, 485, 236 P.2d 545 (1951). The auditor's written notice, presumably received by all 126 voters, generated 95 additional valid votes. It tended to accomplish the statutory purpose. Seventy-five percent of the voters with defective ballots

cured their error and had their votes counted, substantially accomplishing the legislature's purpose. This Court should not invalidate the election simply because a procedural irregularity might have left as many as 26 voters out of the process, three tenths of one percent of the 9490 people who attempted to vote.

D. NONRESPONDING VOTERS WERE NOT DISENFRANCHISED BY THE AUDITOR'S FAILURE TO ATTEMPT FOLLOW-UP TELEPHONE CONTACT BECAUSE THOSE VOTERS DID VOTE AND ARE PRESUMED TO HAVE RECEIVED NOTICE OF THEIR BALLOT SIGNATURE IRREGULARITIES; REGARDLESS, DISENFRANCHISEMENT ALONE DOES NOT JUSTIFY VOIDING THE ELECTION.

The respondent adopts the argument of intervenors in response to Appellants' subparagraph E. asserting no voter was disenfranchised by the auditor's failure to attempt telephone contact.

The election need not be invalidated regardless of whether the auditor's failure to attempt to telephone resulted in disenfranchisement of the 26 noncomplying, nonresponding voters who provided telephone numbers.

Disenfranchisement of certain voters does not automatically invalidate an election and voters themselves have some responsibility of care. *State ex rel. Morgan v. Aalgaard*, 194 Wash. 574, 582, 78 P.2d 596 (1938). In *Morgan*, three voters in a close school district election were given defective ballots in which one candidate's name, Morgan's, was

printed twice and the other candidate's name did not appear. *Id.* at 578. The three voters who received defective ballots voted for Mr. Morgan. *Id.* All three each testified they intended to vote for Mr. Morgan and the fact his opponent's name did not appear on the ballot seemed unimportant to each of them. *Id.* at 579. The question before the Court was whether these three votes could be counted.

Under Washington's relevant statute, "[b]allots not prepared and printed in accordance with law must be rejected *although their rejection may disfranchise voters who are innocent of any fault in the matter.*" *Id.* (emphasis added) (quoting 9 R.C.L., title "Elections," 1049, § 66). The Court acknowledged that officers responsible for ballot preparation have a duty to "devote their most particular attention to seeing that all of the ballots furnished for the use of voters comply in every way with the statute. *Id.* at 582. Yet the Court refused to place all blame on the election officers. "Some responsibility also rests upon the voter. If he is offered a manifestly defective ballot, he should ask for a proper one, and if he does not do so, cannot complain if his vote is not counted. . . . These ballots cannot be counted." *Id.* at 582–83. Mr. Morgan's opponent thus won the election, despite three disenfranchised pro-Morgan voters.

Here, the auditor mailed 126 letters to voters with missing or irregular signatures. All 126 voters are presumed to have received notice

their ballots needed correcting. In *Morgan*, the disenfranchised voters assumed the ballot defect was unimportant. Here, the voters were notified in writing their vote would not be counted if the signature issues were not corrected. They were given instructions. Like the disenfranchised voters in *Morgan*, each of these 31 people also had some responsibility to ensure their vote was counted. Any disenfranchisement, while unfortunate, does not require invalidation of the election.

#### IV. CONCLUSION

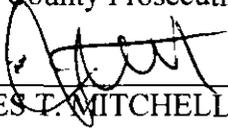
This Court should affirm the trial court's findings that the Grant County Auditor substantially complied with the statutory notice requirement of RCW 29A.60.165(1) and (2)(a) and that there is no evidence failure to fully comply changed the outcome of the election.

This Court should affirm the trial court's dismissal of the appellant's petition.

DATED this 31<sup>st</sup> day of July, 2017.

Respectfully submitted,

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\_\_\_\_\_  
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## DECLARATION OF SERVICE

Under penalty of perjury of the laws of the State of Washington, the undersigned declares:

That on this day I served a copy of the Brief of Respondent in this matter by e-mail and first-class mail, postage prepaid, on the following parties:

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Dated: July 11, 2017.

  
\_\_\_\_\_  
Kaye Burns

# GRANT COUNTY PROSECUTOR'S OFFICE

July 31, 2017 - 10:21 AM

## Transmittal Information

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**Appellate Court Case Number:** 35174-2  
**Appellate Court Case Title:** Fred Meise, et al v. Michele Jaderlund, Grant County Auditor  
**Superior Court Case Number:** 17-2-00228-0

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