

<b>Respondent Name</b>
Friends of Rick Kuss/William Campbell
<b>Complainant Name</b>
Conner Edwards
<b>Complaint Description</b>
<a href="#"><u>Conner Edwards</u></a> (Mon, 26 Dec 2022 at 11:06 PM)  See complaint.
<b>What impact does the alleged violation(s) have on the public?</b>
See complaint.
<b>List of attached evidence or contact information where evidence may be found</b>
See attached. Per website narrative, deposit of ~\$30,000 was made on or before 12/5/22. According to article, as of 12/20/22, respondent did not register committee. I also looked at committee registrations filed between then and now and did not find it.
<b>List of potential witnesses</b>
William Campbell.
<b>Certification (Complainant)</b>
I certify (or declare) under penalty of perjury under the laws of the State of Washington that information provided with this complaint is true and correct to the best of my knowledge and belief.

## Complaint

Please see the attached article from the Kitsap Sun.

In the article, the PDC's Deputy Director goes on the record in suggesting that the group that funded an official county ballot recount should register with the PDC and disclose the names of those who contributed to the recount effort.

When contacted by a media outlet on this issue, it would've been completely appropriate for agency staff to cite the relevant provisions of law and rule and describe the process that a complaint goes through. It also would've been completely appropriate for agency staff to flag this issue on the agenda for the January Commission meeting, provide their perspective to the Commission, and allow the Commissioners to discuss the issue and make an informed decision.

Instead, agency staff put their thumb on the scale and suggested publicly that the respondent had somehow violated state law by not filing with the PDC. How would you feel if you had engaged in conduct that has never been prohibited and then the staff of a state agency goes on record in a newspaper article and suggests you have done something illegal?

There is little in the law to suggest that this group would be required to disclose the names of those who contributed to the recount effort. It's not clear what benefit this disclosure would provide to the public: the money is not being used for the purpose of persuading voters, it is instead being used to pay county government to make sure a machine count of ballots was accurate pursuant to an official process.

Of course, I'm sure there may be some good arguments from agency staff suggesting that the names of those who donated to a recount effort *should* be disclosed to the PDC. They should make those arguments directly to the Commissioners and allow them to make an informed decision; this issue should not be litigated by agency staff in the media.

It is my hope that the Commissioners, and not agency staff, will settle this question and determine whether or not those who fund recounts must disclose their names to the PDC.

### **Note to Respondent:**

I apologize for filing this complaint against you. It is not my intention to cause you any inconvenience. This complaint is part of my effort to highlight and push back against agency guidance which often misstates or misinterprets state law and administrative rule. This guidance is issued unilaterally by staff, without any opportunity for members of the public to provide input or for the Commissioners to discuss the issue. While this guidance is not supposed to be binding, agency staff often treat it as if it were.

Under RCW 42.17A, the Commissioners are charged with interpreting state law and administrative rule and finding violations of the FCPA, not agency staff.

I hope that you will agree with me that the comments made by the Deputy Director to the press were not appropriate.

Best,

Conner Edwards  
Campaign Treasurer  
(425) 533-1677 cell

# Supporting Hand Recount for Election Integrity



# I VOTED

Campaign Created by: **Friends of Rick Kuss**

Goal: **USD \$47,000**

Raised: **USD \$ 8,295**

The Bible teaches me that as a follower of my Lord and savior Jesus Christ, I am only a steward of the funds that God has entrusted to my care. This morning during my prayer time I was reminded that I am to trust Him in all things. I had freely given money to the group as a contribution and I willingly loaned additional money to the group effort. This morning the Lord gently reminded me that all I have is His and my desire to have some of His money returned to me through crowd source funding is, for me, a sin.

I appreciate the generous monetary contributions that have been made to this account but want you to know that I will not be requesting the use of any of these funds as reimbursement for any of the payment for the recount made in accordance with RCW 29A.64.011.

I do not know God's purpose for this recount. It may simply be the Lord publicly teaching me a lesson in humility and stewardship. I am certain that God's purpose is not to weigh in on an election result but rather, in some way, to bring people to the knowledge and faith Jesus came to earth, died on the cross, and was raised from the dead to restore the relationship He desires with every single one of us.

I covet your prayers as we go through this recount process. Please pray for John and Rick. They bear the image of God and He loves them both dearly. Please pray for the staff of the elections department as they have been asked to give their time and energy to the recount during this Christmas season when we celebrate the birth of our savior, Jesus Christ.

William Campbell  
December 7, 2022

12/10/2022 Update on Fundraiser:

We received the above communication from William Campbell earlier this week and responded that while we appreciate his desire to shift our focus from fundraising to prayer, the fundraiser provides a way for the community to show their support in a tangible way.

After several discussions he has agreed to accept repayment of the money he provided as a loan but will then consult with us to redirect the funds to individuals, organizations, or efforts engaged in discovering and resolving flaws or weaknesses in our election systems and processes. He stressed that none of the funds returned to him will be given to any political party or campaign.

12/5/2022 Update on Fundraiser:

The election was certified November 29, 2022. The Recount request was filed on December 1, 2022 in accordance with RCW 29A.64.011.

We have spoken with the Auditor's office, and they tell us that we will have to put a security deposit down to get the process started. RCW 29A.64.030 requires a deposit of 25 cents for each ballot that is requested to be manually recounted, and there are 124,242 ballots in Kitsap. Then the Auditor's office has to setup a space (likely the Commissioner's chambers) to count the ballots. They said they need to do this to accommodate so many paid workers since the room they normally use to process ballots is too small. The number of paid workers they will use is unknown at this time, but they said likely close to 30. After setup of the ballots then they begin counting.

Once they are complete with the process and have our total then we will see if we owe them any more funds. RCW 29A.64.081 directs the canvassing board to determine the expenses for conducting a recount. If the costs of the recount exceed the deposit the applicant shall pay the difference. To meet the filing requirements the applicants for the recount have accepted the personal financial risk associated with the deposit and with the total cost of the recount being unknown.

We estimate that if they have 30 employees being paid \$30/hour (hourly wage + benefits) working 8-hour shifts then that is roughly \$7,200 per day for the counting portion (30 people x 8 hour shifts x \$30 per hour). This does

not include setup and breakdown.

The Auditor's Office continues to be transparent and has provided a good faith estimate of \$34,000 to perform the hand recount. The Office noted that a recount like the one we have requested has never been performed so there is some uncertainty in the accuracy of the estimate. Based on the explanation of the process used to arrive at the estimate we believe it is the minimum cost we can hope for. Allowing for the estimate to be exceeded by 40% and accounting for contributions that were used to make the deposit required by law when the recount request was submitted, we have revised our goal down to \$47,000.

RCW 29A.64.041 (2) allows us stop the count upon written request at any time. The deposit of \$31,060.50 was made by individual registered voters of Kitsap County using their own contributions and unsecured loans. The Auditor's Office is planning to provide us with updates of the total cost as the recount progresses. This will give the registered voters that requested the recount a financial escape path if all available funds are consumed before the recount is complete.

If we do have money left over we will save this money to be used for future hand recounts in other counties if needed. We want to ensure that we have clear evidence of trust in the voting system that we have in WA state and that will only be achieved through verification. No matter what side you are on, this should make sense.

We are asking WA state citizens to pledge to help keep election integrity in our state by donating for a hand recount of the Sheriff's race in Kitsap County. The HART intercivic machines that are used in Kitsap County are used in 16 counties in WA state so this look at these machines is a way to evaluate this system in 16 other counties in WA state.

How does the HART intercivic system work? It does not count paper ballots. Instead, ballots are scanned, and ballot images are saved. Then the images are read by the election system and tabulated. If the software is unable to read the ballot selections, the image/record is manipulated through adjudication, and then tabulated. Each step in the process, in terms of this description, is deemed an "event". Events are logged for each process within the system in real time. These logs are the record of events that take place within the system while processing and counting the votes. At 8 pm on election night, the voting machine tabulates all the votes to come up with the winners.

The end goal is not to overturn the election results, merely to trust but verify them. Your vote is more important than your money and you should have the same trust in your voting system as you do in your bank. We need to verify our voting system just like we would if we cashed a check at a bank. Do you count your money when you cash a check? Yes. Why? Because you trust the bank but you also verify that it is accurate. We want the same standard for our elections. Trust but verify.

We as registered voters of Kitsap County, want to gain confidence in the tabulation machines just as we do in a hand recount. Several people have stated that they are not voting based on a perceived lack of trust. We are uniting to verify the results and instill confidence in our election process.

We want to look closely at whether the results of the machine will match 100% with the hand count. If it doesn't, it will mean your vote does not matter and this voting system needs to be put into question.

How can you trust the system when your vote is not counted correctly?

We must ensure our vote matters and be able to trust the system that codifies our voices. This begins with one donation. Are you willing to donate for a full hand recount and ensure election integrity?

Thank you for your time and consideration.

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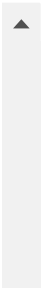


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## NEWS

# Hand recount in sheriff's race changes six votes, with no effect on outcome

*The recount changed nothing, with Democrat John Gese still winning by nearly 20,000 votes.*



**Andrew Binion**

Kitsap Sun

Published 6:14 p.m. PT Dec. 20, 2022 | Updated 6:15 p.m. PT Dec. 20, 2022

A \$31,000 hand recount of the Kitsap County sheriff's race completed Tuesday resulted in switching six votes, making no change in the race Democrat John Gese won with more than 58% of the vote.

In the recount of 124,242 ballots paid for by a group of supporters of Republican Rick Kuss, Gese added one vote and Kuss scored an additional five votes.

The new results show Gese defeated Kuss 58.13% to 41.87%, or 70,629 votes to 50,880 votes.

William B. Campbell of Bremerton led the group of six voters who requested the recount and paid the \$31,000 deposit in cash.

In a related matter, a spokeswoman for the state's campaign finance regulator, the Public Disclosure Commission, advised the group to register with the commission and report its expenditures and contributions for the recount. The money could also count as contributions to Kuss' campaign, she said.

In a statement provided to the Kitsap Sun on Tuesday, Campbell said the sole purpose of requesting the recount was to ensure that the Hart Intercivic Tabulator used by the Kitsap County Elections Department was accurately tallying votes.

Campbell wrote that he was satisfied that the machines counted ballots accurately, that elections staff was transparent and helpful and that the adjudication process for ballots was valid.

"I greatly respect their knowledge and expertise and am convinced they are conducting our elections as prescribed by the law," Campbell wrote in the statement.

Kuss, who said he was not involved in the recount request except to help the group raise money, said the results showed the machines are not perfect.

"It shows that there are errors in the tabulation machines," Kuss said. "It's not significant enough to change a large race but it's something the company should look further into to keep these things from occurring in the future."

Kuss also said the results gave him some confidence in the outcomes of local elections.

“It supports that on a large scale we can trust the tabulation machines,” he said. “I think that was the ultimate goal of the recount.”

Auditor Paul Andrews, the county's chief elections officer, said that when closely examining ballots there are usually a handful that switch, which is why tight races automatically trigger labor-intensive and costly hand recounts.

The last time the office performed a hand recount was in 2018, for a close legislative race.

Recounting November's sheriff's election, a county-wide election, amounted to the largest recount in Kitsap County history.

“It's where I expected we would be,” Andrews said of the results. “I know the software we use, and the process and procedures, are all good. They are solid. They produce accurate numbers.”

In a prepared statement issued Tuesday evening, Andrews noted the changed votes were due to ballots not being correctly filled out.

"It is important to follow the directions on your ballot when marking boxes and making changes after a box is filled in," he wrote. "With all of the concern people have with voting systems and accuracy, this was a great opportunity to build trust with voters and show that the people who conduct elections and the equipment we use have integrity and are accountable."

In the revised results, Gese added one vote that had been erroneously tallied as an undervote – an election term for leaving the space blank – and Kuss earned five more votes, one from a write-in incorrectly tallied and three from undervotes.

Kuss also scored one additional vote from an overvote, an election term for when more than one candidate is selected. In that case, the machine did not recognize that a voter originally voted for Gese but then canceled that vote but did not follow the instructions for a correction and then voted for Kuss.

In one of the votes that switched from an undervote to a vote for Kuss, Andrews said it appeared the voter started filling out their ballot with a pen that was running out of ink.

By the time the voter arrived at the sheriff's race and filled in the slot for Kuss, the pen's ink had become faint compared with the ink used to vote in other races.

About 35 workers contributed to the recount, working about six and a half days starting Dec. 12, with counters working in teams of two. First workers reconciled the ballots on hand to the machine count then moved on to counting. The actual counting took less than three days.

Andrews said the final cost of the recount has not been tallied, but he expects the tab to be roughly the amount of the \$31,000 deposit.

Kim Bradford, a spokeswoman for the Public Disclosure Commission, wrote that the commission had not encountered this kind of recount before and that paying for recounts is a campaign activity normally funded by candidates or parties and disclosed to the commission.

“If a group other than the candidate or party is pooling funds or soliciting contributions to fund a recount, (commission) staff would advise the group to also register a political committee and file contribution and expenditure reports,” Bradford wrote in an email to the Kitsap Sun. “Additionally, if the recount campaign is coordinated with a candidate, it could qualify a group's expenditures as campaign contributions that need to be reported by the candidate's committee.”

Bradford said she could not comment on whether any laws had been broken, saying that determination is made by the commission and follows a formal complaint. The commission has not received a complaint, she said.

Kuss said it was the group of his supporters’ decision on whether to register as a political action committee, or PAC, and disclose their finances to the commission.

“For me this doesn’t involve any finances, so I don’t have any intent of claiming any of this or registering,” Kuss said.

In an email to the Kitsap Sun, Campbell said he had inquired with the commission and attempted to register the group but asked it for further guidance.

“I will register as a PAC if it is required by law,” Campbell wrote, but noted that he saw the group that had been fundraising through a crowd-sourcing website and the group of voters who requested the recount as distinct groups.