

JANUARY 10, 2005 SENATE HEARING

PRESIDENT: The Secretary will read.

SECRETARY: On page 1, line 6 after "Constitution" insert the following: "With the exception of the office of Governor, for its certification shall be deferred in order to enable election contests filed in the courts to be acted upon." On page 1, line 12 after "officials" insert "except the Governor" and strike the remainder of line 12 and all of line 13 through "Governor." Section 4 of the State Constitution.

PRESIDENT: Senator Finkbeiner?

FINKBEINER: Thank you Mr. President. I move adoption of the amendment.

PRESIDENT: Senator Finkbeiner moves that the amendment be adopted. Senator Finkbeiner?

FINKBEINER: Thank you Mr. President, ladies and gentlemen of the Senate. I hate to interrupt what is really an exciting and honor filled day as we swear in our new members but in some ways I think this is somewhat appropriate for that. As we watch these people joining our ranks and people coming back we remember that nobody gets put here. Everybody gets elected here. And it's that election process that gives us our ability to govern. After all, it's been said that in a democracy it's not the voting that counts, it's the counting. And the confidence in the counting and the confidence that people have in the most recent Governor's election is a very appropriate discussion for us to have here today. So what's being proposed by this amendment is to delay a confirmation or a ratification of this election for two weeks because of the issues that have come to light recently and the issues that continue to come light. And because of the concerns that the public has about this election. Now, a lot of people are asking, first of all, well, can we delay this ratification? Because we've never done it before. I'm sure like many of you I was surprised to find out that we had any role to play in this. It's never been debated before. We've never actually voted on it. It's just been a motion that we've gone through on these early days. But this year as we go in and we read the Constitution and we look at our contested election statute that we had the foresight to pass recently I think it clearly shows that the Legislature and the Senate in particular can act on this issue. It says that, if I have the permission of the body and Mr. President to read?

PRESIDENT: Senator Finkbeiner.

FINKBEINER: Thank you. Here in the section dealing with returns and election canvassing it talks about the Secretary of State delivering to the Speaker of the House of

Representatives on the first meeting of the House and thereafter the results of the election. And some people having pointed out saying, well, that just means we have to do this on the first day but if you look further it talks about contested elections. And it says that if two or more of the highest and equal in votes for the same office one of them shall be chosen by the joint vote of both Houses and contested election for such offices shall be decided by the Legislature in such manner as determined by law. And the way that I read this and the way my legal advisors read this we first of all have no date set for our joint session and we second of all have the ability as a Legislature and as a Senate to decide in what manner we are going to ratify this election. So I think clear we have the ability to act in this way and to approve this amendment. So then the second question is should we? Should we take this monumental step that as far as I understand has never been taken in our state's history. Well let me give you some reasons why I believe we should. First of all, when you talk to the general public and you talk to folks about this election, as I'm sure all of you have, and you get outside our circles of those people who are active in our party you run into a large degree of questioning and a large degree of mistrust over what's happened in this election. And I think that's due to some of the facts that have come out recently. When they talk about the fact that there were 348 provisional ballots run through the system in King County before they were ever checked thrown in with the stream of all of the rest of the ballots never to be found again or identified with a specific voter again. When you talk about the fact that there are upwards of 2,000 votes out there that have not been matched up with a voter but are sitting out there, ghost ballots that have appeared out of the ether that no one knows which voter cast these votes and no one can explain which voter cast these votes, I think those are significant, significant issues and they raise some very serious concerns. Now maybe those issues will be explained away. Quite possibly someone at King County Elections or some other Counties can come in and say well, there's a very logical reason why this happened. And maybe at that time we can then decide well, now it's time to move on. But at this point in time, they have not been explained away. What started out as 3,400 ballots that did not have a voter connected with them, we supposed to go down to, I was told, a few hundred and has now turned into between 1,200 and 1,800. And every day more issues come to light and more rumors abound about what votes, what's happened out there. About illegal votes cast. About felons casting votes. About deceased people casting votes in this election. Some of those, and, again, many of those may come to light as having no factual basis. But just over this weekend King County delivered 25,000 pages of documents to people questioning this election. 25,000 over this weekend. So now I think the Legislature needs to ask do we rush through and do we quickly certify and ratify this election? Or do we wait and act deliberatively and get to the bottom of these issues? I believe that what is being proposed in this amendment is very reasonable. We're not asking for a revote at this time. We're not asking to overturn any election. All we're asking is for the Legislature to take two weeks and find out the factual basis of these issues.

And I think we owe that to the state and I think we owe that to ourselves. This is going to be a four year term that this next Governor can have. They can wait for two more weeks and I urge your adoption of this amendment.

PRESIDENT: Senator Hargrove?

HARGROVE: Thank you, Mr. President. Well, I agree totally with the former Speaker up to the final conclusion. And that is that we should be very concerned about the process. We should be very concerned about accurate votes being cast and about the accurate votes being collected. But I do not see that the certification or the acceptance of the certification of the Secretary of State seals that process off. We have in the Constitution as you suggested - contested elections for such offices shall be decided by the Legislature in such a manner as determined by law. And there is a law. A contested elections law. And there has been a suit filed, I believe in Chelan County, to have a trial and go through all those factual issues, which I support. We should go through all those factual issues. All the rumors, whether there was fraud, whether there was gross incompetence, whether there were things that would have changed this election. But going ahead with the certification of the Governor-elect does not stop that process. If it in fact did stop that process I would be voting different today because this would be our last chance to have a say in that and it would make sense to delay it. But that does not stop that process. We have a process in place in this state. We have an election. We have a recount. We have a hand recount. We have auditors certify that election. The Secretary of State, who happens to be a Republican, certified that election also. And then we accept the result. And that does not seal off the contested elections law that then a suit can be brought and those discrepancies can be challenged in front of a court of law with a trial, instead of delaying all the work we're doing down here and turning the Legislature into the court of law. The Legislature in their wisdom put that process in place. I had to wrestle personally with this issue over the weekend. I did a lot of thinking and a lot of praying about it, frankly, because, you know, I'm a conservative guy. And this may not necessarily be my choice for Governor. You're not going to know exactly but it may not be my choice. But it came down to me thinking, is this about my choice for Governor or this about following a process that ensures that the people, the will of the people, of the state of Washington get their will. And when I came through and saw that there's still an opportunity for that legal process to go forward and if that legal process comes back and says we should have a revote I'll be the first one there to say that we should have a revote. Or if that process comes back and says we should have a different Governor after going through that process and looking at those votes I'll be the first one. But now is not the time to take and delay accepting the certification. Let this go forward, go to the court process which is set up in law and then once they go through a long and laborious and detailed process to look at it, that's the time to consider it. So I'm going to vote no.

PRESIDENT: Senator Schmidt?

SCHMIDT: Thank you Mr. President. Well, I think the comments from the fine previous Senator were well taken. We are a country and a state of a due process, a due process of law. And it is within our right of that due process of law to represent our citizens who have clearly, clearly indicated regardless of what poll, what survey or anything that you are considering, they don't think this is a legitimate election. They don't think that this is one that the outcome is very certain. We are a state of due process of law and the steps we're going through, and as the fine lady who has the title of Governor-elect had stated at one point in time, that she had the right to ask and pay for a recount just as much as that there are others who have the right to contest this election and in that process ask for a recount as the majority of the citizens of this state are clearly saying they want. They are clearly saying they want a recount. Because they don't have the trust in the outcome and the results of it come out to only 129 ballots difference of close to 3 million ballots cast. I am not going into all the different areas that are there, but there is one I am going to talk about because it's very near and dear to my heart. Most of you know I just finished 22 years in the Washington Army National Guard. I am still subject to being recalled and sent to Iraq. I was at Camp Murray yesterday doing my weekend duty and some of my colleagues were talking about the phone conversations and the emails of some of our National Guard members that didn't get to vote. Folks there's a whole lot more of them out there than what's being reported in the press cause a lot of them just aren't talking about it. And this has been going on for years. There are overseas military people get their ballots too late. And I am going to pose this question – it's a rhetorical question, you don't need to tell me now – but if I was in Iraq and I got my ballot late would you count my vote? Would you count my vote if I got my ballot late due to no fault of my own? Well, there are some of the citizens of our state that's what's happened to them. And it's clearly enough to make the results of this election be in question. And that's what the law says with a recount. You don't have to prove fraud. Nobody is contesting or saying fraud took place. We are saying that there were mistakes that were made and the result of this election is clearly in question because of the numbers of those ballots, not just with the military folks, not with just the provisional ballots and counties more than King County. But it is very clear that the results of this election is not certain and it needs to be redone and that's why we need to approve of this amendment so we can honor the request of the citizens and have the integrity of upholding the due process of the law within this state. I urge a yes vote on this amendment.

PRESIDENT: Senator Sheldon.

SHELDON: Thank you Mr. President. I'm also rising in support of this amendment. Without this amendment this is just going to be another partisan vote. Democrats are going to vote no, Republicans are going to vote yes. What we

hear from the people today is not a partisan issue. They are truly concerned about this election and truly want to know what the mistakes were, what were the results of the mistakes, did it make a difference in this election. That's not a partisan issue. But we could take it out of the partisan realm of politics by voting for this amendment, delaying a simple two weeks, let things settle, let the facts come out, let the newspapers and our press corps delve into those issues. It just makes sense to lower the rhetoric by adopting this amendment, not taking a partisan approach to this election, but taking a fact-finding approach. Everyone is concerned. Please vote for this amendment.

PRESIDENT: Senator Kastama.

KASTAMA: Thank you Mr. President. I would ask you not to vote for this amendment because I do not think it's actually warranted. I would like to add, a previous speaker had talked about how there was no fraud. I think that there needs to be pause in Washington state by the voters for a moment and reflect on the fact that no one has said there was fraud in one of the closest elections in the United States' history. I think that says a tremendous amount. Chris Vance has said this, Paul Berendt has said this, Christine Gregoire, Dino Rossi, he is willing to say no one has tried to steal this election and I think that's a great thing to say about Washington state. Some things that other states out there would like to be able to say about their elections. I think the question before us today is whether or not there were avoidable errors in this election that if they would have been avoided, if they didn't happen, would it changed the results of this election. I think that's the question. And I think that however this entire debate has been hampered by the hyperbolae and exaggeration that we've seen in the press. It's made these issues very difficult to discuss. For example, last week I opened the Seattle P-I and the headlines read something to the effect that dead people were voting. Well the first thing I thought as I am sure many citizens in Washington state thought, it must be very scandalous; something like we had learned in our textbooks about the 1960 Presidential election where in Chicago they said people took names from tombstones and they voted. But when you read the article that isn't what it said. Eight people, eight people have been identified. And many of them were heart wrenching stories about deathbed wishes to have the other person vote for them. And in fact the person that the profiled made it pretty clear that that person had voted for Dino Rossi. A day or so later another headline, "Felons Are Now Voting in Washington State," and of course I am thinking something like Tammany Hall. Again, not very many people, and the ones that they profiled there made it very clear they did not vote for Christine Gregoire, but instead Dino Rossi. I think if you apply critical judgment to all the allegations that have been made about this election as far as those particular errors, the provisional ballots, etc., I think you will find that they don't have the substance to warrant a revote. As to the military personnel, I am from Pierce County. I'm not from King County. I am from Puyallup and we have one of the highest concentration if not, I think, the

highest concentration of military personnel, we have in Pierce County. So I take that as a very serious issue. We mail ballots 25 days prior to the election to our military personnel. That's our goal. Now it's sent by military mail so we can't always guarantee that it's going to get there. We allow them to have their ballot emailed to them too. I know that might be a difficult problem too. We also allow faxing votes too. There is a privacy issue there, but the person acknowledges that. And we also allow them to use a generic write-in ballot that's available to all servicemen at any time and then they can go ahead and mail that in. The problem the other day with that young man who they've been talking about in Iraq who received his ballot the day after the election. If he would have mailed it in, if he would have mailed it in, in Pierce County and I think all the counties in Washington state, they count that ballot clear up to certification. That's how long they count it. Now will I accept fault for this, will I share some of the fault? Absolutely. I think we can all do a better job of educating our military personnel so that they can participate in the democracy that they are fighting for. Let me tell you what I am doing as the Chairman of the Government Operations & Elections Committee. I plan on putting forward several bills to solve this problem. First, I am going to put together an Omnibus bill that will standardize election procedures in Washington state so a vote counted in Walla Walla is counted the same way in Seattle, Bellingham and Vancouver. I will also move the primary date which will help the military personnel receive their ballot in time; will be able to mail it out even earlier. I will push for performance audits of all of our county auditors to make sure the election procedures are clear and are working properly. I will make the Secretary of State position an non-partisan position. And please understand, it's no reflection on Sam Reed. But I think it's very difficult for a person to be partisan and have the pressure of counting votes. And finally, I will push for a paper trail to make sure that all electronic voting has a paper trail included with it. But in conclusion, I think if you examine the results, at this point with the evidence we have today it does not warrant us stopping the business of Washington state and stopping a Governor who can step in, start working and we work with that person. Thank you Mr. President.

PRESIDENT: Senator Johnson.

JOHNSON: Thank you Mr. President. While the Chairman just indicated that those mistakes were fairly minor, it can be overlooked and we'll fix them the next time around. Let me bring this closer to home. Let's suppose, for example, we're about to vote, in a few months we are going to vote on the underlying resolution, the current resolution. Let's suppose that we determine to do that by a paper ballot, a secret ballot – not the way we usually do it by roll call. So the Secretary of the Senate hands out the ballots, they are marked and they are handed back in. The President asks for the vote and the Secretary says the vote is as follows. This is on the resolution, not the amendment, is as follows. 25 votes in favor of the resolution, 26 votes opposed to the resolution. Well,

the Majority Leader is on her feet in a minute after that. 25 and 26 adds up to 51. There aren't 51 members in this body. Well, we do it right most of the time. And everybody we know, the new Secretary would assume to be honest men of integrity. We know that all 51 and 49 members of the Senate to be honest and of integrity. So how does that happen? It happens once in awhile. It's human error. Frankly, we would all be just outraged at such a situation. In this case, the real case, we have at least 1,000 plus, maybe 2,000, ballots that are there with no voter! It's a horse without a rider, it's a boat without a motor. That just doesn't work, does it? These facts compel us to look into it. That we can help. Well, reference to the Constitution says that the legislature according to law has some responsibility in this matter. That's us. We have this responsibility. This hasn't happened before. There is some sense of a perfect storm. We get a hugely important state-wide race; it's as close as you could almost possibly get, and the errors abound. Thousands of vote counted that probably shouldn't have been; and yet we are not willing to take, as frankly as Governor Locke said, we are not willing to calm down and take a look at this. That's the least we can do for this important situation. I urge you to vote in favor of the amendment.

PRESIDENT: Senator Mulliken.

MULLIKEN: Thank you Mr. President. I would like to go back to the underlying resolution that we're talking about and I think that it's not a secret that most of us have pretty much made up our minds what we're going to do here. But this discussion is about restoring confidence, public confidence, in our election system. And it's about protecting the integrity of not just our constituents' ballots, but our very own ballots – those of our friends and families. And I think that certainly Eastern Washington was very involved in the Governor's race for the first time in years. We dealing with people who actually, someone who actually took the time to come over and get to know us and get to know our issues. So the people in my district, in the 13th, felt very involved, very franchised. Now they feel very disenfranchised. And I've heard some of the legislators say well, gee, I haven't heard anything from my constituents. So I called my office and I said, I know we've passed the 200 mark, so I would like to tell you that I've received 115 emails as of noon today from my district. A 108 hotline calls, four of them not wanting us to do anything. Only four out of 108. And 18 direct phone calls to my office. I've had numerous contacts in the grocery store, in local restaurants. And it all happened even before there was any discussion of a revote. Many of these calls and contacts came in long before that. So people were paying attention. I think the underlying concern that people have is – in fact I'll quote my sister-in-law who lives in West Seattle who actually voted for Christine Gregorie. She came over before Christmas and we were talking about it. Obviously, we have interesting family discussions over dinner. And she said you know, she said "I don't care who the Governor who is. I don't care if it's Mr. Rossi; I don't care if it's Chris." She said "What I do care

about is my ballot. Did my ballot get counted fairly? Is the election system being handled right?" She said "I would rather it be done with and over with and that we do this one time knowing that we had done it right." Now do I think we are ready we are ready to do it the right way? I don't think we should repeat the same mistakes now. But I think that for us as a body to allow ourselves and the legal people that are looking into this to have two more weeks. That's not very long. Two weeks to look at the inconsistencies; to prove the allegations either wrong or right. Because we really don't know. But we do know we have records of more voters, I mean more ballots than voters. We know that, I think the biggest problem is these provisional ballots being tossed in so they will never be tracked down again. Were they valid? We don't know. Were they signed? We don't know. They were just tossed in. They were mixed in. And we have no way of tracking it in one county and I don't even know if the other 38 counties did. So I think two weeks is probably not enough, but at least it gives us time to go home to our folks and say we heard what you said. We're being deliberative; we're doing the job you sent us here to do. So I urge your support of this resolution. Thank you, Mr. President.

PRESIDENT: Senator Eide?

EIDE: Thank you, Mr. President. I demand roll call vote.

PRESIDENT: Senator Eide demands a roll call vote. Do one-sixth of the members demand a roll call? Roll call is sustained. Senator Benton?

BENTON: Thank you, Mr. President and ladies and gentlemen of the Senate. I rise to urge you to support the amendment to the resolution. There's been a lot of words spoken here on the floor today, fraud, malfeasance, incompetence or just mistakes. We're not sure, none of us, whether any or all of these words are accurate. But what we do is, the Senator from the 47th District pointed out, is that we have a lot more votes in the hopper than there are voters. There is something wrong when that happens. This isn't about Republican or Democrat or Rossi or Gregoire. What it's really about, ladies and gentlemen, is the voters of the state and whether or not they will continue to turn out to vote because they believe that their vote means anything. Today begins my 11th year in the State Legislature. In the entire time that I've been here there hasn't been a session gone by that we haven't had a bill of some sort that was promoted as a bill that would help encourage voters, whether it was motor voter registration, change in election dates, change in the forms, to promote and to encourage and to increase voter turnout. Under Secretary of State Ralph Monroe we were able to increase voter participation in our elections in the state dramatically. That trend has continued. And there's not a member on this floor who has not espoused the need to encourage their constituents to turn out to register with probably all, I know I have and I wouldn't guess that there's not a person here that hasn't participated in voter registration drives of

some sort or another to get more people involved in this great democratic process that we have in America. We had, if not an all time high, one of the highest voter turnouts in recent history in Washington state. It was phenomenal, the people that were motivated to participate in this election. Absolutely phenomenal. One of the goals that we have all striven for these many years, to increase participation in the process. That's the biggest loss we face. Not who controls the Governor's mansion or what party's in power. This is not a political question. This is not a partisan issue. This goes to the very core of what makes a republic, a democracy, work. The trust of the voter. Can the voter count on the fact that their vote was counted and was counted appropriately and properly for the right candidate? That's what this issue is about. And so today when we ask you to delay this until we find out whether any of these words were accurate or true, fraud, malfeasance, incompetence or just mistakes. Any or all. It's time, time to see if it was legitimate. If I may, Mr. President, just quote briefly from the Spokesman Review.

PRESIDENT: Senator Benton.

BENTON: Thank you. "This is a couple of week delay for four years of legitimacy," she said. "We need to put this to rest. People need to believe and feel good about the election system of the state of Washington." "Two years from now she predicted this delay will be completely forgotten." Ladies and gentleman those are quotes of Christine Gregoire three weeks ago in the Spokesman Review article. So yes even the Governor-elect agrees, it would appear, with this amendment on the floor on the Senate here today because it's not about partisan politics. It's about whether or not we disenfranchise thousands and thousands of Washington citizens from the electoral process and whether they will ever again return to the polls to cast a ballot for anyone because they no longer trust the system. I say to you today here on the floor of the Senate, isn't two weeks worth it to secure that trust of all of these voters and especially the new ones that turned out for the first time because they were convinced that their vote would matter and now only to find out that it wasn't true? Their vote really doesn't matter. I ask you not to make that mistake today. To give the system some time to repair itself. To give the citizens of the state of Washington the ability to believe that their vote did matter. Ladies and gentlemen, the vote on this issue today may well, in fact, be the most important vote you'll take this entire session. Please support the amendment.

PRESIDENT: Senator Kline?

KLINE: Thank you, Mr. President. I'd like to start out by very strongly echoing the words of the previous speaker and the minority leader regarding the fact that elections in a democracy are the foundation of this state's democracy and the foundation of the public's trust. They trust us because they elected us. They feel confident about it even if they don't like everything we do. And that trust

means a lot to me and it means a lot to every one of us. I understand very well the feelings, and let me address my friends on the other side of the aisle, because you are my friends. We don't always agree with each other but you're my friends. And I know, I understand very well, how your constituents and you personally feel. That an election in which you participated as advocates is somehow now in doubt and there's some question about it. It echoes a feeling I've felt before recently in the last four years and I know it's not a good one. I want to sympathize. I want to state my feelings very personally. I sympathize with you personally and with your constituents who've written, as the good Senator mentioned, and I believe I've gotten as many emails as you have. I want to also start by commending the party organization that you belong to. First, for having chosen a statutory way, the way that this Legislature and our predecessors set out for resolving this issue, rather than bringing it to a partisan body ourselves. It will go to the courts, a nonpartisan body, and it will be resolved probably by the Supreme Court in the end. I want to also commend you and my good friend from Snohomish County for stating something that we've known all along. This is not fraud. This is a mistake. I hope that that word is echoed to the public ear as long and as hard as its opposite has been these past three weeks, or four weeks. Human error, not fraud, but human error. And I might add possibly machine error, electronic error. Those – while we can never entirely legislate against human error, we can do something about machine error. We can give it a paper trail that we can check. But the question to get down to in the proceeding that's coming in the next few weeks, I hope it's going to be a quick one, in Chelan County and ultimately here in the Supreme Court, is whether the mistakes, those human and machine errors, were sufficiently one-sided when you nip them out mathematically against the other, to have changed the result. If the courts find that, and this is my faith in our judiciary, if the courts find that, I'll accept the result. Our judiciary, I believe, are people of nonpartisan integrity. They're all people who are sworn to uphold the Constitution and the laws. Every one of them raised their right hand and I believe them all. But in the meantime the process of governing has to go forward. We have a job to do that includes two Houses of the Legislature, the judiciary, and a Governor. A Governor we have who has planned, I'm sure, some vacation time. He's not planned to be Governor of the next two weeks. Coming as this motion does on the eve of his successor's inauguration, it's affect not only on our current Governor but on his likely successor, let me refer to her as Ms. Gregoire, is, to put it plain, the kind that stops the cogs of government. She has a cabinet to appoint. She has a series of positions to take on legislation that comes before us. She cannot be told, hold off for two weeks, at the very outset of the legislative session. Again, I understand where this motion comes from. But at some point the legislative process and the government process that goes on outside this building has to go forward. The court, if it makes this decision, will reverse what we do, possibly tomorrow. That's okay. It's okay by me. I believe, I can't say everybody on this floor, but I believe that will be a

generally accepted result in this body. We have a Constitution. It has three branches of government. They're working and that's the point. Thank you.

PRESIDENT: Senator Hewitt?

HEWITT: Thank you, Mr. President and ladies and gentlemen of the Senate. To me this is about trust. It's about inclusion. Many times in the last four years when I have spoken to groups they have asked me what my goals are as a Senator. I don't have any great goals. I don't have grandiose goals. But I do have a goal and that's to make this state work together. One state. Not two. We have this great mountain divide out there. We all know about it. And I can tell you in the last two to three weeks through the holidays every place I went, every place I went, people on my side of the state feel disenfranchised. They don't feel included. They feel like they've been robbed of an opportunity. So I think what we should do, and one of the other questions that's come up many times in the last couple of weeks is, how can we secede from the State of Washington? Well, that's not why I came over here, to secede. I came over here to try and work together and I've tried to work together with all of you. I voted for things that are not particularly good for my district but they're good for the state of Washington and I let my opinions be known. We're not asking for the world. All we're asking for is for a two week delay until we can take a look at the facts and actually find out and make this a legitimate process. Thanks.

PRESIDENT: Senator Brown?

BROWN: Thank you, Mr. President and ladies and gentlemen of the Senate. There is a time for partisanship in politics and there is a time for governing. We are a state governed by Constitution and laws. Not by chanting crowds, rumor of the day or, frankly, making it up as we go along. We need to turn down this amendment for the following reasons. Number one, we have a winner under the Constitution and laws of the State of Washington. The person who is certified by the County Auditors, by the Secretary of State, is Chris Gregoire. We, the legislative branch, my favorite branch of government, do not confirm elections. We do not ratify elections. We do not certify elections. Our duty is spelled out under the Constitution, the clause that was ready previously. It states very clearly that we shall receive the results, the Speaker shall open, publish and declare the results in the presence of a majority of members of both Houses. It does further state that under a contested election that this shall be decided by the Legislature in such manner as shall be determined by law. Not by a new process - by law. And we have a law, a contested election law. Not only do we have a winner but we have a duty, we have a duty, to uphold the Constitution and laws by taking on the appropriate role and not by adopting a new role. We don't have a compelling reason to delay. Problems that have been raised can, and are, being raised in the appropriate venues. As I stated before, were we to take any other action we would be making it up as

we go along. People have said, but we don't know about this particular incident or that particular incident. Not only that, but we do not have a process under law in order for us to judge that. How would we accept evidence? Would we vote on every case, deciding whether that person's vote did or did not count? Were we to delay for two weeks who's to say what would occur in terms of the normal operations of our system? And who's to say if our deliberations were to result in a different conclusion than that of the judiciary branch? Talk about undermining confidence of the public in our system. Us taking it upon ourselves to make the decision, take over the process, and decide as we go along would greatly undermine confidence in our process and we all know it. It's been raised about the issue of trust. Who do you trust? With all due respect to my colleagues I believe that the trust should be placed in the voters under the Constitution and laws of the State of Washington. Furthermore, it is time to move forward. Our state faces many challenges. There are people without jobs whose mortgages are on the line. There are students who don't know whether they will have a place in a higher education institution in our state. There are, sadly, under our watch, more children without health care. We've got a job to do. We've got an important job to do as legislators. Do we have a role with the election process? We certainly do. As the good Senator indicated earlier we can address any systematic problems that arise by creating laws to govern and build a more perfect process, as is our role to do. It is time to move forward. There is a role for other citizens. They have rights and they may exercise them in other venues. But it is time for the Senate of the State of Washington to put partisan politics aside, accept the outcome of November's election and get on with the business of governing, for the people of Washington state.

PRESIDENT: Senator Eide?

EIDE: Thank you Mr. President. Call for the previous question.

PRESIDENT: Senator Eide has demanded the previous question. Do two additional members support the demand? The demand has been sustained. The question before the Senate is shall the main question now be put? All those in favor will signify by saying "Aye."

MANY: Aye.

PRESIDENT: Those opposed, "No."

MANY: No.

PRESIDENT: The no's appear to have it. Division has been called for. All those in favor please stand and remain standing until the vote is taken. Remember to stay in one place.

PRESIDENT: There are 25 yes votes. The demand is sustained. Senator Finkbeiner, you may close debate.

FINKBEINER: Thank you Mr. President and members of the Senate. Well, I think that's disappointing, to decide to close off debate. I know we're all hungry. I know we've all been here for a while. But I think, as others have said today, this is a very important issue. And I feel like we're treating this debate the same way we're treating this issue, which is quick, let's just rush forward. Who cares about the facts? Don't bother me with the facts. A Governor has been elected. Let's move forward. Let's get going. We've got lots of work to do. I agree we have a lot of work to do. I agree there's a lot of other issues that we're going to need to discuss. But right now I don't believe there's anything more important than this issue in front of us today. You know, one of the previous speakers talked about the fact that they didn't believe that there was a process, that we had any role in this process. That we shouldn't be inserting ourselves in here. I think, if you look at it, it's too late. We're going to go into tomorrow and we're going to either ratify or not ratify an election or else we can wait two weeks and see what the facts are. Otherwise, we are inserting ourselves into this process. Otherwise we are walking in tomorrow and choosing a Governor. And we're choosing a Governor regardless, regardless of the facts that have arose in this issue, regardless of the serious, serious questions that have been brought up. Now you know if this election had been a difference of 15,000, 10,000, 5,000 votes, it wouldn't be an issue today. We would have learned a lot about our process. We could come back and we could make some improvements to it and that would have been a good thing. But that's not what happened. It was decided by 130 votes and there are 2,000 votes plus out there that have no voter attached to them. And, by saying no to this amendment, you're basically saying that's fine – Legislature, you know, we don't want to...we don't want to have any serious look at that issue. We're just going to move forward because that's what we've always done – we're gonna just hurry up and get this over with. Well, my question to those who are voting "No" is: At what level does the proverbial flood hit your pocketbook, as they say? At what level does this issue....would this issue have to rise to...where you'd say let's take a little while to study it? What if there were 10,000 votes out there that didn't have a voter? What if there were hundreds of votes that come to light that don't - that are cast by illegal voters - either people who are dead – or felons – or otherwise? At what point in time do you say enough is enough and the Legislature needs to take a look at it? I think, for myself, it's clearly reached that point. Again, I want to emphasize we are not asking the Legislature to choose a Governor. We are not even asking for a re-vote which the majority of the citizens in this State are now thinking is the right direction. We're just saying let's take two (2) weeks and let's get to the bottom of these facts and let's not rush this thing forward the second day of session. Sure, we've got a lot of things to do. How many of them are going to get done in the next week? And how many of them take precedence over this issue? I urge your support of this Amendment.

PRESIDENT: Question before the Senate. Is the adoption of Amendment to House Concurrent Resolution 4402, Adoption of Amendment by Senator Finkbeiner? A roll call has been demanded. The Secretary will call the roll.

SECRETARY: Benson Aye
Benton Aye
Berkey No
Brandland Aye
Brown No
Carrell Aye
Deccio Aye
Delvin Aye
Doumit No
Eide No
Esser Aye
Fairley No
Finkbeiner Aye
Franklin No
Fraser No
Hargrove No
Haugen No
Hewitt Aye
Honeyford Aye
Jacobsen No
Johnson Aye
Kastama No
Keiser No
Kline No
Kohl-Welles No
McAuliffe No
McCaslin No
Morton Aye
Mulliken Aye
Oke Aye
Parlette Aye
Pflug Aye
Poulsen No
Prentice No
Pridemore No
Rasmussen No
Regala No
Roach Aye
Rockefeller No
Schmidt Aye
Schoesler Aye

Sheldon	Aye
Shin	No
Spanel	No
Stevens	Aye
Swecker	Aye
Thibaudeau	No
Weinstein	No
Zarelli	Aye

SECRETARY: Mr. President, 24 Yea – 25 Nay.

PRESIDENT: The Amendment is not adopted.