

Deposition of Julie A. Wise

Washington Election Integrity Coalition United, et al. v.
Wise, et al.

May 18, 2023



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SUPERIOR COURT OF WASHINGTON

COUNTY OF KING

| | | |
|-------------------------------|---|----------------------|
| Washington Election Integrity |) | |
| Coalition United, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | No. 21-2-12603-7 KNT |
| v. |) | |
| |) | |
| Julie Wise, et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |
| and |) | |
| |) | |
| Julie Wise, King County, |) | |
| |) | |
| Counter-claimants, |) | |
| |) | |
| v. |) | |
| |) | |
| Washington Election Integrity |) | |
| Coalition United, |) | |
| |) | |
| Counterclaim Defendant. |) | |

VIDEOTAPED DEPOSITION

UPON ORAL EXAMINATION OF

JULIE A. WISE

Taken at 1325 Fourth Avenue, Suite 1840
Seattle, Washington

DATE TAKEN: MAY 18, 2023
 REPORTED BY: BARBARA CASTROW, RMR, CRR, CCR #2395

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ALSO PRESENT:

MATTHEW WOLCOTT - VIDEOGRAPHER
TAMBORINE BORRELLI
LAWRENCE HUTT
PEGGY HUTT

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1 Seattle, Washington

2 May 18, 2023

3 8:35 a.m.

4 -oOo-

5
6 THE VIDEOGRAPHER: And we are on the record.

7 Here marks the beginning of File 1, Volume 1, in the
8 deposition of Julie Wise, in the matter of Washington
9 Election Integrity Coalition United, et al., versus
10 Julie Wise, et al.; Cause No. 21-2-12603-7 KNT in the
11 Superior Court of Washington, County for King and was
12 noticed by Plaintiffs.

13 The time is approximately 8:35 a.m. on this
14 18th day of May, 2023, and we are convening at Buell
15 Realtime Reporting, 1325 Fourth Avenue, Suite 1840,
16 Seattle, Washington 98101.

17 My name is Matthew Wolcott, from Buell Realtime
18 Reporting, LLC.

19 Will counsel, starting on my right, please
20 introduce yourself and state whom you represent.

21 MS. SHOGREN: Virginia Shogren, for
22 Washington Election Integrity Coalition United, acronym
23 pronounced WEICU.

24 MR. BASLER: Doug Basler.

25 MR. SAMOYLENKO: Timofey Samoylenko.

1 MR. HYATT: Heath Hyatt, Perkins Coie,
2 representing the Intervenor Defendant Washington State
3 Democratic Central Committee.

4 MR. HACKETT: And David Hackett, Special
5 Deputy Prosecutor, representing Julie Wise and the other
6 King County entities.

7 THE VIDEOGRAPHER: And will the court
8 reporter now please swear in the witness.

9 JULIE A. WISE, witness herein, having been
10 first duly sworn under oath,
11 was examined and testified as
12 follows:

13 EXAMINATION

14 BY MS. SHOGREN:

15 Q. Please state your full name and address for the
16 record.

17 A. My name is Julie Wise, and my address is 29020
18 First Avenue South, Unit 37. That's in Des Moines,
19 Washington 98198.

20 Q. What is your elected position?

21 A. I'm the elected King County Director of
22 Elections.

23 Q. And how long have you held that office?

24 A. Just approaching eight years.

25 Q. What are your specific duties as King County

1 Director of Elections?

2 A. I'm an elected capacity to run the organization
3 of 72 permanent full-time employees, and our job and
4 responsibility is to manage 1.4 million registered
5 voters here in King County.

6 So my job is to provide direction, leadership,
7 oversight over the organization and its mission.

8 Q. Have you had your deposition taken before?

9 A. I have.

10 Q. How many times?

11 A. I'm not sure the exact number.

12 Q. Can you give me an estimate?

13 A. Over the last 23 years at King County
14 Elections, probably maybe around four or five.

15 Q. Do you remember the case names for any of those
16 matters?

17 A. I do not.

18 Q. I'm going to review with you the deposition
19 procedure. And after I conclude my statements, if you
20 have any questions before continuing, please ask them,
21 so that we can be sure that you understand this
22 procedure.

23 You have been sworn by the court reporter today
24 to tell the truth, and you are bound to do so under
25 penalty of perjury.

1 As a result, your testimony today, although in
2 the somewhat informal settings of this conference room,
3 has all the dignity, force, and effect as a court
4 proceeding.

5 Do you understand that?

6 A. I do.

7 (Tamborine Borrelli enters.)

8 Q. (By Ms. Shogren) Everything we say will be
9 taken down verbatim by the court reporter. It is
10 difficult for the court reporter to record our
11 statements if we are both speaking at the same time. So
12 it is important that only one of us speak at a time.

13 Please allow me to conclude my question before
14 you attempt to answer it, and I will afford you the same
15 courtesy.

16 In addition, all responses need to be audible
17 for the court reporter. So please do not shake your
18 head or nod your head to signify yes or no.

19 If you do not understand a question, please say
20 so. Otherwise, I will assume that you understood the
21 question. Is that clear?

22 A. Yes.

23 Q. The purpose of the deposition is to elicit
24 factual information from you, based upon your
25 recollection and knowledge. Please do not speculate,

1 guess, or give me an answer just to give me an answer or
2 an answer that you think I might want to hear.

3 However, I am entitled to your best
4 approximation or estimate in response to my questions.

5 Do you understand this?

6 A. I do.

7 Q. To move the deposition along, we will consider
8 that all objections except privilege objections are
9 reserved until the time of trial.

10 The deposition transcript will be prepared by
11 the court reporter, and you will have an opportunity to
12 review that deposition transcript and to make whatever
13 changes you may feel are appropriate and then sign the
14 transcript under penalty of perjury.

15 However, you should know that, in the event you
16 do make changes, we will have the opportunity to comment
17 on those changes to the trier of fact, whether it be
18 judge or jury. So it's very important that you give us
19 your best testimony today.

20 Do you understand that?

21 A. I do.

22 Q. Have you taken any medications or drugs in the
23 last 24 hours that would impair your ability to testify
24 today?

25 A. No.

1 Q. Are you feeling okay?

2 A. I am.

3 Q. Are you sick?

4 A. No.

5 Q. Is there any reason why you cannot give us your
6 best testimony today?

7 A. No.

8 Q. If you get tired or want to take a break, let
9 me know, and we will take one.

10 Do you have any questions before we continue?

11 A. I do not.

12 Q. Are you here today in response to the Notice of
13 Deposition issued by Washington Election Integrity
14 Coalition United, acronym pronounced WEICU?

15 A. Yes.

16 Q. Did you review any documents that refreshed
17 your recollection for the purpose of your deposition
18 today?

19 A. I did.

20 Q. What did you review?

21 A. The -- I'm forgetting the actual name of it,
22 but what was submitted by WEICU and then our responses.

23 Q. Are you referring to the Complaint?

24 A. I am. Thank you.

25 Q. Okay. And by responses, are you referring to

1 your Answer to the Complaint?

2 A. Yes.

3 Q. You believe so?

4 A. Yes, I believe so.

5 Q. Okay. Anything other than the Complaint and
6 the Answers that you reviewed to prepare for today?

7 A. No.

8 Q. Could you describe your educational background?

9 A. High school degree, an AA degree, and some
10 college.

11 Q. Do you have a college degree?

12 A. I have just the AA degree.

13 Q. The AA degree. Thank you.

14 I'm going to start with some general questions
15 and -- which should be -- you should be able to answer
16 in your capacity as the director of elections and as a
17 defendant and counter-claimant in an action seeking
18 election-related public records.

19 What does election integrity mean to you?

20 A. As far as the organization?

21 Q. What --

22 A. Or just the word -- the words?

23 Q. The term "election integrity," yes.

24 A. Sure. Integrity of the election, so solid,
25 accurate, secure elections, and -- yes. I think that's

1 good.

2 Q. What does election transparency mean to you?

3 A. We provide access and -- through many different
4 forms for our voters to be able to have transparency
5 over their elections. And that can take many shapes and
6 forms, but we see it through observer opportunities,
7 through the cameras in our facility, through a fifth of
8 a mile Plexiglass loop for voters to be able to come in
9 and watch the election process are some of the ways in
10 which we display our transparency of the elections
11 process.

12 Q. What does a certified voting system mean to
13 you?

14 A. One that's been reviewed and approved by
15 whatever authority.

16 Q. What do you mean by "whatever authority"?

17 A. It depends, because there is federal and there
18 are state requirements and certification. So it would
19 depend on what level of certification we are talking
20 about.

21 Q. So you are saying that federal and state
22 certification is required?

23 A. No. Through Washington State, our tabulation
24 system just needs to be certified by the Secretary of
25 State's office after it has been tested by an

1 accredited, I think we call it, VSTL, which is a voting
2 system lab at the federal level that is approved by the
3 EAC.

4 Q. What does ballot security mean to you?

5 A. Keeping good chain of custody of ballots,
6 always two people with ballots, seals if required, good
7 storage of the ballots between cages or badge access,
8 security access to the ballots.

9 Q. When you say storage between cages, what are
10 you referring to?

11 A. How we store our ballots in between -- within a
12 cage.

13 Q. And how would the cage be secured?

14 A. It's floor to ceiling cement floor to the roof
15 of the building, a chain-link fence that requires a
16 badge and a biometric, meaning a fingerprint, access to
17 only those that have permission to the cage.

18 Also there's a security seal when the ballots
19 are not being accessed during the nighttime with a
20 unique numbered identifier on it.

21 Q. What does chain of custody as it relates to
22 ballots mean to you?

23 A. It means that we've got, again, two staff
24 members as required by Washington State law with the
25 ballots at all time.

1 Q. And what does a reporting server as it relates
2 to elections mean to you?

3 A. Could you provide more clarity? A reporting
4 server?

5 Q. Yes. A server that you use in elections for
6 elections purposes.

7 A. For our results reporting?

8 Q. Resulting reporting.

9 A. Results reporting is what I believe you are --

10 Q. Okay. Thank you.

11 A. -- speaking off.

12 Q. Yeah, what does the results reporting server
13 mean to you?

14 A. We call it the tabulation server. And that is
15 getting data from the tabulation scanners.

16 Q. What do you mean by "tabulation scanners"?

17 A. It's what you scan the ballots into.

18 Q. Those are standalone scanners?

19 A. They are.

20 Q. Are King County election systems air gapped?

21 A. The tabulation system is.

22 Q. So what does air gap mean to you?

23 A. Not connected to the internet.

24 Q. So according to a King County election website
25 page on frequently asked questions, it says, "Our

1 tabulation system is on a closed, air-gapped network,
2 not connected to the internet and is not capable of
3 wireless communication."

4 So could you elaborate on what that means?

5 A. It means that the scanners that you feed the
6 ballots through, those are not connected to the internet
7 in any shape or form. They are connected directly to
8 that tabulation server to be able to get the results
9 from the ballots.

10 Q. Does this mean that the tabulation system is
11 air gapped, but other components of the election system
12 are not air gapped?

13 A. For example, the voter registration system is
14 connected to the internet.

15 Q. Okay. So maybe a better question is, what
16 components of the King County election systems are
17 capable of connection to the internet?

18 A. I'm sorry. Can you say that again?

19 Q. What components of the King County Elections
20 systems are capable of connection to the internet?

21 A. The computers that staff members are using for
22 work purposes and, again, the voter registration system.

23 Q. Anything else --

24 A. As well as the printers, fax machines, phones.

25 Q. Anything else that is capable of connecting to

1 the internet?

2 A. Not that I can think of.

3 Q. But the tabulation system is entirely separated
4 from the internet?

5 A. That's correct.

6 Q. At all times?

7 A. That's correct.

8 Q. According to the same King County Elections
9 website page on frequently asked questions, "A paper
10 trail provides the ability to check and verify votes
11 cast for every race or ballot measure."

12 What does "paper trail" mean in the context of
13 that statement?

14 A. Ballots.

15 Q. So ballots are considered part of the paper
16 trail?

17 A. Correct.

18 Q. Does King County allow the public the ability
19 to check and verify votes for every race and ballot
20 measure by reviewing the cast ballots?

21 A. Not according to state law.

22 Q. What do you mean by that?

23 A. State law doesn't allow us to provide ballot
24 images.

25 Q. What about the ballot themselves, the paper

1 trail?

2 A. That's what I mean when I say ballot images,
3 the ballots themselves.

4 Q. And according to the same King County Elections
5 website page on frequently asked questions, a tabulation
6 server counts the votes.

7 Can you explain how the tabulation server
8 counts our votes?

9 A. In Washington State, we're able to scan in the
10 ballots before an election. And at that point, you
11 really just have a photocopy, an image of the ballot
12 itself.

13 And until we push the button, if you will, in
14 the tabulation server or the server at 8 p.m. or a
15 little after on election night does it actually
16 accumulate or provide any sort of results for races or
17 contest or ballot measures.

18 Q. And what do you mean by push the button at
19 8 o'clock on election night?

20 A. The staff actually do -- two staff members
21 actually do push buttons, if you will, on that
22 tabulation computer and system to be able to accumulate
23 those results. I'm not firsthand privy to that. I've
24 never run those results before.

25 Q. So I'm sorry. I'm not understanding. Are

1 there buttons? Is there an interface, a user interface,
2 with the server that you are talking about, like, a
3 laptop?

4 A. It's a computer. It's a desktop computer.

5 Q. A desktop computer. Okay.

6 So there's a desktop computer connected to the
7 server?

8 A. Yes.

9 Q. And, sorry, I know I'm leading you, but if you
10 could describe it, just stop me. But it sounds like
11 someone uses the desktop interface to click buttons?

12 A. Yes.

13 Q. Using a program?

14 A. Yes.

15 Q. And that program tabulates the votes?

16 A. Yes.

17 Q. Do you know what program is used to tabulate
18 the votes?

19 A. The tabulation system that we use in King
20 County is called Clear Ballot.

21 Q. That's the ven- --

22 A. That's the vendor.

23 Q. Correct.

24 Do you know the name of the program that counts
25 the votes for King County elec- -- voters?

1 A. I believe it's called ClearCount.

2 Q. ClearCount.

3 And do you know where that program resides
4 within the system?

5 A. I'm not sure I follow the question.

6 Q. Is it on the laptop that is used by staff? Is
7 it downloaded to the server? Do you know where the
8 program actually exists?

9 A. I do not.

10 MR. HACKETT: I'm going to object. She
11 didn't testify anything about a laptop used by staff.

12 MS. SHOGREN: Thank you for that correction.
13 I'm sorry.

14 MR. HACKETT: And, Ms. Shogren, at this
15 point the Intervenor Defendants are just going to lodge
16 a general objection that we will join any objection that
17 King County Elections makes in this matter, just for --
18 in an effort to limit any disruptions of the deposition
19 today.

20 MS. SHOGREN: Thank you, Counsel. I
21 appreciate that.

22 Q. (By Ms. Shogren) Sorry, Ms. Wise. The program
23 called ClearCount resides on a computer used by staff.
24 Is that your understanding?

25 A. That's my understanding.

1 Q. Thank you.

2 And how does that program, if you know,
3 tabulate the votes?

4 A. I don't know.

5 Q. But you do know, it's your understanding
6 anyway, that after they push the buttons on election
7 night, results are provided to the staff members; is
8 that correct?

9 A. They are.

10 Q. And in what format are they provided? Do you
11 know?

12 A. The staff print both a hard copy of the
13 results, as well as a USB is utilized to then take that
14 data off of that desktop computer. And it's taken to a
15 computer outside of the tabulation server room that is
16 connected to the internet for us to be able to upload
17 results to the Secretary of State's website and to King
18 County Elections website.

19 Q. I'm going to ask you a series of questions next
20 about who you may have communicated with about the PRA
21 claim, Public Records Act claim, and why the records are
22 being withheld as an issue, a potential issue.

23 Who is your primary contact at the Secretary of
24 State's office?

25 A. I have several primary contacts at the

1 Secretary of State's office. Secretary Steve Hobbs,
2 Kevin McMahan, and Stuart Holmes mostly.

3 Q. What role is Kevin McMahan?

4 A. I'm forgetting his exact title. He serves as a
5 deputy of sort to the secretary.

6 Q. And who is your primary WaTech chief
7 information security officer contact?

8 A. I don't directly have a contact.

9 Q. Who does communicate with the CISO?

10 A. My IT director.

11 Q. And who is that?

12 A. Margaret Brownell.

13 Q. Was Margaret the IT director for the 2020
14 general election?

15 A. Yes, she was.

16 Q. Could you please spell her last name?

17 A. B-r-o-w-n -- w-n-e-l-l.

18 Q. And did it use to be Justin Burns?

19 A. Justin Burns has never worked for King County
20 Elections.

21 Q. Got it.

22 Who is your primary contact at Clear Ballot?

23 A. I don't directly usually contact Clear Ballot.
24 Bob Hoyt, I believe, is the -- my primary contact, or
25 Jordan Esteban [sic].

1 Q. Este...?

2 A. Esteban.

3 Q. And who is your primary contact at the state
4 legislature?

5 A. I don't have one sole point of contact at the
6 state legislature.

7 Q. Who, in general, are your contacts at the state
8 legislature?

9 A. The many representatives and senators for King
10 County voters, generally speaking.

11 Q. And who is your primary contact at the
12 Washington State Democrat Central Committee?

13 A. I don't have one.

14 Q. Do you have any communication with that
15 organization?

16 A. Not to my recollection.

17 Q. Who is your primary contact at the Election
18 Assistance Commission?

19 A. Thomas Hicks is who I have connected with
20 before.

21 Q. Okay. Who is your primary contact at the
22 Department of Homeland and Security?

23 A. I don't have that name. I don't know the name
24 of the people that I have connected with in that
25 organization off the top of my head.

1 Q. How could you refresh your recollection as to
2 who they are?

3 A. If I looked at an email.

4 Q. So you've had email communications with the
5 Department of Homeland and Security?

6 A. I don't know, to be honest. We've had them
7 tour our facility a number of times, so I would be
8 contacted by individuals for tours. And then my staff
9 directly coordinate with them for any audits or reviews
10 that we have asked of them.

11 Q. And what are the purpose of the tours?

12 A. To be able to see a state-of-the-art elections
13 facility and to see how it's laid out, to see the
14 security that we have. They've brought individuals who
15 want to see our amazing facility at King County
16 Elections.

17 Q. But you can't remember any names at this point?

18 A. I don't recall the names at this point.

19 Q. Okay. Who is your primary contact at the Cyber
20 and Infrastructure Security Agency?

21 A. I don't have a direct one.

22 Q. Okay. Who communicates with CISA on behalf of
23 King County Elections?

24 A. Primarily Margaret Brownell, the King County
25 Elections IT director.

1 Q. But you do not?

2 A. You said CISA?

3 Q. Correct.

4 A. I don't recall having direct contact. I
5 believe I've been on a panel or -- with Secretary -- or
6 previous Secretary Kim Wyman, but I don't -- it's not an
7 organization I reach out to.

8 Q. Who is your primary contact at the Federal
9 Bureau of Investigation?

10 A. I do not have one.

11 Q. Does anyone at King County have a contact --
12 King County Elections have a contact with the FBI?

13 A. I believe that we have had contact with the
14 FBI. I think generally, though, that is routed through
15 the Secretary of State's office and not direct contact
16 by myself or my staff.

17 Q. And do you have any primary contacts at the
18 Central Intelligence Agency?

19 A. Not that I'm aware of.

20 Q. Does that mean no?

21 A. It means that me directly, I don't recall ever
22 having a contact there.

23 Q. Anyone at King County Elections have contacts
24 with the CIA?

25 A. Not that -- not that I'm aware of.

1 Q. And have you ever worked for any federal
2 agency, either as an employee, trainee, agent, contract
3 worker?

4 A. No.

5 Q. Who is your primary contact at the Washington
6 State Association of County Auditors?

7 A. My primary contact at the WSACA organization,
8 it depends on who is the president. So probably most
9 recent Darla McKay has been the president of WSACA, as
10 well as Derek Anderson who provides administrative
11 support to that organization.

12 Q. Is each auditor in Washington State a member
13 of, I believe you pronounced it, WSACA?

14 A. Yes.

15 Q. And the answer is yes to that question?

16 A. Yes.

17 Q. Okay. As of 2023, do you hold a leadership
18 position in WSACA?

19 A. For 2023, I will -- I have been serving as the
20 cochair of the VoteWA Executive Steering Committee. And
21 I was just appointed to serve as cochair of the
22 elections committee for this coming -- coming cycle.

23 Q. Does WSACA hold meetings that are closed to the
24 public?

25 A. I don't know that -- I believe they are closed

1 to the public, but I don't know. I don't run those
2 meetings. Darla and Derek do, respectively. But I do
3 join and sit in on those meetings when I can.

4 Q. Do you know why they hold closed meetings to
5 the public?

6 MR. HACKETT: Objection; misstates the
7 testimony. She has not indicated that she's aware
8 whether they do or not.

9 Q. (By Ms. Shogren) Do you believe that WSACA
10 holds meetings that are closed to the public?

11 A. I don't know if it's -- I don't believe I've
12 seen anyone join from the public on those Zoom calls.

13 Q. What is typically discussed during the WSACA
14 meetings?

15 A. Typically discussed during the WSACA meetings
16 is report outs from each of the committees.

17 Q. Anything else?

18 A. Any other sort of general conversation of
19 what's happening in the auditor world during that time.

20 Q. Could you elaborate a little bit on that?

21 A. Of course.

22 For example, right now we're in the middle of
23 candidate filing. So if there was a candidate filing
24 question or best practice, it could be shared during a
25 relevant meeting during that time frame.

1 Q. Does WSACA entertain discussions or
2 presentations about planned legislation?

3 A. Yes.

4 Q. Can you give me an example?

5 A. The Washington State Association of County
6 Auditors has several committees, and one of the
7 committees is the Legislative Committee. And proposals
8 by auditors for and asked to be a legislative priority
9 for WSACA comes before those auditors. Those are
10 presented by other auditors.

11 Q. Does WSACA entertain discussions or
12 presentations about public records requests?

13 A. They do as a part, I believe, of the Elections
14 Committee.

15 Q. Can you recall any specific discussions at
16 WSACA about public records requests?

17 A. I don't typically attend the PDR meeting or the
18 Elections Committee meeting. My deputy Janice Case
19 serves on that committee.

20 Q. And did you say earlier you are going to be
21 chairing that committee?

22 A. I will be, yes.

23 Q. You will be.

24 A. We just last week made that appointment. So we
25 will start in our new positions in the coming weeks.

1 Q. Have you discussed this lawsuit with any King
2 County Elections staff?

3 A. I believe just telling them that I would be out
4 of the office for this deposition. I don't recall
5 having any conversations about this lawsuit.

6 Q. Only about this deposition?

7 A. Just about being out of the office for the
8 deposition.

9 Q. So you've never had any conversations with
10 anyone at King County Elections about this lawsuit?

11 A. We have -- I'm sorry. We've sat in meetings
12 with our attorneys and my staff members, my chief of
13 staff, my deputy, and myself, along with our attorneys,
14 discussing this lawsuit, yes.

15 Q. But nothing outside of a privileged setting?

16 A. No.

17 Q. What is your relationship, if any, with Tina
18 Podlodowski?

19 A. I know of her. I don't have a relationship
20 with her.

21 Q. So you've never spoken with her about this
22 lawsuit?

23 A. No.

24 Q. Have you spoken with her about this deposition?

25 A. No.

1 Q. Are you aware that, in your capacity as
2 Director of Elections, you filed counterclaims against
3 the citizen plaintiffs, two of which are here, in the
4 federal court removed action for this case?

5 MR. HACKETT: I'm going to object. That's
6 irrelevant to WEICU.

7 MS. SHOGREN: You will understand the
8 relevancy at the next question I ask.

9 MR. HACKETT: Okay.

10 A. Can you please restate the question?

11 Q. (By Ms. Shogren) Sure.

12 Are you -- well, I'm just going to restate it
13 verbatim first.

14 Are you aware that, in your capacity as
15 Director of Elections, you filed counterclaims against
16 the citizen plaintiffs in the federal court removed
17 action for this case?

18 A. Yes.

19 Q. So you are aware that, in your capacity as
20 Director of Elections, you sued constituents over a
21 public records request that they did not initiate?

22 MR. HACKETT: I'm going to object because
23 the pro se plaintiffs did not raise a public records
24 request, nor counterclaims against them involving the
25 public records request.

1 So that misstates the Answer pretty blatantly.

2 Q. (By Ms. Shogren) You can answer the question.

3 A. Can you repeat the question?

4 Q. Sure.

5 Are you aware that, in your capacity as
6 Director of Elections, you sued constituents over a
7 public records request that they did not initiate?

8 MR. HACKETT: And if you are not aware,
9 that's fine.

10 A. I'm not aware.

11 MS. SHOGREN: Counsel, please don't lead the
12 witness in her responses.

13 Q. (By Ms. Shogren) Are you aware that, in your
14 capacity as Director of Elections, you filed
15 counterclaims against WEICU both in the federal court
16 removed action and in the state court action?

17 A. Yes.

18 Q. Have you ever sued any other public records
19 requestors?

20 A. Not to my knowledge.

21 Q. Are you aware that, by letter dated
22 October 25th, 2022, your attorneys threatened sanctions
23 against the citizen plaintiffs in excess of \$40,000
24 unless they immediately dropped the case against you?

25 A. I do not.

1 (Lawrence Hutt and Peggy Hutt join.)

2 MS. SHOGREN: I'm going to ask that we mark
3 as Exhibit 1 a letter dated October 25th, 2022, to
4 citizen plaintiff Diana Bass.

5 (Exhibit No. 1 marked.)

6 MR. HACKETT: Thank you.

7 THE WITNESS: Thank you.

8 Q. (By Ms. Shogren) Ms. Wise, I will just note,
9 this letter is signed by attorneys for King County
10 defendants of which you are one.

11 Is it your pattern or practice to threaten
12 sanctions against public records requestors who file
13 suit under the Public Records Act?

14 A. No.

15 MS. SHOGREN: All right. I'm going to mark
16 as Exhibit 2 the Amended King County Defendants's Answer
17 to Plaintiff's Complaint and Counterclaim and Jury
18 Demand.

19 (Exhibit No. 2 marked.)

20 THE WITNESS: Thank you.

21 Q. (By Ms. Shogren) Ms. Wise, is this -- is
22 Exhibit 2 the document that you reviewed in advance of
23 your deposition today?

24 A. Yes, it appears to be.

25 Q. In reference to Page 15, Paragraph 6, of your

1 counterclaim, does the tabulation of a ballot occur at a
2 time that falls after a voter's preparation and deposit
3 of their ballot?

4 A. I'm sorry. Can you say that again?

5 Q. Yeah.

6 Does the tabulation of a ballot occur at a time
7 that falls after a voter's preparation and deposit of
8 the ballot?

9 A. Yes.

10 Q. In reference to Paragraph 6 of your
11 counterclaim, does the tabulation of a ballot result in
12 a public affirmation of the voter's choices of any
13 measures or candidates listed on said ballot?

14 MR. HACKETT: I'm going to object; vague.

15 Are you talking as to voters collectively or an
16 individual voter disclosing their votes?

17 Q. (By Ms. Shogren) Did you understand the
18 question?

19 A. I did not.

20 Q. Okay. Does the tab --

21 A. Are you saying it's in relation to Paragraph 6?
22 Is that what you want me to look at?

23 Q. No. Sorry.

24 A. Okay.

25 Q. It's in relation to your counterclaim.

1 A. Okay.

2 Q. The question is, does the tabulation of a
3 ballot result, any ballot, does the tabulation of any
4 ballot result in a public affirmation of the voter's
5 choices of any measures or candidates on that ballot?

6 A. I don't agree with the word "public."

7 Q. And why not?

8 A. Because each individual has a right to a
9 secure, private vote.

10 Q. I understand your position.

11 Then how are votes tabulated if no one looks at
12 them?

13 A. It's not identified or connected to the voter.

14 Q. Correct. The ballots are anonymous.

15 A. Correct.

16 Q. That's correct.

17 Then how is tabulation achieved for the
18 purposes of arriving at a conclusion for an election if
19 someone does not look at the ballot?

20 A. Ballots are fed through the scanners.

21 THE VIDEOGRAPHER: And, Counsel, I
22 apologize. I'm having some technical difficulties. I
23 will need to go off the record for just a couple minutes
24 to put in a new disc.

25 MS. SHOGREN: All right. Let's go -- so

1 stipulating off the record?

2 MR. HACKETT: Yes.

3 THE VIDEOGRAPHER: And this marks the end of
4 File 1 in the deposition of Julie Wise. The time is
5 9:10, and we are off the record.

6 (Recess was taken from 9:10 a.m. to
7 9:13 a.m.)

8 THE VIDEOGRAPHER: And we are back on the
9 record. Here marks the beginning of File 2 in the
10 deposition of Julie Wise. The time is 9:13 a.m.

11 Q. (By Ms. Shogren) Back to where we were,
12 Ms. Wise.

13 I believe you used the word "scanners." So is
14 it your understanding that the scanners do the public
15 affirmation tabulation of the ballots?

16 A. I don't know what public affirmation of a
17 ballot means.

18 Q. Okay. So in your mind, the scanners do the
19 tabulation; is that correct?

20 A. No. They take a copy of the actual ballots.

21 Q. And then the copy gets tabulated?

22 A. At the tabulation server, to my knowledge.

23 Q. And how does the tabulation server see the
24 particular votes and tabulate them?

25 A. I don't know.

1 Q. I'm going read to you Article VI, Section 6, of
2 the Washington State Constitution. "All elections shall
3 be by ballot. The legislature shall provide for such
4 method of voting as will secure to every elector
5 absolute secrecy in preparing and depositing his
6 ballot."

7 So in reference to Paragraph 6 of your
8 counterclaim, does Article VI, Section 6, of the
9 Washington Constitution exempt cast ballots from public
10 inspection?

11 MR. HACKETT: I'm going to object; calls for
12 a legal conclusion, outside the scope of the witness,
13 lack of foundation.

14 A. I don't know.

15 Q. (By Ms. Shogren) In reference to Paragraph 10
16 of your counterclaim, does Article VI, Section 6, of the
17 constitution require absolute secrecy for cast ballots?

18 MR. HACKETT: I'm going to object. Same
19 objection.

20 A. I don't know.

21 Q. (By Ms. Shogren) In reference to Paragraph 9
22 of your counterclaim, is there any statute that
23 prohibits the disclosure of ballots, ballot images,
24 spoiled ballots, or returned as undeliverable ballots?

25 MR. HACKETT: Same objection.

1 A. I don't know.

2 Q. (By Ms. Shogren) When you say you don't know,
3 are you saying that there may be, that you are not aware
4 of, or that you are saying affirmatively that there is
5 not such a statute?

6 MR. HACKETT: Asked and answered.

7 A. I don't know.

8 Q. (By Ms. Shogren) In reference to Paragraph 14
9 of your counterclaim, could you please explain how cast
10 ballots constitute information relating to election
11 security that should be exempt from disclosure?

12 A. Could you ask the question again, please?

13 Q. Can you please explain how cast ballots
14 constitute information relating to elections security
15 that should be exempt from disclosure?

16 A. I don't know.

17 Q. In reference to Paragraph 14 of your
18 counterclaim, in your opinion, would public inspection
19 of tabulated ballots be in the public interest to ensure
20 free and equal elections in Washington State?

21 A. Can you ask -- sorry. Can you ask the question
22 again?

23 Q. Sure.

24 In your opinion, would public inspection of
25 tabulated ballots be in the public interest to ensure

1 free and equal elections in Washington State?

2 A. I believe we do that through a series of audits
3 that is publicly observable.

4 Q. As part of those -- as part of a typical
5 election audit, how many paper ballots are reviewed?

6 A. There are several audits that occur during an
7 election time frame. There's a logic and accuracy test
8 that is an audit of the tabulation system.

9 There's a batch audit that we call, and that is
10 a hand, manual recount of a percentage of the ballots
11 cast in that election.

12 There is also a risk limiting audit that,
13 again, is a formula, a sampling of the ballots that is
14 reviewed with staff members, both of the political
15 parties, as well as observers appointed by the League of
16 Women Voters in a nonpartisan capacity.

17 Q. So if you can recall back to the 2020 general
18 election, do you recall what type of audit you did for
19 that election?

20 A. We always do a logic and accuracy test audit,
21 and we always do a batch audit. I don't recall if we
22 did a risk limiting audit.

23 Q. So for the batch audit for the 2020 general
24 election, do you recall approximately how --

25 A. Sorry. Excuse me.

1 Q. No problem.

2 Do you recall approximately how many ballots
3 you reviewed?

4 A. I do not.

5 Q. Can you give me an estimate?

6 A. Thousands.

7 Q. Tens of thousands?

8 A. I don't know.

9 Q. So your best approximation is thousands?

10 A. Yes.

11 Q. And do you remember approximately how many
12 ballots were cast in that election?

13 A. For the 2020 November general election, I
14 believe it was approximately around 1.2 million, or
15 87 percent.

16 Q. So approximately what percent of ballots did
17 you review through the batch audit for the 2020 general
18 election?

19 A. I'm sorry. I can't recall what the percentage
20 is that's identified in law.

21 Q. In reference to Paragraph 14 of your
22 counterclaim, in your opinion, would public inspection
23 of tabulated ballots substantially and irreparably
24 damage any person?

25 MR. HACKETT: And what paragraph of the

1 counterclaim are you referring to?

2 MS. SHOGREN: 14.

3 MR. HACKETT: Where the RCW is quoted, I
4 guess? I'm going to object. That's a quote from an
5 RCW.

6 A. I'm sorry. Can you ask the question again?

7 Q. (By Ms. Shogren) Sure.

8 In your opinion, would public inspection of
9 tabulated ballots substantially and irreparably damage
10 any person?

11 A. It could.

12 Q. How so?

13 A. It depends on how that review would be done.
14 It would be a lot to -- a lot of what-ifs, if you will.

15 Q. I'm sorry. Could you elaborate on the
16 what-ifs?

17 A. It depends on how an -- how those ballots would
18 be handled or reviewed. They are maintained for 22
19 months in a secure manner.

20 Q. So I'm sorry. Are you saying that the review
21 would jeopardize the integrity of the ballots
22 themselves?

23 A. It could.

24 Q. Depending on who is reviewing them?

25 A. I think more the process of how they are

1 reviewed.

2 Q. Meaning what?

3 A. Again, they are public records, and they are
4 maintained and organized in such a way. So, again, I
5 think it would depend on what that would look like. For
6 example, are the ballots leaving the facility?

7 Q. So your concern would be that the ballots would
8 be changed or destroyed or something like that?

9 A. Yes.

10 Q. Are there any other reasons why you think that
11 public inspection of tabulated ballots would
12 substantially and irreparably damage a person?

13 A. I don't know.

14 Q. So you can't think of any other reasons at this
15 time?

16 A. Can you ask me the question again?

17 Q. Are there any other reasons that you believe
18 public inspection of tabulated ballots would
19 substantially and irreparably damage any person?

20 A. Because my understanding in law is that ballot
21 images are not disclosable and that people have a right
22 to a private and independent ballot, and that the votes
23 are safeguarded at the elections headquarters by
24 election staff that are trained and certified to be able
25 to manage ballots and the process.

1 MR. HACKETT: Counsel, I would like a break
2 to talk to my client for a second.

3 MS. SHOGREN: I'm not stipulating to a break
4 right now, not with questioning.

5 MR. HACKETT: Okay. Then I will state my
6 objection.

7 Your notice of deposition does not state that
8 it's a video deposition. So unless you want to talk to
9 your client, we'll end the video right now.

10 MS. SHOGREN: Counsel, the notice does say
11 that it's by videograph [sic].

12 MR. HACKETT: Pull it out. I read it
13 yesterday.

14 MS. SHOGREN: The deposition -- I'm sorry.
15 I'm reading the notice of deposition now.

16 It says, "The deposition will be video recorded
17 and will be taken before a certified shorthand reporter
18 or a notary public."

19 MR. HACKETT: I'm going to pull up --

20 Q. (By Ms. Shogren) So, Ms. Wise, back to --

21 MR. HACKETT: Hold. I'm going to pull up
22 the copy that you sent me. That is not what I read.

23 So what I have is a Notice of Deposition signed
24 by you pursuant to CR 30, which says Notice of
25 Deposition of Julie Wise.

1 It simply says, "The examination shall take
2 place at the offices Buell Realtime Reporting, 1325
3 Fourth Avenue, Suite 1840, Seattle, Washington.

4 And then I see in the next paragraph, you do
5 have video-recorded language, but it is not in the
6 caption. So I would just like to talk with my client
7 and see if she's okay with continuing as a video
8 deposition because usually the rule requires you to put
9 notice of video deposition, and that is not something
10 that was done here.

11 MS. SHOGREN: Counsel, we're an hour and a
12 half into a deposition that's been noticed for several
13 weeks.

14 MR. HACKETT: If you would like --

15 MS. SHOGREN: And you are now making this
16 objection in light of your client's difficulty answering
17 a question.

18 MR. HACKETT: No, I'm not.

19 MS. SHOGREN: It is highly suspect that you
20 are --

21 MR. HACKETT: No, I am not.

22 MS. SHOGREN: -- requesting a break at this
23 time, and I object to your objection. And you are,
24 basically, grasping at straws right now.

25 MR. HACKETT: I am not.

1 MS. SHOGREN: So I'm going to continue the
2 deposition, and I think we should just continue it so
3 that we can get through it.

4 MR. HACKETT: I am going to talk to my
5 client, and you can wait for five minutes.

6 MS. SHOGREN: Over my objection, we will
7 give Mr. Hackett five minutes to coach his client.

8 THE VIDEOGRAPHER: And this marks the end of
9 File 2 of the deposition of Julie Wise. The time is
10 9:26, and we're off the record.

11 (Recess was taken from 9:26 a.m. to
12 9:29 a.m.)

13 THE VIDEOGRAPHER: And we are back on the
14 record. Here marks the beginning of File 3 in the
15 deposition of Julie Wise. The time is 9:29 a.m.

16 MR. HACKETT: All right. We went off the
17 record to discuss the Notice of Deposition of Julie
18 Wise.

19 Contrary to standard practice and the rules, it
20 is not labeled a video notice of deposition. I was
21 intending to raise that initially at the start of this
22 deposition and, frankly, forgot.

23 So I've conferred with my client, and we are
24 willing to continue to go forward on a video basis.

25 So shoot away, Counsel.

1 Q. (By Ms. Shogren) In reference to Paragraph 14
2 of your counterclaim, would public inspection of
3 tabulated ballots substantially and irreparably damage
4 vital governmental functions?

5 A. It's not allowed by state law, so I wouldn't be
6 able to.

7 Q. What do you mean by "not allowed by state law"?

8 A. Ballot images are not disclosable. And when I
9 say "ballot images," I mean the ballot themselves, an
10 image of the ballot.

11 Q. You understand that, in your counterclaim,
12 you've taken the position that public inspection of
13 tabulated ballots would substantially and irreparably
14 damage vital governmental functions.

15 So my question is, how is -- how is that
16 possible?

17 A. Because it's not allowed by Washington State
18 law. That would be me breaking the law. There's
19 thousands and hundreds of laws that I have to adhere to,
20 and it's against state law.

21 Q. Is there any other basis upon which that would
22 cause substantial or irreparable damage to vital
23 governmental functions?

24 A. I don't know.

25 Q. In reference to Paragraph 14 of your

1 counterclaim, is public inspection of cast ballots
2 required in order to tabulate the votes?

3 A. Can you please restate that?

4 Q. Yeah.

5 Is public inspection of cast ballots required
6 in order to tabulate, count, the votes?

7 A. Staff do a preliminary scan of a ballot
8 visually with their eyes to make sure that the ballot
9 can go through the tabulation scanners.

10 Q. Okay. Is there any other public inspection of
11 ballots required in order to tabulate the votes?

12 A. Not to my knowledge.

13 Q. In reference to Paragraph 21 of your
14 counterclaim, will you suffer a concrete and imminent
15 injury from disclosure of the original ballots from the
16 November 3rd, 2020, general election?

17 A. I swore to an oath when I took the Director of
18 Elections position, and Washington State law does not
19 allow for me to disclose ballots.

20 Q. In reference to Paragraph 21 of your
21 counterclaim, will you suffer a concrete and imminent
22 injury from disclosure of the ballot images from the
23 November 3rd, 2020, general election?

24 A. I'm sorry. Can you restate the question? I
25 was just reading 21 that you referenced.

1 Q. Will you suffer a concrete and imminent injury
2 from disclosure of the ballot images from the
3 November 3rd, 2020, general election?

4 A. I would be breaking my oath as an elected
5 official. They are not disclosable by Washington State
6 law.

7 Q. Will you suffer a concrete and imminent injury
8 from disclosure of the spoiled ballots from the
9 November 3rd, 2020, general election?

10 A. Again, I took an oath, and I do not believe
11 that those are publicly disclosable per Washington State
12 law.

13 Q. And will you suffer a concrete and imminent
14 injury from disclosure of the returned as undeliverable
15 ballots from the November 3rd, 2020, general election?

16 A. I don't recall the status of an undeliverable
17 ballot as regards to public records.

18 Q. Well, your --

19 A. So I don't know.

20 Q. Your office has denied inspection of those now
21 since September of 2021.

22 MR. HACKETT: Objection. Not true. They
23 were never asked for.

24 A. I don't recall there being a request for
25 undeliverable ballots.

1 Q. (By Ms. Shogren) Do you recall a request for
2 returned ballots from WEICU?

3 A. Meaning the ballots that were returned by
4 voters that we counted? Yes.

5 Q. How about ballots that were returned as
6 undeliverable?

7 A. I don't recall that request.

8 Q. If WEICU made such a request, would it be
9 denied?

10 A. I would refer to my attorneys.

11 Q. So it's your attorneys who make the decisions
12 on the public records requests?

13 A. They help us navigate what is publicly
14 disclosable and what is not. And undeliverables, I am
15 not clear on what type of record that is considered
16 regarding PRA.

17 Q. I believe you already answered this, but in
18 your opinion, are cast ballots, once separated from the
19 envelope, anonymous public records?

20 A. I believe, according to Washington State law,
21 they are not public record. I'm sorry. The wording of
22 your question confused me a little bit.

23 Q. I'm sorry.

24 In your opinion, are cast ballots, once
25 separated from the envelope, anonymous public records?

1 MR. HACKETT: I'm going to object as to lack
2 of foundation for opinion; calls for a legal conclusion.

3 A. It depends.

4 Q. (By Ms. Shogren) On what?

5 A. There are instances when there are few ballots
6 returned by precinct that based off of the data that you
7 can get of who returned a ballot and looking at the
8 precinct, that you would be able to determine how an
9 individual voter voted.

10 So according to Washington State law, we have
11 to put that precinct with another precinct for results
12 reporting purposes so as not to undermine a voter's
13 private, secure, independent vote.

14 Q. What's the smallest precinct in King County?

15 A. I do not know.

16 Q. Precincts are typically 1,500 registered voters
17 by law?

18 A. In King County, the requirement is 900 or
19 fewer.

20 Q. So do you know what the smallest precinct is in
21 King County?

22 A. I do not.

23 Q. Can you estimate the amount of registered
24 voters in the smallest precinct in King County?

25 A. I cannot.

1 Q. Are there any other instances in which you
2 would consider a cast ballot, once separated from the
3 envelope, not an anonymous public record?

4 A. Sorry. The wording is confusing me a bit.

5 Q. I will ask the court reporter to read -- to
6 read the question again.

7 THE COURT REPORTER: "Question: Are there
8 any other instances in which you would consider a cast
9 ballot, once separated from the envelope, not an
10 anonymous public record?"

11 A. There are times that voters write or sign their
12 names on their ballots. There are times and instances
13 where one would be able to, based off of a public
14 inspection, identify the voter to that ballot.

15 Q. (By Ms. Shogren) Are there any other instances
16 in which you would consider a cast ballot, once
17 separated from the envelope, not an anonymous public
18 record?

19 A. Washington State law says that it is a --
20 not -- a nondisclosable record?

21 (Reporter clarification.)

22 A. That it is a disclose- -- that it's not
23 disclosable.

24 Q. (By Ms. Shogren) Any other instances?

25 A. Not that I can think of off the top of my head.

1 Q. Does King County receive cast ballots through
2 email?

3 A. Ballots can be returned, according to law, by
4 email, yes.

5 Q. Does King County receive cast ballots by
6 facsimile?

7 A. According to Washington State law and federal
8 law, yes.

9 Q. How is receipt of cast ballot through email and
10 facsimile not a violation of the constitutional
11 requirement for absolute secrecy?

12 A. It's required by Washington and federal law to
13 provide military and overseas voters access to return
14 their ballot electronically. It's a requirement.

15 Q. Even though you can put the voter directly
16 in -- in association with the voter's cast ballot?

17 A. The same way with paper ballots, yes.

18 Q. Does King County Elections train election
19 workers or volunteers to leave zip ties on ballot
20 containers intentionally loose?

21 A. Repeat the question.

22 Q. Does King County Elections train election
23 workers or volunteers to leave zip ties on ballot
24 containers intentionally loose?

25 A. Intentionally not too tight so that the seal

1 busts.

2 Q. Sorry. Could you explain that?

3 A. Sure.

4 If you put a zip seal too tight and transmit --
5 and transport, the zip tie actually, the seal, will
6 break if it's done too tight. So there has to be a
7 certain amount of looseness, yes.

8 Q. All right. So maybe a better question is, how
9 do you train election workers to leave zip ties on the
10 ballot containers?

11 A. I don't personally train election workers.

12 Q. How does King County Elections train election
13 workers to leave zip ties on ballot containers?

14 A. I haven't attended a training of the zip tie on
15 the container, so I don't know.

16 Q. But you do know that they are trained not to
17 leave them too tight. How do you know that?

18 A. We had a previous conversation with an election
19 integrity group in King County, and they provided that
20 feedback of a perception concern to us. And so we
21 discussed it in our office.

22 I believe I responded directly to the concern
23 via email.

24 Q. So prior to the concern being raised, you
25 weren't aware that the zip ties were being left loose

1 intentionally? Is that your testimony today?

2 A. I wasn't privy. I don't -- say the question
3 again? Was I?

4 MS. SHOGREN: Will have her to read it.

5 THE COURT REPORTER: "Question: So prior to
6 the concern being raised, you weren't aware that the zip
7 ties were being left loose intentionally? Is that your
8 testimony today?"

9 A. Yes.

10 Q. (By Ms. Shogren) Does -- I'm sorry.

11 During the 2020 general election, were zip ties
12 on King County ballot containers left loose?

13 A. I don't recall when we made the change with the
14 zip ties.

15 Q. What's your best estimation as to when that
16 change was made?

17 A. I don't know.

18 Q. Do you have an estimation as to when?

19 A. I don't.

20 Q. So during any election overseen by you as
21 Director of Elections, were zip ties on King County
22 ballot containers left loose?

23 A. Zip ties are not required by state law, and
24 I -- the question is, was I aware that they were left
25 loose?

1 Q. Yes. Were you aware?

2 A. I was once the concern was raised.

3 Q. And prior to the concern, you were not aware?

4 A. Correct.

5 Q. Who does the training for King County
6 Elections?

7 A. It depends on what process you speak of.

8 Q. Who does the training for people who handle
9 ballot containers for King County Elections?

10 A. Even that is going to be many people through
11 the organization. So if we're talking about -- I
12 need...

13 Q. I will rephrase it. Sorry.

14 A. Yeah.

15 Q. Who is in charge of training volunteers for
16 election workers for King County Elections?

17 A. Many people are in charge of providing training
18 to our paid union temporary workers.

19 Q. And who oversees those people?

20 A. I've got seven managers, several supervisors,
21 and leads. Leads, supervisors, and managers all conduct
22 training in the organization.

23 Q. Do you know who was doing the training for the
24 2020 general election?

25 A. Again, many people.

1 Q. Can you give me one name?

2 A. Can you provide more detail of what body of
3 work -- or what type of training you are talking about?

4 Q. The training of election volunteers and workers
5 for purposes of the 2020 general election.

6 A. We've got a ballot drop box. We've got phone
7 bank. We've got opening, signature verification,
8 sorting, scanning, ballot review, ballot drop box
9 closing.

10 There's a lot of different tasks, and each of
11 those have a lead and supervisors responsible for
12 providing those trainings.

13 Q. So who was the lead for chain of custody
14 training?

15 A. There's chain of custody between the United
16 States Postal Service, the drop boxes, as well as within
17 the facility and ballot processing. It's not one single
18 individual.

19 Q. Can you give me some names of those
20 individuals?

21 A. That provide training at King County Elections?

22 Q. Yes. Related to ballot security.

23 A. We have Steve Barone, Cole Jackson, Jerelyn
24 Hampton, Janice Case, Linda Smith. There's a lot.
25 Those are a few.

1 Q. Who had access to the tabulated voting data for
2 the 2020 general election prior to Election Day?

3 A. I would clarify the question as being access to
4 the tabulation server room?

5 Q. That's fine.

6 Who had access to the tabulation server room?

7 A. I -- we could get that information. I believe
8 that it is approximately five different individuals that
9 have access to that room. And you would like me to list
10 the names?

11 Q. If you know off the top of your head, sure.

12 A. I know Jonathan Keith, Mark Hinds, Michelle
13 Weber. Those, I know for sure.

14 Q. Who had access to the tabulated voting data for
15 the 2020 general election on Election Day?

16 A. Those same individuals.

17 Q. Meaning...?

18 A. I believe it's about five individuals, Jonathan
19 Keith, Mark Hinds, Michelle Weber.

20 Q. Anyone else that you can think of?

21 A. I don't know for certainty, so I wouldn't want
22 to say. That would be a guess.

23 Q. Do you recall who pushed the button for the
24 2020 general election?

25 A. I do not.

1 Q. But it was one of those five people that you
2 are vaguely recalling?

3 A. I believe so.

4 Q. Do any third parties have access, directly or
5 indirectly, to King County Elections tabulation data at
6 any time prior to Election Day?

7 A. No.

8 Q. Do any third parties have access, directly or
9 indirectly, to King County Elections tabulation data at
10 any time on Election Day?

11 A. No.

12 Q. Do any third parties have access, directly or
13 indirectly, to King County Elections tabulation data at
14 any time after Election Day prior to certification?

15 A. No.

16 Q. Does the Department of Homeland Security ever
17 have access, either directly or indirectly, to King
18 County Elections tabulation data?

19 A. No.

20 Q. Does the Cyber and Infrastructure Security
21 Agency ever have access, directly or indirectly, to King
22 County Elections tabulation data?

23 A. No.

24 Q. Do any third parties outside of King County
25 Elections ever have access, either directly or

1 indirectly, to King County Elections tabulation data?

2 A. No.

3 Q. During your tenure as Director of Elections,
4 has King County ever had any federal agents working in
5 any capacity in King County Elections?

6 A. Working in King County Elections?

7 Q. Yes.

8 A. No.

9 Q. So there are no federal agents involved in any
10 manner with King County Elections?

11 A. Other than the audits, no.

12 Q. And could you explain that -- what that means,
13 other than audits?

14 A. So we have asked the department -- I asked the
15 Department of Homeland Security in 2017 to come in and
16 do a physical security audit of our facility. That
17 would be the only capacity, is an audit with my team
18 members.

19 Q. And what prompted you to request the federal
20 audit in 2017?

21 A. Elections had been declared a critical
22 infrastructure by the federal government, and I wanted
23 to have the department come and review our facility and
24 give us any feedback about the physical security of our
25 actual facility in Renton.

1 Q. Was the audit limited to physical security or
2 did you talk about cybersecurity as well?

3 A. With Homeland Security, it was just the
4 physical, actual structure, the building itself, not
5 cybersecurity related.

6 Q. And did they give you any good feedback or did
7 you feel like you got good feedback?

8 A. They only had the ability to compare us to
9 nuclear sites because they had never toured an elections
10 facility before because, again, it had just been
11 declared a critical infrastructure. So we were the
12 first tour. They didn't have anything to compare us to.

13 But our security, as they said, was as good, if
14 not better, than nuclear sites that they had visited.

15 Q. Did you certify the tabulation results for the
16 2020 general election based on the vote totals for the
17 ballots as cast?

18 A. Along with the canvassing board members, yes.

19 Q. My understanding under state law is that the
20 auditor is initially -- sorry. You are equivalent to
21 the auditor --

22 A. Sure.

23 Q. -- is initially sworn in to certify the
24 tabulation results.

25 Did that happen for the 2020 general election?

1 A. I am -- yes. Yes.

2 Q. So you were sworn in, and you did swear that
3 the results were accurate?

4 A. Yes.

5 Q. And then those results are transferred to the
6 canvassing board for review; is that correct?

7 A. Yes.

8 Q. Did you certify the accuracy of the 2020
9 general election results?

10 A. I did.

11 Q. In your role as Director of Elections for King
12 County, do you have a responsibility to investigate
13 claims of election irregularities?

14 A. Irregularities? I'm not sure what you mean by
15 that.

16 Q. Problems?

17 A. Yes.

18 Q. Did you receive any notice of election
19 irregularities or problems from third parties with
20 regard to the 2020 general election?

21 A. Yes. I heard concerns from individuals around
22 the 2020 election.

23 Q. What did you hear?

24 A. We heard concerns about the voter rolls. I'm
25 sorry. This is three years ago, so I'm having a little

1 bit of trouble.

2 But there was a spreadsheet that was submitted
3 by an election integrity group in King County with
4 concerns around, again, the voter registration, voter
5 rolls, zip tie seals on the plastic ballot bins from
6 drop boxes to the elections facility.

7 It was a pretty lengthy Excel spreadsheet of
8 concerns, and I don't recall the rest of the items that
9 were listed on it.

10 Q. Okay. Do you recall the organization that
11 provided you with that spreadsheet?

12 A. I believe -- I don't know if it was considered
13 part of the King County Republican organization or if it
14 was an election integrity committee standalone.

15 Q. Do you remember any names associated with the
16 group that submitted the spreadsheet?

17 A. I do. Amber -- and, sorry, I'm not sure of the
18 pronunciation of her last name -- Krabach. Krabach.

19 Q. Anybody else that you can remember?

20 A. I can -- yes. But I don't remember their
21 first -- I think Mike -- I don't remember their names,
22 but yes.

23 Q. And were there any other election
24 irregularities or process concerns that were raised by
25 anyone else that you can remember, sitting here today?

1 A. Not that I recall.

2 Q. What did you do to investigate the allegations
3 or the concerns that were brought to your attention?

4 A. I remember, again, the specifics around the zip
5 ties. Any voter rolls or data, we look into those
6 voters and research if they are, you know, eligible
7 registered voters.

8 Q. Anything else?

9 A. I don't recall.

10 Q. Okay. Do you recall receiving any complaints
11 or concerns about vote flipping?

12 A. I don't recall the terminology "vote flipping."

13 Q. Do you recall any concerns or problems raised
14 regarding changes in the vote recording -- vote totals
15 being reported? Excuse me.

16 A. I do not recall that.

17 Q. Sitting here today, you are not aware of any
18 complaints regarding vote flipping, vote additions, vote
19 deletions, anything along those lines?

20 A. That was officially submitted to King County
21 Elections?

22 Q. Yes.

23 A. No.

24 Q. Okay. How about unofficially submitted to King
25 County Elections?

1 A. I don't.

2 Q. Did King County Elections experience any
3 unusual problems with the 2020 general election?

4 A. No.

5 Q. Was the failed ID check down at any time during
6 the 2020 general election?

7 A. I'm sorry. I don't know what that means.
8 Failed ID checked?

9 Q. Do you understand that King County Elections
10 systems have a way of determining whether a ballot from
11 a voter that's already been tabulated and then a second
12 ballot that comes in from the same voter, that the
13 system will catch that --

14 A. Yes.

15 Q. -- or is intended to catch that?

16 A. Yes.

17 Q. What would you call that system?

18 A. That's the Washington State -- managed by the
19 Secretary of State's system called VoteWA.

20 Q. And what is that system called?

21 A. A Voter Registration Election Management
22 System.

23 Q. So at King County Elections, when a ballot
24 comes in, and it's scanned to verify the voter, if a
25 second ballot comes in, and it's scanned, and it shows,

1 "Oh, that voter already voted," what is that system
2 called?

3 A. Oh, that would be our ballot sorters. But the
4 data it's communicating with is VoteWA, the Voter
5 Registration Election Management System for Washington
6 State.

7 Q. Thank you.

8 So did you experience any problems with the
9 ballot sorters for the 2020 general election?

10 A. Not that I recall.

11 Q. Did King County Elections experience any
12 problems on election night, November 3rd, 2020, into the
13 early hours of November 4th, 2020?

14 A. Problems?

15 Q. Yes.

16 A. No.

17 Q. So everything was very smooth?

18 A. Long hours, a long night, but smooth, yes.

19 Q. And there were no interruptions to the work
20 that you were doing?

21 A. Not that I recall.

22 Q. And you were there, I'm assuming?

23 A. I was.

24 Q. Who made the original decision to withhold
25 original ballots, ballot images, spoiled ballots, and

1 returned as undeliverable ballots from the 2020 general
2 election in response to WEICU's records request?

3 MR. HACKETT: I'm going to object. You did
4 not read what your request said, which did not include
5 returned ballots from the post office, undeliverable
6 ballots.

7 A. I'm sorry. Can you repeat the question?

8 THE COURT REPORTER: "Question: Who made
9 the original decision to withhold original ballots,
10 ballot images, spoiled ballots, and returned as
11 undeliverable ballots from the 2020 general election in
12 response to WEICU's records request?"

13 A. We followed Washington State law and didn't
14 disclose those.

15 Q. (By Ms. Shogren) I understand that.

16 A. Oh.

17 Q. Who made that decision?

18 A. Ultimately myself.

19 Q. So you recall making that decision on behalf of
20 King County Elections?

21 A. In consultation with our attorneys.

22 Q. Whose idea was Senate Bill 5459?

23 A. I don't know that off the top of my head.

24 Could you refresh me what 5459 is?

25 Q. It's the bill that you publicly testified in

1 support of regarding exempting certain election-related
2 records.

3 A. Thank you. I testify on lots of bills.

4 Whose -- I'm sorry. What was the original
5 question to that?

6 Q. Whose idea was Senate Bill 5459?

7 A. I believe several, if not all, auditors.

8 Q. And what do you base that belief on?

9 A. Conversations.

10 Q. Between and among the auditors?

11 A. Yes.

12 Q. And what was the context of those
13 conversations, if you recall?

14 A. Again, we have an elections committee, and part
15 of that is the public disclosure requests where election
16 administrators are discussing what public disclosure
17 requests that they have and the next steps to satisfying
18 those.

19 Q. And when you use the pronoun "we," are you
20 referring to WSACA?

21 A. I'm referring to election administrators. It's
22 not just auditors. Sometimes it's their staff members
23 and my staff members.

24 Q. Communicating via email, or can you explain how
25 those communications happen?

1 A. I believe some is via email, as well as that
2 committee meeting.

3 Q. And, sorry, what entity is the committee a part
4 of?

5 A. So you have Washington State Association of
6 County Auditors. They have got a recording committee, a
7 licensing committee, an elections committee, a
8 legislative committee.

9 The elections committee has workgroups, a
10 workgroup to formulate what the annual conference agenda
11 is going to be; for example, a workgroup to discuss
12 public disclosure requests.

13 Q. Other than your public testimony on
14 February 3rd, 2023, which we will discuss shortly, have
15 you had any communications with the bill's sponsors or
16 their staff about SB 5459?

17 A. Not that I recall.

18 Q. Prior to passage of the bill, did you have any
19 communications with anyone at the Secretary of State
20 about SB 5459?

21 A. Not that I can recall.

22 Q. On February 3rd, 2023, while this action was
23 pending and your counterclaims against WEICU were
24 pending, did you publicly present to a Washington State
25 senate committee in support of Senate Bill 5459?

1 A. I believe so.

2 Q. Did you also publicly support preventing public
3 access to the source code used to tabulate votes for a
4 period of 25 years?

5 A. I'm sorry. Can you restate that?

6 THE COURT REPORTER: "Question: Did you
7 also publicly support preventing public access to the
8 source code used to tabulate votes for a period of 25
9 years?"

10 A. I don't recall. The 25 years is throwing me,
11 but I do believe that the first part of that is
12 accurate.

13 Q. (By Ms. Shogren) So you did support preventing
14 public access to the source code used to tabulate votes?

15 A. I believe so.

16 Q. You are just not sure about how long that
17 prohibition would last?

18 A. Yes.

19 Q. Was your presentation made in your capacity as
20 the King County Director of Elections?

21 A. It was.

22 Q. And did you present in favor of SB 5459 on
23 behalf of the Washington State Association of County
24 Auditors?

25 A. I would have to look at my records. Sometimes

1 I'm there just on behalf of myself as Director of
2 Elections for King County. Whereas, other times for
3 those, I will testify both for the association and
4 myself. And I don't recall in this instance what
5 capacity I was testifying on that day.

6 Q. In your presentation back in February, do you
7 recall stating that SB 5459 is necessary due to the
8 intentional spreading of lies about elections?

9 A. I don't recall the wording of my testimony.

10 Q. In your presentation from February, do you
11 recall stating that your office is drowning in public
12 records requests asking for sensitive information?

13 A. I don't recall.

14 Q. Do you agree with those statements?

15 A. I do.

16 Q. Okay. And on what basis?

17 A. From our experience.

18 Q. And what do you mean by your "experience"?

19 A. Can you say more?

20 Q. Sure.

21 What, in your experience, would lead you to
22 think that SB 5459 was necessary to stop the intentional
23 spreading of lies about elections?

24 A. I don't know.

25 Q. Nothing?

1 A. I don't.

2 Q. What, in your experience, would lead you to
3 believe that your office was drowning in public records
4 requests asking for sensitive information?

5 A. I believe we've received over 150 public
6 disclosure requests and in an annual year where we would
7 normally see about seven.

8 Q. And those 150 public disclosure requests were
9 making you drown?

10 A. I do believe so.

11 Q. How so?

12 A. It completely overwhelms election offices
13 across King County and across Washington State too.
14 Oftentimes, these are private, secure information that
15 has to be redacted, and they take a lot of staff time
16 and pull us away from the important work that we have to
17 do. 150 feels like drowning compared to seven.

18 Q. Okay. Are there other counties going through
19 the same issues?

20 A. There are.

21 Q. Okay. Which counties?

22 A. Across the whole entire country. And I don't
23 have the names of those counties off the top of my head.

24 Q. Sorry. I think you said across the country.
25 Did you mean across the state or --

1 A. State and country.

2 Q. State and country.

3 So can you name any other counties that are
4 experiencing this same type of drowning problem with
5 public records requests?

6 A. I don't have those counties' names specific.

7 Q. So you are not able to name one?

8 A. Whatcom County, Benton County.

9 Q. Any others?

10 A. Snohomish County. I feel like I could
11 literally name all 39, and they would say the same.

12 Q. So you've been in touch with those other
13 counties about their records requests that they've been
14 receiving?

15 A. Again, in the meetings, the workgroup
16 discussions that I've been a part of, I haven't attended
17 all of those, but yes.

18 Q. So in the WSACA committee meetings, these are
19 discussed?

20 A. Workgroup chats, yes.

21 Q. How are those workgroup chats done? Are they
22 done on, like, a Webex call? Are they done over email?

23 A. I believe they are predominantly through Zoom.
24 The majority of the time, my staff is going, not myself.

25 Q. And are those Zoom meetings recorded?

1 A. I don't know.

2 Q. Who would know?

3 A. I believe WSACA administrative staff or our
4 president.

5 Q. During your February testimony -- or
6 statements, I should say, in support of SB 5459, you
7 also represented that the public records requests appear
8 to be -- to be strategic and coordinated.

9 Do you agree with that statement today?

10 A. Yes.

11 Q. Okay. And what did you mean by that?

12 A. I believe that not all of the public disclosure
13 requests, but some, were intended to overwhelm election
14 offices.

15 Q. Did you have evidence to support that position
16 or is that just your impression?

17 A. It's my impression.

18 Q. Okay. So there's nothing specific that you
19 have to support that statement?

20 A. Besides the sheer number of PDRs, no.

21 Q. Okay.

22 A. And the data that, again, had to be redacted
23 from those, no.

24 Q. Okay. During your statements in February, you
25 concluded that ballots and source code must not be

1 disclosed for security purposes.

2 What did you mean by that?

3 A. I mean that we need to keep -- according to our
4 IT experts, that we need to keep that information
5 confidential to keep our elections systems secure and
6 safe.

7 Q. What have you been told by your IT experts with
8 regard to the security concerns relative to looking at
9 cast ballots?

10 A. I'm sorry. Can you say that again?

11 THE COURT REPORTER: "Question: What have
12 you been told by your IT experts with regard to the
13 security concerns relative to looking at cast ballots?"

14 A. I don't feel like that's what I just answered
15 to, the earlier question. I feel like it's been
16 tweaked.

17 Q. (By Ms. Shogren) I'm sorry if you feel that
18 way.

19 A. Yeah.

20 Q. It'S a separate and independent question.

21 A. Okay.

22 Q. Would you like it heard again?

23 A. Sure.

24 THE COURT REPORTER: "Question: What have
25 you been told by your IT experts with regard to the

1 security concerns relative to looking at cast ballots?"

2 A. I don't believe I've spoken to IT -- my IT
3 experts about that.

4 Q. (By Ms. Shogren) So your IT experts, to the
5 best of your recollection, have not raised security
6 concerns relative to inspection of cast ballots?

7 A. It wouldn't be in their lane to, no.

8 Q. Okay. Are there any experts in your world of
9 King County Elections that have brought specific
10 security concerns to your attention with regard to an
11 inspection of cast ballots?

12 A. I don't know. Not that I recall.

13 Q. Did you inform the senate committee on
14 February 3rd, 2023, that you were a current defendant in
15 a case involving a public records request for ballots
16 and ballot images?

17 A. Again, I don't recall my wording of that
18 testimony.

19 Q. Did you inform the senate committee on
20 February 3rd, 2023, that passage of SB 5459 would be
21 used by you to attempt to prevent examination of
22 ballot-related public records in a pending lawsuit?

23 A. I don't recall the wording of my testimony.

24 Q. Did you inform the senate committee on
25 February 3rd, 2023, that, under state law, cast ballots

1 are anonymous public records that cannot be tied back to
2 a voter?

3 A. I don't recall the wording of my testimony.

4 Q. On February 3rd, 2023, did you explain to the
5 senate committee how disclosure of cast ballots
6 following an election could be cause for cybersecurity
7 or other security concerns?

8 A. I don't recall the wording of my testimony on
9 February 3rd.

10 Q. Do you deny saying that?

11 A. I don't recall the wording of my testimony.

12 Q. As a public records requestor which has been
13 forced to file suit to obtain records and which has been
14 countersued on its request, WEICU is entitled to ask you
15 questions about why the records have not been released.
16 Those questions go to the issue of penalties under the
17 Public Records Act.

18 So I have a few questions along those lines,
19 and I will remind you that you are still under oath.

20 Did King County Elections use a certified
21 voting system for the 2020 general election?

22 A. Yes.

23 Q. Did King County Elections participate in any
24 manner, actively or passively, in either electronic or
25 physical vote flipping, vote additions, or vote

1 deletions for any races in the 2020 general election?

2 A. No.

3 Q. Did you personally participate in any manner,
4 actively or passively, in either electronic or physical
5 vote flipping, vote additions, or vote deletions for any
6 race or measure in the 2020 general election?

7 A. No.

8 Q. Does King County Elections maintain a record of
9 elector party preference?

10 A. Yes. For a period of time.

11 Q. Could you elaborate on that?

12 A. It is in Washington State law during a
13 presidential -- I think we usually have called it a
14 presidential preference primary or known as a
15 presidential primary, where our laws require for the
16 voters to declare their party preference.

17 We are required to put it into the Washington
18 State VoteWA, Voter Registration Election Management
19 System. And party preference is required to maintain in
20 that system for a period of time and then to be purged.

21 I don't recall the specific amount of days. I
22 believe it's 60 days, but I'm not sure. And I believe
23 the Secretary of State does the clearing of that data.

24 Q. Thank you.

25 So as I understand it, King County Elections

1 provides the party preference information to VoteWA at
2 the state level; is that correct?

3 A. Yes. We enter it into the VoteWA system based
4 off of the return envelope, what they've checked and the
5 oath they've signed.

6 Q. So King County tracks party preference as the
7 ballots are coming in; is that correct?

8 A. Yes.

9 Q. And then shares that data with the State; is
10 that correct?

11 A. That's the only place where it's placed, is the
12 VoteWA system.

13 Q. And the State is required to delete that
14 information after a certain time; is that correct?

15 A. Yes.

16 Q. And it's your understanding that they do that?

17 A. Yes.

18 Q. And you check with them to make sure they've
19 done that?

20 A. I didn't -- I don't recall that I did that
21 after the 2020 election, no.

22 Q. Do you ever check with the State to make sure
23 that the data has been deleted, the party preference
24 data I mean?

25 A. Me personally? No.

1 Q. Does anyone in your office check with the
2 Secretary of State to make sure that that data is timely
3 deleted?

4 A. I don't know.

5 Q. So no?

6 A. I don't know.

7 Q. And how long does King County retain the data
8 of party preference?

9 A. Again, it's in the VoteWA system that's managed
10 at the Secretary of State's office.

11 Q. I understand that.

12 The data originates from King County, and you
13 provide it to the State; is that correct?

14 A. It's put directly into the VoteWA system.

15 Q. So how long does King County retain the party
16 preference data?

17 A. It's in the VoteWA system. It's not kept
18 elsewhere.

19 Q. So the data is tracked by King County,
20 transmitted to the Secretary of State, but it's your
21 testimony today that that data never touches King County
22 Elections cyber systems?

23 A. The team -- it goes directly from the sorter
24 into VoteWA.

25 Q. With no copies retained, no -- no cyber record

1 at all at King County Elections?

2 A. Not to my recollection or to my knowledge.

3 Q. So sitting here today, you are not aware of
4 King County ever deleting any party preference data from
5 King County Elections systems?

6 A. We don't have a King County Elections system.
7 It's the statewide system. That's the only place where
8 voter information, ballot information, is held.

9 Q. So there's no voter registration data held by
10 King County Elections?

11 A. No. It is a real-time statewide system called
12 VoteWA that every 39 county enters all of our
13 information, including the signature that is on that
14 return envelope, a voter's party preference, everything,
15 the date they returned their ballot. All of that
16 information is just within VoteWA. We don't have a
17 standalone King County system.

18 Q. Other than your tabulation server?

19 A. Correct.

20 Q. And the computers associated with that server?

21 A. We were talking about voter registration and
22 election management system. So I'm confused. Are we
23 talking about the tabulation system? It's a completely
24 separate system.

25 Q. Okay. Thank you for clarifying that.

1 A. Yeah.

2 Q. Prior to passage of Senate Bill 5459, did the
3 Public Records Act exempt ballots, ballot images,
4 spoiled ballots, or returned ballots?

5 A. I'm sorry. Can you repeat the question,
6 please?

7 MS. SHOGREN: Can you read it? Thank you.

8 THE COURT REPORTER: "Question: Prior to
9 passage of Senate Bill 5459, did the Public Records Act
10 exempt ballots, ballot images, spoiled ballots, or
11 returned ballots?"

12 MR. HACKETT: I'm going to object; lack of
13 foundation, calls for a legal conclusion.

14 A. I forgot the question. I believe that I was
15 not allowed to disclose those ballot images.

16 Q. (By Ms. Shogren) If that was the case, then
17 why did you support a bill that would do that?

18 A. Provide clarity.

19 Q. Oh. What kind of clarity?

20 A. About what's legally -- a legal public records
21 request, publicly disclosable. That's the word I'm
22 looking for.

23 Q. So it was your understanding before SB 5459
24 that you weren't allowed to provide those documents; is
25 that what you are saying?

1 A. Correct.

2 Q. And that you participated in supporting --
3 publicly supporting Senate Bill 5459 merely to provide
4 clarity?

5 A. Yes.

6 Q. It had nothing to do with this lawsuit?

7 A. No.

8 Q. Does King County currently have in its
9 possession, custody, or control all of the records
10 requested by WEICU in its Public Records Act claim?

11 A. I believe so.

12 Q. Okay. What do you believe that -- what is your
13 belief based on?

14 A. Emails from my public records officer.

15 Q. And who is that?

16 A. Jackie -- Jacqueline Adams.

17 Q. And in those emails, what has Jacqueline Adams
18 told you?

19 A. I believe it was to our attorneys, confirming
20 that we still have all of the records.

21 MR. HACKETT: Okay. So I'm going to object.
22 Obviously that gets into privilege.

23 But I do believe that that is true, that we've
24 maintained the records.

25 MS. SHOGREN: Thank you for clarifying that,

1 Counsel. I appreciate it.

2 Q. (By Ms. Shogren) So no records, electronic or
3 physical, from the 2020 general election in King County
4 have been destroyed, to your knowledge?

5 A. Not to my knowledge.

6 MS. SHOGREN: Okay. That concludes WEICU's
7 questions.

8 Are there any other parties who would like to
9 ask questions at this time?

10 MR. BASSETT: I have some.

11 THE WITNESS: Is there any way we could take
12 a quick break?

13 MR. HACKETT: That's a good idea.

14 MR. BASLER: Yeah, I was wondering if we
15 could take a quick break.

16 MS. SHOGREN: Let's take a ten-minute break.

17 THE VIDEOGRAPHER: And this marks the end of
18 File 3 in the deposition of Julie Wise. The time is
19 10:18, and we are off the record.

20 (Recess was taken from 10:18 a.m. to
21 10:31 a.m.)

22 THE VIDEOGRAPHER: And we are back on the
23 record. Here marks the beginning of File 4 in the
24 deposition of Julie Wise. The time is 10:35 a.m.

25 EXAMINATION

1 BY MR. BASLER:

2 Q. So my name is Doug Basler. I'm one of the
3 pro se plaintiffs. I just have a few questions.

4 What voting system was used by King County
5 Elections to tabulate the ballots for the 2020 general
6 election?

7 A. The vendor is called Clear Ballot.

8 Q. What federal voting system test laboratory
9 purportedly certified the system used by King County for
10 the 2020 general election?

11 A. I forget the name that Clear Ballot used as the
12 testing laboratory.

13 Q. But it was an approved voting system test
14 laboratory?

15 A. That Clear Ballot used to be certified, yes.

16 Q. So how do you know that?

17 A. The documentation that's available on the
18 Election Assistance Commission website.

19 Q. So was the electronic voting system used by
20 King County Elections in the 2020 general election ever
21 updated post-installation of the certified system?

22 A. I'm sorry. I don't understand the question.

23 Q. So after certification, was there any updates?

24 A. I don't know.

25 Q. In 2020, were there any changes or updates to

1 King County's voting system done prior to certification
2 of the 2020 general election on November 24th, 2020?

3 A. Is the question between implementation in 2017
4 to 2020, if there was updates made to -- if there was
5 updates made to the system?

6 Q. Following certification of the system and
7 before certification of the election, were any updates
8 done to the voting system?

9 A. I don't know.

10 Q. But it is possible?

11 A. I don't know.

12 Q. Were there any operating system patches done to
13 the system remotely over the internet?

14 A. Not that I'm aware of.

15 Q. Is it true that King County Elections took part
16 in periodic Webex or other calls or online meetings with
17 election officials from counties across the state and
18 the Secretary of State's office during the election of
19 2020?

20 A. Yes.

21 Q. How often did these calls occur?

22 A. There's a period of time when they are monthly,
23 every other week, weekly, and then they go to daily. It
24 depends on where in the election cycle we are.

25 Q. Okay. So what would -- what would the -- how

1 often would they be during the time from ballots being
2 sent and certification? Would that be daily?

3 A. I believe they would be daily at that point.

4 Q. Okay. Do you recall asking a question during a
5 daily general election staff Webex call or other online
6 meeting on November 18th, 2020, about what talking
7 points you should use if asked about dead voters?

8 THE COURT REPORTER: Dead?

9 MR. BASLER: Dead voters.

10 A. I do not recall that.

11 Q. (By Mr. Basler) Do you recall a discussion
12 during a daily general election staff Webex call on
13 November 18th, 2020, regarding the urgent need for a
14 Microsoft security patch to be installed on the
15 electronic voting systems statewide?

16 A. I do not recall.

17 Q. Did a chief information security officer, CISO,
18 represent- -- representative on the November 18th, 2020,
19 Webex call or other online meeting indicate that in the
20 past the updates were done virtually with the download
21 lasting a few minutes?

22 A. I don't recall.

23 Q. Did one of the attendees on the November 18th,
24 2020, Webex call or other online meeting ask whether the
25 installation should wait until after election

1 certification?

2 A. I don't recall.

3 Q. Were you assured by the CISO representative on
4 the November 18th, 2020, Webex call or other online
5 meeting that there was no functionality or code changes
6 to the application as part of these particular updates?

7 A. I don't recall.

8 Q. Did another attendee on the November 18th,
9 2020, Webex call or other online meeting say that he had
10 received the same assurances before, that no
11 functionality or code changes would be made to the
12 systems, but that had not been the case?

13 A. I truly do not recall this conversation or this
14 meeting or Webex.

15 Q. Did an attendee on the November 18th, 2020,
16 Webex call or other online meeting ask what was the risk
17 of waiting to do the updates until Wednesday,
18 November 25th, the day after certification of the 2020
19 general election?

20 A. I don't recall.

21 Q. Did the CISO representative, on the
22 November 18th, 2020, Webex call or other online meeting
23 say there would be a risk to waiting until Wednesday
24 because, "Just to be frank, some of the things that are
25 in this patch are known to be actively exploited in the

1 wild"?

2 A. I do not recall that.

3 Q. During the November 18th, 2020, Webex call, did
4 someone named Janice from King County then ask whether
5 the installation could be done on Sunday, November 22nd,
6 so as to not interfere with the work being done on
7 Saturday, November 21st, 2020?

8 A. I do not recall.

9 Q. During the November 18th, 2020, Webex call, did
10 the CISO representative refer to the updates as part of
11 their, quote, standard monthly Microsoft security
12 patches?

13 A. I believe you are talking about Justin Burns.
14 I don't remember the November 18th call, but that would
15 be about VoteWA, not tabulation systems. It would be
16 about a Voter Registration Election Management System.
17 Justin Burns with CISO from Washington State would not
18 be talking about tabulation systems. That would be
19 highly unusual.

20 But I don't remember this November 18th call.

21 Q. During that November 18th, 2020, Webex call,
22 did Janice from King County ask whether the updates
23 would also impact the reporting server?

24 A. I do not recall.

25 Q. During the November 18th, 2020, Webex call, did

1 the CISO representative respond by saying, the updates
2 would be installed on all the systems in VoteWA?

3 A. I do not recall.

4 Q. During the November 18th, 2020, Webex call, did
5 an attendee then point out that all the systems had been
6 checked and checked again, but sure enough, on election
7 night, something happened so that the CISO needed to
8 please be aware of that?

9 A. I do not recall.

10 Q. Towards the end of the Webex call on
11 November 18th, 2020, did King County indicate it was
12 okay with the installation happening during the election
13 and prior to certification as long as it happened on
14 Sunday, November 22nd, 2020?

15 A. I don't recall.

16 Q. Did you in fact, in your capacity as Director
17 of Elections, allow King County Elections system to be
18 modified over the internet on Sunday, November 22nd,
19 2020?

20 A. It's not the tabulation system. We're
21 talking -- what I believe you are talking about, again,
22 is the election management voter registration system
23 managed by the Secretary of State's office. All 39
24 counties enter data that feeds live time into that
25 system. That's connected to the internet.

1 That is completely separate and isolated from
2 the tabulation systems used in the counties.

3 Q. Were you aware of a massive security breach so
4 bad that the National Guard, on or around the last week
5 of September 2020, was called in to remove Washington
6 State elections from the server they were currently
7 using to a separate server because of the massive
8 security breach?

9 A. I recall the Secretary of State's office
10 disseminating information about a security concern after
11 the 2020 election. I believe it was the 2020 election,
12 again, around the VoteWA -- Voter Registration Election
13 Management System. I don't recall the details of that.

14 Q. In your position as King County Elections
15 director, was it your understanding that, in 2021,
16 ballots and ballot images requested by WEICU were exempt
17 under the Public Records Act?

18 A. I'm sorry. Can you ask me the question again?

19 Q. In your position as King County Elections
20 director, was it your understanding that, in 2021,
21 ballots and ballot images requested by WEICU were exempt
22 under the Public Records Act?

23 A. I believe they were not disclosable.

24 Q. Did you testify in 2023 in the state
25 legislature hearings in support of SB 5459 exempting

1 ballots and ballot images from public disclosure
2 requests?

3 A. I believe that's accurate.

4 Q. Why did you testify in favor of SB 5459, that
5 exempted ballots and ballot images from public
6 disclosure requests if they were already exempt?

7 A. To provide clarity.

8 MR. BASLER: Okay. That concludes my
9 questions.

10 THE WITNESS: Thanks.

11 MR. HACKETT: Thank you.

12 MR. SAMOYLENKO: I'm just going to have you
13 read the questions.

14 MS. SHOGREN: Hand it to me first.

15 These are your questions right here?

16 MR. SAMOYLENKO: Yes.

17 MR. HACKETT: I'm confused.

18 MS. SHOGREN: I have been handed, served,
19 questions from pro se Plaintiff Tim Samoylenko. And
20 pursuant to CR 30(c), I am now going to hand them to the
21 deposition officer so that she can read the questions
22 and record the answers verbatim.

23 MR. HACKETT: I'm going to have to look up
24 that rule because I don't think I've ever ran across
25 that.

1 And you are the agent for that pro se
2 plaintiff?

3 MS. SHOGREN: I am the party that has
4 noticed the deposition, so the rule requires the service
5 be made on me.

6 And then I'm required to give it to the court
7 reporter, who is then required to read the questions.

8 MR. HUTT: To the witness.

9 MR. HACKETT: Okay. I will check that out.
10 30(b)(c), huh?

11 MS. SHOGREN: 30(c) at the end of that
12 subsection.

13 MR. HACKETT: Okay. Go ahead.

14 MS. SHOGREN: Thank you.

15 MR. HYATT: To be clear, Mr. Hackett, are
16 you lodging an objection to this?

17 MR. HACKETT: Well, it turns out that the
18 last section says, "In lieu of participating in the oral
19 examination, parties may serve written questions in a
20 sealed envelope on the party taking the deposition, and
21 the party shall transmit them to the officer" -- which I
22 take to be the court reporter -- "who shall propound
23 them to the witness and record the answers verbatim."

24 And so I understand that the procedure would be
25 for the court reporter to read the questions and for the

1 witness to answer those questions.

2 Mr. Hyatt, do you -- this is a new one on me
3 after 30-some years of practice. So I don't know if you
4 have ever run into this?

5 MR. HYATT: The intervenors will object to
6 this line of questioning. But if Mr. Hackett is
7 comfortable with the witness answering whatever
8 questions are being asked, then we can sort the
9 objections and how that objection -- what the practical
10 effects of that objection are later.

11 THE COURT REPORTER: Can we go off the
12 record?

13 MS. SHOGREN: Yes, we can go off the record.

14 THE VIDEOGRAPHER: The marks the end of
15 File 4 in the deposition of Julie Wise. The time is
16 10:47, and we're off the record.

17 (Recess was taken from 10:46 a.m. to
18 10:51 a.m.)

19 THE VIDEOGRAPHER: And we are back on the
20 record. Here marks the beginning of File 5 in the
21 deposition of Julie Wise. The time is 10:52 a.m.

22 THE COURT REPORTER: The reporter has --

23 MR. HYATT: Before we begin with questions,
24 the intervenors just want to lodge an objection to
25 clarify the objection that we made earlier to include

1 the fact that the rules strictly requires that any
2 questions be served in a sealed envelope. And I don't
3 believe that's the process that happened in this
4 deposition today.

5 But, again, intervenors are happy to discuss
6 with Counsel the practical implications of that
7 objection and deal with it at a later time, if
8 Mr. Hackett is comfortable with the witness proceeding
9 to answer those questions.

10 MR. HACKETT: Yes. We're comfortable with
11 proceeding. The questions need to be read verbatim, and
12 the question is what the question is.

13 MS. SHOGREN: And for the record, the
14 questions were handed to me in an envelope.

15 (Pursuant to Civil Rule 30(c), the court
16 reporter was requested to propound the
17 following written questions and record the
18 following answers.)

19 (Exhibit No. 3 marked.)

20 EXAMINATION

21 BY THE COURT REPORTER:

22 Q. Exhibit 3 has been marked, which is the
23 declaration of Terpsehore Maras.

24 I'm going to read aloud Paragraph 23. "The
25 proprietary voting system software is done so and

1 created with cost efficiency in mind and therefore
2 relies on third-party software that is available and
3 housed on the hardware. This is a vulnerability.
4 Exporting system reporting using software like Crystal
5 Reports or PDF software allows for vulnerabilities with
6 their constant updates."

7 Do you agree with Ms. Maras, that constant
8 updates to electronic voting systems poses a
9 vulnerability to those systems?

10 A. No.

11 Q. Paragraph 24. "As per the COTS hardware
12 components that are fixed, and origin may be cloaked
13 under proprietary information a major vulnerability
14 exists since once again third-party support software is
15 dynamic and requires frequent updates. The hardware
16 components of the computer components, and election
17 machine are COTS -- that are COTS may have slight
18 updates that can be overlooked as they may be like those
19 designed that support the other third-party software.
20 COTS origin is important and the US Intelligence
21 Community report in 2018 verifies that."

22 Do you know whether the system used by King
23 County for the 2020 general election comprised
24 commercial off the shelf "COTS" hardware components?

25 A. I don't know.

1 Q. Do you know the country of origin for the
2 production of any commercial off-the-shelf hardware
3 components used by King County to tabulate the 2020
4 general election?

5 A. I don't.

6 Q. Shelf software used by King County to tabulate
7 the 2020 general election?

8 A. I don't understand the question.

9 Q. I will now read Paragraph 37. "The purpose of
10 VSTLs being accredited and their importance in ensuring
11 that there is no foreign interference/bad actors
12 accessing the tally data via backdoors in equipment
13 software. The core software used by all Scytl related
14 election machine/software manufacturers ensures
15 anonymity."

16 Do you agree with Ms. Maras, that the Voting
17 System Test Laboratories need to be accredited when
18 verifying systems because the VSTLs need to ensure that
19 there is no ability to access the tabulator data via
20 backdoors in the system hardware?

21 A. I don't understand the question.

22 Q. Paragraph 38. "Algorithms within the area of
23 this shuffling to maintain anonymity allows for setting
24 values to achieve a desired goal under the guise of
25 encryption in the trap-door."

1 Do you agree with Ms. Maras, that the cheap
2 COTS (commercial-off-the-shelf) software allows
3 anonymous access to shuffle values for a desired
4 election outcome under the guise of encryption?

5 A. I don't understand the question.

6 Q. Paragraph 54. "Scytl and Dominion have an
7 agreement - only the two would know the parameters.
8 This means that access is able to occur through
9 backdoors in hardware if the parameters of the
10 commitments are known in order to alter the range of the
11 algorithm deployed to satisfy the outcome sought in the
12 case of algorithm failure."

13 Do you agree with Ms. Maras, that backdoors in
14 the tabulation system hardware can be used to change
15 software algorithm parameters?

16 A. I don't understand the question. I don't
17 understand the vendors, Scytl, Dominion. That -- it's
18 not used in King County. I'm not tracking the
19 question.

20 Q. Paragraph 55. "Trapdoor is a cryptotech term
21 that describes a state of a program that knows the
22 commitment parameters and therefore is able to change
23 the value of the commitment however it likes. In other
24 words, Scytl or anyone that knows the commitment
25 parameters can take all the votes and give them to any

1 one they want. If they have a total of 1000 votes an
2 algorithm can distribute them among all races as it
3 deems necessary to achieve the goals it wants. (Case
4 Study: Estonia)."

5 Do you agree with Ms. Maras, that anyone with
6 access to the tabulation system through a trapdoor can
7 take all the votes tabulated and give them to anyone
8 they want?

9 A. I don't know that.

10 Q. Paragraph 74. "Observing the elections, after
11 a review of Michigan's data a spike of 54,199 votes to
12 Biden. Because it is pushing and pulling and keeping a
13 short distance between the 2 candidates; but then a
14 spike, which is how an algorithm presents; - and this
15 spike means there was a pause and an insert was made,
16 where they insert an algorithm. Block spikes in votes
17 for Joe Biden were not paper ballots being fed or thumb
18 drives. The algorithm block adjusted itself and the
19 people were creating the evidence to back up the block
20 allocation."

21 Do you agree with Ms. Maras, that large
22 injections of votes, including large injections after
23 Election Day, would indicate algorithm changes to
24 achieve pre-determined results?

25 A. Absolutely not.

1 Q. Do you agree with Ms. Maras, that the algorithm
2 kicks in independently, while the people are creating
3 ballots to back up the block allocation?

4 A. No.

5 Q. Have you ever been informed of the need to
6 create, generate, or receive fake cast ballots for any
7 election?

8 A. No.

9 Q. Have you ever participated in any manner in the
10 tabulation of ballots to back up a block allocation
11 resulting from algorithmic changes to the outcome of any
12 race in any election?

13 A. I don't understand the question.

14 Q. Paragraph 77. "The algorithm looks to have
15 been set to give Joe Biden a 52 percent win even with an
16 initial 50K plus vote block allocation was provided
17 initially as tallying began (as in case of Arizona too).
18 In the am of November 4, 2020 the algorithm stopped
19 working, therefore another block allocation to remedy
20 the failure of the algorithm. This was done manually as
21 all the systems shut down nationwide to avoid
22 detection."

23 Did King County Elections experience any
24 election system problems of any nature on November 3,
25 2020?

1 A. Not that I recall.

2 Q. Did King County Elections experience any
3 election system problems of any nature on November 4,
4 2020?

5 A. Not that I recall.

6 Q. Was there ever a time during the 2020 general
7 election that any component of King County Elections
8 system was shut down?

9 A. Not that I recall.

10 (Exhibit No. 4 marked.)

11 Q. (By The Court Reporter) Exhibit 4 is being
12 marked.

13 Paragraph 4. "As further discussed herein,
14 WEICU has evidence in the form of thousands of screen
15 shots of official electronic tallies recorded and
16 electronically reported and captured in real time that
17 exactly 6,614 votes were flipped, over 37,000 votes were
18 moved around on ten separate events, and/or thousands of
19 votes were removed in one or more state-wide races
20 before, during, and/or after the election?"

21 Do you have any information as to how official
22 electronic tallies recorded and electronically reported
23 in real time could show thousands of votes being flipped
24 or moved around between candidates before, during, or
25 after November 3, 2020?

1 A. I'm sorry. Can you repeat the question,
2 please?

3 Q. Do you have information as to how official
4 electronic tallies recorded and electronically reported
5 in real time could show thousands of votes being flipped
6 or moved around between candidates before, during, or
7 after November 3, 2020?

8 A. They weren't.

9 Q. Paragraph 8. "Based on NEP election data for
10 the federal election analyzed by WEICU, a total of ten
11 (10) vote-flipping events were documented in the
12 presidential race, alone, that transferred a total of
13 37,039 votes (votes moved around in a manner akin to a
14 shell game to fill in where needed)."

15 Do you agree with Ms. Borrelli that, in
16 tracking voting results, there should never legitimately
17 be a negative vote count or reduction in votes allocated
18 to a particular candidate?

19 A. I don't understand the question.

20 Q. Paragraph 10. "Other vote tally anomalies were
21 found in the 2020 governor's race. As shown below, at
22 9:36:43 in the evening, November 3, 2020, the total
23 ballots cast in the governor's race, according to King 5
24 news feed (based on country data) was 5,361,920.
25 However, the total number of registered voters in

1 Washington State at that time was 4,887,536, meaning the
2 official results feed for the governor's race showed
3 474,384 more ballots cast than registered voters in the
4 entire state. To add insult to injury, forty-five
5 minutes later, at 10:13:43 in the evening, the total
6 ballots cast in the governor's race fell by a whopping
7 2,059,288 votes cast, to 3,302,632."

8 Do you have an information as to how official
9 results for the 2020 gubernatorial race could show
10 474,384 more ballots cast than registered voters in the
11 entire state?

12 A. It's not official results. It's a media outlet
13 posting results. That's not official results.

14 Q. Do you have an information as to how official
15 results for the 2020 gubernatorial race could plummet
16 from a total ballots cast of 5,361,920 down to 3,302,632
17 within 45 minutes?

18 A. I think you probably should ask King 5 how
19 they get their data. This isn't official data that was
20 on the Secretary of State's site or King County
21 Elections website, nor was it certified results of the
22 election.

23 THE COURT REPORTER: That concludes my
24 questions. Thank you.

25 MR. HACKETT: Thank you.

1 And does anybody have any more questions?

2 MS. SHOGREN: Are there any other parties
3 who would like to ask questions at this time?

4 MR. HACKETT: King County has no questions.

5 MR. HYATT: The intervenors have no
6 questions.

7 MS. SHOGREN: Okay. Then I will let the
8 court reporter do her thing, and we'll conclude this
9 deposition.

10 THE VIDEOGRAPHER: And before we go off the
11 record, the court reporter will take orders for the
12 transcript.

13 MR. HACKETT: All right. And one other
14 matter I want to cover before we go off the record. So
15 I spoke with Mr. Basler. He would prefer to continue to
16 receive service by mail.

17 And you are going to provide me with an address
18 to make sure that we don't have an issue there.

19 MR. BASLER: Do you want me to say it on the
20 record?

21 MR. HACKETT: That would be handy. Sure.

22 MR. BASLER: Sure. It's 1851 Central Place
23 South, Kent, Washington 98030, Suite 123.

24 MR. HACKETT: Just to make sure I have got
25 that, 1851 Central Place South, Kent, Washington 98030,

1 Suite 123.

2 MR. BASLER: That is correct.

3 MR. HACKETT: Okay.

4 And then I also spoke with Mr. Samoylenko, and
5 he is in agreement with counsel for King County and the
6 intervenors that we will handle service by email. And I
7 believe we're in email contact.

8 And he has raised his thumb, indicating we
9 are.

10 MR. SAMOYLENKO: Yes. Sorry.

11 THE COURT REPORTER: Ms. Wise, would you
12 like to reserve or waive signature for the transcript.

13 MR. HACKETT: We will reserve signature.

14 THE COURT REPORTER: And, Ms. Shogren, do
15 you want to order a copy of the transcript?

16 MS. SHOGREN: Yes, please.

17 THE COURT REPORTER: And would you also like
18 to order a copy?

19 MR. HACKETT: Yes, please.

20 MS. SHOGREN: Expedited, if possible.

21 THE COURT REPORTER: And would you like
22 yours expedited?

23 MR. HACKETT: No.

24 MR. HYATT: Intervenors will order but not
25 expedited. Thanks.

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THE VIDEOGRAPHER: And this marks the end of
File 5 and concludes the deposition of Julie Wise.

The time is 11:09 a.m., and we are off the
record.

(Deposition concluded at 11:09 a.m.)

(By agreement between counsel and witness,
signature was reserved.)

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C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF KING

I, Barbara K. Castrow, a Certified Court Reporter in and for the State of Washington, do hereby certify that the foregoing transcript of the deposition of Julie A. Wise, having been duly sworn, on May 18, 2023, is true and accurate to the best of my knowledge, skill and ability.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 19th day of May, 2023.

Barbara Castrow



Barbara K. Castrow, CCR, RMR, CRR
Certified Court Reporter #2395

My certification expires:
November 24, 2023