

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,)
v.) No. 21-2-12603-7 KNT
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

EXAMINATION INDEX		
EXAMINATION BY:		PAGE NO.
MS. SHOGREN		4
MR. BASLER		81
THE COURT REPORTER		91
EXHIBIT INDEX		
EXHIBIT NO.	DESCRIPTION	PAGE NO.
EXHIBIT NO. 1	2-page letter to Ms. Bass from David Hackett dated 10/25/22.	30
EXHIBIT NO. 2	24-page Amended King County Defendant's Answer to Plaintiff's Complaint and Counterclaim and Jury Demand.	30
EXHIBIT NO. 3	38-page Declaration of Terpsehore Maras.	91
EXHIBIT NO. 4	5-page Declaration of Tamborine Borrelli.	93

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31 LAWRENCE HUTT
32 PEGGY HUTT
33 * * * * *

1 Seattle, Washington
2 May 18, 2023
3 8:35 a.m.
4 -o0o-
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 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 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 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. 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. 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. 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 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 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 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 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. (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 **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 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. 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 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 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 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 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 **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 **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 **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. 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 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 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 **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 **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 **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 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 **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 **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 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 Terpeshore Maras.**
 24 **I'm going to read aloud Paragraph 23. "The**
 25 **proprietary voting system software is done so and**

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 **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 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 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 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.

1 THE VIDEOGRAPHER: And this marks the end of
 2 File 5 and concludes the deposition of Julie Wise.
 3 The time is 11:09 a.m., and we are off the
 4 record.
 5 (Deposition concluded at 11:09 a.m.)
 6 (By agreement between counsel and witness,
 7 signature was reserved.)
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 9 * * * * *
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1 CERTIFICATE
 2
 3 STATE OF WASHINGTON
 4 COUNTY OF KING
 5
 6 I, Barbara K. Castrow, a Certified Court Reporter
 7 in and for the State of Washington, do hereby certify
 8 that the foregoing transcript of the deposition of Julie
 9 A. Wise, having been duly sworn, on May 18, 2023, is
 10 true and accurate to the best of my knowledge, skill and
 11 ability.
 12 IN WITNESS WHEREOF, I have hereunto set my hand
 13 and seal this 19th day of May, 2023.
 14
 15 
 16 Barbara K. Castrow, CCR, RMR, CRR
 17 Certified Court Reporter #2395
 18
 19 My certification expires:
 20 November 24, 2023
 21
 22
 23
 24
 25



A				
a.m 4:3,13 33:6,7 33:10 42:11,12,15 80:20,21,24 90:17 90:18,21 102:3,5	actors 93:11	allocated 98:17	appointed 24:21 36:15	29:22 30:9 46:10 46:11 63:21 79:19
AA 10:9,12,13	actual 9:21 33:20 56:25 57:4	allocation 95:20 96:3,10,16,19	appointment 26:24	audible 7:16
ability 8:23 15:10 15:18 57:8 93:19 103:11	Adams 79:16,17	allow 7:13 15:18,23 44:19 86:17	appreciate 18:21 80:1	audit 36:5,8,9,12 36:18,20,21,22,23 37:17 56:16,17,20 57:1
able 10:15 11:4,8 14:8 16:9,22 19:16 22:12 39:24 43:6 47:8 48:13 69:7 94:8,22	add 99:4	allowed 43:5,7,17 78:15,24	approaching 5:24	auditor 24:12 25:19 57:20,21
absolute 34:5,17 49:11	additions 60:18 73:25 74:5	allows 92:5 93:23 94:2	appropriate 8:13	auditors 24:6 26:6 26:8,9,10 64:7,10 64:22 65:6 66:24
Absolutely 95:25	address 5:15,17 100:17	aloud 91:24	approved 11:14 12:2 81:13	audits 22:9 36:2,6 56:11,13
access 11:3 12:7,8 12:16 49:13 54:1 54:3,6,9,14 55:4,8 55:12,17,21,25 66:3,7,14 93:19 94:3,8 95:6	adhere 43:19	alter 94:10	approximately 4:13 36:24 37:2 37:11,14,16 54:8	authority 11:15,16
accessed 12:19	adjusted 95:18	amazing 22:15	approximation 8:4 37:9	available 81:17 92:2
accessing 93:12	administrative 24:10 70:3	Amber 59:17	area 93:22	avenue 1:20 2:12 2:17 4:15 5:18 41:3
accredited 12:1 93:10,17	administrators 64:16,21	Amended 3:11 30:16	Arizona 96:17	avoid 96:21
accumulate 16:16 16:22	advance 30:22	amount 47:23 50:7 74:21	arriving 32:18	aware 23:19,25 25:7 28:1,14,19 29:5,8,10,13,21 35:3 50:25 51:6 51:24 52:1,3 60:17 77:3 82:14 86:8 87:3
accuracy 36:7,20 58:8	affirmation 31:12 32:4 33:15,16	analyzed 98:10	Article 34:1,8,16	
accurate 10:25 58:3 66:12 88:3 103:10	affirmatively 35:4	and/or 97:18,20	asked 13:25 15:9 16:5 22:10 26:8 35:6 45:23 56:14 56:14 83:7 90:8	B
achieve 93:24 95:3 95:24	afford 7:14	Anderson 24:10	asking 67:12 68:4 83:4	B-r-o-w-n 20:17
achieved 32:17	agency 22:20 23:18 24:2 55:21	annual 65:10 68:6	Assistance 21:18 81:18	back 33:8,11 36:17 40:20 42:13 67:6 73:1 80:22 90:19 95:19 96:3,10
acronym 4:22 9:14	agenda 65:10	anomalies 98:20	associated 59:15 77:20	backdoors 93:12 93:20 94:9,13
Act 19:21 30:13 73:17 78:3,9 79:10 87:17,22	agent 24:2 89:1	anonymity 93:15 93:23	association 24:6 26:5 49:16 65:5 66:23 67:3	background 10:8
action 10:17 28:4 28:17 29:16,16 65:22	agents 56:4,9	anonymous 32:14 46:19,25 48:3,10 48:17 73:1 94:3	assume 7:20	bad 87:4
actively 73:24 74:4 84:25	ago 58:25	answer 3:12 7:14 8:1,1,2 10:1,15 24:15 29:1,2 30:16 90:1 91:9	assurances 84:10	badge 12:7,16
	agree 32:6 67:14 70:9 92:7 93:16 94:1,13 95:5,21 96:1 98:15	answered 35:6 46:17 71:14	assured 84:3	ballot 12:4 15:11 15:19,23,25 16:2 16:11,17 17:20 20:22,23 31:1,3,6 31:8,11,13 32:3,3 32:4,5,19 33:17 34:3,6,23 39:20
	agreement 94:7 101:5 102:6	answering 41:16 90:7	attempt 7:14 72:21	
	ahead 89:13	answers 10:6 88:22 89:23 91:18	attend 26:17	
	air 13:20,22 14:11 14:12	anybody 59:19 100:1	attended 50:14 69:16	
	air-gapped 14:1	anyway 19:6	attendee 84:8,15 86:5	
	akin 98:13	apologize 32:22	attendees 83:23	
	al 1:4,7 4:9,10	appear 70:7	attention 60:3 72:10	
	algorithm 94:11,12 94:15 95:2,14,16 95:18,23 96:1,14 96:18,20	APPEARANCES 2:1	Attorney 2:3,11	
	algorithmic 96:11	appears 30:24	attorneys 27:12,13	
	Algorithms 93:22	application 84:6		
	allegations 60:2			

<p>39:22 43:8,9,10 44:7,8,22 45:2,17 47:7 48:2,9,14,16 49:9,14,16,19,23 50:10,13 51:12,22 52:9 53:6,8,8,17 53:22 59:5 61:10 61:12,23,25 62:3 62:9,25 63:10 72:16 77:8,15 78:3,10,15 81:7 81:11,15 87:16,21 88:1,5</p> <p>ballot-related 72:22</p> <p>ballots 12:5,6,7,8 12:11,18,22,25 13:17 14:6,9 15:14,15,20 16:3 16:10 32:14,20 33:15,20 34:9,17 34:23,24,24 35:10 35:13,19,25 36:5 36:10,13 37:2,12 37:16,23 38:9,17 38:21 39:6,7,11 39:18,25 43:3,13 44:1,5,11,15,19 45:8,15,25 46:2,3 46:5,18,24 47:5 48:12 49:1,3,5,17 57:17 62:25,25 63:1,5,6,9,10,11 70:25 71:9,13 72:1,6,11,15,25 73:5 75:7 78:3,4,4 78:10,10,11 81:5 83:1 87:16,21 88:1,5 95:17 96:3 96:6,10 98:23 99:3,6,10,16</p> <p>bank 53:7</p> <p>Barbara 1:25 103:6,17</p> <p>Barone 53:23</p> <p>base 64:8</p>	<p>based 7:24 47:6 48:13 57:16 75:3 79:13 98:9,24</p> <p>basically 41:24</p> <p>basis 42:24 43:21 67:16</p> <p>Basler 2:7,8 3:4 4:24,24 80:14 81:1,2 83:9,11 88:8 100:15,19,22 101:2</p> <p>Bass 3:10 30:4</p> <p>BASSETT 80:10</p> <p>batch 36:9,21,23 37:17</p> <p>began 96:17</p> <p>beginning 4:7 33:9 42:14 80:23 90:20</p> <p>behalf 22:22 63:19 66:23 67:1</p> <p>belief 64:8 79:13</p> <p>believe 10:3,4 13:9 18:1 20:24 23:5 23:13 24:13,25 25:9,11 26:13 27:3 33:13 36:2 37:14 39:17 45:10 46:17,20 50:22 54:7,18 55:3 59:12 64:7 65:1 66:1,11,15 68:3,5 68:10 69:23 70:3 70:12 72:2 74:22 74:22 78:14 79:11 79:12,19,23 83:3 85:13 86:21 87:11 87:23 88:3 91:3 101:7</p> <p>Benton 69:8</p> <p>best 8:3,19 9:6 25:24 37:9 51:15 72:5 103:10</p> <p>better 14:15 50:8 57:14</p> <p>Biden 95:12,17 96:15</p>	<p>bill 63:22,25 64:6 65:18,25 78:2,9 78:17 79:3</p> <p>bill's 65:15</p> <p>bills 64:3</p> <p>bins 59:5</p> <p>biometric 12:16</p> <p>bit 25:20 46:22 48:4 59:1</p> <p>blatantly 29:1</p> <p>block 95:16,18,19 96:3,10,16,19</p> <p>board 57:18 58:6</p> <p>Bob 20:24</p> <p>body 53:2</p> <p>Borrelli 2:22 3:16 7:7 98:15</p> <p>bound 6:24</p> <p>box 53:6,8</p> <p>boxes 53:16 59:6</p> <p>breach 87:3,8</p> <p>break 9:8 40:1,3 41:22 50:6 80:12 80:15,16</p> <p>breaking 43:18 45:4</p> <p>brought 22:14 60:3 72:9</p> <p>Brownell 20:12 22:24</p> <p>Buell 4:14,17 41:2</p> <p>building 12:15 57:4</p> <p>Bureau 23:9</p> <p>Burns 20:18,19 85:13,17</p> <p>busts 50:1</p> <p>button 16:13,18 54:23</p> <p>buttons 16:21 17:1 17:11 19:6</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>C 103:1,1</p> <p>cage 12:12,13,17</p> <p>cages 12:7,9</p> <p>call 12:1 13:14 36:9 61:17 69:22 83:5</p>	<p>83:12,19,24 84:4 84:9,16,22 85:3,9 85:14,20,21,25 86:4,10</p> <p>called 17:20 18:1 18:23 61:19,20 62:2 74:13 77:11 81:7 87:5</p> <p>calls 25:12 34:11 47:2 78:13 82:16 82:21</p> <p>cameras 11:7</p> <p>candidate 25:23,23 98:18</p> <p>candidates 31:13 32:5 95:13 97:24 98:6</p> <p>canvassing 57:18 58:6</p> <p>capable 14:2,17,20 14:25</p> <p>capacity 6:2 10:16 28:1,14,19 29:5 29:14 36:16 56:5 56:17 66:19 67:5 86:16</p> <p>caption 41:6</p> <p>captured 97:16</p> <p>case 6:15 26:18 28:4,17 29:24 53:24 72:15 78:16 84:12 94:12 95:3 96:17</p> <p>cast 15:11,20 34:9 34:17 35:9,13 36:11 37:12 44:1 44:5 46:18,24 48:2,8,16 49:1,5,9 49:16 57:17 71:9 71:13 72:1,6,11 72:25 73:5 96:6 98:23 99:3,6,7,10 99:16</p> <p>Castrow 1:25 103:6 103:17</p> <p>catch 61:13,15</p>	<p>cause 4:10 43:22 73:6</p> <p>CCR 1:25 103:17</p> <p>ceiling 12:14</p> <p>cement 12:14</p> <p>Central 5:3 21:12 23:18 100:22,25</p> <p>certain 50:7 64:1 75:14</p> <p>certainty 54:21</p> <p>certification 11:18 11:19,22 55:14 81:23 82:1,6,7 83:2 84:1,18 86:13 103:19</p> <p>certified 11:12,24 39:24 40:17 73:20 81:9,15,21 99:21 103:6,17</p> <p>certify 57:15,23 58:8 103:7</p> <p>chain 12:5,21 53:13 53:15</p> <p>chain-link 12:15</p> <p>chairing 26:21</p> <p>change 51:13,16 94:14,22</p> <p>changed 39:8</p> <p>changes 8:13,16,17 60:14 81:25 84:5 84:11 95:23 96:11</p> <p>charge 52:15,17</p> <p>chats 69:20,21</p> <p>cheap 94:1</p> <p>check 15:10,19 61:5 75:18,22 76:1 89:9</p> <p>checked 61:8 75:4 86:6,6</p> <p>chief 20:6 27:12 83:17</p> <p>choices 31:12 32:5</p> <p>CIA 23:24</p> <p>CISA 22:22 23:2</p> <p>CISO 20:9 83:17 84:3,21 85:10,17</p>
--	---	---	--	--

86:1,7 citizen 28:3,16 29:23 30:4 Civil 91:15 claim 19:21,21 79:10 claims 58:13 clarification 48:21 clarify 54:3 90:25 clarifying 77:25 79:25 clarity 13:3 78:18 78:19 79:4 88:7 clear 7:21 17:20 20:22,23 46:15 81:7,11,15 89:15 ClearCount 18:1,2 18:23 clearing 74:23 click 17:11 client 40:2,9 41:6 42:5,7,23 client's 41:16 cloaked 92:12 closed 14:1 24:23 24:25 25:4,10 closing 53:9 coach 42:7 Coalition 1:4,14 4:9,22 9:14 cochair 24:20,21 code 66:3,8,14 70:25 84:5,11 Coie 2:17 5:1 Cole 53:23 collectively 31:15 college 10:10,11 come 11:8 56:15,23 comes 26:9 61:12 61:24,25 comfortable 90:7 91:8,10 coming 24:22,22 26:25 75:7 comment 8:16 commercial 92:24	93:2 commercial-off-t... 94:2 Commission 21:18 81:18 commitment 94:22 94:23,24 commitments 94:10 committee 5:3 21:12 24:20,22 26:7,14,18,19,21 59:14 64:14 65:2 65:3,6,7,7,8,9,25 69:18 72:13,19,24 73:5 committees 25:16 26:6,7 communicate 20:9 communicated 19:20 communicates 22:22 communicating 62:4 64:24 communication 14:3 21:14 communications 22:4 64:25 65:15 65:19 Community 92:21 compare 57:8,12 compared 68:17 Complaint 3:12 9:23 10:1,5 30:17 complaints 60:10 60:18 completely 68:12 77:23 87:1 component 97:7 components 14:11 14:16,19 92:12,16 92:16,24 93:3 comprised 92:23 computer 16:22 17:4,4,5,6 18:23	19:14,15 92:16 computers 14:21 77:20 concern 39:7 50:20 50:22,24 51:6 52:2,3 87:10 concerns 58:21,24 59:4,8,24 60:3,11 60:13 71:8,13 72:1,6,10 73:7 conclude 6:19 7:13 100:8 concluded 70:25 102:5 concludes 80:6 88:8 99:23 102:2 conclusion 32:18 34:12 47:2 78:13 concrete 44:14,21 45:1,7,13 conduct 52:21 conference 7:2 65:10 conferred 42:23 confidential 71:5 confirming 79:19 confused 46:22 77:22 88:17 confusing 48:4 connected 13:23 14:2,6,7,14 17:6 19:16 21:19,24 32:13 86:25 connecting 14:25 connection 14:17 14:20 consider 8:7 48:2,8 48:16 considered 15:15 46:15 59:12 constant 92:6,7 constituents 28:20 29:6 constitute 35:10,14 constitution 34:2,9 34:17	constitutional 49:10 consultation 63:21 contact 19:23 20:7 20:8,22,23,24 21:3,5,11,17,21 22:19 23:4,8,11 23:12,13,15,22 24:5,7 101:7 contacted 22:8 contacts 19:25 21:7 23:17,23 container 50:15 containers 49:20 49:24 50:10,13 51:12,22 52:9 contest 16:17 context 15:12 64:12 continue 9:10 42:1 42:2,24 100:15 continuing 6:20 41:7 contract 24:2 Contrary 42:19 control 79:9 convening 4:14 conversation 25:18 50:18 84:13 conversations 27:5 27:9 64:9,13 coordinate 22:9 coordinated 70:8 copies 76:25 copy 19:12 33:20 33:21 40:22 101:15,18 core 93:13 correct 15:5,7,17 17:23 19:8 23:3 32:14,15,16 33:19 52:4 58:6 75:2,7 75:10,14 76:13 77:19 79:1 101:2 correction 18:12 cost 92:1	COTS 92:11,17,17 92:20,24 94:2 counsel 4:19 18:20 29:11 32:21 40:1 40:10 41:11 42:25 80:1 91:6 101:5 102:6 count 44:6 98:17 counted 46:4 counter-claimant 10:17 Counter-claimants 1:11 2:10 counterclaim 1:15 2:2 3:12 30:17 31:1,11,25 34:8 34:16,22 35:9,18 37:22 38:1 43:2 43:11 44:1,14,21 counterclaims 28:2 28:15,24 29:15 65:23 countersued 73:14 counties 68:18,21 68:23 69:3,13 82:17 86:24 87:2 counties' 69:6 country 68:22,24 69:1,2 93:1 98:24 counts 16:6,8 17:24 county 1:2,10 3:11 4:11 5:6,21,25 6:5 6:13 13:20,24 14:16,19 15:8,18 16:4 17:20,25 18:17 19:18 20:19 21:10 22:15,23,24 23:11,12,23 24:6 26:5 27:2,10 30:9 30:16 47:14,18,21 47:24 49:1,5,18 49:22 50:12,19 51:12,21 52:5,9 52:16 53:21 55:5 55:9,13,18,22,24 56:1,4,5,6,10
---	---	--	---	---

58:12 59:3,13 60:20,25 61:2,9 61:23 62:11 63:20 65:6 66:20,23 67:2 68:13 69:8,8 69:10 72:9 73:20 73:23 74:8,25 75:6 76:7,12,15 76:19,21 77:1,4,5 77:6,10,12,17 79:8 80:3 81:4,9 81:20 82:15 85:4 85:22 86:11,17 87:14,19 92:23 93:3,6 94:18 96:23 97:2,7 99:20 100:4 101:5 103:4 County's 82:1 couple 32:23 course 25:21 court 1:1 2:4 3:5 4:11 5:7 6:23 7:3 7:9,10,17 8:11 28:4,16 29:15,16 48:5,7 51:5 63:8 66:6 71:11,24 78:8 83:8 89:6,22 89:25 90:11,22 91:15,21 97:11 99:23 100:8,11 101:11,14,17,21 103:6,17 courtesy 7:15 cover 100:14 CR 40:24 88:20 create 96:6 created 92:1 creating 95:19 96:2 critical 56:21 57:11 CRR 1:25 103:17 cryptotech 94:20 Crystal 92:4 current 72:14 currently 79:8 87:6 custody 12:5,21	53:13,15 79:9 cyber 22:19 55:20 76:22,25 cybersecurity 57:2 57:5 73:6 cycle 24:22 82:24 <hr/> D <hr/> daily 82:23 83:2,3 83:5,12 damage 37:24 38:9 39:12,19 43:3,14 43:22 Darla 24:9 25:2 data 13:15 19:14 47:6 54:1,14 55:5 55:9,13,18,22 56:1 60:5 62:4 70:22 74:23 75:9 75:23,24 76:2,7 76:12,16,19,21 77:4,9 86:24 93:12,19 95:11 98:9,24 99:19,19 date 1:25 77:15 dated 3:10 29:21 30:3 David 2:11 3:10 5:4 david.hackett@k... 2:14 day 4:14 54:2,15 55:6,10,14 67:5 84:18 95:23 103:13 days 74:21,22 dead 83:7,8,9 deal 91:7 decision 62:24 63:9 63:17,19 decisions 46:11 declaration 3:14,15 91:23 declare 74:16 declared 56:21 57:11 deems 95:3 defendant 1:15 2:2	5:2 10:17 72:14 Defendant's 3:12 defendants 1:8 2:10 18:15 30:10 Defendants's 30:16 degree 10:9,9,11,12 10:13 delete 75:13 deleted 75:23 76:3 deleting 77:4 deletions 60:19 74:1,5 Demand 3:13 30:18 Democrat 21:12 Democratic 5:3 denied 45:20 46:9 deny 73:10 department 21:22 22:5 55:16 56:14 56:15,23 depend 11:19 39:5 Depending 38:24 depends 11:17 24:8 38:13,17 47:3 52:7 82:24 deployed 94:11 deposit 31:2,7 depositing 34:5 deposition 1:16 4:8 6:8,18 7:23 8:7,10 8:12 9:13,17 18:18 27:4,6,8,24 30:23 33:4,10 40:7,8,14,15,16 40:23,25 41:8,9 41:12 42:2,9,15 42:17,20,22 80:18 80:24 88:21 89:4 89:20 90:15,21 91:4 100:9 102:2 102:5 103:8 deputy 2:11 5:5 20:5 26:18 27:13 Derek 24:10 25:2 Des 5:18	describe 10:8 17:10 describes 94:21 DESCRIPTION 3:9 designed 92:19 desired 93:24 94:3 desktop 17:4,5,6,11 19:14 destroyed 39:8 80:4 detail 53:2 details 87:13 detection 96:22 determine 47:8 determining 61:10 Diana 30:4 different 11:3 53:10 54:8 difficult 7:10 difficulties 32:22 difficulty 41:16 dignity 7:3 direct 22:21 23:4 23:15 direction 6:6 directly 14:7 20:8 20:23 22:9 23:21 49:15 50:22 55:4 55:8,12,17,21,25 76:14,23 director 5:21 6:1 10:16 20:10,13 22:25 28:2,15,20 29:6,14 44:17 51:21 56:3 58:11 66:20 67:1 86:16 87:15,20 disc 32:24 disclosable 39:21 43:8 45:5,11 46:14 48:23 78:21 87:23 disclose 44:19 63:14 78:15 disclose- 48:22 disclosed 71:1	disclosing 31:16 disclosure 34:23 35:11,15 44:15,22 45:2,8,14 64:15 64:16 65:12 68:6 68:8 70:12 73:5 88:1,6 discuss 42:17 65:11 65:14 91:5 discussed 25:13,15 27:1 50:21 69:19 97:13 discussing 27:14 64:16 discussion 83:11 discussions 26:1,11 26:15 69:16 display 11:10 disruptions 18:18 disseminating 87:10 distance 95:13 distribute 95:2 document 30:22 documentation 81:17 documented 98:11 documents 9:16 78:24 doing 52:23 62:20 Dominion 94:6,17 Doug 2:7,8 4:24 81:2 download 83:20 downloaded 18:7 drives 95:18 drop 53:6,8,16 59:6 dropped 29:24 drown 68:9 drowning 67:11 68:3,17 69:4 drugs 8:22 due 67:7 duly 5:10 103:9 duties 5:25 dynamic 92:15
---	---	---	--	---

E	87:11,11,12 92:16 92:23 93:4,7,14 94:4 95:23 96:7 96:12,24 97:3,7 97:20 98:9,10 99:22	email 22:3,4 49:2,4 49:9 50:23 64:24 65:1 69:22 101:6 101:7 emails 79:14,17 employee 24:2 employees 6:3 encryption 93:25 94:4 ensure 35:19,25 93:18 ensures 93:14 ensuring 93:10 enter 75:3 86:24 enters 7:7 77:12 entertain 26:1,11 entire 68:22 99:4 99:11 entirely 15:3 entities 5:6 entitled 8:3 73:14 entity 65:3 envelope 46:19,25 48:3,9,17 75:4 77:14 89:20 91:2 91:14 equal 35:20 36:1 equipment 93:12 equivalent 57:20 Este 21:1 Esteban 20:25 21:2 estimate 6:12 8:4 37:5 47:23 estimation 51:15 51:18 Estonia 95:4 et 1:4,7 4:9,10 evening 98:22 99:5 event 8:15 events 97:18 98:11 evidence 70:15 95:19 97:14 exact 6:11 20:4 exactly 97:17 examination 1:17 3:1,2 5:13 41:1	72:21 80:25 89:19 91:20 examined 5:11 example 14:13 25:22 26:4 39:6 65:11 Excel 59:7 excess 29:23 Excuse 36:25 60:15 Executive 24:20 exempt 34:9 35:11 35:15 78:3,10 87:16,21 88:6 exempted 88:5 exempting 64:1 87:25 Exhibit 3:8,9,10,11 3:14,15 30:3,5,16 30:19,22 91:19,22 97:10,11 exists 18:8 92:14 expedited 101:20 101:22,25 experience 61:2 62:8,11 67:17,18 67:21 68:2 96:23 97:2 experiencing 69:4 experts 71:4,7,12 71:25 72:3,4,8 expires 103:19 explain 16:7 35:9 35:13 50:2 56:12 64:24 73:4 exploited 84:25 Exporting 92:4 eyes 44:8	factual 7:24 failed 61:5,8 failure 94:12 96:20 fake 96:6 falls 31:2,7 far 10:20 favor 66:22 88:4 fax 14:24 FBI 23:12,14 February 65:14,22 67:6,10 70:5,24 72:14,20,25 73:4 73:9 fed 32:20 95:17 federal 11:17,21 12:2 23:8 24:1 28:4,16 29:15 49:7,12 56:4,9,19 56:22 81:8 98:10 feed 14:5 98:24 99:2 feedback 50:20 56:24 57:6,7 feeds 86:24 feel 8:13 57:7 69:10 71:14,15,17 feeling 9:1 feels 68:17 fell 99:6 fence 12:15 fewer 47:19 fifth 11:7 file 4:7 30:12 33:4 33:9 42:9,14 73:13 80:18,23 90:15,20 102:2 filed 28:2,15 29:14 filing 25:23,23 fill 98:14 fine 29:9 54:5 fingerprint 12:16 first 5:10,18 28:13 57:12 59:21 66:11 88:14 firsthand 16:23 five 6:14 42:5,7
		F		
		F 103:1 facility 11:7 22:7 22:13,15 39:6 53:17 56:16,23,25 57:10 59:6 facsimile 49:6,10 fact 8:17 86:16 91:1		

54:8,18 55:1 fixed 92:12 flipped 97:17,23 98:5 flipping 60:11,12 60:18 73:25 74:5 floor 12:14,14 follow 18:5 followed 63:13 following 73:6 82:6 91:17,18 follows 5:12 force 7:3 forced 73:13 foregoing 103:8 foreign 93:11 forget 81:11 forgetting 9:21 20:4 forgot 42:22 78:14 form 14:7 97:14 format 19:10 forms 11:4,6 formula 36:13 formulate 65:10 forty-five 99:4 forward 42:24 found 98:21 foundation 34:13 47:2 78:13 four 6:14 Fourth 1:20 4:15 41:3 frame 25:25 36:7 frank 84:24 frankly 42:22 free 35:20 36:1 frequent 92:15 frequently 13:25 15:9 16:5 full 5:15 full-time 6:3 functionality 84:5 84:11 functions 43:4,14 43:23	further 97:13 <hr/> G game 98:14 gap 13:22 gapped 13:20 14:11,12 general 10:14 18:16 20:14 21:7 25:18 36:17,23 37:13,17 44:16,23 45:3,9,15 51:11 52:24 53:5 54:2 54:15,24 57:16,25 58:9,20 61:3,6 62:9 63:1,11 73:21 74:1,6 80:3 81:5,10,20 82:2 83:5,12 84:19 92:23 93:4,7 97:6 generally 21:10 23:14 generate 96:6 getting 13:15 give 6:12 8:1,1,18 9:5 26:4 37:5 42:7 53:1,19 56:24 57:6 89:6 94:25 95:7 96:15 go 32:23,25 42:24 44:9 73:16 82:23 89:13 90:11,13 100:10,14 goal 93:24 goals 95:3 goes 76:23 going 6:18 10:14 18:10,15 19:19 26:20 28:5,12,22 30:2,15 31:14 34:1,11,18 38:4 40:19,21 42:1,4 47:1 52:10 63:3 65:11 68:18 69:24 78:12 79:21 88:12 88:20,23 91:24 100:17	good 11:1 12:5,6 57:6,7,13 80:13 government 56:22 governmental 43:4 43:14,23 governor's 98:21 98:23 99:2,6 grasping 41:24 group 50:19 59:3 59:16 Guard 87:4 gubernatorial 99:9 99:15 guess 8:1 38:4 54:22 guise 93:24 94:4 <hr/> H Hackett 2:11 3:10 5:4,4 18:10,14 25:6 28:5,9,22 29:8 30:6 31:14 33:2 34:11,18,25 35:6 37:25 38:3 40:1,5,12,19,21 41:14,18,21,25 42:4,7,16 45:22 47:1 63:3 78:12 79:21 80:13 88:11 88:17,23 89:9,13 89:15,17 90:6 91:8,10 99:25 100:4,13,21,24 101:3,13,19,23 half 41:12 Hampton 53:24 hand 36:10 88:14 88:20 103:12 handed 88:18 91:14 handle 52:8 101:6 handled 38:18 handy 100:21 happen 57:25 64:25 happened 86:7,13 91:3	happening 25:19 86:12 happy 91:5 hard 19:12 hardware 92:3,11 92:15,24 93:2,20 94:9,14 head 7:18,18 21:25 48:25 54:11 63:23 68:23 headquarters 39:23 hear 8:2 58:23 heard 58:21,24 71:22 hearings 87:25 Heath 2:16 5:1 held 5:23 77:8,9 help 46:13 hereunto 103:12 hhyatt@perkins... 2:19 Hicks 21:19 High 10:9 highly 41:19 85:19 Hinds 54:12,19 Hobbs 20:1 hold 24:17,23 25:4 40:21 holds 25:10 Holmes 20:2 Homeland 21:22 22:5 55:16 56:15 57:3 honest 22:6 hour 41:11 hours 8:23 62:13 62:18 housed 92:3 Hoyt 20:24 huh 89:10 hundreds 43:19 Hutt 2:23,23 30:1,1 89:8 Hyatt 2:16 5:1,1 89:15 90:2,5,23	100:5 101:24 <hr/> I ID 61:5,8 idea 63:22 64:6 80:13 identified 32:13 37:20 identifier 12:20 identify 48:14 image 16:11 43:10 images 15:24 16:2 34:23 39:21 43:8 43:9 44:22 45:2 62:25 63:10 72:16 78:3,10,15 87:16 87:21 88:1,5 immediately 29:24 imminent 44:14,21 45:1,7,13 impact 85:23 impair 8:23 implementation 82:3 implications 91:6 importance 93:10 important 7:12 8:18 68:16 92:20 impression 70:16 70:17 include 63:4 90:25 including 77:13 95:22 independent 39:22 47:13 71:20 independently 96:2 INDEX 3:1,8 indicate 83:19 86:11 95:23 indicated 25:7 indicating 101:8 indirectly 55:5,9,13 55:17,21 56:1 individual 31:16 32:8 47:9 53:18 individuals 22:8,14 53:20 54:8,16,18
--	---	---	--	--

58:21	intentional 67:8,22	85:4,22	56:10 58:11 59:3	labeled 42:20
inform 72:13,19,24	intentionally 49:20	jeopardize 38:21	59:13 60:20,24	Laboratories 93:17
informal 7:2	49:24,25 51:1,7	Jerelyn 53:23	61:2,9,23 62:11	laboratory 81:8,12
information 7:24	interest 35:19,25	job 6:3,6	63:20 66:20 67:2	81:14
20:7 35:10,14	interface 17:1,1,11	Joe 95:17 96:15	68:13 72:9 73:20	lack 34:13 47:1
54:7 67:12 68:4	interfere 85:6	join 18:16 25:3,12	73:23 74:8,25	78:12
68:14 71:4 75:1	interference/bad	30:1	75:6 76:7,12,15	laid 22:13
75:14 77:8,8,13	93:11	Jonathan 54:12,18	76:19,21 77:1,4,5	lane 72:7
77:16 83:17 87:10	internet 13:23 14:2	Jordan 20:25	77:6,10,17 79:8	language 41:5
92:13 97:21 98:3	14:6,14,17,20	judge 8:18	80:3 81:4,9,20	laptop 17:3 18:6,11
99:8,14	15:1,4 19:16	Julie 1:7,10,18 4:8	82:1,15 85:4,22	large 95:21,22
informed 96:5	82:13 86:18,25	4:10 5:5,9,17 33:4	86:11,17 87:14,19	lasting 83:21
infrastructure	interruptions	33:10 40:25 42:9	92:22 93:3,6	law 2:3 12:24 15:21
22:20 55:20 56:22	62:19	42:15,17 80:18,24	94:18 96:23 97:2	15:23 37:20 39:20
57:11	Intervenor 2:15	90:15,21 102:2	97:7 98:23 99:18	43:5,7,18,18,20
initial 96:16	5:2 18:15	103:8	99:20 100:4 101:5	44:18 45:6,12
initially 42:21	intervenor 90:5	jury 3:13 8:18	103:4	46:20 47:10,17
57:20,23 96:17	90:24 91:5 100:5	30:17	know 8:15 9:9 17:9	48:19 49:3,7,8,12
initiate 28:21 29:7	101:6,24	Justin 20:18,19	17:17,24 18:3,7	51:23 57:19 63:13
injections 95:22,22	introduce 4:20	85:13,17	19:2,4,5,11 21:23	72:25 74:12
injury 44:15,22	investigate 58:12		22:6 24:25 25:1,4	Lawrence 2:23
45:1,7,14 99:4	60:2		25:11 27:19 33:16	30:1
insert 95:15,16	Investigation 23:9	K 103:6,17	33:25 34:14,20	laws 43:19 74:15
inspection 34:10	involved 56:9	keep 71:3,4,5	35:1,2,7,16 37:8	lawsuit 27:1,5,10
35:18,24 37:22	involving 28:24	keeping 12:5 95:12	39:13 43:24 45:19	27:14,22 72:22
38:8 39:11,18	72:15	Keith 54:12,19	47:15,20 50:15,16	79:6
43:2,12 44:1,5,10	irregularities 58:13	Kent 100:23,25	50:17 51:17 52:23	lead 29:11 53:11,13
45:20 48:14 72:6	58:14,19 59:24	kept 76:17	54:11,12,13,21	67:21 68:2
72:11	irrelevant 28:6	Kevin 20:2,3	59:12 60:6 61:7	leadership 6:6
installation 83:25	irreparable 43:22	kicks 96:2	63:23 67:24 70:1	24:17
85:5 86:12	irreparably 37:23	Kim 23:6	70:2 72:12 76:4,6	leading 17:9
installed 83:14	38:9 39:12,19	kind 78:19	81:16,24 82:9,11	leads 52:21,21
86:2	43:3,13	King 1:2,10 3:11	90:3 92:22,25	League 36:15
instance 67:4	isolated 87:1	4:11 5:6,21,25 6:5	93:1 94:7 95:9	leave 49:19,23 50:9
instances 47:5 48:1	issue 19:22,22	6:13 13:20,24	knowledge 7:25	50:13,17
48:8,12,15,24	73:16 100:18	14:16,19 15:8,18	29:20 33:22 44:12	leaving 39:6
insult 99:4	issued 9:13	16:4 17:19,25	77:2 80:4,5	left 50:25 51:7,12
integrity 1:4,13 4:9	issues 68:19	18:17 19:17 20:19	103:10	51:22,24
4:22 9:13 10:19	items 59:8	21:9 22:15,23,24	known 74:14 84:25	legal 34:12 47:2
10:23,24 38:21		23:11,12,23 27:1	94:10	78:13,20
50:19 59:3,14		27:10 30:9,16	knows 94:21,24	legally 78:20
Intelligence 23:18	J	47:14,18,21,24	KNT 1:6 4:10	legislation 26:2
92:20	J 2:11	49:1,5,18,22	Krabach 59:18,18	legislative 26:7,8
intended 61:15	Jackie 79:16	50:12,19 51:12,21		65:8
70:13	Jackson 53:23	52:5,9,16 53:21	L	legislature 21:4,6,8
intending 42:21	Jacqueline 79:16	55:5,9,13,17,21	L 2:16	34:3 87:25
	79:17	55:24 56:1,4,5,6	lab 12:2	
	Janice 26:18 53:24			

legitimately 98:16	<hr/> M <hr/>	McKay 24:9	mind 33:18 92:1	night 16:15,19 19:7
lengthy 59:7	machine 92:17	McMahan 20:2,3	minutes 32:23 42:5	62:12,18 86:7
Let's 32:25 80:16	machine/software	mean 10:19 11:2,12	42:7 83:21 99:5	nighttime 12:19
letter 3:10 29:21	93:14	11:16 12:4,22	99:17	nod 7:18
30:3,9	machines 14:24	13:2,13,16,22	mission 6:7	nondisclosable
level 11:19 12:2	mail 100:16	14:10 15:12,22	misstates 25:6 29:1	48:20
75:2	maintain 74:8,19	16:2,18 23:20	modified 86:18	nonpartisan 36:16
licensing 65:7	93:23	43:7,9 58:14	Moines 5:18	normally 68:7
lies 67:8,23	maintained 38:18	67:18 68:25 70:11	monthly 82:22	notary 40:18
lieu 89:18	39:4 79:24	71:2,3 75:24	85:11	note 30:8
light 41:16	major 92:13	meaning 12:16	months 38:19	notice 9:12 40:7,10
likes 94:23	majority 69:24	39:2 46:3 54:17	move 8:7	40:15,23,24 41:9
limit 18:18	making 41:15	99:1	moved 97:18,24	42:17,20 58:18
limited 57:1	63:19 68:9	means 12:23 14:4,5	98:6,13	noticed 4:12 41:12
limiting 36:12,22	manage 6:4 39:25	23:21 33:17 56:12	<hr/> N <hr/>	89:4
Linda 53:24	managed 61:18	61:7 94:8 95:15	name 4:17 5:15,17	November 37:13
line 90:6	76:9 86:23	measure 15:11,20	9:21 17:24 20:16	44:16,23 45:3,9
lines 60:19 73:18	management 61:21	74:6	21:23,23 53:1	45:15 62:12,13
list 54:9	62:5 74:18 77:22	measures 16:17	59:18 69:3,7,11	82:2 83:6,13,18
listed 31:13 59:9	85:16 86:22 87:13	31:13 32:5	81:2,11	83:23 84:4,8,15
literally 69:11	managers 52:20,21	media 99:12	named 85:4	84:18,22 85:3,5,7
little 16:15 25:20	manner 38:19	medications 8:22	names 6:15 22:17	85:9,14,20,21,25
46:22 58:25	56:10 73:24 74:3	meeting 25:25	22:18 48:12 53:19	86:4,11,14,18
live 86:24	96:9 98:13	26:17,18 65:2	54:10 59:15,21	96:18,24 97:3,25
LLC 4:18	manual 36:10	83:6,19,24 84:5,9	68:23 69:6	98:7,22 103:19
lodge 18:15 90:24	manually 96:20	84:14,16,22	National 87:4	nuclear 57:9,14
lodging 89:16	manufacturers	meetings 24:23	nationwide 96:21	number 6:11 22:7
logic 36:7,20	93:14	25:2,3,4,10,14,15	nature 96:24 97:3	70:20 98:25
long 5:23 62:18,18	Maras 3:14 91:23	27:11 69:15,18,25	navigate 46:13	numbered 12:20
66:16 76:7,15	92:7 93:16 94:1	82:16	necessary 67:7,22	<hr/> O <hr/>
86:13	94:13 95:5,21	member 24:12	95:3	o'clock 16:19
look 31:22 32:19	96:1	members 12:24	need 7:16 32:23	o0o- 4:4
39:5 60:5 66:25	Margaret 20:12,13	14:21 16:20 19:7	52:12 71:3,4	Oak 2:4
88:23	22:24	27:12 36:14 56:18	83:13 91:11 93:17	oath 5:10 44:17
looked 22:3	mark 30:2,15 54:12	57:18 64:22,23	93:18 96:5	45:4,10 73:19
looking 47:7 71:8	54:19	merely 79:3	needed 86:7 98:14	75:5
71:13 72:1 78:22	marked 30:5,19	method 34:4	needs 11:24	object 18:10 28:5
looks 32:11 96:14	91:19,22 97:10,12	Michelle 54:12,19	negative 98:17	28:22 31:14 34:11
loop 11:8	marks 4:7 33:3,9	Michigan's 95:11	NEP 98:9	34:18 38:4 41:23
loose 49:20,24	42:8,14 80:17,23	Microsoft 83:14	network 14:1	47:1 63:3 78:12
50:25 51:7,12,22	90:14,20 102:1	85:11	never 16:24 20:19	79:21 90:5
51:25	massive 87:3,7	middle 25:22	27:9,21 45:23	objection 18:16,16
looseness 50:7	matter 4:8 18:17	Mike 59:21	57:9 76:21 98:16	25:6 34:19,25
lot 38:14,14 53:10	100:14	mile 11:8	new 26:25 32:24	40:6 41:16,23
53:24 68:15	matters 6:16	military 49:13	90:2	42:6 45:22 89:16
lots 64:3	Matthew 2:22 4:17	million 6:4 37:14	news 98:24	90:9,10,24,25

91:7	48:9,16 52:2	paid 52:18	PDRs 70:20	7:25 20:16 28:10
objections 8:8,8	92:14	panel 23:5	Peggy 2:23 30:1	29:11 35:9,12,13
90:9	online 82:16 83:5	paper 15:9,12,15	penalties 73:16	44:3 78:6 86:8
observable 36:3	83:19,24 84:4,9	15:25 36:5 49:17	penalty 6:25 8:14	98:2 101:16,19
observer 11:6	84:16,22	95:17	pending 65:23,24	Plexiglass 11:8
observers 36:15	opening 53:7	paragraph 30:25	72:22	plummet 99:15
Observing 95:10	operating 82:12	31:10,21 34:7,15	people 12:6 21:24	plus 96:16
obtain 73:13	opinion 35:18,24	34:21 35:8,17	39:21 52:8,10,17	Podlodowski 27:18
Obviously 79:22	37:22 38:8 46:18	37:21,25 41:4	52:19,25 55:1	point 16:10 18:15
occur 31:1,6 36:6	46:24 47:2	43:1,25 44:13,20	95:19 96:2	21:5 22:17,18
82:21 94:8	opportunities 11:6	91:24 92:11 93:9	percent 37:15,16	83:3 86:5
October 29:22 30:3	opportunity 8:11	93:22 94:6,20	96:15	points 83:7
off-the-shelf 93:2	8:16	95:10 96:14 97:13	percentage 36:10	political 36:14
office 5:23 11:25	oral 1:17 89:18	98:9,20	37:19	poses 92:8
19:24 20:1 23:15	order 44:2,6,11	parameters 94:7,9	perception 50:20	position 5:20 24:18
27:4,7 45:20	94:10 101:15,18	94:15,22,25	period 66:4,8 74:10	32:10 43:12 44:18
50:21 63:5 67:11	101:24	part 15:15 26:13	74:20 82:22	70:15 87:14,19
68:3 76:1,10	orders 100:11	36:4,4 59:13	periodic 82:16	positions 26:25
82:18 86:23 87:9	organization 6:2,7	64:14 65:3 66:11	perjury 6:25 8:14	possession 79:9
officer 20:7 79:14	10:20 21:15,25	69:16 82:15 84:6	Perkins 2:17 5:1	possible 43:16
83:17 88:21 89:21	23:7 24:7,11	85:10	permanent 6:3	82:10 101:20
offices 41:2 68:12	52:11,22 59:10,13	participate 73:23	permission 12:17	post 63:5
70:14	organized 39:4	74:3	person 37:24 38:10	post-installation
official 45:5 97:15	origin 92:12,20	participated 79:2	39:12,19	81:21
97:21 98:3 99:2,8	93:1	96:9	personally 50:11	Postal 53:16
99:12,13,14,19	original 44:15	participating 89:18	74:3 75:25	posting 99:13
officially 60:20	62:24,25 63:9,9	particular 33:24	phone 53:6	potential 19:22
officials 82:17	64:4	84:6 98:18	phones 14:24	PRA 19:20 46:16
Ofentimes 68:14	originates 76:12	parties 36:15 55:4	photocopy 16:11	practical 90:9 91:6
Oh 62:1,3 63:16	outcome 94:4,11	55:8,12,24 58:19	physical 56:16,24	practice 25:24
78:19	96:11	80:8 89:19 100:2	57:1,4 73:25 74:4	30:11 42:19 90:3
okay 9:1,25 10:5	outlet 99:12	party 74:9,16,19	80:3	pre-determined
13:10 14:15 17:5	outs 25:16	75:1,6,23 76:8,15	place 41:2 75:11	95:24
21:21 22:19,22	outside 19:15 27:15	77:4,14 89:3,20	77:7 100:22,25	precinct 47:6,8,11
24:17 28:9 31:20	34:12 55:24	89:21	placed 75:11	47:11,14,20,24
31:24 32:1 33:18	overlooked 92:18	passage 65:18	plaintiff 2:2 30:4	Precincts 47:16
40:5 41:7 44:10	overseas 49:13	72:20 78:2,9	88:19 89:2	predominantly
59:10 60:10,24	overseen 51:20	passively 73:24	Plaintiff's 3:12	69:23
67:16 68:18,21	oversees 52:19	74:4	30:17	prefer 100:15
70:11,18,21,24	oversight 6:7	patch 83:14 84:25	plaintiffs 1:5 2:7	preference 74:9,14
71:21 72:8 77:25	overwhelm 70:13	patches 82:12	4:12 28:3,16,23	74:16,19 75:1,6
79:12,21 80:6	overwhelms 68:12	85:12	29:23 81:3	75:23 76:8,16
82:25 83:4 86:12		pattern 30:11	planned 26:2	77:4,14
88:8 89:9,13	P	pause 95:15	plastic 59:5	preliminary 44:7
100:7 101:3	p.m 16:14	PDF 92:5	please 4:19 5:8,15	preparation 31:2,7
once 46:18,24 48:2	page 3:2,9 13:25	PDR 26:17	6:20 7:13,17,19	prepare 10:6
	15:9 16:5 30:25			

prepared 8:10	97:3	31:12 32:4,6	48:7 49:21 50:8	real 97:16,23 98:5
preparing 34:5	procedure 6:19,22	33:14,16 34:9	51:2,5,24 54:3	real-time 77:11
present 2:21 65:24	89:24	35:18,19,24,25	63:7,8 64:5 66:6	really 16:11
66:22	proceeding 7:4	37:22 38:8 39:3	71:11,15,20,24	Realtime 4:15,17
presentation 66:19	91:8,11	39:11,18 40:18	78:5,8,14 81:22	41:2
67:6,10	process 11:9,11	43:2,12 44:1,5,10	82:3 83:4 87:18	reason 9:5
presentations 26:2	38:25 39:25 52:7	45:17 46:12,19,21	91:12,12 93:8,21	reasons 39:10,14
26:12	59:24 91:3	46:25 48:3,10,13	94:5,16,19 96:13	39:17
presented 26:10	processing 53:17	48:17 64:15,16	98:1,19	recall 22:18 23:4
presents 95:14	production 93:2	65:12,13 66:2,7	questioning 40:4	23:21 26:15 27:4
president 24:8,9	program 17:13,15	66:14 67:11 68:3	90:6	36:17,18,21,24
70:4	17:17,24 18:3,8	68:5,8 69:5 70:7	questions 6:20 8:4	37:2,19 45:16,24
presidential 74:13	18:22 19:2 94:21	70:12 72:15,22	9:10 10:14 13:25	46:1,7 51:13
74:14,15 98:12	prohibition 66:17	73:1,12,17 78:3,9	15:9 16:5 19:19	54:23 59:8,10
pretty 29:1 59:7	prohibits 34:23	78:20 79:10,14	73:15,16,18 80:7	60:1,9,10,12,13
prevent 72:21	prompted 56:19	87:17,22 88:1,5	80:9 81:3 88:9,13	60:16 62:10,21
preventing 66:2,7	pronoun 64:19	publicly 36:3 45:11	88:15,19,21 89:7	63:19 64:13 65:17
66:13	pronounced 4:23	46:13 63:25 65:24	89:19,25 90:1,8	65:21 66:10 67:4
previous 23:6	9:14 24:13	66:2,7 78:21 79:3	90:23 91:2,9,11	67:7,9,11,13
50:18	pronunciation	pull 40:12,19,21	91:14,17 99:24	72:12,17,23 73:3
Primarily 22:24	59:18	68:16	100:1,3,4,6	73:8,11 74:21
primary 19:23,25	proposals 26:7	pulling 95:12	quick 80:12,15	75:20 83:4,10,11
20:6,22,24 21:3	PROPOSED 2:15	purged 74:20	quote 38:4 85:11	83:16,22 84:2,7
21:11,17,21 22:19	propound 89:22	purportedly 81:9	quoted 38:3	84:13,20 85:2,8
23:8,17 24:5,7	91:16	purpose 7:23 9:17		85:24 86:3,9,15
74:14,15	proprietary 91:25	22:11 93:9	R	87:9,13 97:1,5,9
print 19:12	92:13	purposes 13:6	R 103:1	recalling 55:2
printers 14:24	Prosecuting 2:11	14:22 32:18 47:12	race 15:11,19 74:6	receipt 49:9
prior 50:24 51:5	Prosecutor 5:5	53:5 71:1	96:12 98:12,21,23	receive 49:1,5
52:3 54:2 55:6,14	provide 6:6 11:3	pursuant 40:24	99:2,6,9,15	58:18 96:6 100:16
65:18 78:2,8 82:1	13:3 15:23 16:16	88:20 91:15	races 16:16 74:1	received 68:5 84:10
86:13	34:3 49:13 53:2	push 16:13,18,21	95:2 97:19	receiving 60:10
priority 26:8	53:21 76:13 78:18	19:6	raise 28:23 42:21	69:14
private 32:9 39:22	78:24 79:3 88:7	pushed 54:23	raised 50:24 51:6	Recess 33:6 42:11
47:13 68:14	100:17	pushing 95:12	52:2 59:24 60:13	80:20 90:17
privilege 8:8 79:22	provided 19:7,10	put 32:24 41:8	72:5 101:8	recollection 7:25
privileged 27:15	50:19 59:11 96:16	47:11 49:15 50:4	ran 88:24	9:17 21:16 22:1
privy 16:23 51:2	provides 15:10	74:17 76:14	range 94:10	72:5 77:2
pro 2:8,8 28:23	24:10 75:1		RCW 38:3,5	record 4:6 5:16
81:3 88:19 89:1	providing 52:17	Q	reach 23:7	7:10 32:23 33:1,5
probably 6:14 24:8	53:12	question 7:13,19,21	read 34:1 40:12,22	33:9 42:10,14,17
99:18	public 10:18 15:18	14:15 18:5 24:15	48:5,6 51:4 63:4	46:15,21 48:3,10
problem 37:1 69:4	19:21 24:24 25:1	25:24 28:8,10	78:7 88:13,21	48:18,20 74:8
problems 58:16,19	25:5,10,12 26:12	29:2,3 31:18 32:2	89:7,25 91:11,24	76:25 80:19,23
60:13 61:3 62:8	26:16 28:21,23,25	35:12,21 38:6	93:9	88:22 89:23 90:12
62:12,14 96:24	29:7,18 30:12,13	39:16 41:17 43:15	reading 40:15	90:13,16,20 91:13
		44:24 46:22 48:6	44:25	

91:17 100:11,14 100:20 102:4 recorded 40:16 69:25 97:15,22 98:4 recording 60:14 65:6 records 10:18 19:21,21 26:12,16 28:21,23,25 29:7 29:18 30:12,13 39:3 45:17 46:12 46:19,25 63:2,12 64:2 66:25 67:12 68:3 69:5,13 70:7 72:15,22 73:1,12 73:13,15,17 78:3 78:9,20 79:9,10 79:14,20,24 80:2 87:17,22 recount 36:10 redacted 68:15 70:22 reduction 98:17 refer 46:10 85:10 reference 30:25 31:10 34:7,15,21 35:8,17 37:21 43:1,25 44:13,20 referenced 44:25 referring 9:23,25 12:10 38:1 64:20 64:21 refresh 22:1 63:24 refreshed 9:16 regard 58:20 71:8 71:12,25 72:10 regarding 46:16 60:14,18 64:1 83:13 regards 45:17 registered 6:4 47:16,23 60:7 98:25 99:3,10 registration 14:13 14:22 59:4 61:21	62:5 74:18 77:9 77:21 85:16 86:22 87:12 related 53:22 57:5 93:13 relates 12:21 13:1 relating 35:10,14 relation 31:21,25 relationship 27:17 27:19 relative 71:8,13 72:1,6 released 73:15 relevancy 28:8 relevant 25:25 relies 92:2 remedy 96:19 remember 6:15 22:17 37:11 59:15 59:19,20,21,25 60:4 85:14,20 remind 73:19 remotely 82:13 remove 87:5 removed 28:4,16 29:16 97:19 Renton 56:25 repeat 29:3 49:21 63:7 78:5 98:1 rephrase 52:13 report 25:16 92:21 reported 1:25 60:15 97:16,22 98:4 reporter 3:5 5:8 6:23 7:9,10,17 8:11 40:17 48:5,7 48:21 51:5 63:8 66:6 71:11,24 78:8 83:8 89:7,22 89:25 90:11,22,22 91:16,21 97:11 99:23 100:8,11 101:11,14,17,21 103:6,17 reporting 4:15,18	13:1,3,7,8,9,12 41:2 47:12 85:23 92:4 Reports 92:5 represent 4:20 represent- 83:18 representative 83:18 84:3,21 85:10 86:1 representatives 21:9 represented 70:7 representing 5:2,5 Republican 59:13 request 28:21,24 28:25 29:7 45:24 46:1,7,8 56:19 63:2,4,12 72:15 73:14 78:21 requested 79:10 87:16,21 91:16 requesting 41:22 requestor 73:12 requestors 29:19 30:12 requests 26:12,16 46:12 64:15,17 65:12 67:12 68:4 68:6,8 69:5,13 70:7,13 88:2,6 require 34:17 74:15 required 11:22 12:6,24 44:2,5,11 49:12 51:23 74:17 74:19 75:13 89:6 89:7 requirement 47:18 49:11,14 requirements 11:18 requires 12:15 41:8 89:4 91:1 92:15 research 60:6 reserve 101:12,13 reserved 8:9 102:7	resides 18:3,23 respectively 25:2 respond 86:1 responded 50:22 response 8:4 9:12 63:2,12 responses 7:16 9:22,25 29:12 responsibility 6:4 58:12 responsible 53:11 rest 59:8 restate 28:10,12 44:3,24 66:5 result 7:1 31:11 32:3,4 resulting 13:8 96:11 results 13:7,9,12 14:8 16:16,23,24 19:7,13,17 47:11 57:15,24 58:3,5,9 95:24 98:16 99:2 99:9,12,13,13,15 99:21 retain 76:7,15 retained 76:25 return 49:13 75:4 77:14 returned 34:24 45:14 46:2,3,5 47:6,7 49:3 63:1,5 63:10 77:15 78:4 78:11 review 6:18 8:12 9:16,20 37:17 38:13,20 53:8 56:23 58:6 95:11 reviewed 10:6 11:14 30:22 36:5 36:14 37:3 38:18 39:1 reviewing 15:20 38:24 reviews 22:9 right 4:19 25:22	30:15 32:8,25 39:21 40:4,9 41:24 42:16 50:8 88:15 100:13 risk 36:12,22 84:16 84:23 RMR 1:25 103:17 role 20:3 58:11 rolls 58:24 59:5 60:5 roof 12:14 room 7:2 19:15 54:4,6,9 routed 23:14 rule 41:8 88:24 89:4 91:15 rules 42:19 91:1 run 6:2 16:24 25:1 90:4 <hr/> S <hr/> safe 71:6 safeguarded 39:23 Samoylenko 2:7,8 4:25,25 88:12,16 88:19 101:4,10 sampling 36:13 sanctions 29:22 30:12 sat 27:11 satisfy 94:11 satisfying 64:17 Saturday 85:7 saying 11:21 31:21 35:3,4 38:20 73:10 78:25 86:1 says 13:25 40:16,24 41:1 48:19 89:18 SB 65:16,20 66:22 67:7,22 70:6 72:20 78:23 87:25 88:4 scan 13:17 16:9 44:7 scanned 61:24,25 scanners 13:15,16 13:18 14:5 32:20
--	--	---	---	--

33:13,14,18 44:9	65:25,25 72:13,19	29:11,13 30:2,8	slight 92:17	spell 20:16
scanning 53:8	72:24 73:5 78:2,9	30:15,21 31:17	smallest 47:14,20	spike 95:11,14,15
school 10:9	79:3	32:25 33:11 34:15	47:24	spikes 95:16
scope 34:12	senators 21:9	34:21 35:2,8 38:2	Smith 53:24	spoiled 34:24 45:8
screen 97:14	sensitive 67:12	38:7 40:3,10,14	smooth 62:17,18	62:25 63:10 78:4
Scytl 93:13 94:6,17	68:4	40:20 41:11,15,19	Snohomish 69:10	78:10
94:24	sent 40:22 83:2	41:22 42:1,6 43:1	software 91:25	spoke 100:15 101:4
se 2:8,8 28:23 81:3	separate 71:20	46:1 47:4 48:15	92:2,4,5,14,19	spoken 27:21,24
88:19 89:1	77:24 87:1,7	48:24 51:4,10	93:6,13,13 94:2	72:2
seal 12:18 49:25	97:18	63:15 66:13 71:17	94:15	sponsors 65:15
50:4,5 103:13	separated 15:3	72:4 78:7,16	sole 21:5	spreading 67:8,23
sealed 89:20 91:2	46:18,25 48:2,9	79:25 80:2,6,16	solid 10:24	spreadsheet 59:2,7
seals 12:6 59:5	48:17	88:14,18 89:3,11	somewhat 7:2	59:11,16
Seattle 1:21 2:13	September 45:21	89:14 90:13 91:13	sorry 14:18 16:25	staff 12:23 14:21
2:18 4:1,16 41:3	87:5	100:2,7 101:14,16	17:9 18:13,22	16:20,20 18:6,11
second 40:2 61:11	Sequim 2:4	101:20	27:11 31:4,23	18:23 19:7,12
61:25	series 19:19 36:2	shoot 42:25	35:21 36:25 37:19	22:8 23:16 27:2
secrecy 34:5,17	serve 24:21 89:19	short 95:13	38:6,15,20 40:14	27:12,13 36:14
49:11	served 88:18 91:2	shorthand 40:17	44:24 46:21,23	39:24 44:7 64:22
secretary 11:24	server 13:1,4,5,12	shortly 65:14	48:4 50:2 51:10	64:23 65:16 68:15
19:17,23 20:1,1,5	13:14 14:8 16:6,7	shots 97:15	52:13 57:20 58:25	69:24 70:3 83:5
23:5,6,15 61:19	16:14,14 17:2,7	show 97:23 98:5	59:17 61:7 63:7	83:12
65:19 74:23 76:2	18:7 19:15 33:22	99:9	64:4 65:3 66:5	standalone 13:18
76:10,20 82:18	33:23 54:4,6	showed 99:2	68:24 71:10,17	59:14 77:17
86:23 87:9 99:20	77:18,20 85:23	shown 98:21	78:5 81:22 87:18	standard 42:19
section 34:1,8,16	87:6,7	shows 61:25	98:1 101:10	85:11
89:18	serves 20:4 26:19	shuffle 94:3	sort 16:16 20:5	start 10:14 26:25
secure 10:25 32:9	service 53:16 89:4	shuffling 93:23	25:18 90:8	42:21
34:4 38:19 47:13	100:16 101:6	shut 96:21 97:8	sorter 76:23	starting 4:19
68:14 71:5	serving 24:19	sic 20:25 40:11	sorters 62:3,9	state 4:20 5:2,15
secured 12:13	set 96:15 103:12	sick 9:3	sorting 53:8	11:18,21,23 12:24
security 12:4,8,18	setting 27:15 93:23	sign 8:13 48:11	sought 94:11	15:21,23 16:9
20:7 21:22 22:5	settings 7:2	signature 53:7	sounds 17:10	21:3,6,7,12 24:6
22:14,20 35:11,14	seven 52:20 68:7,17	77:13 101:12,13	source 66:3,8,14	24:12 26:5 29:16
53:22 55:16,20	shake 7:17	102:7	70:25	34:2 35:20 36:1
56:15,16,24 57:1	shape 14:7	signed 30:9 40:23	South 5:18 100:23	40:5,7 43:5,7,17
57:3,13 71:1,8,13	shapes 11:5	75:5	100:25	43:20 44:18 45:5
72:1,5,10 73:7	shared 25:24	signify 7:18	speak 7:12 52:7	45:11 46:20 47:10
83:14,17 85:11	shares 75:9	simply 41:1	speaking 7:11	48:19 49:7 51:23
87:3,8,10	sheer 70:20	single 53:17	13:11 21:10	57:19 61:18 62:6
see 11:6 22:12,13	shelf 92:24 93:6	sit 25:3	Special 2:11 5:4	63:13 65:5,19,24
22:13,15 33:23	shell 98:14	site 99:20	specific 5:25 26:15	66:23 68:13,25
41:4,7 68:7	Shogren 2:3 3:3	sites 57:9,14	69:6 70:18 72:9	69:1,2 72:25
seeking 10:17	4:21,21 5:14 7:8	sitting 59:25 60:17	74:21	74:12,18,23 75:2
seen 25:12	18:12,14,20,22	77:3	specifics 60:4	75:9,13,22 76:2
senate 63:22 64:6	25:9 28:7,11 29:2	skill 103:10	speculate 7:25	76:13,20 82:17

85:17 87:6,24 94:21 99:1,4,11 103:3,7 State's 11:25 19:17 19:24 20:1 23:15 61:19 76:10 82:18 86:23 87:9 99:20 state-of-the-art 22:12 state-wide 97:19 statement 15:13 70:9,19 statements 6:19 7:11 67:14 70:6 70:24 States 53:16 statewide 77:7,11 83:15 stating 67:7,11 status 45:16 statute 34:22 35:5 Steering 24:20 steps 64:17 Steve 20:1 53:23 stipulating 33:1 40:3 stop 17:10 67:22 stopped 96:18 storage 12:7,9 store 12:11 strategic 70:8 straws 41:24 strictly 91:1 structure 57:4 Stuart 20:2 Study 95:4 submitted 9:22 59:2,16 60:20,24 subsection 89:12 substantial 43:22 substantially 37:23 38:9 39:12,19 43:3,13 sued 28:20 29:6,18 suffer 44:14,21 45:1,7,13	suit 30:13 73:13 Suite 1:20 2:12,18 4:15 41:3 100:23 101:1 Sunday 85:5 86:14 86:18 Superior 1:1 4:11 supervisors 52:20 52:21 53:11 support 24:11 64:1 65:25 66:2,7,13 70:6,15,19 78:17 87:25 92:14,19 supporting 79:2,3 sure 6:11,21 10:24 18:5 28:11 29:4 35:23 38:7 44:8 50:3 54:11,13 57:22 58:14 59:17 66:16 67:20 71:23 74:22 75:18,22 76:2 86:6 100:18 100:21,22,24 suspect 41:19 swear 5:8 58:2 swore 44:17 sworn 5:10 6:23 57:23 58:2 103:9 system 11:12,24 12:2 13:21 14:1 14:10,11,13,22 15:3 16:22 17:19 18:4 36:8 61:13 61:17,19,20,22 62:1,5 73:21 74:19,20 75:3,12 76:9,14,17 77:6,7 77:11,17,22,23,24 81:4,8,9,13,19,21 82:1,5,6,8,12,13 85:16 86:17,20,22 86:25 87:13 91:25 92:4,22 93:17,20 94:14 95:6 96:24 97:3,8 systems 13:20	14:16,20 61:10 71:5 76:22 77:5 83:15 84:12 85:15 85:18 86:2,5 87:2 92:8,9 93:18 96:21 <hr/> T <hr/> T 103:1,1 tab 31:20 tabulate 17:17 19:3 33:24 44:2,6,11 66:3,8,14 81:5 93:3,6 tabulated 32:11 33:21 35:19,25 37:23 38:9 39:11 39:18 43:3,13 54:1,14 61:11 95:7 tabulates 17:15 tabulation 11:23 13:14,15,16,21 14:1,8,10 15:3 16:5,7,14,22 17:19 19:15 31:1 31:6,11 32:2,3,17 33:15,19,22,23 36:8 44:9 54:4,6 55:5,9,13,18,22 56:1 57:15,24 77:18,23 85:15,18 86:20 87:2 94:14 95:6 96:10 tabulator 93:19 take 9:8,9 11:5 19:13 33:20 41:1 68:15 80:11,15,16 89:22 94:25 95:7 100:11 taken 1:20,25 6:8 7:9 8:22 19:14 33:6 40:17 42:11 43:12 80:20 90:17 talk 40:2,8 41:6 42:4 57:2 talking 11:19 17:2	31:15 52:11 53:3 77:21,23 83:6 85:13,18 86:21,21 tallies 97:15,22 98:4 tally 93:12 98:20 tallying 96:17 Tamborine 2:22 3:15 7:7 tasks 53:10 team 56:17 76:23 technical 32:22 tell 6:24 telling 27:3 temporary 52:18 ten 97:18 98:10 ten-minute 80:16 Tens 37:7 tenure 56:3 term 10:23 94:20 terminology 60:12 Terpsehore 3:14 91:23 test 36:7,20 81:8,13 93:17 tested 11:25 testified 5:11 63:25 testify 8:23 18:11 64:3 67:3 87:24 88:4 testifying 67:5 testimony 7:1 8:19 9:6 25:7 51:1,8 65:13 67:9 70:5 72:18,23 73:3,8 73:11 76:21 testing 81:12 Thank 9:24 10:13 13:10 18:12,20 19:1 30:6,7,20 62:7 64:3 74:24 77:25 78:7 79:25 88:11 89:14 99:24 99:25 Thanks 88:10 101:25	thing 100:8 things 84:24 think 8:2 10:25 12:1 15:2 23:14 38:25 39:5,10,14 42:2 48:25 54:20 59:21 67:22 68:24 74:13 88:24 99:18 third 2:17 55:4,8 55:12,24 58:19 third-party 92:2,14 92:19 Thomas 21:19 thousands 37:6,7,9 43:19 97:14,18,23 98:5 threaten 30:11 threatened 29:22 three 58:25 throwing 66:10 thumb 95:17 101:8 tie 50:5,14 59:5 tied 73:1 ties 49:19,23 50:9 50:13,25 51:7,11 51:14,21,23 60:5 tight 49:25 50:4,6 50:17 Tim 88:19 time 4:13 7:11,12 8:9 12:25 25:19 25:25 31:2,6 33:4 33:10 36:7 39:15 41:23 42:9,15 55:6,10,14 61:5 68:15 69:24 74:10 74:20 75:14 80:9 80:18,24 82:22 83:1 86:24 90:15 90:21 91:7 97:6 97:16,23 98:5 99:1 100:3 102:3 timely 76:2 times 6:10 15:6 22:7 48:11,12 67:2
---	---	--	--	---

<p>Timofey 2:7,8 4:25 Tina 27:17 tired 9:8 title 20:4 today 6:23 7:1 8:19 8:24 9:6,12,18 10:6 18:19 30:23 51:1,8 59:25 60:17 70:9 76:21 77:3 91:4 told 71:7,12,25 79:18 top 21:25 48:25 54:11 63:23 68:23 total 95:1 98:10,12 98:22,25 99:5,16 totals 57:16 60:14 touch 69:12 touches 76:21 tour 22:7 57:12 toured 57:9 tours 22:8,11 tracked 76:19 tracking 94:18 98:16 tracks 75:6 trail 15:10,12,16 16:1 train 49:18,22 50:9 50:11,12 trained 39:24 50:16 trainee 24:2 training 50:14 52:5 52:8,15,17,22,23 53:3,4,14,21 trainings 53:12 transcript 8:10,12 8:14 100:12 101:12,15 103:8 transferred 58:5 98:12 transmit 50:4 89:21 transmitted 76:20 transparency 11:2</p>	<p>11:4,10 transport 50:5 trap-door 93:25 trapdoor 94:20 95:6 trial 8:9 trier 8:17 trouble 59:1 true 45:22 79:23 82:15 103:10 truly 84:13 truth 6:24 turns 89:17 tweaked 71:16 two 12:6,23 16:20 28:3 94:7 type 36:18 46:15 53:3 69:4 typical 36:4 typically 25:13,15 26:17 47:16</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Ultimately 63:18 undeliverable 34:24 45:14,16,25 46:6 63:1,5,11 undeliverables 46:14 undermine 47:12 understand 6:21 7:5,19 8:5,20 28:7 31:17 32:10 43:11 61:9 63:15 74:25 76:11 81:22 89:24 93:8,21 94:5,16 94:17 96:13 98:19 understanding 16:25 18:24,25 19:5 33:14 39:20 57:19 75:16 78:23 87:15,20 understood 7:20 union 52:18 unique 12:20 Unit 5:18 United 1:4,14 4:9</p>	<p>4:22 9:14 53:15 unofficially 60:24 unusual 61:3 85:19 updated 81:21 updates 81:23,25 82:4,5,7 83:20 84:6,17 85:10,22 86:1 92:6,8,15,18 upload 19:16 urgent 83:13 USB 19:13 use 13:5 17:19 20:18 64:19 73:20 83:7 user 17:1 uses 17:11 usually 20:23 41:8 74:13 utilized 19:13</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>v 1:6,12 vague 31:14 vaguely 55:2 value 94:23 values 93:24 94:3 ven- 17:21 vendor 17:22 81:7 vendors 94:17 verbatim 7:9 28:13 88:22 89:23 91:11 verification 53:7 verifies 92:21 verify 15:10,19 61:24 verifying 93:18 versus 4:9 VI 34:1,8,16 video 40:8,9,16 41:7,9 42:20,24 video-recorded 41:5 videograph 40:11 VIDEOGRAPH... 2:22 4:6 5:7 32:21 33:3,8 42:8 42:13 80:17,22</p>	<p>90:14,19 100:10 102:1 VIDEOTAPED 1:16 violation 49:10 Virginia 2:3 4:21 virtually 83:20 visited 57:14 visually 44:8 vital 43:4,14,22 Volume 4:7 volunteers 49:19 49:23 52:15 53:4 vote 32:9 47:13 57:16 60:11,12,14 60:14,18,18,18 73:25,25,25 74:5 74:5,5 96:16 98:17,20 vote-flipping 98:11 voted 47:9 62:1 voter 14:13,22 31:16 32:13 47:9 48:14 49:15 58:24 59:4,4 60:5 61:11 61:12,21,24 62:1 62:4 73:2 74:18 77:8,9,21 85:16 86:22 87:12 voter's 31:2,7,12 32:4 47:12 49:16 77:14 voters 6:5 11:4,8 17:25 21:10 31:15 36:16 46:4 47:16 47:24 48:11 49:13 60:6,7 74:16 83:7 83:9 98:25 99:3 99:10 votes 15:10,19 16:6 16:8 17:15,18,25 19:3 31:16 32:11 33:24 39:22 44:2 44:6,11 66:3,8,14 94:25 95:1,7,11 95:16,22 97:17,17</p>	<p>97:19,23 98:5,13 98:13,17 99:7 VoteWA 24:20 61:19 62:4 74:18 75:1,3,12 76:9,14 76:17,24 77:12,16 85:15 86:2 87:12 voting 11:12 12:1 34:4 54:1,14 73:21 81:4,8,13 81:19 82:1,8 83:15 91:25 92:8 93:16 98:16 vshogren@gmail... 2:5 VSTL 12:1 VSTLs 93:10,18 vulnerabilities 92:5 vulnerability 92:3 92:9,13</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>w-n-e-l-l 20:17 W554 2:12 WA 2:4,13,18 wait 42:5 83:25 waiting 84:17,23 waive 101:12 want 8:2 9:8 22:15 31:22 40:8 54:21 90:24 95:1,8 100:14,19 101:15 wanted 56:22 wants 95:3 Washington 1:1,4 1:13,21 4:1,8,11 4:16,22 5:2,19 9:13 11:23 12:24 16:9 21:12 24:5 24:12 26:5 34:2,9 35:20 36:1 41:3 43:17 44:18 45:5 45:11 46:20 47:10 48:19 49:7,12 61:18 62:5 63:13 65:5,24 66:23 68:13 74:12,17</p>
--	--	---	---	---

<p>85:17 87:5 99:1 100:23,25 103:3,7 wasn't 51:2 watch 11:9 WaTech 20:6 way 39:4 49:17 61:10 71:18 80:11 ways 11:9 we'll 40:9 100:8 we're 16:9 25:22 41:11 42:10 52:11 86:20 90:16 91:10 101:7 we've 12:23 22:6 27:11 53:6,6,7 68:5 79:23 Weber 54:13,19 Webex 69:22 82:16 83:5,12,19,24 84:4,9,14,16,22 85:3,9,21,25 86:4 86:10 website 13:24 15:9 16:5 19:17,18 81:18 99:21 Wednesday 84:17 84:23 week 26:24 82:23 87:4 weekly 82:23 weeks 26:25 41:13 WEICU 2:2 4:23 9:14,22 28:6 29:15 46:2,8 65:23 73:14 79:10 87:16,21 97:14 98:10 WEICU's 63:2,12 80:6 went 42:16 weren't 50:25 51:6 78:24 98:8 West 2:4 what-ifs 38:14,16 Whatcom 69:8 WHEREOF</p>	<p>103:12 whopping 99:6 wild 85:1 willing 42:24 win 96:15 wireless 14:3 Wise 1:7,10,18 4:8 4:10 5:5,9,17 18:22 30:8,21 33:4,10,12 40:20 40:25 42:9,15,18 80:18,24 90:15,21 101:11 102:2 103:9 withheld 19:22 withhold 62:24 63:9 witness 5:8,9 29:12 30:7,20 34:12 80:11 88:10 89:8 89:23 90:1,7 91:8 102:6 103:12 Wolcott 2:22 4:17 Women 36:16 wondering 80:14 word 10:22 32:6 33:13 78:21 wording 46:21 48:4 67:9 72:17,23 73:3,8,11 words 10:22 94:24 work 14:22 53:3 62:19 68:16 85:6 worked 20:19 24:1 worker 24:3 workers 49:19,23 50:9,11,13 52:16 52:18 53:4 workgroup 65:10 65:11 69:15,20,21 workgroups 65:9 working 56:4,6 96:19 world 25:19 72:8 wouldn't 43:5 54:21 72:7</p>	<p>write 48:11 written 89:19 91:17 WSACA 24:7,9,13 24:18,23 25:9,13 25:15 26:1,9,11 26:16 64:20 69:18 70:3 Wyman 23:6</p> <hr/> <p style="text-align: center;">X</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>Yeah 13:12 31:5 44:4 52:14 71:19 78:1 80:14 year 68:6 years 5:24 6:13 58:25 66:4,9,10 90:3 yesterday 40:13</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zip 49:19,23 50:4,5 50:9,13,14,25 51:6,11,14,21,23 59:5 60:4 Zoom 25:12 69:23 69:25</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 3:10 4:7,7 30:3,5 33:4 1,500 47:16 1.2 37:14 1.4 6:4 10 34:15 98:11,20 10/25/22 3:10 10:13:43 99:5 10:18 80:19,20 10:31 80:21 10:35 80:24 10:46 90:17 10:47 90:16 10:51 90:18</p>	<p>10:52 90:21 1000 95:1 11:09 102:3,5 1201 2:17 123 100:23 101:1 1325 1:20 4:15 41:2 14 35:8,17 37:21 38:2 43:1,25 15 30:25 150 68:5,8,17 18 1:25 4:2 103:9 1840 1:20 4:15 41:3 1851 100:22,25 18th 4:14 83:6,13 83:18,23 84:4,8 84:15,22 85:3,9 85:14,20,21,25 86:4,11 19th 103:13</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 3:11 30:16,19,22 33:9 42:9 95:13 2-page 3:10 2,059,288 99:7 2017 56:15,20 82:3 2018 92:21 2020 20:13 36:17 36:23 37:13,17 44:16,23 45:3,9 45:15 51:11 52:24 53:5 54:2,15,24 57:16,25 58:8,20 58:22 61:3,6 62:9 62:12,13 63:1,11 73:21 74:1,6 75:21 80:3 81:5 81:10,20,25 82:2 82:2,4,19 83:6,13 83:18,24 84:4,9 84:15,18,22 85:3 85:7,9,21,25 86:4 86:11,14,19 87:5 87:11,11 92:23 93:3,7 96:18,25 97:4,6,25 98:7,21 98:22 99:9,15</p>	<p>2021 45:21 87:15 87:20 2022 29:22 30:3 2023 1:25 4:2,14 24:17,19 65:14,22 72:14,20,25 73:4 87:24 103:9,13,19 206.296.9000 2:13 206.359.3843 2:19 21 44:13,20,25 21-2-12603-7 1:6 4:10 21st 85:7 22 38:18 22nd 85:5 86:14,18 23 6:13 91:24 2395 1:25 103:17 24 8:23 92:11 103:19 24-page 3:11 24th 82:2 25 66:4,8,10 25th 29:22 30:3 84:18 29020 5:17</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>3 3:14 42:14 80:18 91:19,22 96:24 97:25 98:7,22 3,302,632 99:7,16 30 3:10,11 40:24 30-some 90:3 30(b)(c) 89:10 30(c) 88:20 89:11 91:15 360.461.5551 2:5 37 5:18 93:9 37,000 97:17 37,039 98:13 38 93:22 38-page 3:14 39 69:11 77:12 86:23 3rd 2:12 44:16,23 45:3,9,15 62:12 65:14,22 72:14,20</p>
---	--	--	--	--

72:25 73:4,9	9			
4	9 34:21			
4 3:3,15 80:23	9:10 33:5,6			
90:15 96:18 97:3	9:13 33:7,10			
97:10,11,13	9:26 42:10,11			
4,887,536 99:1	9:29 42:12,15			
40,000 29:23	9:36:43 98:22			
45 99:17	900 47:18			
474,384 99:3,10	91 3:5,14			
4900 2:18	93 3:15			
4th 62:13	961 2:4			
5	98030 100:23,25			
5 90:20 98:23 99:18	98101 4:16			
102:2	98101-3099 2:18			
5-page 3:15	98104-2362 2:13			
5,361,920 98:24	98198 5:19			
99:16	98382-3069 2:4			
50K 96:16				
516 2:12				
52 96:15				
54 94:6				
54,199 95:11				
5459 63:22,24 64:6				
65:16,20,25 66:22				
67:7,22 70:6				
72:20 78:2,9,23				
79:3 87:25 88:4				
55 94:20				
6				
6 30:25 31:10,21				
34:1,7,8,16				
6,614 97:17				
60 74:22				
7				
72 6:3				
74 95:10				
77 96:14				
8				
8 16:14,19 98:9				
8:35 4:3,13				
81 3:4				
87 37:15				