

1 Wise (collectively “King County”) removed the Verified Complaint to Federal Court. On October 20,
2 2021, King County brought counter-claims against the individual plaintiffs on the Public Records Act
3 cause of action in the Verified Complaint. On November 8, 2021, King County filed amended coun-
4 ter-claims against WEICU on the Verified Complaint. On November 18, 2021, King County filed a
5 Motion for Sanctions Under Rule 11 against all plaintiffs in the action.
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7 3. On October 24, 2022, the matter was remanded to state court. During the pendency of
8 this action to date, King County has not moved to sever the Public Records Act claim from the Veri-
9 fied Complaint.

10 4. Attached hereto as Exhibit A and incorporated herein by this reference is a true and
11 correct copy of the Verified Complaint filed September 22, 2021.

12 5. Attached hereto as Exhibit B and incorporated herein by this reference is a true and
13 correct copy of Defendants’ amended answer and counterclaims filed January 6, 2023.

14 6. Attached hereto as Exhibit C and incorporated herein by this reference is a true and
15 correct copy of the Proposed Order served by King County on May 5, 2023 in support of the instant
16 motion.
17

18 7. Attached hereto as Exhibit D and incorporated herein by this reference is a true and
19 correct copy of Exhibit 3 to the Deposition of Julie Wise taken May 18, 2023, comprising the Declara-
20 tion of Terpsehore Maras dated November 29, 2020, filed in *Feehan v. Wisconsin Elections Commis-*
21 *sion*, Case No. 2:20-cv-01771-PP.
22

23 8. Attached hereto as Exhibit E and incorporated herein by this reference is a true and
24 correct copy of Exhibit 4 to the Deposition of Julie Wise taken May 18, 2023, comprising the Declara-
25 tion of Tamborine Borrelli dated March 24, 2022.
26

1 9. Attached hereto as Exhibit F and incorporated herein by this reference is a true and
2 correct copy of an enlarged, partial view of ballot reports for Benton County, WA showing tracking
3 of cast ballot voter party preference at the far right column.

4 10. Attached hereto as Exhibit G and incorporated herein by this reference is a true and
5 correct copy of the King County Canvassing Board Election Summary Report for the November 3,
6 2020 General Election posted at the following link:
7 <https://kingcounty.gov/~media/depts/elections/results/2020/11/election-summary-report.ashx?la=en>.

8
9 11. A true and correct link to public statements made by Julie Wise on February 3, 2023
10 before a Senate hearing on Senate Bill 5459 in support of exempting certain records at issue in this
11 action is below, incorporated herein by this reference. The hearing commences at approximately time-
12 stamp 56:30, with Ms. Wise's statements commencing at approximately time-stamp 1:03:30:

13
14 <https://tvw.org/video/senate-state-government-elections-2023021098/?eventID=2023021098>

15 12. A true and correct copy of video evidence of loose zip ties on King County elections bal-
16 lot containers can be viewed at the following link (WEICU will submit a USB drive with said video at
17 the time of trial, or earlier, upon request), incorporated by this reference: <https://shorturl.at/jFU18>

18 13. Attached hereto as Exhibit H and incorporated herein by this reference are true and
19 correct copies of WEICU's first Request for Production dated April 7, 2023, and King County's ob-
20 jections thereto dated May 5, 2023. King County produced no records in response to the request.

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28 **DECLARATION OF VIRGINIA P. SHOGREN
IN SUPPORT OF OPPOSITION TO MOTION
FOR SUMMARY JUDGMENT**

Virginia P. Shogren, P.C.
961 Oak Court
Sequim WA 98382
360-461-5551

1 14. Attached hereto as Exhibit I and incorporated herein by this reference is a true and cor-
2 rect copy of the transcript for the Deposition of Julie Wise conducted May 18, 2023.

3 I declare under penalty of perjury that the foregoing is true and correct.

4 Dated: May 22, 2022

5
6 
7 Virginia P. Shogren, Esq.

Exhibit A

Washington State who voted in the November 2020 General Election (“Election”). (Article VI, §1, Washington State Constitution).

2. Plaintiff Washington Election Integrity Coalition United (“WEiCU”) is a Washington State nonprofit corporation with its principal office in Pierce County, Washington.

3. At all relevant times, Defendant Julie Wise is serving as the Director of King County Elections for the State of Washington, King County (“Director” and “County”), responsible for all Election procedures, elections staff, election workers, election observers, the accuracy of the County’s Election vote tabulations, and certification of the County Election’s tabulation results.

4. Defendant King County is a municipal corporation.

II. OVERVIEW

5. The Director is responsible for conducting the County’s Election in violation of, *inter alia*, Plaintiffs’ equal protection, due process and free speech rights under the Washington State and United States Constitutions. Plaintiffs demand a jury trial and seek a judgment for damages for violations of their civil rights stemming from the Director using an uncertified voting system, allowing or facilitating vote flipping, additions and/or deletions, and allowing or facilitating party preference tracking and/or ballot identification. Plaintiff WEiCU issued a records request for ballots to confirm or deny the conduct and seeks a Court order compelling release of the public records, including a Court order unsealing ballots under RCW 29A.60.110, for a full forensic audit conducted by Jovan Hutton Pulitzer, inventor of kinematic artifact detection and Maricopa County Arizona ballot auditor of approximately 2.1 million ballots.

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III. JURISDICTION, VENUE, LIMITATIONS

6. Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that: (1) A wrongful act has been performed or is about to be performed by any election officer; or (2) Any neglect of duty on the part of an election officer has occurred or is about to occur. (RCW 29A.68.013(1), (2).)

7. Venue is proper in the County's Superior Court for Constitutional violations, wrongful acts and/or neglect of duty by Director during the County's Election. (RCW 29A.68.013(1), (2).) Given a troublesome recent trend of judges recusing themselves thereby forcing actions to more favorable venues, Plaintiffs request that the Court immediately disclose to the parties any direct or indirect communications with any third parties aimed at disrupting the Court's ability to administer this action in a fair and equitable manner.

8. The narrow 10 day limitations period of RCW 29A.68.013 subsection (3) does not apply to Plaintiffs' claims, as Plaintiffs are not seeking de-certification of the Election.

9. Plaintiffs do not know the true names of defendants Does 1 through 30, inclusive, who are therefore sued by such fictitious names. Plaintiffs will amend this complaint to show their true names and capacities when they are ascertained.

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IV. WRONGFUL ACTS: USE OF UNCERTIFIED VOTING SYSTEM

RCW 29A.68.013(1) and/or (2)

(Citizen Plaintiffs v. Director)

10. Plaintiffs incorporate the allegations of paragraphs 1 through 9 above, as though fully set forth herein.

11. Plaintiffs are informed and believe and thereon allege, that Director engaged in a wrongful act by using an uncertified voting system to tabulate votes for the Election.

12. Director, who oversees all elections for the County, is required by federal and state law to use an electronic voting system certified by a U.S. Election Assistance Commission (EAC) accredited Voting System Test Labs (VSTLs). (Help America Vote Act 2002 (HAVA), 52 USC §20971, RCW 29A.12.080, RCW 29A.12.020, WAC 434-335-010, WAC 434-335-250, WAC 434-335-040(f).)

13. No voting device or its component software may be certified unless it has been tested and approved by an EAC accredited VSTL. (*Id.*)

14. Plaintiffs are informed and believe and thereon allege, that at the time of VSTL testing of the voting system used by Director for the Election, the VSTL was not accredited by the EAC. As a result, the EAC's and state level purported 'certifications' of the system in reliance on the non-accredited testing reports are null and void, and the Election was conducted by Director in violation of state and federal law. ("Uncertified Voting System"; 52 USC §20971, RCW 29A.12.080, RCW 29A.12.020, WAC 434-335-010, WAC 434-335-250, WAC 434-335-040(f).)

15. Plaintiffs are further informed and believe, and thereon allege, that in November 2020, Director personally certified the County's tabulation results generated by the Uncertified

Voting System for the Election, and that such act was in further error and/or neglect under state and federal law.

V. DECLARATORY RELIEF: USE OF UNCERTIFIED VOTING SYSTEM

(Citizen Plaintiffs v. Director)

16. Plaintiffs incorporate the allegations of paragraphs 1 through 15 above, as though fully set forth herein.

17. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend that any electronic voting system used by Director to tabulate votes must be properly and legally certified under state and federal law.

18. Plaintiffs are informed and believe, and thereon allege, that Director disputes and denies the allegations of paragraphs 11 through 15 above.

19. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director as they pertain to the Uncertified Voting System used for the Election and future elections conducted by Director in the County.

VI. EQUITABLE RELIEF: USE OF UNCERTIFIED VOTING SYSTEM

(Citizen Plaintiffs v. Director)

20. Plaintiffs incorporate the allegations of paragraphs 1 through 19 above, as though fully set forth herein.

21. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Director must be preliminarily and permanently restrained from conducting elections on the Uncertified Voting System, as any additional elections conducted using the Uncertified Voting System will be in further violation of state and federal law. In addition, Plaintiffs will suffer

irreparable injury in that their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

22. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from using the Uncertified Voting System or any uncertified voting system to tabulate votes in any election held in the County.

VII. WRONGFUL ACTS: VOTE FLIPPING, ADDITIONS, AND/OR DELETIONS

RCW 29A.68.013(1) and/or (2)

(Citizen Plaintiffs v. Director)

23. Plaintiffs incorporate the allegations of paragraphs 1 through 22 above, as though fully set forth herein.

24. Prior to assuming the duties of overseeing elections for the County, Director entered into a solemn contract with the citizens of the County in the form of a publicly sworn oath to, *inter alia*, 'faithfully and impartially discharge the duties of his or her office to the best of his or her ability.' (RCW 36.16.040; "Oath")

25. Contrary to Director's Oath, Plaintiffs are informed and believe and thereon allege, that Director engaged in wrongful acts, errors and/or neglect of duty by allowing and/or facilitating electronic manipulation of the voting results from the Election.

26. Plaintiffs are informed and believe and thereon allege, based on official electronic tallies recorded and electronically reported and captured in real time, that approximately 6,000 votes were flipped, over 400,000 votes were added, and/or thousands of votes were removed in one or more state-wide races before, during, and/or after the Election. Plaintiffs are informed and

believe and thereon allege, that a portion of the state-wide vote flipping, additions and/or deletions occurred in the County's Election overseen by Director.

VIII. DECLARATORY RELIEF: VOTE FLIPPING, ADDITIONS AND/OR DELETIONS

(Citizen Plaintiffs v. Director)

27. Plaintiffs incorporate the allegations of paragraphs 1 through 26 above, as though fully set forth herein.

28. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend that Director engaged in a wrongful act, error and/or neglect of duty by allowing and/or facilitating electronic manipulation of the voting results from the Election.

29. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director with regard to the alleged vote flipping, additions and/or deletions before, during and/or after the Election.

IX. EQUITABLE RELIEF: VOTE FLIPPING, ADDITIONS, AND/OR DELETIONS

(Citizen Plaintiffs v. Director)

30. Plaintiffs incorporate the allegations of paragraphs 1 through 29 above, as though fully set forth herein.

31. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Director must be preliminarily and permanently restrained from allowing and/or facilitating electronic manipulation of the voting results for any election held in the County. In addition, Plaintiffs will suffer irreparable injury in that their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

32. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from allowing and/or facilitating electronic manipulation of the voting results for any election held in the County.

X. WRONGFUL ACTS: PARTY PREFERENCE

RCW 29A.68.013(1) and/or (2)

(Citizen Plaintiffs v. Director)

33. Plaintiffs incorporate the allegations of paragraphs 1 through 32 above, as though fully set forth herein.

34. Contrary to Director's Oath of impartiality, Plaintiffs are informed and believe and thereon allege, that Director engaged in wrongful acts, errors and/or neglect of duty by allowing and/or facilitating: 1) maintaining a record of County elector party preference in violation of RCW 29A.08.166; and/or 2) identifying ballots cast by County electors in the Election by party preference. (RCW 29A.08.166)

XI. DECLARATORY RELIEF: PARTY PREFERENCE

(Citizen Plaintiffs v. Director)

35. Plaintiffs incorporate the allegations of paragraphs 1 through 34 above, as though fully set forth herein.

36. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend that Director engaged in wrongful acts, errors and/or neglect of duty by: 1) maintaining a record of County elector party preference in violation of RCW 29A.08.166; and/or 2) identifying ballots cast by County electors in the Election by party preference. (RCW 29A.08.166)

37. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director with regard to the alleged party preference conduct.

XII. EQUITABLE RELIEF: PARTY PREFERENCE

(Citizen Plaintiffs v. Director)

38. Plaintiffs incorporate the allegations of paragraphs 1 through 36 above, as though fully set forth herein.

39. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Director must be preliminarily and permanently restrained from allowing and/or facilitating party preference tracking and/or ballot identification. In addition, Plaintiffs will suffer irreparable injury in that their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

40. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from: 1) maintaining a record of County elector party preference in violation of RCW 29A.08.166; and/or 2) identifying ballots cast by County electors in the Election by party preference. (RCW 29A.08.166)

XIII. WRONGFUL ACTS: BALLOT SECURITY

RCW 29A.68.013(1) and/or (2)

(Citizen Plaintiffs v. Director)

41. Plaintiffs incorporate the allegations of paragraphs 1 through 40 above, as though fully set forth herein.

42. Plaintiffs are informed and believe and thereon allege, that Director engaged in wrongful acts, errors and/or neglect of duty by allowing and/or facilitating loosely connected zip ties on ballot collection and/or storage boxes preventing a secure chain of custody and allowing, *inter alia*, space for insertion and/or removal of original ballots.

XIV. DECLARATORY RELIEF: BALLOT SECURITY

(Citizen Plaintiffs v. Director)

43. Plaintiffs incorporate the allegations of paragraphs 1 through 42 above, as though fully set forth herein.

44. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend that Director engaged in wrongful acts, errors and/or neglect of duty by allowing and/or facilitating loosely connected zip ties on ballot collection and/or storage boxes preventing a secure chain of custody and allowing, *inter alia*, space for insertion and/or removal of original ballots.

45. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director with regard to the above alleged wrongful acts.

XV. EQUITABLE RELIEF: BALLOT SECURITY

(Citizen Plaintiffs v. Director)

46. Plaintiffs incorporate the allegations of paragraphs 1 through 45 above, as though fully set forth herein.

47. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Director must be preliminarily and permanently restrained from allowing and/or facilitating loosely connected zip ties on ballot collection and/or storage boxes preventing a secure chain of custody and allowing, *inter alia*, space for insertion and/or removal of original ballots. In addition,

Plaintiffs will suffer irreparable injury in that their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

48. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes preventing a secure chain of custody and allowing, *inter alia*, space for insertion and/or removal of original ballots.

XVI. PUBLIC RECORDS ACTION

RCW 29A.68.013(1) and/or (2); RCW 42.56.030; RCW 42.56.550; RCW 29A.60.110

(Plaintiff WEiCU v. Director and County)

49. Plaintiffs incorporate the allegations of paragraphs 1 through 48 above, as though fully set forth herein.

50. In order to prove (or disprove) Plaintiffs' allegations herein, WEiCU brings this Public Records Act action to compel Defendants to provide access to public records from the Election for a full forensic audit. (RCW 42.56.030, 42.56.550, 29A.60.110).

51. In September 2021, Plaintiff WEiCU submitted a records request to Director requesting original ballots, ballot images, spoiled ballots, adjudication records, ballot envelopes, and returned ballots for the Election. (RCW 42.56, "PRR"). The County denied one or more of the requested documents in WEiCU's PRR as exempt under RCW 42.56 citing RCW 29A.60.110 and/or *White v. Clark County*, 199 Wn.App. 929 (2017) ("PRR Denial"; "White Case").

52. Contrary to the PRR Denial, RCW 29A.60.110 does not prohibit ballot review and expressly permits court ordered review of ballots. In addition, the White Case relies on WA State Constitution Article 6, Section 6 as grounds for refusing access to ballots, but that provision

actually guarantees secrecy only in the preparation and deposit of ballots, and says nothing about secrecy following an election: "The legislature shall provide for such method of voting as will secure to every elector absolute secrecy in **preparing** and **depositing** his ballot." [WA State Const. Art. 6, § 6 [emphasis added].)

53. Article 6, Section 6 does not prohibit public access to unidentifiable ballots after an election. Such interpretation of the State Constitution would prevent any ballot reviews relating to wrongful acts in an election and would be contrary to Article 1, Section 19 of the Washington State Constitution which ensures fair and free elections in our state: "All Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage."

54. Moreover, the State Constitution is consistent with Washington State law and administrative code, which provide that access to ballots or ballot images via court order is entirely appropriate to prove or disprove election irregularities, and that such review "shall be de novo." (RCW 42.56.030 [the people do not yield their sovereignty to the agencies and insist on remaining informed so that they may maintain control over the instruments they have created to assure public interest is fully protected]; RCW 42.56.550(3) [judicial review of all agency actions taken or challenged under the [PRA] "shall be de novo".]; RCW 29A.60.110 [allows unsealing of ballots "...by order of the superior court in a contest or election dispute."]; WAC 434-261-045 ["Voted ballots and voted ballot images may . . . be accessed in accordance with RCW 29A.60.110 [unsealing of ballots allowed by court order]].

55. Numerous courts outside of Washington State have ruled that ballots are public records and subject to inspection: "Nothing could be more obvious than that a ballot becomes a public record once it is voted." (*Rogers v. Hood*, 906 So. 2d 1220, 1223 (Fla. Dist. Ct. App. 2005);

Marks v. Koch, 284 P.3d 118, 122 (Colo. App. 2011) [ballot secrecy is not violated if "the identity of the voter cannot be discerned from the face of that ballot"].

56. Defendants must be compelled to comply with the PRR not only because the documents requested are public records, but also to prove (or disprove) the allegations herein. WEiCU further requests that the Court unseal the ballots under RCW 29A.60.110, as Plaintiff WEiCU stands ready, willing and able to conduct a full forensic audit of the requested public records in coordination with Jovan Hutton Pulitzer, inventor of kinematic artifact detection and Maricopa county Arizona ballot auditor of 2020 General Election 2.1 million ballots.

XVII. DECLARATORY RELIEF: VIOLATIONS OF CONSTITUTIONAL RIGHTS

WA STATE CONSTITUTION ART. I, § 1, § 2, § 3, § 12, §19, §29; ART. VI, §6,

US CONSTITUTION AMENDMENTS I, XIV

(Citizen Plaintiffs v. Director)

57. Plaintiffs incorporate the allegations of paragraphs 1 through 56 above, as though fully set forth herein.

58. The right to freely elect one's representatives and to influence the political direction of one's government is the democratic republic's indispensable political foundation. Without free elections, there is neither the possibility for citizens to express their will nor the opportunity for citizens to change their leaders, approve policies for the country, address wrongs, or protest the limitation of their rights afforded to them by the Constitution. (Article 1, §19 Washington State Constitution).

59. Moreover, Constitutional requirements and mandates may not be ignored by Director or this Court. (Article 1, §2, §29, Washington State Constitution.) Elections establish the citizenry's and the individual's right to FREE SPEECH as depicted by the First Amendment of the

Constitution of the United States of America. Accordingly, Plaintiffs hereby demand of the Superior Court that the state and federal Constitutions be followed so that free and fair elections may be held in the County consistent with the free speech will of the People.

60. Article 1 § 3 of the Washington State Constitution states: "No person shall be deprived of life, liberty, or property without due process of law." The right to vote is a fundamental right to which all lawful citizens of Washington State who meet the requirements are entitled, and as such this right is a "liberty" protected under Article 1 Section 3 of the Washington State Constitution.

61. A controversy has arisen relating to the legal rights of Plaintiffs and the legal duties of Director, in that Plaintiffs contend as follows:

a. Director's wrongful acts as alleged herein infringed upon Plaintiffs' fundamental rights of equal protection, due process, and/or free speech under the Washington State Constitution and/or United States Constitution and amendments;

b. Because Director failed to follow state and federal law, qualified electors were denied their fundamental right of suffrage without due process of law. Qualified electors who voted similarly had the value of their votes diluted, and the will of said voters denied, without due process of law;

c. That the principles of equal protection require that Director abide by the process created by the Legislature to ensure uniform treatment of ballots regardless of who cast them, the manner in which they are cast, and/or who or what was voted for upon those ballots;

d. That Director's conduct alleged herein abridged Plaintiffs' rights under the fourteenth amendment to the United States Constitution, which reads in relevant part: "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the

United States; nor shall any state ... deny to any person within its jurisdiction the equal protection of the laws." The requirements of the special "privileges or immunities" prohibition of WA State Const. Art. 1, § 12 are in most cases at least as stringent as those of the federal equal protection clause. Hunter v. North Mason High Sch., 85 Wn.2d 810, 819 n. 9, 539 P.2d 845 (1975);

e. That ballots from County electors, including Plaintiffs herein, were not treated equally nor given equal levels of protection under the law; and,

f. That Plaintiffs' state and/or federal Constitutional rights have been abridged as a proximate result of Director's conduct as alleged herein.

62. Plaintiffs are informed and believe, and thereon allege, that Director disputes and denies the contentions set forth in subparagraphs (a) through (f) above.

63. It is necessary and proper for the Court at this time to ascertain, determine and declare Plaintiffs' rights and the duties of Director, as they pertain to the Election and future elections in the County.

XVIII. INJUNCTIVE RELIEF: VIOLATIONS OF CONSTITUTIONAL RIGHTS

(Citizen Plaintiffs v. Director)

64. Plaintiffs incorporate the allegations of paragraphs 1 through 63 above, as though fully set forth herein.

65. By reason of the matters alleged above, Plaintiffs' remedies at law are inadequate. Unless Director is immediately and permanently restrained from taking any further actions in violation of Plaintiff's Constitutional rights, Plaintiffs will suffer irreparable injury in that, among other things, their fundamental rights under the Washington State Constitution and/or United States Constitution, and amendments, will be further violated.

66. Accordingly, Plaintiffs are entitled to a preliminary and permanent injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) barring Director from:

- a) Using an Uncertified Voting System;
- b) Allowing or facilitating vote flipping, additions and/or deletions;
- c) Allowing or facilitating party preference tracking and/or ballot identification; and/or,
- d) Allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes.

XIX. DAMAGES FOR CIVIL RIGHTS VIOLATIONS

42 USC §1983, §1988

(Citizen Plaintiffs v. Director)

67. Plaintiffs incorporate the allegations of paragraphs 1 through 66 above, as though fully set forth herein.

68. Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State . . . subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. (42 U.S.C. §1983).

69. Director's actions as alleged herein were done under color of state law.

70. While acting under color of state law, and as a proximate result of Director's conduct, Director deprived Plaintiffs of their federal rights under, *inter alia*, the First and/or Fourteenth Amendments to the United States Constitution.

71. Plaintiffs have incurred and will incur expenses of suit as a result of this proceeding, in an amount that cannot yet be ascertained, and reserve all rights to recovery under 42 U.S.C. Sections 1983 and 1988.

XX. DEMAND FOR JURY TRIAL

72. Director's conduct alleged herein raises serious questions of fact. (RCW 4.44.090 [all questions of fact shall be decided by the jury].) Plaintiffs' right of trial by jury "shall remain inviolate". (Washington State Constitution, Art. 1, §21; US Constitution Amendment VII.) Plaintiffs hereby demand a jury trial.

XXI. RELIEF SOUGHT

WHEREFORE, PLAINTIFFS pray for judgment as follows:

1. That Director be found in error and/or neglect for using an Uncertified Voting System during the Election;
2. That Director be found in error and/or neglect for allowing and/or facilitating vote flipping, additions and/or deletions before, during and/or after the Election;
3. That Director be found in error and/or neglect for allowing or facilitating party preference tracking and/or ballot identification for the Election;
4. That Director be found in error and/or neglect for allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes;
5. That Director be ordered to desist from the following errors and wrongful acts and facilitation thereof:
 - a) Using an Uncertified Voting System;
 - b) Allowing or facilitating vote flipping, additions and/or deletions;

- c) Allowing or facilitating party preference tracking and/or ballot identification;
and/or,
 - d) Allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes.
6. That Director and/or Defendant County be compelled and ordered to comply with WEiCU's PRR, including a Court order unsealing ballots under RCW 29A.60.110, for the purpose, *inter alia*, of a full forensic audit conducted by Jovan Hutton Pulitzer, inventor of kinematic artifact detection and Maricopa county Arizona ballot auditor of 2020 General Election 2.1 million ballots;
7. For a declaration that Director's actions violated Plaintiffs' Constitutional Rights to Equal Protection, Due Process, and/or Free Speech Under the Law (WA State Const., Art I, § 1, § 2, § 3, § 12, §19, §29 ; Art. VI, §6, US Const. Amendments I and/or XIV);
8. For preliminary and permanent injunctive relief injunction (or, alternatively, in the Court's discretion, the issuance of a writ of mandamus under RCW 7.16.160) enjoining Director, Director's agents, employees, and all persons acting in concert with Director, from any and all of the following actions, as Plaintiffs' remedies at law are inadequate, and Director's conduct will cause Plaintiffs to suffer irreparable injury through continued violations of their Constitutional rights:
- a) Using an Uncertified Voting System;
 - b) Allowing or facilitating vote flipping, additions and/or deletions;
 - c) Allowing or facilitating party preference tracking and/or ballot identification;
and/or,

- d) Allowing or facilitating loosely connected zip ties on ballot collection and/or storage boxes.
9. For damages for violation of Plaintiffs' constitutional rights under color of law (42 U.S.C. Sections 1983); and/or,
10. For attorney's fees, for costs of suit, and for such other and further relief as the Court deems just and proper.

WASHINGTON ELECTION INTEGRITY
COALITION UNITED,
a WA State Nonprofit Corporation

Dated: 9/17/2021

DocuSigned by:
Tamborine Borrelli
EB5CE67D15384E3
By: Tamborine Borrelli
Its: Director
Address: 13402 125th Ave NW
Gig Harbor, WA 98329-4215
Phone: 253-375-1255

Dated: 9/16/2021

DocuSigned by:
Doug Basler
70760A8C713343B
Doug Basler
Plaintiff, *Pro Se*
Address: 1851 Central Place S, Suite 123
Kent, WA 98032
Phone: (206) 601-3133

Dated: 9/16/2021

DocuSigned by:
Howard Ferguson
38CF5C032FFF40E...
Howard Ferguson
Plaintiff, *Pro Se*
Address: 4357 13th Ave. S.
Seattle, WA 98108
Phone: (206) 898-2696

Dated: 9/16/2021

DocuSigned by:
Diana Bass
EC3085CDBE54475

Diana Bass
Plaintiff, *Pro Se*
Address: P.O. Box 7364
Bellevue, WA 98008
Phone: (425) 649-9765

Dated: 9/17/2021

DocuSigned by:
Timofey Samoylenko
0858CC574818479

Timofey Samoylenko
Plaintiff, *Pro Se*
Address: 1921 R St. NE
Auburn, WA 98002
Phone: (206) 305-3692

Dated: 9/16/2021

DocuSigned by:
Amy Behope
32588D4864874FE

Amy Behope
Plaintiff, *Pro Se*
Address: 507 SW 302nd St
Federal Way, WA 98023
Phone: (206) 683-3122

Dated: 9/17/2021

DocuSigned by:
Mary Hallowell
D606C037F84C48D

Mary Hallowell
Plaintiff, *Pro Se*
Address: 17505 462nd Ave SE
North Bend, WA 98045
Phone: (425) 888-2208

Dated: 9/17/2021

DocuSigned by:
Samantha Bucari
D508B26E10E6414

Samantha Bucari
Plaintiff, *Pro Se*
Address: 3546 S 244th St
Kent, WA 98032
Phone: (253) 653-7553

Dated: 9/17/2021

DocuSigned by:

2BB630D5609E41A

Ronald Stewart
Plaintiff, *Pro Se*
Address: 29506 51st Avenue South
Auburn, WA 98001
Phone: (206) 790-8187

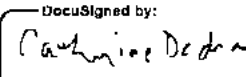
Dated: 9/16/2021

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Lydia Zibin
Plaintiff, *Pro Se*
Address: 254 145th PL SE
Bellevue, WA 98007
Phone: (425) 894-1467

Dated: 9/16/2021

DocuSigned by:

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Catherine Dodson
Plaintiff, *Pro Se*
Address: 42131-212th Ave SE
Enumclaw, WA 98022
Phone: (253) 709-3339

VERIFICATIONS

I, Tamborine Borrelli, declare:

I am the Director of Washington Election Integrity Coalition United, a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in Thurston County, State of Washington,

on this _____ day of 9/17/2021, 2021.

WASHINGTON ELECTION INTEGRITY COALITION UNITED, a WA State Nonprofit

DocuSigned by:
Tamborine Borrelli

By: Tamborine Borrelli
Its: Director

I, Doug Basler, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that

the foregoing is true and correct and that this document was executed in the County of king, State of Washington, on this _____ day of 9/16/2021, 2021.

DocuSigned by:
Doug Basler

Doug Basler

I, Howard Ferguson, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of KING, State of Washington, on this _____ day of 9/16/2021, 2021.

DocuSigned by:
Howard Ferguson
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Howard Ferguson

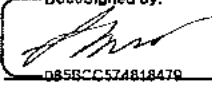
I, Diana Bass, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King, State of Washington, on this _____ day of 9/16/2021, 2021.

DocuSigned by:
Diana Bass
FC3D85CD8E54475...
Diana Bass

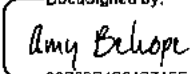
I, Timofey Samoylenko, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King, State of Washington, on this _____ day of 9/17/2021, 2021.

DocuSigned by:

0858CC574818479
Timofey Samoylenko

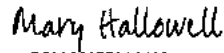
I, Amy Behope, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King, State of Washington, on this _____ day of 9/16/2021, 2021.

DocuSigned by:

33D83D4B04874FE
Amy Behope


I, Mary Hallowell, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of king, State of Washington, on this _____ day of 9/17/2021, 2021.

DocuSigned by:

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Mary Hallowell

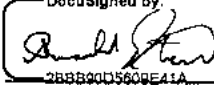
I, Samantha Bucari, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of king, State of Washington, on this _____ day of 9/17/2021, 2021.

DocuSigned by:

D508B90E10E5414...
Samantha Bucari


I, Ronald Stewart, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King _____, State of Washington, on this _____ day of 9/17/2021 _____, 2021.

DocuSigned by:

288820D560E41A
Ronald Stewart

I, Lydia Zibin, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King _____, State of Washington, on this _____ day of 9/16/2021 _____, 2021.

DocuSigned by:

6010946164A3432...
Lydia Zibin

I, Catherine Dodson, declare:

I am a named Plaintiff in the above-captioned action. I have read the foregoing VERIFIED COMPLAINT FOR EQUAL PROTECTION, VIOLATION OF CIVIL RIGHTS, EQUITABLE RELIEF, INJUNCTIVE RELIEF, DECLARATORY RELIEF, PUBLIC RECORDS ACTION TO COMPEL BALLOT PRODUCTION and know the contents thereof. I am informed and believe that the matters stated therein are true and correct and on that ground I allege that the matters stated therein are true. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct and that this document was executed in the County of King, State of Washington, on this _____ day of 9/16/2021, 2021.

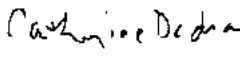
DocuSigned by:

286E6D1726EC4BB
Catherine Dodson

Exhibit B

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The Honorable LeRoy McCullough

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

WASHINGTON ELECTION INTEGRITY)
COALITION UNITED, a Washington State)
Nonprofit Corporation; DOUG BASLER;)
HOWARD FERGUSON; DIANA BASS;)
TIMOFEY SAMOYLENKO; AMY BEHOPE;)
MARY HALLOWELL; SAMANTHA BUCARI;)
RONALD STEWART; LYDIA ZIBIN;)
CATHERIN DODSON,)

No. 21-2-12603-7 KNT

AMENDED KING COUNTY
DEFENDANT’S ANSWER TO
PLAINTIFF’S COMPLAINT AND
COUNTERCLAIM AND JURY
DEMAND

Plaintiffs,

v.

JULIE WISE, Directory of King County)
Elections; KING COUNTY, and DOES)
1-30, inclusive,)
Defendants.)

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AMENDED KING COUNTY DEFENDANT’S
ANSWER TO PLAINTIFF’S COMPLAINT AND
COUNTERCLAIM AND JURY DEMAND

Leesa Manion, Prosecuting Attorney
CIVIL DIVISION, Litigation Section
516 3rd Ave, #W554
Seattle, WA, 98104
(206) 477-1120 / FAX (206) 296-0191

The Honorable Richard A. Jones
United States District Court Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON ELECTION INTEGRITY)	
COALITION UNITED, a Washington State)	
Nonprofit Corporation; DOUG BASLER;	)	No. 2:21-cv-01394-RAJ
HOWARD FERGUSON; DIANA BASS;)	
TIMOFEY SAMOYLENKO; AMY BEHOPE;)	
MARY HALLOWELL; SAMANTHA BUCARI;	)	AMENDED KING COUNTY
RONALD STEWART; LYDIA ZIBIN;	)	DEFENDANTS' ANSWER TO
CATHERINE DODSON,	)	PLAINTIFFS' COMPLAINT AND
	)	COUNTERCLAIM AND JURY
Plaintiffs,	)	DEMAND
v.)	
)	
JULIE WISE, Directory of King County)	
Elections; KING COUNTY, and DOES)	
1-30, inclusive,)	
)	
Defendants.)	

Julie Wise, Director of King County Elections, and King County (hereinafter "King County Defendants"), in answer to Plaintiffs' Complaint, admit, deny and state as follows:

I. PARTIES

1. In answering paragraph 1 of Plaintiffs' Complaint, King County Defendants are without sufficient information to determine the truth or falsity of the allegations contained therein, and, therefore, deny the same.

2. In answering paragraph 2 of Plaintiffs' Complaint, King County Defendants are without sufficient information to determine the truth or falsity of the allegations contained

AMENDED ANSWER AND COUNTERCLAIM
AND JURY DEMAND OF
KING COUNTY DEFENDANTS - 1

1 therein, and, therefore, deny the same.

2 3. In answering paragraph 3 of Plaintiffs' Complaint, King County Defendants
3 admit only that Julie Wise is the elected Director of King County Elections and performs the
4 duties of her office per statute, charter and ordinance. All other allegations are denied.

5 4. In answering paragraph 4 of Plaintiffs' Complaint, King County Defendants
6 admit only that King County is a home rule charter county and a political subdivision of the State
7 of Washington.

8 II. OVERVIEW

9 5. In answering paragraph 5 of Plaintiffs' Complaint, King County Defendants
10 admit only that Plaintiff WEICU submitted a records request for ballots to King County
11 Elections. The remainder of the paragraph contains legal conclusions and argument to which no
12 answer is required. To the extent that an answer is required, all remaining allegations are denied.

13 III. JURISDICTION, VENUE, LIMITATIONS

14 6. In answering paragraph 6 of Plaintiffs' Complaint, the paragraph contains legal
15 conclusions and argument to which no answer is required. To the extent that an answer is
16 required, all factual allegations are denied.

17 7. In answering paragraph 7 of Plaintiffs' complaint, the paragraph contains legal
18 conclusions and argument to which no answer is required. To the extent that an answer is
19 required, all factual allegations are denied.

20 8. In answering paragraph 8 of Plaintiffs' complaint, the paragraph contains legal
21 conclusions and argument to which no answer is required. To the extent that an answer is
22 required, all factual allegations are denied.

23 9. In answering paragraph 9 of Plaintiffs' Complaint, King County Defendants are

1 without sufficient information to form a belief as to the truth or falsity of the allegations
2 contained therein and, therefore, deny the same.

3 **IV. WRONGFUL ACTS: USE OF UNCERTIFIED VOTING SYSTEM**

4 **RCW 29A.68.013(1) and/or (2)**

5 **(Citizen Plaintiffs v. Director)**

6 10. In answering paragraph 10 of Plaintiffs' Complaint, King County Defendants
7 incorporate all responses and denials as set forth in the previous paragraphs.

8 11. In answering paragraph 11 of Plaintiffs' Complaint, King County Defendants
9 deny.

10 12. In answering paragraph 12, the paragraph contains legal conclusions and
11 argument to which no answer is required. To the extent that an answer is required, all factual
12 allegations are denied.

13 13. In answering paragraph 13, the paragraph contains legal conclusions and
14 argument to which no answer is required. To the extent that an answer is required, all factual
15 allegations are denied.

16 14. In answering paragraph 14 of Plaintiffs' Complaint, King County Defendants
17 deny.

18 15. In answering paragraph 15 of Plaintiffs' Complaint, King County Defendants
19 deny. Election results are certified by the Canvassing Board, not the Director of Elections.

20 **V. DECLARATORY RELIEF: USE OF UNCERTIFIED VOTING SYSTEM**

21 **(Citizen Plaintiffs v. Director)**

22 16. In answering paragraph 16 of Plaintiffs' Complaint, King County Defendants
23 incorporate all responses and denials as set forth in the previous paragraphs.

1 17. In answering paragraph 17 of Plaintiffs' Complaint, King County Defendants
2 deny.

3 18. In answering paragraph 18 of Plaintiffs' Complaint, King County Defendants
4 admit.

5 19. In answering paragraph 19 of Plaintiffs' Complaint, the paragraph contains legal
6 conclusions and argument to which no answer is required. To the extent that an answer is
7 required, all factual allegations are denied.

8 **VI. EQUITABLE RELIEF: USE OF UNCERTIFIED VOTING SYSTEM**

9 **(Citizen Plaintiffs v. Director)**

10 20. In answering paragraph 20 of Plaintiffs' Complaint, King County Defendants
11 incorporate all responses and denials as set forth in the previous paragraphs.

12 21. In answering paragraph 21 of Plaintiffs' Complaint, the paragraph contains legal
13 conclusions and argument to which no answer is required. To the extent that an answer is
14 required, all factual allegations are denied.

15 22. In answering paragraph 22 of Plaintiffs' Complaint, the paragraph contains legal
16 conclusions and argument to which no answer is required. To the extent that an answer is
17 required, all factual allegations are denied.

18 **VII. WRONGFUL ACTS: VOTE FLIPPING, ADDITIONS AND/OR DELETIONS**

19 **RCW 29A.68.013(1) and/or (2)**

20 **(Citizen Plaintiffs v. Director)**

21 23. In answering paragraph 23 of Plaintiffs' Complaint, King County Defendants
22 incorporate all responses and denials as set forth in the previous paragraphs.

23 24. In answering paragraph 24 of Plaintiffs' Complaint, King County Defendants

1 admit only that as an elected county officer Julie Wise took and subscribed the oath required by
2 RCW 36.16.040. King County Defendants deny any further allegations therein.

3 25. In answering paragraph 25 of Plaintiffs' Complaint, King County Defendants
4 deny.

5 26. In answering paragraph 26 of Plaintiffs' Complaint, King County Defendants
6 deny.

7 **VIII. DECLARATORY RELIEF: VOTE FLIPPING, ADDITIONS AND/OR**
8 **DELETIONS**

9 **(Citizen Plaintiffs v. Director)**

10 27. In answering paragraph 27 of Plaintiffs' Complaint, King County Defendants
11 incorporate all responses and denials as set forth in the previous paragraphs.

12 28. In answering paragraph 28 of Plaintiffs' Complaint, King County Defendants
13 deny.

14 29. In answering paragraph 29 of Plaintiffs' Complaint, the paragraph contains legal
15 conclusions and argument to which no answer is required. To the extent that an answer is
16 required, all factual allegations are denied.

17 **IX. EQUITABLE RELIEF: VOTE FLIPPING, ADDITIONS AND/OR**
18 **DELETIONS**

19 **(Citizen Plaintiffs v. Director)**

20 30. In answering paragraph 30 of Plaintiffs' Complaint, King County Defendants
21 incorporate all responses and denials as set forth in the previous paragraphs.

22 31. King County Defendants make no response to paragraph 31 as it appears to
23 contain legal conclusions and argument for which no response is required. However, to the

1 extent factual allegations are intended, all allegations therein are denied.

2 32. King County Defendants make no response to paragraph 32 as it appears to
3 contain legal conclusions and argument for which no response is required. However, to the
4 extent factual allegations are intended, all allegations therein are denied.

5 **X. WRONGFUL ACTS: PARTY PREFERENCE**

6 **(Citizen Plaintiffs v. Director)**

7 33. In answering paragraph 33 of Plaintiffs' Complaint, King County Defendants
8 incorporate all responses and denials as set forth in the previous paragraphs.

9 34. In answering paragraph 34 of Plaintiffs' Complaint, King County Defendants
10 deny.

11 **XI. DECLARATORY RELIEF: PARTY PREFERENCE**

12 **(Citizen Plaintiffs v. Director)**

13 35. In answering paragraph 35 of Plaintiffs' Complaint, King County Defendants
14 incorporate all responses and denials as set forth in the previous paragraphs.

15 36. In answering paragraph 36 of Plaintiffs' Complaint, King County Defendants
16 deny.

17 37. In answering paragraph 37 of Plaintiffs' Complaint, the paragraph contains legal
18 conclusions and argument to which no answer is required. To the extent that an answer is
19 required, all factual allegations are denied.

20 **XII. EQUITABLE RELIEF: PARTY PREFERENCE**

21 **(Citizen Plaintiffs v. Director)**

22 38. In answering paragraph 38 of Plaintiffs' Complaint, King County Defendants
23 incorporate all responses and denials as set forth in the previous paragraphs.

1 39. King County Defendants make no response to paragraph 39 as it appears to
2 contain legal conclusions and argument for which no response is required. However, to the
3 extent factual allegations are intended, all allegations therein are denied.

4 40. King County Defendants make no response to paragraph 40 as it appears to
5 contain legal conclusions and argument for which no response is required. However, to the
6 extent factual allegations are intended, all allegations therein are denied.

7 **XIII. WRONGFUL ACTS: BALLOT SECURITY**

8 **RCW 29A.68.013(1) and/or (2)**

9 **(Citizen Plaintiffs v. Director)**

10 41. In answering paragraph 41 of Plaintiffs' Complaint, King County Defendants
11 incorporate all responses and denials as set forth in the previous paragraphs.

12 42. In answering paragraph 42 of Plaintiffs' Complaint, King County Defendants
13 deny.

14 **XIV. DECLARATORY RELIEF: BALLOT SECURITY**

15 **(Citizen Plaintiffs v. Director)**

16 43. In answering paragraph 43 of Plaintiffs' Complaint, King County Defendants
17 incorporate all responses and denials as set forth in the previous paragraphs.

18 44. Answering paragraph 44 of Plaintiffs' Complaint, King County Defendants deny.

19 45. Answering paragraph 45 of Plaintiffs' Complaint, the paragraph contains legal
20 conclusions and argument to which no answer is required. To the extent that an answer is
21 required, all factual allegations are denied.

22 / /

23 / /

1 **XV. EQUITABLE RELIEF: BALLOT SECURITY**

2 **(Citizen Plaintiffs v. Director)**

3 46. In answering paragraph 46 of Plaintiffs' Complaint, King County Defendants
4 incorporate all responses and denials as set forth in the previous paragraphs.

5 47. King County Defendants make no response to paragraph 47 as it appears to
6 contain legal conclusions and argument for which no response is required. However, to the
7 extent factual allegations are intended, all allegations therein are denied.

8 48. King County Defendants make no response to paragraph 48 as it appears to
9 contain legal conclusions and argument for which no response is required. However, to the
10 extent factual allegations are intended, all allegations therein are denied.

11 **XVI. PUBLIC RECORDS ACTION**

12 **RCW 29A.68.013(1) and/or (2); RCW 42.56.030; RCW 42.56.550; RCW 29A.60.110**

13 **(Plaintiff WEICU v. Director and County)**

14 49. In answering paragraph 49 of Plaintiffs' Complaint, King County Defendants
15 incorporate all responses and denials as set forth in the previous paragraphs.

16 50. King County Defendants make no response to paragraph 50 as it appears to
17 contain legal conclusions and argument for which no response is required. However, to the
18 extent that factual allegations are intended, all allegations therein are denied.

19 51. In answering paragraph 51 of Plaintiffs' Complaint, King County Defendants
20 admit only that WEICU's records request was denied in part, and that the County had not taken
21 final action on WEICU's public records request at the time Plaintiff filed suit. The remainder of
22 the paragraph contains legal conclusions and argument to which no answer is required. To the
23 extent that an answer is required, all factual allegations are denied.

1 52. In answering paragraph 52 of Plaintiffs' Complaint, the paragraph contains legal
2 conclusions and argument to which no answer is required. To the extent that an answer is
3 required, all factual allegations are denied.

4 53. In answering paragraph 53 of Plaintiffs' Complaint, the paragraph contains legal
5 conclusions and argument to which no answer is required. To the extent that an answer is
6 required, all factual allegations are denied.

7 54. In answering paragraph 54 of Plaintiffs' Complaint, the paragraph contains legal
8 conclusions and argument to which no answer is required. To the extent that an answer is
9 required, all factual allegations are denied.

10 55. In answering paragraph 55 of Plaintiffs' Complaint, the paragraph contains legal
11 conclusions and argument to which no answer is required. To the extent that an answer is
12 required, all factual allegations are denied.

13 56. In answering paragraph 56 of Plaintiffs' Complaint, the paragraph contains legal
14 conclusions and argument to which no answer is required. To the extent that an answer is
15 required, all factual allegations are denied.

16 **XVII. DECLATORY RELIEF: VIOLATION OF CONSTITUTIONAL RIGHTS**
17 **WA STATE CONSTITUTION ART. I, § 1, § 2, § 3, § 12, § 19, § 29; ART. VI, § 6,**
18 **US CONSTITUTION AMENDMENTS I, XIV**
19 **(Citizen Plaintiffs v. Director)**

20 57. In answering paragraph 57 of Plaintiffs' Complaint, King County Defendants
21 only that incorporate all responses and denials as set forth in the previous paragraphs.

22 / /
23 / /

1 58. In answering paragraph 58 of Plaintiffs' Complaint, the paragraph contains legal
2 conclusions and argument to which no answer is required. To the extent that an answer is
3 required, all factual allegations are denied.

4 59. In answering paragraph 59 of Plaintiffs' Complaint, the paragraph contains legal
5 conclusions and argument to which no answer is required. To the extent that an answer is
6 required, all factual allegations are denied.

7 60. In answering paragraph 60 of Plaintiffs' Complaint, the paragraph contains legal
8 conclusions and argument to which no answer is required. To the extent that an answer is
9 required, all factual allegations are denied.

10 61. In answering paragraph 61 of Plaintiffs' Complaint, King County Defendants
11 deny.

12 a. In answering paragraph 61(a) of Plaintiffs' Complaint, King County
13 Defendants deny.

14 b. In answering paragraph 61(b) of Plaintiffs' Complaint, King County
15 Defendants deny.

16 c. In answering paragraph 61(c) of Plaintiffs' Complaint, the paragraph
17 contains legal conclusions and argument to which no answer is required. To the extent that an
18 answer is required, all factual allegations are denied.

19 d. In answering paragraph 61(d) of Plaintiffs' Complaint, the paragraph
20 contains legal conclusions and argument to which no answer is required. To the extent that an
21 answer is required, all factual allegations are denied.

22 e. In answering paragraph 61(e) of Plaintiffs' Complaint, King County
23 Defendants deny.

1 f. In answering paragraph 61(f) of Plaintiffs' Complaint, King County
2 Defendants deny.

3 62. In answering paragraph 62 of Plaintiffs' Complaint, King County Defendants
4 incorporate their answers to paragraphs 61(a) – (f) above.

5 63. In answering paragraph 63 of Plaintiffs' Complaint, the paragraph contains legal
6 conclusions and argument to which no answer is required. To the extent that an answer is
7 required, all factual allegations are denied.

8 **XVIII. INJUNCTIVE RELIEF: VIOLATIONS OF CONSTITUTIONAL RIGHTS**

9 **(Citizen Plaintiffs v. Director)**

10 64. In answering paragraph 64 of Plaintiffs' Complaint, King County Defendants
11 incorporate all responses and denials as set forth in the previous paragraphs.

12 65. In answering paragraph 64 of Plaintiffs' Complaint, the paragraph contains legal
13 conclusions and argument to which no answer is required. To the extent that an answer is
14 required, all factual allegations are denied.

15 66. In answering paragraph 66 of Plaintiffs' Complaint, King County Defendants
16 deny.

17 a. In answering paragraph 66(a) of Plaintiffs' Complaint, King County
18 Defendants deny.

19 b. In answering paragraph 66(b) of Plaintiffs' Complaint, King County
20 Defendants deny.

21 c. In answering paragraph 66(c) of Plaintiffs' Complaint, King County
22 Defendants deny.

1 d. In answering paragraph 66(d) of Plaintiffs' Complaint, King County
2 Defendants deny.

3 **XIX. DAMAGES FOR CIVIL RIGHTS VIOLATION**

4 **42 USC §1983, §1988**

5 67. In answering paragraph 67 of Plaintiffs' Complaint, King County Defendants
6 incorporate all responses and denials as set forth in the previous paragraphs.

7 68. In answering paragraph 68 of Plaintiffs' Complaint, the paragraph contains legal
8 conclusions and argument to which no answer is required. To the extent that an answer is
9 required, all factual allegations are denied. The language of 42 U.S.C. §1983 speaks for itself.

10 69. In answering paragraph 69 of Plaintiffs' Complaint, King County Defendants
11 admit only that in performing her duties as Elections Director, Defendant Wise was acting under
12 color of state law. King County Defendants deny any further allegations therein.

13 70. In answering paragraph 70 of Plaintiffs' Complaint, King County Defendants
14 deny.

15 71. Answering paragraph 71 of Plaintiffs' Complaint, King County Defendants deny.

16 **XX. DEMAND FOR JURY TRIAL**

17 72. In answering paragraph 72 of Plaintiffs' Complaint, the paragraph contains legal
18 conclusions and argument to which no answer is required. To the extent that an answer is
19 required, all factual allegations are denied.

20 **XXI. RELIEF SOUGHT**

21 In answering section XXI, paragraphs 1-4, 5 (a)-(d), 6-7, 8 (a)-(d), 9 and 10 of Plaintiffs'
22 prayer for relief on pages 17 through 19 of Plaintiffs' Complaint, King County Defendants deny
23 that Plaintiffs are entitled to any of the relief sought.

1 BY WAY OF FURTHER ANSWER and AFFIRMATIVE DEFENSES, and without
2 admitting anything previously denied, defendant King County states as follows:

- 3 1. Plaintiffs' claims are moot.
- 4 2. Plaintiffs' have failed to exhaust remedies provided by statute.
- 5 3. Plaintiffs lack standing.
- 6 4. Plaintiffs' claims are preempted by federal law.
- 7 5. Plaintiffs' claims are barred by applicable statutes of limitation.
- 8 6. Plaintiffs' claims are barred by the doctrine of laches.
- 9 7. Plaintiffs have failed to state a claim upon which relief may be granted.
- 10 8. Defendants at all times acted in good faith in the performance of duties and are
11 therefore immune from suit and entitled to discretionary immunity and/or
12 qualified immunity for the matters alleged in the Plaintiffs' complaint.
- 13 9. Plaintiffs' claims are barred in whole or part by Defendants' complete
14 compliance with the PRA.
- 15 10. King County is not liable for pre-judgment interest because the State of
16 Washington, of which King County is a political subdivision, has no consented to
17 such pre-judgment interest. RCW 4.56.115.

18 King County Defendants reserve the right to amend this Answer, including these
19 affirmative defenses, if and when additional facts are discovered which support such
20 amendments.

21 **COUNTERCLAIMS BY JULIE WISE AND KING COUNTY**

22 **Request for Declaratory Relief Under RCW 42.56.070 (Public Records Act)**

1 King County Elections Director Julie Wise and King County assert the following
2 counterclaim:

3
4 **I. PARTIES**

- 5 1. Julie Wise is the elected Director of King County Elections and an individual who
6 resides in the Western District of Washington.
- 7 2. King County is a home rule charter county located in the Western District of
8 Washington and a political subdivision of the State of Washington.
- 9 3. Plaintiff WEICU is a Washington State nonprofit corporation with its principal
10 office in Pierce County, Washington.

11 **II. JURISDICTION AND VENUE**

- 12 4. This Court has discretion to exercise supplemental jurisdiction over this state law
13 claim.
- 14 5. Venue is proper in the Western District of Washington.

15 **III. FACTUAL ALLEGATIONS**

- 16 6. Article VI, § 6 of the Washington Constitution provides, “All elections shall be by
17 ballot. The legislature shall provide for such method of voting as will secure to
18 every elector absolute secrecy in preparing and depositing his ballot.” This broad
19 mandate requires broad protection of ballots and ballot materials in Washington.
- 20 7. The Civil Rights Act of 1960, codified as 52 U.S.C. §§ 20701-20706, requires
21 local election officials to retain and preserve all records relating to any act
22 requisite to voting for 22 months after the conduct of any general election at
23 which citizens vote for President or a member of Congress. The purpose of the

1 Civil Rights Act retention requirements was to secure a more effective protection
2 of the right to vote by ensuring that records are available to allow the Department
3 of Justice to investigate and prosecute civil or criminal election matters under
4 federal law. The records must be retained physically or under local officials'
5 direct administrative supervision.

- 6 8. Under their constitutional authority to protect the secrecy of the ballot, the
7 Washington Legislature has adopted a comprehensive scheme governing elections
8 which balances election security and secrecy of the ballot with transparency.
9 Washington law provides specific ways in which the election process is subject to
10 public oversight, including but not limited to requiring auditors to: maintain
11 records of voters issued a ballot and who returned a ballot available for public
12 inspection (RCW 29A.40.130); maintain cumulative precinct returns as public
13 records (RCW 29A.60.070); and make counting centers open to the public (RCW
14 29A.60.170(2)). The legislative scheme allows a group of five or more registered
15 voters to request a recount within a specified time period (RCW 29A.64.011),
16 requires recount proceedings to be public (RCW 29A.64.030), requires an audit
17 prior to certification (RCW 29A.60.185), and requires a reconciliation report that
18 is publicly available (RCW 29A.60.235). However, this comprehensive scheme
19 protects ballots by prohibiting any member of the public from touching a ballot
20 during the counting process or recount (RCW 29A.60.170(2), 29A.64.041(1)) and
21 requiring ballots to be sealed in containers immediately after tabulation (RCW
22 29A.60.110(1)), and prohibiting the unsealing of the ballot containers except by
23 the canvassing board, to conduct a recount, random check or audit as authorized

1 by statutes or by order of the superior court in a contest or election dispute (RCW
2 29A.60.110(2)).

3 9. Pursuant to RCW 42.56.070(1), Washington’s Public Records Act requires
4 government agencies to make public records available unless exempted by that
5 Act or “other statute which exempts or prohibits disclosure of specific
6 information or records.”

7 10. Washington courts have repeatedly held that ballots and ballot images are exempt
8 from public disclosure under the Public Records due to the provisions of Article
9 VI, § 6 of the Washington Constitution, the comprehensive scheme set forth in
10 Title 29A RCW and regulations adopted by the secretary of state under express
11 legislative authority. *White v. Clark County*, 188 Wash. App. 622, 627, 354 P.3d
12 38, 40 (2015), review denied, 185 Wash.2d 1009 (2016); *White v. Skagit County*,
13 188 Wash. App. 886, 355 P.3d 1178 (2015), review denied, 185 Wash.2d 1009
14 (2016); *White v. Clark County*, 199 Wash. App. 929, 934, 401 P.3d 375, 378
15 (2017), review denied, 189 Wash.2d 1031 (2018).

16 11. Under Washington’s current mail voting, pursuant to RCW 29A.40.091, all
17 ballots must be accompanied by a declaration that the voter must sign. The voter
18 must swear under penalty of perjury that he or she meets the qualifications to vote
19 and has not voted in any other jurisdiction at this election. The voter must sign
20 the “ballot declaration” and may provide contact information such as an email
21 address or phone number. Pursuant to RCW 29A.40.100(3), upon receipt of
22 ballot materials the county auditor must verify based on statewide standards that
23 the signature on the “ballot declaration” is the same as the signature of that voter

1 in the registration files. Ballots are not processed unless the signature is verified.

2 12. Pursuant to RCW 29A.08.710(1), the voter registration form is considered
3 confidential and unavailable of public inspection and copying. Pursuant to RCW
4 29A.08.710(2), voter’s names, address, political jurisdiction, gender, date of birth,
5 voting record and date of registration are available for public inspection and
6 copying, but no other information from the voter registration records or files,
7 including signatures, is available for public inspection or copying.

8 13. Title 29A RCW serves as a comprehensive scheme restricting access to ballots,
9 ballot images, ballot materials and voter signatures.

10 14. Pursuant to RCW 42.56.420(7), certain information relating to election security is
11 exempt from public disclosure including records containing information about
12 election security the public disclosure of which may increase risk to integrity of
13 election operations. Another statute, RCW 42.56.540, allows a court to enjoin the
14 release of public records when an examination “would clearly not be in the public
15 interest and would substantially and irreparably damage any person, or would
16 substantially and irreparably damage vital governmental functions.”

17 15. On August 30, 2021, King County Elections received a public records request
18 from Washington Election Integrity Coalition United, a nonprofit corporation, for
19 disclosure of “original ballots, ballot images, spoiled ballots, adjudication records,
20 ballot envelopes and returned ballots for the November 3, 2020 General
21 Election.”

22 16. Original ballots, ballot images, spoiled ballots and voter signatures contained in
23 ballot declarations are exempt from public inspection and/or copying.

1 17. The release of voter signatures compromises the integrity and security of future
2 Washington elections.

3 18. The release of voter signatures, which can be used to undermine and invalidate
4 future Washington elections would substantially and irreparably damage vital
5 governmental functions.

6 19. The release of voter signatures would clearly not be in the public interest and
7 would substantially and irreparably damage voters.

8 **IV. COUNTERCLAIM – DECLARATORY RELIEF**

9 20. King County Defendants re-allege paragraphs 1 through 19.

10 21. An actual and justiciable case and controversy exists between Plaintiff WEICU
11 and Director Wise and King County regarding the request for public disclosure of
12 ballots, ballot images and ballot envelopes containing voter signatures. Director
13 Wise and King County will suffer a concrete and imminent injury that is causally
14 connected to this action. This injury can be redressed with a favorable decision.
15 The parties’ rights and interests are direct and substantial, and the determination
16 of the parties’ rights and interests will resolve the dispute. The issues that exist
17 between the parties are genuinely adversarial in character.

18 22. Director Wise and King County are entitled to a declaratory judgment in their
19 favor that provides that ballots, ballot images and voter signatures on ballot
20 envelopes are exempt from public disclosure under the Public Records Act
21 because nondisclosure is required by Washington’s constitution and its
22 comprehensive election scheme to protect the secrecy of the ballot and to ensure
23 election security and the integrity of election operations.

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2021 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF E-filing system which will send notification of such filing to the following:

Virginia Pearson Shogren
VIRGINIA SHOGREN PC
961 W Oak Court
Sequim, WA 98382
vshogren@gmail.com

Attorney for Washington Election Integrity Coalition United

Kevin J. Hamilton, WSBA No. 15648
Amanda J. Beane, WSBA No. 33070
Reina A. Almon-Griffin, WSBA No. 54651
Nitika Arora, WSBA No. 54084
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ABeane@perkinscoie.com
RAlmon-Griffin@perkinscoie.com
NArora@perkinscoie.com

Attorneys for Intervenor Washington State Democratic Central Committee

And I hereby certify that I sent a copy of the document via US Postal service to the following:

Doug Basler
Plaintiff, Pro Se
1851 Central Place S. Suite 123
Kent, WA 98032

Howard Ferguson
Plaintiff, Pro Se
4357 13th Avenue S
Seattle, WA 98108

Diana Bass
Plaintiff, Pro Se
PO Box 7364
Bellevue, WA 98008

AMENDED ANSWER AND COUNTERCLAIM
AND JURY DEMAND OF
KING COUNTY DEFENDANTS - 21

KCSC No. 21-2-1603-7 KNT, Page 22 of 24

Daniel T. Satterberg, Prosecuting Attorney
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Timofey Samoylenko
Plaintiff, Pro Se
1921 R. Street NE
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507 SW 302nd Street
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sbucari2108@gmail.com

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Auburn, WA 98001


Lydia Zibin
Plaintiff, Pro Se
254 145th Place SE
Bellevue, WA 98007

Catherine Dodson
Plaintiff, Pro Se
42131 212th Avenue SE
Enumclaw, WA 98022

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 8th day of November, 2021.

JREVAK Digitally signed
by JREVAK
Date: 2021.11.08
13:28:36 -08'00'


JENNIFER REVAK
Legal Secretary – Litigation Section
King County Prosecuting Attorney's Office

AMENDED ANSWER AND COUNTERCLAIM
AND JURY DEMAND OF
KING COUNTY DEFENDANTS - 22

CERTIFICATE OF SERVICE

I hereby certify that on January 6, 2023, I electronically filed the foregoing document with the Clerk of the Court using the King County Superior Court E-Filing System and caused a copy to be mailed by USPS First Class Mail to the following:

Virginia Pearson Shogren
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Election Integrity Coalition
United*

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Catherine Dodson
42131 212th Avenue SE
Enumclaw, WA 98022
Plaintiff, Pro Se

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 6th day of January, 2023.



MELODIE NICHOLSON
Paralegal I – Civil Division
King County Prosecuting Attorney's Office

Exhibit C

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The Honorable LeRoy McCullough

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

WASHINGTON ELECTION INTEGRITY)	
COALITION UNITED, a Washington State)	
Nonprofit Corporation; DOUG BASLER;	)	No. 21-2-12603-7 KNT
HOWARD FERGUSON; DIANA BASS;)	
TIMOFEY SAMOYLENKO; MARY)	
HALLOWELL; SAMANTHA BUCARI;	)	[PROPOSED] ORDER GRANTING
RONALD STEWART; LYDIA ZIBIN;	)	DEFENDANTS/COUNTERCLAIMANTS
CATHERIN DODSON,	)	JULIE WISE AND KING COUNTY'S
	)	MOTION FOR SUMMARY JUDGMENT
)	
Plaintiffs,)	
v.)	
)	
JULIE WISE, Directory of King County)	
Elections; KING COUNTY, and DOES)	
1-30, inclusive,)	
)	
Defendants,)	
)	
and)	
)	
JULIE WISE, Directory of King County)	
Elections; KING COUNTY,)	
)	
Counterclaimants,)	
)	
v.)	
)	
WASHINGTON ELECTION INTEGRITY)	
COALITION UNITED, a Washington State)	
Nonprofit Corporation,)	
)	
Counterclaim Defendant.)	
)	

[PROPOSED] ORDER GRANTING DEFENDANTS/
COUNTERCLAIMANTS JULIE WISE AND KING
COUNTY'S MOTION FOR SUMMARY JUDGMENT

Leesa Manion, Prosecuting Attorney
CIVIL DIVISION, Litigation Section
701 Fifth Avenue, Suite 600
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THIS MATTER came before this Court through Defendants/Counterclaimant Julie Wise and King County’s Motion for Summary Judgment pursuant to CR 56. Having considered:

1. Defendants/Counterclaimants Julie Wise and King County’s Motion for Summary Judgment;
2. Declaration of Ann Summers, and exhibits;
3. Declaration of Devon Lang, and exhibits;
4. Plaintiffs Basler and Samoylenko’s responses, if any;
5. Plaintiff/Counterclaim Defendant WEICU’s response, if any; and
6. Defendants’ reply, if any, and the previous filings in the matter,

THIS COURT FINDS as follows:

1. Plaintiffs Basler and Samoylenko lack standing;
2. The claims brought by Plaintiffs Basler and Samoylenko based on RCW 9A.68.013 are untimely and fail to comply with statutory requirements;
3. The claims brought by Plaintiffs Basler and Samoylenko are unsupported by admissible evidence;
4. Plaintiffs Basler and Samoylenko have failed to present a justiciable controversy for under the Uniform Declaratory Judgment Act;
5. Plaintiffs Basler and Samoylenko have failed to show they are entitled to injunctive relief;
6. The claims brought by Plaintiffs Basler and Samoylenko are barred by the doctrine of laches;

- 1 7. The Public Records Act claim brought by Plaintiff WEICU fails as a matter of law.
- 2 8. Director Wise and King County cannot as a matter of law release ballots, ballot
- 3 images or voter signatures on ballot envelopes for copying and cannot release ballots
- 4 or ballot images for public inspection; and
- 5 9. WEICU is permanently enjoined from obtaining ballots or ballot images for copying
- 6 or public inspection and from obtaining voter signatures on ballot envelopes for
- 7 copying.

8 It is hereby ORDERED that Defendants/Counterclaimants Julie Wise's and King County's

9 Motion for Summary Judgment IS GRANTED.

10 DATED this _____ day of June, 2023.

11 LEESA MANION

12 King County Prosecuting Attorney

13 By: /s/ Ann Summers

14 ANN M. SUMMERS, WSBA #21509

15 DAVID J. HACKETT, WSBA #21236

16 MARI ISAACSON, WSBA #42945

17 Senior Deputy Prosecuting Attorneys

18 Attorneys for Defendants

19 701 5th Avenue, Suite 600

20 Seattle, WA 98104

21 Phone: (206) 477-1120/Fax: (206) 296-0191

22 ann.summers@kingcounty.gov

23 david.hackett@kingcounty.gov

mari.isaacson@kingcounty.gov

Exhibit D

DECLARATION OF TERPSEHORE MARAS

Exhibit 3

Julie Wise

Date 05/18/2023

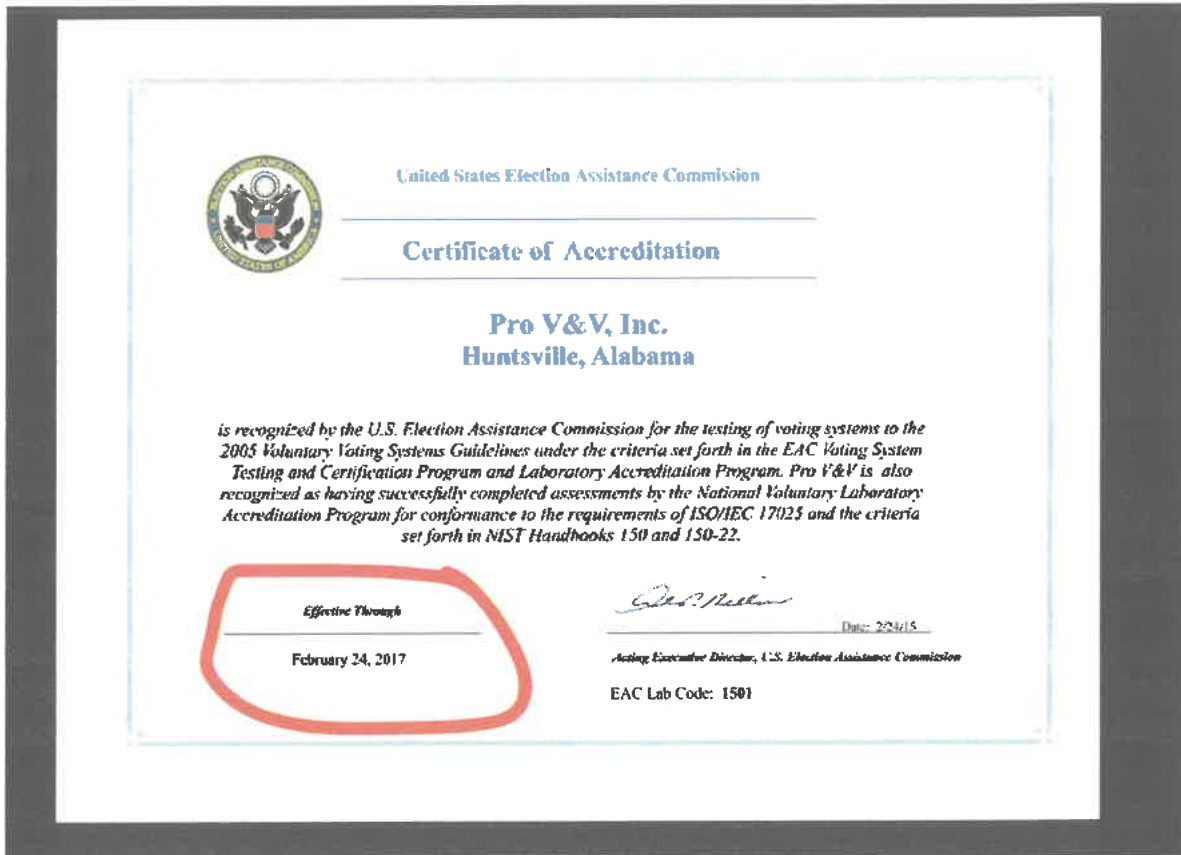
Buell Realtime Reporting

Declaration of [REDACTED]

Pursuant to 28 U.S.C Section 1746, I, [REDACTED], make the following declaration.

1. I am over the age of 21 years and I am under no legal disability, which would prevent me from giving this declaration.
2. I have been a private contractor with experience gathering and analyzing foreign intelligence and acted as a LOCALIZER during the deployment of projects and operations both OCONUS and CONUS. I am a trained Cryptolinguist, hold a completed degree in Molecular and Cellular Physiology and have FORMAL training in other sciences such as Computational Linguistics, Game Theory, Algorithmic Aspects of Machine Learning, Predictive Analytics among others.
3. I have operational experience in sources and methods of implementing operations during elections both CONUS and OCONUS
4. I am an amateur network tracer and cryptographer and have over two decades of mathematical modeling and pattern analysis.
5. In my position from 1999-2014 I was responsible for delegating implementation via other contractors sub-contracting with US or 9 EYES agencies identifying connectivity, networking and subcontractors that would manage the micro operations.
6. My information is my personal knowledge and ability to detect relationships between the companies and validate that with the cryptographic knowledge I know and attest to as well as evidence of these relationships.
7. In addition, I am WELL versed due to my assignments during my time as a private contractor of how elections OCONUS (for countries I have had an assignment at) and CONUS (well versed in HAVA ACT) and more.
8. On or about October 2017 I had reached out to the US Senate Majority Leader with an affidavit claiming that our elections in 2017 may be null and void due to lack of EAC certifications. In fact Sen. Wyden sent a letter to Jack Cobb on 31 OCT 2017 advising discreetly pointing out the importance of being CERTIFIED EAC had issued a certificate to

Pro V & V and that expired on Feb 24, 2017. No other certification has been located.



9. Section 231(b) of the Help America Vote Act (HAVA) of 2002 (42 U.S.C. §15371(b)) requires that the EAC provide for the accreditation and revocation of accreditation of independent, non-federal laboratories qualified to test voting systems to Federal standards. Generally, the EAC considers for accreditation those laboratories evaluated and recommended by the National Institute of Standards and Technology (NIST) pursuant to HAVA Section 231(b)(1). However, consistent with HAVA Section 231(b)(2)(B), the Commission may also vote to accredit laboratories outside of those recommended by NIST upon publication of an explanation of the reason for any such accreditation.

United States Department of Commerce
National Institute of Standards and Technology



Certificate of Accreditation to ISO/IEC 17025:2017

NVLAP LAB CODE: 200978-0

Pro V&V
Huntsville, AL

*is accredited by the National Voluntary Laboratory Accreditation Program for specific services,
listed on the Scope of Accreditation, for:*

Voting System Testing

*This laboratory is accredited in accordance with the recognized International Standard ISO/IEC 17025:2017.
This accreditation demonstrates technical competence for a defined scope and the operation of a laboratory quality
management system (refer to joint ISO-ILAC-IAF Communiqué dated January 2009).*

2020-03-26 through 2021-03-31
Effective Dates



[Signature]
For the National Voluntary Laboratory Accreditation Program

10.

11. VSTL's are VERY important because equipment vulnerabilities allow for deployment of algorithms and scripts to intercept, alter and adjust voting tallies.

12. There are only TWO accredited VSTLs (VOTING SYSTEM TEST LABORATORIES). In order to meet its statutory requirements under HAVA §15371(b), the EAC has developed the EAC's Voting System Test Laboratory Accreditation Program. The procedural requirements of the program are established in the proposed information collection, the EAC Voting System Test Laboratory Accreditation Program Manual. Although participation in the program is voluntary, adherence to the program's procedural requirements is mandatory for participants. The procedural requirements of this Manual will supersede any prior laboratory accreditation requirements issued by the EAC. This manual shall be read in conjunction with the EAC's Voting System Testing and Certification Program Manual (OMB 3265-0019).



MICHIGAN

<i>State Participation:</i>	Requires Testing by an Independent Testing Authority. MI requires that voting systems are certified by an independent testing authority accredited by NASED and the board of state canvassers.
<i>Applicable Statutes:</i>	"An electronic voting system shall not be used in an election unless it is approved by the board of state canvassers ... and unless it meets 1 of the following conditions: (a) Is certified by an independent testing authority accredited by the national association of state election directors and by the board of state canvassers. (b) In the absence of an accredited independent testing authority, is certified by the manufacturer of the voting system as meeting or exceeding the performance and test standards referenced in subdivision (a) in a manner prescribed by the board of state canvassers." MICH. COMP. LAWS ANN § 168.795a (2009) .
<i>Applicable Regulations:</i>	MI does not have a regulation regarding the federal certification process.
<i>State Certification Process:</i>	The Secretary of State accepts requests from persons/corporations wishing to have their voting system examined. The requestor must pay the Secretary of State an application fee of \$1,500.00, file a report listing all of the states in which the voting system has been approved and any reports that these states have made regarding the performance of the voting system. The Board of State Canvassers conducts a field test involving Michigan electors and election officials in simulated election day conditions. The Board of State Canvassers shall approve the voting system if it meets all of the state requirements. MICH. COMP. LAWS ANN § 168.795a (2009) .
<i>Fielded Voting Systems:</i>	<i>[After the EAC completes and issues the 2008 Election Administration and Voting Survey, information about fielded voting systems will be added to this document. In the meantime, readers may find information on the voting systems at the following website (if available)].</i> http://www.michigan.gov/sos/0,1607,7-127-1633_8716_45458--,00.html



WISCONSIN

<i>State Participation:</i>	Requires Testing by a Federally Accredited Laboratory. WI requires that its voting systems receive approval from an independent testing authority accredited by NASED verifying that the voting systems meet all of the recommended FEC standards.
<i>Applicable Statute(s):</i>	"No ballot, voting device, automatic tabulating equipment or relating equipment and materials to be used in an electronic voting system may be utilized in this state unless it is approved by the board [of election commissioners]." WIS. STAT. ANN. § 5.91 (West 2009).
<i>Applicable Regulations:</i>	"An application for approval of an electronic voting system shall be accompanied by all of the following ... [r]eports from an independent testing authority accredited by the national association of state election directors (NASED) demonstrating that the voting system conforms to all the standards recommended by the federal elections commission." WIS. ADMIN. CODE GAB § 7.01 (2009).
<i>State Certification Process:</i>	The Board of Election Commissioners accepts applications for the approval of electronic voting systems. Once the application is completed, the vendor must set up the voting system for three mock elections using: (1) offices, (2) referenda questions and (3) candidates. A panel of local election officials can assist the Board in the review of the voting system. The Board conducts the test using a mock election for the partisan primary, general election, and nonpartisan election. The Board may also require that the voting system be used in an actual election as a condition of the approval. WIS. ADMIN. CODE GAB §§ 7.01, 7.02 (2009).
<i>Fielded Voting Systems:</i>	<i>[After the EAC completes and issues the 2008 Election Administration and Voting Survey, information about fielded voting systems will be added to this document. In the meantime, readers may find information on the voting systems at the following website (if available)].</i> http://elections.state.wi.us/section.asp?linkid=643&locid=47



State Participation: **Requires Federal Certification.** GA requires that its voting systems are tested to EAC standards by EAC accredited labs and certified by the EAC.

Applicable Statute(s): "Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any voting machine may request the Secretary of State to examine the machine. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any voting machine previously examined and approved by him or her. Before any such examination or reexamination, the person, persons, or organization requesting such examination or reexamination shall pay to the Secretary of State the reasonable expenses of such examination; provided, however, that in the case of a request by ten or more electors the examination fee shall be \$ 250.00. The Secretary of State may, at any time, in his or her discretion, reexamine any voting machine." [GA CODE ANN. § 21-2-324 \(2008\)](#).

Applicable Regulation(s): "Prior to submitting a voting system for certification by the State of Georgia, the proposed voting system's hardware, firmware, and software must have been issued Qualification Certificates from the EAC. These EAC Qualification Certificates must indicate that the proposed voting system has successfully completed the EAC Qualification testing administered by EAC approved ITAs. If for any reason, this level of testing is not available, the Qualification tests shall be conducted by an agency designated by the Secretary of State. In either event, the Qualification tests shall comply with the specifications of the *Voting Systems Standards* published by the EAC." [GA COMP. R. & RES. 590-8-1-01 \(2009\)](#).

State Certification Process: After the voting system has passed EAC Qualification testing, the vendor of the voting system submits a letter to the Office of the Secretary of State requesting certification for the voting system along with a technical data package to the certification agent. An evaluation proposal is created by the certification agent after a preliminary view of the Technical Data Package and sent to the vendor. Any additional EAC ITA testing identified in the evaluation proposal is arranged by the vendor and the certification agent will perform all other tests identified in the evaluation proposal. The certification agent submits a report of their findings to the Secretary of State. Based on these findings the Secretary of State will make a final determination on whether to certify the voting system. [GA COMP. R. & RES. 590-8-1-01 \(2009\)](#).

Fielded Voting Systems: *[After the EAC completes and issues the 2008 Election Administration and Voting Survey, information about fielded voting systems will be added to this document. In the meantime, readers may find information on the voting systems at the following website (if available)].*
<http://www.sos.georgia.gov/Elections/>



PENNSYLVANIA

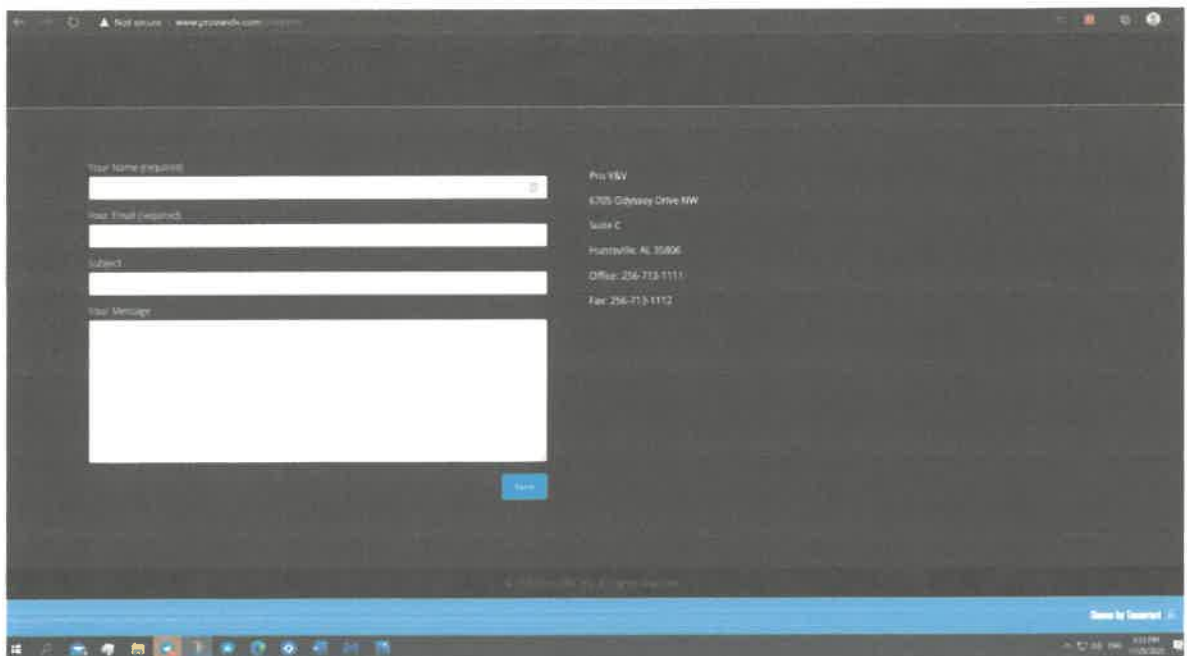
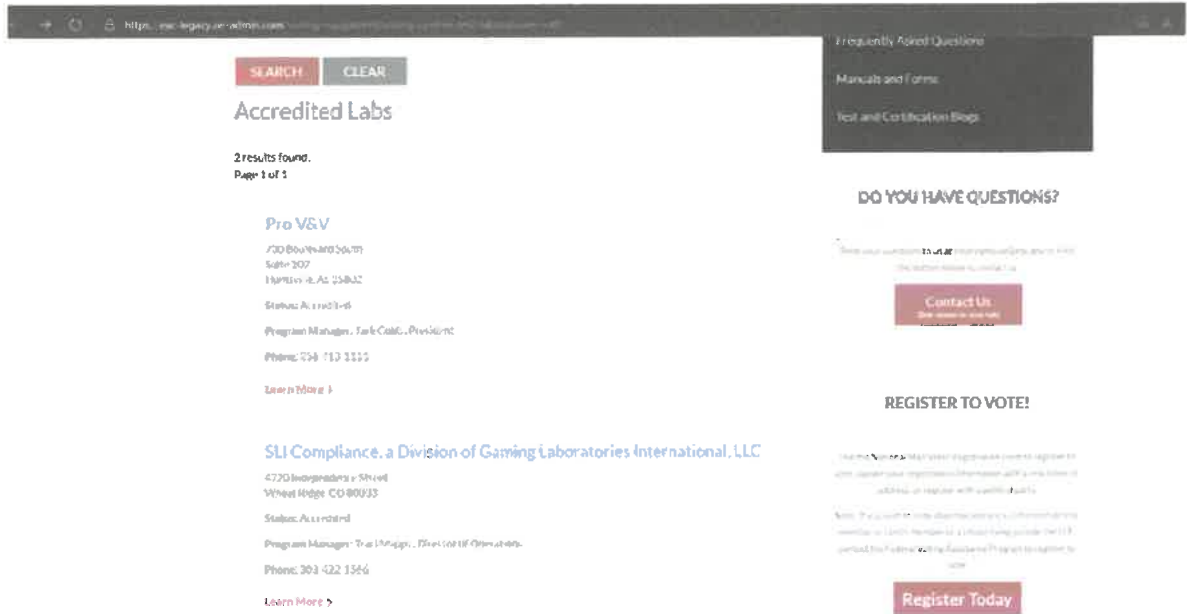
State Participation:	Requires Testing by a Federally Accredited Laboratory. PA requires that its voting systems are approved by a federally recognized independent testing laboratory as meeting federal voting system standards.
Applicable Statute(s):	"Any person or corporation owning, manufacturing or selling, or being interested in the manufacture or sale of, any electronic voting system, may request the Secretary of the Commonwealth to examine such system if the voting system has been examined and approved by a federally recognized independent testing authority and if it meets any voting system performance and test standards established by the Federal Government." 25 PA. CONS. STAT. ANN. Code § 3031.5 (West 2008).
Applicable Regulation(s):	PA does not have a regulation regarding the federal certification process.
State Certification Process:	The Secretary of State examines voting systems, upon request, once the voting systems have received approval by a federally recognized independent testing authority. The person(s) requesting the examination of the voting system are responsible for the cost of the examination. After the examination, the Secretary of State issues a report stating whether or not the voting systems are safe and compliant with state and federal requirements. If the voting systems are deemed safe and compliant by the Secretary of State then the systems may be adopted and approved for use in elections by each county through a majority vote of its qualified electors. 25 PA. CONS. STAT. ANN. Code §§ 3031.5, 3031.2 (West 2008).
Fielded Voting Systems:	<i>[After the EAC completes and issues the 2008 Election Administration and Voting Survey, information about fielded voting systems will be added to this document. In the meantime, readers may find information on the voting systems at the following website (if available)].</i> http://www.votespa.com/HowtoVote/tabid/74/language/en-US/Default.aspx



<i>State Participation:</i>	Requires Testing by a Federally Accredited Laboratory. AZ requires that its voting systems are HAVA compliant and approved by a laboratory that is accredited pursuant to HAVA.
<i>Applicable Statute(s):</i>	"On completion of acquisition of machines or devices that comply with HAVA, machines or devices used at any election for federal, state or county offices may only be certified for use in this state and may only be used in this state if they comply with HAVA and if those machines or devices have been tested and approved by a laboratory that is accredited pursuant to HAVA." ARIZ. REV. STAT. § 16-442(B) (2008).
<i>Applicable Regulation(s):</i>	AZ does not have a regulation regarding the federal certification process.
<i>State Certification Process:</i>	The Secretary of State appoints a committee of three people that test different voting systems. This committee is required to submit their recommendations to the Secretary of State who then makes the final decision on which voting system(s) to adopt. ARIZ. REV. STAT. § 16-442(A) and (C) (2008).
<i>Fielded Voting Systems:</i>	<i>[After the EAC completes and issues the 2008 Election Administration and Voting Survey, information about fielded voting systems will be added to this document. In the meantime, readers may find information on the voting systems at the following website (if available)].</i> http://www.azsos.gov/election/equipment/default.htm

- 17.
18. **Pro V& V and SLI Gaming** both lack evidence of EAC Accreditation as per the Voting System Testing and Certification Manual.

19. Pro V& V is owned and Operated by Jack Cobb. Real name is Ryan Jackson Cobb. The company ProV&V was founded and run by Jack Cobb who formerly worked under the entity of Wyle Laboratories which is an AEROSPACE DEFENSE CONTRACTING ENTITY. The address information on the EAC, NIST and other entities for Pro V& V are different than that of what is on ProV&V website. The [EAC](#) and NIST (ISO CERT) issuers all have another address.



20. VSTLs are the most important component of the election machines as they examine the use of COTS (Commercial Off-The-Shelf)
21. "Wyle became involved with the testing of electronic voting systems in the early 1990's and has tested over 150 separate voting systems. Wyle was the first company to obtain accreditation by the National Association of State Election Directors (NASED). Wyle is accredited by the Election Assistance Commission (EAC) as a Voting System Testing Laboratory (VSTL). Our scope of accreditation as a VSTL encompasses all aspects of the hardware and software of a voting machine. Wyle also received NVLAP accreditation to ISO/IEC 17025:2005 from NIST." [Testimony](#) of Jack Cobb 2009
22. COTS are preferred by many because they have been tried and tested in the open market and are most economic and readily available. COTS are also the SOURCE of vulnerability therefore VSTLs are VERY important. COTS components by voting system machine manufacturers can be used as a "Black Box" and changes to their specs and hardware make up change continuously. Some changes can be simple upgrades to make them more efficient in operation, cost efficient for production, end of life (EOL) and even complete reworks to meet new standards. The key issue in this is that MOST of the COTS used by Election Machine Vendors like Dominion, ES&S, Hart Intercivic, Smartmatic and others is that such manufacturing for COTS have been outsourced to China which if implemented in our Election Machines make us vulnerable to BLACK BOX antics and backdoors due to hardware changes that can go undetected. This is why VSTL's are VERY important.
23. The proprietary voting system software is done so and created with cost efficiency in mind and therefore relies on 3rd party software that is AVAILABLE and HOUSED on the HARDWARE. This is a vulnerability. Exporting system reporting using software like Crystal Reports, or PDF software allows for vulnerabilities with their constant updates.
24. As per the COTS hardware components that are fixed, and origin may be cloaked under proprietary information a major vulnerability exists since once again third-party support software is dynamic and requires FREQUENT updates. The hardware components of the computer components, and election machines that are COTS may have slight updates that can be overlooked as they may be like those designed that support the other third -party software. COTS origin is important and the US Intelligence Community report in 2018 verifies that.
25. The Trump Administration made it clear that there is an absence of a major U.S. alternative to foreign suppliers of networking equipment. This highlights the growing dominance of

Chinese manufacturers like Huawei that are the world's LARGEST supplier of telecom and other equipment that endangers national security.

26. China, is not the only nation involved in COTS provided to election machines or the networking but so is Germany via a LAOS founded Chinese linked cloud service company that works with SCYTL named Akamai Technologies that have offices in China and are linked to the server that Dominion Software.

28 046 Madrid

Asian offices

Akamai Technologies - India

111, Brigade Court
Koramangala Industrial Area
Bangalore 560 095, India

Telephone: 91-80-575-99222
Fax: 91-80-575-99209
Regional Manager: Stuart Spiteri

Akamai Technologies - China

Suite 1560, 15th Floor
NFCI Tower
12A Jianguomenwai Avenue
Chaoyang District,
Beijing 100022
China

Telephone: 86-10-8523-3057
Fax: 86-10-8523-3001
Regional Manager: Stuart Spiteri

Akamai Japan K.K.

The Executive Centre Japan K.K.
15F Tokyo Ginko Kyokai building
1-3-1 Marunouchi, Chiyoda-ku, Tokyo 100-
0005

Telephone: 81-3-3216-7200 (Centre)
81-3-3216-7300 (Akamai
direct)
Fax: 81-3-3216-7390 (Centre)
Regional Manager: Stuart Spiteri

Akamai Technologies - Singapore

Akamai, Regus Centre, 26-01 UOB Plaza 1
80 Raffles Place
Singapore 046624
 [Driving directions](#)

Telephone: +65 6248 4514
Fax: +65 6248 4501
Regional Manager: Stuart Spiteri

Akamai Technologies - Australia and New Zealand

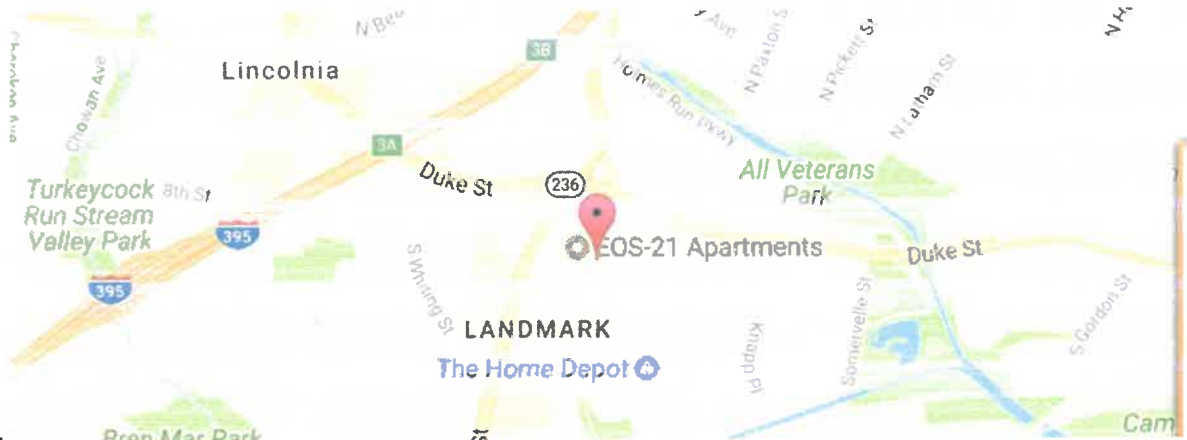
201 Sussex St
Tower 2, Level 20
Sydney, NSW 2000, Australia
info@au.akamai.com

Telephone: 61 2 9006 1325
Fax: 61 2 9475 0343
Regional Manager: Stuart Spiteri

pix.gov resolves to 4.30.228.74. According to our data this IP address belongs to Level 3 Communications and is located in Alexandria, Virginia, United States. Please have a look at the information provided below for further details.

4.30.228.74

ISP/Organization	Level 3 Communications
Location	Alexandria 22304 Virginia (VA) United States (US)
Latitude	38.8115 / 38°48'41" N
Longitude	-77.1285 / 77°7'42" W
Timezone	America/New_York
Local Time	Thu, 12 Jul 2018 19:27:40 -0400



27.


28. L3 Level Communications is federal contractor that is partially owned by foreign lobbyist George Soros. An article that AP ran in 2010 – spoke out about the controversy of this that has been removed. [\(LINK\)](#) “As for the company’s other political connections, it also appears that none other than George Soros, the billionaire funder of the country’s liberal political infrastructure, owns 11,300 shares of OSI Systems Inc., the company that owns Rapiscan. Not surprisingly, OSI’s stock has appreciated considerably over the course of the year. Soros certainly is a savvy investor.” Washington Examiner re-write.



30.

31. **L-3 Communication Systems-East** designs, develops, produces and integrates communication systems and support equipment for space, air, ground, and naval applications, including C4I systems and products; integrated Navy communication systems; integrated space communications and RF payloads; recording systems; secure communications, and information security systems. In addition, their site claims that **MARCOM** is an integrated communications system and **The Marcom®** is the foundation of the Navy's newest digital integrated voice / data switching system for affordable command and control equipment supporting communications and radio room automation. The **MarCom®** uses the latest COTS digital technology and open systems standards to offer the command and control user a low cost, user friendly, solution to the complex voice, video and data communications needs of present and future joint / allied missions. Built in reliability, rugged construction, and fail-safe circuits ensure your call and messages will go through. Evidently a HUGE vulnerability.

32. Michigan's government site is thumped off Akamai Technologies servers which are housed on TELIA AB a foreign server located in Germany.
33. ScytI, who is contracted with AP that receives the results tallied BY ScytI on behalf of Dominion – During the elections the AP reporting site had a disclaimer.
AP – powered by SCYTL.

Advertisements	Basic Tracking Info
	<p>Domain: Michigan.gov <small>Whois: Whois - Email: Contact: Domain To: IP:</small></p> <p>IP Address: 23.78.81.34 <small>IP Address Info</small></p> <p>Reverse DNS: 34.81.78.23.in-addr.arpa</p> <p>Hostname: a23-78-81-34.deploy.static.akamaitechnologies.com</p> <p>Nameservers: a12-67.akam.net ⇨ 184.26.150.67 a13-66.akam.net ⇨ 84.57.139.66 a14-35.akam.net ⇨ 193.108.91.25 a15-66.akam.net ⇨ 95.100.168.66 a18-64.akam.net ⇨ 95.101.36.64 a24-65.akam.net ⇨ 2.16.130.65</p>
	<p>Location For an IP: Michigan.gov</p> <p>Continent: North America (NA)</p> <p>Country: United States  (US)</p> <p>Capital: Washington</p> <p>State: Unknown</p> <p>City: Unknown</p> <p>Location: Unknown</p> <p>ISP: Akamai Technologies</p> <p>Organization: Akamai Technologies</p> <p>AS Number: AS1299 Telia Company AB</p> <p>something went wrong! something went wrong!</p>
	<p>Time Zone: America/North_Dakota/Center</p> <p>Local Time: 11:48:46</p> <p>Timezone: -21600</p> <p>GMT offset: -21600</p> <p>Sunrise / Sunset: 07:27 / 17:12</p>
	<p>Extra Information for an IP: Michigan.gov</p> <p>Continent: 46.07305 / -100.546</p> <p>Lat/Lon: 46.07305 / -100.546</p> <p>Country: 38 / -96</p> <p>Lat/Lon: 38 / -96</p> <p>City Lat/Lon: (37.751) / (-97.822)</p> <p>IP Language: English</p>
Geolocation on IP Map	

34. "Scytl was selected by the Federal Voting Assistance Program of the U.S. Department of Defense to provide a secure online ballot delivery and onscreen marking systems under a program to support overseas military and civilian voters for the 2010 election cycle and beyond. Scytl was awarded 9 of the 20 States that agreed to participate in the program (New York, Washington, Missouri, Nebraska, Kansas, New Mexico, South Carolina, Mississippi and Indiana), making it the provider with the highest number of participating States." [PDF](#)
35. According to DOMINION : 1.4.1 Software and Firmware The software and firmware employed by Dominion D-Suite 5.5-A consists of 2 types, custom and commercial off the shelf (COTS). COTS applications were verified to be pristine or were subjected to source code review for analysis of any modifications and verification of meeting the pertinent standards.
36. The concern is the HARDWARE and the NON – ACCREDITED VSTLs as by their own admittance use COTS.
37. The purpose of VSTL's being accredited and their importance in ensuring that there is no foreign interference/ bad actors accessing the tally data via backdoors in equipment software. The core software used by ALL SCYTL related Election Machine/Software manufacturers ensures "anonymity".
38. Algorithms within the area of this "shuffling" to maintain anonymity allows for setting values to achieve a desired goal under the guise of "encryption" in the trap-door.
39. The actual use of trapdoor commitments in Bayer-Groth proofs demonstrate the implications for the verifiability factor. This means that no one can SEE what is going on during the process of the "shuffling" therefore even if you deploy an algorithms or manual scripts to fractionalize or distribute pooled votes to achieve the outcome you wish – you cannot prove they are doing it! See STUDY : "[The use of trapdoor commitments in Bayer-Groth proofs and the implications for the verifiability of the Scytl-SwissPost Internet voting system](#)"
40. **Key Terms**
41. **UNIVERSAL VERIFIABILITY:** Votes cast are the votes counted and integrity of the vote is verifiable (the vote was tallied for the candidate selected) . **SCYTL FAILS UNIVERSAL VERIFIABILITY** because no mathematical proofs can determine if any votes have been manipulated.
42. **INDIVIDUAL VERIFIABILITY:** Voter cannot verify if their ballot got correctly counted. Like, if they cast a vote for ABC they want to verify it was ABC. That notion clearly discounts the need for anonymity in the first place.

43. To understand what I observed during the 2020 I will walk you through the process of one ballot cast by a voter.
44. STEP 1 |Config Data | All non e-voting data is sent to ScytI (offshore) for configuration of data. All e-voting is sent to CONFIGURATION OF DATA then back to the e-voting machine and then to the next phase called CLEANSING. CONCERNS: Here we see an “OR PROOF” as coined by mathematicians – an “or proof” is that votes that have been pre-tallied parked in the system and the algorithm then goes back to set the outcome it is set for and seeks to make adjustments if there is a partial pivot present causing it to fail demanding manual changes such as block allocation and narrowing of parameters or self-adjusts to ensure the predetermined outcome is achieved.
45. STEP 2|CLEANSING | The Process is when all the votes come in from the software run by Dominion and get “cleansed” and put into 2 categories: invalid votes and valid votes.
46. STEP 3|Shuffling /Mixing | This step is the most nefarious and exactly where the issues arise and carry over into the decryption phase. Simply put, the software takes all the votes, literally mixes them a and then re-encrypts them. This is where if ONE had the commitment key- TRAPDOOR KEY – one would be able to see the parameters of the algorithm deployed as the votes go into this mixing phase, and how algorithm redistributes the votes.
47. This published PAPER FROM University College London depicts how this shuffle works. In essence, when this mixing/shuffling occurs, then one doesn’t have the ability to know that vote coming out on the other end is actually their vote; therefore, ZERO integrity of the votes when mixed.

48.

Background - ElGamal encryption

- Setup: Group \mathcal{G} of prime order q with generator g
- Public key: $pk = y = g^x$
- Encryption: $\mathcal{E}_{pk}(m; r) = (g^r, y^r m)$
- Decryption: $\mathcal{D}_x(u, v) = vu^{-x}$
- Homomorphic:

$$\mathcal{E}_{pk}(m; r) \times \mathcal{E}_{pk}(M; R) = \mathcal{E}_{pk}(mM; r + R)$$

- Re-encryption:

$$\mathcal{E}_{pk}(m; r) \times \mathcal{E}_{pk}(1; R) = \mathcal{E}_{pk}(m; r + R)$$

UCL

49. When this mixing/shuffling occurs, then one doesn't have the ability to know that vote coming out on the other end is actually their vote: therefore, ZERO integrity of the votes.

50. When the votes are sent to ScytI via Dominion Software EMS (Election Management System) the Trap Door is accessed by ScytI or TRAP DOOR keys (Commitment Parameters).



52. The encrypted data is shifted into ScytI's platform in the form of ciphertexts – this means it is encrypted and a key based on commitments is needed to read the data. The ballot data can only be read if the person has a key that is set on commitments.

53. A false sense of security is provided to both parties that votes are not being "REPLACED" during the mixing phase. Basically, ScytI re-encrypts the ballot data that comes in from Dominion (or any other voting software company) as ciphertexts. ScytI is supposed to prove that votes A, B, C are indeed X, Y, Z under their new re-encryption when sending back the votes that are tallied coding them respectively. This is done by ScytI and the Election Software company that agrees to certain

“Generators” and therefore together build “commitments.”

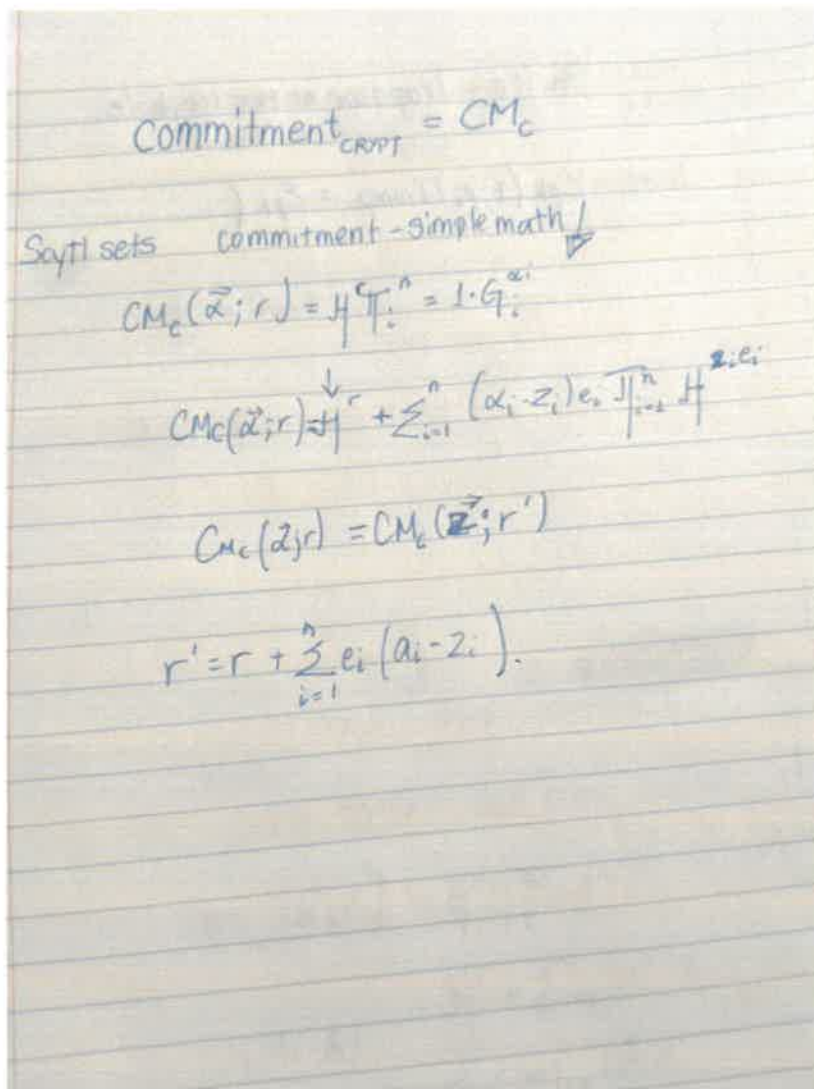
```
public CommitmentParams(final ZpSubgroup group, final int n) {
    group = group;
    h = GroupTools.getRandomElement(group);
    commitmentlength = n;
    g = GroupTools.getVectorRandomElement(group,
    this.commitmentlength);
}

// from getRandomElement(group)
Exponent randomExponent = ExponentTools.getRandomExponent(group.getQ());
return group.getGenerator().exponentiate(randomExponent);
```

54. ScytI and Dominion have an agreement – only the two would know the parameters. This means that access is able to occur through backdoors in hardware if the parameters of the commitments are known in order to alter the range of the algorithm deployed to satisfy the outcome sought in the case of algorithm failure.
55. Trapdoor is a cryptotech term that describes a state of a program that knows the commitment parameters and therefore is able change the value of the commitments however it likes. In other words, ScytI or anyone that knows the commitment parameters can take all the votes and give them to any one they want. If they have a total of 1000 votes an algorithm can distribute them among all races as it deems necessary to achieve the goals it wants. (Case Study: Estonia)

54

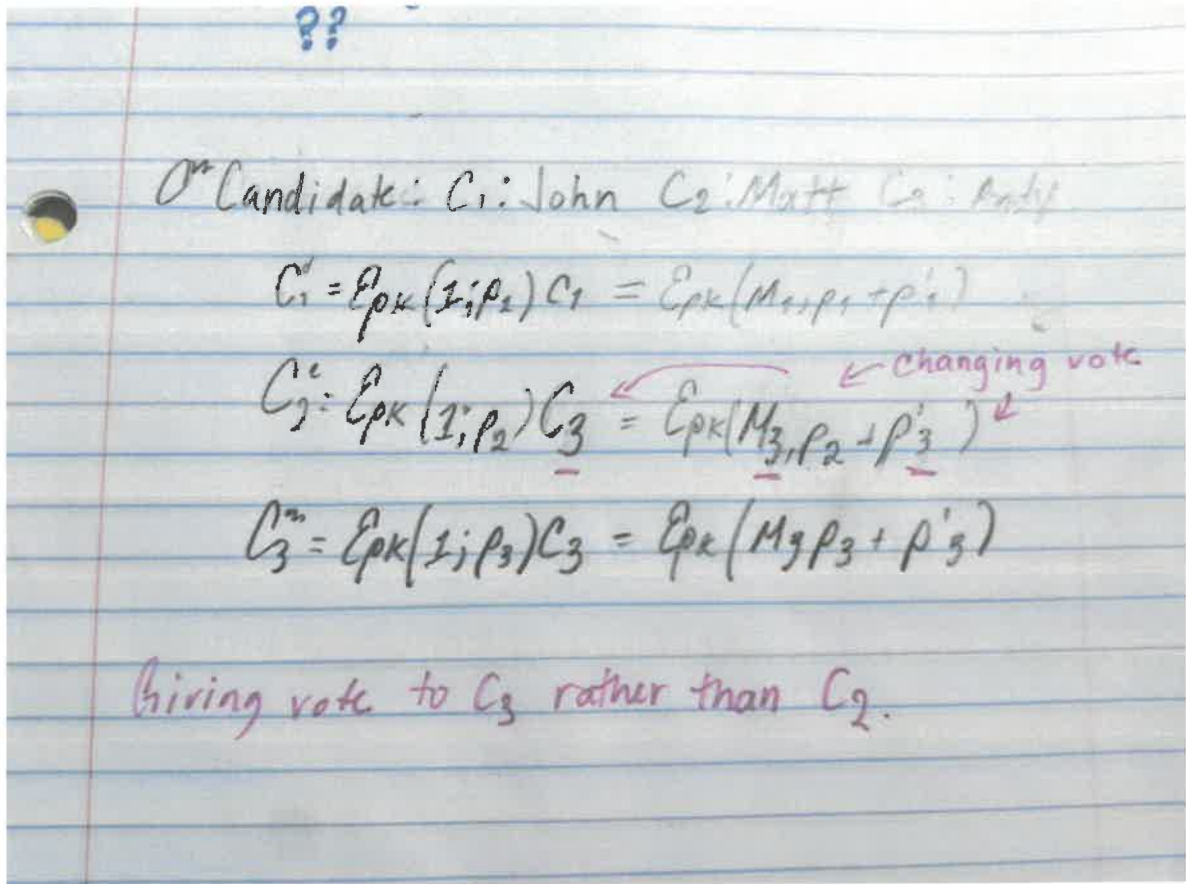
55



56.

57. Within the trapdoor this is how the algorithm behaves to move the goal posts in elections without being detected by this proof. During the mixing phase this is the algorithm you would use to

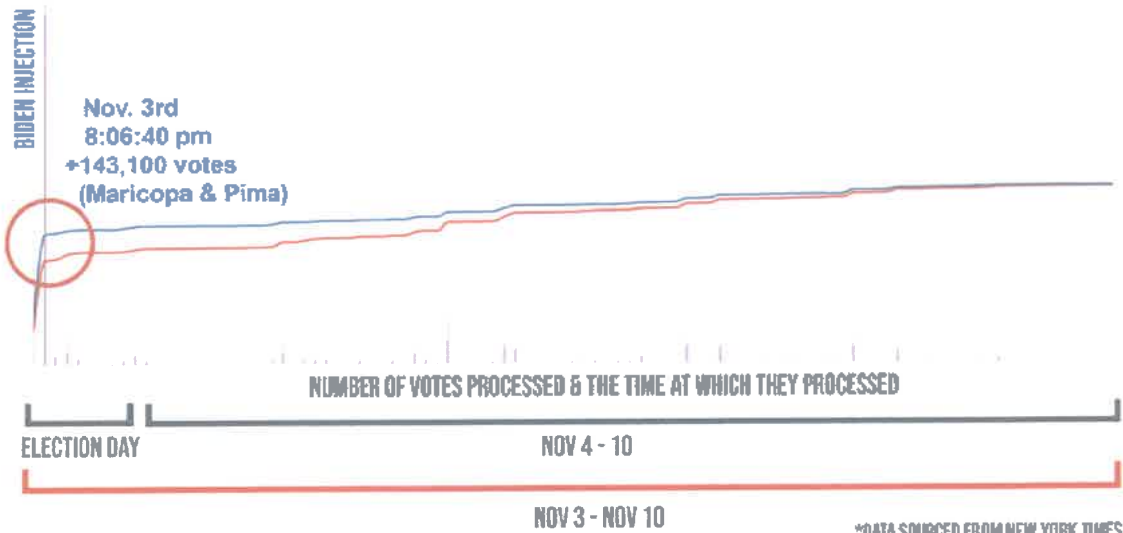
“reallocate” votes via an algorithm to achieve the goal set.



58. STEP 4|Decryption would be the decryption phase and temporary parking of vote tallies before reporting. In this final phase before public release the tallies are released from encrypted format into plain text. As previously explained, those that know the trapdoor can easily change any votes that the randomness is applied and used to generate the tally vote ciphertext. Thus in this case, Scyt1 who is the mixer can collude with their vote company clients or an agency (-----) to change votes and get away with it. This is because the receiver doesn't have the decryption key so they rely solely on Scyt1 to be *honest* or free from any foreign actors within their backdoor or the Election Company (like Dominion) that can have access to the key.
59. In fact, a study from the University of Bristol made claim that interference can be seen when there is a GREAT DELAY in reporting and finalizing numbers University of Bristol : [How not to Prove Yourself: Pitfalls of the Fiat-Shamir Heuristic and Applications to Helios](#)
60. “Zero-knowledge proofs of knowledge allow a prover to convince a verifier that she holds information satisfying some desirable properties without revealing anything else.” David Bernhard, Olivier Pereira, and Bogdan Warinschi.

61. Hence, you can't prove anyone manipulated anything. The TRAP DOOR KEY HOLDERS can offer you enough to verify to you what you need to see without revealing anything and once again indicating the inability to detect manipulation. **ZERO PROOF of INTEGRITY OF THE VOTE.**
62. Therefore, if decryption is challenged, the administrator or software company that knows the trap door key can provide you proof that would be able to pass verification (blind). This was proven to be factually true in the case study by The University of Melbourne in March. White Hat Hackers purposely altered votes by knowing the parameters set in the commitments and there was no way to prove they did it – or any way to prove they didn't.
63. IT'S THE PERFECT THREE CARD MONTY. That's just how perfect it is. They fake a proof of ciphertexts with KNOWN "RANDOMNESS". This rolls back to the integrity of the VOTE. The vote is not safe using these machines not only because of the method used for ballot "cleansing" to maintain anonymity but the EXPOSURE to foreign interference and possible domestic bad actors.
64. In many circumstances, manipulation of the algorithm is NOT possible in an undetectable fashion. This is because it is one point heavy. Observing the elections in 2020 confirm the deployment of an algorithm due to the BEHAVIOR which is indicative of an algorithm in play that had no pivoting parameters applied.
65. The behavior of the algorithm is that one point (B) is the greatest point within the allocated set. It is the greatest number within the A B points given. Point A would be the smallest. Any points outside the A B points are not necessarily factored in yet can still be applied.
66. The points outside the parameters can be utilized to a certain degree such as in block allocation.
67. The algorithm geographically changed the parameters of the algorithm to force blue votes and ostracize red.
68. Post block allocation of votes the two points of the algorithm were narrowed ensuring a BIDEN win hence the observation of NO Trump Votes and some BIDEN votes for a period of time.

ARIZONA "FIXING" THE VOTE

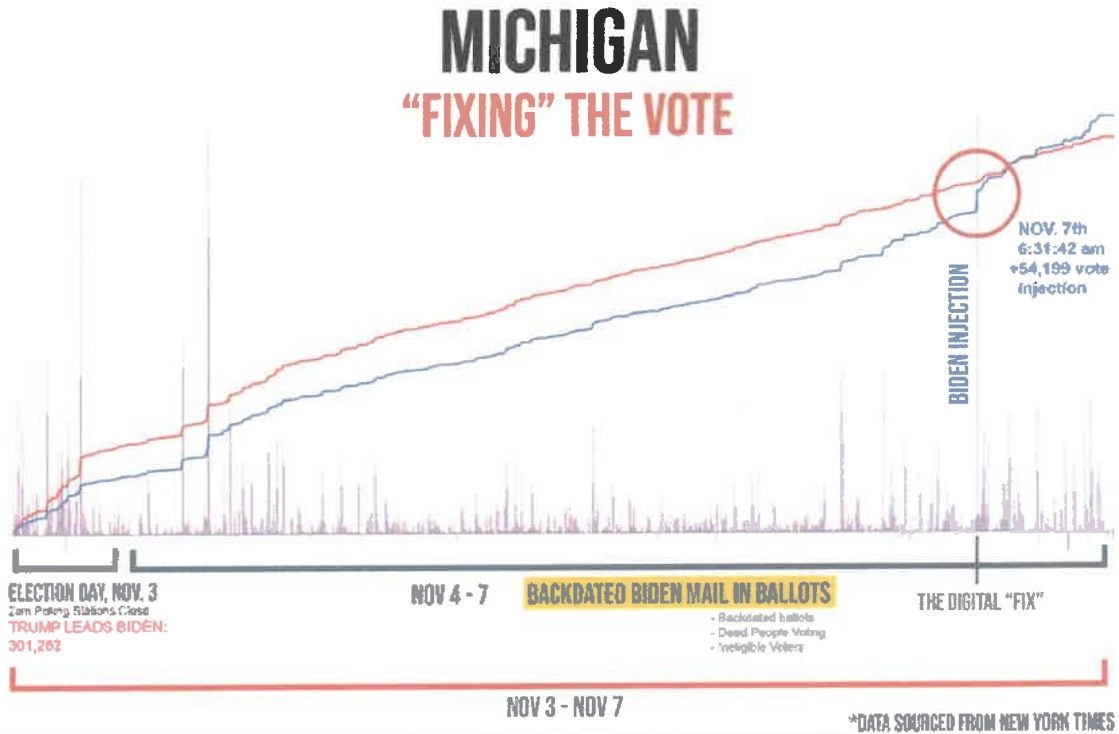


SUMMARY

- Mathematical evidence of the seeding "injection" of votes at the beginning
- A spike means that a large number of votes were injected into the totals
- A normal vote pattern would look like a natural progression – smooth without extreme jumps

69.

70. Gaussian Elimination without pivoting explains how the algorithm would behave and the election results and data from Michigan confirm FAILURE of algorithm.



SUMMARY

- Trump wins on election night / Polling locations in Detroit shut down at 2am
- Ballot counters told to go home / Voting station windows covered
- Dominion Exec shows up in Detroit polling station after midnight
- Trump's election night lead disappears / Biden "INJECTION" appears

71. The "Digital Fix" observed with an increased spike in VOTES for Joe Biden can be determined as evidence of a pivot. Normally it would be assumed that the algorithm had a Complete Pivot. Wilkinson's demonstrated the guarantee as :

$$\frac{\|U\|_{\infty}}{\|A\|_{\infty}} \leq n^{\frac{1}{2} \log(n)}$$

72.

73. Such a conjecture allows the growth factor the ability to be upper bound by values closer to n. Therefore, complete pivoting can't be observed because there would be too many floating points. Nor can partial as the partial pivoting would overwhelm after the "injection" of votes. Therefore, external factors were used which is evident from the "DIGITAL FIX"

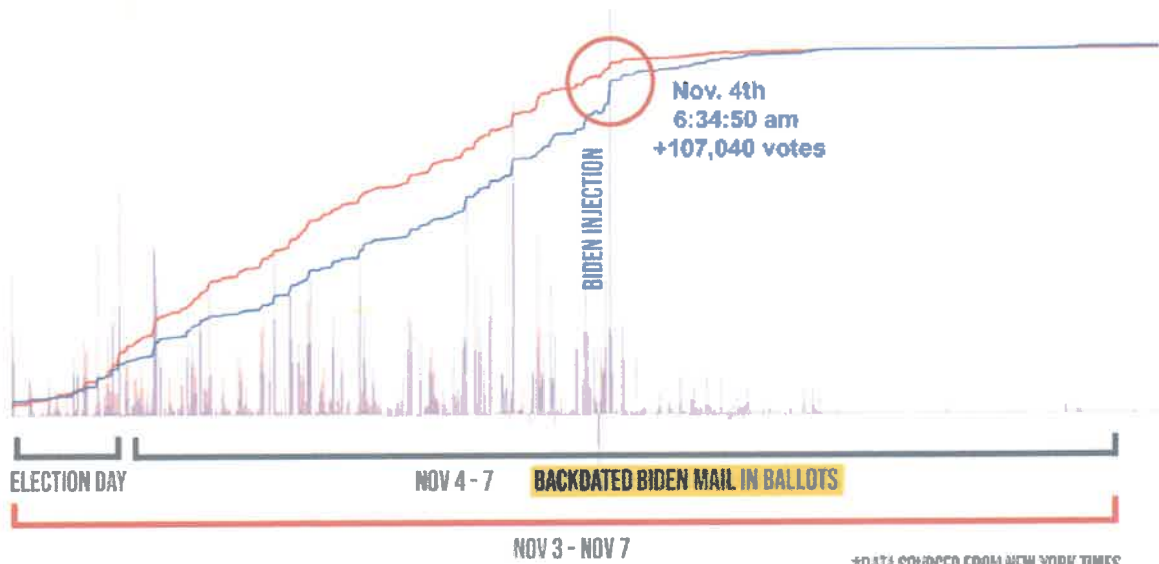
74. Observing the elections, after a review of Michigan's data a spike of 54,199 votes to Biden. Because it is pushing and pulling and keeping a short distance between the 2 candidates; but then a spike, which is how an algorithm presents; - and this spike means there was a pause and an insert was made, where they insert an algorithm. Block spikes in votes for JOE BIDEN were NOT paper

74

ballots being fed or THUMB DRIVES. The algorithm block adjusted itself and the PEOPLE were creating the evidence to BACK UP the block allocation.

75. I have witnessed the same behavior of the election software in countries outside of the United States and within the United States. In -----, the elections conducted behaved in the same manner by allocating BLOCK votes to the candidate "chosen" to win.
76. Observing the data of the contested states (and others) the algorithm deployed is identical to that which was deployed in 2012 providing Barack Hussein Obama a block allocation to win the 2012 Presidential Elections.
77. The algorithm looks to have been set to give Joe Biden a 52% win even with an initial 50K+ vote block allocation was provided initially as tallying began (as in case of Arizona too). In the am of November 4, 2020 the algorithm stopped working, therefore another "block allocation" to remedy the failure of the algorithm. This was done manually as ALL the SYSTEMS shut down NATIONWIDE to avoid detection.

GEORGIA "FIXING" THE VOTE



SUMMARY

- The spike on the morning of Nov. 4 resulted in a net increase of 107,040 to Biden's total
- A spike means that a large number of votes were injected into the totals
- A normal vote pattern would look like a natural progression – smooth without

78.

79. In Georgia during the 2016 Presidential Elections a failed attempt to deploy the scripts to block allocate votes from a centralized location where the "trap-door" key lay an attempt by someone using

4200	Registered	Regular	Brown County	11/01/2020	Online
4201	Registered	Regular	Brown County	11/01/2020	Online
4202	Registered	Regular	Brown County	11/01/2020	Online
4203	Registered	Regular	Brown County	11/01/2020	Online
4204	Registered	Regular	Brown County	11/01/2020	Online
4205	Registered	Regular	Brown County	11/01/2020	Online
4206	Registered	Regular	Brown County	11/01/2020	Online
4207	Registered	Regular	Brown County	11/01/2020	Online
4208	Registered	Regular	Brown County	11/01/2020	Online
4209	Registered	Regular	Brown County	11/01/2020	Online
4210	Registered	Regular	Brown County	11/01/2020	Online
4211	Registered	Regular	Brown County	11/01/2020	Online
4212	Registered	Regular	Brown County	11/01/2020	Online
4213	Registered	Regular	Brown County	11/01/2020	Online
4214	Registered	Regular	Brown County	11/01/2020	Online
4215	Registered	Regular	Brown County	11/01/2020	Online
4216	Registered	Regular	Brown County	11/01/2020	Online
4217	Registered	Regular	Brown County	11/01/2020	Online
4218	Registered	Regular	Brown County	11/01/2020	Online
4219	Registered	Regular	Brown County	11/01/2020	Online
4220	Registered	Regular	Brown County	11/01/2020	Online
4221	Registered	Regular	Brown County	11/01/2020	Online
4222	Registered	Regular	Brown County	11/01/2020	Online
4223	Registered	Regular	Brown County	11/01/2020	Online
4224	Registered	Regular	Brown County	11/01/2020	Online
4225	Registered	Regular	Brown County	11/01/2020	Online
4226	Registered	Regular	Brown County	11/01/2020	Online
4227	Registered	Regular	Brown County	11/01/2020	Online
4228	Registered	Regular	Brown County	11/01/2020	Online
4229	Registered	Regular	Brown County	11/01/2020	Online
4230	Registered	Regular	Brown County	11/01/2020	Online
4231	Registered	Regular	Brown County	11/01/2020	Online
4232	Registered	Regular	Brown County	11/01/2020	Online
4233	Registered	Regular	Brown County	11/01/2020	Online
4234	Registered	Regular	Brown County	11/01/2020	Online
4235	Registered	Regular	Brown County	11/01/2020	Online
4236	Registered	Regular	Brown County	11/01/2020	Online
4237	Registered	Regular	Brown County	11/01/2020	Online
4238	Registered	Regular	Brown County	11/01/2020	Online
4239	Registered	Regular	Brown County	11/01/2020	Online
4240	Registered	Regular	Brown County	11/01/2020	Online
4241	Registered	Regular	Brown County	11/01/2020	Online
4242	Registered	Regular	Brown County	11/01/2020	Online
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4249	Registered	Regular	Brown County	11/01/2020	Online
4250	Registered	Regular	Brown County	11/01/2020	Online
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4257	Registered	Regular	Brown County	11/01/2020	Online
4258	Registered	Regular	Brown County	11/01/2020	Online
4259	Registered	Regular	Brown County	11/01/2020	Online
4260	Registered	Regular	Brown County	11/01/2020	Online
4261	Registered	Regular	Brown County	11/01/2020	Online
4262	Registered	Regular	Brown County	11/01/2020	Online
4263	Registered	Regular	Brown County	11/01/2020	Online
4264	Registered	Regular	Brown County	11/01/2020	Online
4265	Registered	Regular	Brown County	11/01/2020	Online
4266	Registered	Regular	Brown County	11/01/2020	Online
4267	Registered	Regular	Brown County	11/01/2020	Online
4268	Registered	Regular	Brown County	11/01/2020	Online
4269	Registered	Regular	Brown County	11/01/2020	Online
4270	Registered	Regular	Brown County	11/01/2020	Online
4271	Registered	Regular	Brown County	11/01/2020	Online
4272	Registered	Regular	Brown County	11/01/2020	Online
4273	Registered	Regular	Brown County	11/01/2020	Online
4274	Registered	Regular	Brown County	11/01/2020	Online
4275	Registered	Regular	Brown County	11/01/2020	Online
4276	Registered	Regular	Brown County	11/01/2020	Online
4277	Registered	Regular	Brown County	11/01/2020	Online
4278	Registered	Regular	Brown County	11/01/2020	Online
4279	Registered	Regular	Brown County	11/01/2020	Online
4280	Registered	Regular	Brown County	11/01/2020	Online
4281	Registered	Regular	Brown County	11/01/2020	Online
4282	Registered	Regular	Brown County	11/01/2020	Online
4283	Registered	Regular	Brown County	11/01/2020	Online
4284	Registered	Regular	Brown County	11/01/2020	Online
4285	Registered	Regular	Brown County	11/01/2020	Online
4286	Registered	Regular	Brown County	11/01/2020	Online
4287	Registered	Regular	Brown County	11/01/2020	Online
4288	Registered	Regular	Brown County	11/01/2020	Online
4289	Registered	Regular	Brown County	11/01/2020	Online
4290	Registered	Regular	Brown County	11/01/2020	Online
4291	Registered	Regular	Brown County	11/01/2020	Online
4292	Registered	Regular	Brown County	11/01/2020	Online
4293	Registered	Regular	Brown County	11/01/2020	Online
4294	Registered	Regular	Brown County	11/01/2020	Online
4295	Registered	Regular	Brown County	11/01/2020	Online
4296	Registered	Regular	Brown County	11/01/2020	Online
4297	Registered	Regular	Brown County	11/01/2020	Online
4298	Registered	Regular	Brown County	11/01/2020	Online
4299	Registered	Regular	Brown County	11/01/2020	Online
4300	Registered	Regular	Brown County	11/01/2020	Online

- 84.
85. I can personally attest that in 2013 discussions by the Obama / Biden administration were being had with various agencies in the deployment of such election software to be deployed in ---- in 2013.
86. On or about April 2013 a one year plan was set to fund and usher elections in ----.
87. Joe Biden was designated by Barack Hussein Obama to ensure the ---- accepted assistance.
88. John Owen Brennan and James (Jim) Clapper were responsible for the ushering of the intelligence surrounding the elections in ----.
89. Under the guise of Crisis support the US Federal Tax Payers funded the deployment of the election software and machines in ---- signing on with Scytl.

The White House

Office of the Press Secretary

For Immediate Release

April 21, 2014

SHARE THIS:



FACT SHEET: U.S. Crisis Support Package for Ukraine

President Obama and Vice President Biden have made U.S. support for Ukraine an urgent priority as the Ukrainian government works to establish security and stability, pursue democratic elections and constitutional reform, revive its economy, and ensure government institutions are transparent and accountable to the Ukrainian people. Ukraine embarks on this reform path in the face of severe challenges to its sovereignty and territorial integrity, which we are working to address together with Ukraine and our partners in the international community. The United States is committed to ensuring that Ukrainians alone are able to determine their country's future without intimidation or coercion from outside forces. To support Ukraine, we are today announcing a new package of assistance totaling \$50 million to help Ukraine pursue political and economic reform and strengthen the partnership between the United States and Ukraine.

90.

91. Right before the ---- elections it was alleged that CyberBerkut a pro-Russia group infiltrated --- central election computers and deleted key files. These actions supposedly rendered the vote-tallying system inoperable.
92. In fact, the KEY FILES were the Commitment keys to allow Scytl to tally the votes rather than the election machines. The group had disclosed emails and other documents proving that their election was rigged and that they tried to avoid a fixed election.
93. The elections were held on May 25, 2014 but in the early AM hours the election results were BLOCKED and the final tally was DELAYED flipping the election in favor of ----.
94. The claim was that there was a DDoS attack by Russians when in actual fact it was a mitigation of the algorithm to inject block votes as we observed was done for Joe Biden because the KEYS were unable to be deployed. In the case of ----, the trap-door key was "altered"/deleted/ rendered ineffective. In the case of the US elections, representatives of Dominion/ ES&S/ Smartmatic/ Hart Intercivic would have to manually deploy them since if the entry points into the systems seemed to have failed.
95. The vote tallying of all states NATIONWIDE stalled and hung for days – as in the case of Alaska that has about 300K registered voters but was stuck at 56% reporting for almost a week.
96. This "hanging" indicates a failed deployment of the scripts to block allocate remotely from one location as observed in ---- on May 26, 2014.
97. This would justify the presence of the election machine software representatives making physical appearances in the states where the election results are currently being contested.
98. A Dominion Executive appeared at the polling center in Detroit after midnight.
99. Considering that the hardware of the machines has NOT been examined in Michigan since 2017 by Pro V& V according to Michigan's own reporting. COTS are an avenue that hackers and bad actors seek to penetrate in order to control operations. Their software updates are the reason vulnerabilities to foreign interference in all operations exist.
100. The importance of VSTLs is underrated to protect up from foreign interference by way of open access via COTS software. Pro V& V who's EAC certification EXPIRED on 24 FEB 2017 was contracted with the state of WISCONSIN.
101. In the United States each state is tasked to conduct and IV& V (Independent Verification and Validation) to provide assurance of the integrity of the votes.
102. If the "accredited" non-federal entities have NOT received EAC accreditation this is a failure of the states to uphold their own states standards that are federally regulated.
103. In addition, if the entities had NIST certificates they are NOT sufficing according the HAVA ACT 2002 as the role of NIST is clear.
104. Curiously, both companies PRO V&V and SLI GAMING received NIST certifications OUTSIDE the 24 month scope.

105. PRO V& V received a NIST certification on 26MAR2020 for ONE YEAR. Normally the NIST certification is good for two years to align with that of EAC certification that is good for two years.



106.

107. The last PRO V& V EAC accreditation certificate (Item 8) of this declaration expired in February 2017 which means that the IV & V conducted by Michigan claiming that they were accredited is false.
108. The significance of VSTLs being accredited and examining the HARDWARE is key. COTS software updates are the avenues of entry.
109. As per DOMINION'S own petition, the modems they use are COTS therefore failure to have an accredited VSTL examine the hardware for points of entry by their software is key.

*Compact Flash Cards	<u>***SanDisk Ultra:</u> SDCFHS-004G SDCFHS-008G <u>RiData:</u> CFC-14A RDF8G-233XMCB2-1 RDF16G-233XMCB2-1 RDF32G-233XMCB2-1 <u>SanDisk Extreme:</u> SDCFX-016G SDCFX-032G <u>SanDisk:</u> SDFAA-008G		Memory device for ICP and ICE tabulators.
*Modems	Verizon USB Modem Pantech UMW190NCD USB Modem MultiTech MT9234MU CellGo Cellular Modem E-Device 3GPUSUS AT&T USB Modem MultiTech GSM MTD- H5 Fax Modem US Robotics 56K V.92.		Analog and wireless modems for transmitting unofficial election night results.

110.

111. For example and update of Verizon USB Modem Pantech undergoes multiple software updates a year for it's hardware. That is most likely the point of entry into the systems.

112. During the 2014 elections in ---- it was the modems that gave access to the systems where the commitment keys were deleted.

113. SLI Gaming is the other VSTL "accredited" by the EAC BUT there is no record of their accreditation. In fact, SLI was NIST ISO Certified 27 days before the election which means that PA IV&V was conducted without NIST cert for SLI being valid.



- 114.
115. In fact SLI was NIST ISO Certified for less than 90 days.
116. I can personally attest that high-level officials of the Obama/Biden administration and large private contracting firms met with a software company called GEMS which is ultimately the software ALL election machines run now running under the flag of DOMINION.
117. GEMS was manifested from SOE software purchased by SCYTL developers and US Federally Funded persons to develop it.
118. The only way GEMS can be deployed across ALL machines is IF all counties across the nation are housed under the same server networks.
119. GEMS was tasked in 2009 to a contractor in Tampa, FL.
120. GEMS was also fine-tuned in Latvia, Belarus, Serbia and Spain to be localized for EU deployment as observed during the Swissport election debacle.
121. John McCain's campaign assisted in FUNDING the development of GEMS web monitoring via WEB Services with 3EDC and Dynology.

**SCHEDULE B-P
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER: (check only one) PAGE 7358 / 8596

23 24 25 26 27a
 27b 28a 28b 28c 29

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)
JOHN MCCAIN 2008, INC.

Full Name (Last, First, Middle Initial) A. 3EDC LLC		Date of Disbursement 03 17 2008
Mailing Address 211 NORTH UNION ST STE 200		Transaction ID : SB23.10515
City ALEXANDRIA	State VA	Zip Code 22314
Purpose of Disbursement WEB SERVICE	Amount of Each Disbursement this Period 399916.09	
Candidate Name	Category/ Type	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: 2008 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		
Full Name (Last, First, Middle Initial) B. A FARE EXTRAORDINAIRE		Date of Disbursement 03 17 2008
Mailing Address 2035 MARSHALL		Transaction ID : SB23.10049
City HOUSTON	State TX	Zip Code 77098
Purpose of Disbursement FACILITY RENTAL/CATERING	Amount of Each Disbursement this Period 23687.69	
Candidate Name	Category/ Type	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: 2008 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		
Full Name (Last, First, Middle Initial) C. ADMINISTAFF		Date of Disbursement 03 05 2008
Mailing Address PO BOX 203332		Transaction ID : SB23.10117
City HOUSTON	State TX	Zip Code 77216
Purpose of Disbursement INSURANCE	Amount of Each Disbursement this Period 483.68	
Candidate Name	Category/ Type	
Office Sought: <input type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President	Disbursement For: 2008 <input checked="" type="checkbox"/> Primary <input type="checkbox"/> General <input type="checkbox"/> Other (specify) ▼	
State: District:		
Subtotal Of Receipts This Page (optional)		424097.46
Total This Period (last page this line number only)		

122.

123.

124. AKAMAI Technologies services SCYTL.

125. AKAMAI Technologies Houses ALL foreign government sites. (Please see White Paper by Akamai.)

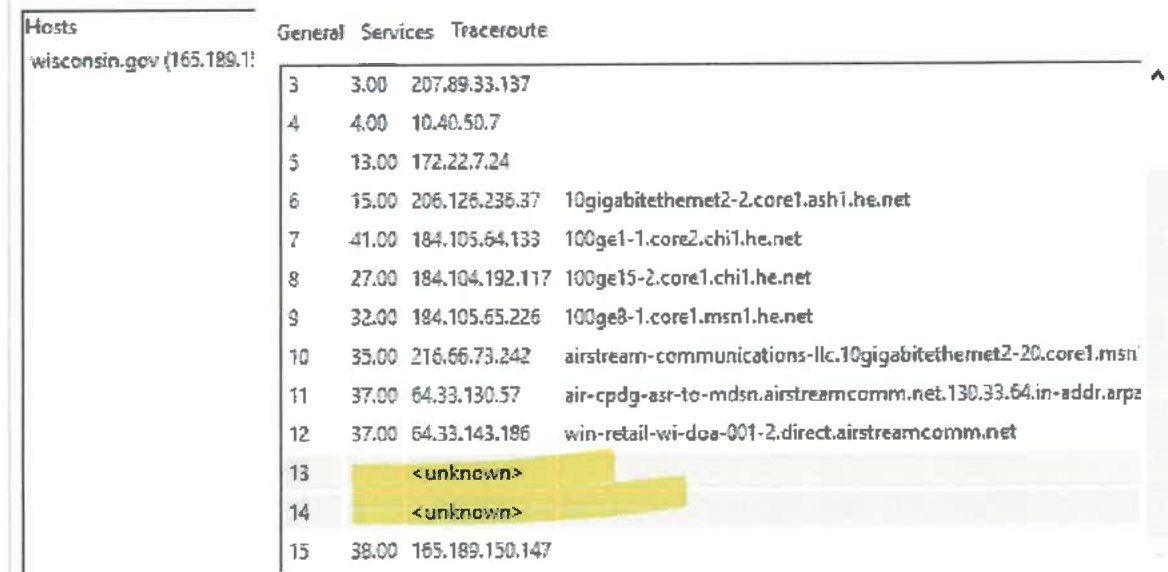
126. AKAMAI Technologies houses ALL .gov state sites. (ref Item 123 Wisconsin.gov Example)



127.

128. Wisconsin has EDGE GATEWAY port which is AKAMAI TECHNOLOGIES based out of GERMANY.

129. Using AKAMAI Technologies is allowing .gov sites to obfuscate and mask their systems by way of HURRICANE ELECTRIC (he.net) Kicking it to anonymous (AKAMAI Technologies) offshore servers.



130.

131. AKAMAI Technologies has locations around the world.

132. AKAMAI Technologies has locations in China (ref item 22)

133. AKAMAI Technologies has locations in Iran as of 2019.

134. AKAMAI Technologies merged with UNICOM (CHINESE TELECOMM) in 2018.

135. AKAMAI Technologies house all state .gov information in GERMANY via TELIA AB.

136. In my professional opinion, this affidavit presents unambiguous evidence:
137. That there was Foreign interference, complicit behavior by the previous administrations from 1999 up until today to hinder the voice of the people and US persons knowingly and willingly colluding with foreign powers to steer our 2020 elections that can be named in a classified setting.
138. Foreign interference is present in the 2020 election in various means namely,
139. Foreign nationals assisted in the creation of GEMS (Dominion Software Foundation)
140. Akamai Technologies merged with a Chinese company that makes the COTS components of the election machines providing access to our electronic voting machines.
141. Foreign investments and interests in the creation of the GEMS software.
142. US persons holding an office and private individuals knowingly and willingly oversaw fail safes to secure our elections.
143. The EAC failed to abide by standards set in HAVA ACT 2002.
144. The IG of the EAC failed to address complaints since their appointment regarding vote integrity
145. Christy McCormick of the EAC failed to ensure that EAC conducted their duties as set forth by HAVA ACT 2002
146. Both Patricia Layfield (IG of EAC) and Christy McCormick (Chairwoman of EAC) were appointed by Barack Hussein Obama and have maintained their positions since then.
147. The EAC failed to have a quorum for over a calendar year leading to the inability to meet the standards of the EAC.
148. AKAMAI Technologies and Hurricane Electric raise serious concerns for NATSEC due to their ties with foreign hostile nations.
149. For all the reasons above a complete failure of duty to provide safe and just elections are observed.
150. For the people of the United States to have confidence in their elections our cybersecurity standards should not be in the hands of foreign nations.
151. Those responsible within the Intelligence Community directly and indirectly by way of procurement of services should be held accountable for assisting in the development, implementation and promotion of GEMS.
152. GEMS ----- General Hayden.
153. In my opinion and from the data and events I have observed ----- with the assistance of SHADOWNET under the guise of L3-Communications which is MPRI. This is also confirmed by [us.army.mil](https://www.us.army.mil) making the statement that shadownet has been deployed to 30 states which all

happen to be using Dominion Machines.

FAIRFAX, Va. – The Virginia National Guard's Bowling Green-based 91st Cyber Brigade completed the nationwide rollout of its ShadowNet enterprise solution July 19, 2019, with the integration of the 125th Cyber Protection Battalion into the solution's virtual private network. ShadowNet is a custom-built private cloud-based out of the brigade's data center in Fairfax, Virginia, that uses VPN connectivity to provide its aligned units with 24-hour, seven-days-a-week remote access to critical cyber training at both the collective and individual levels. The brigade successfully integrated its three other cyber protection battalions - the 123rd, 124th, and 126th Cyber Protection Battalions - into the ShadowNet platform last January.

"I'm extremely proud to announce that the Soldiers of the 91st Cyber Brigade have completed the construction and rollout of ShadowNet, a world-class enterprise solution designed to propel operational innovation in the field of cyber training," said Col. Adam C. Volant, commander of the 91st Cyber Brigade. "ShadowNet will allow us to leverage the expertise of cyber professionals across our four cyber protection battalions to build Soldier-centric programs and collective training environments that deliver breakthroughs in exercise complexity and task efficiency. Its robust

OCTOBER 26, 2020
U.S. Army STAND-TO! | Army Readiness Training

SEPTEMBER 12, 2019
September 2017 Nominative Sergeants Major Assignments

SEPTEMBER 12, 2019
DA ANNOUNCES ROTATIONAL DEPLOYMENTS

154. Based on my research of voter data – it appears that there are approximately 23,000 residents of a Department of Corrections Prison with requests for absentee ballot in Wisconsin. We are currently reviewing and verifying the data and will supplement.

	23230	Garcia	Wally	Jane	(202)994-9050	
23231	23231	Hansen	Luann	M	(262)994-9050	
23232	23232	Neberman	John	C	(262)994-9050	
23233	23233	Reynolds	Devi	J	(262)994-9050	
23234	23234	Rieckhoff	Kathryn	Susan	(262)994-9050	
23235	23235	Edwards	Mark	Landon	(262)994-9050	
23236	23236	Pfeiffer	Joseph	Patrick	(262)994-9050	
23237	23237	Hines	Dianna	K	(262)994-9050	
23238	23238	Beachem	Janice	F	(262)994-9050	
23239	23239	Blackstone	Thomas	Wayne	(262)994-9050	
23240	23240	Braun	Patricia	Ann	(262)994-9050	
23241	23241	Smith	Raymond	L	(262)994-9050	
23242	23242	Meyer	Steven	R	(262)994-9050	
23243	23243	Vincent	Herbert		(262)994-9050	
23244	23244	Guajardo	Juan	P	(262)994-9050	
23245	23245	Wallace	Kirk	R	(262)994-9050	
23246	23246	Kaplan	Bernard	L	(262)994-9050	
23247	23247	Bahrs	Michelle	M	(262)994-9050	
23248	23248	Shattuck	Elizabeth	L	(262)994-9050	
23249	23249	Munoz	Rosalio	S	JR (262)994-9050	
23250	23250	Strunk	Amy	C	(262)994-9050	
23251	23251	Schendel	Michael	P	JR (262)994-9050	
23252	23252	Mack	Kimberly	N	(262)994-9050	
23253	23253	Spikes	Debra	A	(262)994-9050	
23254	23254	Busarow	Suzanne	M	(262)994-9050	
23255	23255	Oliver	Timmy		(262)994-9050	
23256	23256	Wember	Jimmy	Dean	(262)994-9050	
23257	23257	Kosterman	Michael	Richard	(262)994-9050	
23258	23258	Szaradowski	Paul	M	(262)994-9050	
23259	23259	Oliver	Dale		(262)994-9050	
23260	23260	Derango	Nancy		(262)994-9050	
23261	23261	Smith	Arthur	J	(262)994-9050	SMITH24.3059@YAHOO
23262	23262	Brown	Michael	Edward	(262)994-9050	

155.

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge.
Executed this November 29th, 2020.

A large black rectangular redaction box covering the signature area.A smaller black rectangular redaction box covering the name of the declarant.

Exhibit E

DECLARATION OF **TAMBORINE BORRELLI**

Exhibit 4

Julie Wise

Date 05/18/2023

Buell Realtime Reporting

DECLARATION OF TAMBORINE BORRELLI

I, Tamborine Borrelli, do hereby declare:

1. I am the Director of Washington Election Integrity Coalition United (“WEiCU”) and am fully familiar with all facts declared herein.

2. WEiCU is a Washington State non-profit corporation dedicated to the public interest of transparent, secure and verified elections.

3. Defendants have a mandatory duty under state law to conduct proper and legal elections for Lincoln County.

4. As further discussed herein, WEiCU has evidence in the form of thousands of screen shots of official electronic tallies recorded and electronically reported and captured in real time that exactly 6,614 votes were flipped, over 37,000 votes were ‘moved around’ on ten separate events, and/or thousands of votes were removed in one or more state-wide races before, during, and/or after the Election.

5. During the course of the 2020 Election, the Lincoln County Auditor’s office experienced a ransomware attack that blocked access to County computers and election systems which continued to be shut down through the certification of the election results. Despite these events, Auditor’s predecessor personally certified electronically generated tabulation results for the 2020 Election.

6. In 2020, WEiCU volunteers collected thousands of National Election Pool (“NEP”) and Secretary of State website screenshots during the weeks of the 2020 Election from election day through certification (“Volunteer Collection”). Upon analysis, the data establishes inconsistent additions and deletions over time based on incontrovertible third party evidence. We believe these inconsistencies could be a result of the ransomware attack and can only be verified

4

by conducting a more comprehensive analyses as to what extent the security breach affected the election totals.

7. The National Election Pool (“NEP”) provides media organizations with real time voting results in all 50 states for state-wide races, ballot initiatives and house races:

Election Night Reporting – NYT/Edison Election Data that feeds the National Election Pool (NEP)



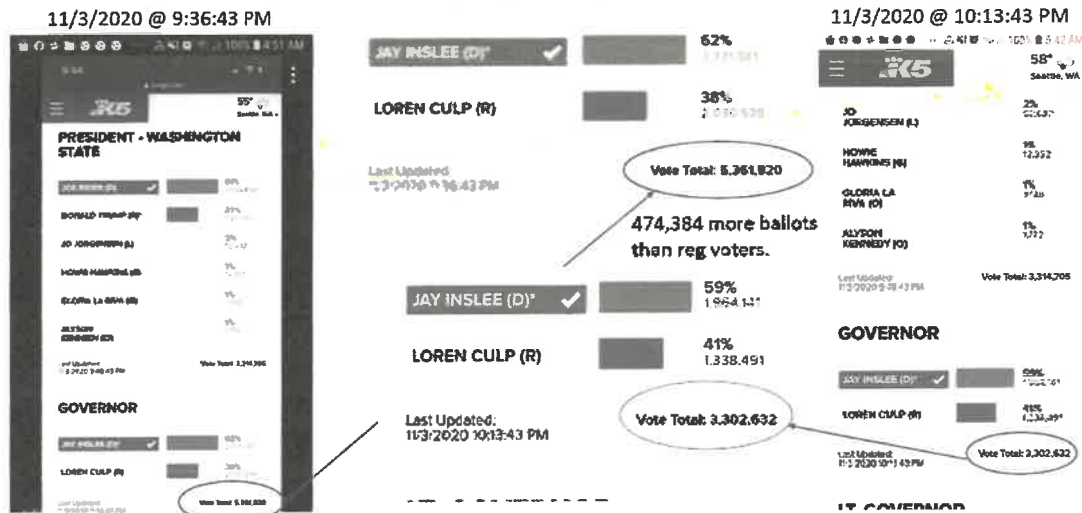
The screenshot shows the Edison Research website. The top navigation bar includes links for 'About Us', 'The Infected Ballot', 'Share of Ear®', 'Other Studies', and 'Contact Us'. The main content area is titled 'Vote Count' and contains the following text: 'The NEP provides media organizations with real-time vote results in all 50 states for statewide races, ballot initiatives and House races. The NEP vote count from Edison Research is the only service continuously updated after Election Day. We track every vote until results are certified by all states. Vote count data is available for statewide results, vote by Congressional District, county vote data breakdowns for statewide races, and all U.S. House races.' Below this text is a sub-heading 'The fastest and most complete vote results' and a smaller line of text: 'Multiple sources allow Edison Research to provide faster reporting of vote data than any other organization.' To the right of the text is an image of a television screen displaying election results for 'BATTLE FOR CONTROL' with numbers 214, 197, 44, and 51, and logos for 'DEMOCRATS' and 'REPS ON'.

The NEP vote count from Edison Research is the only service continuously updated after election day. They track every vote until results are certified by all states. Multiple sources allow Edison Research to provide faster reporting of vote data than any other organization.

8. Based on NEP election data for the Federal Election analyzed by WEiCU, a total of ten (10) vote-flipping events were documented in the Presidential race, alone, that transferred a total of 37,039 votes (votes moved around in a manner akin to a shell game to fill in where needed).



according to King 5 News feed (based on County data) was 5,361,920. However, the total number of registered voters in Washington State at that time was 4,887,536, meaning the official results feed for the Governor's race showed 474,384 more ballots cast than registered voters in the entire state. To add insult to injury, forty-five minutes later, at 10:13:43 in the evening, the total ballots cast in the Governor's race fell by a whopping 2,059,288 votes cast, to 3,302,632:



I declare under penalty of perjury that the foregoing is true and correct.

Dated: March 24, 2022

DocuSigned by:

Tamborine Borrelli

FB56E67015384E3...

Tamborine Borrelli, Director
WASHINGTON ELECTION INTEGRITY
COALITION UNITED

Exhibit F

City	State	ZIP	Country	Split	Precinct	ReturnMethod	ReturnLocation	BatchSent	BatchReturned	Party
KENNEWICK	WA	99336	USA	5608.1	5608	Mail			Tray34	REP
SAN DIEGO	CA	92124	USA	5627.1	5627	Mail		5003	Tray12	DEM
KENNEWICK	WA	99336	USA	2600.1	W2 - P600	Mail			No Party Selected 2020-03-02	REP
PASCO	WA	99301	USA	1690.1	W1 - P690	Mail		5003	Tray34	REP
EGLIN AFB	FL	32542	USA	5606.2	5606	Mail		5003	Tray12	DEM
RICHLAND	WA	99352	USA	6285.1	6285	Drop Box	Kennewick Auditor's Annex	5003	Tray358	REP
KENNEWICK	WA	99336	USA	1650.1	W1 - P650	Mail		5003	Tray444	DEM
KENNEWICK	WA	99337	USA	2595.1	W2 - P595	Drop Box	Kennewick City Hall	5003	Tray410	REP
KENNEWICK	WA	99336	USA	2560.1	W2 - P560	Mail		5003	Tray278	DEM

Exhibit G

**King County Canvassing Board
Election Summary Report
November 3, 2020 General Election**

Election Summary

Active Registered Voters	1,420,898	As of November 23, 2020
Issued	1,517,933	All issued ballots, including re-issues
Total Ballots Returned	1,231,504	All returned ballots, including mail, provisional, and protected records
Ballots returned via USPS	307,937	Ballots returned using USPS
Ballots returned via Drop Box	909,987	Ballots returned using a drop box
Ballots returned via Email / Fax	13,580	Ballots returned by military and overseas voters using email or fax
Verified	1,220,186	Signature is verified and ballot is on time
Opened	1,220,062	Verified ballots minus empty envelopes and Canvass Board rejects
Tabulated	1,220,062	All ballots cast

Statistical Percentages

Percentage of Ballots Returned where Ballot was Tabulated	99.07%	Tabulated / Returned
Percentage of Ballots Received Too Late	0.06%	Returned too late / Returned
Percentage of Ballots Received As Undeliverable	1.37%	Ballots Returned As Undeliverable / Total Mail Ballots Returned

Election Details

Line Item	Description	Sub-Totals	Totals	Comment
Ballots Issued (Total Mail + Total Provisional)			1,517,933	
1	Total Number of Mail Ballots Issued		1,517,859	Sum of line 1.1 and 1.2
1.1	Number of mail ballots issued through VoteWA system	1,517,436		Reported from VoteWA. Includes reissues. All ballots excluding provisionals
1.2	Number of mail ballots issued outside of VoteWA system	423		Confidential ballots
2	Total Number of Provisional Ballots Issued		74	Sum of lines 2.1 and 2.2
2.1	Number of Provisional ballots issued by King County	73		Includes OBMP ballots.
2.2	Number of Provisional ballots issued by other counties	1		

**King County Canvassing Board
Election Summary Report
November 3, 2020 General Election**

Line Item	Description	Sub-Totals	Totals	Comment
Ballots Returned (Total mail + Total Provisional)				
3	Total Number of Mail Ballot Envelopes Returned		1,231,504	Sum of line 3.1 and 3.2
3.1	Number of mail ballot envelopes returned and reported in VoteWA	1,231,064		All mail ballots excluding undeliverables and confidentials
3.2	Number of mail ballots envelopes returned and not reported in VoteWA	366		Manually tracked (includes confidential, Federal Write-ins, and ballots with no voter info)
4	Total Number of Provisional Ballots Returned		74	Reported from VoteWA
5	Total Number of Ballots Returned As Undeliverable		16,917	Not included in returns counts. For information purposes only.
Ballots Verified (Total Mail + Total Provisional)				
Ballots Challenged and Cancelled (Total Mail + Total Provisional)				
6	Total Number Mail Ballot Envelopes Verified and Accepted		1,220,170	Sum of line 6.1 and 6.2.
6.1	Number of Mail Ballots Verified and Accepted in VoteWA	1,219,808		Reported from VoteWA
6.2	Number of Mail Ballots Verified and Accepted but not in VoteWA	362		Manually tracked (includes Confidential/Federal Write-ins)
7	Total Number of Mail Ballot Envelopes Challenged		11260	Total of VoteWA challenges and non VoteWA system rejects
7.1	Deceased - administrative	0		Ballots accounted for in VoteWA.
7.2	ID Required - administrative	129		" "
7.3	Marked Moved - administrative	0		" "
7.4	Miscellaneous Rejects - administrative	0		" "
7.5	No Signature on File - administrative	70		" "
7.6	Non-VoteWA System Rejects - administrative	4		Includes confidentials
7.7	Other than voter - administrative	0		Ballots accounted for in VoteWA.
7.8	Power of Attorney - signature	0		" "
7.9	Signature Does Not Match - signature	8000		" "

**King County Canvassing Board
Election Summary Report
November 3, 2020 General Election**

Line Item	Description	Sub-Totals	Totals	Comment
7.10	Too Late	707		"
7.11	Unsigned - signature	2293		"
7.12	Voter Name Change - signature	2		"
7.13	Witness Signature Missing - signature	55		"
8	Total Number of Provisional Ballots Verified and Accepted		16	
9	Total Number of Provisional Ballots Challenged	58		

Ballots Opened and Sent to Tabulation (Total Mail +Total Provisional) 1,220,062				
10	Total Mail Ballots Opened and Sent to Tabulation		1,220,046	Line 6 (VoteWA) minus (Lines 10.1 + 10.2 + 10.3)
10.1	Mail Ballot Empty Envelopes	67		Tracked in Opening
10.2	Alt Format Empty Envelopes	38		Tracked in Ballot Review
10.3	Ballots Rejected (credit not removed in VoteWA)	19		Accounted for in Canvassing Board Records. Tracked in Ballot Review
11	Total Provisional Ballots Opened and Sent to Tabulation		16	Line 8 (VoteWA) minus (Lines 11.1 + 11.2)
11.1	Provisional Ballot Empty Envelopes	0		Tracked in Ballot Review
11.2	Provisional Ballots Rejected by Canvassing Board (credit not removed in VoteWA)	0		Accounted for in Canvassing Board Records. Tracked in Ballot Review

King County Canvassing Board
 Election Summary Report
 November 3, 2020 General Election

Line Item	Description	Sub-Totals	Totals	Comment
Ballots Tabulated (Total Mail +Total Provisional)				
12	Total Number of Ballots Tabulated		1,220,062	Reported From Clear Count
12.1	Mail Ballots Tabulated	1,220,046		
12.2	Provisional Ballots Tabulated	16		

Key

- Confidential:** Address Confidentiality Program
- Challenged:** Ballots that are not processed due to a variety of voter related issues / actions
- VoteWA:** King County's election management / voter registration database
- Clear Count:** King County's vote tabulation system
- OBMP:** Online Ballot Marking Program

Exhibit H

DEFINITIONS

A. "YOU" and "YOUR" shall mean Defendant King County.

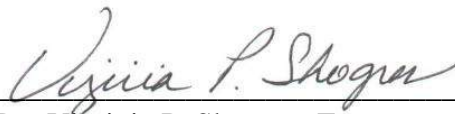
B. "PLAINTIFF" shall mean PLAINTIFF WASHINGTON ELECTION INTEGRITY COALITION UNITED.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: For each denial in YOUR response to PLAINTIFF WEICU'S REQUESTS FOR ADMISSION TO DEFENDANT KING COUNTY, SET NO. 1, served herewith, any and all documents, including but not limited to, all notes, correspondence, communications, memoranda, reports, instructions, lists, forms, files, emails, text messages, screen shots, and/or voice mail recordings in support of YOUR denial.

REQUEST FOR PRODUCTION NO. 2: Any and all documents, including but not limited to, all notes, correspondence, communications, memoranda, reports, instructions, lists, forms, files, emails, text messages, screen shots, voice mail recordings, and postings on the internet, of communications between or among any of YOUR employee(s), representative(s), official(s), temporary worker(s), and/or agent(s), on the one hand, and any employee(s), representative(s), official(s), temporary worker(s), and/or agent(s) of the Washington State Secretary of State, on the other hand, for the period commencing September 1, 2021 to the present.

VIRGINIA P. SHOGREN, P.C.



Dated: April 7, 2023

By: Virginia P. Shogren, Esq.
WSBA No. 33939
961 W. Oak Court
Sequim, WA 98382
vshogren@gmail.com
Attorney for Plaintiff WEICU

DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that on April 7, 2023, a true and correct copy of the following documents were served upon the parties listed below via the method indicated:

PLAINTIFF WEICU’S REQUEST FOR PRODUCTION TO KING COUNTY, SET NO. 1

Counsel for Defendants:

Ann M. Summers

Via email: ann.summers@kingcounty.gov

David J.W. Hackett

Via email: david.hackett@kingcounty.gov

Mari Isaacson

Via email: mari.isaacson@kingcounty.gov

Dated: April 7, 2023

s/ Virginia P. Shogren

Virginia P. Shogren

961 W. Oak Court

Sequim, WA 98382

360-461-5551

PLAINTIFF WEICU’S REQUEST FOR PRODUCTION TO KING COUNTY

Virginia P. Shogren, P.C.
961 Oak Court
Sequim WA 98382
360-461-5551

SET NO. 1

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The Honorable LeRoy McCullough

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

WASHINGTON ELECTION INTEGRITY)
COALITION UNITED, a Washington State)
Nonprofit Corporation; DOUG BASLER;)
HOWARD FERGUSON; DIANA BASS;)
TIMOFEY SAMOYLENKO; MARY)
HALLOWELL; SAMANTHA BUCARI;)
RONALD STEWART; LYDIA ZIBIN;)
CATHERIN DODSON,)

No. 21-2-12603-7 KNT

DEFENDANT KING COUNTY'S
RESPONSES TO PLAINTIFF
WEICU'S REQUEST FOR
PRODUCTION OF DOCUMENTS

Plaintiffs,

v.

SET NO. 1

JULIE WISE, Directory of King County)
Elections; KING COUNTY, and DOES)
1-30, inclusive,)

Defendants,

and

JULIE WISE, Directory of King County)
Elections; KING COUNTY,)

Counterclaimants,

v.

WASHINGTON ELECTION INTEGRITY)
COALITION UNITED, a Washington State)
Nonprofit Corporation,)

Counterclaim Defendant.)

DEFENDANT KING COUNTY'S RESPONSES TO
PLAINTIFF WEICU'S REQUEST FOR
PRODUCTION OF DOCUMENTS - 1

Leesa Manion (she/her), Prosecuting Attorney
CIVIL DIVISION, Litigation Section
701 5th Avenue, Suite 600
Seattle, WA, 98104
(206) 477-1120 / FAX (206) 296-0191

1 Defendant King County responds to Plaintiff WEICU's Request for Production of
2 Documents to Defendant King County as follows:

3 **I. GENERAL OBJECTIONS**

- 4 1. King County objects to the Discovery Requests to the extent that they request information or
5 documents protected by the attorney-client privilege, joint defense privilege, work product
6 doctrine, or any other applicable privilege or protection.
- 7 2. King County objects to each Definition or Instruction that purports to impose obligations
8 different from, or in excess of, those set forth in the Federal Rules of Civil Procedure or the
9 Local Rules of this court.
- 10 3. King County objects to the Discovery Requests to the extent they are overbroad, unduly
11 burdensome, or seek documents or information that is neither relevant to the subject matter of
12 this litigation nor reasonably calculated to lead to the discovery of admissible evidence.
- 13 4. King County objects to the Discovery Requests to the extent they seek information already in
14 the Plaintiff's possession or to which the Plaintiff has equal access.
- 15 5. King County objects to each Request that does not identify the time period for which discovery
16 is sought or seeks information regarding events outside the relevant time period.

17

18 RESPONSE TO REQUEST FOR PRODUCTION NO. 1: The denials in response to
19 Plaintiff WEICU's Request for Admission to Defendant King County, Set No. 1, are based on
20 publicly available Washington cases, statutes, and the Washington State Constitution equally
21 available to Plaintiff.

22 RESPONSE TO REQUEST FOR PRODUCTION NO. 2: King County objects to Request
23 for Production No. 2 as overly broad and unduly burdensome and outside CR 26. King County

1 also objects to the extent this request seeks attorney-client privileged information or work product.
2 Communications between King County employees and employees of the Washington State
3 Secretary of State from September 1, 2021, to present have no relevance to WEICU's Public
4 Records Act cause of action in this matter.

5
6 DATED this 5th day of May, 2023.

7 LEESA MANION
8 King County Prosecuting Attorney

9 By: /s/ Ann Summers
10 ANN M. SUMMERS, WSBA #21509
11 DAVID J. HACKETT, WSBA #21236
12 MARI ISAACSON, WSBA #42945
13 Senior Deputy Prosecuting Attorneys
14 Attorneys for Defendants
15 701 5th Avenue, Suite 600
16 Seattle, WA 98104
17 Phone: (206) 477-1120/Fax: (206) 296-0191
18 ann.summers@kingcounty.gov
19 david.hackett@kingcounty.gov
20 mari.isaacson@kingcounty.gov
21
22
23

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on May 5, 2023, I served a true and correct copy of the foregoing
3 document to the following via e-service and/or email:

4 Virginia Pearson Shogren
5 VIRGINIA SHOGREN PC
6 961 W Oak Court
7 Sequim, WA 98382
8 vshogren@gmail.com
9 *Attorney for Washington Election Integrity Coalition United*

10 Kevin J. Hamilton, WSBA No. 15648
11 Amanda J. Beane, WSBA No. 33070
12 Reina A. Almon-Griffin, WSBA No. 54651
13 Perkins Coie LLP
14 1201 Third Avenue, Suite 4900
15 Seattle, WA 98101-3099
16 KHamilton@perkinscoie.com
17 ABeane@perkinscoie.com
18 RAlmon-Griffin@perkinscoie.com
19 *Attorneys for Intervenor Washington State Democratic Central Committee*

20 I further served a true and correct copy by USPS First Class Mail to the following:

21 Doug Basler
22 1851 Central Place S. Suite 123
23 Kent, WA 98032
doug@eztvspots.com
Plaintiff, Pro Se

Timofey Samoylenko
1921 R. Street NE
Auburn, WA 98002
freshtrend13@gmail.com
Plaintiff, Pro Se

24 I declare under penalty of perjury under the laws of the State of Washington that the
25 foregoing is true and correct.

26 DATED this 5th day of May, 2023.

27 s/Kris Bridgman
28 KRIS BRIDGMAN
29 Paralegal II – Litigation Section
30 King County Prosecuting Attorney's Office

Exhibit I

Deposition of Julie A. Wise

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

May 18, 2023



206.287.9066 | 800.846.6989

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101

www.buellrealtime.com

email: info@buellrealtime.com



SUPERIOR COURT OF WASHINGTON

COUNTY OF KING

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

VIDEOTAPED DEPOSITION

UPON ORAL EXAMINATION OF

JULIE A. WISE

Taken at 1325 Fourth Avenue, Suite 1840
Seattle, Washington

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

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APPEARANCES

FOR PLAINTIFF WEICU and COUNTERCLAIM DEFENDANT:

VIRGINIA SHOGREN
Attorney at Law
961 West Oak Court
Sequim, WA 98382-3069
360.461.5551
vshogren@gmail.com

FOR PLAINTIFFS DOUG BASLER AND TIMOFEY SAMOYLENKO:

DOUG BASLER - PRO SE
TIMOFEY SAMOYLENKO - PRO SE

FOR DEFENDANTS and COUNTER-CLAIMANTS:

DAVID J. HACKETT
Special Deputy Prosecuting Attorney
516 3rd avenue
Suite W554
Seattle, WA 98104-2362
206.296.9000
david.hackett@kingcounty.gov

FOR PROPOSED INTERVENOR:

HEATH L. HYATT
Perkins Coie
1201 Third Avenue
Suite 4900
Seattle, WA 98101-3099
206.359.3843
hhyatt@perkinscoie.com

ALSO PRESENT:

MATTHEW WOLCOTT - VIDEOGRAPHER
TAMBORINE BORRELLI
LAWRENCE HUTT
PEGGY HUTT

* * * * *

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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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Seattle, Washington

May 18, 2023

8:35 a.m.

-o0o-

THE VIDEOGRAPHER: And we are on the record. Here marks the beginning of File 1, Volume 1, in the deposition of Julie Wise, in the matter of Washington Election Integrity Coalition United, et al., versus Julie Wise, et al.; Cause No. 21-2-12603-7 KNT in the Superior Court of Washington, County for King and was noticed by Plaintiffs.

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

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

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

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

MR. BASLER: Doug Basler.

MR. SAMOYLENKO: Timofey Samoylenko.

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

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

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

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

13 EXAMINATION

14 BY MS. SHOGREN:

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

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

20 Q. What is your elected position?

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

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

24 A. Just approaching eight years.

25 Q. What are your specific duties as King County

1 Director of Elections?

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

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

8 Q. Have you had your deposition taken before?

9 A. I have.

10 Q. How many times?

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

12 Q. Can you give me an estimate?

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

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

17 A. I do not.

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

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

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

5 Do you understand that?

6 A. I do.

7 (Tamborine Borrelli enters.)

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

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

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

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

22 A. Yes.

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

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

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

5 Do you understand this?

6 A. I do.

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

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

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

20 Do you understand that?

21 A. I do.

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

25 A. No.

1 Q. Are you feeling okay?

2 A. I am.

3 Q. Are you sick?

4 A. No.

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

7 A. No.

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

10 Do you have any questions before we continue?

11 A. I do not.

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

15 A. Yes.

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

19 A. I did.

20 Q. What did you review?

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

23 Q. Are you referring to the Complaint?

24 A. I am. Thank you.

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

1 your Answer to the Complaint?

2 A. Yes.

3 Q. You believe so?

4 A. Yes, I believe so.

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

7 A. No.

8 Q. Could you describe your educational background?

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

11 Q. Do you have a college degree?

12 A. I have just the AA degree.

13 Q. The AA degree. Thank you.

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

19 What does election integrity mean to you?

20 A. As far as the organization?

21 Q. What --

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

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

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

1 good.

2 Q. What does election transparency mean to you?

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

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

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

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

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

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

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

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

4 Q. What does ballot security mean to you?

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

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

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

13 Q. And how would the cage be secured?

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

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

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

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

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

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

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

7 A. For our results reporting?

8 Q. Resulting reporting.

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

10 Q. Okay. Thank you.

11 A. -- speaking off.

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

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

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

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

18 Q. Those are standalone scanners?

19 A. They are.

20 Q. Are King County election systems air gapped?

21 A. The tabulation system is.

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

23 A. Not connected to the internet.

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

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

4 So could you elaborate on what that means?

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

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

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

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

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

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

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

23 Q. Anything else --

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

25 Q. Anything else that is capable of connecting to

1 the internet?

2 A. Not that I can think of.

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

5 A. That's correct.

6 Q. At all times?

7 A. That's correct.

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

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

14 A. Ballots.

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

17 A. Correct.

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

21 A. Not according to state law.

22 Q. What do you mean by that?

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

25 Q. What about the ballot themselves, the paper

1 trail?

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

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

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

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

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

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

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

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

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

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

5 Q. A desktop computer. Okay.

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

8 A. Yes.

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

12 A. Yes.

13 Q. Using a program?

14 A. Yes.

15 Q. And that program tabulates the votes?

16 A. Yes.

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

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

21 Q. That's the ven- --

22 A. That's the vendor.

23 Q. Correct.

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

1 A. I believe it's called ClearCount.

2 Q. ClearCount.

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

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

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

9 A. I do not.

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

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

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

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

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

25 A. That's my understanding.

1 Q. Thank you.

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

4 A. I don't know.

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

9 A. They are.

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

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

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

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

25 A. I have several primary contacts at the

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

3 Q. What role is Kevin McMahan?

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

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

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

9 Q. Who does communicate with the CISO?

10 A. My IT director.

11 Q. And who is that?

12 A. Margaret Brownell.

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

15 A. Yes, she was.

16 Q. Could you please spell her last name?

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

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

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

21 Q. Got it.

22 Who is your primary contact at Clear Ballot?

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

1 Q. Este...?

2 A. Esteban.

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

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

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

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

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

13 A. I don't have one.

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

16 A. Not to my recollection.

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

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

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

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

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

3 A. If I looked at an email.

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

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

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

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

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

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

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

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

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

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

1 Q. But you do not?

2 A. You said CISA?

3 Q. Correct.

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

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

10 A. I do not have one.

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

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

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

19 A. Not that I'm aware of.

20 Q. Does that mean no?

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

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

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

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

4 A. No.

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

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

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

14 A. Yes.

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

16 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

17 Q. Anything else?

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

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

21 A. Of course.

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

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

3 A. Yes.

4 Q. Can you give me an example?

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

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

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

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

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

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

22 A. I will be, yes.

23 Q. You will be.

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

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

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

6 Q. Only about this deposition?

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

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

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

15 Q. But nothing outside of a privileged setting?

16 A. No.

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

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

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

23 A. No.

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

25 A. No.

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

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

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

9 MR. HACKETT: Okay.

10 A. Can you please restate the question?

11 Q. (By Ms. Shogren) Sure.

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

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

18 A. Yes.

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

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

1 So that misstates the Answer pretty blatantly.

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

3 A. Can you repeat the question?

4 Q. Sure.

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

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

10 A. I'm not aware.

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

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

17 A. Yes.

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

20 A. Not to my knowledge.

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

25 A. I do not.

1 (Lawrence Hutt and Peggy Hutt join.)

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

5 (Exhibit No. 1 marked.)

6 MR. HACKETT: Thank you.

7 THE WITNESS: Thank you.

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

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

14 A. No.

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

19 (Exhibit No. 2 marked.)

20 THE WITNESS: Thank you.

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

24 A. Yes, it appears to be.

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

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

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

5 Q. Yeah.

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

9 A. Yes.

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

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

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

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

19 A. I did not.

20 Q. Okay. Does the tab --

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

23 Q. No. Sorry.

24 A. Okay.

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

1 A. Okay.

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

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

7 Q. And why not?

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

10 Q. I understand your position.

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

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

14 Q. Correct. The ballots are anonymous.

15 A. Correct.

16 Q. That's correct.

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

20 A. Ballots are fed through the scanners.

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

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

1 stipulating off the record?

2 MR. HACKETT: Yes.

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

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

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

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

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

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

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

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

21 Q. And then the copy gets tabulated?

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

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

25 A. I don't know.

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

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

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

14 A. I don't know.

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

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

20 A. I don't know.

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

25 MR. HACKETT: Same objection.

1 A. I don't know.

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

6 MR. HACKETT: Asked and answered.

7 A. I don't know.

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

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

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

16 A. I don't know.

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

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

23 Q. Sure.

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

1 free and equal elections in Washington State?

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

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

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

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

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

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

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

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

25 A. Sorry. Excuse me.

1 Q. No problem.

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

4 A. I do not.

5 Q. Can you give me an estimate?

6 A. Thousands.

7 Q. Tens of thousands?

8 A. I don't know.

9 Q. So your best approximation is thousands?

10 A. Yes.

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

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

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

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

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

25 MR. HACKETT: And what paragraph of the

1 counterclaim are you referring to?

2 MS. SHOGREN: 14.

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

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

7 Q. (By Ms. Shogren) Sure.

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

11 A. It could.

12 Q. How so?

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

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

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

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

23 A. It could.

24 Q. Depending on who is reviewing them?

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

1 reviewed.

2 Q. Meaning what?

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

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

9 A. Yes.

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

13 A. I don't know.

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

16 A. Can you ask me the question again?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 MR. HACKETT: If you would like --

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

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

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

21 MR. HACKETT: No, I am not.

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

25 MR. HACKETT: I am not.

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

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

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

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

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

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

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

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

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

25 So shoot away, Counsel.

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

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

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

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

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

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

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

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

24 A. I don't know.

25 Q. In reference to Paragraph 14 of your

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

3 A. Can you please restate that?

4 Q. Yeah.

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

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

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

12 A. Not to my knowledge.

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

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

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

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

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

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

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

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

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

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

18 Q. Well, your --

19 A. So I don't know.

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

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

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

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

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

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

7 A. I don't recall that request.

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

10 A. I would refer to my attorneys.

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

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

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

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

23 Q. I'm sorry.

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

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

3 A. It depends.

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

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

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

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

15 A. I do not know.

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

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

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

22 A. I do not.

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

25 A. I cannot.

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

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

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

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

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

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

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

21 (Reporter clarification.)

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

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

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

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

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

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

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

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

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

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

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

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

21 A. Repeat the question.

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

25 A. Intentionally not too tight so that the seal

1 busts.

2 Q. Sorry. Could you explain that?

3 A. Sure.

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

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

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

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

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

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

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

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

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

1 intentionally? Is that your testimony today?

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

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

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

9 A. Yes.

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

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

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

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

17 A. I don't know.

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

19 A. I don't.

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

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

1 Q. Yes. Were you aware?

2 A. I was once the concern was raised.

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

4 A. Correct.

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

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

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

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

13 Q. I will rephrase it. Sorry.

14 A. Yeah.

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

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

19 Q. And who oversees those people?

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

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

25 A. Again, many people.

1 Q. Can you give me one name?

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

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

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

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

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

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

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

21 A. That provide training at King County Elections?

22 Q. Yes. Related to ballot security.

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

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

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

5 Q. That's fine.

6 Who had access to the tabulation server room?

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

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

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

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

16 A. Those same individuals.

17 Q. Meaning...?

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

20 Q. Anyone else that you can think of?

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

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

25 A. I do not.

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

3 A. I believe so.

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

7 A. No.

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

11 A. No.

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

15 A. No.

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

19 A. No.

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

23 A. No.

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

1 indirectly, to King County Elections tabulation data?

2 A. No.

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

6 A. Working in King County Elections?

7 Q. Yes.

8 A. No.

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

11 A. Other than the audits, no.

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

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

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

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

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

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

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

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

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

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

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

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

22 A. Sure.

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

25 Did that happen for the 2020 general election?

1 A. I am -- yes. Yes.

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

4 A. Yes.

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

7 A. Yes.

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

10 A. I did.

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

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

16 Q. Problems?

17 A. Yes.

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

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

23 Q. What did you hear?

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

1 bit of trouble.

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

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

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

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

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

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

19 Q. Anybody else that you can remember?

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

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

1 A. Not that I recall.

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

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

8 Q. Anything else?

9 A. I don't recall.

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

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

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

16 A. I do not recall that.

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

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

22 Q. Yes.

23 A. No.

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

1 A. I don't.

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

4 A. No.

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

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

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

14 A. Yes.

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

16 A. Yes.

17 Q. What would you call that system?

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

20 Q. And what is that system called?

21 A. A Voter Registration Election Management
22 System.

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

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

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

7 Q. Thank you.

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

10 A. Not that I recall.

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

14 A. Problems?

15 Q. Yes.

16 A. No.

17 Q. So everything was very smooth?

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

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

21 A. Not that I recall.

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

23 A. I was.

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

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

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

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

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

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

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

16 A. Oh.

17 Q. Who made that decision?

18 A. Ultimately myself.

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

21 A. In consultation with our attorneys.

22 Q. Whose idea was Senate Bill 5459?

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

24 Could you refresh me what 5459 is?

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

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

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

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

6 Q. Whose idea was Senate Bill 5459?

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

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

9 A. Conversations.

10 Q. Between and among the auditors?

11 A. Yes.

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

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

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

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

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

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

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

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

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

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

17 A. Not that I recall.

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

21 A. Not that I can recall.

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

1 A. I believe so.

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

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

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

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

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

15 A. I believe so.

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

18 A. Yes.

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

21 A. It was.

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

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

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

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

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

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

13 A. I don't recall.

14 Q. Do you agree with those statements?

15 A. I do.

16 Q. Okay. And on what basis?

17 A. From our experience.

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

19 A. Can you say more?

20 Q. Sure.

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

24 A. I don't know.

25 Q. Nothing?

1 A. I don't.

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

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

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

10 A. I do believe so.

11 Q. How so?

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

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

20 A. There are.

21 Q. Okay. Which counties?

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

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

1 A. State and country.

2 Q. State and country.

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

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

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

8 A. Whatcom County, Benton County.

9 Q. Any others?

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

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

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

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

20 A. Workgroup chats, yes.

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

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

25 Q. And are those Zoom meetings recorded?

1 A. I don't know.

2 Q. Who would know?

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

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

9 Do you agree with that statement today?

10 A. Yes.

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

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

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

17 A. It's my impression.

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

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

21 Q. Okay.

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

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

1 disclosed for security purposes.

2 What did you mean by that?

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

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

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

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

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

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

19 A. Yeah.

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

21 A. Okay.

22 Q. Would you like it heard again?

23 A. Sure.

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

1 security concerns relative to looking at cast ballots?"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 Q. Do you deny saying that?

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

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

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

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

22 A. Yes.

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

1 deletions for any races in the 2020 general election?

2 A. No.

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

7 A. No.

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

10 A. Yes. For a period of time.

11 Q. Could you elaborate on that?

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

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

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

24 Q. Thank you.

25 So as I understand it, King County Elections

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

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

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

8 A. Yes.

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

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

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

15 A. Yes.

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

17 A. Yes.

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

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

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

25 A. Me personally? No.

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

4 A. I don't know.

5 Q. So no?

6 A. I don't know.

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

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

11 Q. I understand that.

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

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

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

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

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

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

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

1 at all at King County Elections?

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

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

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

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

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

18 Q. Other than your tabulation server?

19 A. Correct.

20 Q. And the computers associated with that server?

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

25 Q. Okay. Thank you for clarifying that.

1 A. Yeah.

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

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

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

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

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

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

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

18 A. Provide clarity.

19 Q. Oh. What kind of clarity?

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

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

1 A. Correct.

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

5 A. Yes.

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

7 A. No.

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

11 A. I believe so.

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

14 A. Emails from my public records officer.

15 Q. And who is that?

16 A. Jackie -- Jacqueline Adams.

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

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

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

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

25 MS. SHOGREN: Thank you for clarifying that,

1 Counsel. I appreciate it.

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

5 A. Not to my knowledge.

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

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

10 MR. BASSETT: I have some.

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

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

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

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

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

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

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

25 EXAMINATION

1 BY MR. BASLER:

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

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

7 A. The vendor is called Clear Ballot.

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

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

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

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

16 Q. So how do you know that?

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

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

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

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

24 A. I don't know.

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

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

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

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

9 A. I don't know.

10 Q. But it is possible?

11 A. I don't know.

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

14 A. Not that I'm aware of.

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

20 A. Yes.

21 Q. How often did these calls occur?

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

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

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

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

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

8 THE COURT REPORTER: Dead?

9 MR. BASLER: Dead voters.

10 A. I do not recall that.

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

16 A. I do not recall.

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

22 A. I don't recall.

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

1 certification?

2 A. I don't recall.

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

7 A. I don't recall.

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

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

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

20 A. I don't recall.

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

1 wild"?

2 A. I do not recall that.

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

8 A. I do not recall.

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

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

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

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

24 A. I do not recall.

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

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

3 A. I do not recall.

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

9 A. I do not recall.

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

15 A. I don't recall.

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

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

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

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

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

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

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

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

23 A. I believe they were not disclosable.

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

1 ballots and ballot images from public disclosure
2 requests?

3 A. I believe that's accurate.

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

7 A. To provide clarity.

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

10 THE WITNESS: Thanks.

11 MR. HACKETT: Thank you.

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

14 MS. SHOGREN: Hand it to me first.

15 These are your questions right here?

16 MR. SAMOYLENKO: Yes.

17 MR. HACKETT: I'm confused.

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

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

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

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

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

8 MR. HUTT: To the witness.

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

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

13 MR. HACKETT: Okay. Go ahead.

14 MS. SHOGREN: Thank you.

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

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

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

1 witness to answer those questions.

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

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

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

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

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

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

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

22 THE COURT REPORTER: The reporter has --

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

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

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

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

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

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

19 (Exhibit No. 3 marked.)

20 EXAMINATION

21 BY THE COURT REPORTER:

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

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

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

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

10 A. No.

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

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

25 A. I don't know.

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

5 A. I don't.

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

8 A. I don't understand the question.

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

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

21 A. I don't understand the question.

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

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

5 A. I don't understand the question.

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

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

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

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

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

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

9 A. I don't know that.

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

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

25 A. Absolutely not.

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

4 A. No.

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

8 A. No.

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

13 A. I don't understand the question.

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

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

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

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

8 A. They weren't.

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

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

19 A. I don't understand the question.

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

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

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

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

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

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

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

25 MR. HACKETT: Thank you.

1 And does anybody have any more questions?

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

4 MR. HACKETT: King County has no questions.

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

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

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

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

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

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

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

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

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

1 Suite 123.

2 MR. BASLER: That is correct.

3 MR. HACKETT: Okay.

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

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

10 MR. SAMOYLENKO: Yes. Sorry.

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

13 MR. HACKETT: We will reserve signature.

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

16 MS. SHOGREN: Yes, please.

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

19 MR. HACKETT: Yes, please.

20 MS. SHOGREN: Expedited, if possible.

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

23 MR. HACKETT: No.

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

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

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

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

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

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C E R T I F I C A T E

STATE OF WASHINGTON

COUNTY OF KING

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

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

Barbara Castrow



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

My certification expires:
November 24, 2023