

## Memorandum of Understanding

The understanding set forth in this document has been agreed to in writing by the following parties with respect to the manual recount of ballots in the Washington State Governor's race.

- Secretary of State
- Counties of Snohomish, Yakima and Skamania
- Washington State Democratic Party
- Washington State Republican Party
- Dino Rossi Campaign
- Chris Gregoire Campaign

The Office of Secretary of State has written e-mail confirmations that these parties agree as follows.

These parties share an agreed understanding that the electronic votes in the 2004 statewide manual recount for Governor may be counted in the following manner.

Snohomish County and Yakima County are the only two counties in Washington that have electronic voting devices deployed in all polling places.

Skamania County has electronic voting devices for the purpose of meeting the Help America Vote Act requirements for sight impaired and blind voters. In the November 2, 2004 General Election no voters in Skamania County voted on electronic voting devices.

Snohomish County had 96,231 ballots cast at the polling places in the General Election and Yakima County had 16,869 ballots cast at the polling places in the General Election.

The Democratic Party has instituted the necessary steps to request a hand recount of all ballots and votes cast in the Governor's race at the November 2, 2004 General Election.

In order for Snohomish County and Yakima County to comply with this request concerning polling place ballots and votes Snohomish County would have to print from the electronic data 96,321 ballots and Yakima County would have to print 16,869 ballots.

Snohomish and Yakima County have proposed an alternative process which these counties believe will demonstrate the accuracy of the results reported on Election Day and in the previously conducted machine recount without having to print each individual ballot.

In each county's case when the voting machines are closed down at the polling places after the polls are closed each voting device prints a cumulative report of all ballots and votes cast on each machine by all voters voting on the machine for all issues and races on the ballot.

In both counties that tape along with the results cartridges are transported back to the courthouse central counting facility where the results cartridges are read and the data is cumulated by the tabulation software to report the results by precinct for all issues and races on the ballots.

The agreed proposal is for these two counties to retrieve the cumulative results tapes, enter them into a spread sheet for each voting device and then total up the results for the Governor's race and compare those total results to the total results from the machine recount.

This comparison would verify that the data as it existed on the voting devices when they were closed down on election night at the polling places is the same as the data after it was read from the results cartridges and transferred and cumulated by precinct by the tabulation software on election night.

The parties agree for purposes of this recount in this election that this would be the equivalent of a manual recount of the electronic voting device ballots and votes and would demonstrate nothing occurred in the transfer of data from the results cartridges to the tabulation software that affected the results in the Governor's race.

This process of entering the data from the cumulative results tapes generated at the polls on election night would be done openly and with the full participation of party observers in Snohomish and Yakima County.

December 7, 2004  
Office of Secretary of State