

1 **TO: WHATCOM COUNTY**

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3 YOU ARE HEREBY COMMANDED, at the request of Intervenor-Respondent
4 Washington State Democratic Central Committee and pursuant to CR 30(b)(6) and CR 45,
5 to designate one or more officers, directors, managing agents or other persons who consent
6 to testify on your behalf in the above-entitled case, concerning the following subjects:
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10 (1) The policies and practices adopted or employed by Whatcom County for the
11 2004 General Election with respect to voter crediting;
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13 (2) The policies and practices adopted or employed by Whatcom County for the
14 2004 General Election with respect to the issuance, receipt and processing of provisional
15 ballots and what specific steps were taken, if any, to ensure compliance with the emergency
16 regulations issued by the Secretary of State and codified at WAC 434-253-047, and when
17 each such step was taken;
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23 (3) The policies and practices adopted or employed by Whatcom County for the
24 2004 General Election with respect to the verification of signatures on provisional ballots;
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27 (4) The extent to which Whatcom County counted provisional ballots in the 2004
28 General Election prior to signature verification, including the specific number of such
29 ballots and the names, addresses, phone numbers of all such voters, their precincts, and their
30 voter registration numbers;
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33 (5) If Whatcom County counted provisional ballots prior to signature
34 verification, what steps were taken subsequent to the tabulation of the ballots to verify
35 signatures, who did each such step, what or who caused that step to be taken, and what was
36 the result of those steps (i.e., how many, if any, of the provisional ballots were determined to
37 have been voted by lawfully registered voters);
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1 (6) The extent to which Whatcom County counted provisional ballots in the 2004
2 General Election prior to confirmation of voter registration or determination of whether the
3 voter had already voted, including the specific number of such ballots and the names,
4 addresses, phone numbers of all such voters, their precincts, and their voter registration
5 numbers; and
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10 (7) If Whatcom County counted provisional ballots prior to confirmation of voter
11 registration or determination of whether the voter had already voted, what steps were taken
12 subsequent to the tabulation of the ballots to confirm voter registration or to determine
13 whether the voter had already voted, who did each such step, what or who caused that step
14 to be taken, and what was the result of those steps (i.e., how many, if any, of the provisional
15 ballots were determined to have been voted by lawfully registered voters).
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25 Such person shall appear at the time, date and place listed below to testify in the
26 above-entitled case, and shall remain in attendance until discharged.
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29 **Time and Date**
30 **of Deposition**

31 **Place of**
32 **Deposition**

33 Wednesday, April 20, 2005 at 9:00 a.m.

34 311 Grand Avenue, Bellingham,
35 Washington 98225-4038

36 The deposition shall be subject to continuance or adjournment from time to time and place
37 to place until completed.
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39 YOU ARE FURTHER COMMANDED pursuant to CR 45 to bring with you at
40 said place and time, or such other place and time prior to the deposition as may be agreed
41 upon, the documents described in Exhibit A to this subpoena for examination and copying.
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1 DATED: April 8, 2005.
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4 **PERKINS COIE LLP**

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6
7 By 

8 Kevin J. Hamilton, WSBA # 15648
9 William C. Rava, WSBA # 29948
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14 Attorneys for Intervenor-Respondent
15 Washington State Democratic Central
16 Committee
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EXHIBIT A

All documents, records, emails, notes, spreadsheets or other materials in your possession, custody, or control, relating to provisional ballots counted in Whatcom County without first (a) being verified or (b) a determination of whether the voter had already voted or (c) having their signatures checked or verified. The term "document" in this subpoena means any written, typed, graphic, recorded, or electronically stored matter whatsoever. The term "document" thus includes, without limitation, emails, letters, faxes, pictures, files, summaries, spreadsheets, notes, drafts, and working papers. Without limitation, responsive material should include:

(1) Documents sufficient to identify, for each such ballot, the voter's name, registration address, registration number, and precinct of registration, as well as the precinct in which the ballot was cast.

(2) Copies of the envelopes of all such provisional ballots that were counted.

(3) All internal documents and communications relating to such provisional ballots.

(4) All external documents and communications relating to such provisional ballots.

(5) Any communications with the Secretary of State or anyone employed by his office or representing his office regarding such ballots or the issue of verifying provisional ballots or checking the signatures on provisional ballots.