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

TIMOTHY BORDERS, THOMAS )  
CANTERBURY, TOM HUFF, MARGIE )  
FERRIS, PAUL ELVIG, EDWARD )  
MONAGHAN, DINO ROSSI, AND )  
CHRISTOPHER VANCE, Washington )  
residents and electors, and the Rossi for )  
Governor Campaign, a candidate )  
committee, )  
Petitioners, )  
vs. )  
KING COUNTY and DEAN LOGAN, its )  
Director of Records, Elections and )  
Licensing Services, et al., )  
Respondents. )

No. 05-2-00027-3  
AFFIDAVIT OF EVELYN L. ARNOLD

STATE OF WASHINGTON )  
County of Chelan )ss  
)

Evelyn L. Arnold, being first duly sworn on oath, deposes and says:

I am the duly elected Auditor of Chelan County and have been elected in 1990  
and was in office during the entire conduct of the 2004 general election.

1 That I am over the age of eighteen years and competent to testify. I have  
2 personal knowledge of the facts stated herein.

3 As Auditor, I manage and administer the conduct of all Chelan County elections  
4 and voter registrations pursuant to Title 29A RCW and applicable chapters of the  
5 Washington Administrative Code.

6 My office received the "Petitioners' First Interrogatories and Requests for  
7 Production" on Tuesday, January 11, 2005. I have reviewed these requests initially to  
8 determine what will be required to prepare responses. From my review, I have  
9 determined that it will not be possible for either me or my staff to prepare responses to  
10 some of the discovery requests at any time or unless and until ordered by a court to do  
11 so. For example, Interrogatory No. 3(b) requests that we supply the number of voters  
12 credited in Chelan County that had inactive registrations at the time they voted. This is  
13 not possible for the county to answer because a list was never kept of those that were  
14 inactive. Once they voted, they became reactivated. It would be overburdensome to  
15 attempt to answer this question because the county would have to hand count the entire  
16 total number of ballots cast in the elections and research voter history on each one  
17 before that number could be discerned. Further, Interrogatory 3(c) asks the county to  
18 produce the number of voters credited with voting in Chelan County that cast federal  
19 write-in ballots without being registered to vote. Again, the county cannot answer that  
20 question as the ballots are sealed pursuant to election law and a court order would first  
21 be needed in order to unseal the election documents and then federal ballots could be  
22 identified. However, to identify federal ballots, it would be overburdensome as the  
23 county would have to sort through all 29,000 plus ballots by hand.  
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1 Request for Production No. 3 asks for documents showing any reconciliation  
2 discrepancy in any general election before November 2004 and dating from 1994. This  
3 request is overburdensome and irrelevant. Further, some records have already been  
4 destroyed in the normal course of business.

5 Turning to Interrogatory No. 14, Chelan County is asked to identify the dates on  
6 which absentee, military, and overseas ballots were returned to the county. In our voter  
7 registration system military and overseas ballots are treated as one group. We cannot  
8 produce a report to separate each type of ballot. In part, no such record was kept as  
9 the county did not keep a list of the date or time when any particular ballot was received  
10 after certification.  
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12 With respect to Interrogatory No. 18, Chelan County is asked to provide the  
13 names of individuals who conducted the signature review process and describe the  
14 training and guidance they received for this activity. This interrogatory is vague and  
15 overbroad. The call of the question cannot be ascertained without further refinement of  
16 the question.

17 Request for Production No. 9 is objectionable as pursuant to Washington state  
18 law, the ballots are part of the election materials that are sealed. The county will not  
19 break the seal unless and until a court order is issued directing it to do so. Further, it  
20 would be overburdensome for the county to answer this request as enhanced ballots  
21 have been mixed back in with the general ballots and an entire search through the  
22 29,000 plus ballots cast in the election would be required.  
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24 With respect to Interrogatories No. 30, No. 31, and No. 33, and Request for  
25 Production No. 16, I believe that it is irresponsible for the county to answer questions

1 detailing security measures taken by the county to insure the integrity of the ballots and  
2 their safe storage. To answer those questions would require the county to then  
3 immediately enact new security measures and find new storage equipment and facilities  
4 as the publication of our current security measures would compromise their efficiency  
5 and render them obsolete.

6 Further, as to Interrogatory No. 32, Chelan County will provide the names  
7 requested, but only the business address and telephone number. Home addresses and  
8 phone numbers are private and irrelevant to this case.

9 With respect to Request for Production No. 14, the documents requested are  
10 either currently under seal as being a part of the previous election and maintained under  
11 seal pursuant to law since then, or have been destroyed in the normal course of  
12 business. Therefore, a court order is required directing this office to unseal any  
13 documents which may be responsive to this request before such a request can be  
14 honored.

15 Further, upon the opening of any sealed documents, this office would require that  
16 only copies be provided and not originals.

17 Turning to Request for Production No. 17, I find the request is, in part,  
18 objectionable as being unduly overburdensome. There are some materials available in  
19 the Auditor's Office; however, the materials that have been deleted from office e-mail  
20 would be unduly overburdensome if not impossible to retrieve from the county's data  
21 information service.

22 Further, Chelan County objects to Request for Production No. 18. The phrase  
23 "including permanent and temporary absentee marks" is particularly vague. We will  
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1 provide a list of our voter file with permanent absentees annotated. This list will not  
2 provide birthdates; birthdates are private and irrelevant to this case.

3 Further, your affiant sayeth not.  
4

5 Signed. Original on File With Clerk of Court  
6 Evelyn L. Arnold  
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10 SUBSCRIBED AND SWORN TO BEFORE ME this 18th day of January, 2005.  
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12 Signed. Original on File With Clerk of Court  
13 Notary Public in and for the State of Washington  
14 residing at Wenatchee.  
15 My commission expires \_\_\_\_\_  
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