

1 William C. Rava declares as follows:

2 1. I am one of the attorneys for Intervenor-Respondent Washington State
3 Democratic Central Committee ("WSDCC"), am competent to make this declaration, and do
4 so upon personal knowledge as indicated.
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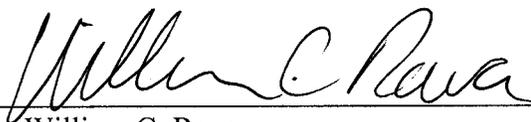
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8 2. Attached hereto as Exhibit A is a true and correct copy of the Certificate of
9 Election signed January 10, 2005, in which the election of Governor Christine Gregoire is
10 certified.
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13 3. Attached hereto as Exhibit B is a true and correct copy of the transcript of a
14 January 13, 2005 radio interview with Dino Rossi, former candidate for Washington
15 Governor.
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18 4. On January 7, 2005 Dino Rossi conducted a press conference regarding the
19 instant election contest. I watched that press conference live on television. During that
20 press conference, Mr. Rossi stated that the remedy he was seeking in this action was a new
21 election for the office of governor. Attached to this declaration as Exhibit C is a true and
22 correct copy of a January 20, 2005 Seattle Post-Intelligencer article, quoting Mr. Rossi from
23 that press conference that "The only way for us to get out of this problem is for us to have a
24 revote."
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27 5. I declare subject to penalty of perjury under the laws of the State of
28 Washington that the foregoing is true and correct.
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31 SIGNED and DATED at Seattle, Washington, this 20th day of January, 2005 by
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41 WILLIAM C. RAVA.

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William C. Rava

EXHIBIT A

UNITED STATES OF AMERICA

The State of Washington



Certificate of Election

This is to Certify, That at the General Election held in the State of Washington on November 2, 2004,

Christine Gregoire

received the highest number of votes cast for the office of Governor

of said state of Washington, and was therefore duly elected to said office as appears from the official returns of said election as canvassed and certified in the manner provided by law.

In Testimony Whereof, We have hereunto set our hands and caused the Seal of the State of Washington to be affixed this 10th day of January, A.D. 2005, at Olympia, the State Capital.



President of the Senate

Speaker of the House of Representatives

Attest:

Secretary of State

EXHIBIT B

Dino Rossi on Sean Hannity (nationally syndicated) on KVI on 1/13/05

Dino Rossi who was the Republican candidate, this has got to be a very frustrating experience for you.

ROSSI: Well, it's definitely for the history books. We were only hoping to make the history of being the first Republican Governor in Washington state in 20 years. But this has gone way beyond that.

HANNITY: Well and I know and that has been reported by some of my good friends at KVI--John Carlson and Kirby Wilburg have been all over the issue, rightly so.

ROSSI: Yeah

HANNITY: Why don't you walk us through this. I mean, am I getting the facts right here, is the Wall Street Journal getting the facts right here?

ROSSI: Well they are getting the facts right. We won the original count by 261 votes and then the automatic recount happened because it was under a 2,000 vote margin, and we won that as well, and . . .

HANNITY: What was the margin of victory there, 49?

ROSSI: 42 votes

HANNITY: 42?

ROSSI: But King County took it upon—King County is a third of the population and is the most heavily Democrat county in the state where Seattle is—took it upon themselves to actually divine voter intent when they did the supposedly the machine recount they were supposed to do. And it dropped from 261 to 42. I was still ahead. My opponent paid for a hand recount, which the law allows for, and Republican and Democrat election officials alike said the hand recount was less accurate than the machine-hand recounts because of human errors and otherwise and she ended up turning it around by 129 votes. From that point we started looking at what actually happened, you know, throughout the process obviously. The real key in this is if it's true that people have remained politically active even though they are dead, we have some people. . .

HANNITY: How many people do you know that people voted were dead? How many?

ROSSI: We're gathering that right now. But we've, you know, the newspaper just the Seattle Times who had more access to information than we did found 24 in, I think, King County alone.

HANNITY: 24 dead people that they found in King County.

ROSSI: What the newspaper did, and then we've also, you know, we have felons that have voted which, that's illegal too.

HANNITY: How many felons did you find?

ROSSI: Well, there are more than, than . . . I don't have the final number on that. But the total together with felons and people who voted more than once and the dead people would probably be larger than the . . . definitely larger than the margin of victory. The real problem though was, especially in King County, where you had, as you mentioned, more votes that were counted than can be attributed to any individual. And we have kind of a simple, I think reasonable, threshold that every vote should have a voter [laughter]. Is that a hard thing to ask for?

HANNITY: So that statement is true. It turned out that there were a number of votes cast in King County that exceeded the total number of voters. Otherwise, you add the number of people that showed up that day and you ended up having 1800 more than what you have listed as having shown up.

ROSSI: That's correct [Hannity laughter]. And there's another problem too is that they have provisional ballots, they have 340—some of those that they admitted to that were provisional ballots and that means you show up to the polling place, you're not on the rolls and they give you a special ballot—supposedly a special ballot, but unfortunately it's identical to all of the other ballots that they hand out.

HANNITY: And they just got lost

ROSSI: And you fill it out, and you are supposed to put it into a special envelope. Unfortunately, in many places they just put them through the machine so they just ended up in a pile with the other 900,000 ballots, you can't retrieve it and you can't ever tell if these people were legal to vote.

HANNITY: What about these quote “erroneously rejected absentee ballots?” And what about the disenfranchisement of the military?

ROSSI: Well the military one, that's a very sad one. We have young Tyler Farmer from Snohomish County who got his ballot a day late, he was wounded in Fallujah, and got his ballot a day late and basically just threw it away and others who have family members have come forward said their sons or daughters did not get the ballots in time and that's a tremendous problem that people have been disenfranchised. There was, you know, a series throughout this where time after time King County, King County kept coming up with more ballots that they somehow. . .

HANNITY: Did I read that right that they found 9 . . . found new ballots, after the election now, on 9 different occasions? Oh wait. . .right there in the corner there, there just hiding—about a hundred of them. [Rossi laughs] Is that what happened?

ROSSI: Look what I found.

HANNITY: Look what I found, just enough to win.

ROSSI: Look what I found. So there's a real, you throw all of that together obviously and that is a mountain, but the real fact of the matter is that 62 percent of the people in our state right now want to see a revote. The majority of the people obviously believe I won. And according to polling that the news media has been doing. And really, the problem is, you have about 70 percent of the people have had their faith shaken in the process. The only way to restore that is to have a revote. So what I've asked for, we've done an election contest which is allowed by law. And we want to bring this information and what we are able to do if the judge would rule in our favor, would nullify the election and then that would move us forward to a revote.

HANNITY: I don't see with all that we are talking about here today that they have any other option. I mean this is the only viable option they have if they don't want corruption to win the day.

ROSSI: You know and that . . . the easiest thing for me to do would be just to overturn, you know, 130 votes or more to find a few that I could do that with. And I would win for the third time and I would go be governor. But the only remedy I've asked—and that I've told the lawyers to ask for—there's only one remedy I want, and that is a revote.

HANNITY: You want, you want an accurate, look, this has been so tainted and corrupted even if you could get another 130 votes somewhere it still would have this, this . . .

ROSSI: Cloud

HANNITY: Cloud, you know, hovering over the whole election, and I think that's the right thing. Now what is your opponent here, this new . . . governor, well, I guess, Governor Gregoire, how does she react to all of this?

ROSSI: She calls it ludicrous and that there is actually no evidence. But though she has called for election reform.

HANNITY: Well that's really

ROSSI: Get a panel to deal with this

HANNITY: Well listen, I will, as my first act as governor, appoint a panel that is looking to spend six months looking into the issue.

ROSSI: That's exactly what she said in the state of the state yesterday.

HANNITY: Didn't she turn to you in the middle of that speech or something and say something to you? "I feel your pain?"

ROSSI: Yep, yep, but I think the reality is for the state of Washington though is that the only thing that's going to restore the faith of the voters is, truly, a revote. Even in the polling that was done by the news media, 45 percent of the Democrats wanted a revote.

HANNITY: When are you going to get this court decision?

ROSSI: We don't know that. We think it could be done in a few weeks. The Democrats just have a delay tactic—they want to delay as far as possible as long as possible and they just used a delay tactic. They also tried to, in court yesterday, tried to block us from even digging into the information and bringing the evidence forward. So it doesn't really look like they want to get to the bottom of this.

HANNITY: No, they want as much time to pass as possible. Well, we just won't do it next time, that's what they're going to have to do. Listen Dino, we're going to stay on this and, uh, I wish you the best and I really hope that this corruption doesn't stand because it's on a level that's a magnitude I've never seen in my adult life and you're doing the right thing and I really hope that you get what is right here for the people of the state of Washington.

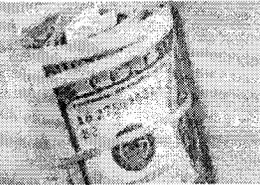
ROSSI: Well thank you Sean, I appreciate it.

HANNITY: Ok my friend, thank you. Dino Rossi

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Judge refuses to speed or slow discovery in gov election contest

By REBECCA COOK
ASSOCIATED PRESS WRITER

WENATCHEE, Wash. -- A judge refused either to speed up or slow down the finding of evidence in the legal challenge of the governor's race, handing a small victory to both Republicans and Democrats Thursday.

Chelan County Superior Court Judge John E. Bridges ruled that the case would go forward, but not on the expedited schedule proposed by Republicans.

"The old maxim that justice delayed is justice denied has a corollary: Justice hurried is justice denied," Bridges said in turning down the request for a faster schedule for discovery of information in the case.

He also denied the Democrats' request to delay the discovery process. The judge will hear the counties' and Democrats' motions to dismiss the case on Feb. 4.

Bridges heard from a number of attorneys for different counties that the Republicans' requests were too burdensome, especially for small counties that don't have the resources to respond and produce all the information requested. The Republicans want to question election officials under oath and investigate voter records.

The heart of the Republicans' challenge is that mistakes during the vote-counting forever obscured the true results of the November 2004 election, and the only just remedy is another vote that might place Republican Dino Rossi in the governor's mansion, ousting Democratic Gov.

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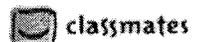
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Christine Gregoire.

About two dozen spectators and nearly as many attorneys attended the hearing in the Chelan County Auditorium, where it had been moved to accommodate large numbers of people.

Across the street, two people carried "Rossi Revote" signs. Another protester carried a sign that read, "GOP Repent. God Hates Hypocrisy."

Arlene Jones, 76, of Wenatchee, arrived early with two friends to get seats, hoping for a revote that would oust Gregoire.

"She should not be in that governor's mansion right now until we have figured this out and that's why we're here, to figure this out," she said.

Outside the auditorium, Ismael Sixto, 21, was cleaning his car windshield before heading for school. Although he didn't plan to attend, he said the election challenge would be "the talk of the town for a while."

"I guess Wenatchee feels a little special to be known for something good," Sixto said.

A Democrat, he said he hopes that the challenge fails. "I kind of see it like the presidential election. Bush won and I didn't complain," he said.

The Republicans sued all 39 counties and the state. Many counties, however, simply want out.

The state Supreme Court will ultimately rule on the case. But Bridges' decisions were expected to set the tone and define the boundaries for the gubernatorial election challenge, a first in Washington state history.

The challenge is the latest chapter in the closest and most contentious governor's election in state history. After Nov. 2 it appeared that Rossi, a real estate agent and former state senator, had come from behind to beat Gregoire, a three-term attorney general, by 261 votes. His margin shrank to 42 votes after a machine recount. Finally, a hand recount of 2.9 million ballots made Gregoire the winner by 129 votes.

Republicans argue that election workers' errors, primarily in the Democratic stronghold of King County, allowed hundreds and perhaps thousands of illegal votes to be counted - from felons who voted, to provisional ballots that were mistakenly fed straight into the tabulating machines without verification.

"The only way for us to get out of this problem is for us to have a



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Judge refuses to speed discovery in gov elect contest (12:10 p.m. PT)

PRODUCT REVIEW: Malware tools slick but cure-all (11:00 a.m. PT)

State to ask Wash Sup Court for ruling on Ha initiative (10:39 a.m. PT)

Man arrested following shooting at Federal W park (6:48 a.m. PT)

State Patrol investigat death crashes near Sc Yelm (6:01 a.m. PT)

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revote," Rossi said when he announced his court challenge.

Democrats argue that the Republicans lack strong enough evidence to back up their claims, and they say a revote as proposed by Rossi isn't even constitutional.

Gregoire has said she respects Rossi's right to challenge the election, but she doesn't believe his claims will stand up in court.

"I'm sorry for the state that it's going on, the cost associated with it, and all of that," Gregoire said Wednesday. "Whatever is going on in Chelan County, we cannot let that distract us from doing our jobs."

Neither Rossi nor Gregoire attended Thursday's hearing. Gregoire is in Olympia, working hard to establish her authority as governor. Rossi traveled to Washington, D.C. , for President Bush's inauguration - having missed out on the experience himself.

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