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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,

v.

King County and Dean Logan, its Director of
Records, Elections and Licensing Services, et al.,

Respondents

No.

**PETITIONERS' FIRST
INTERROGATORIES AND
REQUESTS FOR
PRODUCTION TO
WASHINGTON SECRETARY
OF STATE**

TO: SECRETARY OF STATE SAM REED

Pursuant to Civil Rules 26, 33 and 34 and the orders of the court, you are hereby requested to supply responses to these interrogatories and requests for production, within 10 days of the service of these requests upon you. Petitioners request that the responses to the interrogatories and the documents herein designated for production be produced at the offices of Davis Wright Tremaine, LLP, 1501 Fourth Avenue, 2600 Century Square,

PETITIONERS' FIRST INTERROGATORIES
AND REQUESTS FOR PRODUCTION - 1

SEA 1596547v1 55441-3

Davis Wright Tremaine LLP
LAW OFFICES
2600 Century Square · 1501 Fourth Avenue
Seattle, Washington 98101-1688
(206) 622-3150 · Fax: (206) 628-7699

1 Seattle, Washington 98101-1688, and that petitioners, or someone acting on their behalf,
2 be permitted to inspect and copy the designated documents.

3 **DEFINITIONS**

4 For purposes of these requests for production, the following terms shall have the
5 meaning set forth below:

6 1. "You" means the official to whom these requests are addressed above, and
7 its agents, employees, attorneys and representatives.

8 2. "Relating to" means pertinent, relevant or material to, evidencing, having a
9 bearing on, or concerning, affecting, discussing, dealing with, considering or otherwise
10 relating in any manner whatsoever to the subject matter of the inquiry.

11 3. A "measure," as in "any measures taken," includes any policy, procedure,
12 practice, effort, plan, or action whose purpose is or was the thing or result referred to.

13 4. The "November 2004 general election" refers to Washington's statewide
14 general election on November 2, 2004 and all subsequent recounts.

15 5. "Overvote" means a ballot containing marks in addition to a single,
16 completely filled-in oval for one candidate.

17 6. "Undervote" means a ballot containing a less than completely filled-in oval
18 for a candidate.

19 7. "Ballots Cast" means the total number of ballots containing a valid vote for
20 a candidate (whether printed on the ballot or written in) and those not counted because of
21 overvotes and undervotes.

22 8. "Voters Credited" means the number of voters who received credit for
23 voting in a county's voter registration database. Voters Credited includes voters in the
24 address confidentiality program, voters who cast federal write-in ballots without being
25 registered in the county for which they voted, and voters who had inactive registrations at
26 the time they voted.

27 **PETITIONERS' FIRST INTERROGATORIES AND REQUESTS FOR PRODUCTION - 2**

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1 received from any county, regarding the design, issuance, tracking, or verification of
2 provisional ballots.

3 RESPONSE:

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6 REQUEST FOR PRODUCTION NO. 4: Please produce any instructions,
7 guidelines, or training materials sent by your office to any county, and any documents
8 received from any county, regarding measures to ensure that ballots cast by felons who
9 have not had their voting rights restored are not counted.

10 RESPONSE:

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13 REQUEST FOR PRODUCTION NO. 5: Please produce any instructions,
14 guidelines, or training materials sent by your office to any county, and any documents
15 received from any county, regarding measures to ensure that ballots cast in the name of
16 dead persons are not counted.

17 RESPONSE:

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20 INTERROGATORY NO.1: Please describe in detail all measures taken to ensure
21 that ballots cast by voters voting more than once—whether by multiple ballots of one or
22 more type(s) (poll, provisional, absentee), by being registered to vote in more than one
23 jurisdiction or using more than one name, or otherwise—were not counted during the
24 November 2004 general election.

25 ANSWER:

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PETITIONERS' FIRST INTERROGATORIES
AND REQUESTS FOR PRODUCTION - 4

SEA 1596547v1 55441-3

Davis Wright Tremaine LLP
LAW OFFICES
2600 Century Square · 1501 Fourth Avenue
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1
2 REQUEST FOR PRODUCTION NO. 6: Please produce any instructions,
3 guidelines, or training materials sent by your office to any county, and any documents
4 received from any county, regarding measures to ensure that ballots cast by voters voting
5 more than once—whether by multiple ballots of one or more type(s) (poll, provisional,
6 absentee), by being registered to vote in more than one jurisdiction or using more than one
7 name, or otherwise—are not counted.

8 RESPONSE:
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11 INTERROGATORY NO.2: Please identify all audits of any county’s voting or
12 canvassing procedures conducted in the last five years, whether or not they were related to
13 a particular election.

14 ANSWER:
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17 REQUEST FOR PRODUCTION NO.7: Please produce all documents describing,
18 summarizing, or referring to the performance or results of all audits identified in your
19 answer to the preceding interrogatory.

20 RESPONSE:
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23 REQUEST FOR PRODUCTION NO.8: Please produce any instructions,
24 guidelines, or training materials sent by your office to any county, and any documents
25 received from any county, regarding enhancing or duplicating undervotes or overvotes,
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1 including any e-mails, memos, directives, or manuals stating, referring to, changing, or
2 implementing any criteria or procedures for such enhancement or duplication.

3 RESPONSE:

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6 REQUEST FOR PRODUCTION NO.9: Please produce any instructions,
7 guidelines, or training materials sent by your office to any county and any documents
8 received from any county regarding storage, transportation, or security of ballots.

9 RESPONSE:

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12 REQUEST FOR PRODUCTION NO. 10: Please produce all documents received
13 from any county or sent to any county by your office that describe, refer to, or record any
14 problem, issue, security breach, alarm activation, or complaint regarding the security of
15 ballots cast in the November 2004 general election.

16 RESPONSE:

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19 REQUEST FOR PRODUCTION NO. 11: Produce any and all reports (including but
20 not limited to electronic communications) or complaints from or between you and any county
21 elections staff or observers regarding election irregularities, including but not limited to any
22 allegations of security breaches, ballot mishandling, counting issues, mistakes, or any
23 irregularities, and the like, from January 1, 2004 to present.

24 RESPONSE:

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PETITIONERS' FIRST INTERROGATORIES
AND REQUESTS FOR PRODUCTION - 6

SEA 1596547v1 55441-3

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1 REQUEST FOR PRODUCTION NO. 12: Please produce all documents
2 constituting, referring to, or recording any communications between you and any county
3 concerning the November 2004 general election, including any communications regarding
4 allegations of fraud, mistake, canvassing errors, or affidavits or declarations submitted by
5 voters whose ballots were not counted.

6 RESPONSE:
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9 INTERROGATORY NO. 3: Please identify and describe any election for
10 statewide office (whether state or federal) in the State of Washington where the difference
11 between the certified winning candidate and the next candidate was less than 1,500 votes.
12 Please include in the description the office sought, names of the candidates, dates of the
13 election, and the vote totals.

14 ANSWER:
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17 REQUEST FOR PRODUCTION NO.13: Subject to an agreement to be negotiated
18 between you and Petitioners to ensure that voter privacy is protected, please produce the
19 complete countywide Voter File for each county, including permanent and temporary
20 absentee marks and all available vote history through the most recent election available.
21 Please produce this in a machine readable format including a file layout and/or column
22 headers. Such file should include, but not be limited to, the following items for each voter:

- 23 a. Voter full name, including first name, middle name or initial, last name, suffix
24 and prefix if applicable
25 b. Voter full registration address, including street address and unit number if
26 applicable, city, state, and nine-digit zip code.
27

1 c. Voter full mailing address, even if identical to voter registration address,
2 including street address and unit number if applicable, city, state, and nine-digit zip
code.

3 d. Voter Registration Number, which also may be called Affidavit Number or
4 Voter ID Number.

5 e. Registration Date

6 f. Registration Status, such as Active or Inactive, and Registration Activity Date,
7 which may also be called Last Voted Date.

8 g. Birthdate

9 h. District designations, including but not limited to Precinct, Legislative District,
10 Congressional District and County Council District

11 RESPONSE:

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14 DATED this 13th day of January, 2005.

15
16 Davis Wright Tremaine LLP
Attorneys for Petitioners

17
18 By Robert J. Maguire
19 Harry J.F. Korrell, WSBA #23173
20 Robert J. Maguire, WSBA #29909

21 RESPONSES DATED this ____ day of _____, 2005.

22
23
24 By _____
Attorneys for _____

25
26
27 PETITIONERS' FIRST INTERROGATORIES
AND REQUESTS FOR PRODUCTION - 8

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STATE OF WASHINGTON)
)ss.
COUNTY OF _____)

_____, being first duly sworn, upon oath, deposes and states: That he/she an officer of the _____ in this lawsuit, that he has read the within and foregoing interrogatories and answers thereto, knows the contents thereof, and believes the same to be true and correct to the best of his knowledge.

Its _____

SUBSCRIBED AND SWORN TO before me this ____ day of _____, 2005.

NOTARY PUBLIC in and for the State of
Washington, residing at _____
My commission expires _____