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SUPREME COURT OF THE STATE OF WASHINGTON

DAVID T. MCDONALD, RONALD TARO  
SUYEMATSU ET AL.,

NO. 76321-6

Petitioners,

DECLARATION OF MICHAEL  
CARMAN IN SUPPORT OF WRIT OF  
MANDAMUS

v.

SECRETARY OF STATE SAM REED, ET  
AL,

Respondents.

Michael Carman declares as follows:

1. I am over the age of 18, am competent to be a witness herein, and make this declaration based on my own personal knowledge.

2. I registered to vote when I turned 18. I have voted in several elections since then, and am now 22.

3. I originally registered to vote in Jefferson County, but I reregistered in Whitman County in January of 2004, as I attend Washington State University in Pullman.

4. I received my vote-by-mail ballot without incident for the November 2, 2004 election. I filled out, sealed, signed and mailed the ballot to the Whitman County Auditor on or about November 2, 2004.

5. I left for Thanksgiving Break on Sunday, November 21, 2004, and returned on Sunday, November 28, 2004. Attached hereto as exhibit A is a correct copy of a the Washington State University Academic Calendar from their website. The calendar indicates

DECLARATION OF MICHAEL CARMAN  
IN SUPPORT OF WRIT OF MANDAMUS - 1

[/FinalMichaelCarmanDecl1]]

**Perkins Cole LLP**  
1201 Third Avenue, Suite 4800  
Seattle, Washington 98101-3099  
Phone: (206) 359-8000  
Fax: (206) 359-9000

1 that Washington State University was officially on break from Monday, November 22, 2004  
2 to Friday, November 26, 2004.  
3

4  
5 6. Upon arriving back at Washington State University, I found a letter from the  
6 Whitman County Auditor's office postmarked November 22, 2004. I recall the exact date of  
7 the letter, as it was dated the first day of our Thanksgiving Break. The letter indicated my  
8 "provisional ballot" had not been counted for the November 2, 2004 election because my  
9 signature on the ballot did not match my voter registration card. I thought the letter was  
10 strange, as I had voted by mail, not provisionally.  
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17 7. I was surprised to receive such a letter from the Auditor's office and I was  
18 angry my vote had not been counted. Thus, the next day I had a friend drive me, through a  
19 snowstorm, to the Whitman County Auditor's office in Colfax so I could speak to the  
20 Auditor in person. Upon arriving at the Auditor's office I first spoke with an election  
21 worker, then the Auditor herself. I was informed that all three members of the Canvassing  
22 Board had voted to reject my ballot, at both the original count and the recount. The Auditor  
23 indicated that my ballot was rejected because there were not "three points" that matched  
24 between the signature on the ballot and the signature on my voter's registration form.  
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33 8. The only reason I can think of why my signature may not have matched is  
34 that sometimes I write my signature more quickly, making the individual letters less distinct.  
35 However, while at the elections office the Auditor showed me my ballot and the signature  
36 they had for me on record. Though there may have been some differences, the "M" "C" and  
37 "A" clearly matched between the signatures. Thus, I attempted to argue with the auditor that  
38 1) I was in fact the person who signed the ballot, 2) there were three points of matching  
39 between the two signatures and 3) my ballot should be counted. Additionally, I attempted to  
40 show the Auditor my Washington State University Student Identification Card, which has  
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DECLARATION OF MICHAEL CARMAN  
IN SUPPORT OF WRIT OF MANDAMUS - 2

[/FinalMichaelCarmanDecl11]

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1 my printed name, signature, and picture. The Auditor refused to even look at my  
2 identification card, and informed me it was too late—Whitman County would not count my  
3 ballot.  
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6  
7 9. In addition to asking the Auditor to consider my ballot, I inquired as to why I  
8 had not received any notice of a problem with my signature until late November. I was  
9 informed the Auditor's office had placed a notice in the Whitman County Gazette to tell  
10 voters about the Canvassing Board meeting, where challenged ballots were to be discussed.  
11 However, the Whitman County Gazette is not widely available on the Washington State  
12 University Campus; I have seen it only once or twice in the three and a half years I have  
13 attended the University. I did not see the notice in the newspaper about the Canvassing  
14 Board meeting. In addition, the Auditor also informed me that she thought the Democratic  
15 and Republican parties were contacting voters; it was not the responsibility of the Auditor.  
16

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18 10. I do not know why Whitman County refused to count my ballot, particularly  
19 as I went in person to prove I was the person who signed the ballot. Had Whitman County  
20 given me notice prior to the certification of election results, I would have done everything  
21 possible to remedy any problems with my ballot. Further, I believe that my ballot should  
22 have already been counted, as I looked at the ballot and signature on record myself and  
23 believe three points match. I want my vote counted in this year's election, and feel that  
24 Whitman County was wrong to reject it.  
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27 11. I am the person who signed the oath on the vote-by-mail ballot.  
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DECLARATION OF MICHAEL CARMAN  
IN SUPPORT OF WRIT OF MANDAMUS - 3

[/FinalMichaelCarmanDecl[1]]

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I declare subject to penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

SIGNED and DATED at Pullman, Washington, this 12th day of December, 2004 by MICHAEL CARMAN.

Michael R. Carman  
Michael Carman

DECLARATION OF MICHAEL CARMAN  
IN SUPPORT OF WRIT OF MANDAMUS - 4

[FinalMichaelCarmanDecl[1]]

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Exhibit A



The Washington State University Catalog  
**Our Academic Calendar For Fall 2004**

Welcome to the WSU catalog web site!

[ABOUT OUR CATALOG](#)

[Pullman](#) [Fall 2004](#)

[GO](#) [PRINTABLE](#)

[FRONT MATTER](#)

**Campus Event Description**

**Event Date**

**Pullman** Priority Registration Begins. For Fall 2004

Monday, April 12, 2004

[COLLEGES](#)

All The first day of instruction for the term.

Monday, August 23, 2004

[ACADEMIC PROGRAMS](#)

All Late registration begins. (Additional \$25.00 Fee Charged.)

Monday, August 23, 2004

[COURSES](#)

All Deadline for Cancellation of Enrollment from WSU with full refund (less administration fee).

Friday, August 27, 2004

[ACADEMIC REGULATIONS](#)

All Last date students may add a course on METRO. (Classes may be added after this date until the last day of instruction of the term with appropriate signatures.)

Friday, August 27, 2004

[ACADEMIC CALENDAR](#)

All Deadline to change from audit to credit.

Friday, September 03, 2004

[CATALOG HOME PAGE](#)

All Deadline for enrollment prior to \$100 late registration fee.

Friday, September 03, 2004

All Last day a student may receive a refund for a special course fee.

Friday, September 03, 2004

All Labor Day—ALL UNIVERSITY HOLIDAY

Monday, September 06, 2004

All Last day to change enrollment from graded to pass/fail.

Friday, September 10, 2004

All Last day to add a course as audit or to change from credit to audit.

Friday, September 17, 2004

All Last day to file residency application for Spring 2005 Fall 2004.

Tuesday, September 21, 2004

All Deadline for dropping a course without record. (Course withdrawals after this date cost \$5.00 each and are

Tuesday, September 21, 2004

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|         | recorded on the student's transcript).                                      |   |
| All     | Deadline to pay tuition prior to 5% assessment fee.                         | Friday, September 24, 2004                |
| Pullman | Mid-Term grade collection begins.   | Monday, September 27, 2004<br>8:00:00 AM  |
| All     | Last day to apply for a Graduate Certificate for December                   | Friday, October 08, 2004                  |
| All     | Deadline to apply for a Graduate Degree for December.                       | Friday, October 08, 2004                  |
| Pullman | Mid-term grade submission ends at 5:00 p.m.                                 | Wednesday, October 13, 2004<br>5:00:00 PM |
| All     | Deadline to apply for an Undergraduate Degree for December.                 | Friday, October 15, 2004                  |
| All     | Deadline to apply for a Teaching Certificate for December.                  | Friday, October 15, 2004                  |
| All     | Deadline to pay tuition prior to 10% assessment fee.                        | Friday, October 15, 2004                  |
| All     | Final grade submission begins.  | Monday, October 18, 2004<br>8:00:00 AM    |
| All     | Deadline to use a regular withdrawal to withdraw from a course using METRO. | Friday, October 22, 2004                  |
| Pullman | Priority Registration Begins For Spring 2005                                | Monday, November 08, 2004                 |
| All     | Veteran's Day--ALL UNIVERSITY HOLIDAY                                       | Thursday, November 11, 2004               |
| All     | Deadline to schedule final oral examination for an advanced degree.         | Friday, November 19, 2004                 |
| All     | Thanksgiving vacation begins.   | Monday, November 22, 2004                 |
| All     | Thanksgiving vacation ends.   | Friday, November 26, 2004                 |
| All     | The last day of instruction for the term.                                   | Friday, December 10, 2004                 |
| All     | Last day to ADD a course for this term with appropriate signatures.         | Friday, December 10, 2004                 |
| All     | Deadline to change from pass/fail to graded.                                | Friday, December 10, 2004                 |
| All     | Deadline to take final oral examination for an advanced degree.             | Friday, December 10, 2004                 |

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|---------|--|--|
| All     | Deadline for cancellation of enrollment from WSU (see Rule 70b).                           | Friday, December 10, 2004                |
| All     | Deadline to use uncontested course withdrawal (undergraduate students only, see Rule 69b). | Friday, December 10, 2004                |
| Pullman | Commencement.  | Saturday, December 11, 2004              |
| All     | Final examinations begin.  | Monday, December 13, 2004                |
| All     | Final examinations end.  | Friday, December 17, 2004                |
| All     | Theses due to Graduate School.   | Friday, December 17, 2004                |
| All     | Final grade submission ends.   | Tuesday, December 21, 2004<br>5:00:00 PM |

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 Office of the Registrar, PO Box 641035, Washington State University, Pullman, WA, 99164-1035 USA