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SUPREME COURT OF THE STATE OF WASHINGTON

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

Petitioners,

v.

SECRETARY OF STATE SAM REED, ET  
AL,

Respondents.

NO. 76321-1

DECLARATION OF CYNTHIA  
CUNNINGHAM IN SUPPORT OF  
PETITION FOR WRIT OF  
MANDAMUS

I, Cynthia Cunningham, declare under penalty of perjury of the laws of the State of Washington that the following is true and correct:

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 reside in King County, and have been a poll voter in King County since 1972.

3. I have never requested an absentee ballot from King County, as I prefer to vote at my designated polling precinct. However, prior to the November 2, 2004 general election, I inexplicably received two absentee ballots at my residence. Because I had not requested these ballots, I decided to use them as a voting guide for the November 2, 2004

DECLARATION OF CYNTHIA  
CUNNINGHAM IN SUPPORT OF PETITION  
FR WRIT OF MANDAMUS - 1

[/Final Cunningham SL043440 2.DOC]

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

1 general election. Thus, on or about November 1, 2004, I marked the candidates I wanted to  
2 vote for on the ballot I received, at times crossing out an item and filling in another choice.  
3

4 4. On November 2, 2004, I went to my designated polling place to vote, but was  
5 informed by election workers that I could not vote at the polls because I had requested an  
6 absentee ballot. I informed the election workers that while King County had sent me not  
7 one, but two, absentee ballots I had not requested them and I wanted to vote at the polling  
8 location as I had always done. The poll worker informed me that it was not possible to vote  
9 as a regular poll voter. Rather, I had to either cast a provisional ballot or use the absentee  
10 ballot I had brought with me to vote. However, while I had the absentee ballot itself on my  
11 person, I had not brought the absentee ballot envelope with me, as I expected to vote at the  
12 polls. After some discussion between two of the poll workers as to what I should do, I  
13 ultimately placed my completed absentee ballot in a provisional ballot envelope provided by  
14 the poll workers, signed the envelope and placed it in the side of the ballot box with the  
15 other provisional ballots. The election workers then gave me a stub containing a provisional  
16 ballot reference number I could use to check the status of my ballot.  
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30 5. After a few days I began checking the King County Elections website to  
31 ascertain the status of my ballot. I attempted to determine the fate of my ballot on  
32 November 7th, 10th, 12th and 16th. However, the website simply told me that information  
33 as to the disposition of my ballot was unavailable at the time. On November 17, I checked  
34 the website once again, and it was then I learned my vote had not been counted. The notice  
35 on the website currently states, "[y]our provisional ballot was received but not counted.  
36 Your provisional ballot was received but not counted because the signature you provided did  
37 not match the signature on your original registration form." After learning my vote had not  
38 been counted, I immediately sent an email to the King County Elections office, stating my  
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DECLARATION OF CYNTHIA  
CUNNINGHAM IN SUPPORT OF PETITION  
FR WRIT OF MANDAMUS - 2

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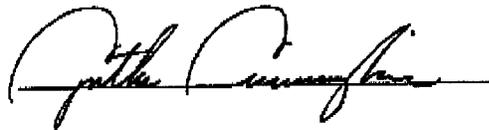
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case. The website says that you will hear back from the Elections Office within forty-eight (48) hours. As of today, I have yet to receive a response.

6. Had I been notified by King County, via either the website or by letter, I would have attempted to correct my signature in order to have my vote count. I feel that I made every effort possible to determine the status of my ballot, yet was unable to determine until after the deadline that my ballot was rejected due to a mismatched signature. If King County had not mistakenly sent me two absentee ballots, and I had been able to vote at my designated polling location as I always have before, my vote would already have been counted. I want my vote counted in this year's election.

7. I am the person who signed the poll book register and the oath on the provisional ballot envelope.

DATED this 11<sup>th</sup> day of December, 2004 in Seattle, Washington.



Cynthia Cunningham

DECLARATION OF CYNTHIA  
CUNNINGHAM IN SUPPORT OF PETITION  
FR WRIT OF MANDAMUS - 3

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