

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

SUPREME COURT OF THE STATE OF WASHINGTON

DAVID T. MCDONALD, RONALD TARO
SUYEMATSU, et al.

NO. 76321-6

Petitioner-Electors,

SUPPLEMENTAL DECLARATION OF
MILES ERICKSON IN SUPPORT OF
PETITION FOR WRIT OF
MANDAMUS

v.

SECRETARY OF STATE SAM REED, et
al.,

Respondents.

Miles Erickson 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. On December 10, 2004, I received an electronic mail message from Pamela
Floyd, Assistant Elections Director for Voter Services in the Office of the Secretary of State.

DECLARATION OF MILES ERICKSON IN
SUPPORT OF PETITION FOR WRIT OF
MANDAMUS - 1

[/Erickson Second Supplemental Declara.doc]

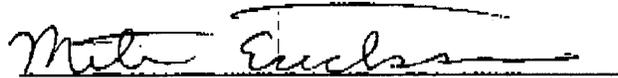
Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

I have printed a true and correct copy of that message. The copy of that message is attached to this declaration as Exhibit A.

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 Blaine, Washington, this 10th day of December, 2004 by MILES ERICKSON.


Miles Erickson

DECLARATION OF MILES ERICKSON IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS - 2

[/Erickson Second Supplemental Declara.doc]

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

Exhibit A

Miles Erickson

From: "Floyd, Pam" <pfloyd@secstate.wa.gov>
To: "miles@miles Erickson.com" <miles@miles Erickson.com>
Cc: "Berger, Carolyn" <cberger@secstate.wa.gov>, "Handy, Nick" <nhandy@secstate.wa.gov>, "Pearson, John" <jpearson@secstate.wa.gov>
Date: Fri, Dec-10-2004 11:39 AM
Subject: RE: Should my vote be counted?

Mr. Erickson:

I have spoken to the Whatcom County Auditor, who has phoned King County and arranged to have your ballot sent back to Whatcom, for consideration by the canvassing board during the manual recount.

You may contact the Whatcom County Auditor's office for further information on the disposition of this ballot.

Thank you for participating in this year's elections and for being persistent. The County and our office want to be sure that every valid vote is counted.

Pamela Floyd
Assistant Elections Director for Voter Services
360-725-5781

-----Original Message-----

From: Miles Erickson [mailto:miles@miles Erickson.com]
Sent: Wednesday, December 08, 2004 10:14 PM
To: elections@secstate.wa.gov
Subject: Should my vote be counted?

Dear friends:

I voted in the November 2nd election. My ballot was rejected due solely due to an administrative error: Whatcom County, my county of registration, mailed my provisional ballot to King County. King County received my ballot from Whatcom County and rejected it, because my King County registration was cancelled when I moved to Whatcom County. No one from either county has disputed my assertion that my ballot is valid and should have been counted in Whatcom County.

A Whatcom County elections official has stated that my ballot cannot be retrieved from King County and included in the recount except by court order, because the Secretary of State has prohibited the reconsideration of previously rejected ballots.

Today, while reading news stories, I saw the Secretary of State quoted as saying that known "problem ballots" can in fact be reconsidered by county canvassing boards.

Naturally, I would like my ballot to be included in the recount. Could you please clarify whether Whatcom County is allowed to reconsider my ballot?

Many thanks,

12/10/2004

- Miles