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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 LARRY PHILLIPS
IN SUPPORT OF PETITION FOR WRIT
OF MANDAMUS

v.

SECRETARY OF STATE SAM REED, ET
AL,

Respondents.

Larry Phillips 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 am currently the Chair of the King County Council. I represent the Fourth District, which covers precincts in northwest Seattle, Washington.
3. I am registered to vote, and have regularly and continuously voted.

DECLARATION OF LARRY PHILIPS IN
SUPPORT OF PETITION FOR WRIT OF
MANDAMUS - 1

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4. I normally vote at my designated polling precinct, as I prefer to go in person on Election Day. However, this year I was scheduled to be away on November 2, 2004, in order to work on John Kerry's presidential election campaign in Ohio. Thus, I applied for a one-time-only absentee ballot. I received my absentee ballot without incident. When casting my ballot, I made sure to follow the instructions provided. I paid particular attention to the instructions on how to fill out and mail the absentee ballot itself back to King County. Approximately one week before the November 2, 2004 general election, I mailed my ballot to King County. I then left for Ohio, assuming that my vote had been validly cast and that King County would count it.

5. To this date, I have received no written notice from either King County or the Secretary of State indicating my ballot was not counted in the November 2, 2004 election.

6. On December 12, 2004, I volunteered to help with the Democratic Party's effort to contact voters whose ballots have not yet been counted. I specifically asked to "housecall" in my district, as I would likely know some of the voters. When reading the list of voters in my district whose ballots have not been counted, I found my own name. This was the first time I had any indication King County had not counted my ballot.

7. After filling out paperwork provided by the Democratic Party in an attempt to remedy the issue with my ballot, I then called the King County Elections office to ascertain why my ballot had not been counted. After making numerous attempts throughout the day to contact representatives of King County, Dean Logan, Director of King County Elections and Records Division, returned my phone call the evening of December 12, 2004.

8. Mr. Logan informed me that my ballot had not been counted. King County records indicated that my absentee ballot had been correctly filled out, signed and mailed on time. However, King County has no digital record of my signature on file. Thus, during the

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initial processing of absentee ballots for the November 2, 2004, general election canvass, the election workers had been unable to compare the signature on my absentee ballot to a signature on file.

9. Mr. Logan informed me I was clearly listed as a registered voter. Additionally, while there was no signature on file, King County records indicate I have voted in numerous election cycles.

10. Mr. Logan could not definitively explain the reason why my signature is missing from the King County election files. However, he speculated that the problem arose a few years ago when King County converted paper files of voter registration cards to a digital format. In this transition, my signature was apparently deleted from the system. Thus, my ballot has not been counted solely due to a King County computer error.

11. I deeply believe in the right of every citizen to vote, and I want my vote to count in the November 2, 2004 general election. Indeed, I am a perfect example of why each and every vote that has not yet been counted in this year's election must be carefully scrutinized to determine whether the vote was validly cast. I would not have known that my vote was at risk due to an Elections office computer error, had I not volunteered to contact voters in person, happened to see my name on the list of voters, and then made numerous attempts to contact King County Election officials. Based on my conversation with Mr. Logan, I understand that I made no errors in my attempt to cast an absentee ballot; I should not have been disenfranchised.

12. I am the person who signed the oath on the absentee ballot envelope.

DECLARATION OF LARRY PHILIPS IN
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MANDAMUS - 3

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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 Seattle, Washington, this 13th day of December, 2004 by LARRY PHILLIPS.


Larry Phillips



DECLARATION OF LARRY PHILIPS IN
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MANDAMUS - 4

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