

EXHIBIT I

No. 76321-6

SUPREME COURT OF THE STATE OF WASHINGTON

DAVID T. McDONALD, et al.,

Petitioners,

v.

SECRETARY OF STATE SAM REED, et al.,

Respondents.

DECLARATION OF DEAN C. LOGAN

NORM MALENG
King County Prosecuting Attorney

THOMAS KUFFEL, WSBA No. 20118
JANINE JOLY, WSBA No. 27314
Senior Deputy Prosecuting Attorneys

Attorneys for Respondents Dean Logan
and King County Records, Elections and
Licensing Services Division

King County Prosecuting Attorney
E550 King County Courthouse
516 Third Avenue
Seattle, Washington 98104
(206) 296-9015

I, Dean Logan, declare as follows:

1. I am the Director of the King County Records, Elections and Licensing Services Division. I am over eighteen years old and competent to testify. I have personal knowledge of the facts stated below.

2. Under the King County Charter, my position is equivalent to the position of County Auditor for purposes of administering elections. In this capacity, I am the *ex officio* supervisor of all primaries and elections, general or special, held in King County. I have held this position since August 2003. Prior to that time I was the State Elections Director for the Office of the Secretary of State and held that position for two years. I have worked in election administration in Washington for the last fifteen years.

3. I have reviewed the pleadings Petitioners filed on Friday, December 3, 2004, in the above-entitled matter. The relief sought by Petitioners in this action is based, in part, on alleged errors that occurred in King County during the canvassing or machine recount of votes, and alleged errors that Petitioners claim will occur during the forthcoming manual recount. This declaration is submitted to address Petitioners' key allegations with respect to these issues.

The Manual Recount

4. On Monday, December 6, 2004, the Secretary of State directed that a manual recount in the 2004 gubernatorial election be conducted in all counties in the state.

5. Because RCW 29A.64.030 requires the recount to commence less than three days after receiving the Secretary of State's directive, and requires all county canvassing boards (or their respective designees) to provide two days' advance notice of the time and place of the recount to the candidates and affected parties, the recount will commence on Wednesday, December 8. As a practical matter, the actual retabulating of votes in King County likely will not begin until Friday, December 10, or Saturday, December 11, since it will take at least two days for recount staff to open the sealed boxes and sort the ballots.

6. King County has conducted numerous manual recounts over the years. In determining the final procedures for conducting a manual recount, the County looks to three sources for guidance: the legal requirements prescribed by state statute and administrative rule; the local recount procedures adopted by the King County Canvassing Board; and any practical considerations involved in conducting the recount.

7. The relevant statutory requirements are found in Title 29A RCW, which sets forth the election laws of this state, and Chapter 29A.64

RCW, which specifically governs recounts. These requirements, along with existing statewide administrative rules of potential application, are summarized in the manual recount guidelines issued by the Secretary of State on December 3, 2004. *See*

<http://www.secstate.wa.gov/elections/pdf/Governor%20Manual%20Recount%20Guidelines2.pdf>. Pertinent requirements include, but are not

limited, to the following:

- Witnesses shall be permitted to observe the ballots and process of tabulating the votes, but they shall not be permitted to handle the ballots. RCW 29A.64.041(1).
- Persons representing the candidates affected by the recount may observe the recount. RCW 29A.64.041(3).
- The observers may not make a record of the names, addresses, or other information on the ballots, poll books, or applications for absentee ballots unless authorized by the superior court. RCW 29A.64.041(3).
- The county auditor may limit the number of observers to not less than two on each side if, in his or her opinion, a greater number would cause undue delay or disruption of the recount process. RCW 29A.64.041(3).

8. In addition to these legal requirements, the King County Canvassing Board has adopted local procedures for conducting a manual recount. A copy of these procedures is attached hereto as Exhibit A. In the context of the recount to be conducted in this case, the following procedures apply:

- Teams of two members each plus a single recorder will perform counting.
- The ballots will be distributed by precinct among teams.

be administratively difficult and in some cases impossible, to accept and process additional information for provisional and absentee ballots on the day of certification. A deadline of 4:30 p.m. on the day prior to certification allows elections staff to work into the evening processing all ballots and gives us time to call an additional canvassing board meeting on the morning of certification if ballots are going to be referred to the canvassing board. Furthermore, the auditor's abstract of votes and certifications of the election must be prepared prior to the canvassing board meeting on certification day. If additional information is accepted and processed throughout the day, we will be unable to declare and certify final results by close of business on the day required by RCW 29A.60.190.

33. I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct and of my own knowledge, and that I executed this declaration at Seattle in the County of King, this 7th day of December, 2004.


DEAN C. LOGAN