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SUPREME COURT OF WASHINGTON

DAVID T. MCDONALD, ET AL.,

Petitioner,

v.

SECRETARY OF STATE SAM REED, ET AL.,

Respondents.

NO.

DECLARATION OF CHRISTOPHER HAYLER IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS

I, Christopher Hayler, declare as follows:

1. I am over the age of eighteen (18) years and make this Declaration based on personal knowledge.
2. I am the Field Director for the Chris Gregoire for Governor Campaign. As Field Director, I coordinate field staff and direct the field team's communication with voters.
3. I have worked in field director positions since 2000. Previous to my work with the Gregoire campaign, I served as a Regional Field Director for the Iowa Democratic

1 Party in the First Congressional District. I also served as Southeast Iowa Regional Field
2
3 Director for John Kerry's Presidential campaign as well as Washington State's Caucus
4
5 Director for the Kerry campaign.

6
7 4. Counties across Washington provided the Gregoire campaign with lists of
8
9 voters whose absentee ballots had missing or mismatched signatures. Some of the counties
10
11 provided us with lists of provisional ballot voters who had signature problems. Our field
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13 team phonebanked to ensure voters are aware that a signature problem might have
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15 jeopardized their vote, and to urge voters to return their signature cards for verification. If
16
17 the team was unable to contact a voter by telephone, we attempted to reach voters in person
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19 at home. If we reached a voter at such a late date that a signature card might not have
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21 reached the Elections Office through the mail, we urged the voter to go in person to the
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23 Elections Office to validate the ballot. If required, we offered transportation to enable voters
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25 to get to the Elections Office to validate their ballots. Across the state, we were able to help
26
27 hundreds of voters ensure that their votes were counted.

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29 5. Initially, King County refused to provide us with a list of provisional ballot
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31 voters with signature problems. After ordered by a court, King County did eventually
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33 provide us with such a list a little bit after 5:00 p.m. on Friday, November 12. King County
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35 announced that it would be accepting documents to help validate ballots until Tuesday,
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37 November 16 at 4:30 p.m. The field team worked incredibly hard over the four-day period
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39 to contact King County voters whose provisional ballots had missing or mismatched
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41 signatures. We were able to help many voters ensure that their votes were counted.

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43 6. Because of King County's delay in releasing the public document to us and
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45 the resulting short period of time in which we could contact people, we collected validation
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47 documents from 24 King County voters that we were unable to collect and deliver before

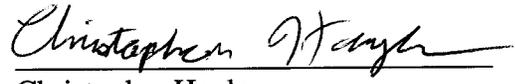
1 King County's Tuesday deadline. Included in those 24 forms was one from a man named
2 Rick Leavitt. Rick is a middle aged man with advanced MS, he has a degenerative nerve
3 disease so he is unable to sign his ballot. With limited assistance by his nurse he was able to
4 place an x on the affidavit forms we provided which his nurse subsequently signed as a
5 witness. Because Rick lives in a nursing home he never received word that his ballot did not
6 count and his vote would not have counted if we had not provided him with the necessary
7 forms. It took one of our staff 30 minutes to complete the affidavit process. Unfortunately
8 due to Rick's condition and the length of time it took for him to make an X we were unable
9 to obtain his signature until 4:30 pm on Tuesday November 16th.

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19 7. At approximately 8:40 a.m. on the morning of Wednesday, November 17,
20 together with an attorney for the Washington Democrats, I delivered these 24 sets of
21 validation documents to the King County elections office. I spoke to Bill Huennekens, the
22 Superintendent of Elections, identified myself and explained the documents I was
23 delivering. He stated that, on advise of his counsel, he would not accept the documents as
24 validation of the votes cast in the 2004 general election. Counsel and I explained that the
25 documents were delivered well in advance of the final King County canvassing board
26 meeting and urged Mr. Huennekens to consider them so that every valid vote would be
27 counted.
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36 8. Mr. Leavitt's story is illustrative, and only one of the hundreds of stories of
37 voters whose vote may not have counted. My staff has fielded hundreds of calls and emails
38 from voters wondering whether or not their ballot was counted in the November 2, 2004
39 election.
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44 9. I declare under penalty of perjury under the laws of the United States of
45 America and the State of Washington that the foregoing is true and correct.
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Executed this 3 day of December, 2004 at Seattle, Washington.


Christopher Hayler

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