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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

WASHINGTON STATE REPUBLICAN  
PARTY, an unincorporated association;  
CHRISTOPHER VANCE, a citizen of  
Washington State; and JANE MILHANS, a  
citizen of Pierce County;

Plaintiffs,

v.

KING COUNTY DIVISION OF RECORDS,  
ELECTIONS AND LICENSING SERVICES;  
and KING COUNTY CANVASSING BOARD;

Defendants.

No.

DECLARATION OF KENNETH  
SEAL

I, Kenneth Seal, declare as follows:

1. I am a citizen of Washington and a resident of King County. I am over the age of 18, competent to testify, and an eligible elector in Washington State. I am an official observer for the Washington State Republican Party, and I have personal knowledge of the facts set forth in this declaration.

2. On December 13, 2004 I was observing the counting of ballots at the Mail Ballot Operation Satellite ("MBOS") office for the King County Records, Licensing and Elections Division ("Elections Division").

3. I saw a cart with mail trays containing ballots in envelopes pulled out of the vault at MBOS. Bill Huennkens, King County Elections Supervisor, then put the trays on

1 a desk in the Northwest corner of the lobby and commenced going through them.

2 4. I went over and asked Huennekens what he was doing. He appeared  
3 somewhat agitated which was not his usual demeanor. He stated that he was sorting the  
4 ballots by category. He refused to answer any further questions of mine.

5 5. At that moment other observers came into the building, and I took them to  
6 their stations at MOBS to explain what was happening with the ballots that were being  
7 sorted.

8 6. I saw two Elections Division employees at another table in the MBOS  
9 lobby with a mail tray full of ballots in sealed envelopes. I asked them what they were  
10 doing, and they said that were counting them.

11 7. When I was finished escorting observers, I went back to find Huennekens.  
12 He was in the office and the mail trays of unopened ballots were gone. I was advised by  
13 another Elections Division employee that one of the mail trays had been taken to the King  
14 County Administration Building where they were going to be put in a vault and the rest  
15 were put back in the MBOS vault.  
16

17 8. Elections Division employees explained to me that neither observers nor  
18 deputies from the King County Sheriff's Office went with ballots to the King County  
19 Administration Building. This was not normal procedure since ballots are always  
20 accompanied, when moved to another facility, by a Deputy Sheriff.  
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22 9. Later I was given to understand that the ballots that Huennekens was  
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categorizing included the 573 ballots that are at issue in this case.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Executed at Seattle, Washington, this 16<sup>th</sup> day of December, 2004.

  
Kenneth Seal