

SUPREME COURT OF WASHINGTON

DAVID T. MCDONALD et al.,

Petitioners,

v.

SECRETARY OF STATE SAM REED et al.,

Respondents.

NO.

**DECLARATION OF
GREGORY V. ROEBEN, MD**

I, Gregory V. Roeben, MD, hereby declare as follows:

1. I am competent to make this declaration and do so upon personal knowledge.
2. I am a resident of Kirkland, Washington.
3. I first registered to vote in the State of Washington in 1995.
4. I am a psychiatrist. Over the years, I have progressively shortened my

signature for occupational efficiency. However, my signature has remained stable for at least the past three years.

5. I last updated my voter's registration file with a change of address after the November 2002 general election. At this time, my signature looked the same as it does now. I do not recall if I updated my address by phone or by mail. I also do not recall if I signed a new voter's registration card in connection with updating my address. At the time I updated

DECLARATION OF GREGORY V. ROEBEN,
MD - 1

[15934-0006/SL043370.299]

my address, I was not informed of any problems with my signature. Additionally, I was not informed that my absentee ballots would not be counted if my signature on the ballot envelopes did not match the one on file.

6. I have voted by absentee ballot for several elections prior to the recent general election. As far as I can recall, I have voted in every election in the last three years, most if not all by absentee ballot. I specifically recall that this year, I voted by absentee ballot in April on a levy to fund emergency services at Evergreen Hospital and in the September primary. No one has ever notified me that my current signature, the one I signed on these absentee ballots, did not match my signature on file.

7. In the general election held on November 2, 2004, I again voted by absentee ballot. I signed the ballot using my current signature, the one I have used for at least the past three years. This signature is the same as the one I used in the April and September elections of this year. This signature matches the one on my driver's license, which was issued November 20, 2002.

8. When I came home in the evening of Tuesday, November 16, 2004, I found a notice at my home. A true and correct copy of this notice is attached hereto as **Exhibit A**. This notice was the first communication of any form that I received indicating a problem with my vote. The notice states that my vote would not be counted unless I submitted an affidavit to the King County Auditor's Office by 4:00 p.m. that day. Obviously, I found the notice too late to comply with that deadline.

DECLARATION OF GREGORY V. ROEBEN,
MD - 2

[15934-0006/SL043370.299]

9. I called the King County Auditor's Office the following morning. I was informed that my vote had been rejected because the signature I signed on my ballot did not match my signature on file. I was further informed that it was too late to provide an updated signature or certify my vote and that therefore my vote would not be counted.

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

EXECUTED at SEATTLE, WA, this 3rd day of December, 2004.



GREGORY V. ROEBEN, MD

DECLARATION OF GREGORY V. ROEBEN,
MD - 3

[15934-0006/SL043370.299]

Gregory Roeben **ATTENTION:**

Due to confusion regarding your ballot, your vote is currently NOT being counted!

It is not too late to fix this problem! To make sure that your vote is counted and that your voice is heard, please follow the two steps below:

- 1: Please fill out and sign the attached voter registration form!**
- 2: Bring it into your county auditor's office by 4:00 p.m. TUESDAY AFTERNOON!**
- 3: Ask the Auditor to use this information to validate your ballot.**

**Auditor's Address:
500 4th Avenue, Room 553
Seattle, WA
Phone Number: 206-296-8683**