SUPREME COURT OF WASHINGTON

DAVID T. MCDONALD, et al. Petitioner-Electors, v. SECRETARY OF STATE SAM REED, et al., Respondents.	NO. DECLARATION OF RYAN J. MCBRAYER

Now comes Declarant, Ryan J. McBrayer and states as follows:

1. I am one of the attorneys for petitioners, am competent to make this declaration, and do so upon personal knowledge as indicated.

2. The Secretary of State has published on its website the results of the initial tally of ballots at

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

http://vote.wa.gov/general/statewide_results.aspx?o=7FR30bVZqpnn5rCqJv1pVg%3d%3d. A true and correct copy of that document is attached hereto as Exhibit A.

3. On November 15, 2004, the Secretary of State published a document entitled "Frequently Asked Questions: General Election Recount Procedures" on its website at http://www.secstate.wa.gov/office/osos_news.aspx?i=SPlmpeBt1xLxpksVqw%2ft9w%3d%3d. A true and correct copy of that document is attached hereto as Exhibit B.

4. On November 19, 2004, Sheryl Moss, Manager of the Certification and Training Program for the Office of the Secretary of State, distributed guidelines for the machine recount. A true and correct copy of those guidelines is attached hereto as Exhibit C.

5. The Secretary of State has published on its website the results of the machine recount of ballots at http://vote.wa.gov/general/recount.aspx. A true and correct copy of that document is attached hereto as Exhibit D.

6. The Secretary certified the results of the mandatory recount on November 30, 2004. A true and correct copy of the certificate provided by the Secretary of State, signed on November 30, 2004 is attached hereto as Exhibit E.

7. The Secretary of State has issued draft guidelines to regulate the hand recount; among those guidelines is a directive that votes which county canvassing boards failed to consider in the prior counts, would also not be considered in the hand count. A true and correct copy of the draft guidelines is attached hereto as Exhibit F. It is our

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understanding that the Secretary of State will be issuing final guidelines today, at which point counsel for petitioners will provide a copy to the Court.

8. On November 28, 2004, Kevin J. Hamilton, one of the attorneys representing petitioners, sent a letter via email to Sam S. Reed, Secretary of State and to Mr. Handy requesting that the Secretary investigate and correct errors prior to certifying the manual recount results. A true and correct copy of that letter is attached hereto as Exhibit G.

9. On December 2, 2004, Mr. Hamilton received a response to his November 28 letter from Mr. Handy. A true and correct copy of that letter is attached hereto as Exhibit H.

10. On December 1, 2004, Mr. Burman sent a letter via email to Sam S. Reed, Secretary of State, and to Nick Handy, Director of the Elections Division of the Office of the Secretary of State, requesting that the Secretary require that ballots previously rejected by canvassing boards or election staff should be reviewed again in a hand recount of all ballots. A true and correct copy of that letter is attached hereto as Exhibit I.

11. On December 2, 2004, Mr. Burman received a response to his December 1 letter via email from Mr. Handy. A true and correct copy of that response is attached hereto as Exhibit J.

12. On December 2, 2004, Dean C. Logan, Director of King County Elections and Licensing Services Division, sent a letter to Greg Rodriguez, Chair of King County Democratic Central Committee, and Pat Herbold, Chair of King County Republican Central Committee. A true and correct copy of that letter is attached hereto as Exhibit K.

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13. On November 18, 2004, David J. Burman, one of the attorneys representing petitioners, made a Public Records Act request to Nick Handy, Director of the Elections Division of the Office of the Secretary of State. A true and correct copy of that request is attached hereto as Exhibit L.

14. On November 19, 2004, Steve Lyle, Contracts/Public Records Disclosure Officer for the Office of the Secretary of State, responded to petitioners' Public Records Act request. A true and correct copy of that letter is attached hereto as Exhibit M.

15. On November 30, 2004, William C. Rava, one of the attorneys representing petitioners, made a Public Records Act request to Janine Joly, King County Senior Deputy Prosecuting Attorney. A true and correct copy of that request is attached hereto as Exhibit N. To date, King County has not responded to this request.

16. A true and correct copy of an article entitled "Errors in Skagit Vote Count Point to Statewide Problem," published on December 2, 2004 in the Skagit Valley Herald and available at http://www.skagitvalleyherald.com/articles/2004/12/02/news/news02.prt is attached hereto as Exhibit O.

17. On November 16, 2004, petitioners filed the Declaration of Daniel John Chirillo in Opposition to Temporary Restraining Order (Nov. 16, 2004) in *Washington State Democratic Central Committee v. King County Records and Elections Division*, King County, Washington Superior Court No. 04-2-36048-0SEA (filed Nov. 12, 2004). A true and correct copy of Mr. Chirillo's declaration is attached hereto as Exhibit P.

Perkins Coie LLP
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Fax: (206) 359-9000

18. Republican candidate Dino Rossi's transition Chief of Staff, J. Vander Stoep, has stated that lawyers from the President George W. Bush's White House will be sent to Washington, "and they will be unleashed, and there will be lawsuits affecting every, virtually every county in the State." Mr. Vander Stoep's remarks were televised by KOMO 4 News. A video segment from the KOMO 4 News broadcast is available at www.wa-democrats.org.

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

Executed this 3rd day of December, 2004 at Olympia, Washington.

RYAN J. MCBRAYER

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