

1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

2 IN AND FOR THE COUNTY OF CHELAN

3  
4 TIMOTHY BORDERS, et al.,

5 Petitioners,

6 vs.

Case No. 05-2-00027-3

7 KING COUNTY, et al.,

8 Respondents,

9 and

10 WASHINGTON STATE DEMOCRATIC

11 CENTRAL COMMITTEE,

12 Intervenor-Respondent.

13  
14 DEPOSITION OF LISA L. MOORE

15 Taken on behalf of the Petitioner

16 May 18, 2005

17 \_\_\_\_\_

18 BE IT REMEMBERED THAT, pursuant to the Washington Rules of  
19 Civil Procedure, the deposition of LISA L. MOORE, was  
20 taken before Tia B. Reidt, #2798, a Certified Shorthand  
21 Reporter, and a Notary Public for the State of Washington,  
22 on May 18, 2005, commencing at the hour of 9:53 a.m., the  
23 proceedings being reported at PERKINS COIE, LLP, 1201  
24 Third Avenue, Suite 4800, Seattle, Washington.

25

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1 Seattle, Washington;

2 Wednesday, May 18, 2005

3 9:53 a.m.

4

5 LISA L. MOORE,

6 having been first duly sworn, was examined and testified

7 as follows:

8

9 EXAMINATION

10 BY-MR.MAGUIRE:

11

12 Q. Good morning, Ms. Moore. My name is Rob  
13 Maguire. I represent the petitioners in the election  
14 contest pending in Chelan County Superior Court, and today  
15 I'd like to ask you some questions pertaining primarily to  
16 the November 2004 general election. And when I refer to  
17 "the election" without qualifying it, I'll be referring to  
18 the November 2004 general election. Okay?

19 A. Okay.

20 Q. First, could you state your name for the  
21 record, please?

22 A. Lisa Moore.

23 Q. And what is your occupation, Ms. Moore?

24 A. Administrative specialist IV.

25 Q. Do you work in the King County elections

1 office?

2 A. Right.

3 Q. Do you have a job title there other than  
4 Administrative specialist IV?

5 A. Customer service supervisor for voter  
6 services.

7 Q. As the customer services supervisor for voter  
8 services, what are your job duties?

9 A. Maintaining the voter registration rolls; any  
10 type of customer service: counter, phones, phone bank;  
11 training new employees coming in for our phone bank or any  
12 other temporary help; data lists. So anything pertaining  
13 to a customer, I pretty much help out with, and anything  
14 else that they need help with.

15 Q. Okay. For the November 2004 general  
16 election, did your duties involve anything beyond what  
17 you've just mentioned?

18 A. Not necessarily. I mean, other than the  
19 day-to-day -- you know, the elections stuff that happens  
20 during that time. So provisional ballots, issuing  
21 ballots; you know, taking absentee requests over the  
22 phone, things like that; Internet responses or e-mail  
23 responses.

24 Q. And for how long have you been the customer  
25 services supervisor?

1           A.           To be honest with you, I don't remember when  
2 I actually got the job itself, but I've been with King  
3 County elections for a little over 16 years.

4           Q.           What did you do before you were with King  
5 County elections?

6           A.           Not too much. I started when I was about 20,  
7 so not too much. I worked temporarily for the phone  
8 company, took some office-type skills training, that kind  
9 of thing. I started as a temporary with King County  
10 elections and kind of moved in full time from there.

11          Q.           When you first started with King County  
12 elections as a temporary employee, what were your job  
13 duties?

14          A.           I helped train the deputy registrars when we  
15 had deputy registrars. I think I initially worked with  
16 opening the new registration and the registration forms  
17 that were coming in for change of addresses, new  
18 registration, change of name. At the time, we were doing  
19 cancellations as well.

20          Q.           What did deputy registrars do?

21          A.           Registered people to vote. You actually had  
22 to appear before a registrar in order to be registered  
23 back then.

24          Q.           When did that process stop?

25          A.           I believe the National Voter Registration Act

1 changed that in '95. I believe we went to mail-in  
2 registrations in, I think, '92; either '92 or '94. I  
3 always get Motor Voter and that one switched around,  
4 but...

5 Q. And for how long were you a temporary  
6 employee with those job responsibilities?

7 A. I actually got grandfathered in with the  
8 Logan Knox lawsuit that happened with the county, so I  
9 came on -- I kind of got grandfathered in as a permanent  
10 part-time position and then applied for a full-time  
11 position. I don't know when all those dates were, to be  
12 honest.

13 Q. Okay. Can you describe how your job  
14 responsibilities evolved from when you started with King  
15 County about 16 years ago to your current job?

16 A. Mm-hm. As a temporary employee doing mainly  
17 just the data entry, the filing, the alphabetizing of the  
18 forms, worked my way up to, you know, training the  
19 registrars with the supervisor there. I guess I did a  
20 pretty well job because they kept me more year round,  
21 which was, I guess, part of the problem with the Logan  
22 Knox lawsuit, so that's what kind of enabled me to get  
23 grandfathered in.

24 And then from there, I applied for a  
25 full-time position, lower level position, almost like a

1 lead position. And I was working with the Motor Voter  
2 program when that came in; kind of helped initialize that  
3 and get things rolling; set up anything with the computer  
4 system, any type of contact with the state about Motor  
5 Voter. I was kind of working with that and then applied  
6 for a supervisor position.

7 Q. Do you remember roughly when you applied for  
8 the supervisor position?

9 A. No, I don't. Sorry. I feel like I've been  
10 doing it so long that it's all kind of evolved, so...

11 It's been at least -- I want to say at  
12 least seven years, five years. As a lead level, I kind of  
13 reported to the assistant superintendent at the time  
14 because I was working with the Motor Voter program, which  
15 was newer, and so I kind of acted as a supervisor, per se.

16 Q. As a supervisor for the past roughly five to  
17 seven years, have you always had the same position,  
18 customer services supervisor?

19 A. Well, there's been changes made throughout  
20 the year. When we moved over to DIMS, they kind of  
21 wanted -- back in June, they wanted us to kind of  
22 integrate a little more.

23 With my background and being there that  
24 long, and as a temp where I floated when they kept me year  
25 round, where they didn't keep other temps, I was able to

1 gain a lot more knowledge that way as to how all the  
2 sections worked within voter services. So I kind of am  
3 familiar with how the whole process works, so...

4 I just lost track of what I was saying.

5 Q. You seemed to indicate that there was some  
6 change in your job responsibilities when King County moved  
7 to the DIMS system in June.

8 A. Right. Sorry.

9 Q. What were your responsibilities immediately  
10 before the change?

11 A. They kind of segregated what we called  
12 "active registrations" and "inactive cancelled  
13 registrations," so I was in charge of more the active  
14 portion of it; so new registration, changing your address,  
15 changing your name. I've been doing the data requests for  
16 a while as well.

17 Q. What do you mean by "data requests"?

18 A. So any time a vendor or customer wants a  
19 voter list, anything pertaining to a voter list, I would  
20 usually would run those or talk to them, take payment, get  
21 a declaration signed, get the data to them.

22 Q. And after the changes in June of 2004, how  
23 did your responsibilities change?

24 A. They wanted us to integrate so we can all  
25 kind of do each other's work, so there wasn't really, per

1 se, a line between "inactives" and "cancelled" versus  
2 "actives." They wanted all of us to be able to do  
3 everything, which I kind of already was familiar with, so  
4 it really wasn't too much of a change for me. It was a  
5 change for some of the other staff, so helping them get  
6 trained on what the expectations were.

7 Q. Was Vickie Moore your counterpart who had  
8 been responsible for the "inactive cancelled"?

9 A. Yes.

10 Q. The two of you now work together?

11 A. Yes.

12 Q. And have the same job responsibilities?

13 A. Yes.

14 We're still learning to integrate together,  
15 so she still specializes more in the "inactive cancels"  
16 and knows the law a little better than I do, and I know  
17 the laws a little bit better on the other side, the  
18 "active" portion of it. But overall, we're learning each  
19 other's jobs as well.

20 Q. You mentioned that one of your job  
21 responsibilities in the November 2004 election was issuing  
22 ballots; is that right?

23 A. Mm-hm.

24 Q. What are the ways in which you issued  
25 ballots?

1           A.           We -- you can issue a ballot if somebody  
2 calls over the phone or via e-mail or if they mail a  
3 request in. You can just go into the system and actually  
4 issue it; whereas -- it flags it, it flags the record to  
5 be pulled in the next pull. So when our absentee  
6 processing team actually pulls that, they can mail out the  
7 ballot.

8                        But at the counter is where we initially --  
9 where we actually did the issuing of the ballots. So if  
10 you had customers that were coming in to the counter and  
11 needed the ballot right away or they came in within that  
12 15-day period where we needed to register them as well as  
13 get them a ballot, we were doing that as well. Or anybody  
14 who called in and needed something right away, we would do  
15 over the counter. So we would, you know, expedite the  
16 ballot going out.

17           Q.           So that includes actually physically giving  
18 people ballots over the counter at the King County  
19 Administration Building?

20           A.           Yes.

21           Q.           From where did you get the ballots?

22           A.           We have two computers at our counter with  
23 printers that are set up to print ballots.

24           Q.           Is that the system referred to as "Ballot on  
25 Demand"?

1           A.        Yes.  They actually call it "Ballot on  
2 Request" now.

3           Q.        They recently changed what they call it?

4           A.        Well, for years it was "Ballot on Demand,"  
5 but they really didn't like the "demand" word, so they  
6 called it "Ballot on Request."

7           Q.        Who decided to make that change?

8           A.        I don't know.

9           Q.        Can any King County election worker print or  
10 access the Ballot on Request program?

11          A.        Anybody who's a DIMS user, which is our voter  
12 system.  Anybody who's a DIMS user has access to doing  
13 that.  The trick to that, though, is you need to know  
14 which buttons to push to go in there to actually print one  
15 from the counter.  So there's kind of a training that  
16 needs to happen in order for you to actually print one.  
17 But everybody who has a user account is able to go in  
18 there and print them out.

19          Q.        How many people have user accounts?

20          A.        Anybody who's worked for elections.  They  
21 need to be able to go into DIMS and make changes or  
22 inquire about a voter.

23          Q.        That includes permanent staff?

24          A.        Permanent staff and temporary staff that we  
25 hire.

1 Q. Do you know how many such people were  
2 employed by King County for the November 2004 election?

3 A. I don't, no.

4 Q. Was it more than 100?

5 A. I don't know.

6 Q. More than a dozen?

7 A. At least more than a dozen.

8 On our staff alone in the phone bank, we  
9 have staff down there to accommodate, I believe it's  
10 between 30 to 40 people, and that room was full, along  
11 with our stations upstairs. But as far as the rest of the  
12 elections, I couldn't give you a number.

13 Q. The 30 to 40 people you mentioned, they were  
14 doing what?

15 A. They work on our phone bank. We hire a phone  
16 bank every year and, depending on the type of year, it can  
17 be anywhere between seven and 40 people. And their  
18 responsibilities are answering the 296-VOTE line, which is  
19 our main number the customers can call in on.

20 Q. And all 30 to 40 of those people had access  
21 to DIMS?

22 A. Mm-hm, yes.

23 Q. Does the Ballot on Request or Ballot on  
24 Demand program have its own unique password to access it?

25 A. No.

1 Q. Is there any record kept when a ballot is  
2 printed through the Ballot on Request program?

3 A. Yes.

4 Q. What is the record?

5 A. There's actually a couple different ways. We  
6 have trained anybody at the counter when they're issuing a  
7 ballot, there has to be some type of request form. And  
8 they initial off on that and date it, and we have a basket  
9 that it goes into, and we do that for every election.

10 And then the system itself actually keeps  
11 record of that because we code it as a counter ballot in  
12 office so that it will actually print out in the office.

13 Q. So someone must manually input in DIMS that  
14 the ballot was issued?

15 A. Yes.

16 Q. The Ballot on Demand program itself doesn't  
17 automatically track how many were printed?

18 A. Well, you can go in and actually run a report  
19 to say "I need to know how many absentee ballots were  
20 issued counter through the office." There's a source and  
21 delivery; "counter" being the source and delivery being  
22 "office."

23 Q. That's in DIMS after people have manually  
24 loaded that information; is that right?

25 A. Yes.

1 Q. But the Ballot on Demand program itself, does  
2 it contain any kind of indication as to how many ballots  
3 have been printed through Ballot on Demand?

4 MR. HAMILTON: Objection; asked and answered.

5 THE WITNESS: I think it's the same -- yeah. I  
6 think it's the same answer. It tracks it in the system.  
7 But, you know, we actually put -- it's the same answer.  
8 We put the stuff in -- we put the request form in the  
9 basket and then the system tracks it.

10 BY MR. MAGUIRE:

11 Q. Let's walk through the process. This person  
12 shows up at the King County Administration Building  
13 counter and asks for an absentee ballot. What happens?

14 A. We ask them to fill out a request form. They  
15 complete that. The staff person behind the counter then  
16 looks them up in DIMS as a voter in the absentee module.  
17 If they're located in there and they're at the right  
18 address and everything is fine, then you can actually  
19 request a ballot be printed at that point in time. We  
20 actually code it as a counter ballot and print it in  
21 office.

22 The difference between "office" and "mail"  
23 is if you code it as "mail," it gets pulled into the  
24 election by the absentee processing team when they do a  
25 pull.

1                   "Office" means that we've actually printed  
2 something from the office -- from that office counter.

3           Q.        So an election worker looks up this  
4 individual in the DIMS absentee module. And if they exist  
5 in the absentee module, the election worker makes a  
6 notation in there that a ballot is being issued?

7           A.        Mm-hm.

8           Q.        And then what does the election worker do?

9           A.        You have to actually -- there's actually a  
10 label that prints out with the person's name and address  
11 and actually has the absentee voter ID number, which we  
12 call an AVID number, on it. The system gives it a  
13 transaction number. And then the ballot, we stick that on  
14 a signature envelope, and then we stuff -- the ballot then  
15 gets printed out from the printer based off of their  
16 precinct. We then put the packet together for the voter  
17 to walk off with.

18          Q.        All right. After making a notation in DIMS,  
19 a label is printed that includes the absentee voter's  
20 identification number and a transaction number; is that  
21 right?

22          A.        The transaction number is in the system.  
23 It's not on the label.

24          Q.        Okay. So a label is printed with the  
25 absentee ID number. The transaction number is in DIMS at

1 this point?

2 A. Yes.

3 Q. And then the election worker has to  
4 separately access the Ballot on Demand program at that  
5 stage?

6 A. No. It's all one step. You go in; you hit  
7 "print." And as long as you code it as a "counter" and  
8 "office," you can go into "print" and it actually prints  
9 the label and the ballot at the same time.

10 Q. If the user is looking at the computer  
11 screen, they've got a dialog box that they complete in  
12 DIMS in the absentee ballot module for noting that the  
13 absentee ballot is being issued, right?

14 A. Mm-hm.

15 Q. Is the Ballot on Demand "print" option on  
16 that same screen?

17 A. Actually, there's a "print" button that you  
18 have to actually push, so you do "counter," "office," and  
19 then you hit "print." And another screen will actually  
20 come up that, you know, it routes you to what printer,  
21 because there's two printers up there, so you have to make  
22 sure you're pointing to the right printer.

23 Q. What screens come up after hitting the  
24 "print" button?

25 A. Some screen that shows up, and we don't

1 really even use it. It's in the module, but we don't use  
2 it, so we just kind of hit "okay" and it disappears, and  
3 go from there. And then it just prints. And it takes you  
4 back to the voter -- the absentee voter information  
5 screen.

6 Q. Okay. Are absentee ballots sometimes  
7 e-mailed to individuals?

8 A. Yes.

9 Q. Does your office do that or is that done at  
10 EMBOS?

11 A. I believe it's been done at both places.

12 Q. Do you supervise the team that does that in  
13 the administration building?

14 A. Carlos supervises those people ultimately,  
15 but the e-mails will either -- he forwards the e-mails.  
16 The e-mails come off the election@ e-mail address, which  
17 is our general e-mail, and gets forwarded to the  
18 appropriate supervisor, which would be Carlos in our  
19 section. And at that point, Carlos then forwards them to  
20 staff to actually take care of that.

21 Q. Those are the requests that come in?

22 A. Mm-hm.

23 Q. How about the ballots that go out?

24 A. The mailing of the ballots?

25 Q. The e-mailing of the ballots.

1           A.           Oh, the e-mailing of the ballots. And just  
2 to -- I guess just to clarify that as well, the e-mailing  
3 of ballots isn't done all the time. It's usually as we  
4 get closer to an election or somebody who has not actually  
5 gotten their ballot, you know, when they're overseas or  
6 something like that.

7                       I know Vickie was doing a lot of that. I  
8 was actually not in the office for the last two weeks of  
9 October when all that was happening.

10          Q.          Were you involved in the e-mailing of any  
11 absentee ballots for the November 2004 election?

12          A.          I believe I did a few when I returned.

13          Q.          Do you know how many people were e-mailing  
14 absentee ballots to voters?

15          A.          I don't know, because I wasn't there those  
16 two weeks.

17          Q.          Was there any kind of written instruction to  
18 the individuals who were e-mailing the absentee ballots?

19          A.          To the voters themselves?

20          Q.          No, to the workers.

21          A.          To the workers? I'm not sure.

22          Q.          Did you retain copies of the e-mails you sent  
23 to voters --

24          A.          Yes.

25          Q.          -- with the ballots?

1 A. Yes.

2 Q. Where did you retain them?

3 A. I think we have them in a box right now.

4 Q. So you printed them out and put them in a  
5 box?

6 A. Yes.

7 Q. You also mentioned that you were responsible  
8 for "active registrations"; is that right?

9 A. Yes.

10 Q. Did that include making sure that voter  
11 registration signatures that are on original cards are  
12 scanned into the DIMS system?

13 A. Yes.

14 Q. At the time that King County converted to the  
15 DIMS system, do you know approximately how many voter  
16 registration records did not contain digital signatures?

17 A. I don't know the number.

18 Q. Was it possible to run a report in the old  
19 system to identify that number?

20 A. Not in the old system; not that I know of.

21 We -- voter services actually did not have  
22 the responsibility of scanning in signatures at that point  
23 in time.

24 Q. Has voter services been given that  
25 responsibility at some point since then?

1 A. Yes.

2 Q. When did that happen?

3 A. When we moved over to DIMS, which was June of  
4 last year.

5 Q. Was something done in June to identify how  
6 many signatures were missing from the electronic records?

7 A. In DIMS there is a report that you can run to  
8 show how many signatures -- or how many voters don't have  
9 a signature image attached to their record, and I believe  
10 that was run. Carlos took the lead on that and...

11 Q. Can you also run a report in DIMS to identify  
12 individuals who were credited with voting provisional  
13 ballots in a particular election?

14 A. Say that one more time.

15 Q. Can you run a report in DIMS that identifies  
16 individuals who were credited with voting a provisional  
17 ballot in a particular election?

18 A. I don't think there's a report that you can  
19 run that will say just the provisional voters. You can  
20 run a report of all the voters and ask for a voter  
21 history, but I don't think that it actually shows if it  
22 was provisional or not provisional or how they cast that  
23 vote. I'm not sure, though.

24 Q. You haven't looked at voter history records  
25 in DIMS?

1           A.           We've only had two elections -- well, at the  
2 time, we'd only had two elections at that point in time  
3 where we were able to do that. And it was still new to me  
4 as well, and so we were getting some calls from customers  
5 saying "What do these things mean?" Because in the old  
6 system, it was just a date; "yes" that I voted this  
7 particular date. In DIMS, it was "yes" or there was a  
8 flag for absentees, but I don't think there was anything  
9 provisionally coded in there, but I'm not sure.

10          Q.           You don't remember an item in "Voter history"  
11 for "fail-safe yes," "fail-safe" --

12          A.           There is something in the voter -- individual  
13 voter record. But when you sell something to a customer,  
14 I'm not sure if there's something there that actually  
15 indicates that.

16          Q.           I didn't understand that. When you do what  
17 to a customer?

18          A.           When you sell the data to a customer. So any  
19 public requests that somebody comes in and grabs, I'm not  
20 sure if it actually shows if they voted provisionally or  
21 not.

22                       We can see it on our end. We have screens  
23 that will actually show that they were eligible to vote,  
24 yes, no, they voted, and how they voted: absentee,  
25 provisional, or polls.

1 Q. So King County could identify the individuals  
2 who voted provisional ballots in the November 2004  
3 elections?

4 A. Right. But I'm not sure if there's a report  
5 that they can actually run that shows "give me just the  
6 provisional voters who were credited with voting  
7 provisionally" other than running something out of the  
8 provisional module.

9 Q. And who would know whether such a report  
10 could be run?

11 A. I would think our IT people; Travis Elsom or  
12 Scott Turnbull.

13 Q. When the report was run in June in DIMS  
14 showing how many people didn't have signature images, do  
15 you remember the result of that report?

16 A. As far as a number?

17 Q. Yeah.

18 A. No, I don't.

19 Q. Did you receive a copy of the report?

20 A. No.

21 Q. The report was run by Mr. Webb, you think?

22 A. Yes.

23 Q. At that time, were you asked to do anything  
24 with respect to voter registration records that didn't  
25 have electronic signatures?

1           A.           They were going to do a mailout to those  
2 people that we identified that didn't have an image. In  
3 August of last year, I believe there was a letter that  
4 went out to all of those people. I can't remember how  
5 many there were, like I said, but we did have staff help  
6 stuff those envelopes and send them out.

7           Q.           And between June and the mailout, was your  
8 group looking for original voter registration cards?

9           A.           No.

10          Q.           Do you know if anyone in voter services was?

11          A.           No.

12          Q.           You don't know or they weren't?

13          A.           They were not.

14          Q.           So other than sending out letters to  
15 individuals for whom King County couldn't find an  
16 electronic signature on file, you're not aware of King  
17 County doing anything else between June and August to try  
18 and locate signatures for those people?

19          A.           Not off of the report that we had.

20                        Now, we did have a large backlog that we  
21 were trying to do, because we were on a freeze for a while  
22 when the conversion happened, so we had a large number of  
23 forms that we were trying to do data entry on and get into  
24 the system on time for the primary election. And in doing  
25 that, we were also capturing, I'm sure, some of those

1 voters that didn't have a signature, because we did not  
2 have the access before of scanning every single document  
3 into the system.

4 Q. All right. So at the time of the conversion  
5 to DIMS, there was a large backlog of voter registration  
6 forms that had not been scanned; is that right?

7 A. Right.

8 Q. Were those --- was the registration  
9 information for those individuals in the system and just  
10 not the signature, or was there nothing in the system  
11 about them?

12 A. It was a combination.

13 We did also go back and grab everything  
14 that we had in office and scanned in; everything that  
15 wasn't stored, sent somewhere to be stored for their  
16 retention period. So usually we kept a year in the  
17 office, so we rescanned 2003 and through June of 2004. We  
18 rescanned all those documents as well.

19 Q. And as registrations came in July and  
20 August of 2004, did you scan those in as well?

21 A. Yes. Once we moved over to DIMS, we were  
22 able to scan all the affidavits that came in.

23 Q. Do you remember attending a meeting of  
24 supervisors on or about October 26 when the issue of "no  
25 signatures on file" for voters was discussed?

1           A.        If it was October 26th, I probably was not  
2 there.

3           Q.        You were out of town then?

4           A.        Yes.

5           Q.        When were you out of town?

6           A.        That's what I'm trying to remember. I know  
7 it was mid October through, I think, the Friday or the  
8 Monday before the election. My son graduated boot camp.

9           Q.        In December, do you remember any discussions  
10 involving 735 absentee ballots brought to King County's  
11 attention by Larry Phillips for which there was no  
12 signature on file?

13          A.        Do I remember what; the ballots themselves?

14          Q.        Do you remember that incident?

15          A.        Yes.

16          Q.        Are you familiar with it?

17          A.        Yes.

18          Q.        Were you asked to do anything with respect to  
19 those 735 ballots?

20          A.        Yes.

21          Q.        What were you asked to do?

22          A.        Bill actually called and -- at the time we  
23 were conducting the recounts. And so I was one of the  
24 supervisors -- or actually the only supervisor on the  
25 floor in voter services at the time. So he called and

1 said that they had brought up, I think at that point there  
2 was only 500 and some odd ballots that came up in batches  
3 of 50 or so that he had said were in the vault and we  
4 needed to put a list of them together on an Excel  
5 spreadsheet.

6                   And I suggested to him that maybe we can  
7 Wanda them in, because they had AVID numbers, which  
8 would make it faster than us typing them in onto a  
9 spreadsheet. He asked that Scott Turnbull help me with  
10 that and e-mail him a copy of the list of those voters.

11           Q.        So Mr. Huennekens had already identified  
12 about 500 of these absentee ballots before he came to you?

13           A.        Yes.

14           Q.        And you did what he asked and scanned them?

15           A.        Yes.

16           Q.        What did you do after you had scanned them?

17           A.        I'm not sure exactly how the conversation  
18 went, it was so long ago, but ultimately the goal was to  
19 find signatures for those voters.

20           Q.        Did you try and find signatures for those  
21 voters?

22           A.        Yes. I suggested to Bill -- I was actually  
23 scheduled to go back down to the recount, and I suggested  
24 to Bill that I would like to take lead on finding those  
25 signatures because of the long time that I've been at the

1 office. I know where every -- a lot of the signatures  
2 could be or how to find them and how to locate them.

3 Q. Where are the places that the signatures  
4 could be located?

5 A. We have some of them in archives, which is at  
6 our -- you know, down at the election distribution center,  
7 and those are some of the older forms. We have some that  
8 are at EMBOS in boxes. And some of the older forms at one  
9 point were actually scanned in. We had a company come in  
10 some years back to scan those images in, so we actually  
11 have them on CDs.

12 Q. Were some voter registration forms also at  
13 the King County Administration Building?

14 A. Yes. The more current registrations were at  
15 the office.

16 Q. Were registration forms anywhere else?

17 A. No.

18 Q. All right. When you suggested to  
19 Mr. Huennekens that you'd like to take the lead on finding  
20 the signatures, what did he do?

21 A. He said that he thought that was a good idea,  
22 and he was fine with that.

23 Q. So you took the lead on finding the  
24 signatures?

25 A. Yes.

1 Q. What did you do to find the signatures?

2 A. Actually, he took the first step by  
3 contacting the Secretary of State's office to see if they  
4 can run a query on the spreadsheet that we initially put  
5 together to see if they could grab signatures for us,  
6 which helped. It grabbed a lot of signatures for us, or a  
7 handful of them anyway.

8 And from that point on, I started with what  
9 was in the office, what we had on hand.

10 Q. In the administration building?

11 A. Yes.

12 There's a lot of steps to actually locate  
13 them, so a lot of it was sitting in front of the computer  
14 trying to get dates out of the system so that we could  
15 actually do that. And then I finally smartened up a  
16 little bit and said we have a more mature system now and  
17 went to the IT people and said, "Can you run a report of  
18 these people and give me this data out of the system?" so  
19 we were able to get some dates out of there quicker.

20 Q. What kind of a report were they able to run?

21 A. They were able to actually run a report that  
22 actually -- when we converted over, we actually grabbed  
23 the date as well of what we call input date, the date that  
24 we actually did the data entry on the actual form, so that  
25 we -- because we would file those forms by that date.

1 Q. Do you know how Mr. Huennekens identified the  
2 500 or so that he gave you?

3 A. No.

4 Q. So you took the 500 and tried to figure out  
5 the dates those individuals' records were put into DIMS;  
6 is that right?

7 A. Well, they were all converted into DIMS, but  
8 a lot of them were initially put into the mainframe, which  
9 was our old system.

10 Q. And then you'd use the date the record had  
11 been put into one of the databases to try and determine  
12 where the original voter registration cards would be  
13 stored?

14 A. Yes.

15 Q. And the most recent registration cards were  
16 in the administration building; is that right?

17 A. Yes.

18 Q. And the older forms were in archives at the  
19 election distribution center?

20 A. Yes.

21 Q. What category of forms were stored in EMBOS?

22 A. At the time that we had scanned all of the  
23 older forms onto CD, or had the company do it for us,  
24 there was a time where they stopped, and there was that  
25 time frame in there. I'm trying to remember the dates on

1       there.

2                       I think we have -- registrations on the CDs  
3 go back as far as '60s or '70s and go through, I believe,  
4 '94. For whatever reason, '95, '96, '97 and part of '98  
5 and part of '99 are missing off the CD, so there's little  
6 bits there and it's kind of shuffled. So whatever is not  
7 on those CDs are located at EMBOS, along with 2000, 2001,  
8 2002.

9           Q.        So anything prior to 1996 was at the archives  
10 in the election distribution center?

11          A.        I believe there's some '96 and '95 in EMBOS  
12 as well.

13          Q.        Anything before '95 should be at the  
14 archives?

15          A.        Yes.

16          Q.        And anything more recent than 2002 is at the  
17 administration building?

18          A.        I believe we've since moved 2003 to archives  
19 as well.

20          Q.        When was that done?

21          A.        Earlier this year.

22          Q.        In 2005?

23          A.        Yes.

24          Q.        Okay. So once you had identified the date of  
25 input for these particular ballots, what did you do next?

1           A.           The forms that we can identify as being in  
2           the office, the more current ones - so back then we did  
3           have 2003, 2004 and anything that we put into DIMS, so  
4           2004 - we identified those, sorted them by that date, and  
5           pulled staff to actually go find those.

6           Q.           About how many people were involved in trying  
7           to find them?

8           A.           I'm not sure.

9           Q.           Was it more than ten?

10          A.           At the office during this point in time, I  
11          would say there was probably less than ten; between five  
12          to ten.

13          Q.           Was there a search going on simultaneously at  
14          the archives?

15          A.           No, because those forms were on CD. So I  
16          actually sat down on those, because I had to figure out  
17          how to access some of those because I hadn't used it for  
18          so long.

19                        It's kind of a two-step process. You have  
20          to find the registration number, find which CD it was on,  
21          and then figure out which folder it's in, and then there's  
22          two or three folders you have to get to before you  
23          actually get to the document. So a lot of the older ones  
24          that were '94 or older, I went through and was printing  
25          those out myself.

1                   Anything that we could not find within that  
2 date range, I actually -- I believe I either faxed or  
3 e-mailed a list down to our EDC and asked if they would go  
4 across to archives and look, because they're side by side.

5           Q.        Okay. So any of the older registration forms  
6 that you couldn't find on the CDs, you identified them to  
7 someone at the election distribution center?

8           A.        Yes.

9           Q.        Do you know who at the election distribution  
10 center?

11          A.        I want to say it's probably Alicia Luke,  
12 because she's the supervisor down there.

13          Q.        Do you know if Ms. Luke or somebody under her  
14 direction went to the archives to look for those?

15          A.        Yes.

16          Q.        They did do that?

17          A.        They did do that.

18          Q.        How do you know that?

19          A.        Because they faxed whatever they found back  
20 down to me.

21          Q.        Did they indicate that there were some they  
22 couldn't find?

23          A.        Yes.

24          Q.        Do you remember how many?

25          A.        I don't.

1           Q.           Was there a search going on simultaneously in  
2   EMBOS?

3           A.           At that point in time, we were trying to get  
4   all the lists and everything else together.  So once we  
5   got some of the days together, we did send some stuff down  
6   there, yes.

7                        I pulled myself off, actually, to take -- I  
8   think we started out with maybe six employees that I took  
9   with me down there; started going through the boxes and  
10  showing them how to locate the forms or what to look for.  
11  They needed to pull anything up into DIMS, too.  Sometimes  
12  the registration number is tied to the voter, so if the  
13  voter changed their name, it may be under a different  
14  name, their original document, so there's a lot of  
15  different steps that are involved in it.

16          Q.           The document may be under a different name;  
17  is that what you said?

18          A.           Yeah, because the registration number -- say  
19  the person could have registered under name A and changed  
20  their name, you know, later on down the line, and they  
21  keep the same registration number, so that input date is  
22  tied to their original document, not the name change  
23  document.

24                       So we were trying -- that was part of the  
25  search as well, was trying figure out was it a name change

1 or was it an original document that we needed to look for.

2 Q. Do you know whether any of the voters were  
3 contacted directly by these absentee ballots in December?

4 A. If they were contacted in December?

5 Q. Yes.

6 A. I'm not sure. My task was mainly just  
7 finding those signatures.

8 Q. Okay. So election workers under your  
9 direction looked in the archives, EMBOS, in CDs, and at  
10 the King County Administration Building for original voter  
11 registration records for these individuals?

12 A. Yes.

13 Q. And you found some?

14 A. Yes.

15 Q. Do you remember how many you found?

16 A. I don't, off the top of my head.

17 Q. Initially Mr. Huennekens did talk to you  
18 about about 500 ballots; is that right?

19 A. Yes.

20 Q. Did he subsequently ask you about additional  
21 absentee ballots?

22 A. Did he ask us about ballots? No.

23 Q. Did someone else bring to your attention  
24 another 200 or so absentee ballots?

25 A. Yes.

1 Q. And who did that?

2 A. Actually, we had a customer call in and  
3 actually ask, because at that point in time they had  
4 posted the list that we initially put together on a  
5 website or something. And so we had a customer actually  
6 call in and ask what happened to As, Bs, and Cs.

7 At that point, you know, I talked to Carlos  
8 and said that we have a customer who is asking about this,  
9 so -- and then we started inquiring about it.

10 Q. Do you know who the customer was?

11 A. I don't. She hung up.

12 Q. So the first 500 ballots were all from people  
13 whose last names started with a letter in the alphabet  
14 after the letter C?

15 A. We had a few Cs but not very many.

16 Q. No As and Bs in the first batch?

17 A. No.

18 Q. After this customer called, were you involved  
19 in trying to identify any additional ballots that fell  
20 into this category with last names A, B, or C?

21 A. Well, at that point we didn't have any  
22 ballots for it and, you know, up in the office we don't  
23 have access to them. They were all located at EMBOS.

24 Q. So somebody else went and tried to identify  
25 any "no signature on file" ballots for people with the

1 last names A, B, or C?

2 A. Well, Carlos and I actually went over and  
3 talked to Scott Turnbull, who ran a report off of that  
4 particular challenge code, and we were able to see that  
5 there were As, Bs, and Cs.

6 And as we were researching, the other staff  
7 -- and I had staff down at EMBOS. It was late, and I  
8 believe there was a canvass board meeting at the time.  
9 And me and Carlos kind of waited around because we wanted  
10 to talk to Bill about it, but he was in the canvass board  
11 meeting.

12 And after waiting around for a while,  
13 feeling a little nervous about it, Carlos actually went  
14 downstairs and tried to pull Bill out of the meeting to  
15 talk to him about it.

16 Q. So you were there when Scott Turnbull ran a  
17 report of the challenge code?

18 A. Yes.

19 Q. And as a result of that report, he identified  
20 additional ballots for which there was no signature on  
21 file?

22 A. Well, there was As, Bs, and Cs, which we knew  
23 we didn't have in the first batch.

24 Q. And he found some?

25 A. Yes.

1 Q. Do you know how many?

2 A. I don't know the number.

3 Q. Do you know whether Mr. Webb was successful  
4 in pulling Mr. Huennekens out of the meeting?

5 A. I don't believe so. I think when he came  
6 back up -- because I wasn't down there. When he came back  
7 up, he said that they were at a break and Bill said that  
8 they'd talk about it in the morning.

9 Q. Did you do anything else that night with  
10 respect to these ballots?

11 A. The As, Bs, and Cs?

12 Q. Any of the "no signatures on file."

13 A. Well, the other ones - the 571 or whatever  
14 the number was - we were trying to find the signatures for  
15 them. So that was still an ongoing project that we were  
16 -- that I had staff in the office and staff at EMBOS  
17 looking for, so I was still supervising that level of it.

18 Q. People were working into the evening --

19 A. Yes.

20 Q. -- trying to find --

21 A. Yes.

22 Q. -- registration records?

23 A. Yes.

24 Q. The next morning, do you know whether  
25 Mr. Webb and Mr. Huennekens discussed the additional "no

1 signature on file" ballots?

2 A. I only know what Carlos told me, but it's not  
3 for sure.

4 Q. What did Mr. Webb tell you?

5 A. He had said that he had contacted Bill,  
6 because Bill was down at EMBOS, and was explaining to him  
7 that the -- these As, Bs, and Cs were missing; that Scott  
8 had run a report. And Bill said, "Well, I'll get back to  
9 you."

10 So I think he ended up calling Carlos back,  
11 and he said, "No. We've got them all." And Carlos  
12 attempted to tell him, "I'm looking at one on the screen  
13 right now with a last name that has an A, B, or C, so you  
14 guys need to look again."

15 Q. And do you know if Mr. Huennekens did look  
16 again?

17 A. I believe that he talked to Nicole and Garth.

18 Q. Nicole Way and Garth Fell?

19 A. Yes.

20 And from the conversation that Carlos told  
21 me, that -- he was assured that they got everything.

22 Q. Okay.

23 MR. PORTER: Objection; hearsay.

24 MR. HAMILTON: Well, I'll join the objection.

25 And a lot of this is hearsay. We'll object at the time

1 that we will designate the transcript. I need to voice  
2 that objection here, but recognizing that King County  
3 won't be part of the designation process. I recognize  
4 there may be a different obligation for you.

5 MR. PORTER: Yeah. There's a lot of ambiguity  
6 that remains as to how these deposition transcripts are  
7 going to be used. And frankly, I haven't quite known how  
8 to face them. Initially, certainly King County believed  
9 that these were discovery depositions, and only recently  
10 has it been suggested to me that the parties are trying to  
11 negotiate use of deposition transcripts as substantive  
12 testimony, so I may make objections that would be beyond  
13 what would typically be made at a discovery deposition.

14 BY MR. MAGUIRE:

15 Q. Was it your understanding that the ballots  
16 for which there was no signature on file from voters whose  
17 last names began with A, B, and C were located or -- were  
18 identified?

19 A. Was it my understanding as -- I'm sorry.  
20 Repeat that again.

21 Q. Is it your understanding that King County  
22 eventually looked for the As, Bs, and Cs that were missing  
23 from the original list?

24 A. I believe so, yes. Yeah, I believe they did,  
25 because they found them.

1 Q. And were you asked to try and find original  
2 voter registration records for those individuals, too?

3 A. Yes.

4 Q. You looked in the administration building?

5 A. Yes.

6 Q. And you looked in the archives?

7 A. Yes.

8 Q. And you looked at EMBOS?

9 A. Yes.

10 Q. And you looked at CDs that contained scanned  
11 images of older voter registration records?

12 A. Yes.

13 Q. And your office contacted the Secretary of  
14 State to see if the Secretary of State had any additional  
15 signatures?

16 A. I believe they did that on the second set as  
17 well, yes.

18 Q. And the Secretary of State provided some  
19 signatures to King County as part of this process?

20 A. Yes.

21 Q. For how many days did King County search in  
22 December for the original voter registration records?

23 A. I can't even remember off the top of my head.

24 Q. Was it more than a week?

25 A. I don't know.

1 Q. Okay.

2 A. It was awhile ago.

3 Q. At the end of the search, were there some  
4 that you couldn't find?

5 A. Yes.

6 Q. Do you remember how many?

7 A. No.

8 Q. Have you looked in all of those locations?

9 A. Yes.

10 Q. And you felt satisfied that King County had  
11 thoroughly and completely searched for those voter  
12 registration records and couldn't find them?

13 A. I'm sure there was probably more that we  
14 could have looked. They were probably misalphabetized or  
15 something like that. But the time frame that we had to do  
16 it in, I don't think that we had adequate time to do the  
17 most thorough search.

18 Q. And that's because some of the voter  
19 registration records might have been misfiled?

20 A. Yes.

21 Q. And how many voter registration records does  
22 King County maintain?

23 A. As far as the original registration card or  
24 what's in the system?

25 Q. Original registration card.

1 A. I don't know. There's a lot.

2 Q. More than a million?

3 A. I'm sure, yes.

4 Q. So to try and find any registration records  
5 that had been misalphabetized, an election worker would  
6 have to go through more than a million registration cards  
7 looking for that misfiled registration?

8 A. Possibly.

9 MR. MAGUIRE: Off the record.

10 (Discussion off the record.)

11 BY MR. MAGUIRE:

12 Q. For the November 2004 election, were you  
13 involved in the processing of provisional ballots?

14 A. Yes.

15 Q. Were you involved in training poll workers  
16 with respect to provisional ballots?

17 A. No.

18 Q. Were you involved in training any election  
19 workers with respect to the processing of provisional  
20 ballots?

21 A. No.

22 Q. Were you trained on how to process  
23 provisional ballots?

24 A. Yes.

25 Q. Who did that training?

1 A. Carlos did the training.

2 Q. What was that training?

3 A. He had written procedures for the new way  
4 that we would be doing provisional ballots, because it was  
5 in DIMS, so it was different. He had written procedures  
6 that everybody should follow, and he did the initial  
7 training on everybody.

8 Once Vickie and I had received that  
9 training, we were able then to kind of assist, knowing  
10 what the outcome should be and we should do that. We were  
11 able to assist with that.

12 Q. Were you processing provisional ballots on  
13 the fifth floor of the King County Administration  
14 Building?

15 A. I did, yes.

16 Q. Vickie Moore was on the second floor?

17 A. Yes.

18 Q. About how many people were under your  
19 supervision on the fifth floor processing provisional  
20 ballots?

21 A. At least 15.

22 Q. And this was a crew that received provisional  
23 ballots in sealed envelopes from the canvassing crew?

24 A. Yes.

25 Q. And your team tried to verify whether the

1 provisional ballots were cast by registered voters?

2 A. Yes.

3 Q. And that included checking for a signature  
4 match?

5 A. Yes.

6 Q. And that's matching a signature on a  
7 provisional ballot envelope with a signature from a voter  
8 registration record?

9 A. Yes.

10 MR. MAGUIRE: Would you mark that as an exhibit,  
11 please?

12 (Whereupon, a 6-page WSR 04-18-028 Emergency  
13 Rules, Secretary of State was marked Exhibit-1 for  
14 identification.)

15 BY MR. MAGUIRE:

16 Q. Ms. Moore, the court reporter has handed you  
17 a document marked as Exhibit 1. These are Emergency Rules  
18 for the Secretary of State, filed August 24, 2004. They  
19 are Washington Administrative Code sections.

20 On the second page of the exhibit, the  
21 bottom of the page, is a section marked as WAC 434-253-047  
22 entitled "Provisional Ballots - Disposition."

23 Do you see that?

24 A. Yes.

25 Q. Carrying over to the second page -- or the

1 third page, there's a sentence that is underlined. It  
2 says "A provisional ballot cannot be counted unless the  
3 voter's name, signature, and the date of birth, if  
4 available, matches a voter registration record."

5 Is that what the exhibit says?

6 A. Yes.

7 Q. Was that requirement part of the instruction  
8 Mr. Webb gave you with respect to processing provisional  
9 ballots?

10 A. Yes.

11 Q. During the verification process of  
12 provisional ballots, provisional ballots were sorted  
13 according to a challenge code; is that right?

14 A. Yes.

15 Q. And one of the challenge codes was "no  
16 signature on file"; is that right?

17 A. Right.

18 Q. And that meant that there was not an  
19 electronic signature in DIMS corresponding with the  
20 individual who had submitted a provisional ballot; is that  
21 right?

22 A. Yes.

23 Q. The ballots that fell into that category were  
24 sorted into bins marked as "no signature on file"?

25 A. Yes.

1 Q. Do you know what happened to ballots that  
2 were sorted as "no signature on file"?

3 A. I believe they were counted.

4 Q. Were they initially kept separate until a  
5 determination was made as to whether they should be  
6 counted?

7 A. Yes.

8 Q. Who made the determination that they should  
9 be counted?

10 A. That, I'm not sure of.

11 Q. How did you learn that they should be  
12 counted?

13 A. In the last days before certification when we  
14 had to get the ballots prepared and ready to count and get  
15 them down to EMBOS for counting, we were trying to gather  
16 everything that needed to go down there or be duplicated,  
17 and the question came up as to "What's going to happen  
18 with these? What's going to happen with these? What's  
19 going to happen with these? That was one of the  
20 questions. And I believe Carlos talked to Bill about it,  
21 but I'm not sure. We ended up counting them --

22 MR. PORTER: I'm going to object to that  
23 response as hearsay without foundation.

24 BY MR. MAGUIRE:

25 Q. You said there was a discussion involving

1 questions as to what to do with particular categories of  
2 ballots in the last few days before certification?

3 A. Yes.

4 Q. What were the categories of ballots  
5 discussed?

6 A. There was the "needs further research," the  
7 "fatal pend," the "no signature on file." We were also,  
8 you know, wondering when we were going to run the reports  
9 on the AB pends so that we could start moving on those.

10 Q. Who was involved in this meeting?

11 A. Carlos was on the floor with me upstairs.  
12 Vickie, being downstairs, was downstairs. So when Carlos  
13 -- between the two floors, him going between the two  
14 floors, I would ask him directives on things as he was on  
15 the floor upstairs.

16 Q. You asked him what should be done with the  
17 provisional ballots that had been coded as "no signature  
18 on file"?

19 A. Yes.

20 Q. What did he initially tell you?

21 A. "Let me check with Bill."

22 Q. Do you know if anyone in the elections office  
23 searched for the original voter registration records for  
24 those provisional ballots?

25 A. I'm not sure.

1 Q. Did Mr. Webb subsequently come back to you  
2 and provide you with some instruction as to how to handle  
3 the provisional ballots with no signature on file?

4 A. Yes.

5 Q. What did he instruct you to do?

6 A. That we were going to count them, so we  
7 pulled them and put them in with the rest of the ballots  
8 to be processed.

9 Q. How many of them were there?

10 A. I'm not sure.

11 Q. How many mail trays were there?

12 A. I don't even think it was a full mail tray.

13 MR. EVEN: I'm sorry. The witness is trailing  
14 off a little bit. Was the answer "I'm not sure it was  
15 even a full mail tray"?

16 THE WITNESS: Yes.

17 MR. EVEN: Thank you.

18 MR. PORTER: Actually, it was "I don't think it  
19 was even a full mail tray."

20 MR. EVEN: Thank you.

21 MR. PORTER: But the record will speak for  
22 itself.

23 BY MR. MAGUIRE:

24 Q. How many ballots can a mail tray hold?

25 A. Provisional ballots? I'm not sure.

1 Q. Many hundreds?

2 MR. HAMILTON: Objection; calls for speculation.

3 THE WITNESS: I'm not sure.

4 BY MR. MAGUIRE:

5 Q. You sorted -- you were part of the process of  
6 sorting original ballots into the mail trays, right?

7 A. Yes.

8 Q. Could you fit 10,000 provisional ballots in a  
9 mail tray?

10 A. No.

11 Q. Could you fit 1,000 in a mail tray?

12 A. No.

13 Q. Could you fit 100 in a mail tray?

14 MR. MAGUIRE: Objection; calls for speculation,  
15 and asked and answered.

16 MR. PORTER: Same objection.

17 THE WITNESS: I'm not sure how many will fit in  
18 there.

19 BY MR. MAGUIRE:

20 Q. When a provisional ballot was coded with the  
21 challenge of "no signature on file," did that mean that  
22 everything else in the verification process matched?

23 A. Not necessarily.

24 Q. So if King County found an original voter  
25 registration signature for the provisional ballots with no

1 signature on file, there might still be another reason not  
2 to count the ballot?

3 A. Yes.

4 Q. After Mr. Webb instructed you to count the  
5 provisional ballots with no signature on file, did you  
6 have any subsequent discussions or communications with  
7 anyone about those ballots?

8 A. I don't believe so, no.

9 Q. Did Mr. Webb explain to you why he was  
10 instructing you to count the provisional ballots with no  
11 signature on file?

12 A. If he did, I don't remember.

13 Q. Did you ask him?

14 A. Not that I know of, but I don't remember. It  
15 was awhile ago.

16 Q. Did you read any deposition transcripts to  
17 prepare for your deposition today?

18 A. That I prepared for today? No.

19 Q. Did you meet with anyone to discuss this  
20 deposition?

21 A. Well, I sat down with Janine yesterday for a  
22 little while, but just to kind of tell me what to expect.

23 Q. Let me stop you there. Other than a meeting  
24 with a lawyer who represented you or King County, did you  
25 meet with anyone to discuss today's deposition?

1 A. No.

2 Q. Did you have any conversations with  
3 Mr. Huennekens regarding your deposition?

4 A. He was in the room when I spoke to Janine.

5 Q. Other than when Ms. Joly was present, did you  
6 have any communication with Mr. Huennekens about this  
7 deposition?

8 A. No.

9 Q. How about with Mr. Webb?

10 A. No, other than them explaining the process.

11 Q. Mr. Webb explained the deposition process to  
12 you?

13 A. Mm-hm.

14 Q. When did he do that?

15 A. You know, after his deposition, we asked how  
16 everything went.

17 Q. What did he say?

18 A. It was grueling.

19 Q. Did he discuss with you any of his testimony?

20 A. No, not really, other than, you know, he was  
21 asked about the provisional ballots.

22 Q. Did he say specifically what subject with  
23 respect to the provisional ballots?

24 A. No, not really.

25 Q. Did you talk to Mr. Huennekens other than

1 when Counsel was present regarding his deposition?

2 A. No.

3 Q. You mentioned that you were responsible for  
4 the active side of registrations and were responding to  
5 requests for voter files; is that right?

6 A. Yes.

7 Q. Are you familiar with the voter files that  
8 King County provided on December 29th?

9 A. Yes.

10 Q. And two subsequent releases of the voter  
11 files?

12 A. Yes.

13 Q. In early January?

14 A. Yes.

15 Q. During the election, is the voter file locked  
16 down so that information can't be updated or changed?

17 A. Yes.

18 Q. For the November 2004 election, do you know  
19 when the database was unlocked?

20 A. I believe it was on the 29th of December.

21 Q. The same day that the first voter file was  
22 created that was produced?

23 A. Yes.

24 Q. Do you know whether the voter file that was  
25 produced was the lockdown version or whether it reflected

1 updates?

2 A. I believe we ran it immediately after we  
3 unlocked, so it was still considered the lockdown version.

4 Q. Do you know what changes were made to the  
5 voter file between the December 29th release and then the  
6 second release?

7 A. Again, I'm trying to remember everything that  
8 happened during that time. Other than us trying to do our  
9 changes -- because in voter services, you're always  
10 waiting for it to unlock because we've always got work  
11 that we've got to get going on. And with the cutoff for  
12 the February election coming up within the next week or  
13 so, we were trying to make changes in there to reflect  
14 that.

15 Q. Updating information that had come in from  
16 voters while the database had been locked down?

17 A. Yes, since the cutoff date for the November  
18 election, which was October 2nd.

19 Q. So the database was locked down on October  
20 2nd?

21 A. The database was actually locked down on  
22 November 1st, but all the information that went into the  
23 system was anything that was received by October 2nd,  
24 which is the cutoff date for the November election, other  
25 than the people that have come in to register to vote in

1 person within that 15-day window.

2 Q. 15-day window prior to the general election?

3 A. Yes.

4 Q. Do you know what the differences were between  
5 the second voter file that was released and the third  
6 voter file?

7 A. In early January?

8 Q. Yeah.

9 A. Yes.

10 Q. What was the difference?

11 A. I believe there was some duplicates that  
12 showed up on the second file.

13 Q. What do you mean by "duplicates"?

14 A. Duplicate voter records.

15 Q. Does that mean the same person with the same  
16 voter ID number was listed twice in the database?

17 A. Yes.

18 MR. PORTER: Can you clarify what you meant by  
19 "the second file"? You meant the first file released  
20 after the initial 12/29 file, but not the second file  
21 released in January?

22 THE WITNESS: I believe it was January 7th  
23 earlier in the day. And then we had another one that was  
24 dated, because I ran that later in the evening;  
25 January 7th at eight o'clock in the evening.

1 BY MR. MAGUIRE:

2 Q. So there were three total releases; one  
3 December 29 and then a second one early January 7 and a  
4 third one later in the day on January 7th?

5 A. Right.

6 Q. And the second one included some duplicate  
7 registrations?

8 A. Yes.

9 Q. An individual might be listed twice with the  
10 same voter ID?

11 A. Yes.

12 Q. Do you know how that can happen?

13 A. Well, with the system being new, we're still  
14 learning. I believe there was -- I did not run the second  
15 one, so I'm not sure how that happened other than me  
16 talking to Travis Elsom, who actually did run the second  
17 file, or Scott Turnbull who ran the second file. One of  
18 the two of them ran it. And we were simultaneously trying  
19 to run it because the file was promised to the public of  
20 putting a release out there, and so we were trying to run  
21 it, along with people working and doing things.

22 And I don't know if there was just a burp  
23 in the system that caused it or what exactly happened.  
24 We're still not really sure because we've never -- I've  
25 never had that problem in the past with all the other

1 files that we've ran.

2 Q. Were you the one who ran the first voter file  
3 on December 29th?

4 A. Yes.

5 Q. Did you run the third voter file, the one  
6 later in the day on January 7th?

7 A. Yes.

8 Q. And that eliminated the duplication problem?

9 A. I believe so. I never got any complaints  
10 after that.

11 Q. Do you know whether any of the dates of  
12 registration in the voter files were changed between the  
13 December 29th release and the first January 7th release?

14 A. If an existing voter's registration date was  
15 changed?

16 Q. Yes.

17 A. It's possible.

18 Q. Why would a voter's registration date be  
19 changed?

20 A. To reflect the correct date.

21 Q. Does that mean there was an error in the data  
22 entry initially?

23 A. Yes.

24 Q. How would you identify that error?

25 A. By looking at the original voter registration

1 form.

2 Q. What would cause you to revisit a person's  
3 voter registration form to look for errors?

4 A. We had a lot of staff working in the fall --  
5 and with it being a new system. The system actually  
6 defaulted to whatever date that was put in there prior, so  
7 it would carry it over. So if there was a date there, it  
8 wouldn't clear it out to force you to put another one in.

9 So some of the workers that were going  
10 through them, and as people would call or people were  
11 doing work in the old system -- the first two digits of  
12 the registration number are the year that they registered  
13 to vote, so it kind of gives you a clue that the date of  
14 registration year should be the first two digits of the  
15 registration number.

16 When we went over to DIMS, it was a  
17 different type of numbering system that the registration  
18 numbers were given out, so it kind of clued us in to -- as  
19 we were doing work and coming across them, we were  
20 correcting them.

21 And of course, as we -- as we started to  
22 get past the November election, we were able to go back  
23 and look at a lot of the work and do some cleanup. And  
24 because we were on lockdown until that time frame, we  
25 couldn't make those changes until after we were unlocked.

1 Q. How was that voter ID number assigned to a  
2 person?

3 A. By the system.

4 Q. Can the same voter ID number ever be reused  
5 for a different person?

6 A. Not in DIMS.

7 Q. Under the old system, it could?

8 A. If you knew how to do it, yes.

9 Q. It was something you had to do manually?

10 A. Yes.

11 Q. In DIMS, can an individual manually change a  
12 voter ID number?

13 A. No.

14 Q. So within the King County database, a voter  
15 ID number should be unique to an individual?

16 A. Yes.

17 Q. So it can be used to match voters across  
18 different versions of the database?

19 A. Yes, along with their name and birth date and  
20 everything else.

21 Q. Can two people have the same voter ID?

22 A. No.

23 Q. Are any checks done to see whether voter IDs  
24 aren't assigned to more than one person in DIMS?

25 A. The system won't allow you to give it two

1 numbers. You can't manually give a number to it; the  
2 system does. And at that point, you can't touch it.

3 Q. Is the database backed up?

4 A. I'm not sure.

5 Q. Have you ever had to access any files from a  
6 backup copy of the database files?

7 A. There's been times where we've had questions  
8 on things or we weren't sure if the conversion went okay  
9 or something like that, and I have files that I have from  
10 the data requests that I've done from the old system that  
11 I've had to access and looked at just to kind of make  
12 myself feel better that the information is right.

13 Q. So they're fairly easy to access, then?

14 A. Not really. It's big.

15 Q. It's a big file, so it takes awhile to load?

16 A. Yeah.

17 MR. MAGUIRE: Ms. Moore, I don't have any more  
18 questions during the direct exam portion of the  
19 deposition.

20

21 EXAMINATION

22 BY-MR. HAMILTON:

23

24 Q. Ms. Moore, my name is Kevin Hamilton. I  
25 represent the Washington democrats in this matter. I only

1 have a couple of questions for you.

2 Mr. Maguire asked you some questions about  
3 the Ballot on Request or Ballot on Demand system. Do you  
4 recall those questions?

5 A. Yes.

6 Q. Do you know how many different ballot styles  
7 King County has throughout the county?

8 A. No. A lot.

9 Q. A lot?

10 A. Yeah.

11 Q. Over 100?

12 A. I can't give you a number, but there's a lot.

13 Q. There's a lot.

14 A. Depending on the election, there's a lot,  
15 yeah.

16 Q. If King County didn't have a system that  
17 allowed the ballots to be printed, it would have to  
18 maintain a supply of blank ballots for every different  
19 ballot style used in King County; is that right?

20 A. Yes.

21 Q. Would the storage for that many different  
22 kinds of blank ballots take up a lot of space in the King  
23 County Administration Building?

24 A. Yes.

25 Q. Do you know if that concern about having a

1 supply of lots of different ballot styles in blank in the  
2 King County Administration Building was one of the reasons  
3 for the Ballot on Demand or Ballot on Request system?

4 A. I'm not sure.

5 Q. You don't know?

6 A. I'm assuming, but I'm not sure.

7 Q. Okay. When the folks in voter services  
8 working at the counter receive a request to print a ballot  
9 for a voter, they confirm the voter's registration before  
10 issuing the ballot?

11 A. Yes.

12 Q. How many people actually have that job  
13 responsibility of working the counter and printing those  
14 ballots on request?

15 A. To doing the actual work, this fall there  
16 was -- I couldn't give you a number, to be honest with  
17 you, but there was staff because we needed relief time.  
18 There's only two stations up there.

19 Q. Is it fair to say there were two people at  
20 any one time?

21 A. Yes.

22 Q. And then the other folks would be people who  
23 would step in during the lunch hour or during breaks?

24 A. Yes.

25 Q. So all of these 30 or 40 people doing phone

1 banks, those people weren't authorized to go up to the  
2 counter and start printing ballots, were they?

3 A. No.

4 Q. In fact, if some of the phone bank people  
5 showed up at the counter and started printing ballots,  
6 there would be questions raised almost immediately,  
7 wouldn't there?

8 A. There would. They probably wouldn't know how  
9 to do it, either.

10 Q. Probably wouldn't know how to do it.

11 A. Mm-hm.

12 Q. So you think it would be difficult for  
13 anybody from the phone bank to actually go over there and  
14 try to print some ballots?

15 A. Yes.

16 Q. This was one of your areas of responsibility?

17 A. Yes.

18 Q. Then let me ask you this generally. During  
19 the November 2004 general election, did you have any  
20 indication or any evidence to suggest that anyone except  
21 an authorized King County records and elections person  
22 printed a ballot off of that system?

23 A. No.

24 Q. Any indication that anybody at King County  
25 records and elections acted improperly or in violation of

1 their instructions with respect to the printing of ballots  
2 off of that system?

3 A. No.

4 Q. So as far as you know or are aware, all of  
5 the ballots that were printed off of that system were  
6 printed appropriately and correctly to registered voters  
7 in King County?

8 A. Yes.

9 Q. If it had come to your attention that an  
10 unauthorized employee at King County had accessed that  
11 system, would you have reported it?

12 A. Yes.

13 Q. Did you report any such thing?

14 A. No.

15 Q. Are you aware of any reports of any such  
16 thing?

17 A. No.

18 Q. Mr. Maguire also asked you a few questions  
19 about the "no signature on file" provisional ballots that  
20 were counted.

21 Do you recall those questions?

22 A. Yes.

23 Q. Because they were -- well, during the  
24 processing of a provisional ballot, if the voter was not  
25 registered or if the King County election official was not

1 able to locate the registration for that individual, it  
2 would have been coded as "not registered," correct?

3 A. Not initially, but yes.

4 Q. Ultimately it would have been?

5 A. Yes.

6 Q. This group of ballots "no signature on file"  
7 denotes the situation where you found the registration but  
8 it's without the signature image, correct?

9 A. Yes.

10 Q. So is it fair to understand that for these  
11 "no signature on file" ballots, King County was able to  
12 confirm that these individuals were registered, they just  
13 didn't have the signature?

14 A. Yes.

15 MR. HAMILTON: I have no further questions.  
16 Thank you very much.

17 MR. MAGUIRE: I don't have any more questions  
18 either, Ms. Moore. Thank you.

19 MR. PORTER: Let's just take a break before we  
20 actually excuse the witness.

21 MR. MAGUIRE: Let's go off the record.

22 (Pause in the proceedings.)

23 MR. MAGUIRE: I think that concludes the  
24 testimony from Ms. Lisa Moore today.

25 THE COURT REPORTER: And before we go off the

1 record, would you like to order the transcript of the  
2 deposition?

3 MR. MAGUIRE: Yes, please.

4 THE COURT REPORTER: And would you like a copy?

5 MR. HAMILTON: Yes, please.

6 THE COURT REPORTER: And would you like a copy,  
7 Mr. Porter?

8 MR. PORTER: Yes, and the witness does not waive  
9 her right to review and sign.

10 MR. EVEN: And I would like a copy as well.

11 THE COURT REPORTER: Thank you.

12 (Whereupon, the deposition was concluded at  
13 11:27 a.m.)

14 (Signature reserved.)

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## CERTIFICATE

1  
2 I, Tia B. Reidt, do hereby certify that  
3 pursuant to the Rules of Civil Procedure, the  
4 witness named herein appeared before me at the  
5 time and place set forth in the caption herein;  
6 that at the said time and place, I reported in  
7 stenotype all testimony adduced and other oral  
8 proceedings had in the foregoing matter; and that  
9 the foregoing transcript pages constitute a full,  
10 true and correct record of such testimony adduced  
11 and oral proceeding had and of the whole thereof.  
12

13 IN WITNESS WHEREOF, I have hereunto set  
14 my hand this 19th day of May, 2005.  
15  
16

17 \_\_\_\_\_  
18 Signature

17 \_\_\_\_\_  
Expiration Date

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23  
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