



1  
2 the November 2004 election. Elections officials indicated that their ballots had been  
3 rejected because officials thought that the original signatures submitted by the voter with  
4 the ballots did not match the voter registration signatures already on file with the counties.  
5 Approximately 275 individuals provided the Washington State Republican Party with  
6 signed statements (including letters to auditors, completed "mail in voter registration  
7 forms" and "oath of voter" forms) in which they confirmed that they were lawfully  
8 registered voters who cast the ballots that had been rejected and provided an updated  
9 example of their signatures. Following the Washington State Supreme Court's decision in  
10 the *Washington State Republican Party v. King County Div. of Records, Elections, and*  
11 *Licensing* case, indicating that elections workers could correct during the manual recount  
12 errors made in rejecting ballots during the initial count, the Washington State Republican  
13 Party presented the approximately 275 voter statements to elections officials in 19  
14 counties. Voter statements were presented to Asotin, Chelan, Clallam, Clark, Douglas,  
15 Franklin, Grant, Grays Harbor, Island, Jefferson, King, Kittitas, Lewis, Mason, Pierce,  
16 Snohomish, Thurston, Whatcom, and Yakima counties. All counties either refused to  
17 reconsider their mistaken rejection of these voters' ballots or refused even to accept for  
18 review the voters' documents. The ballots of these 275 voters were thus not counted in the  
19 November 2, 2004, election, and these voters were disenfranchised by the errors of  
20 elections officials.  
21  
22  
23

24 4. As part of its regular political activities, the Washington State Republican  
25 Party ("WSRP") contracts with Advanced Data Center Systems ("ADCS") to obtain  
26 updated lists of voter registrations and vote histories. These lists, often called "voter files,"  
27

DECLARATION OF MICHAEL SHERIDAN IN  
SUPPORT OF ELECTION CONTEST  
PETITION - 2

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

include each county's database of voter information (name, address, registration number etc.) and the record of the elections in which the voter cast a ballot. Currently, the official voter files in Washington state are maintained by individual counties. Counties provide their voter files to the Secretary of State's office, but the Secretary of State does not use these files to administer elections. I am in part responsible for directing the work performed for WSRP by ADCS. In December 2004, at my direction ADCS asked each of Washington's 39 counties to provide it with an updated voter file.

5. On January 7, 2005, ADCS received an updated voter file list and vote history from King County. Along with the voter file, King County provided a document entitled "Updated King County Voter Registration File Released January 7, 2005." A true and correct copy of this document is attached as Exhibit A. We were particularly interested in this updated voter file because the file released by King County on December 29, 2004, showed 3,539 more ballots counted than voters credited with voting. In both the document accompanying the January 7, 2005, voter file and a press release issued on the same day (attached as Exhibit B and available at [http://www.metrokc.gov/elections/news/2005\\_01\\_07b.htm](http://www.metrokc.gov/elections/news/2005_01_07b.htm)), King County stated that 348 provisional ballots were counted at polling places without going through the required validation process and that there were 1,217 more ballots counted than voters credited with voting (though the documents differ as to whether or not the 1,217 number includes the 348).

6. WSRP performed its own analysis of the January 7, 2005 King County voter file. That analysis showed that the true difference between ballots counted and

DECLARATION OF MICHAEL SHERIDAN IN  
SUPPORT OF ELECTION CONTEST  
PETITION - 3

1  
2 voters credited with voting was 1,811, not the 1,217 claimed by King County. The 1,811  
3 figure used here excludes the 348 provisional ballots counted without being verified, 251  
4 federal write-in ballots cast by voters not previously registered, and 69 ballots cast by  
5 voters in the Address Confidentiality Program – without deducting those ballots, the total  
6 discrepancy would be 2,479.  
7

8 7. On Tuesday, January 11, an article in the Seattle Times (attached as Exhibit  
9 C) quoted the King County Elections Superintendent as saying the number of unaccounted  
10 for votes was “somewhere around 1,800.” That same day, King County released yet  
11 another updated voter file. Again, WSRP performed its own analysis of the file. That  
12 analysis showed that the number of ballots counted exceeded the number of voters credited  
13 with voting by 1,802. In addition, our analysis identified 96 individuals who voted in the  
14 November 2, 2004, general election whose registration date was changed between the  
15 December 29, 2004, voter file list and the January 11, 2005, voter file list. Of these, 89  
16 voted at the polls and had their registration dates changed from a date after the legal  
17 deadline to register to vote at the polls (October 2, 2004) to a date before that deadline,  
18 indicating that either these 89 votes may not have been legally cast or the voter registration  
19 dates were entered incorrectly.  
20

21 8. On January 7, 2004, Pierce County provided its voter file list to ADCS. On  
22 the same date, Pierce County distributed a “Media Advisory” regarding its voter file list (a  
23 true and correct copy of which is attached as Exhibit D). The media advisory states that 77  
24 provisional ballots were counted at polling places without going through the required  
25 validation process, and that the number of ballots counted exceeds the number of voters  
26

27  
DECLARATION OF MICHAEL SHERIDAN IN  
SUPPORT OF ELECTION CONTEST  
PETITION - 4

1  
2 credited by 135.

3 9. On or about January 13, 2005, WSRP was informed that Stevens County  
4 counted, without ever validating, approximately 12 provisional ballots cast by individuals  
5 who were not eligible to vote in the November 2, 2004 general election (9 because they  
6 had never registered to vote and 3 because their registrations had been cancelled). We  
7 expect this data to be confirmed by Stevens' County's responses to outstanding discovery  
8 requests. WSRP has not received an updated voter file from Stevens County and therefore  
9 has not performed its own analysis of ballots counted and voters credited with voting.  
10

11 10. In early January, 2005, WSRP reviewed the voter file from Clark County  
12 and identified what appeared to be a significant difference between the number of ballots  
13 counted and the number of voters credited with voting. We did not have sufficient data to  
14 identify the sources of this difference, so I asked the Clark County auditor if he could  
15 explain it. He stated that the unexplained discrepancy was approximately 325 votes, and  
16 that he would continue to research it.  
17

18 11. Based on the information described above, we know that there are  
19 unexplained discrepancies between ballots counted and voters credited with voting in King  
20 County (1,802), Pierce County (135), and Clark County (325). In each case, the number of  
21 ballots is greater than the number of voters. We also know that there were provisional  
22 ballots counted in King County (348) and Pierce County (77) without any verification to  
23 ensure that the person casting the ballot was registered to vote and had not voted another  
24 ballot, and that there were provisional ballots counted in Stevens County (12) where the  
25 voter was not eligible to vote.  
26

27  
DECLARATION OF MICHAEL SHERIDAN IN  
SUPPORT OF ELECTION CONTEST  
PETITION - 5

1  
2 12. Because WSRP and ADCS have not yet received the requested voter files  
3 from all counties, our efforts to determine if there additional discrepancies and to  
4 determine the number of provisional ballots that were counted without being verified is not  
5 yet complete. As of January 18, 2005, WSRP has obtained voter files from 11 counties  
6 that are updated to indicate credit for voting in the November 2, 2004, general election.  
7 WSRP has the files from King, Pierce, Snohomish, Spokane, Clark, Benton, Chelan, Walla  
8 Walla, Yakima, Whatcom, Thurston, Kitsap, and Skagit counties. The other 28 counties  
9 have been asked to provide their voter files but have not yet done so. Once the WSRP and  
10 ADCS receives and reviews these additional voter files, it is certain that more  
11 discrepancies between the number of votes counted and the number of registered voters  
12 credited with voting will be revealed, though it is likely these discrepancies will not be as  
13 significant as those in King County.  
14  
15

16 13. Even when counties provide a voter file, additional information is necessary  
17 to determine the true discrepancy between ballots counted and voters credited with voting.  
18 A proper reconciliation will account for figures such as address confidentiality program  
19 voters and unregistered federal write-in voters, and that information is not reflected on the  
20 file. In addition, the file alone does not reveal the number of unverified provisional ballots  
21 that were counted at polling places. Some of this information was provided in media  
22 releases by King County and Pierce County, allowing the calculations shown above, and  
23 the Clark County auditor told me those factors were taken into account when he identified  
24 the unexplained difference of 325. Many counties, even those that have provided voter  
25 files to ADCS, have not provided the additional information necessary for a reconciliation.  
26

27  
DECLARATION OF MICHAEL SHERIDAN IN  
SUPPORT OF ELECTION CONTEST  
PETITION - 6

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

I declare under penalty of perjury under the laws of the state of Washington that the forgoing is true and correct to the best of my knowledge and belief.

DATED this 18<sup>th</sup> day of January, 2005.

  
MICHAEL SHERIDAN

DECLARATION OF MICHAEL SHERIDAN IN  
SUPPORT OF ELECTION CONTEST  
PETITION - 7

Davis Wright Tremaine LLP  
LAW OFFICES  
2600 Century Square • 1501 Fourth Avenue  
Seattle, Washington 98101-1688  
(206) 622-3150 • Fax: (206) 628-7699

**EXHIBIT A**



## King County

### Records, Elections and Licensing Services Division

#### Elections Section

Department of Executive Services  
King County Administration Building  
500 Fourth Avenue, Room 553  
Seattle, WA 98104-2337

206-206-1548  
206-296-0108 Fax  
711 TTY Relay

### Updated King County Voter Registration File Released January 7, 2005

The attached CD contains a current copy of the King County Registered Voter file. New registrations have been added, registrations transferred, registrations activated and inactivated, registrations cancelled and absentee statuses changed since the file released last week. Therefore the number of registered voters, inactive and active voters, and voters credited with voting in the General Election has changed since the preliminary releases of the file. This file maintenance is in response to information updates provided by voters during the General Election and in preparation for the February 8, 2005 Special Election. It is important to note that voting history follows the voter and not the particular precinct or jurisdiction. When a voter moves from one address in the county to another and transfers their voter registration the voting history transfers with them to their new precinct and polling place.

The reconciliation work done this week is represented on this file. The file released last week represented a difference of 3,539 in the number of votes cast versus the number of registrations credited with voting in the 2004 General Election. Through reconciliation work done since the release of the voter file last week 1,654 records were corrected and credit for voting in the General Election added.

Additional accountability is provided by the fact that 69 Address Confidentiality Program Voters cast ballots and 251 federal write-in absentee ballots were tabulated. These represent validly cast ballots but are not and can not be reflected in the system.

Further, our reconciliation activities identified indications that up to 348 provisional ballots (.104% of total poll vote) were put through the voting tabulators at polling places and it can not be confirmed which voter cast the ballot.

Given this work we can confirm that an additional 1,654 voters were credited for voting through the reconciliation process and 668 ballots are counted for but not represented in the registration system and no credit applied. (ACP participant ballots, Federal Write-in ballots and provisional ballots put through machines) The remaining difference in the number of votes cast versus the number of registrations credited with voting in the 2004 General Election is 1,217.

**EXHIBIT B**

**King County**[Home](#)[News](#)[Services](#)[Comments](#)[Search](#)

## **Elections**

**Records, Elections and Licensing Services Division**  
Department of Executive Services

Jan. 7, 2005

### **King County updates voter registration file**

Elections officials today released its updated voter registration file.

After recent allegations of people casting ballots under the names of dead voters, officials remind the public that the number of voters credited for voting could change slightly depending on this ongoing investigation. The number of ballots cast will not change.

"The process of crediting voters is a post-election administrative process, that has no bearing on the authenticity of the election results," said Dean Logan, director of Records, Elections and Licensing Services.

Updates to the CD include additional registrations, cancellations, and changes to individual voter records. To prepare for the upcoming February election and as required by law, staff has been updating the voter registration database. This results in a noticeable difference between the file released Wednesday, Dec.29 and the updated file released today.

Using this data to compare precinct results in the General Election will not be accurate, as some voters' precincts have changed due to list maintenance. It is important to note that voting history follows the voter and not the particular precinct or jurisdiction. When a voter moves from one address to another and transfers their voter registration, the voting history transfers with them to their new precinct.

#### **Summary**

The reconciliation work done this week reduced the difference between ballots cast and voters credited from 3,539 to 1,217. This number includes 348 provisional ballots mistakenly put through vote tabulation machines at polling places.

Through the reconciliation process, staff corrected and credited 1,654 voting records not credited in the preliminary file released last week.

Staff confirmed 69 Address Confidentiality Program voters cast ballots and 251 federal write-in absentee ballots were tabulated. These represent validly cast ballots, that are not accounted for in the registration database.

Given this work, staff can confirm that an additional 1,654 voters were credited for voting during the reconciliation process and 668 ballots were accounted for but not represented in the registration system.

The remaining difference in the number of votes cast versus the number of registrations credited with voting in the 2004 General Election is 1,217 -- an accuracy rate of 99.99% based on close to 900,000 ballots cast.

This number is consistent with historic reconciliation rates for King County. In 2000 this number was 1,230.

King County updates voter registration file

Updated: Jan. 7, 2005

---

[King County](#) | [Elections](#) | [News](#) | [Services](#) | [Comments](#) | [Search](#)

Links to external sites do not constitute endorsements by King County.

By visiting this and other King County web pages,  
you expressly agree to be bound by terms and conditions of the site.  
[The details.](#)

**EXHIBIT C**



Tuesday, January 11, 2005, 12:00 a.m. Pacific

Permission to reprint or copy this article/photo must be obtained from The Seattle Times. Call 206-464-3113 or e-mail [resale@seattletimes.com](mailto:resale@seattletimes.com) with your request.

## New error found in vote tally

By Keith Ervin  
*Seattle Times staff reporter*

Oops — never mind.

Three days after King County election officials explained most of a controversial discrepancy between the number of ballots cast and voters known to have voted, the gap has grown again.

After whittling the discrepancy from 3,539 votes to 1,217 last week, officials yesterday said they had made a mistake.

The number of votes now unaccounted for is "somewhere around 1,800," county Elections Superintendent Bill Huennekens said yesterday.

It's impossible to come up with a precise number, Huennekens said, because workers are adding and deleting names of registered voters as they update the list in preparation for a Feb. 8 special election.

Huennekens said the numbers released Friday were wrong because the names of 1,003 voters appeared twice on the voter list. Not all of them voted in the November election. Computer experts are trying to figure out why some names were on the list twice.

The state Democratic Party alerted county election officials to the goof shortly after the county gave a "reconciled" list of voters to the political parties and news media Friday, but the county didn't publicly acknowledge the problem until yesterday.

Huennekens said county staffers worked over the weekend to produce an accurate voter list.

The flawed list was an embarrassment the county didn't need at a time when the state Republican Party was already pointing to procedural errors and accounting problems in King County as grounds for holding a new election for governor.

Republicans asked Chelan County Superior Court on Friday to set aside the election results, saying the number of "mystery votes" in King County was larger than Democrat Christine Gregoire's 129-vote lead statewide over Republican Dino Rossi in the manual recount.

Rossi won the initial machine count by 261 votes and a machine recount by 42 votes.

