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2. I am a consulting technical analyst for the Washington State Republican Party.

3. During the first half of January 2005, employees and consultants for the Washington State Republican Party helped me to compile voter registration databases based on files provided by King, Snohomish, Pierce, Kitsap, Clark, Spokane, Whatcom, Walla Walla, Thurston, Yakima, and Benton Counties that include vote history through the November 2, 2004 general election.

5. On or about January 15, 2005, I received from the Secretary of State of Washington a voter registration database, updated through early summer of 2004, that, by representation of the Secretary, includes date of birth information for all voters in all 39 counties in the State of Washington. This database was obtained through a discovery request, and is subject to a protective order.

6. On or about January 7, 2005, I received from the Washington Department of Health a database, updated through June 2004, that, by representation of Department of Health, includes names and dates of birth for all persons who died within the state of Washington since 1967. This database was provided under a Public Disclosure Act request. I also received databases from Snohomish and Clark counties of deaths from June 1, 2004, to November 15, 2004, and a printed list from Spokane County of deaths during the same period. These lists also were provided under Public Disclosure Act requests. Copies of letters regarding these requests are attached as Exhibit A.

7. During January 2005, I received and compiled databases of persons who were convicted of felonies prior to the November 2, 2004, election from various counties within the state of Washington. These databases were provided by employees of the Building Industry Association of Washington, and were represented as having been obtained from public officials and/or public records. I have also received list of

1 individuals believed to have felony convictions, compiled as described in the Declaration  
2 of Julie Sund.

3 8. During January 2005, I received electronic lists setting forth people who  
4 had voted in the November 2, 2004 general election in states other than Washington. I was  
5 told that these databases were provided by the Republican party organizations in the  
6 respective states, and consisted of the public voter files from those states.

7 9. After receiving these databases and lists I have compared and continue to  
8 compare the databases with one another looking for felons and deceased persons who  
9 voted in the November 2, 2004, election as well as persons who voted more than once in  
10 the state of Washington in the November 2, 2004, election and persons who voted in more  
11 than one state in the November 2, 2004, election. As of 4 p.m. on Monday, January 17,  
12 2005, I have found:

- 13 • 9 persons who appear on both the list of persons who voted in the  
14 November 2, 2004 general election and on one or both of the Department of  
15 Health list of deceased persons and a certified death certificate in the  
16 possession of the Washington State Republican party;
- 17 • 37 persons who appear on both the list of persons who voted in the  
18 November 2, 2004 general election and in court records showing a felony  
19 conviction (and not showing any records of civil rights being restored);
- 20 • 10 persons who have more than one voter registration record in the  
21 Secretary of State voter database (based on a search of last name, first  
22 name, middle initial, city, and date of birth) and who are designated as  
23 having voted under each of those registrations; and
- 24 • 20 persons who voted in Washington State in the November 2, 2004 general  
25 election and who also may have voted in a state other than Washington in  
26 the same election.

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All of these persons were identified with the limited data currently available, which includes voter lists from only 11 counties and incomplete felon and death data.

10. Daily, I continue to receive additional databases and I continue to compare such databases to the databases of persons who voted in the November 2, 2004, election. Daily I find more deceased persons and felons who voted and persons who voted more than one time within the state of Washington or in more than one state in the November 2, 2004, election. Each time I identify a voter who may fall into one of these categories, additional research is performed as described in the Declaration of Julie Sund to confirm that the individual does in fact meet the description above.

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

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

  
CHRISTOPHER L. YETTER

**EXHIBIT A**



STATE OF WASHINGTON

## DEPARTMENT OF HEALTH

*Epidemiology, Health Statistics, and Public Health Laboratories Division**PO Box 47811 • Olympia, Washington 98504-7811**Tel: (360) 236-4230 • FAX: (360) 236-4245*

January 4, 2005

Mr. Peter K. Schalestock  
Washington State Republican Party  
16400 Southcenter Parkway, Suite 200  
Seattle, Washington 98188-3302

Dear Mr. Schalestock:

We have received your request for public records dated December 29, 2004. This letter is to acknowledge your request and to document the modifications to the request made during phone conversations on December 30, 2004, and January 3, 2005.

As we discussed, we have produced an electronic file with information on Washington deaths from January 1, 2003, to approximately the end of June 2004. This is the most current information in our database. You indicated that nothing more was needed from our Department at this time.

You had originally requested copies of the monthly reports of deceased individuals that are given to County Auditors. Although that request was later modified, I did check to see when the last report had gone out. It was sent on November 1, 2004, and contained information on deaths through April 2004.

Your representative picked up the electronic file on January 3, 2005. At this time, we believe that your request for public records has been completed. If our understanding is incorrect, please call me at (360) 236-4225.

Sincerely,

Handwritten signature of Jennifer Tebaldi in cursive.

Jennifer Tebaldi  
Director of Policy  
Division of Epidemiology, Health Statistics, and Public Health Laboratories

**Peter Schalestock**

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**From:** Lathrop, Karen [Karen.Lathrop@DOH.WA.GOV]  
**Sent:** Thursday, January 06, 2005 12:36 PM  
**To:** 'Peter Schalestock'  
**Cc:** Tebaldi, Jennifer  
**Subject:** RE: Data File re. Deaths

Peter,

I have received your request for additional name information on the death records back to 1967. I will begin working on this request this afternoon, and I will contact you when the data is ready.

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This message from:

Karen R. Lathrop  
Manager, Technical and Data Services  
Center for Health Statistics  
Washington State Department of Health  
Voice: (360) 236-4350 Fax: (360) 753-4135  
Email: [karen.lathrop@doh.wa.gov](mailto:karen.lathrop@doh.wa.gov)  
Mailing: PO Box 47814, Olympia, WA 98504-7814  
Physical: Town Center 1, Work Station 1-W-045  
101 Israel Rd SE, Tumwater, WA 98501

**Public Health - Always Working for a Safer and Healthier Washington**

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**From:** Peter Schalestock [mailto:[peterschalestock@wsrp.org](mailto:peterschalestock@wsrp.org)]  
**Sent:** Thursday, January 06, 2005 12:14 PM  
**To:** [karen.lathrop@doh.wa.gov](mailto:karen.lathrop@doh.wa.gov)  
**Subject:** Data File re. Deaths

Karen,

Thank you for providing a data file in response to our public records request. When we made the request I assumed that the name would include the middle name and suffix, but I understand that is not correct. Could you please provide the same file with the middle name and suffix fields added?

If you have any questions, please call me at 206-669-8811.

Thank you,

Peter Schalestock

Snohomish County Deaths

**Peter Schalestock**

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**From:** Sharon McWhirter [smcwhirter@shd.snohomish.wa.gov]

**Sent:** Tuesday, January 04, 2005 3:44 PM

**To:** peterschalestock@wsrp.org

**Subject:** Snohomish County Deaths

Attached is a file showing deaths occurring in Snohomish County from June 1, 2004 through November 15, 2004. It contains almost 1700 entries - if you have a problem receiving it via this e-mail, please let me know at 425-339-5290. Thank you. <<June-Nov 15 deaths1.xls>>

Scanned for viruses by Snohomish Health District

Message

Page 1 of 4

**Peter Schalestock**

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**From:** Volkman, Lori [Lori.Volkman@clark.wa.gov]  
**Sent:** Wednesday, January 05, 2005 3:48 PM  
**To:** peterschalestock@wsrp.org  
**Cc:** Grimm, Julie; Wiesman, John; Volkman, Lori  
**Subject:** RE: Public Records Act Request

January 3, 2004

*Delivered via electronic mail only to [peter.schalestock@wsrp.org](mailto:peter.schalestock@wsrp.org)*

Peter Schalestock  
Washington State Republican Party  
16400 Southcenter Parkway, Suite 200  
Seattle, WA 98188-3302

**Re:** Your Public Records Request to the Clark County Health Department

Dear Mr. Schalestock:

Attached for your reference, and in response to your request dated December 30, 2004, please find an electronic spreadsheet in Excel format that details all deaths recorded by the Clark County Health Department for the specific dates you have requested. Please note that the designation "SWMC" in the "place of death" column is an abbreviation for Vancouver's "Southwest Washington Medical Center." In addition, approximately 140 of the records contained the actual age of the decedent instead of a date of birth. In those cases, a two-digit number indicating age is located in the "DOB" column instead of a date. None of the information has been redacted.

As we previously agreed, I will assume that the release of this information fully satisfies your existing request. Should your review necessitate additional documentation, please contact us for that new information request.

Very truly yours,

Lori L. Volkman  
Deputy Prosecuting Attorney  
Civil Division

cc: John Wiesman, Julie Grimm, Clark County Health Department

-----Original Message-----

**From:** Volkman, Lori  
**Sent:** Thursday, December 30, 2004 3:51 PM  
**To:** 'peterschalestock@wsrp.org'  
**Cc:** Grimm, Julie; Wiesman, John

1/17/2005

Message

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**Subject:** FW: Public Records Act Request

December 30, 2004

*Delivered via electronic mail only to [peterschalestock@wsrp.org](mailto:peterschalestock@wsrp.org)*

Peter Schalestock  
Washington State Republican Party  
16400 Southcenter Parkway, Suite 200  
Seattle, WA 98188-3302

**Re:** Your Public Records Request to the Clark County Health Department

Dear Mr. Schalestock:

The above-referenced request was forwarded to our office today for review and response.

To confirm our conversation earlier today, the Health Department, in conjunction with our office, is now in the process of locating, compiling, and reviewing documents related to your request for compliance with the Criminal Records Privacy Act, RCW Chapter 10.97, and for applicable exemptions under the Public Records Act, RCW Chapter 42.17. As you may know, the review could be quite labor-intensive based on the information you have requested. Therefore, you have agreed to accept an electronic record currently maintained by the Clark County Health Department, which includes the decedent's name, age at time of death, date of death, and location of death. It is my understanding that if you desire additional records based on your review of that document, we will produce the records needed on a case by case basis, subject to appropriate review. However, I will await further instruction before processing that request.

The data is in a unique format and the health department is in the process of converting it into a readable, excel file for your review. As soon as it is available, I will transmit the same to you electronically. I anticipate this can be accomplished early next week. In the meantime, if you have any questions please don't hesitate to contact me directly. My direct extension is (360) 397-6008, x 4745.

Very truly yours,

Lori L. Volkman  
Deputy Prosecuting Attorney  
Civil Division

cc: John Wiesman, Julie Grimm, Clark County Health Department

-----Original Message-----

**From:** Peter Schalestock [mailto:[peterschalestock@wsrp.org](mailto:peterschalestock@wsrp.org)]  
**Posted At:** Thursday, December 30, 2004 1:00 PM  
**Posted To:** Inbox

1/17/2005

Message

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**Conversation:** Public Records Act Request  
**Subject:** Public Records Act Request

December 30, 2004

VIA Facsimile and Email

John Wiesman  
Clark County Department of Health  
Vancouver, Washington

**Re: PUBLIC RECORDS ACT REQUEST**

Dear Mr. Wiesman:

On behalf of the Washington State Republican Party, I am requesting copies of the following public records pursuant to the Public Disclosure Act, RCW 42.17:

- A listing of all deaths reported in your county between June 1, 2004, and November 15, 2004, including at least the decedent's name, address, date of birth, and date of death.

Please note that we are *not* requesting any Medical Examiner's reports.

The Public Disclosure Act is a broad mandate in favor of disclosure. RCW 42.17.251. In accordance with the Act, we anticipate "your fullest assistance" in responding to this request and "the most timely action possible" in releasing information promptly, which means no more than five (5) business days (and less where possible). RCW 42.17.290. We also remind you that information can only be withheld to the extent that it is specifically exempt, and exemptions must be narrowly construed. RCW 42.17.260(1). Even if some information is arguably exempt, the remainder of the record must be released with redactions noted.

If you claim the right to withhold any documents or redact any information you must also include a statement of the specific exemption authorizing the withholding and a brief explanation as to how the exemption applies to the information withheld. RCW 42.17.310(4). The burden of proof is on the County to show that an exemption applies. RCW 42.17.340(1).

There is no doubt that the requested records are subject to disclosure under the Public Disclosure Act. The following "public records" are subject to disclosure under the Act:

any writing containing information relating to ... the performance of any governmental or proprietary function .... used, or retained by any state or local agency regardless of physical form or characteristics....

RCW 42.17.020(36). *See also Smith v. Okanogan County*, 100 Wn. App. 7, 12, 994 P.2d 857 (2000); *Confederated Tribes of Chehalis Reservation v. Johnson*, 135 Wn.2d 734, 746, 958 P.2d 260 (1998).

RCW 42.17.020(42) further defines "writing" as

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... photostating, photographing, and every other means of recording any form of communication or representation ... and all papers, ... and other documents *including existing data compilations* from which information may be obtained or translated.

Furthermore, records of death (other than Medical Examiners' Reports) are routinely disclosed in response to requests under the Public Disclosure Act. *See, e.g., In re Rosier*, 105 Wn.2d 606, 660-61, 717 P.2d 1353 (1986) (Andersen, J. dissenting); *Prison Legal News v. Washington State Dept. of Corrections*, 2003 WL 22332994, 118 Wn.App. 1069 (2003); *Comoroto v. Pierce Co. Medical Examiner's Office*, 111 Wn.App. 69, 43 P.3d 539 (2002). *As such, no statutory exemptions apply and the records must be disclosed.*

This request was sent to the Department of Health on December 30, 2004. Your response should be directed to me *within five days*. Please note that any denial of this request, including any partial denial or redaction, is subject to judicial review. Any person who prevails against an agency in an action seeking the right to inspect or copy any public record shall be awarded all costs, including reasonable attorneys' fees and a civil penalty to be determined by the court.

In accordance with the Public Disclosure Act, we will reimburse you for the actual costs of copying these documents. Please send the copies and the invoice to the above address. Thank you for your prompt attention to this request. If you have any questions about the nature or scope of this request, please contact me at 206-669-8811.

Sincerely,

Peter K. Schalestock

1/17/2005



**Michelle K. Wolkey, P.S.**  
ATTORNEY AT LAW

January 3, 2005

Peter K. Schalestock  
Washington State Republican Party  
16400 Southcenter Parkway, Suite 200  
Seattle, WA 98188-3302

Re: *Public Disclosure Act Request*

Dear Mr. Schalestock:

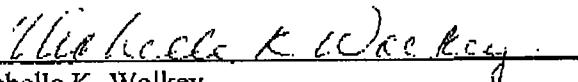
Enclosed please find a list containing the names of persons over the age of 18 years who died within Spokane County between June 1, 2004 and November 15, 2004. The list contains full name, date of death and date of birth as requested in your amended public disclosure request of December 30, 2004. Please note that due to the formatting of the list, on approximately every other page the list only takes a portion of the page.

No redactions have been made from this response.

The list consists of 51 pages. Spokane Regional Health District's per page copy charge is .50, so the total copy charge is \$25.50. Please remit payment to me, but made payable to Spokane Regional Health District. Please do not hesitate to contact me should you have any questions regarding this response.

Very truly yours,

**MICHELLE K. WOLKEY, P.S.**

  
Michelle K. Wolkey

Enclosure

SCH.SRP.PD.LT.DOC