THE HONORABLE T.W. SMALL

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CHELAN COUNTY

Timothy Borders et al., Petitioners, v. King County et al., Respondents, and Washington State Democratic Central Committee, Intervenor-Respondent.	NO. 05-2-00027-3 DECLARATION OF WILLIAM C. RAVA IN SUPPORT OF WASHINGTON STATE DEMOCRATIC CENTRAL COMMITTEE'S MOTION FOR BRIEFING SCHEDULE AND STAY OF PROCEEDINGS AND OPPOSITION TO PETITIONERS' MOTION FOR EXPEDITED DISCOVERY

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

William C. Rava declares as follows:

1. I am one of the attorneys for Intervenor-Respondent Washington State Democratic Central Committee ("WSDCC"), am competent to make this declaration, and do so upon personal knowledge as indicated.

2. Attached hereto as Exhibit A is a true and correct copy of the Certificate of Election signed January 10, 2005, in which the election of Governor Christine Gregoire is certified.

3. I am aware of four other election contests which have been filed related to the 2004 gubernatorial election. Those contests were filed in the Washington Supreme Court by Arthur Coday, Jr. (December 29, 2004), Daniel P. Stevens (January 5, 2005), and Suzanne D. Karr (January 10, 2005), and in Kitsap County Superior Court by William D. Webster (No. 05 2 00063 7, January 10, 2005). It is my understanding that the Supreme Court has deferred action on those contests until the close of the filing period for such election contests.

4. The Washington Supreme Court has held hearings on an expedited basis regarding this gubernatorial election. For example, the Supreme Court held oral argument in *McDonald v. Reed, et al.* (Supreme Court No. 76321-6) at 1:30 p.m. on December 13, 2004. Original briefing was filed in *McDonald* on December 3, opposition briefs were filed on December 7 at 9:00 a.m. and reply briefing was filed on December 7 at 4:30 p.m. Likewise, the Supreme Court accepted immediate appeal of the Pierce County Superior Court's December 17 temporary restraining order in *Washington State Republican Party v. King County Division of Records, Elections and Licensing Services, et al.* (Supreme Court No. 76399-2). Opening briefs were filed on December 20 at noon, opposition briefs were

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

filed on December 20 at 5:00 p.m. The Supreme Court heard oral argument on December 22.

5. On December 30, 2004 and January 5, 2005 I sent letters to county auditors on behalf of the WSDCC, requesting under the Public Disclosure Act ("PDA"), certain documents related to the 2004 gubernatorial election, including all documents that had already been requested by the Rossi for Governor campaign and or the Republican Party from November 1, 2004 to present. A true and correct copy of examples of my December 30, 2004 and January 5, 2005 letters sent to all counties are attached to this declaration as Exhibits B and C.

6. Several counties have responded to the WSDCC's PDA requests, indicating that significant additional time may be needed in order to comply with these requests. True and correct copies of communications regarding these requests received from Franklin County, Jefferson County, Okanogan County, and Skagit County are attached to this declaration as Exhibit D.

7. On January 11, 2005 Petitioners provided WSDCC copies of Petitioners' First Interrogatories and Requests for Production. Petitioners' discovery requests are attached to this declaration as Exhibit E. Among the documents and information sought by Petitioners' discovery are all communications between the counties and Washington citizens regarding errors in the 2004 election (Request No. 6); information regarding canvassing procedures for the past five years, regardless of whether related to this election or any election (Interrogatory No. 8); and documents regarding the production of voter information for all voters in each county and their vote history (Request No. 18).

8. A true and correct copy of Petitioners' January 10, 2005 letter to this Court informing the Court that the Petitioners had served King County with its discovery requests,

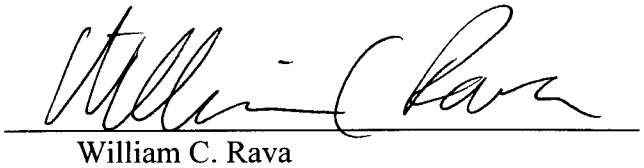
Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

and anticipating service of discovery requests on other counties, is attached to this declaration as Exhibit F.

9. As of today, January 12, 2005, Respondent WSDCC believes that at least seven of the thirty-nine counties named as Respondents in this contest have appeared. WSDCC is also aware of the appearance of attorneys for Respondents Owen and Chopp, and the Secretary of State.

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

SIGNED and DATED at Seattle, Washington, this 12th day of January, 2005 by WILLIAM C. RAVA.



William C. Rava

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