

**SUPREME COURT OF THE STATE OF WASHINGTON**

JAMES E. BROE, KENNETH R.  
SEAL, ROBERT BAKER, MARK  
SUSSMAN, STAN WALTER, BILL  
WISE, ANDY STEVENS, ED  
CRAWFORD, JASON LAGEN,  
LOUISE WORKMAN, JOCELYN  
MURCELLI, MIKE MURCELLI, and  
KEVIN MCDOWELL, American  
Citizens, Washington Residents and  
Registered Voters in the State of  
Washington,

Petitioners,

v.

SAMUAL S. REED, Secretary of State  
for the State of Washington,

Respondent.

DECLARATION OF  
NICK HANDY

I, Nick Handy, declare as follows:

1. I am over eighteen years of age and competent to testify. I serve as Director of Elections in the Office of the Secretary of State for the state of Washington. I was appointed to this position in May 2004 by Secretary of State Sam Reed, and have served in this position for over four years.

2. I supervise all of the operations of the Elections Division of the Secretary of State's Office, and oversee administration of state and federal elections, including the state primary and general elections. I am familiar with the following information in that capacity.

3. I am aware that Petitioners have asked this Court to authorize the issuance of a subpoena directing the Secretary of State to produce "the Declaration of Candidacy of Barack Obama as filed in the State of Washington," Mot. For Expedited Disc. And For Auth. To Issue Subpoenas (Mot. For Expedited Disc.) at 2. In Washington, candidates for President and Vice-President of the United States qualify to appear on the general election ballot when the national convention of a major political party certifies that they are nominees of that convention. RCW 29A.56.320, .360. Candidates for President and Vice-President do not file declarations of candidacy. RCW 29A.24.030. Attached as Exhibit A is a true and correct copy of the Official Certification of Nomination of Barack Obama and Joe Biden as the nominees of the National Convention of the Democratic Party, as filed with the Secretary of State. Attached as Exhibit B is a true and correct copy of certification of their slate of electors supporting their candidacy, as required by RCW 29A.56.320 and .360. Exhibits A and B are, accordingly, the nearest equivalent documents to a declaration of candidacy for a major party Presidential candidate.

4. I am also aware that the Petitioners have asked this Court to authorize the issuance of a subpoena directing the Secretary of State to produce “all records concerning the candidacy and disallowance of Socialist Worker’s Party candidate Frank Colero within the Secretary of State’s Office.” Mot. For Expedited Disc. at 2. At other points in their pleadings, Petitioners identify the candidate in question as “Roger Calero.” Decl. of Steven Pidgeon, ¶ 9. The Secretary of State’s Office has no records meeting this description, using either of those names. Attached as Exhibit C are true and correct copies of records concerning the nomination of candidates for President and Vice-President by the Socialist Workers Party.<sup>1</sup> The only individual identified as their nominee for President is James E. Harris, the name that in fact appeared on the general election ballot in Washington. The only document we have located containing the name of Roger Calero as a 2008 candidate for President of the Socialist Workers Party is an email thread, attached as Exhibit D. We received no documents seeking to qualify Mr. Calero, or Colero, as a candidate for President. Exhibits C and D are, accordingly, the closest documents we have to anything that would be responsive to the

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<sup>1</sup> Petitions signed by voters supporting this nomination are excluded. The Socialist Workers party submitted 222 pages of signatures.

Petitioners' request for documents concerning the candidacy of Mr. Calero or Colero.

5. On December 15, 2008, as required by federal and state statute, the presidential electors for the state of Washington met at the State Capitol in Olympia to cast their electoral votes for President and Vice-President. Attached as Exhibit E is a true and correct copy of the Certificate of the Electoral College of the state of Washington, signed by the electors and attested by Secretary of State Sam Reed. The transmittal of this certificate to federal officials is the last official act of any official of the state of Washington regarding the 2008 presidential election.

6. I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct and of my own knowledge, and that I executed this declaration at Olympia, Washington, in the County of Thurston, this 16th day of December, 2008.

  
Nick Handy

# **EXHIBIT A**

# SANDLER, REIFF & YOUNG, P.C.

August 28, 2008

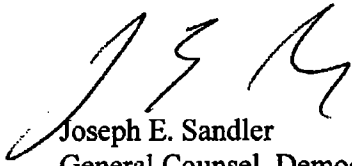
Washington Secretary of State Sam Reed  
520 Union Avenue SE  
Olympia, WA 98504-0220

Dear Secretary Reed:

Please find enclosed the official Certificate of Nomination of Senator Barack Obama as the nominee of the Democratic Party of the United States for President of the United States and of Senator Joe Biden as nominee for Vice President of the United States.

If you need any additional information, please contact Liz Howard at 202-479-1111.  
Thank you for your assistance.

Sincerely,



Joseph E. Sandler  
General Counsel, Democratic National Committee



# **EXHIBIT B**

**SECRETARY  
of STATE**

Sam Reed



Legislative Building  
PO Box 40220  
Olympia, WA 98504-0220  
Tel 360.902.4151  
Fax 360.586.5629  
www.secstate.wa.gov

To: DAUB MOTZ

July 7, 2008

Dwight Pelz  
State Party Chairman  
WA State Democratic Central Committee  
PO Box 4027  
Seattle, WA 98194-0027

Dear Mr. Pelz,

Our office has received your list of 11 electors and 11 alternate electors to represent the Washington State Democratic Party in the 2008 Electoral College.

Thank you very much. If you have any questions, please contact Patrick McDonald at 360.902.4148.

Sincerely,

SAM REED  
Secretary of State

# Washington State Democrats

Dwight Pelz, Chair

June 25, 2008

Sam Reed  
Washington Secretary of State  
Legislative Building  
PO Box 40220  
Olympia WA 98504-0220

Dear Secretary Reed,

Listed in the attached document are the 11 electors and 11 alternate electors elected through the caucus and convention cycle to represent the Washington State Democratic Party in the 2008 Electoral College.

Please let us know that you have received and accepted this list.

Sincerely,

*Called 7-02-08  
9:16 a.m.*



Dwight Pelz  
State Party Chairman

RECEIVED  
JUL 01 2008

Office of Secretary of State



## 2008 Democratic Electors and Alternate Electors in Washington State

6/18/2008

Number	CD	First Name	Middle Name	Last Name	Electoral District	Home Phone	E-mail	Mailing Address	Mailing City	Mailing State	Mailing Zip Code
1	1	Jafar		Siddiqui	Elector	(425) 778-6634	No Email	3107 - 206th Pl. SW	Lynnwood	WA	98036
2	1	Maryhn		Chase	Alternate	(425) 775-8449	chase_mae@eq.wa.gov	8432 - 228th SW	Edmonds	WA	98026
3	2	Maggie	J.	Hanson	Elector	(360) 733-2539	maggie@hanson@hotmail.com	206 Bayside Pl.	Bellingham	WA	98225
4	2	Kelly	D.	Wright	Alternate	(360) 659-1878	kwright@rockisland.com	5733 - 65th St. NE	Marysville	WA	98270
5	3	Jane	M.	Buchanan-Banks	Elector	(360) 573-2838	anjnbu@hhotmail.com	12214 NW 21st Ave.	Vancouver	WA	98685
6	3	Elihu	I.	Druckman	Alternate	(360) 262-9217	iwelty@localaccess.com	PO Box 146	Chehalis	WA	98532
7	4	Pat	M.	Nofter	Elector	(509) 663-7659	patnfter@gmail.com	214 Jennings Ave. N	Wenatchee	WA	98801
8	4	Kendall	M.	Miller	Alternate	(509) 735-1268	kendallmiller@msn.com	8627 W Arrowhead Ave.	Kennewick	WA	99336
9	5	Marcus		Riccelli	Elector	(509) 879-7805	riccelli17@hotmail.com	2204 W Kaimi Ave.	Spokane	WA	99208
10	5	Patty		Elliot	Alternate	(509) 534-4547	pgeil49@gmail.com	1216 E 19th Ave.	Spokane	WA	99203
11	6	Bradford	L.	Donovan	Elector	(360) 249-4237	bradford000@centurytel.net	38 Evergreen	Montesano	WA	98563
12	6	Judith	E.	Fortler	Alternate	(253) 627-8130	msfola2@comcast.net	525 Broadway, #406	Tacoma	WA	98402
13	7	Lestey	G.	Ahmed	Elector	(206) 783-4005	ahmed@auribel.net	5911 - 20th Ave. NW	Seattle	WA	98107
14	7	Chris	L.	Porter	Alternate	(206) 856-0182	cporter11@yahoo.com	8424 - 46th Ave. SW	Seattle	WA	98136
15	8	Di	A.	Irons	Elector	(425) 391-1502	dironso@aol.com	PO box 850	Fall City	WA	98024
16	8	David	A.	Dos Santos	Alternate	(253) 840-6362	jais@bautvsuppl@clearwire.net	12114 - 141st St. E	Puyallup	WA	98374
17	9	Calvin	L.	Edwards	Elector	(253) 531-9235	wal866@earthlink.net	16403 - 10th Ave. Ct. E	Spanaway	WA	98387
18	9	Joan	S.	Ascraft	Alternate	(360) 584-3710	joan1962@comcast.net	606 Lilly Rd. NE, #534	Olympia	WA	98506
19	9	Kristine	F.	Falstone	Elector	(253) 224-0930	falstonek@aol.com	1810 Kennedy Place	Dupont	WA	98327
20	7	Mary		Crosby	Alternate	(206) 935-7785	No Email	1140 Alki Ave SW Apt 406	Seattle	WA	98116
21	7	John	M.	Daniels	Elector	(206) 632-0783	jdaniels@bed405.org	5005 Meridian Ave N	Seattle	WA	98103
22	1	Wallace		Webster	Alternate	(425) 743-4416	ww_2@comcast.net	16101 63rd Ave W	Lynnwood	WA	98037

# **EXHIBIT C**



*Washington*  
**Secretary of State**  
SAM REED

ELECTIONS DIVISION  
520 Union Avenue SE - PO Box 40229  
Olympia, WA 98504-0229  
Tel: 360.902.4180  
Fax: 360.664.4619  
[www.secstate.wa.gov/elections](http://www.secstate.wa.gov/elections)

August 5, 2008

Mary J. Martin  
4431 37<sup>th</sup> Ave. SW #36  
Seattle, WA 98126

Dear Ms. Martin:

The Certificate of Nomination submitted on behalf of the Socialist Workers Party nominees, James E. Harris and Alyson Kennedy, U.S. President and Vice-President respectively, has been reviewed as to form and completion of submission requirements. The canvass of signatures submitted by the Socialist Workers Party in support of these party nominations has been completed.

Our office has determined that the petitions submitted are sufficient in fulfilling the statutory requirement of at least 1,000 valid signatures. The names of Mr. Harris and Ms. Kennedy will appear on the 2008 General Election ballot as nominees of the Socialist Workers Party.

Candidates appearing on the 2008 General Election ballot may submit a statement and photograph for publication in the 2008 Washington State Voters' Pamphlet. If you have not already done so, please submit the information for these candidates immediately. A brochure is included with this letter that will instruct you on completing the process.

If you have any questions, please contact me at [lnieland@secstate.wa.gov](mailto:lnieland@secstate.wa.gov) or (360) 725-5770.

Sincerely

Libby Nieland  
Program Specialist  
Election Certification and Training Program

Enc:



*Washington*  
**Secretary of State**  
SAM REED

ELECTIONS DIVISION  
520 Union Avenue SE - PO Box 40229  
Olympia, WA 98504-0229  
Tel: 360.902.4180  
Fax: 360.664.4619  
[www.secstate.wa.gov/elections](http://www.secstate.wa.gov/elections)

## PETITION OF NOMINATION FOR THE 2008 General

**Nominees: Socialist Workers Party**

James E. Harris  
1315 W 23<sup>rd</sup> St  
Los Angeles, CA 90007

Alyson Kennedy  
104 Jefferson St 2<sup>nd</sup> Fl  
Newark, NJ 07105

**Office:**

**President**

**Vice-President**

- Consent to Nomination for President & Vice-President
  - Notary Certificate
  - Signature of nominees
  
- Petitions with signatures
  - Valid received date - 7/1/08
  - Number of pages submitted 222
  - Initial count \_\_\_\_\_
  
- Valid number of signatures 1011
- Official Certificate of Nomination from the National Convention

7/11/08 - The number of valid signatures submitted on behalf of James E. Harris and Alyson Kennedy is determined to be sufficient.

Petition was submitted by:

Mary J Martin  
4431 37<sup>th</sup> Ave SW #36  
Seattle, WA 98126  
(206) 550-6822  
[Mjmartin52@comcast.net](mailto:Mjmartin52@comcast.net)



Washington  
**Secretary of State**  
 SAM REED

ELECTIONS DIVISION  
 520 Union Avenue SE - PO Box 40229  
 Olympia, WA 98504-0229  
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**PETITION OF NOMINATION FOR THE 2008 General**

**Nominees: Socialist Workers Party**

James E. Harris  
 1315 W 23<sup>rd</sup> St  
 Los Angeles, CA 90007

Alyson Kennedy  
 104 Jefferson St 2<sup>nd</sup> Fl  
 Newark, NJ 07105

**Office: President**

**Vice-President**

- Consent to Nomination for President & Vice-President *JK*
  - Notary Certificate
  - Signature of nominees

- Petitions with signatures
  - Valid received date
  - Number of pages submitted 222 *JK*
  - Initial count \_\_\_\_\_

- Valid number of signatures
- Official Certificate of Nomination from the National Convention *JK*

The number of valid signatures submitted on behalf of James E. Harris and Alyson Kennedy is determined to be \_\_\_\_\_.

Petition was submitted by:  
 Mary J Martin  
 4431 37<sup>th</sup> Ave SW #36  
 Seattle, WA 98126  
 (206) 550-6822  
 Mjmartin52@comcast.net

