

# ARD LAW GROUP

COMPLEX LITIGATION

Joel B. Ard  
Joel@Ard.law  
206.701.9243

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## **Via Email and USPS Express Mail**

Julie Wise  
Director, King County Elections  
[elections@kingcounty.gov](mailto:elections@kingcounty.gov)  
919 Southwest Grady Way  
Renton, WA 98057

Leesa Manion  
King County Prosecuting Attorney  
[leesa.manion@kingcounty.gov](mailto:leesa.manion@kingcounty.gov)  
516 Third Avenue, W400  
Seattle, WA 98104

Re: Retention of Documents Relevant to Litigation Concerning 2023 Primary Election  
Director Wise and Prosecuting Attorney Manion:

I represent the Washington State Republican Party in matters concerning King County Elections' acknowledged violations of state law committed in its conduct of the 2023 primary election. In light of the apparent decision of Secretary of State Hobbs to disregard these admitted violations of law (a decision we only infer by his refusal to respond to correspondence regarding the matter), WSRP is evaluating all options, including the prospect of litigation to compel King County Elections to cease its violations of law and comply with all elections-related laws in the future.

As such, an immediate need exists for you to identify and preserve potential evidence that may be relevant to the subject matter of this anticipated litigation. The duty for you to identify and preserve evidence is a continuing duty. Any failure to take reasonable steps to ensure the proper preservation of potential evidence will expose you and your agency to a broad spectrum of court-imposed sanctions. At their most severe, sanctions could cost your agency, along with any named employees, the ability to defend themselves and could result in the imposition of monetary penalties.

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Documents and tangible things relevant to this dispute necessarily include, but are not limited to, the following:

All emails and voicemails between any employee or representative of King County Elections and any person related to any aspect of the conduct of the election. ***This must include all personal email, text messages, Signal messages, WhatsApp messages, and any and every communication from any and every employee of King County Elections no matter how that communication was created or delivered, regardless of whether the employee used a personal device or personal account.***

All tabulation equipment, including all servers and backup servers (or primary and secondary servers, or servers denominated any other way); server software and any flash drives of data of any sort from the servers; any manufacturers' manual for tabulation servers; backups and operating manuals for any other network servers used at King County Elections.

All operating system logs including all ClearBallot logs; all Linux logs on any servers; all Windows event logs on any admin computer in operation during the election; all election databases; any related database transaction logs, including any temporary or testing databases; all logs or record of any access to the tabulation servers.

All records of any sort regarding any software or hardware updates performed on any election-related systems including at a minimum records showing the date and time of the update, who performed the update, who was present, what specifically was updated, the procedures followed, and the results of the update; all records of any sort concerning any testing performed, including at a minimum records showing the date and time of the test, who performed the testing, who was present, what specifically was tested, the procedures followed, and the results of the tests.

All correspondence with the ballot printer.

All records showing the manufacturer make and serial number for all computers of any type or nature on which King County Elections employed election management software for the conduct of the 2023 primary election, including for purposes such as to create ballot layouts, create an election, export an election to any external drive, or used to import data from ballot scanners and tabulators, or to generate Cast Vote Records reports. For clarity, such records include any information affixed to or imprinted on the computers themselves.

All signature envelopes from the 2023 primary election; all ballots; all signature verification equipment and software used to check the ballot envelopes; all versions of the list of challenged ballots and matchback reports; all scanning and adjudication equipment and software; all Cast Vote Records.

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All testing materials, including all ballot test decks and L&A records and security certifications; all manuals and instructions for conducting an L & A test whether drafted by the manufacturer, the Secretary of State, King County, or any other person or entity.

All daily tabulation records, certification documents and related reports, including the confidence reports and any reports showing adjudication and resolution of changes.

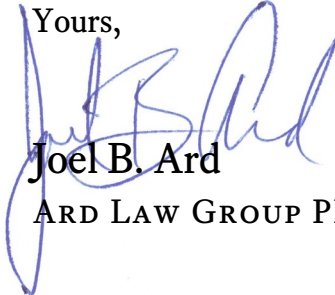
All lists or records of all election office staff and vendor employees who worked during any part of the 2023 primary election; all lists or records reflecting the presence and names of election observers.

All pass key records or other entry/ exit monitoring of the election facility during the 2023 primary election; all cameras and maintenance logs comprising any kind of recording or record, for whatever purpose created, showing the facilities during the 2023 primary elections.

All correspondence between any employee or officer of the office of the Washington Secretary of State and any employee, officer, vendor, or other representative of King County Elections from May 1st, 2023.

I look forward to working with you to remedy the flaws in your conduct of the 2023 primary election, to ensure that these violations of law do not recur, and thereby to defend our democracy.

Yours,



Joel B. Ard  
ARD LAW GROUP PLLC

cc: Hon. James Walsh, Chairman of the Washington State Republican Party