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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING**

CULP FOR GOVERNOR, the campaign for)
LOREN CULP, a Washington citizen,)

Plaintiff,)

v.)

KIM WYMAN, in her capacity as Secretary)
of State for the State of Washington; the)
STATE OF WASHINGTON; DIANA)
BRADRICK, in her capacity as Whatcom)
County Auditor; SHEILAH CRIDER, in her)
Capacity as Island County Auditor; SANDY)
PERKINS, in her capacity as Skagit County)
Auditor; KYMBER WALTMUNSON,)
in her capacity as King County Auditor,)
JULIE ANDERSON, in her capacity as)
Pierce County Auditor, MARY HALL in her)
capacity as Thurston County Auditor, PAUL)
ANDREWS, in his capacity as Kitsap)
County Auditor, VICKY DALTON, in her)
capacity as Spokane County Auditor, GREG)
KIMSEY, in his capacity as Clark County)
Auditor, and TERESA BERNTSEN, in her)
in her capacity as Director of the)
WASHINGTON STATE DEPARTMENT)
OF LICENSING,)

Defendants.)

CASE NO. 20-2-17720-2

**FIRST AMENDED COMPLAINT -
FOR EQUITABLE RELIEF,
DEMAND FOR AUDIT, AND
INJUNCTIVE RELIEF**

**SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 1**

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1 **INTRODUCTION**

2 On November 3, 2020, the state of Washington held a general election to determine
3 the selection of electors in the Presidential race, and to determine the candidates who
4 would fill the offices of Governor, Lieutenant Governor, Secretary of State, Attorney
5 General, and other statewide offices. The process by which this election was held was
6 unlawful under both state and federal law and in violation of Article VI, Section 1.

7 **PARTIES**

8 Culp for Governor is the campaign of candidate Loren Culp who stood for election
9 for Governor of Washington State in the November 3, 2020 general election. The Culp for
10 Governor campaign is resident of Ferry County, Washington.

11 The WASHINGTON SECRETARY OF STATE is a Subsidiary Corporation of the
12 STATE OF WASHINGTON and is located at 416 Sid Snyder Avenue SW, Olympia, WA,
13 98501-1347, doing business as the constitutionally created office of Secretary of State
14 under Article III, Section 17 thereunder. The Secretary of State of Washington corporation
15 is part of the Government Industry and has 170 total employees across all of its locations.
16 The Secretary of State is the state's chief elections officer, chief corporations officer, and
17 supervisor of the State Archives and State Library.

18 Kim Wyman in her capacity as the WASHINGTON SECRETARY OF STATE
19 performs her functions under color of law in all counties of the State of Washington, and
20 the general election under her supervision as held in King County, Washington, makes
21 venue and jurisdiction proper in King County, pursuant to RCW 4.12.020.

22 **SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 2**

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1 The STATE OF WASHINGTON is a corporate entity, D-U-N-S number
2 079248936, doing business as the constitutionally created government of the State of
3 Washington. At the present time, the STATE OF WASHINGTON corporation is acting
4 autonomously under the autocratic rule of Jay Inslee who has terminated all protections
5 provided by Washington's Constitution, including the rights protected under Article I of
6 said Constitution, and rights protected by the Constitution of the United States, and is
7 acting contrary to federal statutes, 18 USC § 241¹, 18 USC §242² and 18 U.S. Code § 247³.

8 _____
9 ¹ 18 U.S. Code § 241 - Conspiracy against rights.

10 If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State,
11 Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege
12 secured to him by the Constitution or laws of the United States, or because of his having so exercised the
13 same; or

14 If two or more persons go in disguise on the highway, or on the premises of another, with intent to
15 prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

16 They shall be fined under this title or imprisoned not more than ten years, or both; and if death
17 results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to
18 kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they
19 shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to
20 death.

21 ² 18 U.S. Code § 242 - Deprivation of rights under color of law

22 Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any
person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights,
privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different
punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race,
than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than
one year, or both; and if bodily injury results from the acts committed in violation of this section or if such
acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be
fined under this title or imprisoned not more than ten years, or both; and if death results from the acts
committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated
sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this
title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

³ 18 U.S. Code § 247. Damage to religious property; obstruction of persons in the free exercise of religious
beliefs

(a) Whoever, in any of the circumstances referred to in subsection (b) of this section—

(1) intentionally defaces, damages, or destroys any religious real property, because of the religious
character of that property, or attempts to do so; or

(2) intentionally obstructs, by force or threat of force, including by threat of force against religious
real property, any person in the enjoyment of that person's free exercise of religious beliefs, or attempts to do
so; shall be punished as provided in subsection (d).

(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign
commerce.

**SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 3**

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1 Inslee has terminated the constitutional façade allegedly governing Washington effectively
2 since March 23, 2020.

3 Diana Bradrick holds the post of Whatcom County Auditor; Sheilah Crider holds
4 the post of Island County Auditor; Sandy Perkins holds the post of Skagit County Auditor;
5 Kymber Waltmunson holds the post of King County Auditor; Julie Anderson holds the
6 post of Pierce County Auditor; Mary Hall holds the post of Thurston County Auditor; Paul
7 Andrews holds the post of Kitsap County Auditor; Vicky Dalton holds the post of
8 Spokane County Auditor; and Greg Kimsey holds the post of Clark County Auditor. All
9 are located in the state of Washington and have acted in concert with Kim Wyman.

10 _____
11 (c)Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color,
12 or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall
13 be punished as provided in subsection (d).

14 (d)The punishment for a violation of subsection (a) or (c) of this section shall be—

15 (1)if death results from acts committed in violation of this section or if such acts include kidnapping
16 or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an
17 attempt to kill, a fine in accordance with this title and imprisonment for any term of years or for life, or both,
18 or may be sentenced to death;

19 (2)if bodily injury results to any person, including any public safety officer performing duties as a
20 direct or proximate result of conduct prohibited by this section, and the violation is by means of fire or an
21 explosive, a fine under this title or imprisonment for not more that 40 years, or both;

22 (3)if bodily injury to any person, including any public safety officer performing duties as a direct or
proximate result of conduct prohibited by this section, results from the acts committed in violation of this
section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or
fire, a fine in accordance with this title and imprisonment for not more than 20 years, or both;

(4)if damage to or destruction of property results from the acts committed in violation of this section, which
damage to or destruction of such property is in an amount that exceeds \$5,000, a fine in accordance with this
title, imprisonment for not more than 3 years, or both; and

(5)in any other case, a fine in accordance with this title and imprisonment for not more than one year, or
both.

(e)No prosecution of any offense described in this section shall be undertaken by the United States except
upon the certification in writing of the Attorney General or his designee that in his judgment a prosecution by
the United States is in the public interest and necessary to secure substantial justice.

(f)As used in this section, the term “religious real property” means any church, synagogue, mosque, religious
cemetery, or other religious real property, including fixtures or religious objects contained within a place of
religious worship, or real property owned or leased by a nonprofit, religiously affiliated organization.

(g)No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the
indictment is found or the information is instituted not later than 7 years after the date on which the offense
was committed.

**SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 4**

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1 Teresa Berntsen, in her capacity as the Director of the WASHINGTON STATE
2 DEPARTMENT OF LICENSING and performs her functions under color of law in all
3 counties of the State of Washington. Venue and jurisdiction proper in King County,
4 pursuant to RCW 4.12.020.

5 STATEMENT OF FACTS

6 a. Voting anomalies

7 On November 3, 2020, the state of Washington held a general election to determine
8 the selection of electors in the Presidential race, and to determine the candidates who
9 would fill the offices of Governor, Lieutenant Governor, Secretary of State, Attorney
10 General, and other statewide offices. Washington has adopted a vote by mail methodology
11 to conduct its elections pursuant to RCW 29A.40.010, although in-person voting is
12 allowed at county-wide locations pursuant to RCW 29A.40.160. RCW 29A.40.160 (8)
13 provides that “[b]efore opening the voting center, the voting equipment shall be inspected
14 to determine if it has been properly prepared for voting. If the voting equipment is capable
15 of direct tabulation of each voter's choices, the county auditor shall verify that no votes
16 have been registered for any issue or office, and that the device has been sealed with a
17 unique numbered seal at the time of final preparation and logic and accuracy testing. A log
18 must be made of all device numbers and seal numbers.”

19 On November 24, 2020, Whatcom, Island, Skagit, King, Pierce, Kitsap, Thurston,
20 Spokane, and Clark county auditors all certified their elections by November 24, 2020. The
21 Secretary of State certified the election results on December 1, 2020. The results purported
22 to show that Jay Inslee received 2,294,243 votes, or 56.56% of the total vote, while Loren
SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 5

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1 Culp received 1,749,066 votes, or 43.12% of the vote, with 13,145 write in votes, or 0.32%
2 of the total votes of 4,056,454.

3 The voter registration address list data which was requested from the Washington
4 State SOS website on November 25, 2020, showed many discrepancies and anomalies
5 which destroyed the integrity of the vote in Washington. According to the United States
6 Postal Service (USPS) data, through the National Change of Address Update (NCOA)
7 update, 338,453 registered voters were identified who have moved but whose addresses
8 were not updated, yet ballots were sent to those addresses. Of these 6,765 had filed a
9 change of address (COA) with the USPS and had moved in 2016 or 4 years ago. Of those
10 that moved, a total of 178,396 had moved out of state, and 14,617 matched a COA record
11 but there was no new address of the registered voter provided. 1,375 registered voters are
12 registered twice with 2 different active voter ID numbers and 5 registered voters are listed
13 twice with the same voter ID number. Of these, 46 voted twice in the November election.
14 Out of 5,236,436 addresses, only 117,543 had nine-digit zip codes. An NCOA update
15 causes the postal service to validate the addresses and updates by adding an additional 4
16 numbers to the 5-digit zip codes to all addresses they verify. When the NCOA update was
17 run independently, it added an additional 4,975,967 for a total of 5,093,510. The NCOA
18 updates have been including the additional four numbers since 1983 so if the NCOA
19 updates were being done then that number of 9-digit zip codes would have already been in
20 the data. They were not, indicating that an NCOA update had not been run in at least the
21 last four years.

22

SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 6

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1 An independent review of the address data indicates that a high number of
2 addresses went to street addresses like “0 GEO GIF 669.00” of which 157 are in the data.
3 83 were mailed to addresses such as “0 Sedro Wooley Pcnt” or “0 Anacortes Pcnt” and
4 others strange mailing addresses. Ballots were sent to these addresses. There were also 98
5 ballots that went to “1 Elections Office Renton, Washington 98057, and 52 were mailed to
6 The Highlands in Shoreline of which 32 voted in the November 3, 2020 election. One
7 person, named Sasquatch (his full name) is listed and voted in the November 3, 2020
8 election, as did Sinderella (her full name).

9 962 individuals who moved out of state previously yet registered to vote in
10 September or October of 2020 have been identified, 358 of which have voted in the
11 Washington 2020 general election. Of those who moved, then registered in September and
12 October 2020, and then voted, 11 of them moved in 2016, 89 moved in 2017, 161 moved
13 in 2018, 188 moved in 2019, and 513 moved in 2020. Of those who moved in 2020, 90 of
14 them registered to vote the same month they moved according the Washington State voter
15 data as compared to the NCOA updated data.

16 The National Change of Address Update process is done through what is referred to
17 as the Coding Accuracy Support System (CASS), provided through USPA data, and is
18 designed in cooperation with the mailing industry to improve the accuracy of addresses for
19 mail qualifying for higher targeted accuracy, lower postal costs for the mailers and to
20 lessen the workload on the local post offices by significantly increasing the automated
21 sorting of mail and substantially lessening the volume of return mail. The CASS software
22 program provides hardware and software manufacturing companies, service bureaus, and
SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 7

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1 commercial mailers a common measure by which to test the quality of address-matching
2 software. Software tests for CASS certification are graded by the U.S. Postal Service®
3 National Customer Support Center (NCSC), and the results are returned to the developer to
4 provide useful diagnostics for correcting mailing data deficiencies, inaccuracies, and other
5 potentially costly issues. This is the system used to independently verify concerning the
6 accuracy of the voter data.

7 In the Data Services Processing Certificate, from the voter data received on
8 November 25, 2020, documented, and provided through 2 USPS NCOALink® Licensed
9 Full-Service Provider (See Dec of Russ Schow, Exhibit 1 attached thereto) 5,236,436
10 registered voters addresses were reviewed from the Washington State voter data received
11 on November 25, 2020. According to the 2 Data Services Processing Certificates received
12 from the NCOA update, through USPS data, 195 addresses were identified with invalid
13 cities listed, 23,348 addresses with errors, 15,062 who moved but left no forwarding
14 addresses, 563 who moved to foreign (out of country) addresses and 6 with Non-USPS zip
15 codes. They also listed 369,590 registered voters who had moved but their addresses have
16 not been updated although they filed a Change of Address form with the USPS.

17 In addition, the Death Master File was used to do a data scrub on the Washington
18 State voter data list from the Secretary of State's office, as supplied by the Social Security
19 Administration. The SSA found that 10,695 of the individuals whose addresses were
20 retained were deceased. Yet of that number 7,228 voted in the November 2020 general
21 election. This data scrub also identified 6 ballots that were sent to residents in prisons.

22
SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 8

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1 Of those who moved out of state, 15,242 voted here in Washington. And of those who
2 moved in state, 61,490 voted in Washington, yet their address was not updated. There are
3 138,423 who moved out of state more than 18 months ago, yet their ballots are still being
4 mailed out but not to their present addresses.

5 **Whatcom County.** Of those to whom a ballot was mailed in Whatcom County
6 from the list maintained by the Secretary of State, 2,599 had moved; 27 moved with no
7 forwarding address; 11 had moved and were non-deliverable; 223 were deceased; 25 had
8 moved out of the country; 22 were cancelled from the list; and 25 addresses could not be
9 found. (See Dec of Russ Schow, Exhibit B, attached thereto). The Whatcom County
10 Auditor nonetheless certified the vote.

11 **Island County.** Of those to whom a ballot was mailed in Island County from the
12 list maintained by the Secretary of State, 1,494 had moved; 47 moved with no forwarding
13 address; 129 were deceased; 2 had moved out of the country; 16 were cancelled from the
14 list; and 360 addresses could not be found. (See Dec of Russ Schow, Exhibit C, attached
15 thereto). The Island County Auditor nonetheless certified the vote.

16 **Skagit County.** Of those to whom a ballot was mailed in Skagit County from the
17 list maintained by the Secretary of State, 1,354 had moved; 31 moved with no forwarding
18 address; 5 had moved and were non-deliverable; 156 were deceased; 6 had moved out of
19 the country; 34 were cancelled from the list; and 196 addresses could not be found. (See
20 Dec of Russ Schow, Exhibit D, attached thereto). The Skagit County Auditor nonetheless
21 certified the vote.

22

SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 9

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1 **King County.** Of those to whom a ballot was mailed in King County from the list
2 maintained by the Secretary of State, 22,416 had moved; 138 moved with no forwarding
3 address; 39 had moved and were non-deliverable; 2,068 were deceased; 192 had moved
4 out of the country; 142 were cancelled from the list; and 120 addresses could not be found.
5 (See Dec of Russ Schow, Exhibit E, attached thereto). The King County Auditor
6 nonetheless certified the vote.

7 **Pierce County.** Of those to whom a ballot was mailed in Pierce County from the
8 list maintained by the Secretary of State, 8,863 had moved; 212 moved with no forwarding
9 address; 16 had moved and were non-deliverable; 848 were deceased; 8 had moved out of
10 the country; 78 were cancelled from the list; and 272 addresses could not be found. (See
11 Dec of Russ Schow, Exhibit F, attached thereto). The Pierce County Auditor nonetheless
12 certified the vote.

13 **Kitsap County.** Of those to whom a ballot was mailed in Kitsap County from the
14 list maintained by the Secretary of State, 3,980 had moved; 152 moved with no forwarding
15 address; 6 had moved and were non-deliverable; 173 were deceased; 5 had moved out of
16 the country; 8 were cancelled from the list; and 55 addresses could not be found. (See Dec
17 of Russ Schow, Exhibit G, attached thereto). The Kitsap County Auditor nonetheless
18 certified the vote.

19 **Thurston County.** Of those to whom a ballot was mailed in Thurston County from
20 the list maintained by the Secretary of State, 3,664 had moved; 65 moved with no
21 forwarding address; 5 had moved and were non-deliverable; 266 were deceased; 3 had
22 moved out of the country; 25 were cancelled from the list; and 166 addresses could not be

SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
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1 found. (See Dec of Russ Schow, Exhibit H, attached thereto). The Thurston County
2 Auditor nonetheless certified the vote.

3 **Spokane County.** Of those to whom a ballot was mailed in Spokane County from
4 the list maintained by the Secretary of State, 6,912 had moved; 110 moved with no
5 forwarding address; 15 had moved and were non-deliverable; 598 were deceased; 9 had
6 moved out of the country; and 105 were cancelled from the list. (See Dec of Russ Schow,
7 Exhibit I, attached thereto). The Spokane County Auditor nonetheless certified the vote.

8 **Clark County.** Of those to whom a ballot was mailed in Clark County from the list
9 maintained by the Secretary of State on November 3, 2020, 4,443 had moved; 44 moved
10 with no forwarding address; 24 had moved and were non-deliverable; 466 were deceased;
11 9 had moved out of the country; 50 were cancelled from the list; and 125 addresses could
12 not be found. (See Dec of Russ Schow, Exhibit J, attached thereto). The Clark County
13 Auditor nonetheless certified the vote.

14 **b. Sanctuary anomalies**

15 In Washington, someone with no legal immigration status in the U.S. can obtain a
16 driver's license by proving identity and state residency. To qualify for a Washington
17 driver's license, pursuant to RCW 46.20.021, a person must manifest an intent to live or be
18 located in this state on more than a temporary or transient basis. Evidence of residency
19 includes but is not limited to: (a) Becoming a registered voter in this state; or (b) Receiving
20 benefits under one of the Washington public assistance programs; or (c) Declaring
21 residency for the purpose of obtaining a state license or tuition fees at resident rates.

22

1 In addition, RCW 46.20.035 requires that the applicant for a driver's license
2 provide proof of identity with at least **one** of the following pieces of valid identifying
3 documentation that contains the signature and a photograph of the applicant: (a) A valid or
4 recently expired driver's license or instruction permit that includes the date of birth of the
5 applicant; (b) A Washington state identicard or an identification card issued by another
6 state; (c) An identification card issued by the United States, a state, or an agency of either
7 the United States or a state, of a kind commonly used to identify the members or
8 employees of the government agency; (d) A military identification card; (e) A United
9 States passport; or (f) An immigration and naturalization service form.

10 Washington law then provides for the automatic voter registration of the applicant.
11 RCW 46.20.156 provides that “[f]or persons eighteen years of age or older who meet
12 requirements for voter registration, who have been issued or are renewing an enhanced
13 driver's license or identicard under RCW 46.20.202 or applying for a change of address for
14 an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and have
15 not declined to register to vote, the department shall produce and transmit to the secretary
16 of state the following information from the records of each individual: The name, address,
17 date of birth, gender of the applicant, the driver's license number, signature image, and the
18 date on which the application was submitted. The department and **the secretary of state**
19 **shall process information as an automated application** on a daily basis.”

20 RCW 46.20.156 provides that “[f]or persons eighteen years of age or older who
21 meet requirements for voter registration and persons sixteen or seventeen years of age who
22 meet requirements to sign up to register to vote, who have been issued or are renewing an
SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 12

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1 enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of
2 address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205,
3 and have not declined to register to vote, the department shall produce and transmit to the
4 secretary of state the following information from the records of each individual: The name,
5 address, date of birth, gender of the applicant, the driver's license number, signature image,
6 and the date on which the application was submitted. The department and **the secretary of**
7 **state shall process information as an automated application on a daily basis."**

8 Pursuant to newly enacted RCW 10.93.160(4): "State and local law enforcement
9 agencies may not (a) Inquire into or collect information about an individual's immigration
10 or citizenship status, or place of birth unless there is a connection between such
11 information and an investigation into a violation of state or local criminal law. Defendants
12 take the position that they are prohibited from ascertaining the lawful citizenship of the
13 registered voter because of this standard.

14 Yet RCW 10.93.160(16) provides that "[n]othing in this section prohibits the
15 collection, use, or disclosure of information that is: (a) Required to comply with state or
16 federal law; or (b) In response to a lawfully issued court order. Both state and federal law
17 require that a voter voting in a federal election such as the general election of November 3,
18 2020, be a United States citizen. Article VI, Section 1, Constitution of the State of
19 Washington; 52 U.S. Code § 10101 et seq. (HAVA).

20 While the defendants may be prohibited from considering the lawful citizenship of
21 the voter registration applicant RCW 29A.08.230, all voter registrations are required to
22 sign an oath:

SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 13

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1 “Oath of applicant.

2 For all voter registrations, the registrant shall sign the following oath:

3 ‘I declare that the facts on this voter registration form are true. I am a citizen of the
4 United States, I will have lived at this address in Washington for at least thirty days
5 immediately before the next election at which I vote, I am at least sixteen years old, I am
6 not disqualified from voting due to a court order, and I am not under department of
7 corrections supervision for a Washington felony conviction.’” RCW 29A.08.230.

8 However, the Secretary of State has taken the position that a registration must
9 ensue even without such an oath, citing RCW 29A.08.107.¹ RCW 29A.08.010 which is
10 cited within the statute requires a signature attesting to the truth of the information (i.e., the
11 Oath required by RCW 29A.08.230) provided on the application. RCW 29A.08.010(d).
12 Yet the motor-voter automatic registration provisions of the voting election scheme in
13 Washington do not and cannot provide such an automatic oath, as Washington driver’s
14 licenses are distributed to non-American citizens. Any such registrations would therefore
15 be unlawful and would render the vote of the registrant unlawful.

16 The decision to forward the name, address, and signature of a driver’s license
17 recipient to the Secretary of State for automatic vote registration is solely in the discretion
18 of the Department of Licensing, who also is prohibited by law from inquiring into or
19 collecting information about an individual's immigration or citizenship status, or place of
20

21 ¹ (1) If the driver's license number, state identification card number, or last four digits of the social security
22 number provided by the applicant match the information maintained by the Washington department of
licensing or the social security administration, and the applicant provided all information required by RCW
29A.08.010, **the applicant must be registered to vote.**

1 birth. RCW 10.93.160(4). Therefore, no state agency is responsible to determine if the
2 registrant meets constitutional guidelines.

3 **CAUSES OF ACTION**

4 *Plaintiff alleges as a first cause of action*

5 **Nonfeasance**

6 Defendants have imposed duties to ensure that the official list of registrants is
7 lawful under both state and federal law and protects both the right of suffrage and the
8 general election from violations of Article VI, Section I of Washington's Constitution.

9 In particular, Defendants occupy a special relationship with the candidates,
10 including the campaign of plaintiff, and the failure to do so constitutes nonfeasance.

11 Plaintiff seeks all remedies in law or equity in regard to the breach of this duty.

12 *Plaintiff alleges as a second cause of action*

13 **Audit**

14 The general election in the state of Washington is plagued with the immobility of
15 defendants to ensure that the election meets the requirements of Article VI, Section 1 of
16 Washington's Constitution, or the demands of HAVA. The Secretary of State readily
17 admits that the office does not review voter registration applications to determine if the
18 applicants are lawful.

19 The County Auditors named as defendants herein follow the lead of the Secretary
20 of State and do not review voter registration applications to determine if the applicants are
21 lawful. Instead, defendants rely upon the affirmative statements of the applicants that they
22 are eligible voters in Washington.

**SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 15**

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1 All applicants for voter registration are required to sign an oath affirming they are
2 eligible to vote under Article IV, Section 1 of Washington’s Constitution, yet persons who
3 apply for driver’s licenses in Washington are automatically registered to vote, subject only
4 to the review of the Secretary of State who will not make a substantive review for
5 citizenship – a standard required by both state and federal law governing elections.

6 In the November 3, 2020 general election, defendants failed to check to determine
7 if the registrants were living, were living in the country, were living in Washington at least
8 30 days prior to the election, were registered more than once, or had signed an oath on
9 their registration application.

10 Therefore, no authority within the state of Washington is authorized or prepared to
11 analyze the registration documents, the paper ballots, the voting machines, and the voting
12 results of the November 3, 2020 general election. No state authority can by statute review
13 the registration documents to determine if the applicant is an American citizen, as they are
14 prohibited by law from doing so, unless the applicant is being investigated for committing
15 a crime. Whereas perjury would be a criminal act in Washington, a non-US citizen who is
16 automatically registered to vote by receiving a driver’s license, does not sign an oath
17 affirming constitutional eligibility. The failure to so affirm by oath renders the registration
18 unlawful and the vote null and void.

19 An independent forensic auditor is therefore necessary to determine the lawfulness
20 of the general election, and Plaintiff makes demand for the same. The state’s failure to
21 provide a mechanism of checks and balances to ensure a free and fair election – which is

22

**SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 16**

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1 wholly within the province of the state – places the onus of shouldering the expense of the
2 forensic audit on the state of Washington, and this Court should so order.

3 *Plaintiff alleges as a third cause of action*

4 **Temporary Restraining Order**

5 While the names and addresses of the registered voters is made transparent and
6 readily available on the Secretary of State’s website, the applications for driver’s licenses
7 are not available for public view. The applications for driver’s licenses which are
8 automatically registered to vote are forwarded to the Secretary of State, including images
9 of the identification provided by the applicant.

10 Plaintiff seeks a temporary restraining order and preliminary injunction enjoining
11 the Secretary of State from altering or destroying any registration or driver’s license
12 application upon which the Secretary of State relied to place a registrant on the official list
13 of registered voters in the State of Washington. This file is maintained electronically and
14 requires no cost to preserve such records; therefore, the TRO should enter without bond.

15 **RELIEF SOUGHT**

16 Plaintiff seeks all lawful remedies available to plaintiff including an award of
17 attorney’s fees and costs for the nonfeasance of defendants in failing to protect the general
18 election from violations which breach the statutory framework governing both statewide
19 and federal elections.

20 Plaintiff seeks the appointment of a forensic auditor the costs of which are to be
21 borne by the State of Washington and as approved by plaintiff to perform a forensic audit
22 of the November 3, 2020 general election, to include without limitation, the voter

**SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 17**

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1 registration documents, paper ballots, their quality and count, the vote counting machines,
2 their random results when tested, and the voting results in Whatcom, Island, Skagit, King,
3 Pierce, Thurston, Kitsap, Spokane, and Clark Counties, and to certify the results of this
4 audit to this Court.

5 Plaintiff seeks a Temporary Restraining Order and Preliminary Injunction
6 enjoining the Secretary of State from destroying or altering any portion of the election
7 information, including without limitation, (1) the total combination of mechanical,
8 electromechanical, or electronic equipment (including the software, firmware, and
9 documentation required to program, control, and support the equipment) that is used (A) to
10 define ballots; (B) to cast and count votes; (C) to report or display election results; and (D)
11 to maintain and produce any audit trail information; and

12 Plaintiff seeks a Temporary Restraining Order and Preliminary Injunction enjoining
13 the Secretary of State from destroying or altering any portion of the election information
14 that details the practices and associated documentation used (A) to identify system
15 components and versions of such components; (B) to test the system during its
16 development and maintenance; (C) to maintain records of system errors and defects; (D) to
17 determine specific system changes to be made to a system after the initial qualification of
18 the system; and (E) to make available any materials to the voter (such as notices,
19 instructions, forms, or paper ballots).

20 Plaintiff seeks a Temporary Restraining Order and Preliminary Injunction enjoining
21 the Secretary of State from destroying or altering all records of the applications for driver's
22

SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 18

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1 licenses which were used to automatically register the applicant to vote in the State of
2 Washington.

3 Dated this 30th day of December 2020.

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SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 19

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