

STATE OF WASHINGTON
SNOHOMISH COUNTY SUPERIOR COURT

WASHINGTON STATE REPUBLICAN
PARTY,

Plaintiff,

v.

KING COUNTY and
JULIE WISE, in her official
capacity as the King County Director of
Elections,

Defendants.

24-2-06945-31

COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF

I. PARTIES.

1. Plaintiff Washington State Republican Party is a political party organized for the purpose of promoting winning candidates in partisan elections at all levels of government in the State of Washington.
2. Defendant King County is a municipal corporation organized under the laws of the State of Washington.
3. Defendant Julie Wise is the King County Director of Elections, and is sued in her official capacity.

II. JURISDICTION AND VENUE.

4. This Court has subject matter jurisdiction over this action under RCW 7.24, RCW 7.40, and RCW 29A.68.
5. Venue is proper in Snohomish County, Washington, under RCW 36.01.050.

1 **III. FACTS.**

- 2 6. King County Elections operates the “Signature challenges” website at
3 <https://kingcounty.gov/en/legacy/depts/elections/how-to-vote/ballots/signature->
4 challenges.
- 5 7. Democracy Live, a private for profit third-party company, operates the OmniBallot website
6 (<https://wa.omniballot.us/sites/53033/site/app/home>) where King County voters are
7 automatically directed in order to cure their ballot affidavit signatures online.
- 8 8. During the 2024 primary election, 2092 ballot signature affidavits were cured using the
9 OmniBallot system in King County.
- 10 9. Seven candidates contested the August 6, 2024 primary election for Commissioner of
11 Public Lands.
- 12 10. Among the candidates was Sue Kuehl Pederson.
- 13 11. Pederson was supported by Plaintiff Washington State Republican Party.
- 14 12. Plaintiff Washington State Republican Party wanted Pederson to win, and devoted some of
15 its limited time and resources to assist her in winning.
- 16 13. Upon certification of the recount of the primary results by the Secretary of State on
17 September 4, 2024, candidates Sue Pederson and Dave Upthegrove were separated by just
18 49 votes.
- 19 14. Pederson finished third according to that certification, failing to advance to the general
20 election.
- 21 15. However, if the ballots illegally cured using the OmniBallot system had not been included
22 in King County’s final elections tally, there is less than a one in a billion chance that Dave
23 Upthegrove would be in the top two candidates moving onto the general election in the race
24 for Commissioner of Public Lands.
- 25 16. But for King County’s illegal use of the OmniBallot system, Pederson would have advanced
26 to the November 2024 general election.
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1 17. Plaintiff WSRP was harmed by King County’s use of the illegal OmniBallot system
2 inasmuch as its otherwise successful support for Pederson was undermined by King
3 County’s actions.

4 **IV. CAUSES OF ACTION.**

5 **A. Declaratory Relief.**

6 18. RCW 29A.60.165(4) requires that “an auditor who provides electronic means for
7 submission of a ballot declaration signature shall establish appropriate privacy and security
8 protocols that ensure that the information transmitted is received directly and securely by
9 the auditor and is only used for the stated purposes of verifying the signature on the voter’s
10 ballot.”

11 19. Plaintiffs seek a declaration that the ballots cured using the OmniBallot system are invalid
12 because the information transmitted by the voter is received and validated by a private for
13 profit third party third-party prior to transmittal to the King County Auditor.

14 20. Plaintiffs seek declaratory judgment that the use of a private for profit company to receive
15 and validate signatures is inconsistent with RCW 29A.60.165(4) and unlawful.

16 **B. Injunctive Relief.**

17 21. Because the use of the OmniBallot system for the automated curing of ballot affidavit
18 signatures was operated on a private for-profit third-party platform and the information
19 transmitted is received by a third party before transmittal to the King County Auditor, the
20 reporting of ballots cured by this method should be enjoined.

21 **V. PRAYER FOR RELIEF.**

22 WHEREFORE PLAINTIFF PRAYS FOR THE FOLLOWING RELIEF:

- 23 1. Entry of judgment declaring that King County’s use of the OmniBallot system for ballot
24 signature curing, in its entirety, is invalid because the information transmitted by the voter
25 is received by a third-party before being received by the King County Auditor in
26 contradiction with RCW 29A.60.165(4);

1 2. Entry of an injunction against King County to bar the reporting of ballots improperly cured
2 by use of the OmniBallot system.

3 3. Such other and further relief as the court deems just and equitable.

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9 September 5, 2024.

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