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SKAGIT COUNTY, WA
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3 **IN THE SUPERIOR COURT, STATE OF WASHINGTON, SKAGIT COUNTY**
4

5 CODY HART,

6 Petitioner,

7 v.

8 SKAGIT COUNTY CANVASSING
9 BOARD:

10 SANDRA PERKINS, Auditor for Skagit
County,

11 RICH WEYRICH, Prosecuting Attorney for
Skagit County,

12 LISA JANICKI, District 3 Commissioner for
Skagit County,
13

14 Respondent
15
16

NO. **22-2 -00072-29**

**AFFIDAVIT/DECLARATION
OF PETITIONER CODY
HART CONCERNING
ELECTION IMPROPRIETIES
AND/OR OMSSIONS
PURSUANT TO RCW
29A.60.125, RCW 29A.60.140,
RCW 29A.60.185, RCW
29A.60.200, RCW 29A.60.235,
RCW 29A.68.013, RCW
29A.68.030, RCW 42.30, and
CONCERNING FEBRUARY
2022 SPECIAL ELECTION**

17 COMES NOW, the undersigned, a citizen of Skagit County, Washington, and a registered
18 voter in Skagit County, pursuant to RCW 29A.60.125, 29A.68.013, 29A.68.030, under penalty of
19 perjury of the laws of the State of Washington, and does hereby state the following to be true to
20 the best of his knowledge and belief.

21 1. I am a citizen of Skagit County, Washington and a registered voter in Skagit County. I
22 have rights as a registered voter in Skagit county which are protected by the statutes referenced
23 herein. I am not a lawyer.
24
25

DECLARATION OF CODY HART UNDER RCW
29A.68.013-3

Cody Hart, *Pro Se*
info@codyhart.org

1 2. In filing this declaration/petition I am attempting to follow the framework of RCW
2 29A.69.013. I believe that there are wrongful acts and/or omissions occurring in the ballot
3 duplication process for the current election which must be immediately addressed and/or corrected.

4 3. For the February 8, 2022, special election in Skagit County, there is a proposed measure,
5 SEDRO-WOOLLEY SCHOOL DISTRICT NO. 101 - Proposition No. 1 - Replacement
6 Educational Programs and Operations Levy.

7 4. I believe that there are very serious flaws in the Skagit County ballot duplication process
8 in violation of RCW 29A.60.125, WAC 434-261-100, and Canvassing Board Administrative
9 Rules that requires specific procedures be followed for ballot duplication and tabulation. My
10 concern is for both the duplication of ballots and the tabulation of ballots that have been duplicated.

11 5. In accordance with state laws a duplicated ballot shall be generated by a two member
12 team who replicates the voter intent onto a duplicate ballot and then a different two member team,
13 working with one duplication set at a time, audits the duplicated ballot by comparing the original
14 ballot and duplicated ballot and then marks if they match or not on the form before the ballot can
15 be tabulated.

16 6. Subsequently, RCW 29A.60.185 also confirms the Auditor has an Audit role specially
17 assigned for ballot duplication mandating "Prior to certification of the election, the county auditor
18 must conduct an audit of ballots duplicated...".

19 7. By observation of records I obtained from the auditor's office of the actual ballot
20 duplication process, I have personally identified ballot duplication and ballot duplication audit
21 records that violate the law and that confirm ballots were illegally tabulated.

22 8. Also, I believe that there are very serious flaws in the Skagit County reconciliation
23 reporting in violation of RCW 29A.60.235 and RCW 29A.60.125 that requires all information
24 necessary for an audit trail of the election to be provided in a reconciliation report and that the
25 Auditor generate a log of the total number of ballots duplicated. My concern is for both the

1 reconciliation reporting to provide an audit trail of duplicated ballots and the reconciliation report
2 provide an audit trail of tabulated ballots.

3 9. By observation of records I obtained from the auditor's office of the actual ballot
4 duplication process and election reconciliation reports, I have personally identified that the Auditor
5 is not generating a log of the total number of ballots duplicated and that the reconciliation report
6 is not providing an audit trail for duplicated ballots.

7 10. I also believe that there are very serious flaws in the Auditor's ballot duplication and
8 Canvassing Board observer and public meeting notification process in violation of WAC 434-250-
9 110 and RCW 42.30 that requires notification for major political party when ballot duplication is
10 occurring and also that canvassing board meetings are public record.

11 11. Also by observation of records I obtained from the auditor's office of past election
12 practices, I have personally identified that the Auditor is not informing major political parties of
13 the ballot duplication process and that Canvassing Board meetings are not being properly
14 announced to the public or documented in accordance with public meeting law.

15 12. Also by observation of duplicate ballot tabulation and reconciliation records I obtained
16 from the auditor's office, I have personally identified that reconciliation reporting conflicts with
17 physical records of duplicated ballot logs, fails to provide an audit trail of duplicated ballots, and
18 that the Auditor has failed to create a log of the total number of duplicated ballots in violate of the
19 law.

20 13. Lastly, as the previously presented concerns support, I believe that there are also very
21 serious violations in the Skagit County certification of election results in violation of RCW
22 29A.160.140 and RCW 29A.60.200. My concerns is for both the certification of supporting
23 documentation of elections in Skagit County as well as the certification of election results in Skagit
24 County.

1 14. I believe that these errors can result in inaccurate election results and also
2 disenfranchises other registered voters, including myself.

3 15. I believe that this situation requires immediate attention. By my understanding, the
4 Canvassing Board cannot certify the February 2022 election until this issue is resolved. I am
5 therefore requesting this court issue an order to the Skagit County Canvassing Board to cease and
6 desist the practices I have described under RCW 29A.68.013.

7 16. Because this matter needs immediate resolution because duplicate ballots will begin
8 being generated soon, I am requesting the court issue a show cause order to the Canvassing Board
9 on this issue set for either Friday January 28, 2022 or Friday February 4, 2022. Both of these dates
10 are prior to the date the election must be certified.

11 Submitted this 21st day of January, 2022 in Mount Vernon, Washington,

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13 _____
14 Cody Hart