

For Immediate Release:

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**LAWSUIT FILED TODAY AGAINST WASHINGTON SECRETARY OF STATE:
CLAIMS ONE MILLION VOTERS DEPRIVED OF
CONSTITUTIONAL RIGHT TO A SECRET BALLOT.**

Lawsuit seeks injunctive relief from State Supreme Court

(SEATTLE and ORCAS IS., 14 July 2009) – This morning, four Washington voters and a local political party sued Washington’s chief elections officer, seeking to prohibit placement of unique bar code identifiers on ballots.

The suit alleges that actions of Secretary of State Sam Reed required approximately one million voters to vote on ballots that contained unique bar code identifiers, in violation of the State Constitution’s guarantee of “absolute secrecy” of the ballot and statutes requiring uniform ballots within a precinct. The suit also claims that Reed has encouraged and subsidized an uncertified ballot tracking “audit” system that links the ballot identifiers to voters’ identities, further undermining ballot secrecy by potentially permitting vendors and officials to inspect how a citizen voted.

Information about the case, including a list of Washington counties employing the challenged procedures, can be found at <http://smithandlowney.com/secretballot>.

The petitioners filed *White v. Reed* directly in the State Supreme Court using an unusual judicial procedure for fast-track adjudication by the High Court. According to the petition, Reed’s actions have led to the introduction and proliferation of ballot IDs in most Washington counties by activating an option of the Hart Intercivic voting system. Reed also has encouraged and subsidized many counties to deploy the VoteHere ballot tracking system which links the unique ballot ID with the voter’s ID. Petitioners claim that these systems are not necessary for election auditing or security. Seattle’s King County prohibited ballot identifiers after finding that voters perceived the identifiers as compromising ballot secrecy.

Hart and the VoteHere vendor are aggressively marketing the systems across the country for both poll site voting and absentee mail voting. Washington State requires paper ballots, and votes almost entirely by mail.

Seattle public interest attorney Knoll Lowney represents the four voters and the Green Party of San Juan County, where the offending systems were first deployed. According to Lowney, “Reed’s actions have violated the constitutional rights of one million Washington voters just because of where they live. In King County, where I vote, there are no unique bar codes on my ballot and I am certain of the secrecy of my ballot. Every voter in our state deserves the same confidence.”

A statement supporting the case was released by the national public interest organization, Voter Action, which has participated in lawsuits throughout the country involving election integrity concerns. The statement can be accessed at www.VoterAction.org.

Petitioner Tim White said, “An *absolutely secret* ballot means your blank ballot is exactly like your neighbor’s. Nobody can reconnect it to your hand. Secretary Reed’s new system permits just that. He subsidized this system with a no-bid contract with VoteHere, a corporation led by Reed’s mentor Ralph Munro and past heads of the Pentagon and the CIA. Voters should not have to trust this or *any* private company to maintain ballot secrecy.”

Says Petitioner Allan Rosato, “Few voters realize that the bar code they see is *unique* to their ballot, and in many cases linked with their voter ID. When they learn this, they are very concerned. Our Constitution and statutes do not allow this experiment with ballot secrecy. It certainly is not necessary since two-thirds of Washington voters are not subject to it.”

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