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

IN REGARDS TO THE LAWSUIT 08-2-
34955-1 SEA

NO. 08-2-34955-1 SEA

STEVEN R. MARQUIS Pro Se
VS.
SAMUEL S. REED, ACTING AS
WASHINGTON STATE, SECRETARY OF
STATE

MOTION TO REQUEST
PRELIMINARY INJUNCTION
HEARING

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PLAINTIFF’S MOTION FOR TEMPORARY INJUNCTION ORDER TO RECEIVE CREDENTIALS

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1 MOTION

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1.1 Based on the declarations below, the Plaintiff, Steven R. Marquis [hereinafter “Plaintiff”] respectfully requests of this Honorable Court to grant a temporary injunctive order in the form of a writ of mandamus demanding timely relief by defendant Samuel S. Read [hereinafter “Plaintiff”], acting in the Office of Secretary of State, wherein Defendant will receive and publish such credentials of challenged candidates as would lend credibility to the election process consistent with the constitutional demands and goals for general elections as expressed in the United States and Washington State constitutions and through applicable statutes or

1 defendant, Secretary of Washington State must decertify any challenged candidate
2 who fails to provide the requested documents or provide access to such
3 documentation as the Secretary deems appropriate consistent with the demands of
4 legal documentation i.e. being certifiable, verifiable and traceable. Since this
5 matter affects the upcoming general election, November 4th 2008 and wherein life
6 and property may be in jeopardy should a late determination of failure to qualify
7 result in civil unrest and other deleterious effects to the stability of government,
8 Plaintiff therefore requests that preliminary review and determination regarding his
9 petition take place prior to that election. Expedited review and relief as is detailed
10 herein is requested based on the following grounds:

1 paramount. Plaintiff argues that in the absence of specific statutory guidelines,
2 the Secretary of State has the authority by virtue of the Constitution and affirmed
3 by the general provisions of WAC 434-215-012, & RCW 29A.04.611 to
4 establish reasonable rules and procedures requisite to ensure the key goals for
5 transparency, and veracity of the election process. Plaintiff argues that absence
6 of statutory guideline does not imply mandated inaction unless specifically
7 precluded by statute.

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1 **2.2 It is not generally known that neither the Washington Secretary of**
2 **State nor the FEC has any candidate documentation requirements**
3 **as part of the candidate application process for the Washington**
4 **State general ballot for the federal positions.**

5 2.2.1 It is also not generally known that there is no procedures established by agency
6 of state or federal governments available to review or accept challenge to a
7 candidate's basic qualifications for the positions of federal offices listed on the
8 Washington Ballot. This lack of procedure fails both the "Average Man" test and
9 even the "Reasonable Man" test of what is commonly expected of the Office of
10 Secretary of State by virtue of its function as derived from the constitutional
11 descriptions. The average man does assume that the basic candidate
12 qualifications have been verified by some government application or oversight
13 process satisfactory to the review and oversight of the Secretary of State in
14 whom they place their trust to ensure such openness, transparency and veracity.

15 (See [Exhibit H Amicus Brief](#), [Exhibit K Petition](#))

16 [ref\[http://en.wikipedia.org/wiki/Reasonable_person\]](http://en.wikipedia.org/wiki/Reasonable_person)

17 2.2.2 In fact, regarding the "Reasonable Man" test, even Defendant's office responding
18 in official capacity for Sam Reed, asserted that very position to Plaintiff. (See
19 [Exhibit F Conversation with Office of Secretary of State](#)). This was also verified
20 by subsequent letter from the Deputy of elections, specifically responding for and
21 in behalf of Secretary Reed. (See [Exhibit G Exchange with Director of Elections](#))

1 In agreeing with Plaintiff in the reasonableness of an application process
2 expecting a modest review, representatives acting for defendant argued not
3 against the reasonableness of such review or application process, but only that it
4 was not the prevue of the Washington Office of Secretary of State. In plain
5 language defendant or his representatives in official capacity argued that “It was
6 not their Job.” Plaintiff argues that the Washington State constitution demands
7 that the Secretary make it his job or verify that the reasonable task be done or
8 sublet to another agency such as the FEC but that the overarching goal of
9 achieving a fair, transparent election system embodying the quality of veracity
10 cannot be delegated. Defendant has failed to carry out that duty.

11 **2.3 The emergency timeline of this request was not a result of “gaming the**
12 **system” as Defendant’s office asserts (See [Exhibit B](#)) nor was it dictated by**
13 **plaintiffs inaction.**

14 2.3.1 Rather it was the delaying tactics of Mr. Obama in responding and resolving in a
15 timely manner the Federal District Court Berg case #08CV4083 and in the
16 blocking of Freedom of Information requests illustrated by the Martin Case before
17 the Hawaii Supreme court as of Oct 10 2008 Docket # 29414. ([Exhibit F Hawaii](#)
18 [Suit](#)) Plaintiff expected that either effort would have resolved the documentation
19 issue in a timely manner. Such timely resolution did not occur, forcing Plaintiff to
20 seek other redress within reach of the common citizen, hence Plaintiff’s request
21 for such review by the Office of Washington Secretary of State.

1 2.3.2 Mr. Obama fought the early requests for discovery and finding during the General
2 Election Primary period in two separate federal lawsuits and has used every
3 delay tactic avoiding, so far, any acquiescence to Berg's request for the basic
4 documentation. That Berg was impelled to file suit at federal court is indicative of
5 a failure of the Secretary of State, in this case in Washington state, to put into
6 place, proactively, simple standards of acceptable documentation that would
7 have answered most if not all of Berg's and Plaintiff's complaints. In particular,
8 any reasonable standard of acceptable documentation handling processes such
9 as obtaining a passport, forwarding college transcripts would have addressed
10 plaintiff's demands and met the standards for executing a fair and open election
11 as demanded by the Washington constitution and statutory goals. (See [Exhibit C](#)
12 [Secretary of State In WA Constitution](#), WAC 434-215-012, & RCW 29A.04.611
13)

14 2.3.3 Plaintiff is not demanding that defendant have in place vetting or analysis.
15 Certainly that would be in the prevue of court review, only that the application
16 process require the submittal or access to the certified key documents. (RCW
17 34.05.510 through 34.05.598)

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1 **2.4 Failure to resolve this issue prior to the election will demonstrably damage**
2 **the public confidence in the government and the election process**
3 **inconsistent with the goals implicit in the Washington State Constitution.**

4 (See [Exhibit A Email listing](#), [Exhibit B Internet Petitions](#)).

5 2.4.1 Lawsuits in several states, the federal court and countless public reports
6 circulating in the press, airwaves and internet demonstrate that the public's trust
7 in the veracity of the electoral process has already been damaged as it has
8 become more generally known that no official agency of government commonly
9 thought of to govern the electoral process, such as the respective State's
10 Secretary of State and Federal Elections Commission, has set procedures in
11 place that would be consistent with establishing and preserving the public's
12 confidence in the basic election process in relation to candidates meeting basic
13 constitutionally defined requirements. (See [Exhibit G Sampling of Public and](#)
14 [Media](#))

15 2.4.2 Only a simple signature, basically self-attesting to meeting the basic
16 qualifications for office is currently requested by the application offered through
17 the Office of Washington Secretary of State. No certifiable, verifiable or traceable
18 documentation is demanded of the applicant for the Washington State Ballot for
19 any elected office listed by the Secretary of State on the Washington State
20 General Election Ballot. This is a lower standard than that previously requested
21 of voters and passport applicants. This violates equal protection standards
22 wherein the electors must show evidence of citizenship which can be challenged,

1 but the candidates do not. This oversight misses the goals set forth explicitly and
2 implicitly in the Washington State constitution. (ref WAC 434-215-012, In this
3 provision, specific rule making authority is called out as well as the general goals
4 of **“orderly, timely, and uniform manner relating to any federal, state,
5 county, city, town, and district elections”** RCW 29A.04.611)

6
7 **2.5 The Secretary of State has as a key responsibility the execution of an**
8 **election process that is open (transparent) and lends confidence to the**
9 **veracity and fairness of the process and the ballot.**

10 2.5.1 (Section 4 WA Constitution) While the legislature may create specific statutory
11 responsibilities (listed in [Exhibit D WA State Legislation](#)), and affirms his role as
12 Chief Elections Officer (29A.04.230), this general responsibility is established by
13 the language and usage in the Washington Sate Constitution and is overarching.
14 ([Exhibit C Secretary of State in WA State Constitution](#))

15 2.5.2 While the Secretary of State with guidance from Legislation (See [Exhibit D WA](#)
16 [State Legislation](#)) has put into place methods and means to challenge credentials
17 for state offices, he maintains that no such provisions are available through his
18 good office by either application standard or protest to ensure a reasonable
19 likelihood of a valid candidacy for the Federal Offices listed on the Washington
20 State Ballot.

1 2.5.3 Only a simple signature, basically self-attesting to ones own citizenship and age
2 status, is currently requested by the application offered through the Office of
3 Washington Secretary of State.) (See [Exhibit L Declarations of candidacy and](#)
4 [filing procedures WAC 434](#), [Exhibit M Declarations of candidacy](#)) No certifiable,
5 verifiable or traceable documentation is demanded of the applicant for the
6 Washington State Ballot. However, this does not prohibit the Secretary of State,
7 when a shortcoming is revealed, from acting in his office to make other
8 reasonable application requirements not specifically prohibited by statute or
9 equal accesses provisions in the constitution. (See 29A.04.205 “**to protect the**
10 **integrity of the electoral process by providing equal access to the process**
11 **while guarding against discrimination and fraud.**” The secretary of state has
12 demonstrably failed in this broad goal yet has a remedy at hand to resolve the
13 concern of real or perceived fraud before the court.

14
15 **2.6 The Secretary of State Office is in part established to create, foster and**
16 **maintain that transparency and general trust in the electoral process.**

17 2.6.1 The success of transparency and general trust in the electoral process is a key
18 reason for the peaceful transition of power that we have heretofore enjoyed, a
19 peace that is not generally had in nations for which confidence in the process is
20 not well established. When RCA 29A.04.133 regarding qualified states “ The
21 results have been certified. It is a common public interpretation that certified

1 means counting the ballots and verifying the basic requirements when such are
2 challenged. (See [Exhibit J Amicus](#), [Exhibit K Petition](#))

3 2.6.2 Review and Appeal process (outlined in 29A.04550) was denied to plaintiff by
4 Defendant. (See [Exhibit N Exchange with Office of Sec State](#)) Furthermore the
5 process as outlined has no provisions for expedited review thus in either case
6 Plaintiff receives irrecoverable damage.

7
8 2.7 The Secretary of State is inherently empowered by reason of Article II, III, IV, VI,
9 XXVII, XXVIII and appropriately identified as chief elections officer by the
10 legislature (29A.04.230) to establish reasonable criteria and procedures
11 consistent with those general constitutional responsibilities as well as any statutory
12 requirements established in law. Such procedures include voter identification
13 forms, applications and candidate application forms. In some case those
14 procedures/forms have been established by legislative acts. By extension, the
15 same rationale used for validating the voters themselves, can and should be
16 applied in the application process for any candidate for any office that will appear
17 on a Washington State issued Ballot under the Seal of the Secretary of State.

18 2.8 In the Special Case of individuals seeking the Office of President of the United States,
19 the US constitution prescribes a system of electors where citizens of the respective state
20 have a state controlled election wherein electors representing the interest of the named

1 individual on the state ballot are so elected as to represent the interests of the respective
2 state at the electoral college.

3 2.8.1 Thus, we do not have a federal ballot controlled by the federal government; we
4 have a Washington State ballot where we elect electors who in turn represent the
5 named individual on the ballot.

6 2.8.2 Some state's state law mandate that electors, who are pledged for a particular
7 Presidential candidate, must cast their vote for the person they were pledged
8 to. In other states that is not a requirement, Some have a 'winner take all'
9 approach and some send their elected delegates proportionally represented. The
10 key point is that we do not have a federal election per se, we have a state
11 election for electors who are pledged for a particular candidate which allows each
12 state to determine how and in what manner they choose to project their power at
13 the National Electoral College. This is not a flaw or a technicality, rather this was
14 a fundamental point of genius by our founding fathers granting small and large
15 states some measure of state power in the ability to select the president, rather
16 than by popular vote which would have created a tyranny of the majority.

17 2.8.3 That is a significant reason that the Washington Secretary of State has prevue
18 over certification of not just the counts of the ballots so cast for the Office of
19 President, but also the veracity of the system including publishing and promoting
20 the ballot and for certifying or decertifying challenged candidates; in this case a
21 placeholder or proxies for the candidate.

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3 RELIEF REQUESTED

3.1 The Court could decide that the Executive Branch's narrow interpretation of constitutional and statutory authority raises issues of sufficiently great public and national importance that the Court will entertain the issues presented as a matter within this Court's jurisdiction. In that case, the writ of mandamus, if granted, would issue directly to the executive branch, Office of the Secretary OF State,

3.2 WHEREFORE, *Plaintiff respectfully prays that this Court:*

3.2.1 Grant injunctive relief in the form of writ of mandamus requiring that Washington State, Secretary of State Sam Reed immediately acquire primary documents or certified copies from primary sources such as the appropriate Health Department and/or appropriate hospital records or verifiable reports regarding same from the Federal Elections Commission. If such reasonable documents as would establish place and date of birth are not made available to the Secretary of State prior to the election or at least by the time expected for certification of the election , then the Secretary of State is ordered to declared that candidate as 'not certified' as a valid candidate for the office of President of the United States Office of the President under the United States Constitution, Article II, Section I;

3.2.2 Direct Washington State, Secretary of State Sam Reed to certify or decertify the challenged candidates preferably prior to the election based on the availability of clear documentation so as to prevent the damages described herein.

1 3.2.3 Specifically Plaintiff requests the Washington State, Secretary of State to
2 immediately demand a certified copy of Obama's Oath of Allegiance proving he
3 regained his United States Citizenship. If Secretary Sam Reed is unable to
4 document a certified record of Obama's oath of allegiance, Secretary of State
5 Sam Reed must decertify that Mr. Obama as a valid candidate on the
6 Washington State Ballot for the Office of the President under the United States.

7 3.2.4 Plaintiff request that the Secretary of State augment procedures as part of the
8 application process to demand proactively such rudimentary documentation of
9 candidates as would establish minimal qualification as demanded by the
10 constitution for that office.

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4 CONCLUSION

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3 4.1 If we waited for “after the election” to challenge a candidate’s basic qualifications
4 in court rather than ahead of time in an orderly manner through application
5 process which process demands minimal documentation by the candidates or at
6 least in the case of particular candidates that have been challenged by citizen
7 complaints, such an after the fact challenge would most certainly create a
8 constitutional crisis an likely civil unrest, which civil unrest would be due to
9 wholesale loss of confidence in the veracity of the electoral process. In particular
10 the FEC and the respective Offices of the States Secretaries of State would be
11 impugned for dereliction of their constitutional duties, which duties are commonly
12 expected by the people to be carried out transparently and with veracity.

13 4.2 In no case would any of Plaintiff’s demands for relief cause any undo hardship or
14 difficulty for any valid candidate. The requests could be made and answered in no
15 more that two or three days and the matter resolved to the satisfaction of Plaintiff
16 and the additional petitioners referenced. No undo complexity would be added to
17 the defendant as he is not being asked to validate the received documents, only to
18 set minimal standards as to the content that would satisfy the demands of those
19 proffered documents that they be certifiable, verifiable and traceable.

20 4.3 Considering the gravity of the matter at hand that could shake the underpinning of
21 the peoples confidence in the electoral system with attended irrecoverable
22 damage to that process by plaintiff and subsequently to other person and property

1 should that failure of confidence result in civil unrest, Petitioner respectfully asks
2 this Court to take emergency action and to grant relief as outlined in this petition or
3 such alternative forms of relief as the court deems prudent that would mitigate the
4 real or potential damages Plaintiff has herein described.

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1 DATED: October 21, 2008
2 Fall City, WA
3

4 Respectfully submitted,
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10 Steven R. Marquis Per Se
11 Fall City WA 98024
12 Cell phone (425) 698-7084
13 Petitioner Pro Se
14

15 **Declaration**

16
17 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and
18 correct.
19

20 Dated: _____
21 _____
22 Signature of Lawyer or Moving Party WSBA#

23 Steven Russel Marquis Per Se
24

- 25 Attached [Exhibit B](#) Exchange with Assistant to Secretary of State
26 Attached [Exhibit C](#) Secretary of State in WA State Constitution
27 Attached [Exhibit D](#) WA State Legislation.doc
28 Attached [Exhibit E](#) Duties of the Office listed by the Secretary of State
29 Washington
30 Attached [Exhibit F](#) Hawaii Suit
31 Attached [Exhibit G](#) Exchange with Director of Elections
32 Attached [Exhibit H](#) Amicus
33 Attached [Exhibit K](#) Petition
34 Attached [Exhibit L](#) Declarations of candidacy and filing procedures
35 Attached [Exhibit M](#) Declarations of candidacy
36 Attached [Exhibit N](#) Exchange with Office of Secretary of State

1 **Exhibit B Secretary of State In WA State Constitution**

2 **Dear Cort,**

3 Thank you very much for writing.

4 Below is a response to the Barack Obama citizenship issue written by Assistant Secretary of State:

5 *Between August 25-38, 2008, The Democratic National Central Committee held their annual convention*
6 *in Denver and nominated Barack Obama for President.*

7 *US Constitution, Article II, Section 1, says: No person except a natural born citizen, or a citizen of the*
8 *United States, at the time of the adoption of this Constitution, shall be eligible to the office of President;*
9 *neither shall any person be eligible to that office who shall not have attained to the age of thirty-five*
10 *years, and been fourteen years a resident within the United States.*

11 *(For all state and local offices, the prospective candidate pays a filing fee, must be a registered voter in*
12 *the jurisdiction for the office they are seeking, and must sign an affidavit to that effect. There is no*
13 *background investigation, nor are there any other qualifications for public office as there is for*
14 *Presidential candidates.)*

15 *At anytime over the past 2 years that Mr. Obama has been running, his qualifications could have been*
16 *challenged within his own party during the Convention, or someone could have challenged them in*
17 *Federal Court. No one has to date.*

18 *The Courts are very skeptical of any last-minute elections lawsuit filed in the closing weeks of any election*
19 *because Judges do not like litigants "gaming" the electoral process to win advantages for their candidate*
20 *or ballot proposition.*

21 *The news media claims to have investigated the qualifications of both Presidential candidates and claim*
22 *both meet the Constitutional requirements. I have no details as to how they reach that conclusion.*

23 *Our state law says the major parties Presidential nominees will appear on our General Election ballot.*
24 *And, we are following that law.*

25 Your question arises because Mr. Marquis has recently sued us in King County, hoping to force an
26 investigation into Barack Obama's qualifications. Mr. Obama has no nexus nor ties to Washington State,
27 and we have no jurisdiction to investigate matters which occurred in other states. Nor do we have the
28 power to exclude anyone, who files for office, from appearing on the ballot absent a court order.

29 I hope this information is helpful to you.

30 Please let me know if you need anything else.

31 Sincerely,

32 **Ingrid Pharris**

33 **Executive Assistant**

34 **Office of the Secretary of State**

35

1 **Exhibit C**

2 **Exhibit C Secretary of State In WA State Constitution**

3
4 <http://www.leg.wa.gov/LawsAndAgencyRules/Constitution.htm>

5
6 It should be noted by the frequent usage, identified below, of
7 how the Office of the Secretary of State is established in all
8 affairs regarding potential controversy. His Job is clearly
9 established to both execute the process as well as to establish
10 the veracity of the system before the Citizens of Washington.
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15 **ARTICLE II**

16 Section1 9times

17 Amendment 7 (1911) -- Art. 2 Section 1 6 times

18 Section34 1 time
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20 **ARTICLE III**

21 **SECTION 1 EXECUTIVE DEPARTMENT.** The executive department shall consist of a
22 governor, lieutenant governor, secretary of state, treasurer, auditor, attorney
23 general, superintendent of public instruction, and a commissioner of public lands,
24 who shall be severally chosen by the qualified electors of the state at the same
25 time and place of voting as for the members of the legislature.

26 **SECTION 3 OTHER EXECUTIVE OFFICERS, TERMS OF OFFICE.** The
27 lieutenant governor, secretary of state, treasurer, auditor, attorney general,
28 superintendent of public instruction, and commissioner of public lands, shall hold
29 their offices for four years respectively, and until their successors are elected and
30 qualified.

31 **SECTION 4 RETURNS OF ELECTIONS, CANVASS, ETC.** The returns of every
32 election for the officers named in the first section of this article shall be sealed up
33 and transmitted to the seat of government by the returning officers, directed to
34 the secretary of state.

35 **SECTION 10** 2 Times

36 **SECTION 12** 2 Times
37

38 **SECTION 15 COMMISSIONS, HOW ISSUED.** All commissions shall issue in the
39 name of the state, shall be signed by the governor, sealed with the seal of the
40 state, and attested by the secretary of state
41

42 **SECTION 17 SECRETARY OF STATE, DUTIES AND SALARY.** The secretary of state
43 shall keep a record of the official acts of the legislature, and executive
44 department of the state, and shall, when required, lay the same, and all matters
45 relative thereto, before either branch of the legislature, and shall perform such
46 other duties as shall be assigned him by law. He shall receive an annual salary of

1 twenty-five hundred dollars, which may be increased by the legislature, but shall
2 never exceed three thousand dollars per annum.

3 SECTION 24 RECORDS, WHERE KEPT, ETC. The governor, secretary of state,
4 treasurer, auditor, superintendent of public instruction, commissioner of public
5 lands and attorney general shall severally keep the public records, books and
6 papers relating to their respective offices, at the seat of government, at which
7 place also the governor, secretary of state, treasurer and auditor shall reside.

8 ARTICLE IV

9 SECTION 3 ... The lot shall be drawn by the judges who shall for that purpose
10 assemble at the seat of government, and they shall cause the result thereof to be
11 certified to the secretary of state, and filed in his office

12 SECTION 28 OATH OF JUDGE ... which oath shall be filed in the office of the
13 secretary of state.

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15 ARTICLE XXVII

16 SECTION 12 ELECTION CONTESTS FOR SUPERIOR JUDGES, HOW
17 DECIDED. ... and the testimony so taken shall be certified to the secretary of
18 state; and said officer, together with the governor and treasurer of state, shall
19 review the evidence and determine who is entitled to the certificate of election.

20 ARTICLE XXVIII

21 5 SECTION 1 Any change of salary shall be filed with the secretary of state
22

23 *Voter Right Mentioned in the WA Constitution*

24 ARTICLE VI

25 SECTION 1 QUALIFICATIONS OF ELECTORS. All persons of the age of
26 eighteen years or over who are citizens of the United States and who have lived
27 in the state, county, and precinct thirty days immediately preceding the election
28 at which they offer to vote,
29

30 ARTICLE VI ELECTIONS AND ELECTIVE RIGHTS

31 SECTION 1 QUALIFICATIONS OF ELECTORS. All persons of the age of
32 eighteen years or over who are citizens of the United States and who have lived
33 in the state, county, and precinct thirty days immediately preceding the election
34 at which they offer to vote, except those disqualified by Article VI, section 3 of
35 this Constitution, shall be entitled to vote at all elections. [AMENDMENT 63, 1974
36 Senate Joint Resolution No. 143, p 807. Approved November 5, 1974.]
37

38 SECTION 1A VOTER QUALIFICATIONS FOR PRESIDENTIAL ELECTIONS. In
39 consideration of those citizens of the United States who become residents of the
40 state of Washington during the year of a presidential election with the intention of
41 making this state their permanent residence, this section is for the purpose of

1 authorizing such persons who can meet all qualifications for voting as set forth in
2 section 1 of this article, except for residence, to vote for presidential electors or
3 for the office of President and Vice-President of the United States, as the case
4 may be, but no other: ...The legislature shall establish the time, manner and
5 place for such persons to cast such presidential ballots. [AMENDMENT 46, 1965
6 ex.s. Substitute House Joint Resolution No. 4, p 2820. Approved November 8,
7 1966.]
8

9 SECTION 7 REGISTRATION. The legislature shall enact a registration law, and
10 shall require a compliance with such law before any elector shall be allowed to
11 vote; *Provided*, that this provision is not compulsory upon the legislature except
12 as to cities and towns having a population of over five hundred inhabitants. In all
13 other cases the legislature may or may not require registration as a pre-requisite
14 to the right to vote, and the same system of registration need not be adopted for
15 both classes.

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Exhibit D

Exhibit D WA State Legislation.doc (Stand Alone document)

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Exhibit E

Exhibit E Duties of the Office listed by the Secretary of Washington



About the Office

6 About the Office

The Office of the Secretary of State was established with the adoption of the Washington State Constitution in 1889. The Secretary of State is elected every four years and is second in the line of succession to the Office of the Governor. There have been 14 Secretaries of State since Statehood. The current Secretary of State is [Sam Reed](#).

[Previous Washington Secretaries of State](#)

Primary Functions of the Secretary of State

The Secretary of State is the state's chief elections officer, chief corporations officer, and supervisor of the State Archives. The duties of the office are specified in Article III, Section 17 of the Washington State Constitution and Chapter 43.07 RCW. The annual salary is \$101,702.

Responsibilities of the Secretary of State include:

- Supervising state and local elections, and certifying the results of state primaries and general elections.
- Filing and verifying initiatives and referendums.
- Producing and distributing the state voters pamphlet and election-notice legal advertising.
- Registering and licensing private corporations, limited partnerships and trademarks.
- Registering individuals, organizations and commercial fundraisers involved in charitable solicitations.

- 1 • Administering the state's Address Confidentiality Program
2 for survivors of domestic violence, sexual assault and
3 stalking.
- 4 • Collecting and preserving the historical records of the
5 state, and making those records available for research.
- 6 • Coordinating implementation of the state's records
7 management laws.
- 8 • Serving as chairman of the state Productivity Board.
- 9 • Affixing the State Seal and attesting to commissions,
10 pardons, and other documents to which the signature of the
11 Governor is required.
- 12 • Regulating use of the State Seal.
- 13 • Filing or attesting to official acts of the Legislature and
14 Governor.
- 15 • Certifying to the Legislature all matters legally required
16 to be certified.

17 In addition to these constitutional and statutory duties, the Secretary of State is
18 frequently called upon to represent the state of Washington in international trade and
19 cultural missions, and to greet and confer with dignitaries and delegations visiting the
20 state of Washington from other countries.
21

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Exhibit F

Hawaii Department of Health Lawsuit

(re-formatted)

ANDY MARTIN
Post Office Box 1851
New York, NY 10150-1851
Toll-free tel. (866) 70-6-2639
Toll-free fax (866) 707-2639

Temporary Hawai'i contact:
Cell phone (917) 664-9329

Petitioner Pro Se

IN THE

SUPREME COURT OF HAWAI'I

SUPREME COURT DOCKET NUMBER: 29414

ANDY MARTIN,

Petitioner,

HON. LINDA LINGLE, in her
official capacity as Governor;
DR. CHIYOME FUKINO, in her
official capacity as Director
of the Department of Health,
HON. BERT AYABE, in his official
capacity as Circuit Judge,

Respondents.

EMERGENCY PETITION FOR WRIT OF MANDAMUS

INTRODUCTION AND PRELIMINARY STATEMENT

The question of the authenticity and public availability of the birth certificate of Senator Barack Obama (hereinafter "Obama") has become a source of increasing embarrassment for Hawai'i Government.

Although Obama has purportedly posted a copy of his birth certificate on his own web site, and others claim to have posted other versions, Obama refuses to allow public access to the official records of the State of Hawaii.

Petitioner is an author and columnist who came to Hawai'i to do research on Obama's years in Hawai'i. After arriving in Honolulu, Petitioner decided he needed a copy of the original birth certificate, as well as any official files relating to the issuance of said certificate.

The Executive Branch Department of Health has repeatedly and egregiously mischaracterized the Hawai'i statute governing access to birth certificates, and did so again on October 17th in a statement to the Honolulu Advertiser.

Petitioner applies to this Court for an appropriate writ, and offers two separate avenues of potential relief for the Court to consider.

I. JURISDICTION

This court has jurisdiction of this Petition pursuant to HRS § 602-5 (a)(3).

II. FACTUAL ALLEGATIONS

1. The Petitioner

Petitioner Andy Martin has been writing about Obama for over four years. Petitioner is the author of the best selling book "Obama: The Man Behind The Mask."

Petitioner publishes an Internet newspaper, <http://ContrarianCommentary.com>, as well as related blogs, <http://Contrariancommentary.wordpress.com> and <http://ContrarianCommentary.blogspot.com>.

Although Petitioner is not a practicing attorney, he is a respected public interest and consumer rights litigator, see <http://www.AndyMartin.com>. He holds a Juris Doctor degree from the University of Illinois College of Law.

For example, in 2003 the Pennsylvania Supreme Court granted Petitioner special leave of court to represent a U.S. Marine in a landmark case arising under the Soldiers and Sailors Civil Relief Act of 1940, see

<http://www.firstresponderonline.us/director.htm> (see attached).

Petitioner is also highly controversial. His corruption-fighting efforts in the Illinois courts and federal courts have provoked intense hostility and counter-reactions from judges who were the targets of his exposures see

<http://www.AndyMartin.com>. These judges have sought to vilify and demonize petitioner, and Obama has sought to use these corrupt techniques to divert attention from Obama's own questionable personal history.

Petitioner is undaunted.

In Hawai'i, petitioner is accompanied by a network television camera crew. Thus the bona fide news value of his current litigation activity is not subject to question.

2. The Respondents

A. Respondent Linda Lingle is named in her official capacity as Governor and Chief Executive of the Executive Branch of Hawai'i government.

B. Respondent Dr. Chiyome Fukino is joined in her official capacity as Director of the Hawai'i Department of Health.

C. The Hon. Bert Ayabe is named in his official capacity as a Circuit Judge of the First Circuit. As will be shown below, Judge Ayabe's joinder in this petition does not necessarily involve any criticism of the judge and reflects the absence of any local rules to govern the judge's authority.

3. The birth certificate (certificate of live birth)

A. For the convenience of this court, Petitioner has submitted a copy of the Circuit Court proceedings as a separate Appendix. Those documents are incorporated by reference in this petition.

B. In summary, Petitioner applied for and was denied a copy of Obama's birth certificate. Petitioner then commenced a proceeding in the First Circuit on October 17, 2008 while still physically present in Honolulu.

C. Petitioner notified Judge Ayabe of Petitioner's limited availability in Hawaii, and requested or suggested an emergency hearing.

D. Judge Ayabe responded promptly through his judicial assistant with a hearing date after the 2008 election on November 7th. Petitioner was also notified that in order to exercise his rights and pursue his petition he would have to return from Chicago to Honolulu, as there was no provision for telephone hearings. (It was not clear whether the judge viewed the absence of telephone rules as a preclusion of telephone hearings, or was imposing his own individual rules of practice).

E. Petitioner was required to file his lawsuit in Hawai'i. No other court system has jurisdiction of local Hawai'i officials. Petitioner should be as welcome in the Hawai'i court system as a Hawai'i citizen would be on the mainland. There are no artificial boundaries or distinctions under the Privileges and Immunities Clause of the U. S. Constitution. If Petitioner must be present in Hawai'i in order to vindicate rights and remedies under the Hawai'i Constitution and statutes he will be precluded from doing so.

F. Hawai'i is a sophisticated international business center. It is simply impractical for parties to be physically present in the State as a precondition of access to Hawai'i government or the judicial system.

G. Rule 11 of the Probate Rules provides for "Telephone Conference Call Hearings." On information and belief there is no parallel provision in the Civil Rules.

H. Petitioner remains present in Hawai'i through October 22nd and available for emergency hearings in person.

I. This Court can take its own judicial or official notice that numerous state and federal court systems provide for telephonic participation, see e.g. Florida Rules of Judicial Administration 2.530.

III. RELIEF REQUESTED

This Court can deal with this petition by either one of two separate approaches.

First, the Court could decide that the Executive Branch's misapplication and misinterpretation of the relevant statute (see Exhibit 1 to the Circuit Court Complaint) raises issues of sufficiently great public and national importance that the Court will entertain the issues presented as a matter of the exercise of this Court's original jurisdiction. In that case the writ of mandamus, if granted, would issue directly to the executive branch and Judge Ayabe's role would become moot and coram non judge.

Second, this Court could decide that the Circuit Court should conduct an expedited hearing, and do so either while Petitioner is still physically present in Hawai'i or while Petitioner is allowed to participate on the telephone, directing that the Circuit Judge either schedule a prompt hearing or ask that the case be reassigned to a judge who can conduct a hearing before the 2008 election. In that case the writ, if granted, would issue to the Circuit Judge.

The approach which this Court prefers to adopt is entirely at the discretion of the tribunal.

IV. BASIS FOR GRANTING RELIEF

A. The constitutional issue

In *Elrod v. Burns*, 427 U.S. 347, 373, 96 S. Ct. 2673, (1976) the Supreme Court stated "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." The authenticity and contents of a presidential candidate's birth certificate is at the apex of First Amendment concerns, *Monitor Patriot v. Roy*, 401 U.S. 265, 91 S.Ct. 621 (1971)("[I]t can hardly be doubted that the constitutional guarantee has its fullest and most urgent application precisely to the conduct of campaigns for political office.")

To say that a proceeding will not be convened until after the election is to create the very type of unconstitutional delay precluded by Elrod, and creates a justifiable public suspicion of a conspiracy and cover-up by Hawai'i officials. Elrod does not appear to have been cited by any Hawai'i court but has been cited numerous times by federal judges in Honolulu, see e.g. Rapp v. Disciplinary Board, 916 F. Supp. 1525, 1539 (D. Hawai'i 1996); Walsh v. Honolulu, 423 F.Supp.2d 1094, 1108 (D. Hawai'i 2006); Swanson v. University, 269 F. Supp. 1252, 1260 (D. Hawai'i 2003); Legal Aid v. Legal Services, 961 F. Supp. 1402, 1417 (D. Hawai'i 1997). Although Petitioner filed his Circuit Court lawsuit under the Hawai'i Constitution and not the First Amendment, this Court has previously interpreted those rights to be coextensive.

B. The procedural issue

There is an anomaly under Hawai'i procedure where probate rules provide for telephone hearings but civil rules do not. Perhaps this gap motivated the circuit judge to deny a hearing, or to adhere to such procedures as a general practice.

Certainly in the modern commercial age, with Hawai'i at the crossroads of international business, antiquated notions of physical presence as a precondition for access to Hawai'i government should be reconsidered. The Privileges and Immunities Clause of the U.S. Constitution would also appear to lean in favor of allowing out-of-state litigants from the mainland to be heard by telephone.

C. The substantive issue

a. The statute

HRS § 338-18 (b) limits disclosure of records to persons having "a direct and tangible interest in the record." The statute then provides thirteen (13) examples as illustrative, but not exclusive, including number (9): "A person whose right to inspect or obtain a certified copy of the record is established by an order of a court of competent jurisdiction." The Respondents have steadfastly misinterpreted the "direct and tangible interest" standard into one requiring a direct and tangible "relationship" between the party and the record. Thus there is a serious abuse of discretion and statutory misinterpretation by the executive branch. The Respondents have persisted in this misinterpretation despite notice that their interpretation of the statute was a misinterpretation,

and will no doubt proffer the same misinterpretation to this Court as their initial response to this petition.

Researchers, scholars, writers and news media—and Petitioner has attributes of all of the foregoing—have a "tangible interest" in many public citizens without any "relationship" to those persons. Petitioner is sensitive to privacy issues and identity theft issues. But no one is likely to try to hold themselves out to be "Barack Obama" using a birth certificate issued by Respondents.

Nevertheless, the very vehemence with which Hawai'i officials have misconstrued a state statute, and the manner in which Obama has attempted to manipulate and control access to his personal records (see *infra*), raise legitimate suspicions in the mind of the public.

b. The waiver and admission issues

Obama claims that he has posted a conformed copy of his birth certificate on a web site. It is impossible to say whether this assertion is true, because Petitioner has no official copy to compare to the Internet version. Obama has not posted any of the source information or supporting data. If Obama has posted a version of his birth certificate, it would appear he has waived any privacy issues and the statutory restrictions on issuance of a copy to Petitioner no longer apply.

It is indeed a very peculiar state as now exists where Obama claims he has released his birth certificate or at least his latest version of the document, and yet claims that no one should be able to obtain an official copy of the same document from the State of Hawai'i or review the source information for the certificate. Waiver would appear to be applicable and render nugatory any privacy concerns.

Obama has claimed he was born in a Honolulu hospital, but there is no verifiable evidence to sustain that claim. An examination of birth records is thus essential to resolve the lingering doubts.

As judges, certainly the members of this Court are aware that punctilious concern for accuracy would mandate that any counsel preparing a case in which the birth certificate was an issue, must obtain a certified copy and not a copy grabbed off an Internet web site. As an author and columnist, Petitioner adheres to the same high standards of accuracy in the search for original truth.

The fact that Obama has in fact posted his birth certificate on

the Internet is a confirmation that he believes that issue is a topic of legitimate public interest.

D. The common law writ of mandamus

Petitioner has reviewed this Court's jurisprudence concerning and construing the common law writ of mandamus. Petitioner submits that the extraordinary facts of this Petition provide a basis for extraordinary and emergency action. As the attached docket sheet from the Pennsylvania Supreme Court attests, Petitioner is experienced in preparing, filing and obtaining relief through extraordinary writs on an emergency basis.

CONCLUSION

Most respectfully, Petitioner asks this Court to take emergency action and to grant one of the alternative forms of relief outlined in this petition.

DATED: October 20, 2008

Honolulu, HI

Respectfully submitted,

ANDY MARTIN

Post Office Box 1851

New York, NY 10150-1851

Toll-free tel. (866) 70-6-2639

Toll-free fax (866) 707-2639

Temporary Hawai'i contact:

Cell phone (917) 664-9329

Petitioner Pro Se

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Exhibit G

Exhibit G Exchange with Director of Elections

Figure G.2

-----Original Message-----

From: Handy, Nick [mailto:nhandy@secstate.wa.gov]

Sent: Friday, October 17, 2008 8:08 PM

To: steve.marquis@comcast.net

Subject: Barack Obama Candidate Qualifications

Mr. Marquis,

I apologize for the delay in responding to your latest note. I wanted to confer with Secretary Reed before responding and these are very busy times for our office as you can imagine.

Secretary Reed is very aware of your lawsuit and your communications below. He has designated me to manage this matter in cooperation our attorney Jeff Even, Deputy Solicitor General, in the Office of Attorney General.

Since you have made the choice of taking this matter to litigation, and since the ballots are printed and people are voting, our office is moving forward with this election with Senator Obama on the ballot.

You are certainly free to move forward with your litigation. That is your right as a citizen.

Because the matter is in litigation, I would request that you refer your communications to Mr. Even , our attorney, who is copied on this email.

Sincerely,

Nick Handy
Director of Elections
Office of Secretary of State
State of Washington

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1

Figure G.2

From: Steve.Marquis [mailto:steve.marquis@comcast.net]

Sent: Wednesday, October 15, 2008 9:27 PM

To: Handy, Nick

Subject: RE: Barack Obama Candidate Qualifications

I truly appreciate Mr. Reed asking for you to contact me. As someone who voted for Mr. Reed, I am found at an odd place - legal that is. Can I suggest that Mr. Reed might actually have some options yet unexplored and while a lawsuit is filed, Mr. Reed's response does not have to be adversarial. I plan on arguing that Mr. Reed actually can do something now and in the future. Instead of fighting against an expanded role, if he sees validity in my concerns and lawfulness in my arguments, his response could be to agree. Odd concept I admit, but despite the fact that I am representing myself at this point I have had a judge and another lawyer friend agree that my arguments are interesting and may be valid. I hope for the sake of the people that I am right.

I hope to fundamentally change the responsibility of the secretary of state in regards to election qualifications, transforming the process from one of litigation after the fact to one involving the same proactive application approach the the Secretary of States office takes in certifying the voters themselves. I will try to argue that if he has the authority to do that to the voters, then by extension he has the right to set application standards for the candidates. I believe it can be successfully argued that the standard should be at least as solid as when I got my own first voter card. I had to show my birth certificate credentials.

If Mr. Reed would like to explore my arguments rather than fight them, perhaps we can spare the courts. Has Mr. Reed actually reviewed my points or is he shielded behind a wall of assistants? I remain a man that can be reasoned with - I had asked some time back for a only a few minutes of Mr. Reed's time which was not granted. Can he not find a moment to meet with a citizen?

Sincerely,

Steve Marquis

2

Figure G.3

-----Original Message-----

From: Handy, Nick [mailto:nhandy@secstate.wa.gov]

Sent: Wednesday, October 15, 2008 2:57 PM

To: steve.marquis@comcast.net

Subject: Barack Obama Candidate Qualifications

Dear Mr. Marquis,

Secretary of State Sam Reed has asked that I respond back to your recent email regarding the qualifications of Barack Obama to appear on the ballot as a candidate for President of the United States.

I note also that you have filed litigation in King County Superior Court on this matter so that officially we are litigants together in this matter. Our office is represented by Deputy Solicitor General Jeff Even who speaks officially for this office in all matters of formal litigation, such as this one.

In this case, however, Secretary Reed wanted me to get back to you personally to advise that there is really nothing more our office can do in this matter for you on this particular issue.

Barack Obama has been formally nominated for this office by the Democratic party. He is the official nominee and in that capacity he is entitled to appear on the ballot in the state of Washington.

Any citizen may file a lawsuit in a court of law challenging Barack Obama's qualifications for office. That matter must be decided in a court of law at this point. The ballots have been printed and are being mailed to voters this week in this state.

I hope this is responsive to your concerns. Any further correspondence on this matter should be addressed to our attorney Mr. Even.

Sincerely,

Nick Handy
Director of Elections
Office of Secretary of State
State of Washington

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Exhibit J

Civil Unrest Expected

This section is listed to demonstrate from published articles circulating generally amongst the people that citizens are concerned about, preparing for and expecting large scale civil unrest should an election flaw incite riot. Inclusive of Figures J.1-J.4

Figure J.1

American Renaissance
There is not a truth existing which I fear or would wish unknown to the whole world.
— Thomas Jefferson

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James Carville Hints at Riots If Obama Loses Election

P.J. Gladnick, NewsBusters, October 8, 2008

In last night's post-debate analysis on CNN's Anderson Cooper 360, James Carville proclaimed that Barack Obama will be the slam dunk winner of the election in November. However, he followed up by hinting at riots if Obama were to lose. Here is the transcript of the discussion. First David Gergen keeps bringing up the race factor as an excuse for a possible Obama loss (emphasis mine):

ANDERSON COOPER: But if you look at the CNN poll which Campbell Brown just told us about the short time ago, on the economy, Obama 59 percent and McCain 36 percent. David Gergen, do you agree with John King and James Carville that if those numbers continue it's basically game over?

DAVID GERGEN: I think it's too early to declare victory Anderson, because Barack Obama is black. And until we play out the issue of race in this country, I don't think we'll know and maybe unless—late in the campaign.

COOPER: Do you think that despite the lead in the polls, people might change their minds once they're actually in the voting booth?


GERGEN: I'm not sure the polls are totally believable, I think there's—there maybe built in. Over the years there's a study now that's come out of Stanford University and Associate Press along with Yahoo, saying that is—that his blackness may cost him as much as six points {snip}

{snip}

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Figure J.2



The image shows a screenshot of a Wikipedia article for James Carville. On the left side, there is a navigation menu with the following items: Main page, Contents, Featured content, Current events, and Random article. Below the navigation menu is a search box with a 'Go' button and a 'Search' button. Underneath the search box is an 'Interaction' section with a link to 'About Wikipedia'. The main content area on the right features the title 'James Carville' in a large, bold font. Below the title is a sub-header 'From Wikipedia, the free encyclopedia'. The main text of the article begins with 'James Carville (born October 25, 1944) is an American political consultant, commentator, actor, attorney, media personality and pundit. Known as the *Ragin' Cajun*, Carville gained national attention for his work as the lead strategist of the successful presidential campaign of then-Arkansas governor Bill Clinton. Carville was a co-host of CNN's *Crossfire* until its final broadcast in June 2005. Since its cancellation, he has appeared on CNN's news program, *The Situation Room*. As of 2008, he hosts a weekly program on XM Radio titled *60/20 Sports* with Luke Russert, son of Tim Russert who hosted NBC's *Meet The Press*. He is married to Republican political consultant Mary Matalin.'

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Figure J.3

ELECTION 2008

Business
Church
Culture
Education
Legal-Courts
Missions
National Security

Could an Obama loss spark race riots?

Jim Brown - OneNewsNow - 9/30/2008 8:30:00 AM + ADD THIS



A political scientist at a Christian college in New York City warns that if Democratic presidential nominee Barack Obama loses the election on November 4, race riots could break out in large U.S. cities.

A recent *Associated Press*-Yahoo News poll suggested Senator Obama's race could cost him up to six percentage points on election night. David Corbin, a politics professor at [The King's College](#), contends there is potential for public riots the night of or after the election, if Obama's lead in the polls does not translate into victory.

"I don't think that's something that we've looked at very closely, and I think that this could be a powder keg here as we get towards that day, given that Senator Obama is an African-American and given that there might be some backlash if he actually loses," Corbin explains.

Corbin notes that seemingly small stories involving O.J. Simpson and Rodney King have brought into play terrible riots in major cities across the U.S. "I think a lot of people are looking to an Obama presidency to affirm the notion that somehow Americans aren't racist and, if for some reason Senator Obama loses, then it's just, 'Oh well, it's said and done. We must be a racist nation,'" Corbin adds.

People who fuel that claim of racism, according to Corbin, do damage to one of Senator Obama's main themes -- moving beyond a red-and-blue, or black-and-white America.

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Figure J.4

1. [Pre-election Militarization of the North American Homeland. US ...](#)
Sep 26, 2008 ... Pre-**election** Militarization of the North American Homeland. **US** Combat Troops in Iraq repatriated to "help with **civil unrest**" ...
www.globalresearch.ca/index.php?context=viewArticle&code=CHO20080926&articleId=10341
- 51k - [Cached](#) - [Similar pages](#)
2. [Troops deployed in U.S. a month before election for "civil unrest ...](#)
Sep 25, 2008 ... Troops deployed in **U.S.** a month before **election** for "**civil unrest** and crowd control" (armytimes.com). submitted 5 days ago by [Oberweis](#) ...
www.reddit.com/r/WTF/comments/73h59/troops_deployed_in_us_a_month_before_election_f
or/ - 511k - [Cached](#) - [Similar pages](#)
3. [Global Politician - EXPERT INTERVIEW: Vlad Averbukh Explains Civil ...](#)
Q: Can you tell **us** what happened in the Ukrainian Presidential **elections**? ... [Yushchenko](#) and his allies refused to admit defeat and called for **civil** ...
www.globalpolitician.com/2157-ukraine - 28k - [Cached](#) - [Similar pages](#)
4. [Prediction Markets - Intrade The Worlds Leading Platform](#)
Iranian **Elections**. Politics **US Election** by State. Politics 2008 **US Election** ... **U.S.** Troops used domestically to suppress **civil unrest**. Contract 313467 ...
www.intrade.net/market/listing/showEvent.faces;jsessionid=7E0DEDAADB767F24B90327ABA27EFD2C?e=... - 202k - [Cached](#) - [Similar pages](#)
5. [Pakistan election postponed due to civil unrest - Telegraph](#)
Jan 4, 2008 ... Pakistan **election** postponed due to **civil unrest** ... the opposition leader had been planning to give two **US** congressmen a dossier accusing ...
www.telegraph.co.uk/news/worldnews/1574339/Pakistan-election-postponed-due-to-civil-unrest.html - [Similar pages](#)
6. [Troops deployed in U.S. a month before elections for "civil unrest ...](#)
Troops deployed in **U.S.** a month before **elections** for "**civil unrest** and crowd control. Posted September 25th, 2008 by [cvazmom](#) ...
www.dailypaul.com/node/63943 - 54k - [Cached](#) - [Similar pages](#)
7. [I Need More Cowbell *: US Troops to Protect Us from Civil Unrest](#)
US Troops to Protect **Us** from **Civil Unrest**. Remember those conspiracy theories that started some time after the '04 "**election**"? ...
needcowbell.blogspot.com/2008/09/us-troops-to-protect-us-from-civil.html - 126k - [Cached](#) - [Similar pages](#)
8. [LiveLeak.com - Troops deployed in U.S. a month before election for ...](#)
Troops deployed in **U.S.** a month before **election** for "**civil unrest** and crowd control". Brigade homeland tours start Oct. 1 3rd Infantry's 1st BCT trains for ...
www.liveleak.com/view?i=b12_1222393958 - 59k - [Cached](#) - [Similar pages](#)

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Exhibit K

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Exhibit K Petitions

Stand Alone Document

Exhibit L

Exhibit K Declarations of candidacy and filing procedures

Declarations of candidacy filed either in person or by mail shall be in substantially the following form:

FOR OFFICE USE ONLY			
Date _____	Fee Paid \$ _____	Filing No. _____	Office Code _____
<input type="checkbox"/> Check	<input type="checkbox"/> Debt/Credit	Voter Registration # _____	Clerk Initials _____
<input type="checkbox"/> Cash	<input type="checkbox"/> Filing Fee Petition		

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. _____
(STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) (ZIP)

- and, at the time of filing this declaration, I am legally qualified to assume office if elected.

3. My campaign contact information is:

(MAILING ADDRESS) (CITY) (STATE) (ZIP)

(TELEPHONE NUMBER) (EMAIL ADDRESS)

4. I declare myself as a candidate for the office of:

(NAME OF OFFICE including DISTRICT or POSITION NUMBER)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

5. Filing Fee (check one):
 There is no filing fee because the office has no fixed annual salary;
 I am submitting a filing fee of \$10 because the fixed annual salary of the office is \$1,000 or less;
 I am submitting a filing fee of \$ _____, an amount equal to 1% of the annual salary; or
 I am without sufficient assets or income to pay the filing fee and am submitting a filing fee petition in lieu of this fee.

6. Please print my name on the ballot exactly as follows: _____
(PLEASE PRINT)

7. If the office is partisan, your party preference, if any, will be printed on the ballot exactly as follows:
 (Prefers Party) or
 (States No Party Preference)
 If you fail to check a box or provide a party name, "(States No Party Preference)" will be printed.

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to by a notary public or by the officer with whom the declaration is filed.

8. Sign Here X _____
(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF _____ Signed or Attested before me on _____
(SEAL OR STAMP) (DATE)

by _____
(CANDIDATE)

(SIGNATURE OF NOTARY)

(TITLE)

My APPOINTMENT EXPIRES: _____

Candidate: Return all copies to your Elections Dept.
 Distribution: White—County; Yellow—PDC; Pink—Candidate

1
2
3

FOR OFFICE USE ONLY			
Date _____	Fee Paid \$ _____	Filing No. _____	Office Code _____
<input type="checkbox"/> Check	<input type="checkbox"/> Debt/Credit	Voter Registration # _____	Clerk Initials _____
<input type="checkbox"/> Cash	<input type="checkbox"/> Filing Fee Petition		

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. _____
(STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) (ZIP)

and, at the time of filing this declaration, I am legally qualified to assume office if elected.

3. My campaign contact information is:

_____ (MAILING ADDRESS) (CITY) (STATE) (ZIP)

_____ (TELEPHONE NUMBER) (EMAIL ADDRESS)

4. I declare myself as a candidate for the office of:

(NAME OF OFFICE including DISTRICT or POSITION NUMBER)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

5. Filing Fee (check one):

There is no filing fee because the office has no fixed annual salary;

I am submitting a filing fee of \$10 because the fixed annual salary of the office is \$1,000 or less;

I am submitting a filing fee of \$ _____, an amount equal to 1% of the annual salary; or

I am without sufficient assets or income to pay the filing fee and am submitting a filing fee petition in lieu of this fee.

6. Please print my name on the ballot exactly as follows: _____
(PLEASE PRINT)

7. If the office is partisan, your party preference, if any, will be printed on the ballot exactly as follows:

(Prefers Party) or

(States No Party Preference)

If you fail to check a box or provide a party name, "(States No Party Preference)" will be printed.

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.	
<small>Note: Your signature must be personally attested to by a notary public or by the officer with whom the declaration is filed.</small>	<p>8. Sign Here X _____ <small>(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)</small></p> <p>Signed or Attested before me on _____ <small>(DATE)</small></p> <p>by _____ <small>(CANDIDATE)</small></p> <p>_____ <small>(SIGNATURE OF NOTARY)</small></p> <p>_____ <small>(TITLE)</small></p> <p>MY APPOINTMENT EXPIRES: _____</p>
STATE OF WASHINGTON, COUNTY OF _____ <small>(SEAL OR STAMP)</small>	

Candidate: Return all copies to your Elections Dept.
 Distribution: White—County; Yellow—PDC; Pink—Candidate

1
 2 The filing officer must provide a paper or electronic copy of the
 3 filed declaration of candidacy to the candidate and to the public
 4 disclosure commission.
 5
 6 [Statutory Authority: RCW [29A.04.611](#). 08-15-052, § 434-215-012,
 7 filed 7/11/08, effective 8/11/08; 06-14-049, § 434-215-012, filed
 8 6/28/06, effective 7/29/06. Statutory Authority: 2002 c 140 § 3.
 9 02-15-156, § 434-215-012, filed 7/23/02, effective 8/23/02. 02-
 10 09-007, recodified as § 434-215-012, filed 4/4/02, effective

1 4/4/02. Statutory Authority: RCW [29.04.080](#), [29.04.210](#), [29.36.150](#)
2 and [29.79.200](#). 97-21-045, recodified as § 434-228-012, filed
3 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-
4 12-083, § 434-28-012, filed 6/2/92, effective 7/3/92. Statutory
5 Authority: RCW [29.04.080](#). 84-15-050 (Order 84-2), § 434-28-012,
6 filed 7/16/84; 80-05-014 (Order 80-1), § 434-28-012, filed
7 4/8/80.]

8

9 <http://apps.leg.wa.gov/WAC/default.aspx?cite=434-215-012>

10

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16

1 **Exhibit M**

2
3 **Exhibit M DECLARATION OF CANDIDACY**

4
5 **FILING FOR OFFICE**

6
7 **When:**

8 The filing period begins the first Monday in June and ends the
9 following Friday. All declarations of candidacy must be received
10 no later than the close of business on the last day of the filing
11 period. Filings received after this date, regardless of the
12 postmark, are invalid.

13
14 Mailed declarations of candidacy may be received up to ten
15 business days before the filing period begins. Declarations of
16 candidacy filed in person must be filed during normal business
17 hours.

18
19 **Where:**

20 **The declaration of candidacy must be filed with the Office of the**
21 **Secretary of State if the office sought is federal**, statewide, or
22 is a legislative, Court of Appeals, or Superior Court office that
23 includes more than one county.

24
25 The declaration of candidacy may be filed with either the Office
26 of the Secretary of State or the County Auditor if the office
27 sought is a legislative, Court of Appeals, or Superior Court
28 office that includes only one county.

29
30 The declaration of candidacy must be filed with the County
31 Auditor for all other offices. If the office sought is a junior
32 taxing district located in more than one county, the candidate
33 should check with the County Auditor to determine which county is
34 accepting filings. In King County, the office is called the King
35 County Elections Division.

36
37 Declarations of candidacy filed with the Office of the Secretary
38 of State may be filed online at www.secstate.wa.gov.

39
40 **Cost:**

41 The filing fee is 1% of the salary of the office if the office
42 has a fixed annual salary of more than \$1,000. The filing fee is
43 \$10 if the office has a fixed annual salary of \$1,000 or less.
44 There is no filing fee if the office has no fixed annual salary.
45 The fee is based on the salary in effect at the time of filing.
46 Filing fees are not refundable.

47
48 Candidates with insufficient assets or income to pay the filing
49 fee may instead submit a filing fee petition that contains the
50 valid signatures of registered voters equal to the dollar amount
51 of the filing fee.

1
 2 **Withdrawals:**
 3 A candidate for partisan office has until the Thursday following
 4 filing week to withdraw.
 5
 6 Once filed, a declaration of candidacy may not be altered. If a
 7 candidate decides during the filing period to change the
 8 declaration of candidacy, the candidate must withdraw and re-
 9 file, which includes the payment of any filing fees.

10
 11 **PUBLIC DISCLOSURE AND CAMPAIGN FINANCE REPORTS**

12
 13 INITIAL PUBLIC DISCLOSURE REPORTS MUST BE FILED WITHIN TWO WEEKS
 14 OF BECOMING A CANDIDATE.

15
 16 Candidates for federal office, precinct committee officer,
 17 cemetery districts, and districts where voters must have special
 18 qualifications such as the ownership of land are exempt from
 19 state public disclosure requirements.
 20

IF THE OFFICE SOUGHT HAD, AS OF THE LAST GENERAL ELECTION:	PUBLIC DISCLOSURE REPORTS REQUIRED
Fewer than 1,000 registered voters, and the candidate has not received and does not expect to receive contributions of \$5,000 or more in the aggregate.	None.
1,000-4,999 registered voters and an area less than the entire county, and the candidate has not received and does not expect to receive contributions of \$5,000 or more in the aggregate.	Financial Affairs Statement (Form F-1).
5,000 or more registered voters or a countywide area or larger.	Financial Affairs Statement (Form F-1). Campaign Finance Reports ("C" series forms).
The candidate has received or expects to receive contributions of \$5,000 or more in the aggregate.	Financial Affairs Statement (Form F-1). Campaign Finance Reports ("C" series forms).

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21.2 **INSTRUCTIONS FOR COMPLETING THE DECLARATION OF CANDIDACY**

- 23
 24 **Line 1.** Print your name as you are registered to vote.
 25
 26 **Line 2.** Print the address at which you are registered to vote.
 27 Each candidate is responsible for ensuring that he or she
 28 meets **all** the qualifications of the office sought **at the**
 29 **time he or she files the declaration of candidacy.**

1
2 **Line 3.** Print your campaign's mailing address, telephone
3 number, and e-mail address. Providing a telephone number
4 and e-mail address is recommended, but not required.
5 Contact information will be made available to the public.
6 The election administrator and the Public Disclosure
7 Commission may use the telephone number or e-mail address to
8 provide campaign information to you.
9

10 A government office telephone number or e-mail address
11 cannot be used for campaign purposes according to RCW
12 42.17.130 and RCW 42.52.180.
13

14 **Line 4.** Print the name of the office for which you are a
15 candidate. For example, "State Representative...22nd
16 District ...Position 1" or "City
17 Councilman...Olympia...Position 4." Find out **prior** to the
18 filing period for which offices you are eligible to file.
19 Responsibility for filing for the correct office is yours.
20

21 **Line 5.** Check the appropriate box. If you assert that you have
22 insufficient assets or income to pay the filing fee, you
23 must submit a filing fee petition, as described in RCW
24 29A.24.101, with the declaration of candidacy.
25

26 **Line 6.** Print your name exactly as you wish it to appear on the
27 ballot. Nicknames are acceptable. You may not use any
28 nickname or title that denotes past or present occupation,
29 including military rank, your position on issues, your
30 political affiliation, or anything intentionally designed to
31 mislead voters.
32

33 **Line 7.** If the office is a partisan office, you may state a
34 political party that you personally prefer. Your preference
35 does not imply that you have been nominated or endorsed by
36 the party, or that the party approves of or associates with
37 you. You also have the option of not stating a political
38 party preference.
39

40 If you would like to state your preference, fill in the name
41 of the party, up to 16 characters. The first letter of the
42 party preference will be capitalized (e.g., Democratic). If
43 you want to use initials, separate each letter with a period
44 (e.g., G.O.P.) Your personal party preference will be
45 printed on the ballot as follows:
46

47 JOHN SMITH
48 (Prefers Example Party)
49 JANE DOE
50 (States No Party Preference)
51

1 If no party name is provided, "(States No Party Preference)"
2 will be printed on the ballot. If you qualify for the
3 general election, the party preference printed on the
4 primary election ballot will be printed the same on the
5 general election ballot.
6

7 **Line 8.** Read the oath. Sign the declaration of candidacy only
8 in the presence of a notary public or the officer with whom
9 the declaration is filed.

1 **Exhibit N**

2 **Exhibit N Exchange with Office of Sec State**

3 This section is listed to demonstrate from conversation with the Office of
4 the Secretary of State that it is so commonly thought that some
5 government agency was tasked with such oversight that even the
6 Secretary of State's office erroneously assumed that the FEC had such
7 procedures in place. In fact, the FEC denies any such responsibility other
8 than financial oversight,

Figure N.1

Dear Mrs. Pharris
You make a good point that he is not the declared candidate yet. However, he was placed on the WA state primary ballot by your office with no vetting of his credentials whatsoever. That represents a negligence of duty to our citizens. Ill admit it is quite unusual to even have to address such a question, but there are obvious questions about this particular candidate's citizenship that are already being challenged in federal court This is taking place because the FEC failed to provide adequate oversight and published to documentation of its review if there was any. Your office needs to be satisfied beyond any reasonable doubt on this point and should be able to readily make that case to your constituents.
I was grateful to hear that you will recommend placing that eligibility information on the WEB site. I would expect that this will be more than a terse statement about being born in Hawaii as that is one of several key contested issues.

Sincerely,
Steve Marquis

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Figure N.2

-----Original Message-----

From: Pharris, Ingrid [mailto:ipharris@secstate.wa.gov]

Sent: Monday, August 25, 2008 11:34 AM

To: steve.marquis@comcast.net

Subject: RE: Sen. Obama eligibility

Dear Mr. Marquis,

Candidacy for federal positions is determined by the federal government, and not be the states. The Office of the Secretary of State in Washington State only determines the candidacy of individuals running for Washington State government positions.

Because the Democratic National Convention has not occurred yet, Barack Obama is not yet a presidential nominee. If his nomination is established, [the federal government will be checking his background to ensure that he is eligible to run for president. I will recommend to our Elections Division that the candidates' eligibility for office be placed on our website.](#)

Ingrid Pharris
Executive Assistant
Office of the Secretary of State
PO Box 40220
Olympia, WA 98504

Figure N.3

-----Original Message-----

From: Steve.Marquis [mailto:steve.marquis@comcast.net]

Sent: Sunday, August 24, 2008 4:08 PM

To: Pharris, Ingrid

Subject: RE: Sen. Obama eligibility

Dear Mrs. Pharris

Thank you for the quick response. I will follow up on your suggestion, but I must also insist that in our republic system of government - each state is also responsible to set up the criteria for electing and sending delegates to the electoral college - thus each state creates their own separate ballot

system. There is no constructionally defined mandate. In fine, if the Secretary of State WA deems a federal agency review suitable vetting, Then his office should certainly demand and have on file that report so it can be made available to the public of Washington State through the Secretary of State's office. You represent me and the rest of the Washington State public in this matter and you should be able to forward the report demonstrating the validity of each candidate on our WA ballot. Do you really expect so many of us average citizens to flood the federal office with our questions?

It is a Washington State ballot not a federal ballot. I am calling on Your office to personally verify the validity of the candidates and Specifically the Candidates for president that appear on our WA State Ballot. Is the office of the Secretary of State WA able to meet that need and expectation?

Sincerely, Steve Marquis

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Figure N.4

-----Original Message-----

From: Pharris, Ingrid
Sent: Friday, August 22, 2008 11:51 AM
To: steve.marquis@comcast.net
Subject: RE: Sen. Obama eligibility

Dear Mr. Marquis,

Thank you for your questions.

Presidential candidacy qualifications are reviewed by the Federal Election Commission.

Below is their contact information.

<http://www.fec.gov/> . 800-424-9530.

Sincerely,

Ingrid Pharris
Executive Assistant
Office of the Secretary of State
PO Box 40220
Olympia, WA 98504

Figure N.5

-----Original Message-----

From: Steve.Marquis [mailto:
Sent: Tuesday, August 19, 2008 10:38 PM
To: Reed, Sam (Web)
Subject: Sen. Obama eligibility

Dear Secretary Reed,

I am calling to request an investigation as to whether Sen. Obama is eligible to be on the ballot for President, in this state. There are serious questions that have not been investigated; It is Possible that he has dual citizenship? Would that make him unqualified. He may Have been be a citizen of Kenya and/or Indonesia, and may still be.

And, there is concern that the birth certificate he has published on his website is a forgery. Some analysts claim the proffered image uses modern fonts not used in Hawaii in the early 1960s. Ordinary citizens like me should not have to take on the burden of investigating presidential candidates. It's my understanding that your office has the responsibility to be sure that presidential candidates are eligible.

What has your office done to be sure that Sen. Obama is eligible? I hope your office is taking this matter seriously. Can I rely on your office to respond immediately to this request or must I take the matter to the courts for intervention? Of course my preference is to rely on your good office to represent the interest of the people, upholding the constitution and the people's confidence in it.

Steve Marquis

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