

May 12, 2012  
Kirby Wilbur  
Washington State Republican Party  
11811 NE 1<sup>st</sup> St, Suite A-306  
Bellevue, WA 98005

*Re: Statement of Rebuttal Concerning the 18<sup>th</sup> Legislative District Caucus*

Dear Mr. Wilbur,

On May 11, 2012, I received unofficial notice that I am party to a credentials challenge of the Clark County 18<sup>th</sup> Legislative District delegation to the WSRP state convention. I am offering this document as part of a rebuttal against this challenge, which was filed by Nathan Mellor. Please include it in with the materials for the Credentials Committee meeting in Moses Lake.

### ***Statement of Rebuttal***

#### *Overview*

Mr. Mellor's challenge comprises two main allegations.

- 1) That the final credentials report for the 18<sup>th</sup> Legislative District at the Clark County Republican Convention was accurate, and that therefore only fraud can explain the number of ballots cast, which was greater than the delegate count in the final credential s report. But this discrepancy is better explained by the demonstrably faulty credentials process at the county convention.
- 2) That there were cases of multiple balloting (vote fraud). But there are no known substantiated cases of multiple balloting.

I ask the credentials committee to weigh the facts and determine Mr. Mellor's challenge to be without merit in light of the convention's disorganized operational leadership and the lack of credible evidence to support any allegations of true fraud.

#### *Credentialing Issues*

The Clark County Republican Convention was poorly run. The most glaring example of this was the disorganization of the credentials committee. Katja Delavar was a member of the committee. Prior to the convention, she asked the nominal chairwoman of the committee, Margie Ferris, when the committee would meet to determine the status of challenged delegates. She also asked Mrs. Ferris if there would be a meeting of the credentials committee at or before the county convention to determine appropriate procedures for the convention itself. In both cases, Mrs. Ferris replied that Clark County Republican Party Executive Director Mike Gaston would figure things out.

During the initial check-in, Mrs. Ferris directed the credentials volunteers to place checkmarks next to the names of delegates as they checked in. For the initial credentials report, Mrs. Ferris asked each volunteer for a total of their individual tallies. She then added these tallies together and reported this number to the entire county as the initial credentials report. This occurred before the convention recessed to its legislative district caucuses. This initial credentials number, as we later discovered, was significantly different from the true source data totals due to duplication of tallying.

For hours, a small core of leaders puzzled over the discrepancy. I was among the presidential campaign representatives present during these discussions. When Mrs. Ferris counted the individual legislative district credentials totals, her new grand total was lower than had been announced as the initial credentials report by approximately 150. During the discussion about where the error occurred, it was suggested that a recount of the first tally marks be made to double check the initial announced number. Once that was done, it was obvious that the discrepancy between the initial credentials report and the first individual legislative district totals was due to a tallying error and not to an improper number of delegates having been seated.

Once a more reasonable or believable number was tallied, alternates were seated in accordance with the WSRP rules. After the alternate seating, Mrs. Ferris was solely in charge of tallying the new credentials figures. Given the gross errors surrounding the compilation of the initial credentials report, it cannot be presumed that the second credentials report number was free of errors.

Furthermore, only those delegates that had a badge marked with D for Delegate and 18<sup>th</sup> for the legislative district were allowed into the 18<sup>th</sup> Legislative District Caucus room. Mr. Mellor's challenge alleges that this was not the case, but does not offer any evidence to substantiate this.

As soon as the results of the first ballot were announced, the 18<sup>th</sup> Legislative District delegates instantly voiced their concern that there were more ballots cast than the sum of the announced final credential report. As Mr. Mellor notes, Mrs. Ferris announced 213 seated delegates and there were 284 votes cast. The chair of the caucus immediately made several announcements to the caucus that

anyone who was an alternate and not seated as a delegate should leave the room immediately. Nobody left the room. There were no specific allegations made to the chair during the caucus of any specific individuals inappropriately voting or interfering with the business of the caucus. In order to continue with the business of the convention without undue delay, convention Rules chair Brent Boger suggested that the body accept the actual delegates in the room. There were no challenges to any specific delegate in the room. To my knowledge, there has been no proof whatsoever of any effort to sneak unapproved or fake delegates into our caucus. The entire contention rests upon the difference between Mrs. Ferris' sum of the tally marks and the actual number of people in the room.

Furthermore, each delegate voting in the 18<sup>th</sup> Legislative District Caucus had a badge marked with a D. The badges were given to only those who were appropriately on the credentials list. The badge system itself was a check against extra people voting alongside and in plain view of duly elected and seated delegates. These badges were visible to any that cared to check throughout the day. Mr. Mellor' challenge lacks any evidence of specific violations of persons voting without an appropriate badge.

As further proof of the likelihood of the error being the math of Mrs. Ferris' sum, it should be noted that a similar event took place in the 15<sup>th</sup> Legislative District caucus. I am attaching a statement by Michael Cummins who was the Legislative District Director and also the chairman of the 15<sup>th</sup>. Since that caucus contained only 21 seated delegates, the difference between Mrs. Ferris' final report (19) and their own firsthand knowledge (21) should be very instructive to the likely errors committed by Mrs. Ferris.

Finally, when Mr. Boger led the discussion about acceptance of the de facto credentials amendment of counting the actual delegates in the room, the 18<sup>th</sup> Legislative District delegates voted to accept the new, higher tally of those credentialed. The vote passed overwhelmingly in favor of accepting the reality that we did not know how Mrs. Ferris' number was so far off from the reality, but that we would accept those in the room as duly seated delegates absent any specific charge to the contrary. My understanding of this motion is that it amended the credentials report, thereby making the total of those credentialed higher than the second report of 213.

#### *Allegations of Excess Votes*

The second point of the challenge rests upon supposedly supporting allegations of voting impropriety on behalf of at least one individual. Specifically, Mr. Mellor's challenge mentions a man

noted in a video holding four ballots. This tall, very distinctive man wearing a cowboy hat was indeed carrying four ballots. However, as his statement which is attached notes, these were replacement ballots for his family members that all made the same mistake while voting. Instead of having his elderly father-in-law walk up to the front of the room, Danny walked up to the front of the room himself. Common sense dictates that if any delegate were interested in voting multiple times illegally, it is highly unlikely that he would carry on in such an open manner, not hiding what he was doing in the least. To the contrary, Mr. Rupp's actions should be described as open and transparent actions of a man with a clear conscience.

*Conclusion*

I ask the state credentials committee to deny the challenge of Mr. Mellor and thereby allow the duly elected delegates of the 18<sup>th</sup> Legislative District in Clark County to attend the state convention.

Respectfully submitted,

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State delegate 18<sup>th</sup> Legislative District

The following delegates asked to join this statement affirming it as accurate to the best of their knowledge.

Names to be added here as appropriate...