

HANSON'S EVIDENCE

The following four documents are contained in the Excerpts of Record in Ed Hanson's appeal to the 9th Circuit Court. This evidence is crucial in demonstrating that the incumbents committed election fraud in the 1999 election of officers at Local 302.

Document #1 is the "Smoking Gun" ballot strip that was intentionally cut in such a manner by the incumbent's Election Supervisor, so it would be rejected by the electronic ballot counter. This strip was likely from a ballot that was cast for Ed Hanson. All of the tampered ballot strips were immediately thrown away by the Election Supervisor and by Jack Jackubiec on election day. Destruction of election records and destruction of evidence before one year is a violation of federal labor law and a violation of the union's bylaws.

Document #2 is the first interview of the union's ballot printer taken by federal investigators on January 31, 2000.

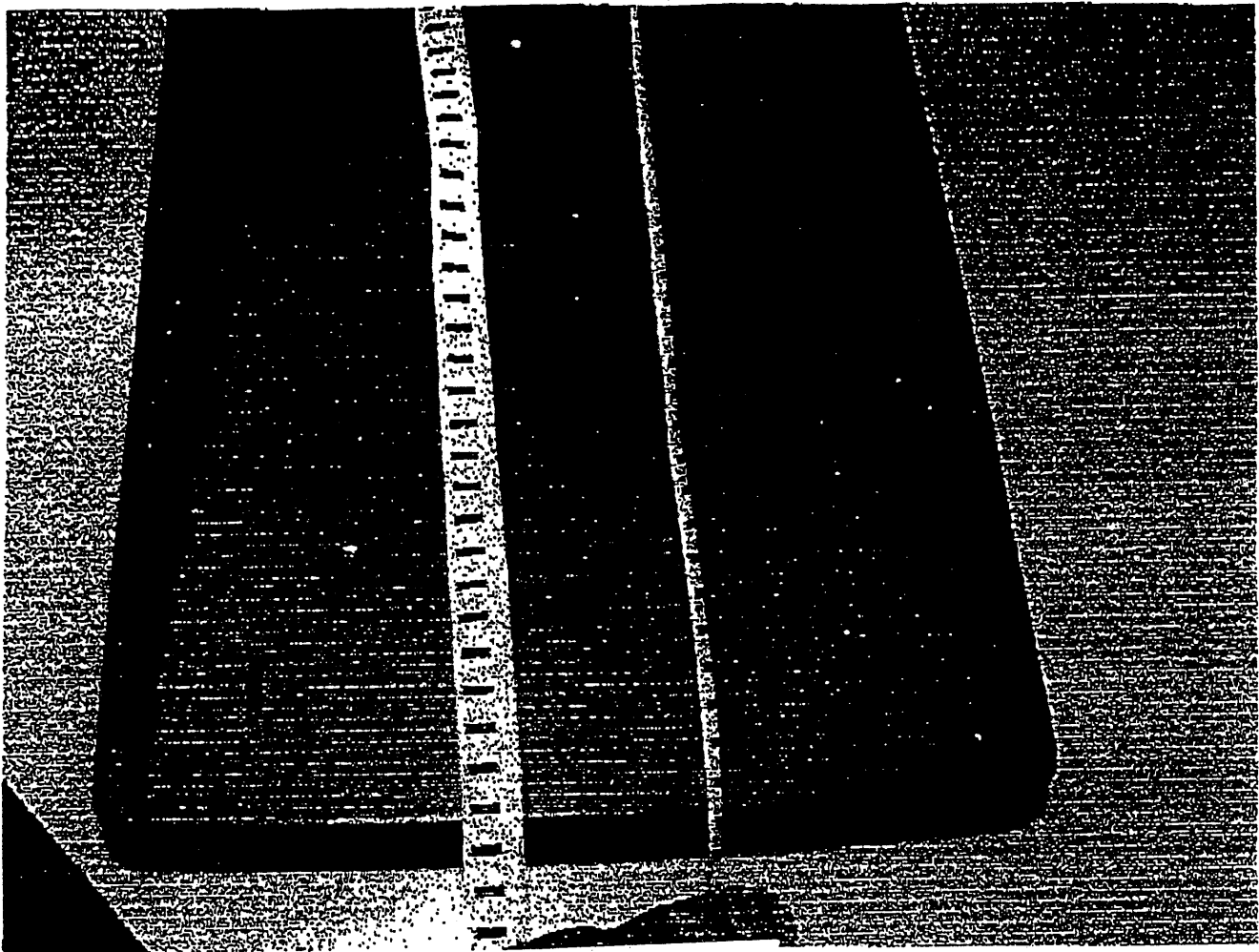
Document #3 is the interview of King County Election Division Superintendent, who leased the electronic ballot counting machines to Local 302. Notice how her testimony refutes the testimony of the ballot printer. KCED Superintendent has no interest in the outcome of Local 302 election.

Document #4 is the second interview of the union's ballot printer taken by the feds on March 15, 2000. Notice how he lies again to federal investigators by telling them that he had the ballot's size and standards approved by the KCED Superintendent. The ballot printer had very REAL interest in the outcome of Local 302's election because he has lucrative and ongoing contracts with the incumbents to print the "Loadline" and to print the election materials. He also printed the incumbent's campaign materials.

Finally, the ballot printer made several phone calls to Allan Darr's personal residence in 1996, just days before the ballots were mailed out to the members. Allan Darr has NEVER explained to the membership what those late night phone calls were all about.

Now, Ask Allan Darr why he is changing to a different ballot printer in the 2002 election. Could it be that Allan Darr has something BIG to hide from the members?

#1
"THE SMOKING GUNS"



"A"

"B"

Evidence of Ballot Tampering

Reproduction of two trimmings taken from official ballots on election day. All trimmings were thrown in the trash receptacle by the Election Supervisor.

Trimming "A" shows complete elimination of the timing marks on one ballot. The ballot could not be scanned for a tally with 100% of the timing mark removed.

Trimming "B" shows partial elimination of the timing mark. The ballot could be scanned for tally.

These are the only two trimmings in existence from this election. All remaining trimmings were destroyed immediately on election day by the Election Supervisor.

The actual trimmings "A" and "B" as seen above are in Edgar Hanson's possession and are available to the Court.

U.S. DEPARTMENT OF LABOR
OFFICE OF LABOR-MANAGEMENT STANDARDS

REPORT OF INTERVIEW

CHRIS GIANELLI, Owner
SERVICE PRINTING COMPANY
3837 13th Avenue West
Seattle, Washington 98119
Telephone: (206) 283-6800

GIANELLI provided the following information at SERVICE PRINTING COMPANY in Seattle.

SERVICE PRINTING COMPANY printed 9,500 ballots, 9,500 No. 10 "special" outer ballot envelopes, 9,600 ballot return envelopes, and 9,500 "SECRET" ballot envelopes for the LOCAL 302 election. The exact number printed was a "machine count." The order for the election materials was placed with SERVICE PRINTING by the accounting firm of LOCKITCH, CLEMENTS & RICE. GIANELLI did not submit a competitive bid to the accounting firm or the union to obtain the job. CPA DAVE CLEMENTS instructed GIANELLI that he wanted the union to conduct an "electronic" election. To that end, CLEMENTS provided GIANELLI with the telephone number of PAUL MILLER, an employee of the KING COUNTY DIVISION OF ELECTIONS. CLEMENTS instructed GIANELLI to contact MILLER and to work with him to develop a ballot that could be counted electronically. GIANELLI and MILLER developed a ballot using software provided by MILLER. A standard ballot for use in KING COUNTY counting machines utilizes "hard shell" paper. The bar codes on the ballot were part of the software package. The bar codes came very close to the edge of standard 8 1/2" wide paper. Several standard width ballots were tried and they wouldn't go through the machine. MILLER said that the bar codes or "target marks" on ballots would not be read properly by a counting machine if they touched the edge of the paper. The ballots would not go through the machine if they did touch the edge. From previous experience, GIANELLI knew that bar code ink might bleed to the edge during the printing of the ballots. In an attempt to avoid any problems, GIANELLI printed 8 9/16" wide ballots for the election. This was a "hair over" standard width. Several 8 9/16" test ballots were run through the machine and they worked fine. MILLER approved ★
★ GIANELLI's sample ballot. The county typeset the ballots.

CPA DARLING and the union's election committee came to SERVICE PRINTING to collect the ballots and envelopes to take to PUBLISHERS MAILING SERVICE for folding, stuffing and mailing. GIANELLI retained several proofs for his records. He provided the original negatives and plates in an envelope to the election committee chair. GIANELLI's employee (KEVIN) and the chair rode together in KEVIN's vehicle to the mailing service with the ballots. GIANELLI also drove to the mailing service in a "lead car."

There wasn't any contact between GIANELLI and the accounting firm, candidates, or the election committee during the ballot development period. CLEMENTS contacted GIANELLI after the election. CLEMENTS informed GIANELLI that many of the ballots did not go through the machine during the

Interview Date: <u>January 31, 2000</u>	Date Dictated/Written: <u>January 31, 2000</u>
Interview Location: <u>Seattle, Washington</u>	Date Transcribed: <u>January 31, 2000</u>
By: <u>[REDACTED]</u>	Case File: <u>540-07443(01)</u>

ballot tally. Because of this CLEMENTS was not pleased, and GIANELLI felt bad because he failed to satisfy a client.

LOCAL 302 became a client of SERVICE PRINTING COMPANY during the JOHNSON administration. LOCAL 302 Business Agent KRAUSE arranged at that time to have the local's newspaper, LOADLINE, printed by the company. LOCAL 302 provides SERVICE PRINTING with approximately 5% of the company's total business. GIANELLI did not do anything to influence the election. CLEMENTS did not ask GIANELLI to do anything that would influence the election in any way.

Copies of the invoices for the printing job were provided by GIANELLI during the interview (attached).

U.S. DEPARTMENT OF LABOR
OFFICE OF LABOR-MANAGEMENT STANDARDS

REPORT OF INTERVIEW

JULIE ANNE KEMPF, Assistant Superintendent of Elections
Election Operations
King County Records and Elections Division (KCED)
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Seattle, Washington 98104-2337
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KEMPF provided the following information at the King County Administration Building in Seattle:

The KCED became involved in the August 1999 OPERATING ENGINEERS LOCAL 302 officer election when the division was contacted by the accounting firm of LOCKITCH, CLEMENTS & RICE. The firm wanted to lease voting equipment. The firm leased two ACUVOTE tabulation machines for \$250. The accounting firm signed a standard one-page lease agreement for use of the machines. The arrangement that the KCED had with the accounting firm was for the lease of two machines, training in the use of the machines, and the development of a memory card that specifically programmed the machines to read and tabulate the union's ballots. KCED did not have a formal arrangement with CHRIS GIANELLI of SERVICE PRINTING COMPANY. KCED Computer Specialist PAUL MILLER developed a computer disk that contained the ballot template. MILLER transmitted the disk to GIANELLI. The ballot layout was developed with software devised by the KCED. The software specified standard ballot dimensions particular to the ACUVOTE machines. The template included the arrangement of the candidate offices, corresponding voting ovals, and timing marks. MILLER had only one brief telephone conversation with GIANELLI regarding the ballot layout. The KCED did not receive a copy of the ballot from GIANELLI. The KCED did not approve or test the union's ballot in any way after it was printed. GIANELLI did not provide the ballot printing plates or negatives to the KCED.

The KCED's policy is to recommend electronic counting machines to clients for use in elections that involve the tabulation of 500 or more ballots. Hand-tabulation is recommended for elections involving fewer than 500 ballots. The KCED probably recommended ACUVOTE tabulation for the LOCAL 302 election. Detailed verbal instructions are provided to clients when they pick-up the machines. A handbook is also provided. Verbal instructions include how to open and secure the machines, how to read tabulations, how to feed ballots into the machines, and the procedures to take if the machine jams. A key to the counted-ballot bin (located under the machine) is provided for security. A separate key is also provided for a smaller, side-bin where ballots that the machine does not tabulate are stored. The KCED has four ACUVOTE machines. Each is serviced quarterly to ensure that the optical device scans accurately, and that the machine mechanisms function properly.

Interview Date: February 7, 2000

Date Dictated/Written: February 7, 2000

Interview Location: Seattle, Washington

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By: [Redacted]

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The KCED instructs clients to machine test their ballots prior to the tally. The test is called a "Logic and Accuracy", or "L and A" test. The test is designed to ensure the memory card and the machine will accurately tabulate ballots. The test procedure is to mark candidate ovals on three to five ballots and then hand tabulate totals for these test ballots. The same test ballots are then run through the ACUVOTE machine. The hand-count and machine-count totals are then compared. The accounting firm would have received these "L and A" instructions. All 4,200 clients who have used the machines have been provided with the same instructions. KEMPF believes LOCKITCH, CLEMENTS & RICE would probably have performed the accuracy test but she has no direct knowledge that the firm actually did so in the election. The firm had previous experience using the ACUVOTE machines, particularly during a union election conducted by the WASHINGTON STATE NURSES ASSOCIATION.

The ACUVOTE tabulates a ballot after it is fed into the machine from a receiving tray on the top front. The machine will tabulate the ballot regardless whether or not it is fed upside or downside on the tray. A paper accounting tape located in the upper-left hand corner keeps a tabulation of the number of ballots the machine has accepted for counting. The machine does not have a reader on the front of the machine that shows or keeps a tabulation of the number of votes for each candidate. An operator or observer would not know how the machine is reading an individual ballot as it is being fed through the machine.

In the process of tabulating ballots, the ACUVOTE machine performs either one of two functions. It either tabulates a ballot and automatically drops it into the large counted-ballot bin, or does not tabulate the ballot. Ballots that the machine does not tabulate are dropped automatically into the locked side-bin. Untabulated ballots must be removed from the side-bin by the machine operator and hand-counted. There are several reasons why the machine will not tabulate a ballot. One is that the voter has not sufficiently blackened the candidate ovals. The optical scanner will not read an oval that has not been blackened over at least 25% of its surface. The machine will usually not tabulate a ballot where the ovals have been marked with thin check marks or "X's." The machine will also not tabulate a ballot that has more than 25% of the black timing marks on either the left or right ballot edge not showing, or trimmed off. In these cases, the ballot is automatically sent to the side-bin for later hand counting. The machine would probably tabulate a ballot where the voter used a combination of blackened ovals and check marks or X's. In these cases, the machine would probably only tabulate the candidate positions where the ovals were blackened, and would not tabulate the positions where the other marks were used.

The machine will not accept ballots that are too wide to go through the machine. These ballots will not go into the machine at all. In these cases, the operator can trim ballots to fit into the machine. From experience, KEMPF knows that ballots that are 8 7/8" wide will not fit in the ACUVOTE machine. A representative of the KCED was not present during the LOCAL 302 ballot tabulation. KEMPF does not know if the KCED recommended ballot trimming to the accounting firm on the day of the tabulation. The KCED has trimmed ballots in other elections it has tabulated. In these instances, when there has been a definite problem with ballot width, the KCED usually trims all the ballots with a professional paper cutter prior to the ballot tabulation.

In elections it conducts, the KCED usually hand-tabulates a 1% sample of all the machine-tabulated ballots. This provides a check of how well the machines performed. Prior to the tabulation, the KCED usually hand-tabulates the total number of ballots received. These ballots are then run through the

#4

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CHRIS GIANELLI, Owner
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Telephone: (206) 283-6800

GIANELLI provided the following information by telephone:

GIANELLI said that the IUOE LOCAL 302 election committee provided him with the names of the candidates and their positions. CPA DAVE CLEMENTS had previously instructed GIANELLI to contact PAUL MILLER at KING COUNTY DIVISION OF ELECTIONS (KCDE). GIANELLI telephoned MILLER. The two worked back and forth on the phone, checking candidate names and their spellings. MILLER developed the ballot using KCDE software. MILLER provided GIANELLI with the ballot. It consisted of two pages of "camera ready art." The timing marks and all candidate information were included on the pages. GIANELLI took a picture of the pages with an industrial camera. He made ballot prints from the photo negatives. He printed several sample ballots and sent them to MILLER. MILLER tested them on the counting machine. MILLER approved the sample ballot and GIANELLI subsequently printed the number required by the election committee using the photo negatives. He gave the photo negatives to the election committee chair when the election committee came to collect the ballots.

Interview Date: March 15, 2000

Date Dictated/Written: March 15, 2000

Interview Location: Seattle, Washington

Date Transcribed: March 15, 2000

By: Investigator Don Logsdon

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