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January 14, 2021

Doug Ende
Chief Disciplinary Counsel & Director
Office of Disciplinary Counsel
Washington State Bar Association
1325 4th Avenue, Suite 600
Seattle, WA 98101-2539

Re: Grievance Against Lawyer – Stephen Pidgeon, WSBA No. 25265
BIL File No. 6800-014

Dear Mr. Ende:

Our firm represents the Washington State Democratic Party (“Washington Democrats”). Via this letter, the instant complaint is submitted on behalf of the Washington Democrats against Stephen Pidgeon and relates to Dr. Pidgeon’s conduct during his representation of the Culp for Governor campaign in *Culp for Governor vs. Wyman et al.*, (King County Superior Court Cause No. 20-2-17720-2 SEA). Specifically, Dr. Pidgeon has violated numerous rules regulating the conduct of attorneys in Washington by filing a complaint and several amended complaints in the above-referenced matter and for his public statements regarding the matter.

As an attorney in Washington, Dr. Pidgeon serves as an officer of the court. He has sworn to uphold the United States Constitution and the Washington State Constitution, to avoid using the judicial system to advance baseless claims, for any purpose other than to prosecute a legitimate claim, and to abide by rules that advance judicial efficiency. By commencing a legal action that is devoid of legal merit with a complaint that is rife with salacious claims that are irrelevant to the baseless allegations contained therein, Dr. Pidgeon has violated his duties to the public. As evidenced by recent events in Washington and around the nation, misconduct such as Dr. Pidgeon’s, when permitted to continue without repercussion, can harm the justice system and hinder the administration of justice. More importantly, Dr. Pidgeon’s misconduct contributes to the destabilization of our democratic process and constitutional order. For these reasons, and because Dr. Pidgeon has voiced an intention to name more defendants in this litigation, which will only burden more parties and further slow the administration of justice, we encourage the Office of Disciplinary Counsel to promptly launch an investigation into Dr. Pidgeon’s misconduct.

PARTIES

The Washington State Democratic Party is headquartered in Seattle. The Democrats “believe in the concepts expressed in the Declaration of Independence and the Constitution of the United States – that all power to govern resides with the people.”¹ The Democrats “believe that widespread voter participation and election integrity are key to preserving our democracy.”² The Democrats’ platform includes advocating for “[e]lections in which all votes are cast on carefully monitored, secured human-readable paper ballots,” “[m]andatory auditing of the election process and results that is open to the public to witness,” and “[f]ederal leadership, funding, guidance, and support for vote-by-mail in all national elections with same-day registration and optional in-person voting.”³

Stephen Pidgeon, WSBA No. 25265, is an attorney based in Everett, Washington. Dr. Pidgeon was first admitted to the Washington state bar in 1995. A news story about the litigation at issue in this grievance describes Dr. Pidgeon as “a far-right conspiracy theorist who previously spread discredited ‘birther’ conspiracies about President Barack Obama and claimed Obama was a secret Muslim who wanted to impose an Islamic caliphate in the United States.”⁴

STATEMENT OF FACTS

I. Factual Background.

A. In Washington State, The 2020 General Elections Were Conducted Fairly, Securely, And Effectively.

Washington conducts inclusive, safe and secure elections.

Washington’s elections, which are largely conducted by mail ballot, provide an example of how to increase and maintain high levels of voter participation. In Washington, voter participation begins with high levels of voter registration. In 2018, the most recent year for which data is available, 73.9% of the voting-age population in Washington was registered to vote, higher than the number nationally in the last presidential election year.⁵ Washington voters have been able to register to vote at drivers licensing and other government offices since 1990;

¹ Charter of the Democratic Party of Washington State, <https://www.wa-democrats.org/wp-content/uploads/2020/09/Washington-State-Democrats-Charter-Current-as-of-6-13-20-uploaded-9-3-20.pdf>

² Part Platform, Preamble: <https://www.wa-democrats.org/wp-content/uploads/2020/06/WSGCC-2020-Final-Platform.pdf>

³ *Id.* at 26.

⁴ Jim Brunner, Republican Loren Culp lost the Washington governor’s race by 545,000 votes. Now he’s suing., Seattle Times (Dec. 11, 2020), <https://www.seattletimes.com/seattle-news/politics/losing-gop-gubernatorial-candidate-loren-culp-sues-washington-secretary-of-state-kim-wyman/>.

⁵ Washington Secretary of State, Voter Participation Statistics, Washington Secretary of State (last accessed Jan. 12, 2021) <https://www.sos.wa.gov/elections/voter-participation.aspx>; Drew Desilver, In past election, U.S. trailed most developed countries in voter turnout, Pew Research Center (Nov. 3, 2020), <https://www.pewresearch.org/fact-tank/2020/11/03/in-past-elections-u-s-trailed-most-developed-countries-in-voter-turnout/>.

federal law required states to enable people to register at drivers licensing and government offices since 1993.⁶ Washington is now one of ten states with automatic voter registration.⁷

This effort pays off in high voter participation. In the November 2020 general election, voter turnout in Washington was 84.14%.⁸ This is significantly higher than the national voter turnout in the 2020 general election.⁹

Washington state elections are also safe and secure. In order to ensure that only those who are legally able to vote do so:

[v]oter-roll maintenance is conducted on an ongoing basis by county election officials. The Office of the Secretary of State works with county election officials, the Department of Licensing, the Department of Health, the Department of Corrections, the Office of the Administrator of the Courts, the Social Security Administration, and the Electronic Registration Information Center to improve the accuracy of voter registration data. Each month, the Office of the Secretary of State receives a list of deceased people from the Department of Health and the Social Security Administration. These lists are compared to the voter registration list. Potential matches are flagged for research by the county elections offices and are removed if the person is found to be deceased. If evidence is found someone voted on behalf of a deceased person, county election officials forward that information to the county sheriff and prosecutor for further investigation and potential prosecution.¹⁰

The voting systems that are used in Washington are also vetted. According to the Washington Secretary of State:

Before any system can be certified for use, it must be tested by an Election Assistance Commission- accredited, independent testing authority. There are currently two laboratories that provide this testing at the federal level — Pro V&V, Inc. and SLI Compliance, a division of Gaming Laboratories International, LLC. Then, prior to use in Washington state, election systems undergo review by our independent state Election System Certification Board. All systems in use in Washington state have undergone this testing by both state and federal authorities. . . . Also prior to every election, including the 2020 General Election, the Office

⁶ Washington Secretary of State, [A Tradition of Independence: A Timeline of Voting and Elections in Washington State](https://www.sos.wa.gov/elections/timeline/time5.htm), Washington Secretary of State (last accessed Jan. 12, 2021), <https://www.sos.wa.gov/elections/timeline/time5.htm>.

⁷ Reid Wilson, [Wash. Gov signs universal voter registration law](https://thehill.com/homenews/state-watch/379282-wa-gov-signs-universal-voter-registration-law), The Hill (March 20, 2018), <https://thehill.com/homenews/state-watch/379282-wa-gov-signs-universal-voter-registration-law>.

⁸ Washington Secretary of State, [Voter Turnout](https://results.vote.wa.gov/results/20201103/turnout.html), Washington Secretary of State (Nov. 24, 2020), <https://results.vote.wa.gov/results/20201103/turnout.html>.

⁹ Kevin Schaul et al., [2020 turnout is the highest in over a century](https://www.washingtonpost.com/graphics/2020/elections/voter-turnout/), Washington Post (Nov. 5, 2020), <https://www.washingtonpost.com/graphics/2020/elections/voter-turnout/>.

¹⁰ Washington Secretary of State, [Secretary of State issues statement on Culp campaign claims of ‘anomlaies’ in the 2020 General Election](https://www.sos.wa.gov/office/news-releases.aspx#/news/1431), Washington Secretary of State (Nov. 24, 2020), <https://www.sos.wa.gov/office/news-releases.aspx#/news/1431>.

of the Secretary of State presides over tests performed by county election offices to ensure the accuracy of the vote-counting equipment.

Id.

Election results are vetted after every election has concluded:

After an election, officials conduct rigorous post-election processes such as auditing voting machines and voting precincts to actual ballots cast. County election offices perform post-election audits during election week that are open to the public for observation. This is standard for all elections, and helps ensure the results they certify later in the month are accurate.

Id. Because Washington uses paper ballots, there is a verifiable paper trail for auditing purposes. *Id.* “After Election Day, counties conduct audits across multiple precincts, during which they confirm the manual tallies match the totals tabulated by the machine.” *Id.*

B. In Washington State, Democrats Won Elections For Executive Office.

In the November general election, Jay Inslee was reelected to a third term as Governor in a landslide victory.¹¹ Governor Inslee received votes from 2,294,243 Washingtonians, or 56.56% of the electorate. *Id.* In comparison, Mr. Culp received only 1,749,066 votes, or 43.12% of the votes cast. *Id.* Governor Inslee received 545,177 more votes than his Republican challenger, and won by over 13 percentage points.

Other Democratic candidates for statewide office also fared well in Washington. Democrats were elected to serve as Lieutenant Governor, State Treasurer, State Auditor, Attorney General, Commissioner of Public Lands, and Insurance Commissioner.¹² The Democratic candidates for Lieutenant Governor, State Auditor, Attorney General, Commissioner of Public Lands, and Insurance Commissioner all won their elections by over 10 percentage points. *Id.* President-elect Joe Biden and Vice President-elect Kamala Harris beat Donald Trump and Mike Pence by almost 20 percentage points. *Id.*

Washington Secretary of State Kim Wyman certified the results of the 2020 general election on December 1, 2020.¹³ Governor Inslee was inaugurated to his third term on January 13, 2021.¹⁴

¹¹ Washington Secretary of State, [November 3, 2020 General Election Results](https://results.vote.wa.gov/results/20201103/governor.html), Washington Secretary of State (Nov. 24, 2020), <https://results.vote.wa.gov/results/20201103/governor.html>.

¹² Washington Secretary of State, [November 3, 2020 General Election Results](https://results.vote.wa.gov/results/20201103/stateexecutive.html), Washington Secretary of State (Nov. 24, 2020), <https://results.vote.wa.gov/results/20201103/stateexecutive.html>.

¹³ Washington Secretary of State, [Secretary of State’s Office certifies 2020 General Election](https://www.sos.wa.gov/office/news-releases.aspx#/news/1430), Washington Secretary of State (Dec. 24, 2020), <https://www.sos.wa.gov/office/news-releases.aspx#/news/1430>.

¹⁴ Office of Governor Jay Inslee, [Inslee delivers historic third inaugural address](https://www.governor.wa.gov/news-media/inslee-delivers-historic-third-inaugural-address), Office of Governor Jay Inslee (Jan. 13, 2021), <https://www.governor.wa.gov/news-media/inslee-delivers-historic-third-inaugural-address>.

C. After The Democrats' Victories In The 2020 General Election, Republicans Commenced Baseless Litigation Challenging The Outcome Of Federal Elections.

Since even before President-elect Joe Biden's victory over Donald Trump, Republicans have embarked on a well-documented national campaign to reverse the will of the voters and overturn the results of the federal election. This campaign has included disseminating widespread and baseless accusations of fraud, attempts to discount votes from predominantly Democratic areas, efforts to replace federal electors with individuals who would support outgoing President Trump, and efforts by Congressional Republicans to oppose electors from Democratic states.¹⁵ In early January 2020, a recording of a phone call between outgoing President Trump and a state election official seemed to show the outgoing President encouraging and threatening the election official in order to convince him to fraudulently create over 11,000 votes for Trump.¹⁶ On January 6, shortly after President Trump delivered a speech with incendiary language, supporters of Donald Trump stormed the Federal capital building.¹⁷ The violent acts, which were decried by commentators across the political spectrum, resulted in five deaths.¹⁸ For his role in inciting these attacks, outgoing President Trump was impeached for the second time in his presidency.¹⁹

The national campaign to reverse the outcome of the election has also included a pervasive legal campaign to reverse the outcome of the election and/or for other relief. Attorneys such as Rudy Giuliani, Sidney Powell, and others have initiated lawsuits nationwide that challenge the election results under a variety of theories.²⁰ This litigation strategy has been an almost complete failure. According to election attorney Marc Elias, only one action brought on behalf of defeated President Trump or his campaign has succeeded, but Trump has been defeated in court 64 times.²¹

While the Trump-aligned litigation strategy has failed to change the outcome of the 2020 election, it has eroded public confidence in how elections are conducted.²² The litigation strategy

¹⁵ See generally Dan Barry and Sheera Frenkel, 'Be There. Will Be Wild!': Trump All but Circled the Date, N.Y. Times, Jan. 7, 2021, at A17, <https://www.nytimes.com/2021/01/06/us/politics/capitol-mob-trump-supporters.html>.

¹⁶ Eric Lipton, Trump Call to Georgia Official Might Violate State and Federal Law, N.Y. Times, Jan. 3, 2021, at A16, <https://www.nytimes.com/2021/01/03/us/politics/trump-call-georgia.html>; John Cassidy, Trump's Authoritarian Moment Is Here, The New Yorker (Jan. 4, 2021), <https://www.newyorker.com/news/our-columnists/trumps-authoritarian-moment-is-here>.

¹⁷ *Supra* Barry and Frenkel.

¹⁸ Jack Healy, These Are the 5 People Who Died in the Capitol Riot, N.Y. Times, Jan. 11, 2021 at A13, <https://www.nytimes.com/2021/01/11/us/who-died-in-capitol-building-attack.html>.

¹⁹ Live Updates: The House, With Some G.O.P Support, Votes to Impeach Trump a Historic Second Time, N.Y. Times (last accessed Jan. 13, 2021), <https://www.nytimes.com/live/2021/01/13/us/trump-impeachment>.

²⁰ Jacob Shamsian and Sonam Sheth, Trump and Republican officials have won zero out of at least 42 lawsuits they've filed since Election Day, Business Insider (Jan. 5, 2021), <https://www.businessinsider.com/trump-campaign-lawsuits-election-results-2020-11>.

²¹ Marc E. Elias (@marceelias), TWITTER (Jan. 12, 2021), <https://twitter.com/marceelias/status/1349101106962571267?s=21>.

²² Dhruvil Mehta, More Republicans Distrust This Year's Election Results Than Democrats After 2016, FiveThirtyEight (Nov. 20, 2020) <https://fivethirtyeight.com/features/more-republicans-distrust-this-years-election-results-than-democrats-after-2016/>; Nick Laughlin and Peyton Shelburne, Election Trust Tracker: Republicans Are Losing Faith That the Election Results Will Be Overturned, Morning Consult (Dec. 22, 2020), <https://morningconsult.com/form/tracking-voter-trust-in-elections/>.

appears to be “expressly engineered to undermine the public’s faith in core democratic processes.”²³ Lawyers from across the political spectrum, such as the deans of over 150 law schools (including the three ABA-accredited law schools in Washington) condemned the lawyers who challenged the election.²⁴ Additionally, public officials and the news media have pointed out connections between the efforts to undermine confidence in the electoral process to threats of physical violence against elections staff, including Secretary of State Wyman.²⁵ Indeed, supporters of Donald Trump and others, believing that the elections were conducted fraudulently because of messages amplified by lawyers, have engaged in property destruction and threats of violence in Washington in protest.²⁶

II. The Instant Litigation.

A. After The Washington Election Results Were Certified, Stephen Pidgeon Filed Suit Challenging The Results Of The Gubernatorial Election On Behalf Of Defeated Candidate Loren Culp.

On December 10, 2020, Dr. Pidgeon filed a complaint to initiate *Culp for Governor vs. Wyman et al.* in King County Superior Court. Attachment A. In the complaint, Dr. Pidgeon identifies the defendants as follows:

1. The WASHINGTON SECRETARY OF STATE is a Subsidiary Corporation of the STATE OF WASHINGTON and is located at 416 Sid Snyder Avenue SW, Olympia, WA, 98501-1347, doing business as the constitutionally created office of Secretary of State under Article III, Section 17 thereunder. The Secretary of State of Washington corporation is part of the Government Industry and has 170 total employees across all of its locations.
2. The STATE OF WASHINGTON is a corporate entity, D-U-N-S number 079248936, doing business as the constitutionally created government of the State of Washington. At the present time, the STATE OF WASHINGTON corporation is acting autonomously under the tyranny of Jay Inslee who has terminated all protections provided by Washington’s Constitution, including the rights protected under Article I of said Constitution, and rights protected by the Constitution of the United States, and is in violation of federal criminal statutes, 18 USC § 241, 18 USC §242 and 18 U.S. Code § 247. Inslee has terminated the constitutional façade allegedly governing Washington effectively since March 23, 2020.

²³ Scott Cummings et al., [It’s Time to Consider Sanctions for Trump’s Legal Team](https://slate.com/news-and-politics/2020/11/trump-legal-team-rudy-giuliani-state-bar-sanctions.html), Slate (Nov. 23, 2020), <https://slate.com/news-and-politics/2020/11/trump-legal-team-rudy-giuliani-state-bar-sanctions.html>.

²⁴ Aebra Coe, [Law Deans Say Election Challengers ‘Betrayed’ Profession](https://www.law360.com/articles/1343965/law-deans-say-election-challengers-betrayed-profession), Law360 (Jan. 12, 2021), <https://www.law360.com/articles/1343965/law-deans-say-election-challengers-betrayed-profession>.

²⁵ KTTN AM 770, ‘We have to stop this’: GOP lawmaker voices support for Sec. of State in wake of Culp lawsuit, MyNorthwest.com (last visited Jan. 6, 2021), https://mynorthwest.com/2368086/state-gop-lawmaker-loren-culp-election-challenge/amp/?__twitter_impression=true&fbclid=IwAR1ROtF-kaov8FvbSd5qQH3BM3eAbIwgsO6ZbF7ZCba-bSJRKvh3CQLrxqE; Washington Secretary of State, [Secretary of State Kim Wyman issues statement about website threatening election officials](https://www.sos.wa.gov/office/news-releases.aspx#/news/1434), Washington Secretary of State (Dec. 14, 2020), <https://www.sos.wa.gov/office/news-releases.aspx#/news/1434>.

²⁶ Sara Gentzler, [Pro-Trump rally at Washington state Capitol makes it through gates of Governor’s Mansion](https://www.theolympian.com/news/politics-government/article248312660.html), The Olympian (Jan. 6, 2021), <https://www.theolympian.com/news/politics-government/article248312660.html>.

Id. at 2:5-3:3 (footnotes omitted). Dr. Pidgeon included the full language of every statute that he alleges Governor Inslee has violated in footnotes. *Id.*

In the original complaint, Dr. Pidgeon alleges “intolerable voting anomalies,” including claims that Secretary of State Kim Wyman failed to perform several tasks that she should have performed in the course of her duties, such as adequately updating voter files and keeping records that could later be audited. *Id.* at 5:9-9:14. As a result, the complaint continues, ballots were sent to many thousands of voters who had moved out of state, died, or otherwise become ineligible or unable to vote, which resulted in thousands of ballots being cast in the names of deceased persons. *Id.* at 6:6-10.

The complaint does not provide substantive evidence to back the allegations contained therein. It does, however, contain an allegation that a conspiracy occurred to deliver votes to President Biden, and supports this allegation by claiming that outgoing President Trump was leading President-elect Joe Biden in Washington early on the night of Election Day before large numbers of votes were reported from populous counties. *Id.* 9:14-10:4. This allegation echoes the tone and content of widely-reported conspiracy theories that have circulated nationwide that have been universally debunked.

The complaint includes two causes of action against both Secretary of State Wyman and the State of Washington: (1) a violation of 42 USC § 1983 and (2) audit. *Id.* at 10:6-12:13. Dr. Pidgeon does not make any reference to or argument based upon RCW 29A.68, which provides a process for challenging the results of an election. Dr. Pidgeon sought declaratory judgment that the general election was unconstitutional under the state and federal constitution and violated federal election law. *Id.* at 12:15-20. He also sought injunctions against the certification of the election and the destruction of election records, the appointment of an auditor at the State’s expense to audit the election results of six counties, and undefined money damages. *Id.* at 13:1-14:4. The results of the election were certified before the suit was filed.

B. Dr. Pidgeon Filed Two Amended Complaints In Late December.

Later in December, Dr. Pidgeon filed two amended complaints.²⁷ Attachment B; Attachment C. While the amended complaints were filed in the same matter, they are substantially different from the first complaint and include a large declaration.

First, Dr. Pidgeon includes 10 new parties as defendants, including the auditors of Whatcom, Island, Skagit, King, Pierce, Thurston, Kitsap, Spokane, and Clark Counties and Teresa Bernsten in her capacity as director of the Washington State Department of Licensing. Attachment C, 4:3-4:4. While the description of the Washington Secretary of State remains unchanged from the original complaint, in the second complaint the State of Washington is described as “acting autonomously under the autocratic rule of Jay Inslee....” *Id.* at 3:3-4.

²⁷ Both the first amended complaint, filed on December 24, 2020, and the second amended complaint, filed on December 30, 2020, are captioned as the “First Amended Complaint – For Equitable Relief, Demand For Audit, and Injunctive Relief.” Though the December 30, 2020 filing may be subject to objection under Civil Rule 15(a), this grievance focuses on that filing because it includes the content of the December 24 filing and more.

The statement of facts differs radically from the original complaint. *Compare* Attachment C *with* Attachment A. The gist of the first allegations remain substantially the same: the named defendants failed to perform several tasks they should have performed in the course of their duties, such as adequately updating voter files and keeping records that could later be audited. *Id.* at 5:6-10:13. While the complaint alleges that people who were not qualified vote in Washington did so, as in the original complaint, Dr. Pidgeon did not include any particularized allegations describing a single person who should not have voted doing so. *See id.* at 8:17-9:4.

The December 30 complaint included a second topic of allegations concerning voter registration that occurs through the Department of Licensing. *Id.* at 11:15-14:2. Dr. Pidgeon maintains that a risk exists wherein people who register for driver's licenses through the Department of Licensing may also register to vote even if they are not legally qualified to vote. *See id.* Dr. Pidgeon does not make any particular allegations that any person who was unqualified to vote either registered to vote through the Department of Licensing or did in fact vote. *Id.*

The December 30 complaint also contains substantially altered causes of action. The Section 1983 claim included in the first complaint is replaced by a “nonfeasance” cause of action. *Id.* at 15:5-12. The demand for an audit is adapted to the new factual allegations. *Id.* at 15:14-17:2. Finally, Dr. Pidgeon requested a temporary restraining order and preliminary injunction to prevent the Secretary of State from altering or destroying any registration or drivers' license application that was also used to register a person to vote. *Id.* at 17:4-14. The relief sought includes attorneys fees, “costs of nonfeasance of defendants in failing to protect the general election...,” and a host of temporary restraining orders and preliminary injunctions. *Id.* at 17:16-19:2.

C. Dr. Pidgeon Has Made Public Statements Related To This Litigation In Traditional And Social Media.

In addition to authoring the complaints on behalf of his client, Dr. Pidgeon has advocated for his client in numerous appearances and interviews in conventional and social media.

Dr. Pidgeon has been interviewed about the litigation on radio talk shows and in online print news outlets.²⁸ He has also appeared in multiple videos that the Culp for Governor campaign has posted on its Facebook page and on YouTube.²⁹

ARGUMENT

I. Introduction.

In Washington, lawyers occupy dual roles as both advocates of their clients and officers of the court.³⁰ Accordingly, lawyers owe duties not only to their clients to serve as zealous advocates, but to the courts, their opponents, and the public at large to uphold and improve the judicial system. *Id.*

²⁸ *See infra* footnotes 32, 33, 34.

²⁹ *Infra* footnotes 35, 37, 39.

³⁰ WA R. of Prof. Conduct, Preamble and Scope, 1.

The conduct of attorneys is regulated by several codes, statutes and regulations. As a prominent example, the Rules of Professional Conduct (RPCs) are intended to establish the bare “minimum level of conduct below which no lawyer can fall without being subject to disciplinary action.” *Hizey v. Carpenter*, 119 Wn.2d 251, 261, 830 P.2d 646 (1992) (internal quotation omitted). As part of those Rules, attorneys are bound by the oath they take upon admission to the Washington state bar.

II. RPC 3.1- Meritorious Claims or Contentions.

Rule 3.1 states that “[a] lawyer shall not bring ... a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law.” The rule is interpreted as a duty not to abuse legal procedure; “[t]he law, both procedural and substantive, establishes the limits within which an advocate may proceed.” *Id.*, cmt. 1. An action is frivolous “if the lawyer is unable either to make a good faith argument on the merits of the action taken or to support the action taken by a good faith argument for an extension, modification or reversal of existing law.” *Id.*, cmt. 2; *see also In re Disciplinary Proceeding Against Jones*, 182 Wn.2d 17, 41, 338 P.3d 842 (2014) (“...[A]n argument will be frivolous, or not made in good faith, if a competent lawyer would recognize that such an argument was devoid of merit.”).

The complaints that Dr. Pidgeon have filed have been frivolous from the very beginning. For example, in the first complaint, Dr. Pidgeon brought a Section 1983 claim against the State of Washington, which is a legal impossibility. Attachment A; 10:6-7; *Rains v. State*, 100 Wn.2d 660, 666, 674 P.2d 165 (1983). The latter two complaints are even more patently frivolous. *See* Attachment B; Attachment C. In the most recent amended complaint, Dr. Pidgeon brings three causes of action against the named defendants that have no basis in law. Neither “nonfeasance,” “audit,” nor “temporary restraining order” exist as causes of action under Washington law. Attachment C, 15:3-17:14. He did so even though Washington statutory law clearly defines how to contest the result of an election. *See* RCW 29A.68 et seq. While nonfeasance may be part of a theory under negligent actions and audits and temporary restraining orders may be awarded as remedies in certain situations, the way in which these causes of actions as pled are baseless and consequently frivolous.

The causes of action that Dr. Pidgeon alleged also raise questions about standing. “The traditional doctrine of standing limits the justiciability determination and prohibits a litigant from raising another person’s legal right.” *Nelson v. Appleway Chevrolet, Inc.*, 129 Wn. App. 927, 939, 121 P.3d 95 (2005), *aff’d*, 160 Wn.2d 173, 157 P.3d 847 (2007) (citing *Grant County Fire Prot. Dist. No. 5 v. City of Moses Lake*, 150 Wn.2d 791, 802, 83 P.3d 419 (2004)). Courts use a two-part test to determine if a party has standing to bring an action. *Id.* First, the court inquires “whether the interest asserted is arguably within the zone of interests protected by the statute or constitutional right at issue.” *Id.* Second, “the court asks whether the party seeking standing has suffered an injury in fact, economic or otherwise.” *Id.*

Dr. Pidgeon’s complaint against the defendants is frivolous because under no circumstance could he allege injury in fact on behalf of his client. The Culp campaign lost to

Governor Inslee by 13 percentage points, or over 545,000 votes.³¹ None of the theories that Dr. Pidgeon has argued, nor any of the causes of actions he claims or remedies he seeks, would change the outcome of the election such that Loren Culp would somehow emerge triumphant; he simply lost by too many votes. Furthermore, Dr. Pidgeon only filed his suit after the results of the election were certified, meaning that the results of the election could not be reversed. Since this action would not change the outcome of the election, it raises standing questions that underline the frivolousness of the action.

Dr. Pidgeon's causes of action have no basis in law, and would also fail to address the alleged injury suffered by a candidate who lost fair and square by thirteen points. Because of the frivolousness of the meritless claims, they constitute violations of RPC 3.1.

III. RPC 3.6- Trial Publicity.

Rule of Professional Conduct 3.6 states that “[a] lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.” In a Supreme Court decision, a justice wrote that:

...the speech of lawyers representing clients in pending cases may be regulated under a less demanding standard than that established for regulation of the press Lawyers representing clients in pending cases are key participants in the criminal justice system, and the State may demand some adherence to the precepts of that system in regulating their speech as well as their conduct. ... “[A]s officers of the court, court personnel and attorneys have a fiduciary responsibility not to engage in public debate that will rebound to the detriment of the accused or that will obstruct the fair administration of justice.”

Gentile v. State Bar of Nevada, 501 U.S. 1030, 1074 (1991) (quoting *Nebraska Press Assn. v. Stuart*, 427 U.S. 539, 601 n. 27 (1976) (Brennan, concurring)).

Even before the initiation of the Culp campaign's hopeless legal challenge to the administration of the 2020 general election, Dr. Pidgeon made numerous extrajudicial statements that he knew would be disseminated by means of public communication. Specifically, Dr. Pidgeon was interviewed in conventional media sources including radio shows and newspapers.³² Dr. Pidgeon also appeared in at least three video interviews that were posted on the Culp campaign's Facebook and YouTube pages. In both the traditional press interviews and the videos posted to the Culp campaign's social media accounts, which were viewed by thousands of people, Dr. Pidgeon made statements that have a substantial likelihood of materially prejudicing an adjudicative proceeding in the matter.

³¹ Washington Secretary of State, November 3, 2020 General Election Results, Washington Secretary of State (Nov. 24, 2020), <https://results.vote.wa.gov/results/20201103/governor.html>.

³² See, e.g., Ted Land, Loren Culp sues Washington Secretary of State after losing race for governor, KREM 2 (Dec. 12, 2020), <https://www.krem.com/article/news/politics/loren-culp-sues-wa-secretary-of-state-over-election-he-lost/281-b982b27d-d803-49f3-9dd2-2807425cf184>.

Dr. Pidgeon made statements that violated RPC 3.6 in appearances with the traditional news media. For instance during an interview on a talk radio show, Dr. Pidgeon claimed that witnesses he had identified were fearful for their lives.³³ Dr. Pidgeon also claimed that witnesses were concerned about losing their job if they testified.³⁴ Bizarrely, Dr. Pidgeon also claimed that a witness was “already threatened with a weaponized drone.” *Id.*

Dr. Pidgeon also made comments which have a substantial chance of affecting the outcome of an adjudicatory proceeding on videos that the Culp campaign posted on its Facebook and Youtube pages. In one video, Dr. Pidgeon denigrates federal law enforcement investigations conducted by the FBI.³⁵ Later in the same video, he assumes an accent of the character Sergeant Schultz from the television show *Hogan’s Heroes* to do an impression of Secretary of State Kim Wyman. Almost 27 minutes into the video, Dr. Pidgeon seems to agree with a claim made by Loren Culp’s campaign manager, Christopher Gergen, that as many as one million people erroneously or illegally voted in the election. Later, approximately thirty-two minutes into the video, Dr. Pidgeon asks Mr. Gergen rhetorically, “Does it bother you that you can have most of the population of Russia vote in the election?” Given the sensitive nature of the topic of these statements, Dr. Pidgeon’s sensationalistic statements in both traditional media and social media might substantially affect the outcome of the adjudication of his client’s claims.

Dr. Pidgeon also made numerous statements that link his client’s action to national Republican efforts to undermine confidence in the outcome of the November election. In a video posted to Facebook and YouTube on December 10, 2020, Dr. Pidgeon advanced a conspiracy theory that questions the legitimacy of the outcome of the November 2020 election because a large number of votes for Joe Biden were reported within a short timeframe and because Governor Inslee declared victory before any votes were reported.³⁶ Later in the same video, he claims that Governor Inslee is ruling the state “by executive fiat.” Finally, Dr. Pidgeon repeats other conspiracy theories about the election, first by saying that videos exist (that he did not include in the complaint he filed on behalf of the Culp campaign)³⁷ that show people “creating ballots after Election day,” then by describing debunked theories about foreign interference with

³³ KTTH AM 770, [‘We have to stop this’: GOP lawmaker voices support for Sec. of State in wake of Culp lawsuit](https://mynorthwest.com/2368086/state-gop-lawmaker-loren-culp-election-challenge/amp/?__twitter_impression=true&fbclid=IwAR1ROtF-kaov8FvbSd5qQH3BM3eAbIwgsO6ZbF7ZCba-bSJRKvh3CQLrxqE), MyNorthwest.com (last visited Jan. 6, 2021), https://mynorthwest.com/2368086/state-gop-lawmaker-loren-culp-election-challenge/amp/?__twitter_impression=true&fbclid=IwAR1ROtF-kaov8FvbSd5qQH3BM3eAbIwgsO6ZbF7ZCba-bSJRKvh3CQLrxqE.

³⁴ KTTH AM 770, [Dr. Stephen Pidgeon is suing Sec of State Kim Wyman on behalf of the Culp campaign](https://omny.fm/shows/the-jason-rantz-show/dr-stephen-pidgeon-is-suining-sec-of-state-kim-wym), The Jason Rantz Show (Dec. 11, 2020), <https://omny.fm/shows/the-jason-rantz-show/dr-stephen-pidgeon-is-suining-sec-of-state-kim-wym>.

³⁵ Stephen Pidgeon, [Loren Live: VMG](https://www.facebook.com/CulpforGovernor/videos/3609385629149966), Culp for Governor Facebook Page (Dec. 29, 2020), <https://www.facebook.com/CulpforGovernor/videos/3609385629149966>, also available on YouTube at <https://www.youtube.com/watch?v=qUJWn3794Dc>. See circa 15:10 for comments about the FBI.

³⁶ Stephen Pidgeon, [Breaking News](https://www.facebook.com/CulpforGovernor/videos/387052255904131), Culp for Governor Facebook Page (Dec. 10, 2020), <https://www.facebook.com/CulpforGovernor/videos/387052255904131>, also available at https://youtu.be/_-NOriQU17k; see also Stephen Pidgeon, [Loren Live: VMG – Breaking News](https://www.facebook.com/CulpforGovernor/videos/218257449688753/), Culp for Governor Facebook Page (Dec. 4, 2020), <https://www.facebook.com/CulpforGovernor/videos/218257449688753/> (projecting additional conspiracy theories).

³⁷ Comment 5 to the Rule explains that there are “certain subjects that are more likely than not to have a material prejudicial effect on a proceeding” including “information that the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and that would, if disclosed, create a substantial risk of prejudicing an impartial trial.” Because the evidence was not included in the complaint, it is unlikely that this evidence would be admissible at trial.

the federal election. In another video, Dr. Pidgeon claims that if the discrepancies were resolved, Culp would win the election, and went so far as to call his client “Governor.”³⁸ These comments could bias any of the more than 1.7 million Washingtonians who voted for Loren Culp in 2020.

Individually, Dr. Pidgeon’s statements have a substantial chance of affecting the outcome of an adjudicatory process. Cumulatively, they place his advocacy squarely in the current of a conservative political movement that is shaped by conspiracy theories and is defined by the fierce and unwavering loyalty of its supporters. Seeing his advocacy in the context of the larger conservative movement to overturn elections in the country, a finder of fact or law who may otherwise be neutral might be affected to alter the outcome of the litigation. As such, his public comments violate RPC 3.6.

IV. RPC 4.4- Rights Of A Third Person.

Rule 4.4(a) states that “[i]n representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person.” The rule prohibits “conduct that has no substantial purpose other than to harass someone.” *Matter of Cottingham*, 191 Wn.2d 450, 462, 423 P.3d 818 (2018), *as corrected* (Aug. 17, 2018), *as amended* (Oct. 10, 2018) (quoting Annotated Model Rules of Prof’l Conduct r. 4.4 (Am. Bar Ass’n 8th ed. 2015)). Because motivation is difficult to prove in disciplinary proceedings, “the hearing officer will generally rely on circumstantial evidence” when making a conclusion about motivation. *In re Disciplinary Proceeding Against Jones*, 182 Wn.2d 17, 41, 338 P.3d 842 (2014). Every filing submitted by Dr. Pidgeon in the course of his representation of the Culp campaign has violated Rule 4.4.

Dr. Pidgeon utilized the filings to unnecessarily burden and harass Governor Jay Inslee. *See* RPC 4.4(a). In the first complaint, Dr. Pidgeon wrote that the State of Washington is:

acting autonomously under the tyranny of Jay Inslee who has terminated all protections provided by Washington’s Constitution, including the rights protected under Article I of said Constitution, and rights protected by the Constitution of the United States, and is in violation of federal criminal statutes, 18 USC § 241, 18 USC §242 and 18 U.S. Code § 247. Inslee has terminated the constitutional façade allegedly governing Washington effectively since March 23, 2020.

Attachment A, 2:16-3:3. In the two amended complaints filed later in December, Dr. Pidgeon amended his ad hominem attack on Governor Inslee slightly and claimed that the state of Washington “corporation is acting autonomously under the autocratic rule of Jay Inslee.” Attachment B, 3:3-4; Attachment C, 3:3-4. Dr. Pidgeon included the full text of the federal statutes that he accuses Governor Inslee of violating or acting contrary to. Attachment A, fn. 1; Attachment B, fn. 1; Attachment C, fn.1 . 18 U.S. Code § 241 is a federal crime that prohibits “conspiracy against rights.” 18 U.S. Code § 242 prohibits “deprivation of rights under color of law.” 18 U.S. Code § 247 prohibits “damage to religious property” and “obstruction of persons in the free exercise of religious beliefs.”

³⁸ Stephen Pidgeon, [Loren Live: VMG – Breaking News](https://www.facebook.com/CulpforGovernor/videos/218257449688753/), Culp for Governor Facebook Page (Dec. 4, 2020), <https://www.facebook.com/CulpforGovernor/videos/218257449688753/> (projecting additional conspiracy theories).

Dr. Pidgeon used the filing as a means to burden Governor Inslee with no substantial purpose other than to harass him. Any reference to Governor Inslee, who is not a party to the suit Dr. Pidgeon filed on behalf of the Culp campaign, is inherently irrelevant to the claims that Dr. Pidgeon advanced on behalf of his client. However, the claims that Governor Inslee is governing Washington through “tyranny” and “autocratic rule,” and that he has “terminated all protections provided by Washington’s Constitution. . . and rights protected by the Constitution of the United States,” while baseless, are embarrassing to Governor Inslee. Moreover, Dr. Pidgeon’s claim that Governor Inslee is violating federal law, despite the fact that Governor Inslee is neither under nor investigation for nor charged with any federal crime is both baseless and irrelevant. *See* Attachment C, 2:19-3:2; *see also id.*, fn. 1 (using one and a half pages of footnote to provide the full text of three statutes that are irrelevant to the complaint). Despite the baselessness of Dr. Pidgeon’s claims and their irrelevance to the complaint, they burden Governor Inslee.

Ample circumstantial evidence demonstrates that Dr. Pidgeon had the motivation to embarrass and burden Governor Inslee for the purpose of harassing him. *See In re Disciplinary Proceeding Against Jones*, 182 Wn.2d at 41. Governor Inslee is Dr. Pidgeon’s client’s political opponent, and Governor Inslee handily defeated Loren Culp in the election to which the Culp campaign now objects.³⁹ But even before the November election, Dr. Pidgeon was involved in litigation against Governor Inslee.⁴⁰ Before this action, Dr. Pidgeon has amply evidenced his political positions, which likely put him in near-total opposition to Governor Inslee.⁴¹

Dr. Pidgeon has also violated Rule 4.4 by intentionally and knowingly filing frivolous pleadings with the intent to harass and annoy the named defendants. *See Matter of Cottingham*, 191 Wn.2d at 462. In this litigation, Dr. Pidgeon has now included one statewide elected official, the auditors of nine counties, one state appointed official, and the State of Washington itself. Attachment C, 2:11-5:4. However, Dr. Pidgeon initiated the claim after the results of the election were certified and finalized.⁴² As such, there is no way to change the outcome of the election. The litigation will do nothing to affect the outcome of the election, and will only harass and annoy the defendants. *See Matter of Cottingham*, 191 Wn.2d at 462.

V. RPC 8.4(d) – Prejudicing The Administration Of Justice.

Rule of Professional Conduct 8.4(d) states that it is professional misconduct for a lawyer to “engage in conduct that is prejudicial to the administration of justice. The Rule’s prohibition against conduct prejudicial to the administration of justice includes violations of practice norms. *In re Curran*, 115 Wn.2d 747, 764-66, 801 P.2d 962 (1990). The pursuit of frivolous litigation

³⁹ Washington Secretary of State, [November 3, 2020 General Election Results](https://results.vote.wa.gov/results/20201103/governor.html), Washington Secretary of State (Nov. 24, 2020), <https://results.vote.wa.gov/results/20201103/governor.html>.

⁴⁰ *See, e.g.*, First Amended Verified Complaint For Violation of Civil Rights, *Didier v. Inslee*, No. 3:20-cv-05408-BHS (W.D. Wa. May 18, 2020), 1-2 (“Defendant Jay Inslee has created an unacceptable tyranny in the state of Washington in violation of the Declaration of Independence upon which this nation was constructed, in violation of the Articles and Amendments of the Constitution of the United States, and in violation of the Constitution of the state of Washington.”); Matt Markovich, [Do lawsuits challenging Gov. Inslee’s stay-home order have legal merit?](https://katu.com/news/after-the-outbreak/do-lawsuits-challenging-gov-inslees-stay-home-order-have-legal-merit/), KATU 2 ABC (May 22, 2020), https://katu.com/news/after-the-outbreak/do-lawsuits-challenging-gov-inslees-stay-home-order-have-legal-merit .

⁴¹ *See supra* footnote 4; Stephen Pidgeon also ran for Attorney General in 2012.

⁴² *Supra* footnote 10.

frustrates the administration of justice by consuming substantial amounts of judicial resources and thereby violates practice norms. *Matter of Cottingham*, 191 Wn.2d 450, 423 P.3d 818 (2018), *as corrected*, (Aug. 17, 2018) *and as amended*, (Oct. 10, 2018).

Dr. Pidgeon's frivolous complaints on behalf of the Culp campaign violate practice norms and prejudice the administration of justice in violation of Rule 8.4(d). As an officer of the court, he violated practice norms to bring claims that have no basis in law and that are designed to erode public confidence in the electoral system and Washington's public institutions. The frivolousness of the claims advanced by Dr. Pidgeon also hinder judicial efficiency and consume judicial resources, thereby prejudicing the administration of justice.

VI. RPC 8.4(k) – Violation Of The Oath of An Attorney By Failing To Support The Washington And United States Constitutions.

It is a violation of the Rules of Professional Conduct 8.4(k) to violate the Oath of Attorney. The Oath of Attorney, contained in Washington Admission and Practice Rule 5(g), is an oath that everyone who is admitted to practice law in Washington must take.

Attorneys seeking admission to the bar in Washington vow to “support the constitution of the State of Washington and the constitution of the United States.” WA APR 5(g). By attempting to undermine the constitutionally-created institutions and the democratic process that are the bedrock of our constitutional order, Dr. Pidgeon betrayed his oath as an attorney.

Dr. Pidgeon first undermines the Washington Constitution by undermining the very institutions it creates. *See* Attachment A; Attachment C. For example, Dr. Pidgeon refers to the Washington Secretary of State, which is created under Article II, Section 17 of the Washington Constitution, as a “subsidiary corporation” of the State of Washington. Attachment C, 2:11-12. He describes the work of the Secretary of State as falling within the “Government Industry.” *Id.* at 14-15. He also describes the State of Washington not as a sovereign state under the United States of America, governed by the people and complete with its own military, but rather as a “corporate entity.” *Id.* 3:1-3. By reducing the state government to nothing more than a corporate entity, Dr. Pidgeon undermines the unique purpose of state government enshrined in the Constitution, the idea of democratic self-governance, and the rule of law for the public good.⁴³ By reducing the State to a corporate entity, he also undermines the concept of dual sovereignty that is enshrined in the United States Constitution.

Second, Dr. Pidgeon undermines the power of the vote. The right to vote is enshrined in both the Washington constitution and the United States constitution. Dr. Pidgeon's efforts to call into question hundreds of thousands of votes in Washington, despite lacking any particular evidence that any voter irregularities occurred, serves only to undermine the constitutional officers who are charged with conducting the election, the constitutional order that exists between county, state, and federal governments to administer elections, and ultimately the legitimacy of those elections themselves.

⁴³ *See generally* Wash. Const. Art I.

Moreover, Dr. Pidgeon's statements on social media, discussed previously in Section IV, demonstrate Dr. Pidgeon's disregard for the United States Constitution. Nationwide, right-wing extremists have used social media to disseminate conspiracy theories designed to undermine public confidence in the 2020 election and our constitutional order.⁴⁴ By lending his credibility as a member of the bar and officer of the court to dangerous conspiracy theories, Dr. Pidgeon afforded them greater legitimacy to the thousands of viewers who watched his videos. Dr. Pidgeon's media statements are particularly troubling when viewed in the context of the larger movement to overturn the election; Culp's accusations of fraud, which were the ultimate topic of Dr. Pidgeon's statements when he made and repeated conspiracy theories about the election, have been linked to threats against election officials in Washington.⁴⁵ Indeed, as public attention has focused on a coup attempt in our nation's capital, violent protesters have threatened order here in Washington.⁴⁶

CONCLUSION

Dr. Pidgeon's frivolous complaints constitute nothing more than a desperate and legally unjustifiable attempt to undermine the electoral process on behalf of his defeated client. In filing his complaint and initiating this litigation, Dr. Pidgeon violated numerous professional obligations. He also served to undermine judicial efficiency, and in so doing imposed costs on the taxpayers of Washington and nine of its counties, who will ultimately bear the cost of both the various defendants' defense and the Superior Court's time.

But the costliest violations that Dr. Pidgeon committed were to the public and to the court of which he is an officer. Dr. Pidgeon's actions violate his oath to uphold the Constitutions of the United States and Washington State, and through advancing meritless claims he has both violated the rights of state government and undermined public faith in the electoral process that is at the bedrock of our constitutional order.

For the foregoing reasons, Dr. Pidgeon should be investigated by the Office of Disciplinary Counsel and appropriate discipline should be imposed.

Sincerely,



Dmitri Iglitzin
Gabe Frumkin

⁴⁴ Mark Scott, Post-election, extremists use fringe social networks to push fraud claims, violence, Politico (Nov. 13, 2020), <https://www.politico.com/news/2020/11/13/extremists-fringe-social-media-election-fraud-436369>; Amanda Seitz, Mob at U.S. Capitol encouraged by online conspiracy theories, Associated Press (Jan. 6, 2021), <https://apnews.com/article/donald-trump-conspiracy-theories-michael-pence-media-social-media-daba3f5dd16a431abc627a5cfc922b87>.

⁴⁵ *Supra* footnote 18.

⁴⁶ *See supra* footnote 23.

Attachment A

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

CULP FOR GOVERNOR, the campaign for)	CASE NO.
LOREN CULP, a Washington citizen,)	
Plaintiff,)	COMPLAINT -
v.)	FOR INJUNCTIVE RELIEF AND
KIM WYMAN, in her capacity as Secretary)	DEMAND FOR AN AUDIT OF
of State for the State of Washington, and the)	THE PAPER BALLOTS, VOTE
STATE OF WASHINGTON,)	COUNTING MACHINES AND
Defendants.)	VOTING RESULTS IN KING,
	CLARK, THURSTON, PIERCE,
	KITSAP, AND SKAGIT
	COUNTIES

INTRODUCTION

On November 3, 2020, the state of Washington held a general election to determine the selection of electors in the Presidential race, and to determine the candidates who would fill the offices of Governor, Lieutenant Governor, Secretary of State, Attorney General, and other statewide offices. The process by which this election was held was unlawful under both state and federal law.

COMPLAINT FOR INJUNCTIVE RELIEF AND DEMAND FOR AN AUDIT OF THE PAPER BALLOTS, VOTE COUNTING MACHINES, AND VOTING RESULTS IN KING, CLARK, THURSTON, PIERCE, KITSAP, AND SKAGIT COUNTIES - 1

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1 **PARTIES**

2 Culp for Governor is the campaign of candidate Loren Culp who stood for election
3 for Governor of Washington State in the November 3, 2020 general election. The Culp for
4 Governor campaign is resident of Ferry County, Washington.

5 The WASHINGTON SECRETARY OF STATE is a Subsidiary Corporation of the
6 STATE OF WASHINGTON and is located at 416 Sid Snyder Avenue SW, Olympia, WA,
7 98501-1347, doing business as the constitutionally created office of Secretary of State
8 under Article III, Section 17 thereunder. The Secretary of State of Washington corporation
9 is part of the Government Industry and has 170 total employees across all of its locations.

10 Kim Wyman in her capacity as the WASHINGTON SECRETARY OF STATE
11 performs her functions under color of law in all counties of the State of Washington, and
12 the general election under her supervision as held in King County, Washington, makes
13 venue and jurisdiction proper in King County, pursuant to RCW 4.12.020.

14 The STATE OF WASHINGTON is a corporate entity, D-U-N-S number
15 079248936, doing business as the constitutionally created government of the State of
16 Washington. At the present time, the STATE OF WASHINGTON corporation is acting
17 autonomously under the tyranny of Jay Inslee who has terminated all protections provided
18 by Washington's Constitution, including the rights protected under Article I of said
19 Constitution, and rights protected by the Constitution of the United States, and is in

20
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22 **COMPLAINT FOR INJUNCTIVE RELIEF AND DEMAND FOR AN AUDIT OF THE
PAPER BALLOTS, VOTE COUNTING MACHINES, AND VOTING RESULTS IN
KING, CLARK, THURSTON, PIERCE, KITSAP, AND SKAGIT COUNTIES - 2**

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1 violation of federal criminal statutes, 18 USC § 241¹, 18 USC §242² and 18 U.S. Code
2 § 247³. Inslee has terminated the constitutional façade allegedly governing Washington
3 effectively since March 23, 2020.

4
5 ¹ 18 U.S. Code § 241 - Conspiracy against rights.

6 If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State,
7 Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege
8 secured to him by the Constitution or laws of the United States, or because of his having so exercised the
9 same; or

10 If two or more persons go in disguise on the highway, or on the premises of another, with intent to
11 prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

12 They shall be fined under this title or imprisoned not more than ten years, or both; and if death
13 results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to
14 kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they
15 shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to
16 death.

17 ² 18 U.S. Code § 242 - Deprivation of rights under color of law

18 Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any
19 person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights,
20 privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different
21 punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race,
22 than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than
one year, or both; and if bodily injury results from the acts committed in violation of this section or if such
acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be
fined under this title or imprisoned not more than ten years, or both; and if death results from the acts
committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated
sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this
title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

³ 18 U.S. Code § 247. Damage to religious property; obstruction of persons in the free exercise of religious
beliefs

(a) Whoever, in any of the circumstances referred to in subsection (b) of this section—

(1) intentionally defaces, damages, or destroys any religious real property, because of the religious
character of that property, or attempts to do so; or

(2) intentionally obstructs, by force or threat of force, including by threat of force against religious
real property, any person in the enjoyment of that person's free exercise of religious beliefs, or attempts to do
so; shall be punished as provided in subsection (d).

(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign
commerce.

(c) Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color,
or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall
be punished as provided in subsection (d).

(d) The punishment for a violation of subsection (a) or (c) of this section shall be—

(1) if death results from acts committed in violation of this section or if such acts include kidnapping
or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an
attempt to kill, a fine in accordance with this title and imprisonment for any term of years or for life, or both,
or may be sentenced to death;

**COMPLAINT FOR INJUNCTIVE RELIEF AND DEMAND FOR AN AUDIT OF THE
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1 **STATEMENT OF FACTS**

2 All elections in Washington are governed by Article VI of Washington’s
3 Constitution, which requires as follows:

4 All persons of the age of eighteen years or over who are citizens of the United
5 States and who have lived in the state, county, and precinct thirty days immediately
6 preceding the election at which they offer to vote, except those disqualified by
7 Article VI, section 3 of this Constitution, shall be entitled to vote at all elections.
8 [AMENDMENT 63, 1974 Senate Joint Resolution No. 143, p 807. Approved
9 November 5, 1974.]

10 In addition, Article VI, Section 3 provides for the disqualification of certain voters,
11 as follows:

12 All persons convicted of infamous crime unless restored to their civil rights and all
13 persons while they are judicially declared mentally incompetent are excluded from

-
- 14 (2)if bodily injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, and the violation is by means of fire or an explosive, a fine under this title or imprisonment for not more that 40 years, or both;
 - 15 (3)if bodily injury to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, a fine in accordance with this title and imprisonment for not more than 20 years, or both;
 - 16 (4)if damage to or destruction of property results from the acts committed in violation of this section, which damage to or destruction of such property is in an amount that exceeds \$5,000, a fine in accordance with this title, imprisonment for not more than 3 years, or both; and
 - 17 (5)in any other case, a fine in accordance with this title and imprisonment for not more than one year, or both.
 - 18 (e)No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or his designee that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice.
 - 19 (f)As used in this section, the term “religious real property” means any church, synagogue, mosque, religious cemetery, or other religious real property, including fixtures or religious objects contained within a place of religious worship, or real property owned or leased by a nonprofit, religiously affiliated organization.
 - 20 (g)No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the indictment is found or the information is instituted not later than 7 years after the date on which the offense was committed.

21 **COMPLAINT FOR INJUNCTIVE RELIEF AND DEMAND FOR AN AUDIT OF THE**
22 **PAPER BALLOTS, VOTE COUNTING MACHINES, AND VOTING RESULTS IN**
KING, CLARK, THURSTON, PIERCE, KITSAP, AND SKAGIT COUNTIES - 4

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1 the elective franchise. [AMENDMENT 83, 1988 House Joint Resolution No. 4231,
2 p 1553. Approved November 8, 1988.]

3 These standards require the Secretary of State to ensure that all voters must be: 1)
4 of the age of eighteen years; 2) citizens of the United States; 3) living in the state, county,
5 and precinct thirty days prior to the election; 4) not convicted of an infamous crime
6 without restoration of civil rights; and 5) mentally competent to vote.¹

7 Based on information contained herein and belief, that as of election day, the
8 Secretary of State had not run a USPS address update in more than four years. As of the
9 date of the election on November 3, 2020, according to the USPS data, through the
10 National Change of Address (COA) update, 339,234 registered voters were identified who
11 had moved but whose addresses had not been updated in the Washington State voter data.
12 6,765 had filed a change of address (COA) with the USPS and moved in 2016, *more than 4*
13 *years ago*. Of those that moved, a total of 171,887 had moved out of state, making them
14 ineligible to vote in Washington, and 14,617 matched a COA record for which there was
15 no new address of the registered voter provided, yet these addresses are still in the voter
16 database and believed to have received a ballot at their previous address.

17 In addition, 962 individuals moved out of state yet registered to vote in September
18 and/or October of 2020, of which 358 have voted in the Washington's 2020 general

19 _____
20 ¹ Article VI, Section 4 does make exception for the following: For the purpose of voting and eligibility to
21 office no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of
22 his absence, while in the civil or military service of the state or of the United States, nor while a student at
any institution of learning, nor while kept at public expense at any poor-house or other asylum, nor while
confined in public prison, nor while engaged in the navigation of the waters of this state or of the
United States, or of the high seas.

22 COMPLAINT FOR INJUNCTIVE RELIEF AND DEMAND FOR AN AUDIT OF THE
PAPER BALLOTS, VOTE COUNTING MACHINES, AND VOTING RESULTS IN
KING, CLARK, THURSTON, PIERCE, KITSAP, AND SKAGIT COUNTIES - 5

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1 election. Of these who moved, then registered in September and October 2020 and then
2 voted, 11 of them moved in 2016, 89 moved in 2017, 161 moved in 2018, 188 moved in
3 2019, and 513 moved in 2020. Of those who moved in 2020, 90 of them registered to vote
4 the same month they moved according to the Washington State voter data as compared to
5 the NCOA updated data.

6 Based on information and belief, that as of election day, the Secretary of State had
7 not updated the voter registration list against the Master Death List and instead mailed over
8 10,000 ballots to the dead. In fact, the Death Master File supplied by the Social Security
9 Administration identified 10,695 registered voters that were deceased. Yet of that number,
10 7,228 voted in the November 2020 general election. This data scrub also identified 6
11 ballots that were sent to residents in prisons.

12 • Of the 12,631 active voters over the age of 100 years old as of 11/3/2020, 6,997
13 have accepted ballots.

14 • Of the 125 Active voters over the age of 110 years old as of 11/3/2020, 3 have
15 accepted ballots.

16 • Of the 36 Active voters over the age of 120 years old as of 11/3/2020, 2 have
17 accepted ballots. (The oldest known human being is 118).

18 • There were 13 active voters that had improbable/invalid birthdates including the
19 years 1800, 1858, 1873, and 0001. Of these, 7 have accepted ballots.

20 Based on information and belief, the Secretary of State and proceeded with the
21 election although the Failed ID Check system had been down for weeks prior to the

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1 election day, resulting in multiple instances of duplicate ballots being distributed. The
2 Secretary of State was alerted to this issue prior to the election and failed to cure.

3 In 2002, the United States Congress adopted the HELP AMERICA VOTE ACT OF
4 2002 (HAVA Act – P.L. 107–252, OCT. 29, 2002) which was designed to establish a
5 program to provide funds to States to replace punch card voting systems, to establish the
6 Election Assistance Commission to assist in the administration of Federal elections and to
7 otherwise provide assistance with the administration of certain Federal election laws and
8 programs, to establish minimum election administration standards for States and units of
9 local government with responsibility for the administration of Federal elections, and for
10 other purposes. This Act was in reaction to the controversy surrounding the 2000 U.S.
11 presidential election, when almost two million ballots were disqualified because they
12 registered multiple votes or none when run through vote-counting machines. HAVA is
13 applicable to all states in all federal elections.

14 Under HAVA, 52 U.S.C. § 21081 requires minimum voting systems standards for
15 the states in federal elections which include in applicable part that “[t]he voting system
16 shall produce a record with an audit capacity for such system.” § 21081(a)(2)(A).

17 52 U.S.C. § 21081(b) defines a “voting systems” to mean:

18 (1) the total combination of mechanical, electromechanical, or electronic equipment
19 (including the software, firmware, and documentation required to program, control, and
20 support the equipment) that is used (A) to define ballots; (B)to cast and count votes; (C) to

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1 report or display election results; and (D) **to maintain and produce any audit trail**
2 **information;** [bold added] and

3 (2) the practices and associated documentation used (A) to identify system
4 components and versions of such components; (B) to test the system during its
5 development and maintenance; (C) to maintain records of system errors and defects; (D) to
6 determine specific system changes to be made to a system after the initial qualification of
7 the system; and (E) to make available any materials to the voter (such as notices,
8 instructions, forms, or paper ballots).

9 52 U.S. Code § 21083 provides in relevant part that “the appropriate State or local
10 election official **shall perform list maintenance with respect to the computerized list**
11 **on a regular basis** to include records on felony status; and to coordinate the computerized
12 list with State agency records on death. Based on information and belief, the Secretary of
13 State, as of election day, had not maintained these records in accord with this federal
14 statute. Based on information and belief, the Secretary of State allowed the election results
15 to be housed on National Guard servers under the control of the Governor who was
16 standing for election at that time, following a malware attack on the Secretary of State’s
17 office in late September.

18 Based on information and belief, the Secretary of State decided to perform a
19 Microsoft Security Patch on November 21 over the objections of staff who voiced
20 concerns that the OS Patch should not be done during the process of vote certification.
21 Such “maintenance” is in direct contravention of HAVA and in violation of 52 U.S.C.

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1 § 21081(b)(1)(D). The OS Security Patch was done because Wyman’s IT personnel
2 reported that the information was “out in the wild” (i.e., easily hacked and possibly already
3 hacked).

4 The right to vote is protected in more than the initial allocation of the franchise.
5 Equal protection applies as well to the manner of its exercise. Having once granted the
6 right to vote on equal terms, the State may not, by later arbitrary and disparate treatment,
7 value one person's vote over that of another. *Bush v. Gore*, 531 US 98, 104-05 (2000),
8 citing *Harper v. Virginia Bd. of Elections*, 383 U. S. 663, 665 (1966) (“[O]nce the
9 franchise is granted to the electorate, lines may not be drawn which are inconsistent with
10 the Equal Protection Clause of the Fourteenth Amendment”). It must be remembered that
11 “the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's
12 vote just as effectively as by wholly prohibiting the free exercise of the franchise.”
13 *Reynolds v. Sims*, 377 U. S. 533, 555 (1964).

14 Based on information and belief, there are intolerable voting anomalies found
15 within the general election results in Washington. Although the Culp campaign prevailed
16 in higher votes than Trump throughout most of the state, the election voter count data
17 collected by Edison Research for the state of Washington during the periods of 11/4/2020
18 @ 8:11PM through 11/24/2020 @ 4:40PM showed that Trump was leading at the start of
19 the vote counts (11/3/2020 @ 8:11PM), but it was quickly lost to Joe Biden on 11/3/2020
20 @ 8:21PM, when within 2 minutes, Joe Biden received 81.08% of his winning votes until
21 11/3/2020 @ 8:22PM. Additionally, there occurred one example of vote flipping of 6,614

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1 votes from the 3rd party candidates over to Joe Biden, on 11/4/2020 @ 8:54PM. The
2 Edison Research data clearly shows 9 more vote count reversals (11/3/2020@8:22PM,
3 11/4/2020@5:00PM, 5:23PM,6:53PM, 1/5/2020@4:38PM,5:56PM, 11/6/2020@4:15PM,
4 and 11/7/2020 @5:20PM.

5 CAUSES OF ACTION

6 *Plaintiffs allege as a first cause of action*

7 Violation of 42 USC § 1983

8 Defendants, at all material times operating under the color of law, have violated the
9 right of equal protection guaranteed to plaintiff pursuant to the Fourteenth Amendment by
10 allowing an unlawful election to go forward, and by thereafter certifying the results of the
11 election when they knew or should have known that the contest did not meet state or
12 federal standards. As a direct and proximate result, plaintiff has been damaged in the cost
13 of the campaign in an amount to be proven at trial.

14 Defendants have allowed many anomalous and otherwise illegal votes to be cast
15 and counted in the general election of November 3, 2020 and have thereby diminished the
16 vote of defendant in violation of the Fourteenth Amendment.

17 Plaintiff demands declaratory judgment that the election 1) fell short of standards
18 imposed on the Secretary of State by Article VI of Washington's Constitution; 2) fell short
19 of standards imposed on the Secretary of State by the HAVA Act; and 3) that the failure to
20 meet the standards so imposed wrongfully deprived plaintiff of a free and fair election.

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1 Plaintiff demands injunctive relief, requiring that the Secretary of State and the
2 State of Washington being enjoined from placing into office any individual claiming to
3 have been elected in the November 3, 2020 general election until the paper ballots, the
4 voting machines and the voting results have been examined by a forensic auditor approved
5 by plaintiff.

6 *Plaintiff alleges as a second cause of action*

7 **Audit**

8 Plaintiff demands that the election results of the November 3, 2020 general election
9 be audited by a forensic auditor as approved by Plaintiff.

10 Plaintiff demands that the election results be audited to determine that 1) the voter
11 voting was a real person of the age of eighteen years; 2) the voter was a citizen of the
12 United States; 3) the voter was living in the state, county, and precinct thirty days prior to
13 the election; 4) the voter was not convicted of an infamous crime without restoration of
14 civil rights; and 5) the voter was mentally competent to vote.

15 Plaintiff demands that the certified paper ballots be recounted by hand to determine
16 the election results, and that the results be certified to this court.

17 Plaintiff demands that a certified neutral and independent forensic auditor inspect
18 and analyze at least one of each kind of machine used in Washington for the 2020 general
19 election, each router used to connect each such machine, and to prepare a report to this
20 court including whether such machines and routers were owned or controlled by a foreign
21 entity, and whether such machines and routers contained any software “backdoors”.

22 **COMPLAINT FOR INJUNCTIVE RELIEF AND DEMAND FOR AN AUDIT OF THE
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1 Plaintiff further demands that the Secretary of State be enjoined from destroying or
2 altering any portion of the election information, including without limitation, (1) the total
3 combination of mechanical, electromechanical, or electronic equipment (including the
4 software, firmware, and documentation required to program, control, and support the
5 equipment) that is used (A) to define ballots; (B) to cast and count votes; (C) to report or
6 display election results; and (D) to maintain and produce any audit trail information; and

7 Plaintiff further demands that the Secretary of State be enjoined from destroying or
8 altering any portion of the election information that details the practices and associated
9 documentation used (A) to identify system components and versions of such components;
10 (B) to test the system during its development and maintenance; (C) to maintain records of
11 system errors and defects; (D) to determine specific system changes to be made to a system
12 after the initial qualification of the system; and (E) to make available any materials to the
13 voter (such as notices, instructions, forms, or paper ballots).

14 **RELIEF SOUGHT**

15 Plaintiff seeks declaratory judgment that 1) the general election of November 3,
16 2020 in the state of Washington did not meet the standards imposed by Article VI, Section
17 1 of Washington's Constitution; 2) the general election of November 3, 2020 in the state of
18 Washington did not meet the standards imposed by the HAVA Act of 2002; and 3) the
19 failure to meet said standards resulted in a deprivation of rights to equal protection under
20 the Fourteenth Amendment.

21
22 **COMPLAINT FOR INJUNCTIVE RELIEF AND DEMAND FOR AN AUDIT OF THE
PAPER BALLOTS, VOTE COUNTING MACHINES, AND VOTING RESULTS IN
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1 Plaintiff seeks a preliminary and permanent injunction, enjoining the certification
2 of the Secretary of State of the general election of November 3, 2020 from having any
3 legal effect pending an audit by a forensic auditor; and enjoining the Secretary of State
4 from destroying or altering any portion of the election information, including without
5 limitation, (1) the total combination of mechanical, electromechanical, or electronic
6 equipment (including the software, firmware, and documentation required to program,
7 control, and support the equipment) that is used (A) to define ballots; (B) to cast and count
8 votes; (C) to report or display election results; and (D) to maintain and produce any audit
9 trail information; or information that details the practices and associated documentation
10 used (A) to identify system components and versions of such components; (B) to test the
11 system during its development and maintenance; (C) to maintain records of system errors
12 and defects; (D) to determine specific system changes to be made to a system after the
13 initial qualification of the system; and (E) to make available any materials to the voter
14 (such as notices, instructions, forms, or paper ballots).

15 Plaintiff seeks the appointment of a forensic auditor as approved by plaintiff to
16 perform a forensic audit of the paper ballots, their quality and count, the vote counting
17 machines, their random results when tested, and the voting results in King, Clark,
18 Thurston, Pierce, Kitsap and Skagit Counties.

19 Plaintiff further demands damages from defendants in the amount to be proven at
20 trial of all sums paid by the Plaintiff to campaign for an office in a general election that
21 was at all times fraudulent and incapable of placing candidates in the lawful offices created

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1 by the Constitution of the State of Washington, together with attorney's fees and costs, and
2 punitive damages as provided for under 42 USC Section 1983 of an amount sufficient to
3 deter the WASHINGTON SECRETARY OF STATE and the STATE OF WASHINGTON
4 from further fraudulent practices.

5 For such further relief in law or equity this court finds applicable.

6 Dated this 10th day of December 2020.

7 // Stephen Pidgeon, WSBA#25265
8 Stephen Pidgeon, Attorney at Law, P.S.
9 1523 132nd Street SE, Suite C-350
10 Everett, Washington 98208
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Attachment B

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

CULP FOR GOVERNOR, the campaign for)
LOREN CULP, a Washington citizen,)

Plaintiff,)

v.)

KIM WYMAN, in her capacity as Secretary)
of State for the State of Washington; the)
STATE OF WASHINGTON; DIANA)
BRADRICK, in her capacity as Whatcom)
County Auditor; SHEILAH CRIDER, in her)
Capacity as Island County Auditor; SANDY)
PERKINS, in her capacity as Skagit County)
Auditor; KYMBER WALTMUNSON,)
in her capacity as King County Auditor,)
JULIE ANDERSON, in her capacity as)
Pierce County Auditor, MARY HALL in her)
capacity as Thurston County Auditor, PAUL)
ANDREWS, in his capacity as Kitsap)
County Auditor, VICKY DALTON, in her)
capacity as Spokane County Auditor, and)
GREG KIMSEY, in his capacity as Clark)
County Auditor,)

Defendants.)

CASE NO. 20-2-17720-2

**FIRST AMENDED COMPLAINT -
FOR EQUITABLE RELIEF,
DEMAND FOR AUDIT, AND
INJUNCTIVE RELIEF**

FIRST AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR AUDIT,
AND INJUNCTIVE RELIEF - 1

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1 **INTRODUCTION**

2 On November 3, 2020, the state of Washington held a general election to determine
3 the selection of electors in the Presidential race, and to determine the candidates who
4 would fill the offices of Governor, Lieutenant Governor, Secretary of State, Attorney
5 General, and other statewide offices. The process by which this election was held was
6 unlawful under both state and federal law.

7 **PARTIES**

8 Culp for Governor is the campaign of candidate Loren Culp who stood for election
9 for Governor of Washington State in the November 3, 2020 general election. The Culp for
10 Governor campaign is resident of Ferry County, Washington.

11 The WASHINGTON SECRETARY OF STATE is a Subsidiary Corporation of the
12 STATE OF WASHINGTON and is located at 416 Sid Snyder Avenue SW, Olympia, WA,
13 98501-1347, doing business as the constitutionally created office of Secretary of State
14 under Article III, Section 17 thereunder. The Secretary of State of Washington corporation
15 is part of the Government Industry and has 170 total employees across all of its locations.
16 The Secretary of State is the state's chief elections officer, chief corporations officer, and
17 supervisor of the State Archives and State Library.

18 Kim Wyman in her capacity as the WASHINGTON SECRETARY OF STATE
19 performs her functions under color of law in all counties of the State of Washington, and
20 the general election under her supervision as held in King County, Washington, makes
21 venue and jurisdiction proper in King County, pursuant to RCW 4.12.020.

1 The STATE OF WASHINGTON is a corporate entity, D-U-N-S number
2 079248936, doing business as the constitutionally created government of the State of
3 Washington. At the present time, the STATE OF WASHINGTON corporation is acting
4 autonomously under the autocratic rule of Jay Inslee who has terminated all protections
5 provided by Washington's Constitution, including the rights protected under Article I of
6 said Constitution, and rights protected by the Constitution of the United States, and is
7 acting contrary to federal statutes, 18 USC § 241¹, 18 USC §242² and 18 U.S. Code § 247³.

8 _____
9 ¹ 18 U.S. Code § 241 - Conspiracy against rights.

10 If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State,
11 Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege
12 secured to him by the Constitution or laws of the United States, or because of his having so exercised the
13 same; or

14 If two or more persons go in disguise on the highway, or on the premises of another, with intent to
15 prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

16 They shall be fined under this title or imprisoned not more than ten years, or both; and if death
17 results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to
18 kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they
19 shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to
20 death.

21 ² 18 U.S. Code § 242 - Deprivation of rights under color of law

22 Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any
person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights,
privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different
punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race,
than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than
one year, or both; and if bodily injury results from the acts committed in violation of this section or if such
acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be
fined under this title or imprisoned not more than ten years, or both; and if death results from the acts
committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated
sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this
title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

³ 18 U.S. Code § 247. Damage to religious property; obstruction of persons in the free exercise of religious
beliefs

(a) Whoever, in any of the circumstances referred to in subsection (b) of this section—

(1) intentionally defaces, damages, or destroys any religious real property, because of the religious
character of that property, or attempts to do so; or

(2) intentionally obstructs, by force or threat of force, including by threat of force against religious
real property, any person in the enjoyment of that person's free exercise of religious beliefs, or attempts to do
so; shall be punished as provided in subsection (d).

(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign
commerce.

**FIRST AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR AUDIT,
AND INJUNCTIVE RELIEF - 3**

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1 Inslee has terminated the constitutional façade allegedly governing Washington effectively
2 since March 23, 2020.

3 Diana Bradrick holds the post of Whatcom County Auditor; Sheilah Crider holds
4 the post of Island County Auditor; Sandy Perkins holds the post of Skagit County Auditor;
5 Kymber Waltmunson holds the post of King County Auditor; Julie Anderson holds the
6 post of Pierce County Auditor; Mary Hall holds the post of Thurston County Auditor; Paul
7 Andrews holds the post of Kitsap County Auditor; Vicky Dalton holds the post of
8 Spokane County Auditor; and Greg Kimsey holds the post of Clark County Auditor. All
9 are located in the state of Washington and have acted in concert with Kim Wyman.

10 _____
11 (c)Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color,
12 or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall
13 be punished as provided in subsection (d).

14 (d)The punishment for a violation of subsection (a) or (c) of this section shall be—

15 (1)if death results from acts committed in violation of this section or if such acts include kidnapping
16 or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an
17 attempt to kill, a fine in accordance with this title and imprisonment for any term of years or for life, or both,
18 or may be sentenced to death;

19 (2)if bodily injury results to any person, including any public safety officer performing duties as a
20 direct or proximate result of conduct prohibited by this section, and the violation is by means of fire or an
21 explosive, a fine under this title or imprisonment for not more that 40 years, or both;

22 (3)if bodily injury to any person, including any public safety officer performing duties as a direct or
proximate result of conduct prohibited by this section, results from the acts committed in violation of this
section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or
fire, a fine in accordance with this title and imprisonment for not more than 20 years, or both;

(4)if damage to or destruction of property results from the acts committed in violation of this section, which
damage to or destruction of such property is in an amount that exceeds \$5,000, a fine in accordance with this
title, imprisonment for not more than 3 years, or both; and

(5)in any other case, a fine in accordance with this title and imprisonment for not more than one year, or
both.

(e)No prosecution of any offense described in this section shall be undertaken by the United States except
upon the certification in writing of the Attorney General or his designee that in his judgment a prosecution by
the United States is in the public interest and necessary to secure substantial justice.

(f)As used in this section, the term “religious real property” means any church, synagogue, mosque, religious
cemetery, or other religious real property, including fixtures or religious objects contained within a place of
religious worship, or real property owned or leased by a nonprofit, religiously affiliated organization.

(g)No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the
indictment is found or the information is instituted not later than 7 years after the date on which the offense
was committed.

**FIRST AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR AUDIT,
AND INJUNCTIVE RELIEF - 4**

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1 **STATEMENT OF FACTS**

2 **a. Voting anomalies**

3 On November 3, 2020, the state of Washington held a general election to determine
4 the selection of electors in the Presidential race, and to determine the candidates who
5 would fill the offices of Governor, Lieutenant Governor, Secretary of State, Attorney
6 General, and other statewide offices. Washington has adopted a vote by mail methodology
7 to conduct its elections pursuant to RCW 29A.40.010, although in-person voting is
8 allowed at county-wide locations pursuant to RCW 29A.40.160. RCW 29A.40.160 (8)
9 provides that “[b]efore opening the voting center, the voting equipment shall be inspected
10 to determine if it has been properly prepared for voting. If the voting equipment is capable
11 of direct tabulation of each voter's choices, the county auditor shall verify that no votes
12 have been registered for any issue or office, and that the device has been sealed with a
13 unique numbered seal at the time of final preparation and logic and accuracy testing. A log
14 must be made of all device numbers and seal numbers.”

15 On November 24, 2020, Whatcom, Island, Skagit, King, Pierce, Kitsap, Thurston,
16 Spokane, and Clark county auditors all certified their elections by November 24, 2020. The
17 Secretary of State certified the election results on December 1, 2020. The results purported
18 to show that Jay Inslee received 2,294,243 votes, or 56.56% of the total vote, while Loren
19 Culp received 1,749,066 votes, or 43.12% of the vote, with 13,145 write in votes, or 0.32%
20 of the total votes of 4,056,454.

21 The voter registration address list data which was requested from the Washington
22 State SOS website on November 25, 2020, showed many discrepancies and anomalies
FIRST AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR AUDIT,
AND INJUNCTIVE RELIEF - 5

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1 which destroyed the integrity of the vote in Washington. According to the United States
2 Postal Service (USPS) data, through the National Change of Address Update (NCOA)
3 update, 338,453 registered voters were identified who have moved but whose addresses
4 were not updated, yet ballots were sent to those addresses. Of these 6,765 had filed a
5 change of address (COA) with the USPS and had moved in 2016 or 4 years ago. Of those
6 that moved, a total of 178,396 had moved out of state, and 14,617 matched a COA record
7 but there was no new address of the registered voter provided. 1,375 registered voters are
8 registered twice with 2 different active voter ID numbers and 5 registered voters are listed
9 twice with the same voter ID number. Of these, 46 voted twice in the November election.
10 Out of 5,236,436 addresses, only 117,543 had nine-digit zip codes. An NCOA update
11 causes the postal service to validate the addresses and updates by adding an additional 4
12 numbers to the 5-digit zip codes to all addresses they verify. When the NCOA update was
13 run independently, it added an additional 4,975,967 for a total of 5,093,510. The NCOA
14 updates have been including the additional four numbers since 1983 so if the NCOA
15 updates were being done then that number of 9-digit zip codes would have already been in
16 the data. They were not, indicating that an NCOA update had not been run in at least the
17 last four years.

18 An independent review of the address data indicates that a high number of
19 addresses went to street addresses like “0 GEO GIF 669.00” of which 157 are in the data.
20 83 were mailed to addresses such as “0 Sedro Wooley Pcnt” or “0 Anacortes Pcnt” and
21 others strange mailing addresses. Ballots were sent to these addresses. There were also 98
22 ballots that went to “1 Elections Office Renton, Washington 98057, and 52 were mailed to
FIRST AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR AUDIT,
AND INJUNCTIVE RELIEF - 6

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1 The Highlands in Shoreline of which 32 voted in the November 3, 2020 election. One
2 person, named Sasquatch (his full name) is listed and voted in the November 3, 2020
3 election, as did Sinderella (her full name).

4 962 individuals who moved out of state previously yet registered to vote in
5 September or October of 2020 have been identified, 358 of which have voted in the
6 Washington 2020 general election. Of those who moved, then registered in September and
7 October 2020, and then voted, 11 of them moved in 2016, 89 moved in 2017, 161 moved
8 in 2018, 188 moved in 2019, and 513 moved in 2020. Of those who moved in 2020, 90 of
9 them registered to vote the same month they moved according the Washington State voter
10 data as compared to the NCOA updated data.

11 The National Change of Address Update process is done through what is referred to
12 as the Coding Accuracy Support System (CASS), provided through USPA data, and is
13 designed in cooperation with the mailing industry to improve the accuracy of addresses for
14 mail qualifying for higher targeted accuracy, lower postal costs for the mailers and to
15 lessen the workload on the local post offices by significantly increasing the automated
16 sorting of mail and substantially lessening the volume of return mail. The CASS software
17 program provides hardware and software manufacturing companies, service bureaus, and
18 commercial mailers a common measure by which to test the quality of address-matching
19 software. Software tests for CASS certification are graded by the U.S. Postal Service®
20 National Customer Support Center (NCSC), and the results are returned to the developer to
21 provide useful diagnostics for correcting mailing data deficiencies, inaccuracies, and other
22

FIRST AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR AUDIT,
AND INJUNCTIVE RELIEF - 7

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1 potentially costly issues. This is the system used to independently verify concerning the
2 accuracy of the voter data.

3 In the Data Services Processing Certificate, from the voter data received on
4 November 25, 2020, documented, and provided through 2 USPS NCOALink® Licensed
5 Full-Service Provider (See Dec of Russ Schow, Exhibit 1 attached thereto) 5,236,436
6 registered voters addresses were reviewed from the Washington State voter data received
7 on November 25, 2020. According to the 2 Data Services Processing Certificates received
8 from the NCOA update, through USPS data, 195 addresses were identified with invalid
9 cities listed, 23,348 addresses with errors, 15,062 who moved but left no forwarding
10 addresses, 563 who moved to foreign (out of country) addresses and 6 with Non-USPS zip
11 codes. They also listed 369,590 registered voters who had moved but their addresses have
12 not been updated although they filed a Change of Address form with the USPS.

13 In addition, the Death Master File was used to do a data scrub on the Washington
14 State voter data list from the Secretary of State's office, as supplied by the Social Security
15 Administration. The SSA found that 10,695 of the individuals whose addresses were
16 retained were deceased. Yet of that number 7,228 voted in the November 2020 general
17 election. This data scrub also identified 6 ballots that were sent to residents in prisons.
18 Of those who moved out of state, 15,242 voted here in Washington. And of those who
19 moved in state, 61,490 voted in Washington, yet their address was not updated. There are
20 138,423 who moved out of state more than 18 months ago, yet their ballots are still being
21 mailed out but not to their present addresses.

22

FIRST AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR AUDIT,
AND INJUNCTIVE RELIEF - 8

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1 **Whatcom County.** Of those to whom a ballot was mailed in Whatcom County
2 from the list maintained by the Secretary of State, 2,599 had moved; 27 moved with no
3 forwarding address; 11 had moved and were non-deliverable; 223 were deceased; 25 had
4 moved out of the country; 22 were cancelled from the list; and 25 addresses could not be
5 found. (See Dec of Russ Schow, Exhibit B, attached thereto). The Whatcom County
6 Auditor nonetheless certified the vote.

7 **Island County.** Of those to whom a ballot was mailed in Island County from the
8 list maintained by the Secretary of State, 1,494 had moved; 47 moved with no forwarding
9 address; 129 were deceased; 2 had moved out of the country; 16 were cancelled from the
10 list; and 360 addresses could not be found. (See Dec of Russ Schow, Exhibit C, attached
11 thereto). The Island County Auditor nonetheless certified the vote.

12 **Skagit County.** Of those to whom a ballot was mailed in Skagit County from the
13 list maintained by the Secretary of State, 1,354 had moved; 31 moved with no forwarding
14 address; 5 had moved and were non-deliverable; 156 were deceased; 6 had moved out of
15 the country; 34 were cancelled from the list; and 196 addresses could not be found. (See
16 Dec of Russ Schow, Exhibit D, attached thereto). The Skagit County Auditor nonetheless
17 certified the vote.

18 **King County.** Of those to whom a ballot was mailed in King County from the list
19 maintained by the Secretary of State, 22,416 had moved; 138 moved with no forwarding
20 address; 39 had moved and were non-deliverable; 2,068 were deceased; 192 had moved
21 out of the country; 142 were cancelled from the list; and 120 addresses could not be found.

22

FIRST AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR AUDIT,
AND INJUNCTIVE RELIEF - 9

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1 (See Dec of Russ Schow, Exhibit E, attached thereto). The King County Auditor
2 nonetheless certified the vote.

3 **Pierce County.** Of those to whom a ballot was mailed in Pierce County from the
4 list maintained by the Secretary of State, 8,863 had moved; 212 moved with no forwarding
5 address; 16 had moved and were non-deliverable; 848 were deceased; 8 had moved out of
6 the country; 78 were cancelled from the list; and 272 addresses could not be found. (See
7 Dec of Russ Schow, Exhibit F, attached thereto). The Pierce County Auditor nonetheless
8 certified the vote.

9 **Kitsap County.** Of those to whom a ballot was mailed in Kitsap County from the
10 list maintained by the Secretary of State, 3,980 had moved; 152 moved with no forwarding
11 address; 6 had moved and were non-deliverable; 173 were deceased; 5 had moved out of
12 the country; 8 were cancelled from the list; and 55 addresses could not be found. (See Dec
13 of Russ Schow, Exhibit G, attached thereto). The Kitsap County Auditor nonetheless
14 certified the vote.

15 **Thurston County.** Of those to whom a ballot was mailed in Thurston County from
16 the list maintained by the Secretary of State, 3,664 had moved; 65 moved with no
17 forwarding address; 5 had moved and were non-deliverable; 266 were deceased; 3 had
18 moved out of the country; 25 were cancelled from the list; and 166 addresses could not be
19 found. (See Dec of Russ Schow, Exhibit H, attached thereto). The Thurston County
20 Auditor nonetheless certified the vote.

21 **Spokane County.** Of those to whom a ballot was mailed in Spokane County from
22 the list maintained by the Secretary of State, 6,912 had moved; 110 moved with no
FIRST AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR AUDIT,
AND INJUNCTIVE RELIEF - 10

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1 forwarding address; 15 had moved and were non-deliverable; 598 were deceased; 9 had
2 moved out of the country; and 105 were cancelled from the list. (See Dec of Russ Schow,
3 Exhibit I, attached thereto). The Spokane County Auditor nonetheless certified the vote.

4 **Clark County.** Of those to whom a ballot was mailed in Clark County from the list
5 maintained by the Secretary of State on November 3, 2020, 4,443 had moved; 44 moved
6 with no forwarding address; 24 had moved and were non-deliverable; 466 were deceased;
7 9 had moved out of the country; 50 were cancelled from the list; and 125 addresses could
8 not be found. (See Dec of Russ Schow, Exhibit J, attached thereto). The Clark County
9 Auditor nonetheless certified the vote.

10 **b. Sanctuary anomalies**

11 In Washington, someone with no legal immigration status in the U.S. can obtain a
12 driver's license by proving identity and state residency. To qualify for a Washington
13 driver's license, pursuant to RCW 46.20.021, a person must manifest an intent to live or be
14 located in this state on more than a temporary or transient basis. Evidence of residency
15 includes but is not limited to: (a) Becoming a registered voter in this state; or (b) Receiving
16 benefits under one of the Washington public assistance programs; or (c) Declaring
17 residency for the purpose of obtaining a state license or tuition fees at resident rates.

18 In addition, RCW 46.20.035 requires that the applicant for a driver's license
19 provide proof of identity with at least **one** of the following pieces of valid identifying
20 documentation that contains the signature and a photograph of the applicant: (a) A valid or
21 recently expired driver's license or instruction permit that includes the date of birth of the
22 applicant; (b) A Washington state identicard or an identification card issued by another

1 state; (c) An identification card issued by the United States, a state, or an agency of either
2 the United States or a state, of a kind commonly used to identify the members or
3 employees of the government agency; (d) A military identification card; (e) A United
4 States passport; or (f) An immigration and naturalization service form.

5 Washington law then provides for the automatic voter registration of the applicant.
6 RCW 46.20.156 provides that “[f]or persons eighteen years of age or older who meet
7 requirements for voter registration, who have been issued or are renewing an enhanced
8 driver's license or identicard under RCW 46.20.202 or applying for a change of address for
9 an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and have
10 not declined to register to vote, the department shall produce and transmit to the secretary
11 of state the following information from the records of each individual: The name, address,
12 date of birth, gender of the applicant, the driver's license number, signature image, and the
13 date on which the application was submitted. The department and **the secretary of state**
14 **shall process information as an automated application** on a daily basis.”

15 RCW 46.20.156 provides that “[f]or persons eighteen years of age or older who
16 meet requirements for voter registration and persons sixteen or seventeen years of age who
17 meet requirements to sign up to register to vote, who have been issued or are renewing an
18 enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of
19 address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205,
20 and have not declined to register to vote, the department shall produce and transmit to the
21 secretary of state the following information from the records of each individual: The name,
22 address, date of birth, gender of the applicant, the driver's license number, signature image,
FIRST AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR AUDIT,
AND INJUNCTIVE RELIEF - 12

1 and the date on which the application was submitted. The department and **the secretary of**
2 **state shall process information as an automated application on a daily basis.”**

3 Pursuant to newly enacted RCW 10.93.160(4): “State and local law enforcement
4 agencies may not (a) Inquire into or collect information about an individual's immigration
5 or citizenship status, or place of birth unless there is a connection between such
6 information and an investigation into a violation of state or local criminal law. Defendants
7 take the position that they are prohibited from ascertaining the lawful citizenship of the
8 registered voter because of this standard.

9 Yet RCW 10.93.160(16) provides that “[n]othing in this section prohibits the
10 collection, use, or disclosure of information that is: (a) Required to comply with state or
11 federal law; or (b) In response to a lawfully issued court order. Both state and federal law
12 require that a voter voting in a federal election such as the general election of November 3,
13 2020, be a United States citizen. Article VI, Section 1, Constitution of the State of
14 Washington; 52 U.S. Code § 10101 et seq. (HAVA).

15 While the defendants may be prohibited from considering the lawful citizenship of
16 the voter registration applicant RCW 29A.08.230, all voter registrations are required to
17 sign an oath:

18 “Oath of applicant.

19 For all voter registrations, the registrant shall sign the following oath:

20 ‘I declare that the facts on this voter registration form are true. I am a citizen of the
21 United States, I will have lived at this address in Washington for at least thirty days
22 immediately before the next election at which I vote, I am at least sixteen years old, I am

FIRST AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR AUDIT,
AND INJUNCTIVE RELIEF - 13

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1 The general election in the state of Washington is plagued with the immobility of
2 defendants to ensure that the election meets the requirements of Article VI, Section 1 of
3 Washington’s Constitution, or the demands of HAVA. The Secretary of State readily
4 admits that the office does not review voter registration applications to determine if the
5 applicants are lawful.

6 The County Auditors named as defendants herein follow the lead of the Secretary
7 of State and do not review voter registration applications to determine if the applicants are
8 lawful. Instead, defendants rely upon the affirmative statements of the applicants that they
9 are eligible voters in Washington.

10 All applicants for voter registration are required to sign an oath affirming they are
11 eligible to vote under Article IV, Section 1 of Washington’s Constitution, yet persons who
12 apply for driver’s licenses in Washington are automatically registered to vote, subject only
13 to the review of the Secretary of State who will not make a substantive review for
14 citizenship – a standard required by both state and federal law governing elections.

15 In the November 3, 2020 general election, defendants failed to check to determine
16 if the registrants were living, were living in the country, were living in Washington at least
17 30 days prior to the election, were registered more than once, or had signed an oath on
18 their registration application.

19 Therefore, no authority within the state of Washington is authorized or prepared to
20 analyze the registration documents, the paper ballots, the voting machines, and the voting
21 results of the November 3, 2020 general election. No state authority can by statute review
22 the registration documents to determine if the applicant is an American citizen, as they are
FIRST AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR AUDIT,
AND INJUNCTIVE RELIEF - 15

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1 prohibited by law from doing so, unless the applicant is being investigated for committing
2 a crime. Whereas perjury would be a criminal act in Washington, a non-US citizen who is
3 automatically registered to vote by receiving a driver's license, does not sign an oath
4 affirming constitutional eligibility. The failure to so affirm by oath renders the registration
5 unlawful and the vote null and void.

6 An independent forensic auditor is therefore necessary to determine the lawfulness
7 of the general election, and Plaintiff makes demand for the same. The state's failure to
8 provide a mechanism of checks and balances to ensure a free and fair election – which is
9 wholly within the province of the state – places the onus of shouldering the expense of the
10 forensic audit on the state of Washington, and this Court should so order.

11 *Plaintiff alleges as a second cause of action*

12 Temporary Restraining Order

13 While the names and addresses of the registered voters is made transparent and
14 readily available on the Secretary of State's website, the applications for driver's licenses
15 are not available for public view. The applications for driver's licenses which are
16 automatically registered to vote are forwarded to the Secretary of State, including images
17 of the identification provided by the applicant.

18 Plaintiff seeks a temporary restraining order and preliminary injunction enjoining
19 the Secretary of State from altering or destroying any registration or driver's license
20 application upon which the Secretary of State relied to place a registrant on the official list
21 of registered voters in the State of Washington. This file is maintained electronically and
22

1 requires no cost to preserve such records; therefore, the TRO should enter without bond.

2 **RELIEF SOUGHT**

3 Plaintiff seeks the appointment of a forensic auditor the costs of which are to be
4 borne by the State of Washington and as approved by plaintiff to perform a forensic audit
5 of the November 3, 2020 general election, to include without limitation, the voter
6 registration documents, paper ballots, their quality and count, the vote counting machines,
7 their random results when tested, and the voting results in Whatcom, Island, Skagit, King,
8 Pierce, Thurston, Kitsap, Spokane, and Clark Counties, and to certify the results of this
9 audit to this Court.

10 Plaintiff seeks a Temporary Restraining Order and Preliminary Injunction
11 enjoining the Secretary of State from destroying or altering any portion of the election
12 information, including without limitation, (1) the total combination of mechanical,
13 electromechanical, or electronic equipment (including the software, firmware, and
14 documentation required to program, control, and support the equipment) that is used (A) to
15 define ballots; (B) to cast and count votes; (C) to report or display election results; and (D)
16 to maintain and produce any audit trail information; and

17 Plaintiff seeks a Temporary Restraining Order and Preliminary Injunction enjoining
18 the Secretary of State from destroying or altering any portion of the election information
19 that details the practices and associated documentation used (A) to identify system
20 components and versions of such components; (B) to test the system during its
21 development and maintenance; (C) to maintain records of system errors and defects; (D) to
22 determine specific system changes to be made to a system after the initial qualification of

FIRST AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR AUDIT,
AND INJUNCTIVE RELIEF - 17

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1 the system; and (E) to make available any materials to the voter (such as notices,
2 instructions, forms, or paper ballots).

3 Plaintiff seeks a Temporary Restraining Order and Preliminary Injunction enjoining
4 the Secretary of State from destroying or altering all records of the applications for driver's
5 licenses which were used to automatically register the applicant to vote in the State of
6 Washington.

7 Dated this 23rd day of December 2020.

8 // Stephen Pidgeon, WSBA#25265
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11 Everett, Washington 98208
12 (425)347-7513
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Attachment C

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

CULP FOR GOVERNOR, the campaign for)
LOREN CULP, a Washington citizen,)
)
Plaintiff,)
)
v.)
)
KIM WYMAN, in her capacity as Secretary)
of State for the State of Washington; the)
STATE OF WASHINGTON; DIANA)
BRADRICK, in her capacity as Whatcom)
County Auditor; SHEILAH CRIDER, in her)
Capacity as Island County Auditor; SANDY)
PERKINS, in her capacity as Skagit County)
Auditor; KYMBER WALTMUNSON,)
in her capacity as King County Auditor,)
JULIE ANDERSON, in her capacity as)
Pierce County Auditor, MARY HALL in her)
capacity as Thurston County Auditor, PAUL)
ANDREWS, in his capacity as Kitsap)
County Auditor, VICKY DALTON, in her)
capacity as Spokane County Auditor, GREG)
KIMSEY, in his capacity as Clark County)
Auditor, and TERESA BERNTSEN, in her)
in her capacity as Director of the)
WASHINGTON STATE DEPARTMENT)
OF LICENSING,)
Defendants.)

CASE NO. 20-2-17720-2
**FIRST AMENDED COMPLAINT -
FOR EQUITABLE RELIEF,
DEMAND FOR AUDIT, AND
INJUNCTIVE RELIEF**

SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 1

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1 **INTRODUCTION**

2 On November 3, 2020, the state of Washington held a general election to determine
3 the selection of electors in the Presidential race, and to determine the candidates who
4 would fill the offices of Governor, Lieutenant Governor, Secretary of State, Attorney
5 General, and other statewide offices. The process by which this election was held was
6 unlawful under both state and federal law and in violation of Article VI, Section 1.

7 **PARTIES**

8 Culp for Governor is the campaign of candidate Loren Culp who stood for election
9 for Governor of Washington State in the November 3, 2020 general election. The Culp for
10 Governor campaign is resident of Ferry County, Washington.

11 The WASHINGTON SECRETARY OF STATE is a Subsidiary Corporation of the
12 STATE OF WASHINGTON and is located at 416 Sid Snyder Avenue SW, Olympia, WA,
13 98501-1347, doing business as the constitutionally created office of Secretary of State
14 under Article III, Section 17 thereunder. The Secretary of State of Washington corporation
15 is part of the Government Industry and has 170 total employees across all of its locations.
16 The Secretary of State is the state's chief elections officer, chief corporations officer, and
17 supervisor of the State Archives and State Library.

18 Kim Wyman in her capacity as the WASHINGTON SECRETARY OF STATE
19 performs her functions under color of law in all counties of the State of Washington, and
20 the general election under her supervision as held in King County, Washington, makes
21 venue and jurisdiction proper in King County, pursuant to RCW 4.12.020.

22 **SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 2**

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1 The STATE OF WASHINGTON is a corporate entity, D-U-N-S number
2 079248936, doing business as the constitutionally created government of the State of
3 Washington. At the present time, the STATE OF WASHINGTON corporation is acting
4 autonomously under the autocratic rule of Jay Inslee who has terminated all protections
5 provided by Washington's Constitution, including the rights protected under Article I of
6 said Constitution, and rights protected by the Constitution of the United States, and is
7 acting contrary to federal statutes, 18 USC § 241¹, 18 USC §242² and 18 U.S. Code § 247³.

8 _____
9 ¹ 18 U.S. Code § 241 - Conspiracy against rights.

10 If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State,
11 Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege
12 secured to him by the Constitution or laws of the United States, or because of his having so exercised the
13 same; or

14 If two or more persons go in disguise on the highway, or on the premises of another, with intent to
15 prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

16 They shall be fined under this title or imprisoned not more than ten years, or both; and if death
17 results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to
18 kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they
19 shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to
20 death.

21 ² 18 U.S. Code § 242 - Deprivation of rights under color of law

22 Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any
person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights,
privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different
punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race,
than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than
one year, or both; and if bodily injury results from the acts committed in violation of this section or if such
acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be
fined under this title or imprisoned not more than ten years, or both; and if death results from the acts
committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated
sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this
title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

³ 18 U.S. Code § 247. Damage to religious property; obstruction of persons in the free exercise of religious
beliefs

(a) Whoever, in any of the circumstances referred to in subsection (b) of this section—

(1) intentionally defaces, damages, or destroys any religious real property, because of the religious
character of that property, or attempts to do so; or

(2) intentionally obstructs, by force or threat of force, including by threat of force against religious
real property, any person in the enjoyment of that person's free exercise of religious beliefs, or attempts to do
so; shall be punished as provided in subsection (d).

(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign
commerce.

**SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
AUDIT, AND INJUNCTIVE RELIEF - 3**

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1 Inslee has terminated the constitutional façade allegedly governing Washington effectively
2 since March 23, 2020.

3 Diana Bradrick holds the post of Whatcom County Auditor; Sheilah Crider holds
4 the post of Island County Auditor; Sandy Perkins holds the post of Skagit County Auditor;
5 Kymber Waltmunson holds the post of King County Auditor; Julie Anderson holds the
6 post of Pierce County Auditor; Mary Hall holds the post of Thurston County Auditor; Paul
7 Andrews holds the post of Kitsap County Auditor; Vicky Dalton holds the post of
8 Spokane County Auditor; and Greg Kimsey holds the post of Clark County Auditor. All
9 are located in the state of Washington and have acted in concert with Kim Wyman.

10 _____
11 (c)Whoever intentionally defaces, damages, or destroys any religious real property because of the race, color,
12 or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall
13 be punished as provided in subsection (d).

14 (d)The punishment for a violation of subsection (a) or (c) of this section shall be—

15 (1)if death results from acts committed in violation of this section or if such acts include kidnapping
16 or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an
17 attempt to kill, a fine in accordance with this title and imprisonment for any term of years or for life, or both,
18 or may be sentenced to death;

19 (2)if bodily injury results to any person, including any public safety officer performing duties as a
20 direct or proximate result of conduct prohibited by this section, and the violation is by means of fire or an
21 explosive, a fine under this title or imprisonment for not more that 40 years, or both;

22 (3)if bodily injury to any person, including any public safety officer performing duties as a direct or
proximate result of conduct prohibited by this section, results from the acts committed in violation of this
section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or
fire, a fine in accordance with this title and imprisonment for not more than 20 years, or both;

(4)if damage to or destruction of property results from the acts committed in violation of this section, which
damage to or destruction of such property is in an amount that exceeds \$5,000, a fine in accordance with this
title, imprisonment for not more than 3 years, or both; and

(5)in any other case, a fine in accordance with this title and imprisonment for not more than one year, or
both.

(e)No prosecution of any offense described in this section shall be undertaken by the United States except
upon the certification in writing of the Attorney General or his designee that in his judgment a prosecution by
the United States is in the public interest and necessary to secure substantial justice.

(f)As used in this section, the term “religious real property” means any church, synagogue, mosque, religious
cemetery, or other religious real property, including fixtures or religious objects contained within a place of
religious worship, or real property owned or leased by a nonprofit, religiously affiliated organization.

(g)No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the
indictment is found or the information is instituted not later than 7 years after the date on which the offense
was committed.

**SECOND AMENDED COMPLAINT FOR EQUITABLE RELIEF, DEMAND FOR
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1 Teresa Berntsen, in her capacity as the Director of the WASHINGTON STATE
2 DEPARTMENT OF LICENSING and performs her functions under color of law in all
3 counties of the State of Washington. Venue and jurisdiction proper in King County,
4 pursuant to RCW 4.12.020.

5 STATEMENT OF FACTS

6 a. Voting anomalies

7 On November 3, 2020, the state of Washington held a general election to determine
8 the selection of electors in the Presidential race, and to determine the candidates who
9 would fill the offices of Governor, Lieutenant Governor, Secretary of State, Attorney
10 General, and other statewide offices. Washington has adopted a vote by mail methodology
11 to conduct its elections pursuant to RCW 29A.40.010, although in-person voting is
12 allowed at county-wide locations pursuant to RCW 29A.40.160. RCW 29A.40.160 (8)
13 provides that “[b]efore opening the voting center, the voting equipment shall be inspected
14 to determine if it has been properly prepared for voting. If the voting equipment is capable
15 of direct tabulation of each voter's choices, the county auditor shall verify that no votes
16 have been registered for any issue or office, and that the device has been sealed with a
17 unique numbered seal at the time of final preparation and logic and accuracy testing. A log
18 must be made of all device numbers and seal numbers.”

19 On November 24, 2020, Whatcom, Island, Skagit, King, Pierce, Kitsap, Thurston,
20 Spokane, and Clark county auditors all certified their elections by November 24, 2020. The
21 Secretary of State certified the election results on December 1, 2020. The results purported
22 to show that Jay Inslee received 2,294,243 votes, or 56.56% of the total vote, while Loren
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1 Culp received 1,749,066 votes, or 43.12% of the vote, with 13,145 write in votes, or 0.32%
2 of the total votes of 4,056,454.

3 The voter registration address list data which was requested from the Washington
4 State SOS website on November 25, 2020, showed many discrepancies and anomalies
5 which destroyed the integrity of the vote in Washington. According to the United States
6 Postal Service (USPS) data, through the National Change of Address Update (NCOA)
7 update, 338,453 registered voters were identified who have moved but whose addresses
8 were not updated, yet ballots were sent to those addresses. Of these 6,765 had filed a
9 change of address (COA) with the USPS and had moved in 2016 or 4 years ago. Of those
10 that moved, a total of 178,396 had moved out of state, and 14,617 matched a COA record
11 but there was no new address of the registered voter provided. 1,375 registered voters are
12 registered twice with 2 different active voter ID numbers and 5 registered voters are listed
13 twice with the same voter ID number. Of these, 46 voted twice in the November election.
14 Out of 5,236,436 addresses, only 117,543 had nine-digit zip codes. An NCOA update
15 causes the postal service to validate the addresses and updates by adding an additional 4
16 numbers to the 5-digit zip codes to all addresses they verify. When the NCOA update was
17 run independently, it added an additional 4,975,967 for a total of 5,093,510. The NCOA
18 updates have been including the additional four numbers since 1983 so if the NCOA
19 updates were being done then that number of 9-digit zip codes would have already been in
20 the data. They were not, indicating that an NCOA update had not been run in at least the
21 last four years.

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1 An independent review of the address data indicates that a high number of
2 addresses went to street addresses like “0 GEO GIF 669.00” of which 157 are in the data.
3 83 were mailed to addresses such as “0 Sedro Wooley Pcnt” or “0 Anacortes Pcnt” and
4 others strange mailing addresses. Ballots were sent to these addresses. There were also 98
5 ballots that went to “1 Elections Office Renton, Washington 98057, and 52 were mailed to
6 The Highlands in Shoreline of which 32 voted in the November 3, 2020 election. One
7 person, named Sasquatch (his full name) is listed and voted in the November 3, 2020
8 election, as did Sinderella (her full name).

9 962 individuals who moved out of state previously yet registered to vote in
10 September or October of 2020 have been identified, 358 of which have voted in the
11 Washington 2020 general election. Of those who moved, then registered in September and
12 October 2020, and then voted, 11 of them moved in 2016, 89 moved in 2017, 161 moved
13 in 2018, 188 moved in 2019, and 513 moved in 2020. Of those who moved in 2020, 90 of
14 them registered to vote the same month they moved according the Washington State voter
15 data as compared to the NCOA updated data.

16 The National Change of Address Update process is done through what is referred to
17 as the Coding Accuracy Support System (CASS), provided through USPA data, and is
18 designed in cooperation with the mailing industry to improve the accuracy of addresses for
19 mail qualifying for higher targeted accuracy, lower postal costs for the mailers and to
20 lessen the workload on the local post offices by significantly increasing the automated
21 sorting of mail and substantially lessening the volume of return mail. The CASS software
22 program provides hardware and software manufacturing companies, service bureaus, and
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1 commercial mailers a common measure by which to test the quality of address-matching
2 software. Software tests for CASS certification are graded by the U.S. Postal Service®
3 National Customer Support Center (NCSC), and the results are returned to the developer to
4 provide useful diagnostics for correcting mailing data deficiencies, inaccuracies, and other
5 potentially costly issues. This is the system used to independently verify concerning the
6 accuracy of the voter data.

7 In the Data Services Processing Certificate, from the voter data received on
8 November 25, 2020, documented, and provided through 2 USPS NCOALink® Licensed
9 Full-Service Provider (See Dec of Russ Schow, Exhibit 1 attached thereto) 5,236,436
10 registered voters addresses were reviewed from the Washington State voter data received
11 on November 25, 2020. According to the 2 Data Services Processing Certificates received
12 from the NCOA update, through USPS data, 195 addresses were identified with invalid
13 cities listed, 23,348 addresses with errors, 15,062 who moved but left no forwarding
14 addresses, 563 who moved to foreign (out of country) addresses and 6 with Non-USPS zip
15 codes. They also listed 369,590 registered voters who had moved but their addresses have
16 not been updated although they filed a Change of Address form with the USPS.

17 In addition, the Death Master File was used to do a data scrub on the Washington
18 State voter data list from the Secretary of State's office, as supplied by the Social Security
19 Administration. The SSA found that 10,695 of the individuals whose addresses were
20 retained were deceased. Yet of that number 7,228 voted in the November 2020 general
21 election. This data scrub also identified 6 ballots that were sent to residents in prisons.

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1 Of those who moved out of state, 15,242 voted here in Washington. And of those who
2 moved in state, 61,490 voted in Washington, yet their address was not updated. There are
3 138,423 who moved out of state more than 18 months ago, yet their ballots are still being
4 mailed out but not to their present addresses.

5 **Whatcom County.** Of those to whom a ballot was mailed in Whatcom County
6 from the list maintained by the Secretary of State, 2,599 had moved; 27 moved with no
7 forwarding address; 11 had moved and were non-deliverable; 223 were deceased; 25 had
8 moved out of the country; 22 were cancelled from the list; and 25 addresses could not be
9 found. (See Dec of Russ Schow, Exhibit B, attached thereto). The Whatcom County
10 Auditor nonetheless certified the vote.

11 **Island County.** Of those to whom a ballot was mailed in Island County from the
12 list maintained by the Secretary of State, 1,494 had moved; 47 moved with no forwarding
13 address; 129 were deceased; 2 had moved out of the country; 16 were cancelled from the
14 list; and 360 addresses could not be found. (See Dec of Russ Schow, Exhibit C, attached
15 thereto). The Island County Auditor nonetheless certified the vote.

16 **Skagit County.** Of those to whom a ballot was mailed in Skagit County from the
17 list maintained by the Secretary of State, 1,354 had moved; 31 moved with no forwarding
18 address; 5 had moved and were non-deliverable; 156 were deceased; 6 had moved out of
19 the country; 34 were cancelled from the list; and 196 addresses could not be found. (See
20 Dec of Russ Schow, Exhibit D, attached thereto). The Skagit County Auditor nonetheless
21 certified the vote.

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1 **King County.** Of those to whom a ballot was mailed in King County from the list
2 maintained by the Secretary of State, 22,416 had moved; 138 moved with no forwarding
3 address; 39 had moved and were non-deliverable; 2,068 were deceased; 192 had moved
4 out of the country; 142 were cancelled from the list; and 120 addresses could not be found.
5 (See Dec of Russ Schow, Exhibit E, attached thereto). The King County Auditor
6 nonetheless certified the vote.

7 **Pierce County.** Of those to whom a ballot was mailed in Pierce County from the
8 list maintained by the Secretary of State, 8,863 had moved; 212 moved with no forwarding
9 address; 16 had moved and were non-deliverable; 848 were deceased; 8 had moved out of
10 the country; 78 were cancelled from the list; and 272 addresses could not be found. (See
11 Dec of Russ Schow, Exhibit F, attached thereto). The Pierce County Auditor nonetheless
12 certified the vote.

13 **Kitsap County.** Of those to whom a ballot was mailed in Kitsap County from the
14 list maintained by the Secretary of State, 3,980 had moved; 152 moved with no forwarding
15 address; 6 had moved and were non-deliverable; 173 were deceased; 5 had moved out of
16 the country; 8 were cancelled from the list; and 55 addresses could not be found. (See Dec
17 of Russ Schow, Exhibit G, attached thereto). The Kitsap County Auditor nonetheless
18 certified the vote.

19 **Thurston County.** Of those to whom a ballot was mailed in Thurston County from
20 the list maintained by the Secretary of State, 3,664 had moved; 65 moved with no
21 forwarding address; 5 had moved and were non-deliverable; 266 were deceased; 3 had
22 moved out of the country; 25 were cancelled from the list; and 166 addresses could not be

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1 found. (See Dec of Russ Schow, Exhibit H, attached thereto). The Thurston County
2 Auditor nonetheless certified the vote.

3 **Spokane County.** Of those to whom a ballot was mailed in Spokane County from
4 the list maintained by the Secretary of State, 6,912 had moved; 110 moved with no
5 forwarding address; 15 had moved and were non-deliverable; 598 were deceased; 9 had
6 moved out of the country; and 105 were cancelled from the list. (See Dec of Russ Schow,
7 Exhibit I, attached thereto). The Spokane County Auditor nonetheless certified the vote.

8 **Clark County.** Of those to whom a ballot was mailed in Clark County from the list
9 maintained by the Secretary of State on November 3, 2020, 4,443 had moved; 44 moved
10 with no forwarding address; 24 had moved and were non-deliverable; 466 were deceased;
11 9 had moved out of the country; 50 were cancelled from the list; and 125 addresses could
12 not be found. (See Dec of Russ Schow, Exhibit J, attached thereto). The Clark County
13 Auditor nonetheless certified the vote.

14 **b. Sanctuary anomalies**

15 In Washington, someone with no legal immigration status in the U.S. can obtain a
16 driver's license by proving identity and state residency. To qualify for a Washington
17 driver's license, pursuant to RCW 46.20.021, a person must manifest an intent to live or be
18 located in this state on more than a temporary or transient basis. Evidence of residency
19 includes but is not limited to: (a) Becoming a registered voter in this state; or (b) Receiving
20 benefits under one of the Washington public assistance programs; or (c) Declaring
21 residency for the purpose of obtaining a state license or tuition fees at resident rates.

22

1 In addition, RCW 46.20.035 requires that the applicant for a driver's license
2 provide proof of identity with at least **one** of the following pieces of valid identifying
3 documentation that contains the signature and a photograph of the applicant: (a) A valid or
4 recently expired driver's license or instruction permit that includes the date of birth of the
5 applicant; (b) A Washington state identicard or an identification card issued by another
6 state; (c) An identification card issued by the United States, a state, or an agency of either
7 the United States or a state, of a kind commonly used to identify the members or
8 employees of the government agency; (d) A military identification card; (e) A United
9 States passport; or (f) An immigration and naturalization service form.

10 Washington law then provides for the automatic voter registration of the applicant.
11 RCW 46.20.156 provides that “[f]or persons eighteen years of age or older who meet
12 requirements for voter registration, who have been issued or are renewing an enhanced
13 driver's license or identicard under RCW 46.20.202 or applying for a change of address for
14 an existing enhanced driver's license or identicard pursuant to RCW 46.20.205, and have
15 not declined to register to vote, the department shall produce and transmit to the secretary
16 of state the following information from the records of each individual: The name, address,
17 date of birth, gender of the applicant, the driver's license number, signature image, and the
18 date on which the application was submitted. The department and **the secretary of state**
19 **shall process information as an automated application** on a daily basis.”

20 RCW 46.20.156 provides that “[f]or persons eighteen years of age or older who
21 meet requirements for voter registration and persons sixteen or seventeen years of age who
22 meet requirements to sign up to register to vote, who have been issued or are renewing an
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1 enhanced driver's license or identicard under RCW 46.20.202 or applying for a change of
2 address for an existing enhanced driver's license or identicard pursuant to RCW 46.20.205,
3 and have not declined to register to vote, the department shall produce and transmit to the
4 secretary of state the following information from the records of each individual: The name,
5 address, date of birth, gender of the applicant, the driver's license number, signature image,
6 and the date on which the application was submitted. The department and **the secretary of**
7 **state shall process information as an automated application on a daily basis.”**

8 Pursuant to newly enacted RCW 10.93.160(4): “State and local law enforcement
9 agencies may not (a) Inquire into or collect information about an individual's immigration
10 or citizenship status, or place of birth unless there is a connection between such
11 information and an investigation into a violation of state or local criminal law. Defendants
12 take the position that they are prohibited from ascertaining the lawful citizenship of the
13 registered voter because of this standard.

14 Yet RCW 10.93.160(16) provides that “[n]othing in this section prohibits the
15 collection, use, or disclosure of information that is: (a) Required to comply with state or
16 federal law; or (b) In response to a lawfully issued court order. Both state and federal law
17 require that a voter voting in a federal election such as the general election of November 3,
18 2020, be a United States citizen. Article VI, Section 1, Constitution of the State of
19 Washington; 52 U.S. Code § 10101 et seq. (HAVA).

20 While the defendants may be prohibited from considering the lawful citizenship of
21 the voter registration applicant RCW 29A.08.230, all voter registrations are required to
22 sign an oath:

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1 “Oath of applicant.

2 For all voter registrations, the registrant shall sign the following oath:

3 ‘I declare that the facts on this voter registration form are true. I am a citizen of the
4 United States, I will have lived at this address in Washington for at least thirty days
5 immediately before the next election at which I vote, I am at least sixteen years old, I am
6 not disqualified from voting due to a court order, and I am not under department of
7 corrections supervision for a Washington felony conviction.’” RCW 29A.08.230.

8 However, the Secretary of State has taken the position that a registration must
9 ensue even without such an oath, citing RCW 29A.08.107.¹ RCW 29A.08.010 which is
10 cited within the statute requires a signature attesting to the truth of the information (i.e., the
11 Oath required by RCW 29A.08.230) provided on the application. RCW 29A.08.010(d).
12 Yet the motor-voter automatic registration provisions of the voting election scheme in
13 Washington do not and cannot provide such an automatic oath, as Washington driver’s
14 licenses are distributed to non-American citizens. Any such registrations would therefore
15 be unlawful and would render the vote of the registrant unlawful.

16 The decision to forward the name, address, and signature of a driver’s license
17 recipient to the Secretary of State for automatic vote registration is solely in the discretion
18 of the Department of Licensing, who also is prohibited by law from inquiring into or
19 collecting information about an individual's immigration or citizenship status, or place of
20

21 ¹ (1) If the driver's license number, state identification card number, or last four digits of the social security
22 number provided by the applicant match the information maintained by the Washington department of
licensing or the social security administration, and the applicant provided all information required by RCW
29A.08.010, **the applicant must be registered to vote.**

1 birth. RCW 10.93.160(4). Therefore, no state agency is responsible to determine if the
2 registrant meets constitutional guidelines.

3 **CAUSES OF ACTION**

4 *Plaintiff alleges as a first cause of action*

5 **Nonfeasance**

6 Defendants have imposed duties to ensure that the official list of registrants is
7 lawful under both state and federal law and protects both the right of suffrage and the
8 general election from violations of Article VI, Section I of Washington's Constitution.

9 In particular, Defendants occupy a special relationship with the candidates,
10 including the campaign of plaintiff, and the failure to do so constitutes nonfeasance.

11 Plaintiff seeks all remedies in law or equity in regard to the breach of this duty.

12 *Plaintiff alleges as a second cause of action*

13 **Audit**

14 The general election in the state of Washington is plagued with the immobility of
15 defendants to ensure that the election meets the requirements of Article VI, Section 1 of
16 Washington's Constitution, or the demands of HAVA. The Secretary of State readily
17 admits that the office does not review voter registration applications to determine if the
18 applicants are lawful.

19 The County Auditors named as defendants herein follow the lead of the Secretary
20 of State and do not review voter registration applications to determine if the applicants are
21 lawful. Instead, defendants rely upon the affirmative statements of the applicants that they
22 are eligible voters in Washington.

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1 All applicants for voter registration are required to sign an oath affirming they are
2 eligible to vote under Article IV, Section 1 of Washington’s Constitution, yet persons who
3 apply for driver’s licenses in Washington are automatically registered to vote, subject only
4 to the review of the Secretary of State who will not make a substantive review for
5 citizenship – a standard required by both state and federal law governing elections.

6 In the November 3, 2020 general election, defendants failed to check to determine
7 if the registrants were living, were living in the country, were living in Washington at least
8 30 days prior to the election, were registered more than once, or had signed an oath on
9 their registration application.

10 Therefore, no authority within the state of Washington is authorized or prepared to
11 analyze the registration documents, the paper ballots, the voting machines, and the voting
12 results of the November 3, 2020 general election. No state authority can by statute review
13 the registration documents to determine if the applicant is an American citizen, as they are
14 prohibited by law from doing so, unless the applicant is being investigated for committing
15 a crime. Whereas perjury would be a criminal act in Washington, a non-US citizen who is
16 automatically registered to vote by receiving a driver’s license, does not sign an oath
17 affirming constitutional eligibility. The failure to so affirm by oath renders the registration
18 unlawful and the vote null and void.

19 An independent forensic auditor is therefore necessary to determine the lawfulness
20 of the general election, and Plaintiff makes demand for the same. The state’s failure to
21 provide a mechanism of checks and balances to ensure a free and fair election – which is

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1 wholly within the province of the state – places the onus of shouldering the expense of the
2 forensic audit on the state of Washington, and this Court should so order.

3 *Plaintiff alleges as a third cause of action*

4 **Temporary Restraining Order**

5 While the names and addresses of the registered voters is made transparent and
6 readily available on the Secretary of State’s website, the applications for driver’s licenses
7 are not available for public view. The applications for driver’s licenses which are
8 automatically registered to vote are forwarded to the Secretary of State, including images
9 of the identification provided by the applicant.

10 Plaintiff seeks a temporary restraining order and preliminary injunction enjoining
11 the Secretary of State from altering or destroying any registration or driver’s license
12 application upon which the Secretary of State relied to place a registrant on the official list
13 of registered voters in the State of Washington. This file is maintained electronically and
14 requires no cost to preserve such records; therefore, the TRO should enter without bond.

15 **RELIEF SOUGHT**

16 Plaintiff seeks all lawful remedies available to plaintiff including an award of
17 attorney’s fees and costs for the nonfeasance of defendants in failing to protect the general
18 election from violations which breach the statutory framework governing both statewide
19 and federal elections.

20 Plaintiff seeks the appointment of a forensic auditor the costs of which are to be
21 borne by the State of Washington and as approved by plaintiff to perform a forensic audit
22 of the November 3, 2020 general election, to include without limitation, the voter

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1 registration documents, paper ballots, their quality and count, the vote counting machines,
2 their random results when tested, and the voting results in Whatcom, Island, Skagit, King,
3 Pierce, Thurston, Kitsap, Spokane, and Clark Counties, and to certify the results of this
4 audit to this Court.

5 Plaintiff seeks a Temporary Restraining Order and Preliminary Injunction
6 enjoining the Secretary of State from destroying or altering any portion of the election
7 information, including without limitation, (1) the total combination of mechanical,
8 electromechanical, or electronic equipment (including the software, firmware, and
9 documentation required to program, control, and support the equipment) that is used (A) to
10 define ballots; (B) to cast and count votes; (C) to report or display election results; and (D)
11 to maintain and produce any audit trail information; and

12 Plaintiff seeks a Temporary Restraining Order and Preliminary Injunction enjoining
13 the Secretary of State from destroying or altering any portion of the election information
14 that details the practices and associated documentation used (A) to identify system
15 components and versions of such components; (B) to test the system during its
16 development and maintenance; (C) to maintain records of system errors and defects; (D) to
17 determine specific system changes to be made to a system after the initial qualification of
18 the system; and (E) to make available any materials to the voter (such as notices,
19 instructions, forms, or paper ballots).

20 Plaintiff seeks a Temporary Restraining Order and Preliminary Injunction enjoining
21 the Secretary of State from destroying or altering all records of the applications for driver's
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1 licenses which were used to automatically register the applicant to vote in the State of
2 Washington.

3 Dated this 30th day of December 2020.

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