



1 to vote. Petitioner seeks access to the court's records in the interest of ensuring government  
2 and judicial transparency, as well as the integrity of the juror selection and voter registration  
3 processes.

#### 4 **PARTIES, JURISDICTION AND VENUE**

5 2. Petitioner Martin Ringhofer is a citizen and registered voter of the State of  
6 Washington.

7 3. Respondent Linda K. Ridge is the Deputy Chief Administrative Officer of the  
8 King County Superior Court.

9 4. The Court has jurisdiction over this matter under Article IV, Section 6 of the  
10 Washington Constitution because jurisdiction has not been vested exclusively by law in some  
11 other court.

12 5. Venue is proper in this Court under RCW 4.12.025 because Respondent  
13 resides in King County and the cause of action arose in King County.

#### 14 **FACTS**

15 6. On February 10, 2010, Petitioner requested the King County Department of  
16 Judicial Administration access to certain information about non-jurors: The term "non-juror"  
17 refers to all individuals who were potential jurors, but were not impaneled on the jury because  
18 they are disqualified pursuant to RCW 2.36.070.

19 7. By letters dated February 24, 2010 and March 5, 2010, Petitioner was notified  
20 by the King County Department of Judicial Administration that he should contact Respondent  
21 Ridge about his request.

22 8. On October 16, 2010, Petitioner requested from Respondent access to  
23 documents containing the following:

1 a. Names and addresses of all non-jurors in the King County Superior  
2 Court from January 1, 2009, through December 31, 2009.

3 b. The date of each non-juror's disqualification.

4 c. Reasons for disqualification: (1) less than eighteen years of age; (2) not  
5 a citizen of the United States; (3) not a resident of the county in which he or she has been  
6 summoned to serve; (4) not able to communicate in the English language; (5) convicted of a  
7 felony and has not had his or her civil rights restored; or (6) other self-disqualifications  
8 (please identify).

9 9. Petitioner has a right to inspect and copy court records based on the common  
10 law, *Nast v. Michaels*, 107 Wn.2d 300, 303-304, 730 P.2d 54, 56-57 (1986), the state and  
11 federal constitutions, Article I, Section 10 of the Washington Constitution and the First and  
12 Sixth Amendments to the U.S. Constitution.

13 10. On October 18, 2010, Respondent notified Petitioner that she would answer his  
14 request on October 25, 2010.

15 11. On October 26, 2010, Petitioner received a letter from Respondent indicating  
16 that she would not provide the information requested, a true and correct copy of which is  
17 attached hereto as Exhibit 1. Respondent stated her position that the Public Records Act does  
18 not apply to the judicial branch. Respondent also cited RCW 2.36.072(4) and GR 18(d) for  
19 the proposition that juror information may only be used by the court for the term such person  
20 is summoned and may not be used for any other purpose. Respondent also stated that access  
21 to information relating to the master jury source list is governed by GR 31(k).

22 12. According to RCW 2.36.072(4), information provided to the court for  
23 preliminary determination of statutory qualification for jury duty may only be used for the

1 term such person is summoned and cannot be used for any other purpose, “except that the  
2 court, or designee, may report a change of address or nondelivery of summons of persons  
3 summoned for jury duty to the county auditor.” RCW 2.36.072(4).

4 13. Similarly, GR 18(d) states, “Information so provided to the court for  
5 preliminary determination of qualification for jury duty may only be used for the term such  
6 person is summoned and may not be used for any other purpose.” GR 18(d).

7 14. To the extent RCW 2.36.072(4) and GR 18(d) prohibit disclosure of the  
8 information requested, they conflict with Article I, Section 10 of the Washington Constitution.

9 15. Under RCW 2.36.054, there are two ways that voters can be placed on juror  
10 source lists: either by registering to vote or by obtaining a driver’s license or state  
11 identification card.

12 16. The King County Election Board allows persons to register online to vote via  
13 the Washington Secretary of State’s website. This practice presents a voter eligibility  
14 verification problem, because the online registration relies on self-verification of voting  
15 eligibility. <http://www.kingcounty.gov/elections/registration.aspx> (last visited on October 25,  
16 2010); *see also* <https://wei.secstate.wa.gov/osos/secure/pages/Onlinevoterregistration.aspx>  
17 (last visited on October 25, 2010). No one checks the applicant’s photo identification or the  
18 validity of their documents when they register online.

19 17. The likelihood of persons ineligible to vote being registered to vote is  
20 enhanced because King County is a Vote-By-Mail county. Ballots are mailed each election to  
21 registered voters. All that is required of the voter is that they vote their ballot and sign and  
22 date the Voter Affidavit on the envelope, declaring that they are eligible to vote.

1           18.     When unauthorized persons vote, they directly and illegally impact elections.  
2 In 2007, the Douglas County Prosecutor, Steve M. Clem, provided Petitioner with non-juror  
3 information dating from July 2006 through May 2007. After cross-checking the non-juror list  
4 with the statewide voter list, Petitioner found that 118 of the 289 non-jurors registered to vote  
5 in Douglas County were ineligible to vote, i.e. 42% were voting illegally in statewide  
6 elections. Petitioner also received non-juror information from the Pacific County Clerk,  
7 Virginia Leech. After cross-checking the non-juror list from Pacific County with the statewide  
8 voter list, Petitioner found that 56% of the non-jurors were illegally registered to vote.

9           19.     Petitioner seeks non-juror information to foster public understanding and trust  
10 in the judicial system and voter system. If the non-juror information is disclosed, as  
11 requested, Petitioner will be able to cross-check non-juror names with the Washington Help  
12 America Vote Act (HAVA) Voter Registration List, a public record, to determine the number  
13 of ineligible persons who are registered to vote and are voting in King County.

14           20.     Petitioner intends to request that Secretary Reed purge the voter list more than  
15 once a year, as currently required by RCW 2.36.054. Petitioner's request is in the public  
16 interest because it protects and promotes the integrity of the juror selection and voter  
17 registration processes.

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19                                   **FIRST CAUSE OF ACTION**  
                                  **(Writ of Mandate—RCW 7.16.150. *et seq.*)**

20           21.     Petitioner incorporates by reference each and every allegation contained in  
21 Paragraphs 1 through 20 inclusive as though set forth in full here.

1           22.     Respondent Ridge has a nondiscretionary duty to provide access to court  
2 records to members of the public who seek them, who have constitutional and common law  
3 rights to access the court records, such as Petitioner.

4           23.     Respondent has failed to perform such duties in compliance with the law.

5           24.     If a writ of mandate is not issued, Petitioner will continue to be deprived of his  
6 right to access court records.

7           25.     Petitioner is beneficially interested in the relief sought because he is a member  
8 of the public who has requested court records protected by federal and state constitutions'  
9 open courts provisions.

10          26.     Petitioner has no other plain, speedy and adequate remedy in the ordinary  
11 course of law.

12          27.     The Court should compel Respondent to provide the documents requested.

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14                                   **SECOND CAUSE OF ACTION**  
                                  **(Declaratory and Injunctive Relief—RCW 7.24.010, *et seq.*)**

15          28.     Petitioner incorporates by reference each and every allegation contained in  
16 Paragraphs 1 through 27 inclusive as though set forth in full here.

17          29.     Petitioner is a person whose rights and legal relations depend upon questions to  
18 be determined on the construction of the constitution and validity of Respondent's actions.

19          30.     Petitioner is entitled to a declaration of rights and obligations because he has a  
20 clear legal right to access to court records and Respondent's decision to deny them results in  
21 substantial and actual injury.

22          31.     A ruling by this Court will terminate the controversy between Petitioner and  
23 Respondent.

1 32. No one has requested closing or sealing the requested records.

2 33. There has been no showing of need to prohibit disclosure. Respondent's denial  
3 of access to court records is not the least restrictive means for protecting any asserted interests  
4 in nondisclosure.

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6 **THIRD CAUSE OF ACTION**  
(Petition under GR 31)

7 34. Petitioner incorporates by reference each and every allegation contained in  
8 Paragraphs 1 through 33 inclusive as though set forth in full here.

9 35. GR 31(k) provides that upon a showing of good cause the Court may permit a  
10 petitioner to have access to information on jury source lists. GR 31(j) similarly allows the  
11 Court to grant access to juror information.

12 36. Petitioner has good cause for requesting this limited non-juror information.  
13 Petitioner plans to use the non-juror information in the public interest to identify and quantify  
14 the incidence of unauthorized voter registration and voting in King County.

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16 **PRAYER FOR RELIEF**

17 WHEREFORE, Petitioner now respectfully requests the Court to award the following  
18 relief:

19 A. An order or writ under GR 31 or RCW 7.16, declaring that Petitioner has the  
20 right to access to court records with non-juror information;


21 B. A declaration under RCW 7.24.010, *et seq.*, setting forth Petitioner's rights and  
22 Respondent's responsibilities in regard to the Court records with non-juror information; and  
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C. Such other and further relief as the Court deems just and equitable.

RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of November, 2010

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