

# Challenge to Voter Registration

**who are you?**

Matthew      S.      Pederson  
 first                      middle                      last  
104 S. Freya, Suite 104A Spokane WA. 99202  
 address

**who are you challenging?**

John                      Ros Kelley  
 first                      middle                      last  
10121 E Haron View Lane, Spokane WA  
 address (as registered to vote)

**basis of challenge**

You are challenging the voter's registration for the following reason(s):

Voter is not a U.S. Citizen.  
 Voter will not be at least 18 years old by the next election.  
 Voter is ineligible due to a felony conviction.  
 Voter has been declared incapacitated by a court of law.  
 Voter does not reside at address of voter registration. *Please fill out the next section.*

**voter residence information**

Only fill out this section if the basis of your challenge is that the voter does not reside at address of voter registration.

Select only one option at right.

The voter really resides at:  
3624 W. Kiernan, Spokane, WA.  
 address

I have evidence that I personally took all of the following steps:
 

- Sent a letter with 'return service requested' to all known addresses for the voter;
- Searched local telephone directories to determine whether the voter maintains a telephone listing at an address within the county;
- Searched county property records to determine whether voter owns any property in the county;
- Searched the statewide voter registration database to determine if the voter is registered at any other address in the state; and
- Visited the voter's residential address to contact persons at the address. As proof I am submitting a signed affidavit from anyone who owns, manages, resides, or is employed at the address stating that, to his or her personal knowledge, the voter does not reside at the address.

**challenger oath**

I, Matthew S. Pederson declare under penalty of perjury under the laws of the State of Washington that I:

- am a registered voter in the State of Washington
- have personal knowledge and belief that the person named above is not qualified to vote for the reason or reasons indicated in this affidavit;
- have exercised due diligence to personally verify the evidence that accompanies this affidavit
- believe that the challenged voter is not qualified to vote

Matthew S Pederson                      5/18/2012  
 signature of challenger                      date

Spokane County  
 Elections Department  
 Received  
 MAY 18 3:20 pm

**submitting the form**

Submit this form and all evidence supporting the challenge to the County Elections Office.

# Spokane GOP

Spokane County Republican Party

104 S Freya St, Ste 104A  
Spokane, WA 99202  
(509) 838-6182

SCRCC Chair

www.SpokaneGOP.com

The Honorable Vicki Dalton  
Spokane County Auditor  
Spokane County Court House  
1116 W. Broadway Ave.  
Spokane, WA 99260

Spokane County  
Elections Department

MAY 18 2012

*WMD  
3:20 pm*

Received

Dear Auditor Dalton,

I request that you declare the "Declaration of Candidacy" of John Roskelley for Spokane County Commissioner, District 1, as invalid, that his is ineligible to seek election to this office at this time, and that his name cannot be permitted to appear on the ballot in this election cycle for this elected position.

It is my belief that:

1. Mr. Roskelley is not a qualified registered voter, nor a resident of Spokane County Commissioner District 1, making him ineligible to seek this position;
2. Since June of 2011, Mr. Roskelley may have committed voter fraud by providing false information on his Declaration of Candidacy, providing false information on an application for voter registration and casting votes in elections in which he was not a qualified elector;
3. This would be the second time that Mr. Roskelley has misinterpreted the rules regarding residency requirements for the post of County Commissioner.

I offer the following information to support my claims:

1. ***Mr. Roskelley is not a qualified candidate for Spokane County Commissioner District 1 because he is not currently a qualified elector of Commissioner District 1, nor did he reside in the district at the time of his filing of the Declaration of Candidacy.***

The Municipal Research and Service Center of Washington has specifically commented with regard to residency requirements for county commissioners (see "General Government: G 5.3000- Qualifications for office, Residency" in the MRSC topical index). When asked, "Are there any residency requirements for county commissioners?", The MRSC responded as follows:

"The only residency requirements are that a commissioner must live in the district from which he or she is elected (RCW 36.32.040) and must be an elector (RCW 36.32.010). To be an elector, one must satisfy the requirements of article 6, section 1 of the State Constitution (be at least 18 years of age, a United States Citizen and a resident of the county, city, precinct, ect. For at least 30 days prior to the election). An additional residency requirement is found under general election laws, which require a candidate for elective office to be a registered voter at the time of filing for candidacy (RCW 29A.20.021). To register to vote, one must be a resident for 30 days prior to the election. In effect then, a commissioner candidate must be a resident of his or her district at the time of the filing."

According to Washington State law, a candidate must be "eligible" for the office he or she is seeking at the time the candidate files his or her Declaration of Candidacy. The eligibility requirement for a county commissioner is that the candidate 1) resides in the district for which he or she is seeking office, 2) must be a qualified elector of the county commissioner district he or she is seeking office, and 3) is legally qualified to assume that office. To be a qualified elector, the candidate must reside in the district.

These three criteria as specifically called out in the oath on the Washington State Declaration of Candidacy. The oath specifically reads, "I declare that the above information is true, that I am a registered voter residing at the address listed above, that I am a candidate for the office listed above, and that, at the time of filing this declaration, I am legally qualified to assume office."

The language requiring residency as a candidate can be found in RCW 36.32.040, which states "...the qualified electors of each county commissioner district, and they only, shall nominate from among their own number, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election...". The Phrase "from their own number" means that not only the electors of the county commissioner district must reside within the district but the candidate must also reside within that commissioner district.

The second criteria is that the candidate must be a qualified elector in the commissioner district for which the person is seeking office. Consideration of this criteria requires a review of timing (at which point must a candidate be a qualified elector) and a determination of residency.

RCW 29A.04.061 states "Elector means any person who possesses all of the qualifications to vote under article VI of the State Constitution." Article VI, Section 1 reads "all persons of the age of eighteen years or over who are citizens of the United States and who have lived in the state, county and precinct thirty days immediately preceding the election at which they offer to vote, except those disqualified by Article VI, Section 3 of this Constitution, shall be entitled to vote at all elections."

The timing of when a person is eligible to "cast a vote" as a qualified elector is not the same as the timing of when someone is qualified as an elector for the purposes of being a candidate for public office.

According to RCW 29A.20.021 (3), "The name of a candidate for an office shall not appear on a ballot for that office unless, except as provided in RCW \*3.46.067 and 3.50.057 (pertaining to Municipal Court Judges), the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time of the candidate's declaration of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection."

For people pursuing public office, they must be a qualified elector at the time he or she files his or her Declaration of Candidacy. To think that a person wishing to be a candidate for public office would not need to be a qualified elector until 30 days prior to the election would be a front to the intent of the law. Such an interpretation would mean someone wishing to be a candidate for a county commissioner district could live in another State during filing week and simply move to that district 30 days prior to the election. The Declaration of Candidacy would mean nothing since the candidate would not be able to state under oath that he or she "is a registered voter residing at the address [within the district]." The law does not intend (for example) Al French of the 3<sup>rd</sup> Commissioner District to file a Declaration of Candidacy to run for Mark Richard's 2<sup>nd</sup> Commissioner District seat with the intent to move to the 2<sup>nd</sup> District 5 weeks later. Furthermore, How would the election be determined if Commissioner French never followed through with the move?

In order to properly register to vote, one must "reside" within the district or division.

RCW 29A.04.151 states "Residence for the purpose of registering and voting means a person's permanent address where he or she physically resides and maintains his or her abode. However, no person gains residence by reason of his or her presence or loses his or her residence by reason of his or her absence:

- (1) While employed in the civil or military service of the State or United States;
- (2) While engaged in the navigation of the waters of this State or the United States or the High Seas;
- (3) While a student at any institution of learning;
- (4) While confined in any public prison

None of these 4 exceptions apply to Mr. Roskelley. He has not been employed by the State of Washington for more than a year and since changing his voter registration.

Another statute, RCW 29A.08.112 does state that, "No person registering to vote, who meets all the qualifications of a registered voter in the State of Washington, shall be disqualified because he or she lacks a traditional residential address. A voter who lacks a traditional residential address will be registered and assigned to a precinct based on the location provided."

For the purpose of this section, a voter who resides in a shelter, park, motor home, marina or other identifiable location that voter deems to his or her residence lacks a traditional address...."

Under the law then, Mr. Roskelley cannot be a candidate for County Commissioner District 1 unless he is a resident of the district and is a legally qualified elector of the same district. To be a legally qualified elector he must be a resident, meaning, he must "*physically reside and maintain his or her abode within the district*" The question then is whether he physically resides at the address he listed on his Declaration of Candidacy as of the date he filed his declaration.

In the declaration that Mr. Roskelley filed on Wednesday May 16<sup>th</sup>, 2012, he stated under oath, "I declare that the above information is true, that I am a registered voter residing at the address above, That I am a candidate for the office listed above, and that, at the time of filing this declaration, I am legally qualified to assume office."

Also stated in his sworn declaration, Mr. Roskelley lists 10121 E. Heron View Lane, Spokane, Washington as his physical address. The property located at that address has no such structure that would qualify as a residence. It is bare property. (See attached Photos)

According to Spokane County Assessor public records, there are no structures or dwellings on the property. According to other public records, there is a well on the parcel and a permit was taken out for a septic system in February of this year. Additionally, Mr. Roskelley has submitted an application for a building permit, but as of the date of his declaration, no County building permits had been issued. There appears to be is no electrical service to the property, so there are no electrical pumps to extract water from the well.

Even if one attempted to define 10121 E. Heron View Lane as an "other than traditional" residential address because it is an identifiable location, RCW 29A.08.012 still requires Mr. Roskelley to physically reside a that location and maintain an abode. There is no evidence that anyone has attempted to reside at this location.

Based on this evidence, there is no way that anyone can truthfully and legally claim that he or she physically resides or maintains an abode on this parcel.

As further consideration, residency is generally where an individual receives his or her mail, especially for official purposes. Up until this spring, Mr. Roskelley used the Heron View Lane address for voter registration purposes but had his ballot sent to 3624 W. Kiernan, Spokane Washington. For property tax purposes, his is listed as the owner of the Heron View Lane parcel, but goes on to list his "Taxpayers Address" as 3624 W. Kiernan. Frequently in the past month, Mr. Roskelley's red Ford pickup truck with his campaign signs attached has been observed both at dawn and late at night parked either in front of, or in the alley behind 3624 W. Kiernan.

3624 W. Kiernan is a residence located nearly half a mile South of Commissioner District 1 (The southern legal boundary of district 1 is Wellesley Ave.) The legal owner of the residence is Mr. Roskelley's son, Jess Roskelley.

**2. Mr. Roskelley may have committed voter fraud by providing false information on his Declaration of Candidacy, providing false information on an application for voter registration, and casting votes in elections in which he was not a qualified elector.**

Mr. Roskelley changed his voter registration in June of 2011 after selling his home located at 16641 E. Foothills Road. He listed his new residence as 10121 E. Heron View Lane on his voter registration application. Based on the evidence presented above, there was no residence on that parcel, and since he could not therefore be a properly registered voter, he was not legally entitled to vote from that address. Since June of 2011 when he changed his voter registration, Mr. Roskelley cast a vote in the November 2011 election (he had his ballot sent to the address on West Kiernan). Items on that November ballot for which he could not have cast a legal vote included the Special election to determine the 4th District State Senate seat, Mead School District Board Member elections, plus a race for Fire District #9 Commissioner. Had Mr. Roskelley been registered at the West Kiernan address, he would have been prohibited from casting a vote on any of these ballot items. According to Election Department records, Mr. Roskelley did not participate in the election of February of 2012 in which funding for the Mead School District was to be determined. This past Wednesday, Mr. Roskelley filed his Declaration of Candidacy in which he stated under oath that he was a registered voter residing on Heron View Lane. What is most interesting regarding Mr. Roskelley's voter registration, voting transgressions, and the information he listed in his declaration is that he is supposed to be more knowledgeable than most when it comes to election laws and rules. As a former County Commissioner, each time he served as the Chairman of the Board of County Commissioners, he would have served as one of three Canvassing Board members, the group that oversees election compliance and accuracy! According to RCW 29A.84.130, RCW 29A.84.311, RCW 29A.84.660, and RCW 29A. 84.680, knowingly providing false information on an application for voter registration, being an unqualified person participating in an election, a false declaration of qualifications to receive and cast ballots, and filing false information on a candidacy declaration are all class c felonies.

**3. This would be the second time that Mr. Roskelley has misinterpreted the rules regarding residency requirements for the post of County Commissioner.**

It was approximately eleven years ago that Mr. Roskelley, as an incumbent County Commissioner in District #1, sold his home near Mt. Spokane and made an offer on a home located between Nine Mile Road and the Spokane River, just off Seven Mile Road. Mr. Roskelley believed the western border of his district was the Spokane River. As the commissioner for District #1 for nearly five years, most people would expect a county commissioner to know the boundaries of his own district. The correct western boundary of commissioner district #1 was Nine Mile Road and the home would have been outside his district by about 2 blocks. Since boundaries for districts needed to be adjusted as a result of the 2000 Census, then-County Commissioners Kate McCaslin and Phil Harris agreed to adjust the boundary to accommodate Mr. Roskelley. It appears that Mr. Roskelley didn't believe they would follow] through and backed out on the purchase of the home. By doing so, he lost a substantial earnest money deposit and had to negotiate the re-purchase of his home he had just sold. As the Spokane County Auditor overseeing elections, and consistent with RCW 29A. 20.021(3), you are charged with reviewing each declaration of candidacy regarding compliance with the law. I request that you immediately review the evidence presented and make a determination that John Roskelley does not reside at 10121 E. Heron View Lane, is not then a qualified elector at that address, and therefore is ineligible to be listed on the ballot as a candidate for Spokane County Commissioner, District #1.

Additionally, I believe based on the evidence presented, Mr. Roskelley perjured himself in signing the oath on his Declaration of Candidacy and participated in elections in which he was not eligible to vote. I request that you find that these are willful violations of election law by someone who has knowledge of those laws. I further request that you pursue these violations as such with the Spokane County Prosecutor's office. I look forward to a timely response to my correspondence. Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew S. Pederson", with a long horizontal flourish extending to the right.

Matthew Pederson  
Chairman, Spokane County Republican Party  
104 S. Freya, Suite 104A  
Spokane, WA 99202  
[chair@spokanegop.com](mailto:chair@spokanegop.com)  
Phone (509) 838-6162  
Cell (509) 879-5281























