

Washington gubernatorial election, 2004



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The **election for governor of the U.S. state of Washington** in the year 2004 gained national attention for its legal twists and turns and its extremely close finish. Three parties, the Democratic Party, the Republican Party and the Libertarian Party, fielded candidates. The primary election was held on September 14, and the general election was held on November 2. It is notable for being among the closest races in United States election history; the winner, Christine Gregoire, a Democrat, was elected after the third official count turned the election in her favor by a margin of 129 votes, or 0.0045%.

On the day of December 30, Christine Gregoire was officially declared the victor of the third count (the second recount), conducted by hand, partially delayed by a court order preventing King County from including over 700 ballots that county officials said were improperly rejected. Although Gregoire was sworn in as Governor of Washington on January 12, 2005, her opponent Dino Rossi did not formally concede and called for a re-vote due to concerns about the integrity of the election. The Republican Party filed a lawsuit in Chelan County Superior Court contesting the election, in which the trial judge ruled against the Republican Party by dismissing their case with prejudice,^[1] not only denying their allegations but also attacking the validity of their methodology. Rossi chose not to appeal to the Washington State Supreme Court, thereby conceding the election on June 6, 2005.



2004 Gubernatorial Election County Map of Washington. Map does not show population or percentile.
 Plurality won by Rossi
 Plurality won by Gregoire

Contents

- 1 The primaries
 - 1.1 Democratic primary
 - 1.2 Republican primary
 - 1.3 Libertarian primary
- 2 Campaigns
- 3 General election
 - 3.1 Initial results
 - 3.2 Absentee ballots
 - 3.3 First results and recounts
 - 3.4 Discovered ballots
 - 3.5 Manual recount results
 - 3.6 Further legal challenge
- 4 Fallout
- 5 Results of initial count and recounts
- 6 Footnotes
- 7 See also

- 8 References
- 9 External links

The primaries

The 2004 election cycle was the first in Washington state to use a party-line ballot system of holding primary elections. The state had a long tradition of using blanket primaries, where the candidates of all political parties appear together on the same ballot for all voters. In this system, the leading vote-getter from each party advances to the general election. Washington voters are not registered by party affiliation and a voter could participate in selecting candidates for more than one party, although the voter could only choose one candidate (of whatever party) for each office.

In February 2004 the United States Supreme Court declined to review a lower court decision striking down the blanket primary as unconstitutional, based on it violating the rights of the parties to freedom of association under the First Amendment. Washington was thus forced to devise a new primary election system. The state legislature passed a bill providing that the top two vote-getters for each office in the primary would advance to the general election, regardless of which political party they belonged to. Voters would still be allowed to vote for any candidate as before. However, this measure was vetoed by Governor Gary Locke in favor of a "Montana-style" system that requires voters to choose a ballot for one specific party and vote only on that party's candidates in the primary.

The primary election in 2004 was held using the new system, but a campaign to replace it was already underway. The Washington State Grange, which had helped institute the blanket primary in 1935, filed Initiative 872 to implement the "top-two" primary instead, which would once again allow voters to cross party lines in the primary election but now send the top two vote-getters to the general election. In districts dominated by one party, the "top-two" system could result in Democrat- or Republican-only general election races. Supporters claimed it would bring back voter choice across party lines and allow independent voters to participate in the primary; opponents said it would exclude third parties and independent candidates from general election ballots, and would in fact reduce general election voter choice. The initiative was put to a public vote in November 2004, and passed with 60 percent of the vote.^[2] The state Republican, Democratic and Libertarian parties sued,^[3] however, and a federal district court judge ruled in 2005 that the measure was unconstitutional because it too infringed the parties' First Amendment right to select their own candidates.^[4] Washington continued with the party-line primary system while appealing the case.^[5]

Democratic primary

In July 2003, incumbent governor Gary Locke indicated that he would not seek a third term, opening up the Democratic primary to alternate candidates. Former Washington State Supreme Court justice Phil Talmadge was the first candidate to enter the race for the Democratic primary, challenging Gary Locke before he announced his retirement, but Washington Attorney-General Christine Gregoire quickly became the frontrunner, leading in fundraising and endorsements. King County Executive Ron Sims announced his candidacy, but failed to garner much interest, perhaps due to his association with the controversial Sound Transit light rail project. According to a March 2004, Mellman Group poll, Gregoire would beat both Sims and Talmadge 36 percent to 11 percent and four percent in an open primary, and would beat Sims 55 percent to 17 percent in a closed primary.^[6] On April 29, 2004, Talmadge announced he was withdrawing from the race following the discovery of a benign kidney tumor, citing the likely need for surgery and associated recovery time.

Candidate	Home city	Total Votes	Percentage
Christine Gregoire	Auburn	504,018	65.62%
Ron Sims	Seattle	228,306	29.72%

Mike The Mover	Lynnwood	15,118	1.96%
Don Hansler	Spanaway	8,636	1.12%
Scott Headland	Tacoma	6,983	0.90%
Eugen Buculei	Bellevue	5,005	0.65%

Republican primary

The Washington State Republican Party struggled to find a candidate through most of 2003 when presumed candidate Bob Herbold, a former Executive Vice President and COO of Microsoft, declined to run. They finally recruited Dino Rossi, a relatively obscure political figure who left the state Senate to pursue a gubernatorial run due to state elected officials being prohibited from raising money while the legislature is in session.

Candidate	Home city	Total Votes	Percentage
Dino Rossi	Sammamish	444,337	85.14%
Bill Meyer	Bellingham	44,448	8.51%
John W. Aiken, Jr.	Medical Lake	33,104	6.34%

Libertarian primary

The Libertarian Party of Washington State race was between Ruth Bennett, former state chair of the party in Washington and Colorado, and Michael Nelson.

Candidate	Home city	Total Votes	Percentage
Ruth Bennett	Seattle	7,382	56.48%
Michael Nelson	Seattle	5,687	43.51%

Campaigns

Both Gregoire and Rossi ran as centrists and promised to change the political landscape in Washington, and both made job and economic growth the centerpiece of their campaigns. Gregoire ran on the promise to boost job growth in the state which had slowed greatly after the dot com bubble burst in 2001, to improve education, and to increase access to health care.

The Rossi campaign presented its own job-growth plan, and stated that 20 years of Democratic governors were to blame for the economic troubles in the state. However, during the general election he was criticized for a strongly conservative voting record that was at odds with his moderate campaign posture. Rossi was also criticized for his long-time professional association with a real estate broker convicted of fraud, and for alleged résumé embellishments. Rossi had worked against *Roe v. Wade*, attacked opponents for supporting gay rights, and proclaimed that creationism should be taught in public schools. Although Rossi campaigned on being pro-life and in favor of state and federal Constitutional Amendments that would ban all benefits and legal contracts for gay couples, he downplayed his long history of fundamentalist "rhetoric" and claimed he was a "fiscal moderate with a social conscience." Rossi also would not publicly state his opinion over stem cell research.

The Gregoire campaign focused on Gregoire's record of challenging big tobacco and pharmaceutical companies in her tenure as state Attorney-General. Gregoire also proposed a major state-led initiative in life sciences, especially stem

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cell research, where she proposed investing \$500 million of a tobacco settlement the state hopes to receive in 2008. Her economic plan for the state focused on improving state infrastructure and improving the quality of education in the state, which she claimed would attract investors. Gregoire also stated that she believed Washington residents should be allowed to buy prescription medicine from Canada, while Rossi said that he needed to be convinced it "was safe".^[7] Gregoire was criticized for being a part of the state government establishment, but tried to counter Rossi's "time for a change" message by saying that she would "blow past the bureaucracy" and bring change herself. This language surprised and disappointed many of her colleagues and supporters, who saw it as a failure to give mention or credit to the efforts and achievements of past Democratic governors.

Gregoire was also strongly criticized in many attack ads for an incident which occurred in 2000, when Gregoire's office failed to file documents on time to appeal a record \$17.8 million personal-injury verdict against Washington. Documents from an independent investigation conducted at the time of the incident show that Gregoire's deputies attempted to influence who was listed as responsible for the missed deadline. A further case Gregoire was strongly criticized for occurred in 2002 during a wrongful death lawsuit when Gregoire's office did not detect an error in jury instructions. The state was forced to pay \$22.4 million to the plaintiff. While Gregoire was not directly responsible for these offenses, the Rossi campaign claimed that she had already cost Washington taxpayers millions of dollars and was negligent.

Rossi won the endorsement of the Republican Party, the National Rifle Association, *The Seattle Times*, several business and medical associations, and former governor Dan Evans. Gregoire received the endorsement of the Democratic Party, GLAAD, The Seattle Post-Intelligencer, pro-choice organizations, and all the previous Democratic governors of the state. However, the Republican Party decided not to fund ads for Rossi in the state as polls leading up to the election date showed Gregoire with a clear lead.^[8] Almost all of Rossi's ads were paid for and created by outside sources, although as Gregoire's lead narrowed closer to the election date, the Republican Party ultimately decided to launch a series of advertisements for Rossi.

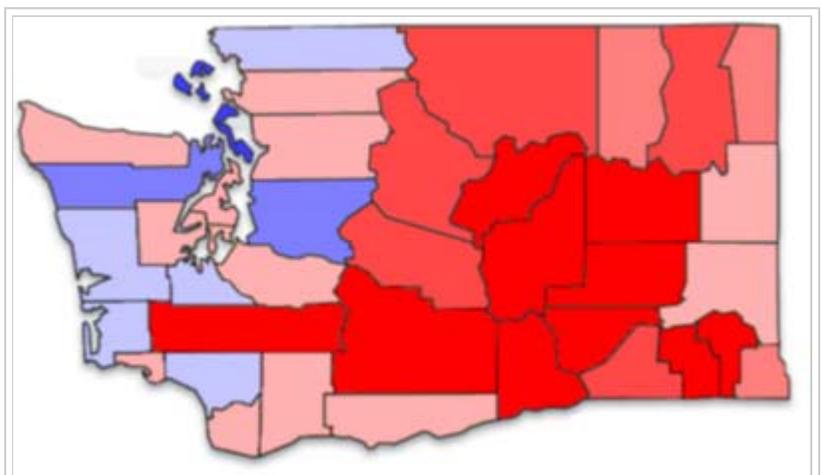
Ruth Bennett's campaign focused on permitting gay marriage in the state and economic liberalization in line with Libertarianism. She also recommended equally dividing the state budget among the counties and allowing the counties to establish tax systems on a county-by-county basis, ultimately leading to a diminished role of Washington's Department of Revenue.

General election

Initial results

Gregoire led in almost all polls conducted leading up to the election, but Rossi was able to close in on her late in the race and won considerable support from Eastern Washington. He also ran much stronger than expected in Snohomish and Pierce Counties. Gregoire received strong support (nearly a three-to-two margin) from the largest county in the state, King County, which includes heavily Democratic Seattle. During the initial ballot count, the lead changed hands several times.

Absentee ballots



2004 Washington gubernatorial election map, by percentile by

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Washington is unusual for a U.S. state in that it only requires that an absentee ballot be postmarked by the day of the election to be valid, while most

other states require the ballot to have arrived at the election office by that time. Due to this as well as the state's high number of absentee ballots — more than 60 percent of all King County voters voted absentee — the initial result of the election was not known until November 17, the last day under state law for election results to be certified by each county's election officials.

One point of controversy was signatures on provisional and absentee ballots. In many eastern Washington counties, the county election offices provided the political parties with the names of people whose absentee and provisional ballots have been ruled invalid due to issues with missing or non-matching signatures. The Republican Party began calling these voters to inform them their ballot was invalid and to give them information on how to contact the election offices to get their ballots validated. The Democratic Party sought the same list from heavily Democratic King County but was rebuffed. The party sued, and on November 12 a King County judge ruled that the county election board would have to turn over the list of 936 voters whose ballots were invalidated due to signature problems to all parties with candidates in the race. While the Democratic Party canvassed these residences from November 13 through the 16th, the GOP began sending vans into the rural counties to drive voters with invalid ballots to election offices.

Another state law allows for election officials to evaluate voter intent and correct ballots so that the machines can properly read them. For example, on a Scantron or other optical ballot, an election official might fill in a circle that was not properly marked so that the machine may record the vote. Republicans filed a federal lawsuit to stop the visual examination of ballots, claiming that it is not allowed under federal law (Equal Protection Amendment). The Republican Party was contending that the method King County was using was different than in other counties, therefore treating voters in King County differently than in others. This is the same argument that was used by the party in the Florida Recount. However, the court ruled that this was not the case, as King County was counting their ballots in a manner similar to that of other counties.

First results and recounts

The first ballot count was concluded on November 17, and Secretary of State Sam Reed reported that Rossi held a lead of 261 votes. This was well within the margin (less than 0.5 percent and less than 2,000 votes) that automatically requires a full machine recount by state law. The state-wide recount was completed on November 24, showing Rossi with a lead of 42 over Gregoire. Of the 39 counties in Washington, Rossi carried 32 and Gregoire 7.

In Washington, a candidate may request one hand count or machine count, provided that they pay for the estimated cost of the recount up front. If a manual recount overturns the outcome of an election, the state will then refund the money to the candidate. As Gregoire disputed the result, the Washington State Democratic Party gave a check for \$730,000 to the Secretary of State on December 3. The Secretary of State issued the order for a recount on Monday, December 6. The state GOP had also indicated before the machine recount that they would have sought a manual recount were the outcome in favor of Rossi reversed.

Discovered ballots

King County Council Chairman Larry Phillips was at a Democratic Party office in Seattle on Sunday December 12, reviewing a list of voters whose absentee votes had been rejected due to signature problems, when to his surprise he found his own name listed. Phillips said he was certain he had filled out and signed his ballot correctly, and asked the county election officials to

investigate the discrepancy. They discovered that Phillips' signature had somehow failed to be scanned into the election computer system after he submitted his request for an absentee ballot. Election workers claimed that they had received Phillips' absentee ballot in the mail, but they could not find his signature in the computer system to compare to the one on the ballot envelope, so they mistakenly rejected the ballot instead of following the standard procedure of checking it against the signature of Phillips' physical voter registration card that was on file. The discovery prompted King County Director of Elections Dean Logan to order his staff to search the computers to see if any other ballots had been incorrectly rejected.

Logan announced on December 13 that 561 absentee ballots in the county had been wrongly rejected due to an administrative error. The next day, workers retrieving voting machines from precinct storage found an additional 22 ballots, bringing the total to 583 newly discovered ballots.

Logan admitted the lost ballots were an oversight on the part of his department, and insisted that the found ballots be counted. On December 15, the King County Canvassing Board voted 2-1 in favor of counting the discovered ballots.

Upon examination of the discovered ballots, it was further discovered that, with the exception of two ballots, none of the ballots had been cast by voters whose surnames began with the letters A, B, or C. There was a further search for more ballots, and on December 17, county workers discovered a tray in a warehouse with an additional 150 previously uncounted ballots. All together, 723 uncounted or improperly rejected ballots were discovered in King County during the manual hand recount.

The state Republican party regarded the discovered ballots in King County cynically, with chairman Chris Vance stating that he was "absolutely convinced that King County is trying to steal this election." The National Rifle Association (NRA), which had endorsed Rossi, sent a mass e-mail on December 14 to its members asking for volunteers to go to King County in order to sit in on the county elections office and observe the recount.

State Republicans, labeling the ballots "suspicious", filed suit to have a restraining order put on counting the ballots. The request was granted on December 17, but Democrats appealed, which led to a State Supreme Court hearing on December 22. As the early results of the manual recount showed a single-digit vote lead for Gregoire, both sides expected the inclusion of the discovered ballots to increase their respective candidate's lead. Protesters gathered in front of both Democratic state headquarters and Republican state headquarters in the days after the injunction against King County's discovered ballots. On December 21, Republican protestors rallied in front of the Washington State Supreme Court Building dressed in orange and holding signs saying "Welcome to Ukraine", comparing the inclusion of the discovered ballots to the election fraud in the recent Ukrainian presidential election.^[9] Protest websites appeared for both sides of the dispute, such as "Accidental Governor (<http://web.archive.org/web/20050212142044/http://www.accidentalgovernor.com/>)" (archive; site no longer active) and "How Gregoire The Grinch Stole Christmas (<http://www.gregoirethegrinch.com/>)".

After all other counties submitted their recount votes, it was revealed on December 20 that at least five other counties besides King County had included ballots that had been discovered after the initial count. For example, Snohomish County included 224 missed ballots that had been discovered underneath mail trays. The outcome of the State Supreme Court hearing regarding King County's votes could have potentially affected those counties' counts as well.

Manual recount results



A King County election worker looks through ballots that were uncounted in the first election results due to signature problems.

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The state Democratic party claimed on December 21 that, without consideration of the 700 discovered ballots which were not counted due to an injunction, the result of the manual recount, including King County's votes, placed Gregoire ahead by eight votes across the state. Later, on December 22, the preliminary recount results put Gregoire at a ten-vote lead.

The Washington State Supreme Court ruled on December 22 that counties explicitly have the ability to correct ballot consideration errors made during earlier counts. The next day, King County's final tally, including the disputed ballots, gave Gregoire a 130 vote lead, which was later revised to 129 when it was discovered that Thurston County had added a vote after certification had been completed. However, this change by Thurston County was disallowed upon final certification by Sam Reed, as this change happened after certification. Since the recount results were in favor of the party requesting the recount, the Democrats were reimbursed the recount costs they had advanced to the state.

The Republicans were already preparing for further legal action before the final tally was announced by canvassing Republican voters whose ballots had been rejected. On December 29, Rossi called for a re-vote, saying that "this election has been a total mess" and that a "revote would be the best solution for the people of our state and would give us a legitimate governorship". This solution had been rejected by the Democrats and Republican Secretary of State Sam Reed because Washington's election law contains no re-vote provision, which left a lawsuit the only other option. Reed officially certified the results of the manual recount on December 30, declaring Gregoire the governor-elect.

Further legal challenge

Controversy over the election's outcome continued after the certification of the hand recount results. The Washington State Republican Party called into question the discrepancy between the list of voters casting ballots in King County (895,660) and the number of ballots reported in the final hand recount (899,199). As an explanation, election officials claimed that they had yet to finalize the list at the time, and argued that discrepancies in the two numbers are common and do not necessarily indicate fraud. As the election officials had expected, once the two lists were completed on January 5, the two numbers were indeed very close to one another. Also on January 5, 2005, the Seattle Post-Intelligencer published an article investigating (http://seattlepi.nwsourc.com/local/206969_dead07.html) votes in King County apparently cast by dead people. The PI uncovered eight cases of votes attributed to dead people; these included one administrative error, two ballots cast by the spouses of recently deceased voters (one who voted against Gregoire), one case of a husband apparently voting his dead wife's ballot instead of his own, and a man who legally voted his absentee ballot and then died before election day. One dead woman was marked as having voted in person at the polls.



A protester in front of Chelan County Superior Court demanding a revote.

By law, the result of the election can be contested by any individual who files suit at any time up to 10 days after any inauguration, thereby making January 22 the latest date to have filed any suit. Two private citizens filed challenges to the election on January 6: Daniel P. Stevens of Fall City and Arthur Coday, Jr. of Shoreline. The Republican party filed a suit on January 7 in Chelan County claiming that voters had been deprived of their right to a "free and fair election", and demanding a revote by special election. While the evidence focused especially on problems in King County, adjacent Chelan was chosen as the venue because it was more solidly Republican and the GOP questioned the ability of King County judges to rule impartially in such a case.

Neither suit asked for Gregoire's inauguration to be delayed, allowing governor Gary Locke to leave his post as scheduled. Gregoire was inaugurated on January 12. On February 4, Judge John E. Bridges, assigned by Chelan County to preside over the case, ruled that the court did not have the authority to order a re-election. However, in the same ruling, he also rejected the Democrats' argument that only the state legislature, which then had a Democratic majority, and not the court, had the sole authority to decide whether an election was invalid, thereby indicating that he intended to proceed to trial. Both sides declared victory over this early pre-trial ruling.

Both sides used different arguments to prove their case. The Republicans presented data showing discrepancies in absentee ballot counts from 11 King County precincts. In some precincts, the county tallied more mail-in ballots than there were voters recorded as having voted by mail. In others, the opposite occurred—the county recorded more voters than ballots. The proof that ballots were fabricated for Democrats, Republican attorneys argued, is that four of the five precincts with the most excess mail-in ballots backed Gregoire. And as proof that ballots were misplaced or destroyed to harm Republicans, they pointed to the fact that four of the six precincts in which the most mail-in votes cannot be accounted for backed Republican Dino Rossi.

Democrats argued that evidence did not support this theory. For example, there were 703 King County precincts in which there were more absentee voters than ballots, not just six. The Republicans said in court that "ballots were undercounted mostly in precincts that backed [Rossi]", but 500 of these 703 precincts, or 71 percent, actually backed Gregoire. The Democrats also countered, alleging that there had been fraudulent manipulation of some electronic voting machines. To prove this, the Democrats claimed that in Snohomish County, two-thirds of the electorate voted with paper absentee and provisional ballots, favoring Gregoire by 1,816 votes (97,044 to 95,228). The remaining one-third, voting electronically, favored Rossi by an 8,255-vote advantage (50,400 to 42,145).

Furthermore, in precincts with voting machines that were repaired within two weeks of the election, Rossi had a touch screen advantage in 56 out of 58 (96.6 percent). The average margin for Rossi at these polling places was 11.58 percent more favorable than the absentee votes, and averaged 10.8 percent more than Gregoire on Election Day. However, the Republicans countered this by stating that among 90 precincts with no reported machine problems, 44 had touch screen vote counts more favorable to Rossi than the paper ballots from the same precinct, while 46 had a touch screen count that favored Gregoire. This raises serious questions as to whether the machines requiring repairs were tampered with to improperly assign votes to Rossi. The Republicans also claimed that King County was three days past its federally required due date of October 10 to send out its absentee ballots to voters in the military, who are widely considered more likely to vote Republican. The United States Postal Service Bulk Permit #1455 was used to mail 1,605 ballots on October 2, and 28,000 on October 13. The Republicans claimed that the delay could have prevented military servicepeople from voting, thereby skewing the results in King County. On air, local talk radio host Bryan Suits claimed that his vote in particular was not counted while he performed military service in Iraq.

Bridges denied a motion on February 19 by the Democrats which argued that the challengers must prove that the disputed ballots necessarily made a difference in the outcome of the election by showing how many of the ballots were cast for which candidate. The Republicans admitted that they could not provide this proof, but argued that the volume of illegal ballots, and the electoral tendencies of the counties in which they were cast, demonstrated a strong likelihood that the illegal ballots had led to Gregoire's victory. On February 26, as a part of the Republican suit, Rossi's legal team produced a list of 1,135 felons, deceased people, or people who allegedly voted twice, whom attorneys claimed influenced the outcome. A substantial number of the felon-voters were convicted as juveniles and were legally permitted to vote.^[10] Conservative columnists suggested that felons were more likely to vote for Gregoire, but most of the felon-voters resided in counties won by Rossi.^{[11][12]}

As a solution to the problem of the illegal voters, the Republicans proposed a solution of "proportional reduction".

visited on 4/5/2007

Republicans claimed that it should be assumed that illegal votes were cast in the same percentages as other votes in the same precinct. For example, in a precinct where Gregoire won 60 percent of the vote, it would have been assumed that she received 60 percent of the illegal vote as well, and those votes would be subtracted from her total for the precinct. The Democrats countered that the Republicans' proposal was statistically invalid, an example of the ecological fallacy, and the best solution would be to call each of the felons into court and ask them to swear under oath which political candidate they voted for, after which time their vote would be removed from the total.

The trial began on May 23, with both sides presenting their evidence of manipulation. Bridges issued his ruling on June 6, upholding the election of Gregoire. He stated that the judiciary should exercise restraint; "unless an election is clearly invalid, when the people have spoken, their verdict should not be disturbed by the court."^[13] Nullifying the election, Bridges said, would be "the ultimate act of judicial egotism and judicial activism." He also concluded that according to his interpretation of the Washington Administrative Code, "voters who improperly cast provisional ballots should not be disenfranchised." He also rejected all claims of fraud and the Republican Party's statistical analysis, concluding that the expert testimony of the Republican party was "not helpful" and that the proportional reduction theory was not supported under any law in the state. Striking another blow against Rossi's court case, he stated that "the court is more inclined to believe that Gregoire would have prevailed under statistical analysis theory," rejecting the Rossi campaign's claim that improperly cast ballots led to Gregoire's victory.

Bridges also removed five votes from the final count after receiving testimony from convicted felons who had voted: four for Rossi and one for Ruth Bennett. No evidence was brought before the court of anyone illegally voting for Gregoire. The final margin of victory for Gregoire over Rossi was 133 votes.

Judge Bridges' ruling was seen as a comprehensive defeat for Rossi. The judge admitted nearly every piece of evidence the Republican Party offered and then wrote a thorough, tough opinion rejecting the Republicans' claims (while criticizing the administration of the election, particularly in King County); Rossi was left with very little legal ground for a successful appeal. After receiving such a negative verdict, Rossi declined to appeal to the State Supreme Court, claiming that the political makeup of the Court would make it impossible for him to win, thereby ending all legal challenges to the election of Gregoire as the Governor of Washington.

Fallout

The controversy and election contest had notable repercussions across the state, from corrective government action to increased interest in voter-initiated propositions of varied severity.

With the aim of repairing flaws in the state electoral system, many of which were uncovered during the course of the recounts, Gregoire, along with Reed, formed an election reform task force that traveled throughout the major cities of the state. The panel presented an array of recommendations on March 3, including such suggestions as holding primary elections at an earlier date, requiring ID at polling places, implementing a central statewide voter database, and regular audits of registration records. Some of the proposals could be implemented immediately under Reed's authority as Secretary of State. Many of the recommendations are the same as those proposed by the State Senate Government Operations and Elections committee on February 18. Other election reform proposals have suggested the state move to an entirely mail-based ballot system.

As the state official responsible for overseeing the administration of elections, Secretary of State Sam Reed, known as a moderate Republican, came under attack from both sides at various points. After his certification of Gregoire's election, a number of Republicans claimed he had acted inappropriately and submitted a recall proposition to remove Reed as Secretary of State. However, a Thurston County judge denied the move on February 15. Reed and his supporters insist that he followed the letter of the law and had no sufficient reason not to certify Gregoire. On the Secretary of State's

visited on 4/5/2007

web page, it is stated that their duty is simply to tabulate the results as reported by the many counties.^[14] The office of Secretary of State was also a party to the various legal proceedings (technically, challenges by one party were directed against government officials, with the opposing party allowed to participate due to its interest in the outcome). Observers noted that during the trial, Judge Bridges frequently sided with Reed's position as a sort of neutral party in the case.

In the aftermath of the trial, the state Democratic Party also filed a lawsuit against the Republican Party for court costs. It argued that the election contest statutes provided for the prevailing party's court costs to be paid by the loser. The matter was settled with the Republicans agreeing to pay \$15,000, thus bringing an end to all legal proceedings related to the election.

The 2004 election became a focus of media attention again in early 2007 when news broke that eight federal prosecutors including John McKay, U.S. Attorney for the Western District of Washington, had been fired. Republicans had hoped that after the election McKay would begin a federal investigation into alleged voter fraud, but he did not; McKay stated afterward that he would not convene a grand jury for purely political reasons and emphasized he had not seen any evidence of voter fraud in the Governor's race.^[15]

Results of initial count and recounts

County	Christine Gregoire (D)				Dino Rossi (R)				Ruth Bennett (L)		
	Initial Result	Machine Recount	Manual Recount	Gain / Loss	Initial Result	Machine Recount	Manual Recount	Gain / Loss	Initial Result	Machine Recount	Manual Recount
Adams	1,517	1,529	1,529	0	3,459	3,486	3,481	-5	79	81	81
Asotin	3,524	3,525	3,530	+5	4,905	4,904	4,914	+10	193	193	193
Benton	19,830	19,831	19,834	+3	44,888	44,890	44,895	+5	1,119	1,118	1,118
Chelan	10,074	10,077	10,077	0	18,436	18,437	18,438	+1	523	523	523
Clallam	16,225	16,226	16,230	+4	18,831	18,832	18,836	+4	919	919	920
Clark	72,797	72,800	72,828	+28	85,887	85,894	85,924	+30	4,123	4,123	4,123
Columbia	670	671	671	0	1,370	1,370	1,371	+1	37	37	37
Cowlitz	20,236	20,207	20,204	-3	20,087	20,047	20,045	-2	1,094	1,093	1,094
Douglas	4,357	4,359	4,360	+1	8,662	8,666	8,667	+1	218	219	219
Ferry	1,275	1,278	1,278	0	1,898	1,900	1,900	0	118	118	118
Franklin	4,968	4,967	4,977	+10	10,618	10,619	10,634	+15	226	227	227
Garfield	427	428	428	0	839	840	840	0	25	25	25
Grant	7,800	7,826	7,821	-5	17,385	17,429	17,431	+2	534	535	535
Grays Harbor	13,713	13,719	13,729	+10	13,444	13,449	13,457	+8	575	575	575
Island	16,888	16,888	16,895	+7	19,992	19,997	20,000	+3	814	814	814
Jefferson	10,641	10,642	10,650	+8	7,293	7,289	7,295	+6	465	466	466
King	505,243	505,836	506,194	+358	350,779	351,127	351,306	+179	18,906	18,936	18,952
Kitsap	56,149	56,164	56,236	+72	57,712	57,693	57,775	+82	3,097	3,090	3,097
Kittitas	6,106	6,125	6,125	0	9,541	9,567	9,567	0	275	277	277
Klickitat	3,919	3,919	3,919	0	4,766	4,767	4,767	0	265	265	265

visited on 4/5/2007

Lewis	10,243	10,245	10,247	+2	20,838	20,842	20,851	+9	756	756	757
Lincoln	1,850	1,850	1,850	0	3,685	3,686	3,686	0	100	100	100
Mason	11,787	11,788	11,797	+9	12,505	12,507	12,519	+12	681	682	680
Okanogan	6,100	6,101	6,107	+6	9,451	9,450	9,460	+10	465	465	468
Pacific	5,209	5,210	5,210	0	4,730	4,730	4,730	0	295	295	296
Pend Oreille	2,561	2,567	2,567	0	3,364	3,366	3,368	+2	179	179	179
Pierce	144,957	145,199	145,431	+232	157,443	157,704	157,905	+201	7,230	7,241	7,255
San Juan	5,872	5,872	5,872	0	3,661	3,660	3,660	0	320	321	320
Skagit	23,195	23,266	23,250	-16	27,135	27,224	27,219	-5	1,260	1,267	1,264
Skamania	2,232	2,232	2,233	+1	2,522	2,522	2,525	+3	178	178	178
Snohomish	138,939	139,070	139,189	+119	145,423	145,553	145,628	+75	6,842	6,852	6,861
Spokane	90,452	90,573	90,581	+8	105,435	105,569	105,584	+15	3,872	3,878	3,881
Stevens	6,992	6,992	6,992	0	12,293	12,293	12,295	+2	566	566	566
Thurston	58,953	58,955	58,970	+15	49,409	49,413	49,426	+13	2,574	2,575	2,575
Wahkiakum	993	993	993	0	1,099	1,100	1,099	-1	61	61	61
Walla Walla	7,947	8,006	8,008	+2	14,240	14,277	14,290	+13	376	381	378
Whatcom	44,053	44,056	44,072	+16	41,978	41,978	42,000	+22	2,177	2,177	2,179
Whitman	7,724	7,715	7,722	+7	9,367	9,363	9,365	+2	458	457	457
Yakima	24,735	24,735	24,755	+20	46,044	46,044	46,079	+35	1,351	1,351	1,351
Totals	1,371,153 (48.86%)	1,372,442 (48.8702%)	1,373,361 (48.8730%)	+919	1,371,414 (48.87%)	1,372,484 (48.8717%)	1,373,232 (48.8685%)	+748	63,346 (2.25%)	63,415 (2,2581%)	63,465 (2.2585%)

Footnotes

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12. ^ Goldstein, David (June 5). Democrats find 743 felons, claim Rossi deliberately concealed illegal votes (<http://www.horsesass.org/index.php?p=642>). HorsesAss.com. Retrieved on June 23, 2006.
13. ^ Postman, David (June 6). Rossi will not appeal election ruling (http://seattletimes.nwsourc.com/html/politics/2002319056_webverdict06.html). The Seattle Times. Retrieved on June 23, 2006.
14. ^ Washington Secretary of State's Office (<http://www.secstate.wa.gov/>).
15. ^ McKay "stunned" by report on Bush (http://seattletimes.nwsourc.com/html/localnews/2003615329_mckay13m.html). Seattle Times. Retrieved on March 19, 2007.

See also

- List of narrow elections

References

- Recount status from the Secretary of State's website (http://vote.wa.gov/general/recount_resultsbycounty.aspx). Accessed 20 January 2005.
- *The Seattle Post-Intelligencer*: Elections (<http://seattlepi.nwsourc.com/election2004/>)
- *The Seattle Times*: Politics (<http://seattletimes.nwsourc.com/html/politics/>)
- *Tacoma News-Tribune*: Election 2004 (<http://www.thenewstribune.com/news/election2004/>)
- *Pacific NW Portal* (<http://www.nwprogressive.org/portal>) - Democratic bloggers defending the election of Christine Gregoire (site also has a timeline of the gubernatorial election challenge (<http://www.nwprogressive.org/portal/Special/ElectionChallenge.html>))
- *Sound Politics* blog (<http://www.soundpolitics.com/>) - a Washington Republican raising questions about the integrity of the ballot.
- *The Seattle Post-Intelligencer*: No revote in governor dispute (http://seattlepi.nwsourc.com/local/210906_gov05.html) (February 5, 2005)

External links

Candidates' websites

- Christine Gregoire (<http://www.gregoire2004.com/>)
- Dino Rossi (<http://www.dinorossi.com/>)
- Ruth Bennett (<http://www.bennettforgovernor.com/>)

Washington government

- Washington Secretary of State (<http://vote.wa.gov/general/>)
- Chelan County Superior Court (<http://www.co.chelan.wa.us/scj/scj1.htm>)

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