



06-CV-00726-CERT

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★ MAY 24 2006 ★

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

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MAY 24 2006 08

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
OF SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
Deputy

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WASHINGTON ASSOCIATION OF CHURCHES, as an organization and representative of its members; WASHINGTON ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN), as an organization and representative of its members; ORGANIZATION OF CHINESE-AMERICANS OF GREATER SEATTLE, as an organization and representative of its members; CHINESE INFORMATION & SERVICE CENTER, as an organization and representative of its clients; FILIPINO AMERICAN POLITICAL ACTION GROUP OF WASHINGTON, as an organization and representative of its members; KOREAN AMERICAN VOTERS ALLIANCE, as an organization and representative of its members; SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) - LOCAL 775, as an organization and representative of its members; and WASHINGTON CITIZEN ACTION, as an organization and representative of its members,

Plaintiffs,

vs.

SAM REED, in his official capacity as Secretary of State for the State of Washington,

Defendant.

NO. CV06-0726 RSM

**DECLARATION OF
RICHARD GURTIZA IN
SUPPORT OF PLAINTIFFS'
MOTION FOR A
PRELIMINARY INJUNCTION**

HILLIS CLARK MARTIN &
PETERSON, P.S.

500 Galland Building, 1221 Second Ave
Seattle WA 98101-2925
206.623.1745; fax 206.623.7789

*Declaration of Richard Gurtiza CV06-0726 -
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ORIGINAL

1 Pursuant to 28 U.S.C. § 1746, I, Richard Gurtiza, hereby declare as follows:

2 1. My name is Richard Gurtiza. I reside in Snohomish County, and I am
3 currently registered to vote in Washington State.

4 2. Since 2004, I have been the President of the Filipino American Political
5 Action Group of Washington ("FAPAGOW"). FAPAGOW is a Plaintiff in this matter.

6 This declaration is based on personal knowledge, except where otherwise noted.

7 3. FAPAGOW is a nonpartisan organization of volunteers, founded in 1952, to
8 address issues of concern to Filipino Americans. In particular, since our founding, we have
9 been focused on educating Filipino American voters about the pressing issues of the day,
10 advocating on behalf of those members' concerns, and increasing Filipino American voter
11 turnout.

12 4. FAPAGOW has at least 1000 members, the vast majority of whom pay
13 membership dues that form the bulk of our annual budget.

14 5. Promoting voter education and voter turnout among Filipino Americans is
15 central to our mission as an organization. Voter registration is a crucial and necessary
16 component of this process.

17 6. Approximately 80% of FAPAGOW members are currently registered voters.
18 One of our organizational goals is to increase that percentage.

19 7. This year, as in the past, FAPAGOW plans to encourage members and other
20 individuals in the Filipino American community to register to vote. We will conduct voter
21 registration drives, particularly in the summer months. We will staff community events –
22 some of which require a fee for table or booth space or the like – with information on voter
23 registration and voter registration forms. We will make voter registration information and

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1 voter registration forms available for distribution in the Filipino American community
2 through partner organizations. And on July 4, we will again establish a presence at
3 naturalization ceremonies, so that newly naturalized citizens have the opportunity to register
4 to vote.

5 8. FAPAGOW also communicates with our members and with members of the
6 Filipino American community about the importance of voter registration, and about how to
7 register. For example, we regularly communicate through community newspapers, and we
8 plan to do so again this year. We also expect to launch a new FAPAGOW website this
9 summer; a portion of the website content will be devoted to voter registration.
10

11 9. As part of our voter registration efforts, FAPAGOW staff also follow up to
12 determine whether members whom we have assisted in the registration process are, in fact,
13 successfully registered.
14

15 10. I am familiar with common errors and inconsistencies in databases containing
16 Filipino names. For example, in part because many Filipino surnames are of Spanish
17 origin, I have seen compound surnames misspelled, mistakenly hyphenated, and appearing
18 in incorrect order (e.g., last name first, "middle" name last). One member of our
19 FAPAGOW board, Dorinda Baker, is often listed on official documents under her maiden
20 surname, "Peralta-Baker," or under a nickname, "Dori," or both.
21

22 11. I have also seen circumstances in which names which may be unfamiliar to
23 individuals performing data entry have been misspelled. For example, one of our members
24 is named "Atonio." I have seen this individual's name misspelled, after data entry, as
25 "Antonio." I know that this is a fairly common error – for example, in describing the
26 Supreme Court's civil rights case *Wards Cove Packing Co. v. Atonio*, the name "Antonio"
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1 has been substituted for the plaintiff's name in such places as published federal court
2 opinions (e.g., *Corder v. Gates*, 947 F. 2d 374, 380 n.8 (9th Cir. 1991)), publications of the
3 legal bar (e.g., FEDERAL BAR ASS'N OF THE W. DIST. OF WASH., NEWS, Spring 2002, at 6),
4 national press (e.g., Steven A. Holmes, *Battle Lines Form on New Rights Bill*, N.Y. TIMES,
5 Feb. 8, 1991, at A16), and even publications aimed specifically at an Asian-American
6 audience (e.g., Emil Guillermo, *Emil Amok: It Happened in Alaska*, ASIANWEEK, Nov. 14-
7 20, 2002).

9 12. I have reviewed RCW 29A.08.107. I understand that, pursuant to state law,
10 Washington State voters will not be registered to vote if the names, identifying numbers, and
11 other personal information on a voter registration form are not able to be matched with data
12 maintained by the State Department of Licensing or the U.S. Social Security Administration.
13 I understand that "matching" is an unreliable process. It is my firm belief that the risk of
14 disenfranchising eligible FAPAGOW members as a result of unreliable "matching"
15 procedures is too high.

16 13. It is my firm belief that many eligible members who attempt to register in
17 2006 will not be registered to vote because the Secretary of State is unable to "match"
18 information on their voter registration forms.

19 14. When information on the voter registration forms of members or individuals
20 whom FAPAGOW has encouraged or assisted to register is not "matched," we will have to
21 divert substantial time and resources from other programs to attempting to resolve the
22 "matching" problem. These resources would otherwise be earmarked for activities
23 unrelated to voter registration.
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1 15. Even when this time and resources is diverted from other activities to address
2 the consequences of the "match" process, it is my firm belief that we will not be able to
3 ensure that many members who attempt to register in 2006 with FAPAGOW assistance will
4 be registered to vote by the end of the year.

5 16. I believe that Washington State's refusal to register eligible citizens for
6 whom the Secretary of State is unable to "match" information to other government databases
7 will result in the disenfranchisement of many members and other members of the Filipino
8 American community whom FAPAGOW encourages and assists to register to vote. Many
9 of these individuals will be directly harmed by the disenfranchisement.
10

11 17. Moreover, this disenfranchisement will impede FAPAGOW's ability to fulfill
12 our organizational purposes, will frustrate our organizational goals and our efforts to
13 advocate on our members' behalf, and will render FAPAGOW time and resources spent on
14 voter registration useless.
15

16 18. If Washington State is not enjoined from refusing to register voters whose
17 information cannot be "matched," FAPAGOW members will suffer harm, and FAPAGOW
18 will suffer harm, as the voters of this state are disenfranchised. For this reason, we
19 respectfully request that this court grant the relief we so urgently need.
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1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct, and that this Declaration was executed on May 24
3 2006 in Seattle Washington.

4 
5
6 RICHARD GURTIZA

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CERTIFICATE OF SERVICE

I hereby certify that on May 24, 2006, I ~~electronically~~ filed this *Declaration of Richard Gurtiza* with the Clerk of the Court using the ~~CM/ECF system~~ which will send notification of such filing to the following:

N/A

and I hereby certify that I have sent for service via hand delivered by legal messenger to be served on May 25, 2006 this document to the following non CM/ECF participants:

Sam Reed, Secretary of State, State of Washington
Legislative Building
Olympia, WA 98504-0220

Rob McKenna, Attorney General for the State of Washington
Office of the Attorney General
1125 Washington Street SE
Olympia, WA 98504-0100

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 24th day of May, 2006 at Seattle, Washington.

/s/ Sarah A. Dunne / Sarah A. Dunne
Sarah A. Dunne, WSBA #34869

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