



**proud past, promising future**

**CLARK COUNTY**  
WASHINGTON

**AUDITOR**  
Greg Kimsey

December 10, 2021

Mr. Ed Omeara  
11214 NE 11<sup>th</sup> Ave  
Vancouver, WA 98685

Mr. Omeara,

Because of your repeated disruptions of the elections administration process your certification as a Clark County election observer has been revoked.

During the recent recounts, in violation of Elections Office rules, you repeatedly spoke to elections staff while they were sorting ballots and when they were counting votes. In addition, you repeatedly touched the spreadsheets that were being used by elections staff to conduct the recounts. These actions continued even after being admonished on several occasions by Elections Office management.

This revocation is also a result of your interaction with Elections Office Supervisor Cathie Garber the morning of December 6. During this interaction you raised your voice to an inappropriate volume, made aggressive physical motions towards Cathie, and in general showed a lack of control of your emotions.

You may appeal this revocation to the Clark County Canvassing Board.

Greg Kimsey  
Clark County Auditor

Cc: Jon Anderson, Clark County Republican Party observer coordinator

## RCW/WAC's regarding Ed O'Meara's appeal

**RCW 29A.60.170** List of observers—Counting center, direction, and observation of proceedings—Random check of counting equipment—Report.

(1) At least twenty-eight days prior to any special election, general election, or primary, the county auditor shall request from the chair of the county central committee of each major political party a list of individuals who are willing to serve as observers. The county auditor has discretion to also request observers from any campaign or organization. The county auditor may delete from the lists names of those persons who indicate to the county auditor that they cannot or do not wish to serve as observers, and names of those persons who, in the judgment of the county auditor, lack the ability to properly serve as observers after training has been made available to them by the auditor.

**WAC 434-261-020** - Counting center operations shall be observed by at least one representative from each political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation. Prior to processing ballots for a primary or election, the county auditor shall notify the major political parties in writing of the maximum number of official observers allowed to observe ballot processing and the date ballot processing begins. Where more than one observer is appointed, the political party shall designate one of the observers as supervisor. The county auditor may require observers to receive training with respect to ballot processing procedures and the vote tallying system.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained.

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

The counting center is under the direction of the county auditor. All observers are authorized to observe the processing of ballots for the current election as defined by WAC 434-250-110.

Observers may not touch or record images of voted ballots, challenge signature check decisions, object to decisions to count or not count votes or ballots, or disrupt ballot processing. The county auditor shall provide written rules for observers. The county auditor may require an observer who does not follow the established rules to leave the counting center.

## Certified Election Observer Affidavit

STATE OF: [WA]

COUNTY OF: [CLARK]

BEFORE ME, the undersigned Notary Public, Edward OMeara personally appeared, who currently resides at 11214 NE 11<sup>th</sup> Ave. Vancouver, WA 98685 in the county of Clark in the state of Washington and makes this statement and affidavit upon oath and affirmation of belief and personal knowledge that the matters and facts set forth herein are true and correct to the best of his/her knowledge:

I, Edward OMeara am a registered voter in the state and county listed above as well as a Certified Election Observer.

I arrived to perform my observer duty at the Clark County, Washington Elections Department on Monday & Tuesday mornings, December 6 & 7 for the November 2, 2021 Washington State General Election – Recount (2 races that were within the 0.5% margin).

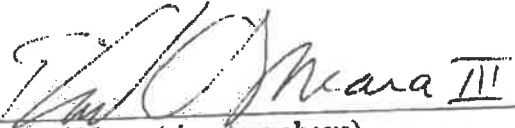
On the Election Certification date of November 23, 2021, the tabulator was updated for the final results and the door to that room were sealed with Seal # 0620596. The door to the hallway was also sealed with Seal # 0620597. The door to the Inspection area room was also sealed.

The door to the inspection room has been opened and closed daily since the recount began on Monday November 29, 2021. The seal on that door matched the seal I had captured on November 23, 2021. That seal came off and was replaced daily as the recount progressed. I checked it every morning upon arrival and recorded it every evening prior to departure. I was aided in this process by election employees. They knew that I did not want any ballots stored within that scan/adjudication room tampered with when no observers were present. The democrat and LOWV observers were checking these also.

As I was leaving on December 6, 2021 I recorded the seal tag # on the door leading to the inspection area. I then asked if I could check the tag on the hallway door. Rich Cooper and Sharla Comastro exchanged looks when asked this question. Rich indicated he would accompany me to do so. On the way he said the tag was not going to match the recorded tag from November 23, 2021. The election employees had entered the scan/adjudication/tabulator room where all ballots from November 2, 2021 General Election had been stored and 'secured'. This obviously violated their claim of 'no tampering'. For me it was a flagrant breach of trust and commitment.

On December 7, 2021 the three active Certified Election Observers (Ed, Rick, Henry) confronted the Elections Dept. Supervisor – Cathie Garber with this discovery. She said "the election dept. had every right to enter that room and conduct election business." I don't disagree that they have a right to access the room BUT they knew the protocol for security tags and knowingly violated said protocol.

Consequently, all 3 of our Certified Election Observers determined they must walk out in protest of this violation, which they did. This step indicates no further trust nor confidence in the Nov. 3, 2020 Election, nor the November 2, 2021 Election, nor the recount results. We left before their 'recount' was completed.

 Date: 12/8/2021  
Typed Name (signature above)

**Notary Public**

On this the 9<sup>th</sup> day of 12, 2021 the foregoing affidavit was sworn to and subscribed before me by ED OMERRA, known or proven to me to be the person whose name is subscribed to this instrument. WITNESS my hand and official seal.

BRETT SIMPSON  
(Name)

[Signature] (Affix seal)

NOTARY PUBLIC  
My Commission Expires 5/20/2025





**December 17, 2021**

**Jon Anderson**

**PCO 460, LD 49, US 3, CC 2, EIT, CEO, WVRP**

**Subject: Your Decertification of Certified Election Observer Ed O'Meara December 10, 2021 Letter**

**Auditor Kimsey,**

**Here are eye witness accounts by two other CEO s present during the exchange which apparently you were not present to observe. Based on these eye witness accounts we are requesting you retract your 'decertification letter' and reinstate Mr. Ed O'Meara immediately.**

- 1. The false allegations against one of our esteemed U.S. Navy Veteran CEO volunteers cannot and should not stand.**
- 2. Two eye witness testimony accounts contradict the false accusations in your decertification letter.**
- 3. Mr. Ed O'Meara's testimony also contradicts the accusations of your decertification letter so please forward this as his appeal to the Canvassing Board for reinstatement.**

**While the allegations may have been conveyed in haste and in the 'heat of a moment' we request that your department and the canvassing board reconsider and reinstate Mr. Ed O'Meara.**

**Respectfully submitted to the office of Clark County Auditor and the Canvassing Board.**

**Jon Anderson**

**PCO 460, LD 49, US 3, CC 2, EIT, CEO, WVRP**

**CCRP EIT and CEO Coordinator**



**Eye Witness # 1 - testimony from Rick Vermeers – Certified Election Observer**

“As a witness to the exchange on December 7, I did not find that Ed's actions were threatening at all. In fact I did not find that his voice was inappropriately raised. He was animated, but it was well within the tone that one might take when making an important point. It certainly was not threatening in any way, nor was it personal. Ed definitely did not lose control of his emotions. He only used his emotions to make the point.

A manager in any organization should be able to take this level of feedback in stride. As a manager, in my previous life, I regularly allowed the kind of input that Ed provided as a way to let customers and employees make their points and to de-escalate situations.

After the incident, I stayed behind to obtain information on the legal basis for her new rule on taking notes during signature verification. She was so upset that she was unable perform that task. Cathie made it clear to me that we were pushing her out of her comfort zone which is absolute command and control. Her definition of observation activities is to only watch and not to challenge any processes or procedures. What we have all done challenged her procedures and she does not like that. She is sure that her procedures and employees do a perfect job and there is no room for improvement.

I can understand Greg's wish to protect his employees, but I doubt that even he would have reacted as strongly had he also witnessed the exchange.

In order to exact this type of punishment, I would think that each alleged violation should be assessed individually and evaluated based on the severity of the violation. In today's big government, we depend way too much on mandates and do not utilize due process!”

**Eye Witness # 2 - testimony from Henry Harbert – Certified Election Observer (With same Washington State Patrol Signature Verification Training as Election Dept.)**

“As I remember that encounter at 8:15 am, Dec.7:

Ed was between Rick and I when Ed attempted to present his announcement and case. He behaved a perfect gentleman whereas Cathie did not let Ed finish his statements. She interrupted with objections and spoke more loudly, rapidly, vituperously, and persistently over Ed. Ed had to finish his statement speaking during her overtalk. She did not attempt to hear him out, ask any questions, or attempt to clarify any issues. I don't think she even heard what he said because her mind blocked it out. Ed calmly finished, stopped talking and walked out, not given a chance to really speak his piece. I followed Ed after two seconds. Cathie never stopped speaking (apparently thinking she'd won the engagement) and Rick wisely remained to listen. Cathie and Rick conferred for about 4 minutes while Ed and I waited outside the auditor's office for Rick. I think Ed is a whipping boy here. I don't remember saying anything myself. I thought it was a very civil attempt to present the observers' objection to their office a security breach and it was not well received by Cathie.

Henry Harbert”



**THE ACCUSED testimony without due process – Ed O’Meara**

**“Three days before the ballot storage was sealed, I asked Rich if he and I could record each and every seal number on the ballot boxes (approximately 53 boxes) when the 2021 election was finalized. He balked at that and said the room would be sealed and it would be an extra report and would have to clear that request with the Auditor. This, of course likely never happened. He physically watched me type the tag numbers on my phone when the tabulator room and the surrounding ballot storage room was sealed. He clearly was aware of my interest in ballot security. Daily, I reinforced that by checking the seal number when the room was opened and again at night when it was resealed. He knew exactly what I was doing and aided me in the process.**

**I still am not saying that the election department did not have the legal right to break the seal on the hallway door (which was not being checked every day by me because they said that door was not being used). But I am saying, they made no effort to inform me that it had been broken until I asked to see that seal the day before the recount was completed. This was a complete breach of trust on their part. Did they do anything wrong in that room when they entered? I have no idea. I was not there to see. And that is my exact complaint.”**



## **MEMORANDUM TO CLARK COUNTY CANVASSING BOARD**

**From: Cathie Garber and Rich Cooper**

**Subject: Ed O'Meara**

**Date: 4/27/22**

Mr. O'Meara took the required observer training in June of 2021. The training describes the role of observer and the rules that must be followed, including the rule that observers are to observe the elections administration process and are not to interrupt that process. The training also explained that failure to adhere to the rules could lead to an observer's certification being revoked.

Mr. O'Meara observed extensively during the 2021 November General Election and subsequent recount. Mr. O'Meara signed a copy of the observation rules for the 2021 recount whereby he agreed that he would not disrupt or distract a counting board member, would not speak with a counting board member, would not hover over a counting board table, and all of his questions would be brought to supervisory staff, and would not have discussions with fellow observers in the counting room. See Exhibit A.

Mr. O'Meara had to be told multiple times by supervisory staff to stop verbally interacting with the election boards counting staff and fellow observers. All verbal interactions in the inspection/counting room, except with supervisory staff, are strictly prohibited. Multiple inspection/counting board staff contacted supervisory staff to complain of Mr. O'Meara's actions and those complaints resulted in multiple verbal warnings that he is not to interact in any way with counting board staff and any questions must be directed to supervisory staff.

An observer with the League of Women's Voters also reported the same rules violations.

Even after the multiple warnings, Mr. O'Meara's inappropriate behavior continued when he hovered over a counting board table and physically touched the counting board's paperwork. This resulted in the counting/sorting board stopping their work, and a supervisor warning him again. A statement describing this incident from a counting board member (who has requested anonymity) is attached as Exhibit B.

On December 6, Mr. O'Meara's interaction with elections supervisor, Cathie Garber resulted in the disruption of the elections administration process. That interaction is described in Exhibits C and D.

Mr. O'Meara was provided multiple verbal warnings regarding his violation of the rules which he had agreed to. Mr. O'Meara's repeated behavior and interactions with elections staff showed his lack of ability to abide by the rules required of an elections observer.

Respectfully submitted by:

Cathie Garber, Elections Department Manager

Rich Cooper, Elections Department Assistant Manager

# EXHIBIT A

## Clark County Manual Recount Rules for Observers

### Sorting and Counting Board Observer Schedule

The ballot recount will begin at 9 am each day and will continue until 4 pm.

For the recount and sorting boards, one fifteen (15) minute break is allowed in the morning and in the afternoon. The lunch break is thirty (30) minutes in length and will start between 11:30AM and 12:30PM depending on when a board finishes a precinct count.

The Auto Licensing conference room is available for observer use.

### Observation Rules

The following are rules for all observers of the sorting and manual recount process. Violation of these rules will result in your removal.

1. Observers may not disrupt, distract, or interfere with a counting board member during any phase of the recount process.
2. Observers may not speak with a counting board member.
3. Observers may not touch the ballots at any time.
4. Observers may have only one observer for each political party or LWV member at a Counting Board at any time.
5. Candidates or their representative, along with legal counsel have priority at any observation location.
6. Observers must remain in the designated areas and will not hover over the Counting Board table at any time.
7. Observers shall bring questions and/or concerns to Elections supervisory staff.
8. All cell phones must be turned off or put on silent mode. No phone calls, texting, videos or photos allowed in the recount room.
9. **There will be no discussions with other observers in the counting room.**
10. No food allowed. Beverages must have lids and not be set down on tables or window ledges.
11. Masks must be properly worn at all times inside the building.

Disruption, distraction, or interference by an observer may be determined by a counting board member or Elections Office staff member. Observers removed from the counting room will be barred from further participation in subsequent recount activities.

Any questions, comments, or concerns from any observers shall speak with the Elections supervisory staff.

Observers are present to observe. Observers do not have the ability to challenge the counting board or Elections Office staff decisions.

These rules may be modified at any time by the County Auditor, if they are modified you will be given an updated set of rules.

I have read, understand, and agree to adhere to the rules listed above. If instructed to leave, I will remove myself quietly, staying within the rules listed above.

  
Observer Signature

Ed O'Meara  
Observer's Printed Name

12/14/2021  
Date

## EXHIBIT B – Counting Board Member Statement

DURING OUR PARTICIPATION IN THE ELECTION RECOUNT (NOV-DEC 2021) WE WERE SUBJECTED TO CLOSE-UP SCRUTINY BY AN OBSERVER (MALE). THIS INCLUDED POINTING AT, AND TOUCHING OUR PAPERWORK WHILE VERBALLY GIVING DIRECTIONS CONCERNING OUR NEXT STEPS IN THE PROCESS. THERE WAS NO SEPARATION BETWEEN THE OBSERVER AND OUR WORK AREA.

HIS ACTIONS WERE OF COURSE WELL BEYOND THE PURVIEW OF AN OBSERVER

## EXHIBIT C – Elections Staff Statement

3 men came in wanting to talk to Cathie. I remember them being upset and talking to Cathie outside of her office. Someone (an observer) had been told that they couldn't take notes in the signature verification area and they were very upset about that. They were insinuating that our office may be hiding something or being non-transparent. Cathie was explaining to them that it was the law. Their mannerisms were aggressive. Two of the men walked out of the office and one stayed behind and continued speaking with Cathie.

Jenna Straub,  
Deputy Auditor

# EXHIBIT D – Cathie Garber Statement

The document provided by Jon Anderson on December 17 2021 includes a statement from Henry Harbert (Eye Witness #2) indicating that Ed O'Meara was a "perfect gentlemen" in the interaction on December 7 with me, and that I was loud, interrupted Ed and talked over him without letting him finish his statement.

Yet Rick Vermeers (Eyewitness #1) indicated that Ed was "animated" and "used his emotions to make a point". He also states that after the incident, I was so upset I was unable to perform the task he was asking of me, which was to provide the RCW that disallows an observer to question a signature.

If Ed was such a perfect gentleman in this instance, why would I have been so distraught that I could not perform the task that Rick requested?

During the last two years I have been called terrible names at least a hundred times and received multiple death threats by voters who falsely believe there was election fraud on a grand scale during the November 2020 election. Those names and threats have been very hard to deal with and upsetting, but they have been either on the phone, by mail or by email. Having someone stand no more than three feet away with from me and in front of my staff and signature verifiers with two other men flanked on each side of him, raising his voice at me, pointing at me, his face contorted in anger stating that we committed a breach of trust and that he has no confidence in our recount and the results of the Nov. 2020 election was traumatic for me and reduced me to tears.

It took me pretty much the rest of the day to compose myself to be able to get back to work and continue with my part of ballot processing procedures.

Mr. O'Meara's interaction with me was not feedback, was not a conversation, but was bullying by representatives of the Clark County Republican party, and absolutely did interrupt the elections administration process.