

# EXHIBIT G



1 APPEARANCES

2 On Behalf of Plaintiffs Washington State Republican Party:

3 JOHN J. WHITE  
4 Livengood Fitzgerald & Alskog  
5 121 Third Avenue  
6 Kirkland, Washington 98083  
7 white@lfa-law.com

8 On Behalf of Plaintiff Intervenor Washington State Democratic  
9 Central Committee:

10 EMILY D. THROOP  
11 K&L Gates  
12 925 Fourth Avenue  
13 Suite 2900  
14 Seattle, Washington 98104-1158  
15 emily.throop@klgates.com

16 On Behalf of Plaintiff Intervenor Washington State Libertarian  
17 Party:

18 ORRIN L. GROVER  
19 Attorney at Law  
20 416 Young Street  
21 Woodburn, Oregon 97071  
22 orrin@orringrover.com

23 On Behalf of Defendant Intervenor State of Washington:

24 ALLYSON ZIPP  
25 JAMES K. PHARRIS  
Deputy Solicitors General  
1125 Washington Street S.E.  
P.O. Box 40100  
Olympia, Washington 98504-0100  
sgoolyef@atg.wa.gov

On Behalf of Defendant Intervenor Washington State Grange:

THOMAS F. AHEARNE  
Foster Pepper  
1111 3rd Avenue  
Suite 3400  
Seattle, Washington 98101-3299  
oklad@foster.com

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Exhibit	Description	Page
No. 1	2-page document entitled WSRP Policy Statement, No. 98-1, Dated 5/16/98, Revised 7/12/08.	15
No. 2	1-page document, nomination rules for the Washington State Republican Party for 2010.	20

1 DAN BRADY, having been first sworn  
2 under oath by the Notary,  
3 testified as follows:  
4

5 EXAMINATION

6 BY MS. ZIPP:

7 Q Good afternoon, Mr. Brady. I'm Allyson Zipp.

8 Would you state your name and spell your last name for  
9 the record?

10 A Dan Brady, B-R-A-D-Y.

11 Q Mr. Brady, you were just sworn to tell the truth by the  
12 court reporter; is that correct?

13 A Correct.

14 Q Have you had your deposition taken before?

15 A No.

16 Q A deposition is basically questions and answers on the  
17 record. It can be used at trial, particularly if the  
18 testimony given at trial differs from the answers given in  
19 the deposition. A transcript may be made, and if it is  
20 you'll have a chance to review it before signing it.

21 It's important for the court reporter that we don't  
22 talk over each other. So please wait to start your answer  
23 until I finish my question, and I will do the same, wait  
24 until you've finished your answer before I ask another  
25 question.

1           If you don't understand the question please ask for  
2           clarification. If you answer the question I'm going to  
3           assume that you understood it.

4           Saying you don't know the answer is fine if that's the  
5           case.

6           Please make your answers verbal so that they can be  
7           captured by the court reporter.

8           Your attorney may object to my question to make a  
9           record. Unless you're instructed not to answer, please go  
10          ahead and answer the question after the objection is  
11          complete.

12          Do you understand all that?

13   A    I do.

14   Q    Okay. So let's start with some background. Are you a  
15          resident of Washington?

16   A    Yes.

17   Q    What city and county?

18   A    Seattle/King County.

19   Q    How long have you resided in Washington?

20   A    43 years.

21   Q    Do you regularly vote in state elections?

22   A    I do.

23   Q    And for how long have you been voting in state elections?

24   A    Since I was 18.

25   Q    What is your education after high school?

1 A I have a law degree.

2 Q And a bachelor's degree, I presume?

3 A Oh, two bachelor degrees, yes.

4 Q And what were the bachelor degrees?

5 A One's economics, one's political science.

6 Q And where did you get your law degree?

7 A Seattle University.

8 Q What is your current employment?

9 A Washington State Republican Party.

10 Q And what do you -- what is your position with the Washington  
11 State Republican Party?

12 A Executive Director.

13 Q What are your responsibilities as the executive director?

14 A Manage the organization in accordance with the wishes of the  
15 Chairman and the Executive Board and the State Committee.

16 Q What was your work history prior to taking the position as  
17 executive director?

18 A I was a political consultant since 199 -- excuse me, 2002.

19 Q So from 2002 until...

20 A Until January, excuse me, of 2009.

21 Q And you became executive director in January of 2009?

22 A Correct.

23 Q Is that a term-based position, executive director?

24 A Not necessarily. You serve at the pleasure of the Chairman.

25 Q How were you selected as executive director?

1 A The Chairman asked me to be the executive director. I  
2 agreed. The Executive Board confirmed me.

3 Q So you said you were a political consultant from 2002  
4 through January of 2009. What did you do prior to that?

5 A Let's see. 2000 -- excuse me, 2001 I was a full-time law  
6 student, part-time political consultant.

7 Q And when did you begin law school?

8 A 19 -- no, excuse me. Yeah, 1998.

9 Q And were you employed prior to law school?

10 A Yes. I was at the King County Council.

11 Q And in what capacity were you at the King --

12 A I was a legislative aide.

13 (Discussion off the record.)

14 Q (By Ms. Zipp) For how long were you a legislative aide?

15 A Four years.

16 Q So would that be from 1994 to 1998?

17 A No.

18 Q Okay. When --

19 A 1997 to 2001.

20 Q So do I understand correctly that you continued to be a  
21 legislative aide while you were going -- attending law  
22 school?

23 A Correct.

24 Q And just for completeness, prior to being a legislative aide  
25 what did you do prior to that?

1 A I was a -- the title was Administrative Director for U.S.  
2 Senator Slade Gordon.

3 Q And when did you do that?

4 A I was in his employ from 1991 to 1996. I didn't have that  
5 title during that whole time.

6 Q And I'm trying to work back to the point that you completed  
7 college. Were there -- was there other employment prior to  
8 being an administrative director and working for Slade  
9 Gordon?

10 A Not -- no, I graduated in 1990.

11 Q Do you hold any professional memberships, licenses, or  
12 certifications?

13 A Yes.

14 Q What would they be?

15 A I'm a member of the Washington State Bar Association.

16 Q Anything else?

17 A No.

18 Q Do you consider yourself to be a member --

19 Oh.

20 A If I could stop.

21 Q Yes.

22 A I do consider myself a member of the Party, but you  
23 specifically asked about professional.

24 Q You read my mind. Do you consider yourself to be a member  
25 of the Republican Party?

1 A Yes.

2 Q When did you become a member?

3 A I consider myself a member from 19 -- when I first voted,  
4 which would be 19 -- when I was 18, which was -- what was  
5 that? 1989.

6 Q How did you become a member?

7 A I considered myself a member when I first voted. I  
8 decided -- excuse me, that was 1988, let me correct that,  
9 because I voted for president that year.

10 Q '88?

11 A Right, from that point on, because I voted only for  
12 Republican candidates.

13 Q Prior to your current position with the Party, have you held  
14 other positions with the Washington State Republican Party?

15 A Positions?

16 Q Official leadership positions?

17 A I've been a precinct committee officer.

18 Q And when was that?

19 A I don't know how long I've been a precinct committee  
20 officer. At least from 2000 to the present, and perhaps  
21 before that.

22 Q So you are currently a precinct committee officer.

23 A That's correct.

24 Q Going back to your position now as executive director, you  
25 said you manage the organization in accordance with the

1 wishes of the Chair. Describe to me, please, sort of your  
2 day-to-day responsibilities, what that managing involves.

3 A I am the direct supervisor for the staff. I also implement  
4 our regulatory and compliance structure, both internal and  
5 as regulated by government agencies. And anything else to  
6 do with making sure that the office is operating, and that's  
7 everything from making sure the bills are paid to organizing  
8 meetings, so forth.

9 Q How large is the staff?

10 A At what point in time?

11 Q So the staff differs in size based on what criteria, I  
12 guess?

13 A We typically grow during even-year election years and  
14 shrink in nonelection years. So the minimum staff, core  
15 staff, would be four or five.

16 Q And currently it's an even-numbered election year. How  
17 many staff are there now?

18 A We have approximately 11.

19 Q You said you implement the regulatory and compliance  
20 structure. Can you tell me a little bit more about that?

21 A We are regulated by the Federal Election Commission and  
22 Public Disclosure Commission. It's my responsibility to  
23 comply with or make sure our system is set up to comply with  
24 all the regulations and reporting requirements for both  
25 organizations, in addition to responding to inquiries from

1 those organizations. I do that in consultation with the  
2 Chairman, but day-to-day operations of those systems and  
3 interactions with the firms or individuals, working full  
4 time on those things is my responsibility.

5 Q Are there any other components that fall under regulatory  
6 and compliance structure?

7 A Sure. The normal business or nonprofit regulations that any  
8 of those organizations would have in Washington State.

9 Q Is the position of Executive Director a leadership position  
10 in the Washington State Republican Party?

11 A Yes.

12 Q How do you participate in the leadership of the Washington  
13 State Republican Party?

14 A I'm a regular participant in our Executive Board and State  
15 Committee meetings. I do not have a vote in those meetings,  
16 but I'm the one who implements the wishes of those  
17 organizations through staff or volunteers in the case  
18 that's -- where that's the case.

19 Q So when you say you "participate but not vote," what form  
20 does your participation take?

21 A I give opinions on policy, direction, understanding  
22 direction from the Chairman, State Committee, and Executive  
23 Board, so...

24 Q As a PCO what are your responsibilities?

25 A As a PCO my main -- there's a number of responsibilities.

1 One is to organize and have a clear understanding of the  
2 political nature of my precinct. A major function of the  
3 PCO is to select Party leadership.

4 Q Anything else?

5 A We have votes at -- we're allowed to vote to select other  
6 leadership besides simply chairman. There's legislative  
7 district chairs; we have the authority to ratify those, at  
8 least in King County. And we're expected to be the building  
9 blocks, the core of any volunteer or grassroots efforts for  
10 our campaigns.

11 Q What materials did you review in preparation for this  
12 deposition?

13 A None particularly.

14 Q None particularly.

15 A No, none.

16 Q I want to ask you some questions about the operation of the  
17 Party, background about the Party. So how is the Party  
18 organized at the state level?

19 A The state is governed by the State Committee and the  
20 Executive Board. The State Committee is -- meets three  
21 times a year as the overarching authority of the Party. The  
22 Executive Board is the month-to-month management  
23 organization of the Party. It meets six times a year versus  
24 three times a year for the State Committee. The State  
25 Committee elects the chairman and the chairman selects

1 staff. The position of Executive Director is subject to the  
2 ratification or approval of the Executive Board.

3 The members of the State Committee are elected in their  
4 counties. There are three members from each county: County  
5 Chair, and then a State Committeeman and a State  
6 Committeewoman. They're elected by PCOs in their counties.

7 Q Who makes policy for the Party, the State Party?

8 A The Party --

9 That's a very broad question. I don't know if you mean  
10 who makes the policy of when the doors are open or if you  
11 mean -- or what? I guess I need a little more specificity.

12 Q With respect to the day-to-day operation of the Party  
13 office, who makes policy?

14 A Well, the Chairman and/or Executive Director, depending on  
15 the level of the operation, has the power to make the  
16 day-to-day policy of the organization, how we operate,  
17 always subject to State Committee and/or Executive Board  
18 policy if there is one or if they choose to create one.

19 Q With respect to the policies that govern how the State  
20 Republican Party functions as a political organization, who  
21 sets that policy?

22 A State Committee generally.

23 Q How are policy decisions made, the type of policy we just  
24 discussed, the operation of the Party as a political  
25 organization?

1 A We are governed by bylaws as well as policy statements.  
2 Those policy statements are generally created by the  
3 Executive Board. The Executive Board can add or remove  
4 those or amend those in any way they want.

5 The State Committee, as I mentioned earlier, is the  
6 overarching, overumbrella organization. They would have the  
7 same power to do that, but they also are the only ones who  
8 have power to amend bylaws.

9 MR. GROVER: Hello?

10 MR. WHITE: Yes, Orrin? Orrin, are you there?

11 (Discussion off the record.)

12 Q (By Ms. Zipp) Does the National Party, Republican Party,  
13 get involved in decision-making by the State Party?

14 A They have not been involved in any decision-making by our  
15 State Party since I've been there.

16 Q If you know, can you tell me how the Party -- the local  
17 party is organized?

18 A Which local party?

19 Q The local Republican Party.

20 A There's many local Republican parties --

21 Q Okay.

22 A -- from many different levels.

23 Q Okay. Go ahead, tell me which -- what are the three -- what  
24 are the multiple local level Republican parties?

25 A Well, there's certainly the King County Republican Party.

1 And within King County --

2 Every county is different a little bit. In King County  
3 there are legislative districts as well. They have chairs.  
4 I don't know all their rules for how they're selected.

5 Q When you say you don't know all their rules, you mean you  
6 don't know the rules of the legislative districts?

7 A The county party.

8 Q The county party. So --

9 A As they stand today.

10 Q Are there other local Republican parties in addition to  
11 county parties and legislative district parties?

12 A Not that I know, no.

13 Q Are there precinct -- would you consider the precinct level  
14 to be a unit of the Party?

15 A Correct, it's a unit -- those precincts make up the  
16 legislative districts.

17 Q Does the State Republican Party have members?

18 A Yes.

19 Q What is the process to become a member?

20 A We have a policy statement that illustrates what we -- what  
21 members of the Republican Party are. I don't have it in  
22 front of me, nor do I recall all of the planks to it, but we  
23 have a policy.

24 (Discussion off the record.)

25 (Exhibit No. 1 marked.)

1 MR. AHEARNE: Just so I'm clear, is Exhibit 1 the  
2 same as Exhibit 1 to Mr. Esser's dep?

3 MS. ZIPP: Yes.

4 Q (By Ms. Zipp) You've been handed a document which is marked  
5 as Exhibit 1 to the Esser deposition and will be Exhibit 1  
6 to this deposition. Do you recognize this document?

7 A I do.

8 Q And what is this document?

9 A This is our State -- WSRP Policy Statement 98-1 regarding  
10 membership in the Republican State Party.

11 Q A moment ago you said that there is a policy statement that  
12 illustrates the process to become a member of the Republican  
13 Party. Is this the document you're referring to?

14 A There -- yes, although I didn't say it was a policy -- or a  
15 process. There's not a process necessarily involved.

16 Q Okay. This is a policy statement that governs who is a  
17 member of the Republican Party? Is that fair to say?

18 A Correct.

19 Q Looking at Item No. 4 on this document, "Individual Party  
20 member self-described as Republicans based on Voter Vault  
21 identification programs."

22 What's the "Voter Vault identification programs"?

23 A Voter Vault is the State Party's file of all voters of  
24 Washington State. We identify voters constantly as  
25 Republican, Democrat, or something else. And that's what

1 that refers to.

2 Q How do you identify voters as Republican or something else?

3 A For the purpose of this program only, we ask them.

4 Q How do you contact them to ask them that question?

5 A Usually by phone.

6 Q No. 8 identifies -- says, "Recognized Republican Axillary  
7 Organizations."

8 What are "Recognized Republican Axillary  
9 Organizations"?

10 A An example would be the Federation of Republican Women,  
11 which is a national organization which has subsets in the  
12 State of Washington as well as in local counties and  
13 regions.

14 Q Does this policy statement identify all of the ways in which  
15 someone can become a member of the Republican Party?

16 A I believe so. There isn't -- doesn't mean that the Party  
17 couldn't add other criteria, but at the moment this is it.

18 Q If someone does not satisfy one of the criteria on this  
19 document, would that person not qualify to be a member of  
20 the Republican Party?

21 A I've not encountered that situation.

22 Q To your knowledge, are there any disqualifiers from  
23 membership in the State Republican Party?

24 A I've not encountered that situation. However, somebody who  
25 was an elected Republican official but said they were --

1            somewhere else that they were not Republican or a Democrat,  
2            for instance, that would be a problem.

3            Similarly, if somebody was a -- elected as a precinct  
4            committee officer in their precinct but, in fact, there was  
5            some record of -- a reliable record of evidence that they  
6            were not, in fact, Republican, such as them saying they're  
7            not and that they're a Democrat or some other affiliation,  
8            then we might take up the issue.

9            Q    You say, "We might take up the issue." Do you know -- to  
10            your knowledge, is there a process in place for taking up  
11            the issue?

12            A    Well, I have not been asked to implement such a process.

13            Q    And to your knowledge, has such a process, whether formally  
14            or informally, ever been taken up in the past?

15            A    I've not worked for the Party before 2009, January 2009, so  
16            I can't speak to anything prior to that time. It's not  
17            happened to me since that time.

18            Q    No. 6 states that "Individuals who have affirmatively stated  
19            their intentions to become members of the Republican State  
20            Party."

21                    What is necessary for someone to affirmatively state  
22            their intentions to qualify under this requirement?

23            A    I think it speaks for itself.

24            Q    In your opinion, would it have to be a public statement?

25                    MR. WHITE: I'll object to the form of the

1 question.

2 A What do you -- what's "public"?

3 Q To qualify as a member of the Republican Party under No. 6  
4 by affirmatively stating intentions to become members of the  
5 Republican Party, what form would that statement need to  
6 take?

7 A It would just -- a public statement would -- visible,  
8 audible, or otherwise would work. I don't think it  
9 necessarily has to be a public statement. Depends on who  
10 they state it to.

11 Q This also says, "demonstrated support of the Party, it's  
12 candidates, and programs."

13 What does "demonstrated support of the Party" mean?

14 A I don't think that can be necessarily identified as one  
15 thing, but clearly campaigning for a candidate for public  
16 office, a public statement of some kind supporting a  
17 candidate for public office, the Party, and/or its  
18 principles.

19 Q Does the State Party nominate candidates for statewide  
20 public office?

21 A Yes.

22 Q Describe to me the process for nominating candidates for  
23 statewide public office?

24 A We have specific rules which describe that in some detail.

25 I don't have them in front of me, but the State Committee

1 has the power to nominate candidates for statewide office.

2 (Exhibit No. 2 marked.)

3 Q (By Ms. Zipp) I'm handing you a document which is marked  
4 Exhibit 2 to the Esser deposition and will be Exhibit 2 to  
5 this deposition. Do you recognize this document?

6 A Yes.

7 Q What is this document?

8 A This is the adopted rules for nominations for the State  
9 Republican Party.

10 Q Are these the current rules?

11 A I believe so.

12 Q Are there rules that govern nomination of candidates in  
13 addition to these rules?

14 A No, not that I'm aware of.

15 Q How are potential candidates who may become nominees of the  
16 Party identified?

17 MR. WHITE: I will object to the form of the  
18 question.

19 A Somebody nominates a candidate to be the nominee of the  
20 Republican Party.

21 Q Where does that nomination occur?

22 A A State Committee meeting.

23 Q Okay. Who within the State Committee meeting would -- is  
24 eligible to nominate someone?

25 A Any member of the State Committee, which is as I outlined

1 earlier, but also some officers of the State Committee.

2 Q If you know, how does a person get selected from a pool of  
3 potential candidates to be advanced as a potential nominee  
4 of the Republican Party?

5 A That's -- it's -- the State Committee members choose who is  
6 advanced.

7 Q To your knowledge, are potential candidates screened in any  
8 way?

9 A There is a vetting process for statewide candidates that --

10 Q What is that vetting process?

11 A We have a Platform Comparison Document and we ask statewide  
12 candidates to tell us whether they agree or disagree with  
13 the platform.

14 Q You describe this document as a Platform Comparison  
15 Document. Can you tell me what that means?

16 A It's a -- it's the State Party platform. "Do you agree or  
17 disagree with this plank of the platform and why?" And  
18 that's it.

19 Q And does the Platform Comparison Document ask that question  
20 of each plank of the Party platform?

21 A Yes.

22 Q How many planks are in the State Party platform?

23 A I don't remember.

24 Q Can you give me a ballpark? Is it more than ten?

25 A Yes.

1 Q Is it more than 50?

2 A No.

3 Q Is there -- to your knowledge, is there a percentage of  
4 agreement that is required for someone to --

5 A No.

6 Q -- potentially be a nominee?

7 So a potential candidate is vetted against the Platform  
8 Comparison Document, and there's no percentage requirement.  
9 Must they agree with half of the platform?

10 MR. WHITE: I'll object to the form of the  
11 question.

12 A There's no requirement that they answer any, all, or some.  
13 We send it to them and they can return them. And that is  
14 the extent of the program at this point.

15 Q If they do not return the Comparison Document, would that  
16 disqualify them from being a potential nominee?

17 A We have no rule that would cause that to occur.

18 Q Is there a rule requiring nominees to support the State  
19 Party platform apart from this Platform Comparison activity?

20 A Is there a rule?

21 Q Yes.

22 A No.

23 Q Post-nomination does the Party follow whether a nominee is  
24 acting in accordance with the Party platform?

25 A I don't understand.

1 Q After the Party has selected a nominee does the Party  
2 monitor the nominee to determine whether the nominee's  
3 message, public message, is consistent with the Party  
4 platform?

5 A No. We do monitor our candidates. I don't know that we've  
6 done specifically what you ask. I would say no.

7 Q Is there a difference between the Party candidate and a  
8 Party nominee?

9 A For the purposes of your question, no. I'm referring to the  
10 nominees.

11 Q Okay. In general is there a difference between a Party  
12 candidate and a Party nominee?

13 A A Party nominee is, for purposes of this discussion, is a  
14 candidate. "Party candidate" is not really a term of art  
15 within the organization. We don't designate, you know -- we  
16 don't vote on what a candidate -- a person running for  
17 office is our candidate. We vote on whether we choose them  
18 as our nominee.

19 Q Prior to the Party selecting nominees is there a status of a  
20 candidate who is supported by the Party as opposed to a  
21 candidate who is not supported by the Party?

22 A It is -- we have endorsed candidates for office without  
23 their necessarily being our quote/unquote nominees.

24 Q Does -- what does endorsement convey?

25 A It means that we might give them access to information, the

1 Party structure, to assist them in some degree, might  
2 promote their candidacy to some degree.

3 Q Does the State Party to your knowledge ever support more  
4 than one candidate in a given race?

5 A Support. What do you mean by "support"?

6 Q What do you mean by "support"?

7 A I guess I believe -- and I'm just talking about the State  
8 Party here. We probably have endorsed more than one  
9 candidate for an office before. It doesn't mean the Party  
10 wishes one to win instead of the other necessarily, but it's  
11 probably happened. I have to tell you since I've been with  
12 the Party in 2009 I don't recall having done that. It may  
13 have happened, but I don't recall. So I've not witnessed it  
14 myself.

15 Q To your knowledge, prior to the Party selecting its nominee  
16 for a given race does the Party provide support to  
17 Republican candidates?

18 A Yes, it can.

19 Q Does it ever support more than one candidate in the same  
20 race?

21 A It can.

22 Q Are you aware of any rules or policies that govern how the  
23 Party decides what candidates to support in that capacity?

24 A The -- it's -- the Party can choose to endorse candidates by  
25 virtue of a State Committee member choosing to do so.

1 Q You said "by virtue of a State Committee member choosing to  
2 do so."

3 A Sorry, the State Committee.

4 Q Committee.

5 A Yes.

6 Q Okay. Does the State Party have a process for revoking the  
7 nomination of a candidate?

8 A Not that I'm aware of.

9 Q Does the State Party nominate candidates for nonpartisan  
10 offices?

11 A No.

12 Q Does it endorse candidates for nonpartisan offices?

13 A Yes.

14 Q Is the term "endorsement" reserved for nonpartisan offices?

15 A No.

16 Q Are you familiar with the election system used in Washington  
17 from about 1935 to 2004 called the Blanket Primary?

18 A Yes.

19 Q Can you describe to me how that system operated?

20 A The candidates for office file for office, listed a party in  
21 a Blanket Primary. All the top vote-getters for each party  
22 moved on to the general election.

23 Q To your knowledge did the Republican Party involve itself in  
24 which candidates listed a party at the primary stage, listed  
25 the Republican Party at the primary stage?

1                   MR. WHITE: I will object to the form of the  
2 question.

3 A I can't speak to what the Party apparatus -- the State  
4 Committee did prior to my being there. I'm not aware of  
5 what the rules were, what they did.

6 Q Do you have knowledge of how the State Republican Party  
7 selected its nominees for partisan office during the time  
8 that the Blanket Primary was in place?

9 A Our nominees were those who received the most votes in the  
10 primary or on the ballot in the general as Republicans.

11 Q Do I understand you to say that without exception the  
12 Republican candidate who got the most votes under the  
13 primary and advanced to the general election ballot became  
14 the nominee of the Republican Party?

15 A Could you restate that?

16 Q Do I understand you to have just said that under the Blanket  
17 Primary the Republican candidate who received the most votes  
18 in the Blanket Primary became the nominee of the Republican  
19 Party?

20 A Yes.

21 Q After the Blanket Primary there was the Montana or  
22 Pick-a-Party Primary. Are you familiar with that election  
23 system?

24 A Yes.

25 Q Can you describe to me how that system worked?

1 A There -- under that system there was a ballot. Candidates  
2 filed for office under a party. The ballot was separated by  
3 party. Voters were required to sign an oath saying they  
4 intend to -- they consider themselves a member of whichever  
5 party if there was a party. I believe there was a  
6 nonpartisan or independent section as well. And the  
7 instructions were to only vote for candidates in that  
8 primary -- or from that party. And the top vote-getters  
9 from each -- for those who did Pick-a-Party as voters, the  
10 top candidates in each of those sections went on and were  
11 the nominees of the party.

12 Q To your knowledge, during the years that the Pick-a-Party  
13 Primary was in place did the State Republican Party use any  
14 process for selecting its nominees for partisan office other  
15 than the State-operated primary?

16 A Not that I'm aware of.

17 Q To your knowledge did the Party ever nominate a different  
18 candidate from the candidate who was selected through the  
19 primary?

20 A No.

21 Q Beginning in 2008 the State began to use the Top Two Primary  
22 system. How is the Top Two system different from the  
23 Pick-a-Party system?

24 A The Top Two system allows the top two vote-getters,  
25 regardless of anything, to move on to the general election.

1 Now candidates file as they prefer a party, whether there's  
2 a party they're affiliated with or not. They simply have to  
3 say they're affiliated with a party. And that's listed on  
4 the ballot. And the top two, as I said earlier, move on to  
5 the general election.

6 Q You said the candidates simply have to say that they're  
7 affiliated with a party whether they're affiliated with the  
8 party or not.

9 MR. WHITE: I'll object to the form of the  
10 question.

11 MR. PHARRIS: There's no question yet.

12 MS. ZIPP: There's no question yet.

13 MR. WHITE: Oh, I'm sorry.

14 Q (By Ms. Zipp) I understood you to just have said that under  
15 Top Two a party has to say -- simply say that they're  
16 affiliated with a party whether they're affiliated with a  
17 party or not. Is saying that -- if a candidate states that  
18 he or she is affiliated with the Republican Party, is the  
19 candidate thereby affiliated with the Republican Party?

20 MR. WHITE: I will object to the form of the  
21 question.

22 A I'm not -- I don't believe I said that. If I did say that  
23 I'm not sure that's correct.

24 They don't have to say anything. They simply write  
25 within 16 characters, or however many characters allowed by

1 the Secretary of State's Office, whatever they choose, and  
2 that's what's on the ballot.

3 Q I don't mean to put words in your mouth.

4 MR. AHEARNE: Could we just have the answer read  
5 back?

6 MS. ZIPP: Yeah.

7 (At which time the record was read back.)

8 A I contradict myself with the same -- with that answer.

9 The first part of my answer is correct, which is you  
10 can say you're affiliated. You don't have to say anything.  
11 You do not have to say you're affiliated with any party.  
12 You can simply put whatever letters you want, or numbers  
13 conceptually, next to your name where it says "party  
14 preference," and that's what's going to show up on the  
15 ballot. And that is a correct answer.

16 Q All right. So under the Top Two system you're referring to  
17 a candidate stating their party preference.

18 A Correct.

19 Q If a candidate states in their candidate filing "Prefers  
20 Republican Party," would that satisfy the criteria for  
21 Membership No. 6, "Affirmatively state their intentions to  
22 become members of the State Republican Party," in your  
23 opinion?

24 A No. 6 on...? You're referring to --

25 Q On Exhibit 1, "Membership in the Washington State Republican

1 Party."

2 A (Witness reviewing document.)

3 No.

4 Q Why not?

5 A Putting that on there, "Prefers Republican Party," doesn't  
6 mean member of the Republican Party. If it were to say  
7 "Member of the Republican Party," if that was what the  
8 ballot said, then maybe that would be different.

9 Q Doesn't mean member of the Republican Party. What does it  
10 mean, "Prefers Republican Party"?

11 A I'm not sure what it means.

12 Q Does the State Republican Party -- since you have been the  
13 Executive Director has the State Republican Party  
14 participated in the Top Two Primary campaign season?

15 A I'm --

16 Can you be a little more specific about --

17 Q Yeah. Does the State Republican Party take an active role  
18 during the primary campaign season? And if so, what is that  
19 role?

20 A We have supported some candidates for office.

21 Q What form has that support taken?

22 A We have done -- we give them access to our -- we've given a  
23 number of candidates access to our voter files, encouraged  
24 them to join with us in our Get Out the Vote programs, I.D.  
25 and Get Out the Vote programs. We've done mailings on

1           behalf of clients, or excuse me, on behalf of candidates.

2       Q     Since the implementation of the Top Two Primary do you have  
3           any knowledge of a candidate for office in this state  
4           falsely claiming to be a nominee of the State Republican  
5           Party?

6       A     Falsely claiming to be a nominee --

7       Q     Yes.

8       A     -- of the Republican Party.

9           No.

10      Q     How about falsely claiming to be a member of the Republican  
11           Party?

12      A     No.

13      Q     Falsely claiming an association with the Republican Party?

14      A     No, but we haven't -- no.

15      Q     To your knowledge has the Party actively monitored for  
16           whether candidates are falsely claiming either to be the  
17           nominee of the Republican Party or to be a member of the  
18           Republican Party?

19      A     I think we are receptive to information that such a thing  
20           may occur. It has not happened since January 2009 that I  
21           have been here.

22      Q     Are you aware of it having happened prior to January 2009?

23      A     No. I'm not aware.

24      Q     In your experience has the State Party's role in elections  
25           changed since the adoption of the Top Two Primary in 2008?

1 A Yes. It has become more difficult to -- requires a lot of  
2 explaining to our members what the primary means and what it  
3 does as it exists now.

4 Q Have you had a role in that explaining?

5 A Yes. However, it's usually somebody answering a phone or  
6 going to a grassroots meeting where that comes up more than  
7 where I get it, but I hear about it from those who work for  
8 me.

9 Q What types of explanation do you hear is necessary or asked  
10 for?

11 A The explanation is -- "Does this mean this person is  
12 Republican," is an example of a question we get. And the  
13 answer is no.

14 "Is this candidate -- you know, has the Party endorsed  
15 this candidate?"

16 We may have endorsed a candidate for office who  
17 selected "Prefers Republican Party," but that does not mean  
18 that we have done so. And that requires --

19 That's -- those two are probably the most common  
20 questions we get.

21 MR. WHITE: Can we take two seconds?

22 (Discussion off the record.)

23 Q (By Ms. Zipp) Earlier you said that you have been a  
24 precinct committee officer for some time, I think -- am I  
25 remembering correctly, you said since about 2000? Is that

1 correct?

2 A Correct.

3 Q Are you familiar with the laws relating to the selection of  
4 precinct committee officers --

5 A Yes.

6 Q -- for your party?

7 A Yes.

8 Q How does that process work?

9 A Our process is that a candidate who -- must file for PCO  
10 with the State or county and is -- county. And you need to  
11 get -- you need to be -- get the most votes of any other  
12 candidate for PCO on the ballot. You also need to get at  
13 least ten percent of the highest Republican vote-getter in  
14 that precinct.

15 Q And has that process changed to your knowledge with the  
16 adoption of the Top Two Primary?

17 A The only way it's -- the impact has changed because anybody  
18 -- unlike the prior primary, anybody can vote for the  
19 Republican PCO. And that was not the case in the Montana  
20 Primary previously.

21 Q How was it not the case in the Montana Primary?

22 A You had to -- in the primary you had to sign an oath or  
23 select a fill-in-the-dot for an oath saying, "I consider  
24 myself a member of the Republican Party" essentially. I  
25 don't remember the exact words. And all your partisan votes

1 need to be within that partisan section. If you went  
2 outside of that you were no longer -- that ballot, I  
3 believe, was not counted in that primary anymore. That is  
4 not the case now. Anybody -- a Democrat can vote for  
5 Republican for PCO.

6 Q How about under the primary that preceded the Montana  
7 Primary under the Blanket Primary?

8 A I don't recall specifically, but I believe that the --  
9 anybody could vote for PCO regardless of party, and within  
10 each party.

11 Q Mr. Brady, you were identified as a witness in the  
12 Republican Party's response to the State Interrogatories.  
13 Were you aware that you were identified as a potential  
14 witness?

15 A Yes.

16 Q I'd like to ask you some questions about the topics of  
17 testimony that were potentially identified for you. I'm  
18 going to first read you what was listed there.

19 "Mr. Brady will testify regarding confusion among  
20 voters and party members resulting from I-872's  
21 implementation including use of the Republican Party name by  
22 candidates filing for office in State and local voters  
23 pamphlets and on ballots, the effect on party-supported  
24 candidates, and the ability of the WSRP to communicate with  
25 its members regarding the identity of Party-supported

1 candidates, and Washington State Republican Party rules  
2 regarding delegates to state, local, and national  
3 conventions, election of Republican Party precinct committee  
4 officers, and nomination of Republican Party Candidates."

5 Is that generally your understanding of the things that  
6 you would be testifying about?

7 A Yes.

8 Q Is it your understanding that you might testify about  
9 anything else?

10 A I -- I don't know.

11 Q With respect to confusion among voters and Party members  
12 resulting from Initiative 872's implementation, what about  
13 the implementation of Initiative 872 causes confusion among  
14 voters?

15 A No -- there is no common understanding of what "Prefers  
16 Republican Party" means on the ballot. Many people think  
17 that the -- that we are picking our nominee. That's not the  
18 case. The question is, "If So-and-So is a preferred  
19 Republican Party candidate and they win the primary, does  
20 that mean they're your candidate?" Not necessarily. And  
21 that's where the biggest confusion comes up.

22 Q Are there other types of confusion?

23 A I think they're all drawn to, again, what does it mean?  
24 Does it mean a candidate is -- does it mean they're  
25 supported in any way, prior to the primary or afterwards,

1 because they have "Prefer Republican Party" next to their  
2 name?

3 And there's a wide variety of questions about what  
4 that -- again, what that means and what the level of support  
5 we give, and does that get them any support by putting that  
6 down. The answer is no.

7 Q On what do you base your knowledge that there is voter  
8 confusion about what "Prefers Republican Party" means?

9 A A lot of it is as I mentioned earlier, day-to-day  
10 interaction with our front line folks, whether it's on the  
11 phone, e-mail, or letter. People who consider themselves  
12 Republicans will tell you, "I'm a Republican. Who's our  
13 nominee? Who is the Party supporting? Are you supporting  
14 this candidate? This candidate says 'I prefer the  
15 Republican Party,' are you supporting this candidate?"

16 And again the confusing part is we may be supporting a  
17 candidate, but that does not necessarily mean they're our  
18 nominee, nor is it because they say "Prefer Republican  
19 Party" on the ballot. And that's what's confusing because,  
20 again, so many people seem to think that we are choosing our  
21 nominee based on the selection, and that's not the case.

22 Q So you mentioned calls and e-mails. Do I understand you to  
23 say that people call the Republican Party headquarters and  
24 say, "I'm confused about whether this candidate is a  
25 Republican"? Or how do those calls go?

1 A They have in the past.

2 Q Do you personally answer those calls?

3 A I have, but not recently. I don't usually answer the phone.

4 Q But you supervise the people who answer those calls?

5 A Right.

6 Q Yeah. Are you able to estimate how many calls in a week  
7 typically would come like that?

8 A I don't because they don't tell me every -- they don't keep  
9 tallies or anything like that. And once they know the  
10 answer or know what's going on, then they don't have to tell  
11 me about it.

12 Q You also mentioned e-mails. To your knowledge, do e-mails  
13 come in --

14 A You know, I -- I haven't seen any in a long time. And I --  
15 I can't recall specifically. I don't even know if somebody  
16 would have those. So I don't -- I'll -- I won't -- let me  
17 retract that part because I'm not sure if we have them or  
18 where they would be if we do have them.

19 Q To your knowledge, prior to the implementation of Initiative  
20 872 did Party headquarters receive calls from voters asking  
21 about candidates?

22 A Yes.

23 Q What kind of calls to your knowledge were received?

24 A Again, usually "Who is the Party supporting?"

25 Q And how are those calls different than the calls that have

1           been coming in since the implementation of the --

2    A    We still get that same question, "Who is the Party  
3       supporting?" But what -- we do get the question of "What  
4       does this mean, 'Prefers Republican Party'?"

5    Q    Another component of your testimony might be "confusion  
6       resulting from implementation, including the use of the  
7       Republican Party name by candidates filing for office in  
8       state and local voters pamphlets and on ballots."

9           What confusion results from the implementation  
10       regarding the use of the Republican Party name?

11   A    We've just had questions from -- we've had that question  
12       from candidates -- and, again, it's been some time -- about  
13       how actually you're supposed to fill that out. And we've  
14       said, you know, it's Republican and that, that's it. We  
15       have done that.

16        You know, there's also some confusion about how we have  
17       to talk about any candidates, as I understand it. And I  
18       know that's until this year, how we talk about candidates  
19       who file with the State as preferring Republican Party, that  
20       we apparently have to talk about all the candidates, whether  
21       we're supporting them or not in a given race, as preferring  
22       Republican Party. And that is very confusing.

23   Q    So you said "questions from candidates." So do I understand  
24       correctly, you're saying candidates are confused about how  
25       to fill out the Declaration of Candidacy "Prefers X party"?

1 A Yeah, yeah. Not all, but some.

2 Q To your knowledge is there confusion among voters about the  
3 use of the Republican Party name by candidates filing for  
4 office?

5 A We believe so, just by the examples I gave earlier when  
6 people are asking us, taking the time to call us and say, "I  
7 don't understand what this means." We can extrapolate that  
8 into a much larger universe than simply those who bother to  
9 call us. At a minimum, those who call us.

10 Q To your knowledge, prior to the implementation of Top Two  
11 did candidates utilize the Party name during the primary  
12 season?

13 A They used just, yeah, just "Republican."

14 Q Did the Party control which candidates used the Party name?

15 A They -- no. Not for purposes of whether they got on the  
16 ballot or not.

17 Q Did the Party control which candidates used the Party name  
18 for other purposes?

19 A Only in the sense that we have endorsed candidates or  
20 supported them in some degrees. But we never -- we would  
21 never stop somebody from using the Republican name.

22 Q So in what sense -- you said in the sense -- explain to me  
23 what you mean by --

24 A Somebody --

25 Q -- for purposes of endorsement.

1 A Somebody can --

2 I'm sorry.

3 Q Explain to me what you mean.

4 A Somebody who's -- somebody could file as Republican for  
5 office and be listed as Republican on the ballot, but --  
6 prior, again, to the existing primary -- and we're talking  
7 about the Montana Primary specifically -- but voters could  
8 only vote for the primary candidates of the party that they  
9 chose. If they didn't choose a party they weren't allowed  
10 to vote in the primary. They could vote on other  
11 nonpartisan issues. So in that sense we --

12 I don't -- I do not know if the Party prior to my being  
13 there did things to say to candidates -- or to voters,  
14 excuse me, that "This candidate is the person you should  
15 support. This is the one you support." I don't know if  
16 that occurred or not, but it's possible they would have done  
17 that.

18 Q So I understood you to just say you don't know whether prior  
19 to the Top Two -- prior to your becoming Executive Director  
20 of the Party, if the Party supported a candidate, said to  
21 voters "Support this one of many Republican candidates." Is  
22 that --

23 A And I -- yes, it is. And I just thought of an example and  
24 that sort of counteracts that, and that's the U.S. Senate  
25 race. The Party endorsed Mike McGavick for U.S. Senate well

1 before the primary, I don't remember exactly when, early in  
2 2006, but I believe there were other candidates who filed as  
3 Republicans on the ballot. But they were all, again, within  
4 the Republican section of the primary. I don't know for  
5 sure, but the Party could have supported that candidate in  
6 the primary, but I just don't know if it did. Or sorry, did  
7 anything to communicate with its members that this is the  
8 person they should support.

9 Q So to your knowledge, was the Party -- did the Party become  
10 active in supporting a candidate after the nominee was  
11 selected through the primary process?

12 A Yes.

13 Q What is the effect of Initiative 872's implementation on  
14 Party-supported candidates?

15 A It -- as I said earlier, it -- No. 1, they -- they're not  
16 selected as our nominee by the primary, number one, that  
17 they're not -- whether they're the top Republican  
18 vote-getter or not does not necessarily mean that they --  
19 excuse me, they're not -- they have to be in the Top Two,  
20 they can't simply be the top Republican vote-getter. So  
21 that's changed, and that could potentially change any of the  
22 other strategies.

23 They -- and we're -- if we're talking about candidates,  
24 just candidates, they have to communicate -- if they've been  
25 an endorsed candidate or potentially a nominated candidate

1           they have to communicate that and we have to communicate  
2           that after the primary.  Again, they don't necessarily --  
3           they aren't necessarily nominated by virtue of winning the  
4           primary.  And that's different.

5   Q    Different than prior to Top Two?

6   A    Yeah.  They were -- candidates who won the primary, the  
7           Republican primary, were assumed to be our nominees.  And  
8           that was a reasonable assumption.

9   Q    Under the Montana system.

10  A    Correct.

11  Q    And now, if I understand what you're saying, under Top Two  
12           candidates who advance to the general election may or may  
13           not be the Party's nominee.

14  A    That's correct.  There may be more than one, for instance.

15  Q    What is the effect of the implementation of Initiative 872  
16           on the ability of the State Republican Party to communicate  
17           with its members regarding the identity of Party-supported  
18           candidates?

19  A    We have to spend more time, energy, and money communicating  
20           what our process is to voters as well as members of our  
21           party.  We have to use certain language when describing the  
22           candidates.  If there's two candidates who have registered  
23           "Preferring Republican Party," we have to -- and we nominate  
24           one, we have to still describe both candidates as  
25           "Preferring Republican Party" in our literature or any other

1 way that we communicate with our members. We have to -- and  
2 we have the extra burden of letting people know directly,  
3 through mail or other means, that a candidate is our  
4 candidate, and that is very expensive. In fact, we tried to  
5 do that recently and got sued by the State for that in 2008.

6 Q And prior to the implementation of 872 the Party didn't have  
7 to expend time and money to communicate the identity of its  
8 nominee to the voting public?

9 A Not the same way, no.

10 Q Because the nominee was selected through the primary  
11 process?

12 A Yes.

13 Q What is the effect of Initiative 872's implementation on  
14 Washington State Republican Party rules regarding delegates  
15 to conventions?

16 A Which conventions?

17 Q State, local, or national conventions.

18 A Well, PCOs are automatic delegates to legislative district  
19 conventions, or county conventions as the case may be.  
20 Under 872 anybody, whether Republican or otherwise, can  
21 influence who is elected PCO in any given precinct by voting  
22 in it. There's no -- you could be a Democrat and vote in a  
23 Republican PCO election. Therefore, you can influence the  
24 outcome of who the PCO is, which ultimately -- again,  
25 they're automatic delegates at the very beginning of the

1 process. So they already have a say in the convention  
2 process, the outcome of our platform, and so on.

3 Q Are there any other effects on the rules regarding  
4 delegates?

5 A Regarding delegates. Not that I'm aware of.

6 Q Have the -- to your knowledge, have the rules regarding  
7 delegates to state or local conventions changed since the  
8 implementation of 872?

9 A I don't know that. I know it -- I don't think they have. I  
10 don't think they have. I don't know what they were  
11 specifically. I never saw the rules from prior to 2009  
12 or -- well, 2010.

13 Q What is the effect of the implementation of 872 on the  
14 nomination of Republican Party candidates?

15 A It has created confusion about whether a candidate is a  
16 Party-nominated candidate or not. And many -- as I've said  
17 before, many people believe that they're selecting our  
18 nominee through that process, and that is not the case. So  
19 it has confused the process for how we select our nominees.

20 Q Has -- explain to me how it has confused the process for how  
21 the Party selects its nominees.

22 A Our members don't necessarily understand what that is, and  
23 believe that they are selecting our nominee through the  
24 process, through the process of voting in the primary. And  
25 it takes time and energy for us to correct that, and it's

1           been difficult and not completely successful.

2       Q    And correcting that, do I understand that correcting that  
3           would be educating the Party members that the nomination  
4           process is separate from the Party? Excuse me, from the  
5           primary?

6       A    I think so. I think so. We -- yes, we've done that.

7       Q    You have done that. Would -- in your opinion, does  
8           educating the Party members to understand that Party  
9           nominees are selected by a process that is separate from the  
10          State primary process correct the confusion that we were  
11          just talking about?

12      A    I think so. But as I told you, those kinds of questions  
13          have not stopped, so it's still confusing.

14                    MS. ZIPP: Can we take a five-minute break?

15                                (Recess taken from 4:34 to 4:40 p.m.)

16      Q    (By Ms. Zipp) Mr. Brady, I have one question for you about  
17          the State's -- the Republican Party's answers to the State's  
18          Interrogatories. You -- the First Set of Interrogatories,  
19          you signed those Interrogatories on behalf of the Washington  
20          State Republican Party; is that correct?

21      A    Correct.

22      Q    In the Answer to Interrogatories there's the statement,  
23          "Voters, when viewing the ballot forms used by the State, in  
24          substantial numbers believe that candidates listed on the  
25          ballot are Republican nominees."

1 MR. WHITE: Can we take a look at those?

2 (Discussion off the record.)

3 Q (By Ms. Zipp) I'm looking at what is indicated as No. 1  
4 right there (indicating).

5 What is the basis for that statement?

6 A The evidence that -- the evidence I get in the office, which  
7 is people, again, being confused about what that means.  
8 Some will say -- suggest that the -- when asked questions  
9 they'll say things like, "The person who goes on to the  
10 general election is our nominee, right?" That type of  
11 thing, again as they explore and try to understand it. And  
12 again, as I explained, that's not the case.

13 So it's the phone conversations mostly and the  
14 occasional conversations at meetings where we come up with  
15 that information.

16 Q Is there any other basis for that statement that voters in  
17 substantial numbers believe the candidates listed on the  
18 ballot are Republican nominees?

19 MR. WHITE: I'll object to the form of the  
20 question.

21 A Other than people telling us? No.

22 MS. ZIPP: I don't have any further questions.

23

24

25

1 EXAMINATION

2 BY MR. AHEARNE:

3 Q To follow up on your last answer, when you said, "Other than  
4 people tell us," approximately how many people are you  
5 referring to?

6 A Who have told me can be in the tens, but it's hearing from  
7 other staff who have spoken with other people. And, again,  
8 I don't know how many they've spoken to. Once they know how  
9 to answer a question they don't tell me how many times they  
10 answer it.

11 Q Do you have any estimate for the number of people it would  
12 be?

13 A No.

14 Q Now, go to the beginning of the deposition. Did you say at  
15 the beginning that you've done some consulting work?

16 A Yes.

17 Q Could you briefly describe the type of consulting work  
18 you've done?

19 A It's varied. I have worked for candidates in -- helping  
20 them run for office. I've worked for Party organizations,  
21 or those running for Party office I should say, might be a  
22 better way to describe it, and helping them run for office  
23 as well. I've also done some election day  
24 operation/integrity work for the Party.

25 Q And when you say "integrity work," what do you mean?

1 A Ensuring that the election is conducted fairly and properly.

2 Q And all this consulting work you've described, has that all  
3 been in the State of Washington?

4 A Yes.

5 Q You also testified something along the lines of that you  
6 consider yourself a member of the Republican Party since you  
7 first voted in 1988; is that correct?

8 A Yes.

9 Q What does it mean to you to be a member of the Republican  
10 Party?

11 A To me, it means what our policy statement is here  
12 (indicating), and I think that's a fair capture of what a  
13 member of the Republican Party is.

14 Q And when you said that you've considered yourself a member  
15 of the Republican Party since you first voted in 1988, did  
16 you mean the Republican State Party?

17 A Correct.

18 Q Do you consider yourself a member of the National Republican  
19 Party?

20 A Sure, but I don't know how they define that. Their --  
21 Republican National Committee is -- has a leadership  
22 structure. And they probably -- they may have their own  
23 rules. And those folks who vote are the ones who govern  
24 that organization. I give them money.

25 Q Sitting here today, do you know if you are a member of the

1 National Republican Party?

2 A I think they would consider me to be one as a -- somebody  
3 who works for a state party.

4 Q You live in King County; is that correct?

5 A Correct.

6 Q Do you consider yourself a member of the King County  
7 Republican Party?

8 A I am a PCO; I think by definition I am a member of the King  
9 County Republican Party.

10 Q Does the Washington State Republican Party know who all its  
11 members are?

12 A The Washington State Republican Party?

13 Q Yes.

14 A I think we can capture many of them through criteria here  
15 (indicating). There may be others who have made a public  
16 statement to the effect that they're members of our party,  
17 but we may not know all of them.

18 Q Does the State Party keep any list of its members?

19 A We keep the lists that are covered here (indicating). And  
20 we certainly keep track of people who call us or contact us  
21 and say they're our members.

22 Q When you said "the lists that are covered here," is the  
23 "here" the Brady Exhibit 1?

24 A Brady/Esser, yes, 1, yes.

25 Q Do you know if the National Republican Party keeps a list of

1           who its members are?

2    A    I don't know the nature of the types of lists they have.

3    Q    Do you know if the King County Republican Party keeps a list  
4           of its members?

5    A    They certainly have a list of their PCOs, yes.

6    Q    Do they have a list of its members who are not PCOs?

7    A    I don't know what the nature of the lists they have other  
8           than that.

9    Q    As Executive Director of the Washington State Republican  
10           Party do you know if any county Republican Party in our  
11           state keeps a list of its members?

12                   MR. WHITE: I will object to the form of the  
13                   question.

14   A    They keep lists of their PCOs. I know that for certain.

15   Q    Are you aware of any county Republican Party keeping a list  
16           of members other than just the PCOs?

17   A    I don't know the answer to that question.

18   Q    When the State's attorney was asking you some questions  
19           about the Platform Comparison Document and the planks, I  
20           understood your testimony to be that the Republican State  
21           Party platform has somewhere between 10 and 50 planks; is  
22           that correct?

23   A    Correct.

24   Q    Are any platform planks more important than others?

25   A    The Party's made no designation as such.

1 Q Do you believe there are any platform planks that are more  
2 important than others?

3 A It's not for -- I don't decide that for the Party.

4 Q How about you as an individual, personally? Do you believe  
5 some platform planks are more important than others?

6 A The body of the positions is most important as a whole. So  
7 no.

8 Q If I understood your testimony correctly, the Party sends  
9 this Platform Comparison Document to candidates and the  
10 candidates can choose to return that document to the Party,  
11 correct?

12 A Correct.

13 Q What happens once the State Party gets this document?

14 A We -- it's a new policy. We have not taken the next step  
15 with that. Right now we have let our leadership know that  
16 they've been received or not received. And that's been the  
17 extent of it.

18 Q As we sit here today, are there any plans for the State  
19 Party doing anything with these documents that they have  
20 received?

21 MR. WHITE: I will object to the form of the  
22 question.

23 A There are no existing plans to do anything.

24 Q Are there any proposals under consideration today as of  
25 today?

1 MR. WHITE: I will object to the form of the  
2 question.

3 A No.

4 Q Does the Washington State Republican Party do anything to  
5 review or monitor whether elected officials agree with or  
6 adhere to the Washington State Republican Party platform?

7 A We -- we monitor --

8 Could you state that one more time? I'm sorry.

9 Q Sure.

10 MR. AHEARNE: Could you please read the question?

11 (At which time the record was read back.)

12 MR. WHITE: I will object to the form of the  
13 question.

14 A We do pay attention to what elected officials say and how  
15 they vote.

16 Q Could you describe what you do to pay attention?

17 A Media clips; we will read their newsletters; we will see how  
18 they vote. And occasionally our members will contact us  
19 about an elected official's behavior in any one of those  
20 arenas.

21 Q And does the Party take any action based on what it learns?

22 A We -- we have let elected officials know when we don't agree  
23 with a position or a vote.

24 Q Beyond letting the elected official know that the Republican  
25 Party doesn't agree with a position or vote, does the

1 Republican Party do anything else?

2 MR. WHITE: I'll object to the form of the  
3 question.

4 A As far as January 2009 to the present, when I've been with  
5 the Party, there's not been anything else.

6 Q And in your life before January of 2009 you've consulted  
7 with and worked on political campaigns and with political  
8 candidates in the State of Washington, correct?

9 A Correct.

10 Q Are you aware of any time before January 2009 where the  
11 Republican Party took any action against an elected official  
12 who was not agreeing with or adhering to the Party platform?

13 MR. WHITE: I will object to the form of the  
14 question.

15 A I don't recall.

16 Q When you were being asked about the PCO election, if I  
17 understood you correctly you said today a Democrat can vote  
18 for a Republican PCO?

19 A Correct.

20 Q Under the Montana system could a Democrat vote for a  
21 Republican PCO?

22 A Only if they did two things.

23 Q And what would those two things be?

24 A The first is they would have to have signed the oath that  
25 they're Republican, even though they weren't, and have

1 consistently filled out the Republican portion of the  
2 ballot, not voted in the Democrat portion of the ballot  
3 under the Montana Primary. If they had done that then  
4 their -- if I recall, their vote for the Democrat wouldn't  
5 count -- there was a sliding scale. It depended how  
6 consistent they were with their voting patterns, I believe.  
7 I believe if they voted outside of the primary where they  
8 picked one oath of one party, I believe they were -- the  
9 ballot was disqualified as far as their primary votes, not  
10 their nonpartisan votes. The one exception to that would  
11 be, I believe, that if they didn't fill out the oath, but  
12 they picked all -- stuck with one party throughout that  
13 ballot, I believe the State and counties allowed that ballot  
14 to count.

15 Q And that would include the vote for the PCO that's  
16 consistent with the others?

17 A Correct.

18 Q You also referred in your testimony to the State Party  
19 getting a question from some folks, "What does this mean,  
20 'Prefers Republican Party?'" Do you recall that?

21 A Yes.

22 Q What was the State Party's answer to that question?

23 A That means -- it means they put down -- that's what they put  
24 down when they went and filed for office with the Secretary  
25 of State. That's all that means.

1 Q If I can ask you to look at Exhibit 1, please. Exhibit 1 is  
2 the first page, is the current membership rules for the  
3 Republican State Party; is that correct?

4 A Correct.

5 Q If I can ask you to look at Paragraph 6, the last line  
6 refers to "Demonstrated support of the Party, its  
7 candidates, and programs." Do you see that?

8 A Yes.

9 Q What's your understanding of what programs are being  
10 referred to there?

11 A It can be -- I think we would know it when we see it. It's  
12 not defined. I think that's the answer.

13 Q Would "programs" include programs that are in the Party  
14 platform or portions in the Party platform?

15 A I don't necessarily think so. I'm not sure how that would  
16 be demonstrated in real life.

17 Q That's what I'm trying to get at.

18 A Well, I'll give you one example.

19 Q Okay. That would be good.

20 A Would be participating in a Get Out the Vote Program.

21 Q Run by the Republican Party.

22 A Naturally.

23 Q And when it says, "demonstrate support," how does one  
24 demonstrate support for Criteria No. 6?

25 A Again, I think it's -- we haven't defined all possible ways

1 to demonstrate support. I gave you one example.

2 Q Participating in some program?

3 A A Get Out the Vote Program for instance.

4 Q Would what it takes to demonstrate support be another one of  
5 these you-know-it-when-you-see-it-type things?

6 A I think so. I think so. I think we could -- yes.

7 Q Can you tell me what the Republican State Party's political  
8 message is?

9 A The closest things we have to answering that question is we  
10 do have a platform that illustrates our principles.

11 Political message hasn't really been something we talk  
12 about, what our political message is today or anything like  
13 that, so I'm not entirely sure what your question is.

14 Q If someone were to ask you what the State Republican Party's  
15 political message is, what would your answer be?

16 A Elect Republicans because we believe in these things.

17 Q And "these things" you're referring to would be in the State  
18 Party platform?

19 A Correct.

20 Q Would "these things" also include what's included in the  
21 national party platform?

22 A Yes, generally speaking. I don't imagine they'd conflict.

23 Q Would it also include everything in the county party  
24 platform?

25 MR. WHITE: I'll object to the form of the

1 question.

2 A I don't think so. I mean, the county party helps develop  
3 the State platform, so I think -- I think it is -- our job  
4 is to promote candidate who support our ideals and our  
5 platform, and so I think we stick with that.

6 Q Just so I'm clear, when you're saying "our platform" you're  
7 referring to the State Party platform?

8 A Correct.

9 Q Could you tell me what the agenda is that the Republican  
10 State Party seeks to advance?

11 A I think if you looked at our platform you'd understand that.  
12 It's -- yeah.

13 Q So it's what's stated in the State Party platform?

14 A Yeah. It's to elect candidates that support that platform  
15 and those ideals.

16 Q What does the State Republican Party and its adherence stand  
17 for?

18 A I'm sorry, can you repeat that one again?

19 Q What does the State Republican Party and its adherence stand  
20 for?

21 A The same ideals illustrated and described in our platform.

22 Q And, again, you mean the State Party platform?

23 A Correct.

24 Q What's the State Republican Party's vision for the future?

25 A We need to elect people and candidates that support our

1 State Party platform.

2 Q What's the State Republican Party's philosophy?

3 A It's illus -- our philosophy is illustrated by our platform  
4 and all the planks of that platform.

5 Q And you're referring to the State Party platform, correct?

6 A I am.

7 Q And if a voter wanted to know what the Republican State  
8 Party's position on important issues of the day is, would  
9 that voter look at the State Republican Party platform?

10 A Sure. They could also look at a website whether we're  
11 taking positions on ballot issues or something else.

12 Q Any other place a voter could look to figure out what the  
13 State Republican's position is on important issues of the  
14 day?

15 A That's the best place. I don't know of others. We'd have  
16 to do -- we'd have to -- that's where it's at now. If you  
17 today wanted to go find out what we stood for, that's where  
18 you'd go. You'd either ask for a copy of our platform or  
19 you'd find it on our website.

20 Q And does the Republican Party, State Party, have  
21 resolutions?

22 A The State Committee can pass resolutions, yes.

23 Q And what's the importance, if any, of a resolution?

24 A It depends on which resolution.

25 Q Well, what's the purpose of passing a resolution?

1 MR. WHITE: I'll object to the form of the  
2 question.

3 A It depends on what the resolution is supposed to accomplish.  
4 And there's a wide variety of those.

5 Q Could you give me some examples of what resolutions are  
6 intending to accomplish?

7 A A resolution can simply be moral support to somebody or an  
8 issue. It could be -- yeah.

9 Q What does it signify when the State Republican Party passes  
10 a resolution indicating support for an issue?

11 MR. WHITE: I'll object to the form of the  
12 question.

13 A If the resolution is we --

14 It depends; it's entirely speculative. Without seeing  
15 a resolution in front of me I can't tell you what the  
16 intended effect of that resolution is.

17 Q Who passes these resolutions?

18 A The State Committee has the power to pass resolutions and  
19 adopt them.

20 Q And while you've been Executive Director has the State  
21 Committee passed any resolutions?

22 A They have.

23 Q Can you recall a single one of them?

24 A Not offhand. Not offhand. I would have to check the  
25 minutes.

1 Q Okay. Do you believe Initiative 872 is unconstitutional?

2 A Yes.

3 Q Why?

4 A I think it is completely confusing. I don't believe voters  
5 understand what they're doing and make mistakes with regard  
6 to what they believe they're doing in the primary.

7 Q Anything else?

8 A I think clearly with the case of PCOs, where non-Republicans  
9 can select precinct committee officers who are the basic  
10 building block of the Party structure, that's clearly  
11 unconstitutional.

12 Q Anything else?

13 A I think I'll stop there.

14 Q Okay. And when you said you believe Initiative 872 is  
15 unconstitutional because it's completely confusing, what did  
16 you mean by "completely confusing"?

17 A I don't think most voters understand what they are -- how  
18 the primary operates and make an assumption that it's  
19 something other than it is, and that they're selecting  
20 nominees for parties.

21 Q And when you said that you believe voters make the  
22 assumption that the primary is something other than what it  
23 is, my question is: What is the primary under Initiative  
24 872?

25 MR. WHITE: I'll object to the form of the

1 question to the extent that it calls for a legal conclusion  
2 from the witness.

3 A We believe the voters believe they're -- sorry. The --

4 Q I'll be asking you two questions.

5 A Sure.

6 Q What is the primary under Initiative 872?

7 And then my next question will be: What do you believe  
8 voters think it is?

9 A Sure. 8 --

10 MR. WHITE: I'll object to the form of the  
11 question, and to the extent that it calls for a legal  
12 conclusion from the witness.

13 A 872 is a Top Two Primary being the Top Two vote-getters,  
14 regardless of anything, move on to the general election.  
15 And, again, under the system people may put down a party  
16 preference with regard -- that's what it is.

17 Q And then what do you believe voters think the primary is?

18 A I think they believe that when they see a voter preference  
19 for a party that they believe they're choosing the party's  
20 nominee, which is not the case.

21 Q And do you base that on anything other than the  
22 conversations that you've talked about earlier, the  
23 communications you've had with voters and people in your  
24 office?

25 A No.

1 Q What does "GOP" -- what party does "GOP" identify?

2 A Grand Old Party. It's the Republican Party.

3 Q And do you believe that using "GOP" is confusing as to which  
4 political party it's referring to?

5 A No.

6 Q Does Initiative 872 prevent the Republican State Party from  
7 controlling its own nomination process?

8 A No.

9 MR. AHEARNE: That's all I have.

10 MS. ZIPP: Orrin?

11 MR. GROVER: I don't have any questions.

12 MS. ZIPP: Emily?

13 MR. WHITE: Do you want to chat?

14 MS. THROOP: Sure.

15 MR. WHITE: Okay. Take five.

16 (Recess taken from 5:05 to 5:06 p.m.)

17 MS. THROOP: I have no questions.

18 MR. WHITE: Just a couple of questions.

19

20 EXAMINATION

21 BY MR. WHITE:

22 Q Is it just Party members who were confused about whether  
23 candidates who list "Prefers Republican Party" on the ballot  
24 are Republican Party nominees?

25 A That's -- that's what I know. And, again, that's simply

1 from Party meetings and people who identify themselves as  
2 members of our Party calling our office.

3 Q Okay. Does the Republican Convention adopt resolutions?

4 A Yes.

5 Q Would resolutions that are adopted by the Republican  
6 Convention be another example of part of the Party's  
7 message?

8 A Yes. They're part of -- they end up being part of the  
9 platform.

10 Q Does the State Party from time to time produce op ed pieces?

11 A Yes.

12 Q Would you consider those to be part of the Republican Party  
13 message?

14 A Certainly.

15 Q Mr. Ahearne asked you if Initiative 872 prevents the Party  
16 from having control over its nomination process. Do you  
17 recall that?

18 A Yes.

19 Q Does Initiative 872 interfere with the Party's nomination  
20 process?

21 A In the sense that it causes confusion amongst our members  
22 about what that nomination process is, yes, because they  
23 don't know what it is or how it's going to occur.

24 Q Do you view that as harmful to the Party?

25 A Yes.

1 MR. WHITE: No further questions.

2

3 FURTHER EXAMINATION

4 BY MS. ZIPP:

5 Q One question. The Grange's attorney asked you if you  
6 considered yourself a member of the State Republican Party,  
7 and your answer was something like, "Yes, according to  
8 Exhibit 1." Do you recall that?

9 A Yes.

10 Q So do I understand that, in your opinion, being a member of  
11 the State Republican Party is satisfied by meeting one of  
12 the criteria that is listed on Exhibit 1, Membership in the  
13 Washington State Republican Party?

14 A One or more, yes.

15 Q One or more.

16 A Yeah.

17 Q Looking at Exhibit 1, is there anything on those criteria  
18 that identifies espousing certain principles or a certain  
19 philosophy in order to be a member of the Republican Party?

20 A (Witness reviewing document.)

21 No.

22 MS. ZIPP: I have no further questions.

23 MR. WHITE: Orrin?

24 MR. GROVER: No questions.

25 MR. AHEARNE: Do I keep going in the same

1 direction?

2

3

FURTHER EXAMINATION

4 BY MR. AHEARNE:

5 Q Mr. White had asked you some questions where I thought you  
6 said that there's some members of the Washington State  
7 Republican Party that are confused about the State Party's  
8 nomination process.

9 A Correct.

10 Q Has the Washington State Republican Party told its members  
11 what the State Party's nomination process is?

12 A We have told many of them what it is, yes.

13 Q Why haven't you told all of them?

14 A It's extraordinarily expensive to reach out to everybody  
15 who's on this list (indicating). We don't -- there may be  
16 some that we are not aware of who have satisfied some of  
17 this criteria. So we'd spend a lot of time, money, energy  
18 finding them.

19 Q When you say "these criteria," you mean the membership  
20 criteria in Exhibit 1?

21 A Correct.

22 Q Do you believe that all of the State Party members that you  
23 have told about the State Party's nomination process  
24 understand it?

25 A I don't know. I think many do, but I think many don't

1 because we -- calls keep coming.

2 MR. AHEARNE: That's all I have.

3 MS. THROOP: No questions.

4 MR. WHITE: No further questions.

5 MR. GROVER: No further questions by me.

6

7

FURTHER EXAMINATION

8 BY MS. ZIPP:

9 Q Mr. Brady, all the questions you answered were answered  
10 truthfully and accurately; is that correct?

11 A Correct.

12 Q No further questions for you at the present time. If a  
13 transcript is ordered you'll have a right to review the  
14 transcript for errors and then sign following your review.  
15 Although you may waive this right, I'd like you to exercise  
16 it. Is that okay?

17 A Yes.

18 (Signature reserved.)

19 (Deposition concluded at 5:12 p.m.)

20

21

22

23

24

25

1 C E R T I F I C A T E

2 STATE OF WASHINGTON )

) ss.

3 COUNTY OF PIERCE )

4 I, Rebecca L. Mayse, a Notary Public in and for the State  
5 of Washington, do hereby certify:

6 That the foregoing deposition was taken before me at the  
7 time and place therein set forth;

8 That the witness was by me first duly sworn to testify to  
9 the truth, the whole truth, and nothing but the truth; and that  
10 the testimony of the witness and all objections made at the time  
11 of the examination were recorded stenographically by me and  
12 thereafter transcribed under my direction;

13 That the foregoing transcript is a true record of the  
14 testimony given by the witness and of all objections made at the  
15 time of the examination, to the best of my ability.

16 I further certify that I am in no way related to any party  
17 to this matter nor to any counsel, nor do I have any  
18 interest in the matter.

19 Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_  
20 2010.

21

22

\_\_\_\_\_  
REBECCA L. MAYSE, RPR, CRR, CLR

CCR License #2764

23

Notary Public in and for the State of  
Washington, residing at Puyallup.

24

25