

# EXHIBIT H

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON STATE REPUBLICAN )  
PARTY, et al., )

Plaintiffs, )

WASHINGTON STATE DEMOCRATIC )  
CENTRAL COMMITTEE, et al., )

Plaintiff Intervenors, )

LIBERTARIAN PARTY OF WASHINGTON )  
STATE, et al., )

No. CV05-0927-JCC

Plaintiff Intervenors, )

v. )

STATE OF WASHINGTON, et al., )

Defendant Intervenors, )

WASHINGTON STATE GRANGE, et al., )

Defendant Intervenors. )

Deposition Upon Oral Examination  
Of  
FREDI L. SIMPSON

Taken by: Tracey L. Juran, CCR  
CCR No. 2699

August 3, 2010  
Seattle, Washington

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EXHIBITS MARKED

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None

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1 at trial, particularly if testimony that you give at  
2 trial is different from testimony that you give during  
3 this deposition. A transcript may be made and, if it  
4 is, you'll have a chance to review it before signing it.

5 It's very important that we communicate clearly, so  
6 particularly because we're on the speakerphone, I will  
7 try to pay close attention to not asking an additional  
8 question until you've finished your answer. I ask if  
9 you would do the same thing and try to let me finish my  
10 question before you begin to answer.

11 If at any time you don't understand a question,  
12 please ask for clarification. If you do answer the  
13 question, I'll presume that you understood it. Saying  
14 that you don't know the answer is fine if that is the  
15 case. Please give verbal answers. The inclination to  
16 nod is probably less given that we're on the  
17 speakerphone. Do you understand these ground rules?

18 A. I do.

19 Q. Then let's begin. I'd like to start by asking you a  
20 little bit about your background. What is your  
21 education after high school?

22 A. Three years of college.

23 Q. And what did you study in college?

24 A. Music.

25 Q. Where did you do that?

1 A. Rio Hondo Junior College and University of Southern  
2 California.

3 Q. Have you taken any other post-high-school training or  
4 certifications?

5 A. No.

6 Q. Do you hold any professional licenses or memberships?

7 A. No.

8 Q. Are you currently a member of the Republican Party?

9 A. Yes.

10 Q. When did you become a member?

11 A. 2000.

12 Q. And how did you become a member?

13 A. By working on the John Carlson for Governor campaign.

14 Q. What were the qualifications for you to become a member?

15 A. Donating to a Republican candidate, supporting a  
16 Republican candidate, believing and supporting the  
17 Republican platform.

18 Q. Do you hold any official or leadership position in the  
19 party right now?

20 A. Yes.

21 Q. What position is that?

22 A. Chelan County Republican chair and Washington State  
23 national committeewoman -- Republican national  
24 committeewoman.

25 Q. When did you begin your role as the Chelan County

1 Republican chair?

2 A. In 2003.

3 Q. And how long will you be in that role?

4 A. Until this December.

5 Q. How were you selected for that position?

6 A. I was elected.

7 Q. Who elects that position?

8 A. The precinct -- the duly elected precinct committee  
9 officers of Chelan County.

10 Q. What are your responsibilities in that function?

11 A. Coordinating caucuses -- Republican caucuses, Republican  
12 primaries for our candidates; supporting Republican  
13 candidates; fundraising for Republican candidates and  
14 Republican events; holding Republican fund -- well,  
15 obviously, Republican fundraisers; supporting a  
16 Republican fair booth every year; speaking around the  
17 state for Republicans.

18 Q. What is involved in coordinating a caucus?

19 A. Advertising, promotion, letters, communication with the  
20 voters of Chelan County.

21 Q. And in organizing the Republican primary -- I think you  
22 said that that's one of the functions?

23 A. Yes.

24 Q. What is involved in organizing the Republican primary?

25 A. It's actually getting out the vote, so I misspoke.

1           Getting out the vote for Republican primaries, making  
2           sure that our voters are Republican voters, participate  
3           in the primary for and vote for our Republican  
4           candidates.

5    Q.    You say you also hold another role -- official role  
6           right now, Washington State Republican national  
7           committeewoman. How long have you held that role?

8    A.    Since 2007.

9    Q.    And how long will that -- will your term extend?

10   A.    Until 2012.

11   Q.    How were you selected for that role?

12   A.    I was elected by the state committee members, Republican  
13           state committee members.

14   Q.    And how is that group selected?

15   A.    Each county has an elected county chairman, a county  
16           state committeeman, and a county state committeewoman,  
17           and the Washington State Republican Committee is made up  
18           of those three elected individuals from each county.

19   Q.    What are your responsibilities as the Washington State  
20           Republican national committeewoman?

21   A.    To be the liaison between the Republican National  
22           Committee and the Washington State Republican Party.

23   Q.    On what types of issues do you liaise?

24   A.    National conventions, support for national candidates,  
25           support for federal candidates, resolutions of support

1 or nonsupport.

2 Q. What is a resolution of support or nonsupport?

3 A. If we don't support something that is being passed  
4 through Congress, we write a resolution saying we are  
5 not in support. If we are in support of something  
6 Congress is doing, we write a resolution saying we do  
7 support this bill or we do support this action.

8 Q. Have you held other positions in the past with the  
9 Republican Party?

10 A. With the Washington Federation of Republican Women, yes.

11 Q. What position or positions did you hold with them?

12 A. Third vice president.

13 Q. What does a third vice president do?

14 A. In charge of fundraising.

15 Q. The description of the roles that you -- your  
16 description that was provided in the Republican  
17 responses to the State's interrogatories says that you  
18 are -- described you as a former state and county party  
19 officer. Have you been a county party officer?

20 A. As chairman, I am a party county officer, yes.

21 Q. So not former, but current county party officer, is  
22 that --

23 A. I was vice president -- or vice chair of the Chelan  
24 County Republican Party from 2001 to 2003.

25 Q. Did you review any materials in preparation for this

1 deposition?

2 A. Yes.

3 Q. What materials did you review?

4 A. The Washington State Republican Party policy.

5 Q. And that is a written document?

6 A. Yes.

7 Q. Do you have a copy of that document with you right now?

8 A. Yes.

9 Q. Do you have any other documents with you right now that  
10 you're referring to?

11 A. Yes.

12 Q. What other documents are you referring to?

13 A. Registration form for the participants of our caucuses,  
14 our Republican caucuses.

15 Q. Any other documents?

16 A. No.

17 Q. What is the Washington State Republican policy document?

18 A. The Washington State Republican policy document talks  
19 about -- well, the policy talks about our budgets,  
20 salary levels, positions, and what constitutes a  
21 Republican -- a member of the Republican Party.

22 MS. ZIPP: John, can we get copies of that  
23 document?

24 MR. WHITE: I -- that's -- yes, you can. That's  
25 part of the second batch of production that you asked

1 for.

2 Q. (by Ms. Zipp) Ms. Simpson, I'm going to read to you the  
3 description of -- from the responses to  
4 interrogatories -- our interrogatories of what your  
5 testimony might be at trial and then I'm going to ask  
6 you some questions related to it.

7 A. Okay.

8 Q. Fredi Simpson, member, Republican National Committee  
9 from Washington, former state and county party officer.  
10 Ms. Simpson will testify regarding the impact of I-872  
11 on local Republican parties, selection of party  
12 officers, and impact on party message and candidate  
13 positions in strongly Republican jurisdictions. Is it  
14 your understanding that these are the things about which  
15 you will be testifying?

16 A. Yes.

17 Q. Do you understand that you may testify about anything  
18 else?

19 A. I'm sorry; I'm not understanding your question. You  
20 want me --

21 Q. Is it your understanding that you might testify about  
22 anything else?

23 A. Oh, might. I don't know.

24 Q. With respect to the impact of 872 on local Republican  
25 parties, describe what you think that impact is.

1 A. The impact to the Republican Party or the impact to the  
2 voter?

3 Q. Well, let's start with the impact on the local  
4 Republican Party.

5 A. We have no way of enforcing who uses our name. We have  
6 no way of telling -- or verifying except that -- let me  
7 back up.

8 We did not have a way of enforcing who could use  
9 our name. In 2008, we had a candidate that said she was  
10 a Republican. Nobody recognized her as a Republican,  
11 but there was no enforcement. We -- there was nothing  
12 for us to stop her from using "prefers Republican." So  
13 without some type of a policy statement where we ask  
14 candidates, if they're going to use our name, to follow  
15 some of the things that we ask them to do as  
16 Republicans, we have no enforcement.

17 Q. Any other impacts on the local party?

18 A. Confusion. People call and ask, do you recognize this  
19 person as a Republican? Have you ever seen this person  
20 at a Republican event? Voter confusion, precinct-  
21 committee-officer confusion, because they get calls.  
22 Just a lack of an understanding of what a Republican is.

23 Q. Prior to the implementation of the top-two primary in  
24 2008, were -- did the local party enforce restrictions  
25 on the use of its name?

1 A. Well, I want to say yes. We definitely could say, this  
2 person definitely is a Republican. People knew they had  
3 to come to us to -- for our blessing, if you will.  
4 But -- in other words, they had to say to us, I am a  
5 Republican, I follow the platform, I've donated, I've  
6 helped you out. Can I get your support? And now there  
7 is -- we don't have that enforcement -- that type of  
8 enforcement. Prior to this, the Republican name stood  
9 for something and candidates understood that it stood  
10 for something.

11 So, you know, I guess I'm not sure if that answers  
12 your question.

13 Q. So prior to the top-two primary, you said candidates had  
14 to come to you to get the party's support.

15 A. Right.

16 Q. What if -- and after the -- with top two, do candidates  
17 have to come to you to get the party's support?

18 A. Are you talking in my county?

19 Q. Yes, in your county.

20 A. Because -- no, they don't.

21 Q. To get the party's support? The party's support --

22 A. No.

23 Q. -- flows to them even if --

24 A. They don't -- no, because anybody can vote for them. It  
25 doesn't have to be Republicans. It doesn't have to --

1 we -- no, they don't have to come to us.

2 Q. But if they wanted fundraising from you or that -- other  
3 kinds of tangible support from the party for their  
4 candidacy, would they have to come to you for that?

5 A. No. Again, they can raise money anywhere they want and  
6 from any group that they want and still be able to say  
7 they're Republicans. We have a Republican right now  
8 that's running that has one of the most liberal people  
9 on the planet supporting him and funding his campaign.  
10 No, he doesn't need to -- they don't need to come to us.

11 Q. So I want to do some comparisons. Before top two, if  
12 someone in Chelan County claimed to be a Republican and  
13 the county party disagreed, what would the party do?

14 MR. WHITE: I'll --

15 A. We would make sure that --

16 MR. WHITE: I --

17 A. -- we made --

18 MR. WHITE: Or, Fredi, hang on.

19 I'll --

20 THE WITNESS: Yes.

21 MR. WHITE: I'll object. I -- to --

22 THE WITNESS: Okay.

23 MR. WHITE: -- two things. One is calling for  
24 speculation. Also, the same objection raised this  
25 morning is that she's not a 30(b)(6) witness. So she

1 can explain what she thinks would happen, but that's not  
2 as a speaking agent for the party.

3 Q. (by Ms. Zipp) I'll restate the question a little bit.

4 In your experience as a county officer for Chelan  
5 in the past, was there ever a time when someone -- a  
6 candidate stated that he or she was a Republican and the  
7 party disagreed? Was there ever such a time in your  
8 recollection?

9 A. I don't know. In the past --

10 Q. In the past.

11 A. Right.

12 -- they have always come to us. And then we would  
13 have healthy primaries of Republicans and we would say,  
14 we either recognize them as Republicans or we don't; we  
15 recognize this one or we don't. And that doesn't happen  
16 now.

17 Q. So under the pick-a-party system --

18 A. Mm-hm.

19 Q. -- did the party recognize some people who claimed to be  
20 Republicans and not recognize other people who claimed  
21 to be Republicans? Did that --

22 A. Repeat the question.

23 Q. Under the pick-a-party system, when that --

24 A. Mm-hm.

25 Q. -- was in place, there could have been multiple

1 designated Republican candidates on a primary ballot.

2 In your experience or to your knowledge, was there  
3 situations where the party recognized some of those  
4 candidates as Republicans or one of those candidates as  
5 Republican and did not recognize others as Republican?

6 A. I don't -- because we only had the pick a party once, I  
7 don't know. I know we supported strongly candidates  
8 that we knew were Republicans over others that we did  
9 not recognize as Republican and we made it known.

10 Q. You made it known who the party believed were the --

11 A. Republicans.

12 Q. -- its choice as Republicans versus -- okay.

13 A. A non-Republican.

14 MR. MCDONALD: I'm going to object to the exchange.  
15 I'm not sure that that last comment of yours was a  
16 question, and she added something that may or may not  
17 have been an answer to what you were saying. So if you  
18 have a question, you may want to ask it.

19 Q. (by Ms. Zipp) So since top two has been implemented,  
20 you said there was confusion, with people calling in to  
21 the party saying, do you recognize this person as a  
22 Republican?

23 A. Correct.

24 Q. Have you taken those calls?

25 A. Absolutely.

1 Q. Could you describe to me what a typical call -- how a  
2 typical call goes.

3 A. I've never -- the person would say, I've never heard of  
4 this person. Do you know who this candidate is? I  
5 would say yes or no. They're running as "prefers  
6 Republican Party." Do you know if they are a  
7 Republican? I would say yes or no. They would say, how  
8 do we know if they're Republican? How do we know? I  
9 would say, your guess is as good as ours.

10 Q. Are there other types of calls with people being  
11 confused that you have taken?

12 A. Yes.

13 Q. And what types of calls are those?

14 A. Nonpartisan positions.

15 Q. Explain to me how one of those calls might go.

16 A. Do you know if this person is a conservative Republican  
17 or does this person lean Democrat?

18 Q. Before top two was implemented, do you know if the local  
19 party got calls about candidates where people would call  
20 in and say, what can you tell me about this candidate?

21 A. Repeat the question.

22 Q. Before top two was implemented, did the party get calls  
23 from voters asking for information about candidates?

24 A. Sure.

25 Q. Did they get -- do you know if they got calls asking, is

1 this person a conservative Republican?

2 A. I don't remember.

3 Q. Do you know if they got calls asking, is this -- you  
4 know, what kind of a Republican is this person, or calls  
5 like that?

6 A. Yes.

7 Q. Before top two, did the local party get calls asking  
8 about nonpartisan positions, as you have just described  
9 them?

10 A. Yes.

11 Q. You also said an impact on the local Republican Party  
12 was PCO confusion. Please explain to me what you mean  
13 by that.

14 A. Precinct committee officers are elected as Republicans.  
15 They're confused about why somebody would be able to say  
16 they prefer the Republican Party when they don't believe  
17 this person is a Republican, and they're confused as to  
18 why anybody would think that this other -- this person,  
19 who they don't recognize as a Republican, would be able  
20 to put "prefers Republican Party" next to their name.

21 Q. You said they're confused. Who are they?

22 A. Precinct committee officers. Isn't that what you just  
23 asked?

24 Q. Yes.

25 So the precinct committee officers are confused

1           why --

2   A.    The candidate.

3   Q.    -- a candidate can say they prefer -- that the candidate  
4       prefers Republican when the PCO doesn't believe that the  
5       person is a Republican.

6   A.    Correct.

7   Q.    To the best of your knowledge, before top two, were  
8       there ever discussions by the PCOs as to whether a  
9       candidate who identified as a Republican was or was not  
10      a real Republican?

11           MR. WHITE: I'm again -- I'm going to object to the  
12      form of the question.

13   Q.    (by Ms. Zipp) In your experience as a party officer,  
14       were you aware of conversations by -- about whether  
15       candidates were or were not Republicans, candidates who  
16       said they were Republicans?

17   A.    Repeat the question.

18   Q.    Prior to top two, were you aware of discussions by  
19       the -- by PCOs, some -- one or more precinct committee  
20       officers, saying, I'm confused, this person -- I don't  
21       think this person is a Republican?

22   A.    I don't know.

23   Q.    You also identified as an impact on local Republican  
24       parties a lack of understanding as to what a Republican  
25       is. Whose lack of understanding are you talking about?

1 A. The voter.

2 Q. What is the source of your knowledge that the voters are  
3 confused about what a Republican is? How do you know  
4 this?

5 A. From the phone calls I get.

6 Q. And are these the phone calls with the voters calling in  
7 saying, is this person a real Republican? Those phone  
8 calls?

9 A. Some of them, yes.

10 Q. In your opinion, what is necessary to be a real  
11 Republican?

12 A. Support the Republican platform. Support lower taxes,  
13 smaller government, personal responsibility,  
14 conservative moral issues, strong military.

15 Q. For a candidate to be a Republican candidate, does the  
16 candidate have to support all of those things, in your  
17 opinion?

18 A. Eighty percent.

19 Q. We've been talking about the impact of 872 on local  
20 Republican parties. What is a local Republican Party?

21 A. Are you referring to the committee, the Republican  
22 Committee? Like the Chelan County Republican Party is  
23 made up of duly elected Republican precinct committee  
24 officers, the elected executive board -- Republican  
25 executive board, county chair, state committeeman, state

1           committeewoman, treasurer, secretary, district  
2           directors, district commissioners. That makes up the  
3           committee -- the Republican Committee for Chelan County  
4           and each of the counties. As far as the Republican --  
5           is that what you mean?

6       Q.    I guess I'm asking you. The -- we've been talking about  
7           what the impact is on local Republican parties and I  
8           just wanted to explore, what does that mean? Is the  
9           impact on the committee, is the impact on a broader  
10          group that constitutes the local party? So is there a  
11          voter group you would describe as the local party?

12       A.   Again, any voter that's -- that donates, supports,  
13          participates in Republican activities and with  
14          Republican candidates would be Republican voters.

15       Q.   Do you have any personal knowledge of the impact of 872,  
16          of top two, on local party organizations in other  
17          counties than Chelan County?

18       A.   No.

19       Q.   Another area that is identified that you may testify on  
20          is the impact of 872 on selection of party officers.  
21          What is that impact?

22       A.   In order to run for a Republican precinct committee  
23          officer, there is no requirement. There is nothing --  
24          anybody can run for a Republican precinct-committee-  
25          officer position. That person, if elected, becomes part

1 of the county Republican Central Committee whether they  
2 are a -- what we consider a Republican or not.

3 Q. And I guess I'm not understanding. How does that -- is  
4 that -- how does that affect the selection of party  
5 officers?

6 A. Repeat the question.

7 Q. You said to run for Republican PCO, there's no  
8 requirement, anyone can run. That person becomes --

9 A. Mm-hm.

10 Q. -- part of the Central Committee whether they're a  
11 Republican or not.

12 A. Correct.

13 Q. I don't -- how does that affect the selection of party  
14 officers?

15 A. Because the precinct committee officers are the ones  
16 that elect the party officers.

17 Q. Before top two, were there requirements to run for  
18 Republican PCO?

19 A. Yes.

20 Q. What were those requirements?

21 A. Understanding our party platform. Now, not to put their  
22 name on, but we'd -- on the ballot, but we were active  
23 in electing the precinct committee officers. We had  
24 precinct committee officers from each party. Now  
25 there's only two. But we have people who were

1           Libertarians who are now running as Republicans, to give  
2           you an example.

3    Q.    So I want to ask you questions about each piece of that  
4           answer, because I'm not understanding.

5           You said before top two, there was -- the  
6           requirement to run for PCO was, you had to understand  
7           the party platform, but then you said not to put the  
8           name on the ballot. Do you mean that --

9    A.    Anybody could file.

10   Q.    Anybody could file before top two.

11   A.    Correct.

12   Q.    And anybody can file now.

13   A.    Correct, except now you have people who don't know what  
14           the Republican Party stands for. They're not  
15           encouraged, they don't -- because there's no -- how  
16           should I word this? You -- it's very -- it's difficult  
17           to explain.

18           Right now we have -- in the top two, we have third-  
19           party candidates that will almost never show up in  
20           the -- on the November ballot. And because of that,  
21           this third party can -- third-party people who would  
22           only support their third party are now jumping to our  
23           party to change our party to fit more what they believe.

24   Q.    How is that connected with the election of PCOs?

25   A.    If a Libertarian wanted to run as a Libertarian precinct

1 committee officer before, they could, they would. But  
2 now they -- there is no Libertarian party or candidate,  
3 so they're run -- they now have -- in 2008 and again  
4 this year, we have Libertarians that are filing as  
5 Republicans.

6 Q. Libertarians who are filing as Republicans for the PCO  
7 elections, is what you're --

8 A. Correct.

9 Q. -- saying?

10 A. Correct.

11 Q. You also said earlier before top two, there was a PCO  
12 from each party; now there's only two.

13 A. Because people are not seeing a third party. They're  
14 not seeing that a third party can move on to the  
15 November ballot.

16 Q. Would you describe for me how the process of the --  
17 describe for me the party's involvement in the PCO  
18 elections before top two.

19 A. We would doorbell, we would send out postcards, we would  
20 make phone calls promoting our Republican PCOs.

21 Q. Promoting the candidate for PCO who the party wanted to  
22 be elected for PCO?

23 A. Correct, correct.

24 Q. And there would be other candidates, potentially, for  
25 PCO who the party wouldn't support.

1 A. Correct.

2 Q. And since the implementation of top two, what does the  
3 party do now? How -- what is its involvement in the PCO  
4 election process?

5 A. It's similar, except now it's more, this person is not  
6 recognized as a Republican, which is not saying, this  
7 person would represent you better, it's more, we don't  
8 recognize this other person as a Republican. It's a  
9 different idea of how to approach a voter.

10 Q. A third area that is described that you may testify  
11 about is the impact of 872 on party message and  
12 candidate positions in strongly Republican  
13 jurisdictions. Describe for me what the impact is on  
14 party message.

15 A. It hasn't changed the party message, it has changed who  
16 uses our message.

17 Q. How has it changed who uses the party message?

18 A. The voter sees Republican -- "prefers Republican" and a  
19 candidate may say something that sounds partly  
20 Republican to one crowd and then something that sounds  
21 liberal to another crowd. If the voter sees "prefers  
22 Republican," we have no way of saying this person is, in  
23 fact, a Republican or is not unless we do extra work on  
24 top of the work we're already doing.

25 Q. Before top two, do you know -- in your experience, were

1           there ever candidates who said they were Republicans who  
2           gave different messages depending on what crowd they  
3           were before?

4    A.    I don't know.

5    Q.    Were there -- were you -- did you ever participate in  
6           discussions as a county party officer about how the  
7           party would address a situation in which a candidate  
8           said something that was inconsistent with the Republican  
9           message, a candidate who was identified as a Republican?

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

12   Q.    (by Ms. Zipp) Let me see if I can state my question  
13           simpler.

14           Before top two, as a party officer, did you  
15           participate in conversations about the -- how the local  
16           party monitored what candidates who said they were  
17           Republicans said out in public, how they presented the  
18           Republican message?

19   A.    In a formal or in passing dialogue?

20   Q.    Let's start with in formal. In formal, in a formal --

21   A.    Sure.

22   Q.    -- manner?

23   A.    Sure.

24   Q.    Informal?

25   A.    Informal.

1 Q. But you're distinguishing between a formal conversation  
2 and an informal conversation, right, saying informally  
3 you had those conversations?

4 A. Yes.

5 Q. And what did you say in those informal conversations?

6 A. Just that I had heard this person supports bigger  
7 government or this person supports higher taxes.  
8 Informally, that would say to whoever I was speaking  
9 with that that person probably was not a Republican.

10 Q. Are you aware of the party ever taking formal action to  
11 reject a candidate who identified himself or herself as  
12 Republican, saying, you're not a Republican?

13 A. No.

14 Q. Has that been done -- are you aware of that having been  
15 done since top two?

16 A. I don't know.

17 Q. What is the impact -- what do you think the impact of  
18 872 has been on candidate positions in strongly  
19 Republican jurisdictions?

20 A. I think it helps them say what they think conservative  
21 voters want to hear instead of what they know they  
22 need -- what they actually believe.

23 Q. How is that different than before 872?

24 A. Before 872, the candidate, as I stated earlier, would  
25 come to the Central Committee to talk with us about

1 running as a Republican and they would give us their  
2 credentials as Republicans. Since 872, candidates don't  
3 see the need to do that.

4 Q. So do I understand correctly, you're saying that since  
5 872, people who identify -- candidates who identify that  
6 they prefer Republican, you believe they feel freer to  
7 just say whatever their personal platform is rather --

8 A. Correct.

9 Q. -- than going to the Republican Party and seeking  
10 support from the Republican Party based on Republican  
11 Party platform?

12 A. Correct.

13 Q. How do you know that this is happening?

14 A. As I said, in 2008, we had a candidate who did not come  
15 to the Republican Party, decided to run as a Republican,  
16 didn't care, and, from all the references we could  
17 obtain, this person was not a Republican.

18 Q. Did the party do anything about that?

19 A. We endorsed the recognized Republican candidate.

20 Q. Would you say that there are other -- who won?

21 A. The Republican candidate.

22 Q. The candidate who the party endorsed.

23 A. Correct.

24 Q. Would you say that there's -- you have seen any other  
25 impacts of 872?

1 A. Yes.

2 Q. And what are those?

3 A. Third-party candidates will rarely be seen on the  
4 November ballot. And because of that, voters jump to  
5 us, try to change us, instead of having a platform of  
6 their own to vote for in November.

7 Q. Is this something you've seen locally in Chelan County?

8 A. Yes.

9 Q. Can you estimate how many voters you think did this in  
10 2008?

11 A. No.

12 Q. Do you have any knowledge -- personal knowledge that  
13 this has happened in other counties?

14 A. Only what I've been told. I don't have proof.

15 Q. Who has told you of other counties?

16 A. Many of our county chairs.

17 Q. Are you aware of this happening -- do you think this has  
18 happen -- do you think that this has happened on the  
19 state level?

20 A. Are you asking an opinion or something I can prove?

21 Q. Something that you have personal knowledge of. So  
22 something you could -- I guess something you could  
23 prove.

24 MR. MCDONALD: I'm going to object to the form of  
25 the question. Proof is a legal concept of which she's

1 not aware.

2 Q. (by Ms. Zipp) Do you think -- your personal opinion, do  
3 you think that this has happened on the state level?

4 A. Yes.

5 MS. ZIPP: At this point, I'd like to take a short  
6 break.

7 [Off the record - recess]

8 MS. ZIPP: Let's begin again.

9 Q. (by Ms. Zipp) Ms. Simpson, just a few more questions.

10 A. Okay.

11 Q. A few minutes ago, you -- if I understood correctly, you  
12 said that for a candidate to be considered a Republican,  
13 they had to support 80 percent of the party's platform?

14 A. Correct.

15 Q. In your role as national committeewoman, is that a rule  
16 that is formally a rule of the party, as far as you  
17 know?

18 A. No, no.

19 Q. In your role as Chelan County chairperson, is that a  
20 rule that Chelan County -- the Chelan County party has  
21 made a formal rule?

22 A. Yes.

23 Q. What are the repercussions to a candidate if they  
24 support less than 80 percent of the platform?

25 A. They don't get our support, monetary or name.

1 Q. How does the county party decide whether the candidate  
2 supports 80 percent of the party -- of the platform?

3 A. This question depends on if you're talking about an  
4 incumbent or if you're talking about somebody new to the  
5 party.

6 Q. Let's talk about an incumbent first. How is an  
7 incumbent evaluated for their support of the platform?

8 A. Their voting record.

9 Q. Are some issues -- some planks in the platform weighted  
10 more heavily than others?

11 A. No.

12 Q. How many planks does the Republican platform have, the  
13 2000 -- is there a 2010 platform?

14 A. We just passed it and I don't know.

15 Q. And in -- you said we just passed it. That's -- you  
16 just passed the county -- is there a county platform?

17 A. Yes.

18 Q. Is the county platform different than the state  
19 platform?

20 A. Yes.

21 Q. Does the state have approval authority over the county  
22 platform, the state party?

23 A. No.

24 Q. So the county platform could be inconsistent with the  
25 state platform?

1 A. I'm sorry; repeat the question.

2 Q. Could the county platform be inconsistent with the state  
3 platform, hypothetically?

4 MR. WHITE: I'll object; it calls for speculation.

5 Q. (by Ms. Zipp) In your experience, has the county  
6 platform ever been inconsistent with the state platform?

7 A. No.

8 Q. Is it consistent with the state platform this year?

9 A. Yes. It adds more.

10 Q. Does it address county-level issues? Is that --

11 A. Yes.

12 Q. -- one of the differences?

13 A. Yes.

14 Q. You said incumbents are judged on their voting record.  
15 How are nonincumbent candidates evaluated?

16 A. By their participation within the Chelan County  
17 Republican Party and by -- well, we've always done  
18 interviews. We talk to the candidates. In their views,  
19 if they believe in smaller government, less taxes,  
20 personal responsibility, Second Amendment rights, strong  
21 military -- you know, if they believe in what the party  
22 platform stands for, we can -- we will say that they're  
23 a Republican.

24 Q. Prior to top two, did the county party evaluate  
25 candidates -- nonincumbent candidates?

1 A. Yes.

2 Q. How did they evaluate candidates before top two?

3 A. Candidates would come to us, ask -- seeking our  
4 endorsement, seeking our support.

5 Q. And did you interview them and talk with them about  
6 their position on the issues?

7 A. Absolutely.

8 Q. And after top two, you evaluate candidates by  
9 interviewing them and talking to them about their  
10 position on the issues.

11 A. We interview candidates when they call us. There is no  
12 way -- they know there's no way for us to enforce them  
13 putting "prefers Republican," so they don't always see  
14 the need for our support.

15 Q. And when a voter calls you personally and -- in your  
16 role as Chelan County chair and says, what kind of a  
17 Republican is someone, do you use this percentage system  
18 that we were just talking about?

19 A. Yes.

20 Q. So you might say, they support 80 percent or more of the  
21 Republican platform?

22 A. Correct.

23 Q. Or they support less than 80 percent of the Republican  
24 platform.

25 A. We don't always use the percentage. We just say, we

1 recognize them as a strong Republican, or, we don't  
2 recognize them as a strong Republican. We don't  
3 necessarily have to put the percentage mark in our  
4 conversation.

5 Q. Since top two, approximately how many phone calls like  
6 that have you taken, voters calling to ask about  
7 candidates?

8 A. I had a lot of them in 2008. We had a headquarters in  
9 2008. We had people coming into headquarters on a daily  
10 basis in 2008. This year, we don't have a headquarters,  
11 so I haven't had as many calls or as many inquiries.  
12 But we only, pretty much, over here have incumbents  
13 running or people that are strong Republicans that  
14 everybody recognizes as Republicans, so --

15 Q. And when you say you had a lot of calls in 2008, is that  
16 five calls a day, more than that?

17 A. Oh, I'd say more than that.

18 Q. Ten calls a day? Approximately.

19 A. Yes.

20 Q. You also said that before top two, voters would  
21 sometimes call you in your capacity as party officer and  
22 ask about candidates. Did you get five calls a day  
23 during a primary season, say, an even-year primary  
24 season, before top two?

25 A. No.

1 Q. More or less than that?

2 A. Less. The only calls we would get were mostly on --  
3 were on nonpartisan offices, like judges or mayor,  
4 school board.

5 Q. You mentioned at the beginning of the deposition that  
6 one of the documents you have in front of you is the  
7 registration form for participants of a caucus. Are  
8 there requirements to participate in a caucus --  
9 Republican caucus?

10 A. Yes.

11 Q. What are the requirements?

12 A. They have to be a registered voter, a legal resident  
13 within their precinct. In signing in, they agree that  
14 they are a member -- they are signing that they are a  
15 member of the Republican Party and that they have not  
16 participated and will not participate in any other  
17 caucus or convention system of any other party.

18 Q. And is that limited to that caucus season or ever?

19 A. For that caucus.

20 MS. ZIPP: Subject, John, to getting the documents  
21 that we talked about earlier, I have completed my  
22 questions.

23 Do any other counsel of record have questions?

24 MS. CARDER: No. I'll give my spiel again. I'm  
25 Katie Carder. I'm here on behalf of Defendant

1 Intervenor Washington State Grange. I'm filling in for  
2 my colleague, Tom Ahearne, who was planning to attend  
3 and participate in today's deposition. Mr. Ahearne's  
4 connecting flight to Seattle was canceled yesterday and  
5 he is stuck in Detroit, so he's unable to attend.

6 MR. MCDONALD: Orrin, do you have any questions?

7 MR. GROVER: No, I don't have any questions at all.

8  
9 EXAMINATION

10 BY MR. MCDONALD:

11 Q. I do have a few, Ms. Simpson. This is David McDonald.

12 If I recall correctly, you were a county vice chair  
13 and then a county chair; is that right?

14 A. Correct.

15 Q. Were you active in politics before you became a county  
16 vice chair?

17 A. Just one year before.

18 Q. Was that the first time you worked on campaigns, just  
19 that time period?

20 A. Yes, yes.

21 Q. During your tenure as a county vice chair or a county  
22 chair, have you encountered people who will vote for the  
23 Republican candidate as opposed to the candidate of any  
24 other party?

25 A. Restate your question, please.

1 Q. Have you come across people that are such strong  
2 Republican supporters that they will vote for the  
3 Republican candidate, no matter who it is, as opposed to  
4 a Democratic candidate or an independent candidate?

5 A. Yes.

6 Q. Have you run into very many of those?

7 A. Yes.

8 Q. Is it part of your job as a county party officer to try  
9 to get all of those people to vote for the Republican  
10 Party's nominee?

11 A. Yes.

12 Q. Is that job harder or easier if, in addition to the  
13 Republican Party's nominee, there's another candidate on  
14 the ballot who says they prefer the Republican Party?

15 A. It's become much more difficult.

16 Q. Have you had direct experience with it being harder?

17 A. In 2008, yes.

18 Q. Did that cause you to have to spend more of the party's  
19 money on that activity as opposed to other party  
20 activities?

21 A. Yes.

22 Q. Was part of the problem confusion?

23 A. Yes.

24 Q. You're laughing. Why are you laughing?

25 A. Well, confusion's just one thing. It's the name-calling

1 that comes along with that confusion, the stress, is why  
2 I'm laughing. It's easy -- it's just an easy way to say  
3 this. Yes.

4 Q. Did the candidate who was not -- well, let me strike  
5 that.

6 In any of these races where you had a Republican  
7 nominee and then you had a candidate saying they  
8 preferred the Republican Party but was not the  
9 Republican nominee, in any of those races, did the  
10 nonnominee have a different public position on issues  
11 than the Republican Party's nominee?

12 A. Yes.

13 Q. As part of your job as a county officer, is it one of  
14 your goals to communicate to the voters what the  
15 Republican Party stands for?

16 A. Yes.

17 Q. In your experience, is that job harder or easier if, in  
18 addition to the Republican nominee, there are other  
19 candidates on the ballot saying they prefer the  
20 Republican Party and articulating positions different  
21 than those of the Republican nominee?

22 A. Harder.

23 Q. Have you had direct experience with that?

24 A. Yes.

25 Q. If a Libertarian runs for and is elected a Republican

1 PCO, do you think that affects or potentially affects  
2 who will be elected the Republican state committee  
3 person from that county?

4 A. Yes.

5 Q. Does it make -- are there any other ways in which having  
6 a Republican PCO who actually was a Libertarian might  
7 affect party affairs that you can think of?

8 A. Can you -- wants to change the platform to become more  
9 or less conservative. It affects who the county would  
10 support as any of the candidates, whether it's our  
11 local, county, legislative, or even our presidential,  
12 although we can't legally support, but we can -- we do  
13 elect delegates to our state convention from our county  
14 convention. So if a Libertarian is one of the delegates  
15 to our county convention, they could be elected to the  
16 state convention. Yes, it affects every level of the  
17 party.

18 Q. In 2008, did you have situations in which election  
19 officials issued certificates of election to precinct-  
20 committee-officer candidates who did not have 10 percent  
21 of the vote of the -- that was obtained by the highest  
22 Republican vote getter in the precinct?

23 A. Yes.

24 Q. In the event that you had a vacancy in a legislative  
25 position and had to call a meeting of the Republican

1 precinct committee officers to come up with a list of  
2 people to replace -- or fill the vacancy, in your view,  
3 would you or would you not have to allow people to  
4 participate who had a certificate of election from  
5 election officials but had not met the 10 percent  
6 threshold required by law?

7 A. No.

8 Q. My question was probably confusing, because it didn't  
9 really --

10 A. No, no, I understood it. But we safeguarded ourselves  
11 from what happened.

12 Q. Did you mean no, you -- well, let me ask you, how did  
13 you safeguard yourself?

14 A. The state party made a rule that the candidate had --  
15 the PCO candidate had to obtain 10 percent in order to  
16 participate in the election of their county chair, state  
17 committeeman, state committeewoman. And so we only  
18 recognized those candidates -- those PCO candidates that  
19 gained the 10 percent vote.

20 Q. Do you have any idea what would have happened if a  
21 losing candidate -- or PCO had sued you, saying they  
22 were not allowed to participate, but they had been  
23 declared duly elected by state election officials and  
24 were trying to participate in a state constitutionally  
25 mandated process?

1 A. We would have been taken to court and we would have had  
2 to spend money that we -- the county has never even  
3 thought to have to raise money for.

4 Q. Are there any other ways in which having certificates of  
5 election issued to people who have not been -- have not  
6 achieved the number of votes required by statute  
7 potentially impacts you adversely?

8 A. Again, it's name-calling, it's the anger, it's the  
9 disruption of meetings, yes, those types of things.

10 MR. MCDONALD: Okay, I don't think I have any other  
11 questions.

12 MR. WHITE: Ms. Simpson, John White. I don't have  
13 any questions for you.

14 THE WITNESS: Okay.

15 MR. GROVER: I -- actually, this is Orrin. I've  
16 got a -- in light of David's questions, I've got a  
17 couple of questions.

18 MR. MCDONALD: Do you want him to --

19 MS. ZIPP: Yeah, go ahead.

20 MR. EVEN: Go ahead, Orrin.

21 MR. GROVER: Yeah.

22

23 EXAMINATION

24 BY MR. GROVER:

25 Q. Ms. Simpson, can you hear me okay?

1 A. I can.

2 Q. Mr. McDonald was asking you about a situation where you  
3 had candidates that were not members of the Republican  
4 Party and that they espoused things that the Republican  
5 Party didn't support. Did they -- did these candidates  
6 espouse things that were contrary to the Republican  
7 Party platform?

8 A. Yes.

9 Q. Do you recall any specific instances of that?

10 A. Yes.

11 Q. Can you describe one of them.

12 A. Government taking over land use, land rights.

13 Q. Can you tell us what happened in that circumstance in a  
14 little more detail.

15 A. The government -- the candidate that I'm thinking of was  
16 saying that the government needed to step in and stop --  
17 and to be honest with you, I can't remember what the  
18 property owner was suing for. But the candidate said it  
19 was up to the government to step in and take over and  
20 settle this issue, when Republicans believe that it's  
21 personal responsibility, it's not the taxpayer money  
22 that should be paying for these types of cases.

23 MR. GROVER: Okay, thank you very much. That's all  
24 the --

25 THE WITNESS: You're welcome.

1 MR. GROVER: -- questions I have.

2

3 FURTHER EXAMINATION

4 BY MS. ZIPP:

5 Q. Ms. Simpson, this is Allyson Zipp. I have a few more  
6 questions in light of Mr. McDonald's questions as well.

7 You described that -- a situation in which a  
8 Libertarian could run for Republican PCO. To your  
9 knowledge, did that actually happen in 2008?

10 A. Yes, yes.

11 Q. Could you describe for me specifically what happened.

12 A. I had five young Libertarians run as Republican PCOs  
13 with the intent of changing the Republican Party -- the  
14 Chelan County Republican Party.

15 Q. How do you know that that was their intent?

16 A. Because I had the common courtesy to have lunch with  
17 these gentlemen and talk openly.

18 Q. And you understood from them that that was their intent,  
19 to change the party by running for Republican PCO.

20 A. Correct.

21 Q. Did each of those gentlemen agree with less than 80  
22 percent of the Republican platform?

23 A. Yes.

24 Q. You also said in response to one of Mr. McDonald's  
25 questions that part of your job is to get people who

1 will vote -- who want to vote for the Republican nominee  
2 regardless of -- based on them being the Republican  
3 nominee, to mobilize that vote, to get people out, and  
4 that your job has been made more difficult since top  
5 two.

6 MR. MCDONALD: I'm going to object to the  
7 restatement because it may not be quite right.

8 But go ahead.

9 MS. ZIPP: Okay.

10 Q. (by Ms. Zipp) Do you have -- does the party and do you  
11 have an effort to support a Republican nominee during  
12 the top-two-primary process?

13 A. Would you restate that --

14 Q. Yeah --

15 A. -- please.

16 Q. -- I think I better restate that.

17 In 2008, during the primary, when there may have  
18 been multiple candidates who said, "preferred  
19 Republican," did the county party select a Republican  
20 nominee prior to that primary election?

21 A. Yes.

22 Q. Did the party then seek to mobilize the votes of strong  
23 Republicans for that party nominee?

24 A. Not until after the primary.

25 Q. But the party --

1 A. When two Republicans moved on to the November election.

2 Q. Were there any situations in which the candidate who had  
3 been selected as the Republican nominee before the  
4 primary was not a candidate who moved on to the general  
5 election?

6 A. Not in my county, but there was in Douglas County.

7 Q. And do you know, in Douglas County, did the county party  
8 then endorse that person as the nominee?

9 A. Let me back up. It wasn't the Republican candidate, it  
10 was the Democratic candidate who did not move on to the  
11 November ballot in 2008 in Douglas County. It was two  
12 Republicans.

13 Q. And do you know if the Democratic Party nominated that  
14 person after the --

15 A. Yes. They endorsed that -- the Democrat, yes, they did,  
16 before the primary.

17 Q. But just so I understand, there wasn't any situation in  
18 which the Republican in Chelan County which the  
19 Republican -- the candidate who the party endorsed as  
20 its nominee did not move on to the general-election  
21 ballot.

22 A. Correct.

23 MS. ZIPP: I have no more questions, Ms. Simpson.

24 Q. (by Ms. Zipp) All of the questions you answered today  
25 were -- you answered truthfully and accurately; is that

1 correct?

2 A. Yes, to the best of my knowledge.

3 MS. ZIPP: You will have a right to review this  
4 transcript for errors and then sign it following your  
5 review and corrections. You -- although you may waive  
6 this right, I'd like you to exercise it. Is that okay?

7 THE WITNESS: Yes.

8 MR. GROVER: Allyson, I have a question in light of  
9 your questions, just to clarify the record.

10 MS. ZIPP: Oh, I'm -- I apologize, Orrin; I should  
11 have asked.

12 MR. GROVER: No, no, no, it's okay.

13

14 FURTHER EXAMINATION

15 BY MR. GROVER:

16 Q. Ms. Simpson, on the situation that you described in  
17 Douglas County --

18 A. Mm-hm.

19 Q. -- is what you were saying that the Democrats backed  
20 their nominee in the primary?

21 A. Yes.

22 Q. And what position did the Democratic Party take in the  
23 general election, when there were two Republicans on the  
24 ballot, if any?

25 A. I don't know.

1 MR. GROVER: Okay, thank you very much. I just  
2 want the record to be clear about that.

3 MR. MCDONALD: I have, I think, maybe just one  
4 question.

5

6 FURTHER EXAMINATION

7 BY MR. MCDONALD:

8 Q. Ms. Simpson, were both of the Republican candidates in  
9 Douglas County nominated by the Republican Party for  
10 that same office?

11 A. No.

12 Q. Do you know whether there was any difficulty in Douglas  
13 County getting the hard-core Republican supporters to  
14 vote for the Republican nominee as opposed to the other  
15 Republican that was on the general-election ballot?

16 A. I don't know that.

17 MR. MCDONALD: Okay, no further questions.

18 MR. WHITE: I still have no questions.

19 MS. ZIPP: Thank you very much, Ms. Simpson.

20 THE WITNESS: Thank you.

21

22 (Whereupon the deposition  
concluded at 3:04 p.m.)

23

24

25

CERTIFICATE

STATE OF WASHINGTON )

)

COUNTY OF SNOHOMISH )

I, the undersigned Notary Public in and for the State of Washington, do hereby certify:

That the foregoing is a full, true, and correct transcript of the testimony of the witness named herein, including all objections, motions, and exceptions;

That the witness before examination was by me duly sworn to testify truthfully and that the transcript was made available to the witness for reading and signing upon completion of transcription, unless indicated herein that the witness waived signature;

That I am not a relative or employee of any party to this action or of any attorney or counsel for said action and that I am not financially interested in the said action or the outcome thereof;

That I am sealing the original of this transcript and promptly delivering the same to the ordering attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 12th day of August, 2010.

\_\_\_\_\_  
Notary Public in and for the State of Washington  
residing at Edmonds, Washington.

(Notary expires 3/09/13)

(CCR No. 2699)