

EXHIBIT 1

John White

From: Galarza, Brenda [bgalarza@secstate.wa.gov]

Sent: Wednesday, December 10, 2008 1:22 PM

To: John White

Subject: FW: White PR '08

Attachments: RE: U.S. Supreme Court reinstates Washington's Top-Two Primary; History; RE: US Supreme Court Ruling; RE: minor parties; FW: US Supreme Court Ruling; RE: Future Celebration regarding Top Two; RE: U.S. Supreme Court reinstates Washington's Top-Two Primary ; RE: The Seattle Times; FAQ already in the works; RE: FAQ already in the works; RE: FAQ already in the works; RE: top two looks like blanket primary?; RE: Top Two Primary; RE: The Seattle Times; RE: 872 question; RE: IMPORTANT; FAQ on Top Two; RE: FAQ on Top Two; RE: Top Two Primary; RE: Party preference designations for the August 19 Primary

Brenda Galarza
Office of the Secretary of State
Records/Public Disclosure Officer

From: Rhoads, Christina
Sent: Tuesday, October 28, 2008 11:08 AM
To: Galarza, Brenda
Subject: White PR '08

EXHIBIT 2

John White

From: Blinn, Katie [kblinn@secstate.wa.gov]
Sent: Tuesday, March 18, 2008 3:38 PM
To: Heffernan, Trova; Hamlin, Shane
Cc: Handy, Nick
Subject: RE: The Seattle Times
Attachments: 12 Grange's Reply Brief.pdf; Top Two Primary Emergency Rules.pdf

I figured out what Rob was referring to. In Tom's Reply brief, he provided some suggestions on how this could be implemented. I have attached a .pdf version of the brief. This is also posted at:
<http://www.secstate.wa.gov/documentvault/GrangesReplyBrief-1998.pdf>

But you should be clear with the reporter that this was an idea that was suggested during the litigation. It was not part of our original implementation plans in 2005. I have also attached the emergency WACs that we had adopted back in May 2005 to implement I-872. These were only in place for about a month before I-872 was struck down and we reverted to the pick-a-party primary.

From: Heffernan, Trova
Sent: Tuesday, March 18, 2008 11:55 AM
To: Hamlin, Shane; Blinn, Katie
Subject: The Seattle Times

Ralph Thomas with The Seattle Times is looking for the research we did showing the impact of a top two primary – he is referring to the handout that showed how often candidates from the same political party advance to the general in a wide open primary. Does this ring a bell?

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EXHIBIT 3

John White

From: Blinn, Katie [kblinn@secstate.wa.gov]
Sent: Tuesday, March 18, 2008 4:36 PM
To: Gurtler, Debra
Cc: Hamlin, Shane
Subject: RE: Top Two Primary
Attachments: Top Two Primary Emergency Rules.pdf; District Court Order 7-15-05.pdf

Our initial conclusion is that we can implement this by rule. We are going to be talking to the AG's Office more tomorrow and the rest of the week.

In 2005, we adopted emergency rules to implement I-872. I have attached a copy. These emergency rules were only in effect from May until July 2005, when the District Court struck down the initiative.

In the Court's July 2005 ruling, which I have also attached, the Court noted (on pages 8-10) the history of all the primary election legislation in 2004 and 2005. Beginning on page 31, the Court addressed whether I-872 impliedly repealed the minor party nominating system and concluded that the voters' approval of I-872 did impliedly repeal the minor party nominating system.

The Court never addressed the broader issue of implementing by administrative rule since the Court ultimately ruled in favor of the political parties, but our current thinking is that it can be implemented by WAC, just as it was in 2005.

From: Gurtler, Debra [mailto:Gurtler.Debra@leg.wa.gov]
Sent: Tuesday, March 18, 2008 3:10 PM
To: Blinn, Katie
Subject: RE: Top Two Primary

What is your timing for reaching a conclusion whether you think it can be implemented by rule? Have you reached any conclusions so far?

Thanks,

Debra J. Gurtler
Senior Policy Analyst
Democratic Caucus
House of Representatives
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From: Blinn, Katie [mailto:kblinn@secstate.wa.gov]
Sent: Tuesday, March 18, 2008 9:26 AM
To: Blinn, Katie; Fraser, Kristen; Rowe, Owen; Reilly, Marsha; Taylor, Tracey; Gurtler, Debra; Lund, Jami; Hayward, Allen; Buchholz, Keith; Stender, Michelle; Swanson, Sharon; Calderon, Cindy; cbridston@wacounties.org; Jones, Steve
Cc: Hamlin, Shane

12/10/2008

Subject: RE: Top Two Primary

It really is crazy here. I am trying to write emails and answer the phone at the same time and apparently it isn't working.

I meant to say that the U.S. Supreme Court has upheld the Top Two Primary, disagreeing with the political parties' facial challenge.

Thanks!

From: Blinn, Katie
Sent: Tuesday, March 18, 2008 9:23 AM
To: 'Fraser, Kristen'; 'Owen Rowe (rowe.owen@leg.wa.gov)'; 'Reilly, Marsha'; 'Taylor, Tracey'; 'Gurtler, Debra'; 'Lund, Jami'; Allen Hayward; 'Buchholz, Keith'; 'Stender, Michelle'; 'Sharon Swanson (Swanson.Sharon@leg.wa.gov)'; Cindy Calderon (calderon.cindy@leg.wa.gov); Chris Bridston (cbridston@wacounties.org); 'Steve Jones (jones.steve@leg.wa.gov)'
Cc: Hamlin, Shane
Subject: Top Two Primary

Legislative Staff,

I think that most of you have already heard that the U.S. Supreme Court has upheld the political parties' challenge to the Top Two Primary, I-872. The political parties made a facial challenge.

We plan to implement the Top Two in 2008. We are still digesting the opinion and how best to implement it. I have attached a copy of the opinion in case you are interested in reading it.

Thank you and we will keep you informed.

Katie

(It is a little crazy over here. ☺)