

History of Washington State Primary Systems

1807 – 1907

Nominees for partisan offices are chosen either by convention or by petition.

1907 – 1934

In 1907, the Washington State Legislature establishes the first direct primary system for partisan candidates, requiring political parties to choose their nominees through a public primary. In this system, separate ballots are printed for each political party and voters may only cast ballots in one party's primary.

1935 – 2003

Washington State's "blanket primary" system is established in 1935. Except for presidential primaries, all properly registered voters can vote for their choice at any primary for "any candidate for each office, regardless of political affiliation and without a declaration of political faith or adherence on the part of the voter." Under the blanket primary system, citizens may vote for a candidate of one party for one office, and then vote for a candidate of another party for the next office, and engage in cross-over voting or "ticket splitting."

June, 2000

The U.S. Supreme Court rules California's blanket primary unconstitutional as violating the political parties' freedom of association. California Democratic Party v. Jones, 530 U.S. 567 (2000). Following this U.S. Supreme Court case, the constitutionality of Washington's blanket primary is challenged by the state Democratic, Republican and Libertarian parties in United States District Court for the Western District of Washington, Tacoma.

July 20, 2000

Following a week of negotiations, attorneys for the State and the political parties agree to leave 2000's September primary unchanged.

September 15, 2000

Secretary of State Ralph Munro begins a series of hearings around the state to gather public input on potential changes to the blanket primary system.

January 12, 2001

The new Secretary of State, Sam Reed, releases a report on the blanket primary hearings. The report shows Washington voters strongly favor retaining the blanket primary system - or at least as many features of the blanket primary as possible.

The report, which summarizes public input from 11 hearings around the state, notes that "most of the voters (in Washington) are independent and want to continue to participate in the primary without having to affiliate with a political party and without being restricted to the candidates of only one party in the primary."

According to the report, voters particularly object to any requirement that they publicly declare party affiliation, either by party registration or by making a choice at the polls.

March 8, 2002

The Federal District Court in Tacoma upholds Washington's blanket primary as constitutional. Democratic Party of Washington State v. Reed (W.D. Wash. 2002). The political parties appeal the decision.

September 15, 2003

The Ninth Circuit Court of Appeals holds Washington's blanket primary system unconstitutional because it violates the political parties' right of free association. Democratic Party of Washington State v. Reed, 343 F.3d 1198 (9th Cir. 2003), cert. denied, 540 U.S. 1213 (2004).



September 19, 2003

The State moves, in the Court of Appeals, to reconsider its decision.

October 24, 2003

The Ninth Circuit Court of Appeals denies the motion for reconsideration of the blanket primary case.

November 25, 2003

The State of Washington files a petition asking the United States Supreme Court to review the Ninth Circuit Court of Appeals decision declaring the blanket primary unconstitutional.

January 8, 2004

The Grange files Initiative 872 with the Office of the Secretary of State. Initiative 872 proposes a “top two” primary system in which a properly registered voter has “the right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation of either the voter or the candidate.” The primary is not intended to act as a nominating system. Instead, the two candidates with the most votes advance to the general election, regardless of political party preference.

February 23, 2004

The United States Supreme Court denies the State’s request to review the Ninth Circuit decision declaring Washington’s blanket primary unconstitutional. Democratic Party of Washington State v. Reed, 540 U.S. 1213 (2004).

March 10, 2004

The Washington State Legislature enacts a bill which provides for two alternative primary systems. Part I of the bill provides for a Top Two style primary system. Under the Top Two approach, a registered voter may cast a vote for each office appearing on the ballot without any limitation based on the party preference of either the voter or the candidate. The top two candidates then proceed to the general election, regardless of their political party preferences.

The Legislature also enacts a second system to take effect if the Top Two system is invalidated. Under the alternative, also referred to as a Montana-style primary, candidates qualify for the general election through a nominating primary in which voters are not required to register with a party, but are required to momentarily affiliate with a party and only vote for candidates of that party. Each voter’s party affiliation decision remains confidential. Minor party and independent candidates hold nominating conventions and then advanced directly to the general election.

April 1, 2004

Governor Gary Locke vetoes the Top Two approach. As a result, the pick-a-party primary system takes effect in the 2004 primary election.

September, 2004

By early September, the Secretary of State’s Office receives more than 14,000 phone calls and letters from voters opposed to the pick-a-party primary system. Post-primary surveys reveal that only 21% of voters supported the pick-a-party primary.

November 2, 2004

Initiative 872 is approved by the voters by nearly 60 percent.

May 19, 2005

The Washington State Republican Party files a lawsuit in United States District Court for the Western District of Washington, Seattle, against Dean Logan, King County Records and Elections Division Manager, and the County Auditors of eight other counties holding partisan elections in 2005. The lawsuit challenges Initiative 872 on the basis that it violates the political parties’ right to free association, in violation of the First and Fourteenth Amendments to the United States Constitution. The Washington State Democratic Central Committee and the Washington State Libertarian Party intervene as Plaintiffs. The State of Washington and the Washington State Grange intervene as Defendants.



Washington
Secretary of State
SAM REED

July 15, 2005

The federal court issues its opinion in the lawsuit challenging the Top Two Primary. Washington State Republican Party, et al. v. Logan, et al., U.S.D.C. No. CV05-0927-TSZ (W.D. Wash. 2005). The Court concludes that the Top Two Primary violates the political parties' First Amendment right of free association by allowing any voter, regardless of his or her affiliation to the party, to choose the party's nominee, and allowing any candidate, regardless of party affiliation or relationship to the party, to self-identify as a member of that party and appear on the primary and general election ballot as a candidate for that party. The Court strikes down Initiative 872 in its entirety and specifically states that Washington will return to a pick-a-party primary, as used in 2004.