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The Honorable John C. Coughenour

**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.,

Plaintiff-Intervenors,

v.

STATE OF WASHINGTON, et al.,

Defendant-Intervenors,

WASHINGTON STATE GRANGE,

Defendant-Intervenors.

NO. C05-0927-JCC

DECLARATION OF
CATHERINE BLINN IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT

1 I, Catherine S. Blinn, being first duly sworn upon oath, declare as follows:

2 1. I am over eighteen years of age and competent to testify. I am an assistant
3 director of elections in the Office of the Secretary of State of Washington. The information
4 stated below is true and correct and of my own knowledge.

5 2. Attached as **Exhibit A** to this declaration is a true and correct copy of the text of
6 Initiative 872 (Laws of 2005, c. 2), downloaded from the Website of the Secretary of State:
7 <http://www.sos.wa.gov/elections/initiatives/people.aspx?y=2004> (last accessed July 12,
8 2010).

9 3. The Secretary of State's Office has collected samples of **ballots** used in various
10 counties since Initiative 872 took effect in 2008. Attached as exhibits are true and correct
11 copies of the following:

12 3.1. **Exhibit B** is an example of the front and back of King County's August
13 2008 *Primary* ballot, together with a copy of a ballot insert explaining
14 the Top Two Primary which was distributed to all voters with the ballot.

15 3.2. **Exhibit C** is an example of the front and back of Snohomish County's
16 August 2008 *Primary* ballot, together with a copy of the front and back
17 of a ballot insert explaining the Top Two Primary which was distributed
18 to all voters with the ballot.

19 3.3. **Exhibit D** is an example of the front and back of Spokane County's
20 August 2008 *Primary* ballot, together with a copy of a ballot insert
21 explaining the Top Two Primary which was distributed to all voters with
22 the ballot.

23 3.4. **Exhibit E** is an example of the front and back of Yakima County's
24 August 2008 *Primary* ballot, which was bilingual, together with a copy
25 of the front and back of a ballot insert explaining the Top Two Primary
26 which was distributed to all voters with the ballot.

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3.5. **Exhibit F** is an example of the front and back of Jefferson County's November 2008 *General* election ballot, together with a copy of a ballot insert explaining the Top Two Primary, as it relates to the general election ballot.

3.6. **Exhibit G** is an example of the front and back of Clark County's August 2009 *Primary* election ballot, together with a ballot insert explaining the Top Two Primary, and voting instructions.

3.7. **Exhibit H** is an example of the front and back of Clark County's November 2009 *General* election ballot, together with a ballot insert explaining the Top Two Primary as it relates to the general election ballot, and voting instructions.

4. The Secretary of State's Office publishes Voters' Pamphlets, which are mailed to every place of residence in the state. Wash. Const. art. 2, § 1(e). Attached as exhibits are true and correct copies of the following:

4.1. **Exhibit I** is a true and correct copy of the cover and selected pages from state Voters' Pamphlet published for the August 2008 *Primary* election. Multiple editions of the Voters' Pamphlet are published for distribution statewide, differing primarily in that each edition includes candidate statements for candidates seeking offices within the geographical area covered by a particular edition. Some are bilingual, and the pamphlet is published in Chinese and Spanish translation. Most other material in the Voters' Pamphlet is the same in all editions statewide, except that certain material may be added or omitted depending upon printing requirements that relate to the number of pages in a particular edition. Exhibit I is Edition 5 of the Voters' Pamphlet, which was published for Clallam County. Material appearing at pages 6 and 51 (bates pages 638 and 683)

1 appears in many, but not all, other editions statewide. Material on the
2 cover (bates page 633) and pages 2, 4, and 50 (bates pages 634, 636, and
3 682) appeared in every edition.

4 4.2. **Exhibit J** is a true and correct copy of the cover and selected pages from
5 state Voters' Pamphlet published for the November 2008 *General*
6 election. The general election Voters' Pamphlet, like the primary Voters'
7 Pamphlet, was published in multiple jurisdictions statewide. Exhibit J is
8 a copy of Edition 2 for Asotin, Columbia, and Garfield Counties.

9 5. In 2010, the Secretary of State will publish a Voters' Pamphlet for the general
10 election. Due to budgetary constraints, however, the funding has not been appropriated to
11 the Secretary of State to publish a Voters' Pamphlet for the August 2010 Primary.
12 Information similar to the contents of the Voters' Pamphlet is available on our Web site.
13 *See* Primary Online Voters Guide at:

14 http://wei.secstate.wa.gov/osos/en/PreviousElections/2010/primary/Pages/OVG_201
15 [00817.aspx](http://wei.secstate.wa.gov/osos/en/PreviousElections/2010/primary/Pages/OVG_201) (last visited August 5, 2010).

16 6. In 2008, the Secretary of State produced a press kit, designed to assist members
17 of the media in explaining the Top Two Primary to voters through their news stories. A true
18 and correct copy is attached as **Exhibit K**.

19 7. In 2008, the Secretary of State conducted an extensive voter education campaign
20 designed to explain the new election system to voters. This campaign included a series of
21 public service announcements, of varying lengths, run on television and radio stations
22 throughout the state in July and August for the Primary, and October and November for the
23 General Election. On-air personnel from various stations, who would be recognizable to
24 viewers or listeners of those stations, recorded versions of the public service announcements
25 aired on their stations, using common scripts.

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1 7.1. A true and correct copy of a written transcript of the 60-second version
2 of the Primary public service announcement is attached as **Exhibit L**.

3 7.2. A true and correct copy of a written transcript of the 30-second version
4 of the Primary public service announcement is attached as **Exhibit M**.

5 7.3. A true and correct copy of a written transcript of the 20-second version
6 of the Primary public service announcement is attached as **Exhibit N**.

7 8. **Exhibit O** summarizes the airplay of the Secretary of State's public service
8 announcements on television throughout the state prior to the August 2008 Primary and the
9 November 2008 General Election. It shows the number of times that the public service
10 announcements were aired in various media markets, and on various stations.

11 8.1. **Exhibit O** shows that the Secretary of State's public service
12 announcements aired on Seattle television stations a total of 878 times in
13 July and August 2008, on Comcast cable, Fox Sports Northwest, KCPQ-
14 TV, KING-TV, KOMO-TV, KONG-TV, and KMYQ-TV.

15 8.2. **Exhibit O** shows that the Secretary of State's public service
16 announcements aired on Spokane television stations a total of 848 times
17 in July and August 2008, on Comcast cable, KAYU-TV, KHQ-TV,
18 KREM-TV, KSKN-TV, and KXLY-TV.

19 8.3. **Exhibit O** shows that the Secretary of State's public service
20 announcements aired on Yakima/Tri-Cities television stations a total of
21 944 times in July and August 2008, on Cable Yakima, KAPP-TV,
22 KCYU-TV, KIMA-TV, and KNDO-TV.

23 8.4. **Exhibit O** shows that the Secretary of State's public service
24 announcements aired on Southwest Washington cable television a total
25 of 1,786 times in July and August 2008.
26

1 8.5. **Exhibit O** also shows that the Secretary of State's public service
2 announcements aired on Hispanic television as total of 197 times in July
3 and August 2008, on KKFQ-TV (Yakima/Tri-Cities) and KUNS-TV
4 (Seattle).

5 9. The Secretary of State also collaborated with TVW, Washington's public affairs
6 broadcasting service, to prepare a video explanation of the Top Two Primary that is over six
7 minutes in length. This was prepared before the 2008 primary. In addition to being
8 broadcast on TVW, this video remains available on the Web site for the Secretary of State's
9 Office (<http://www.sos.wa.gov/elections/Top2Primary.aspx>).

10 10. **Exhibit P** summarizes the airplay of the Secretary of State's public service
11 announcements on radio throughout the state prior to the 2008 Primary and 2008 General
12 Election. It shows the number of times that the public service announcements were aired in
13 various media markets, and on various stations, in July and August 2008, and in October
14 and November 2008.

15 10.1. **Exhibit P** shows that the Secretary of State's public service
16 announcements aired on Seattle radio stations a total of 1,263 times in
17 July and August 2008, including KING-FM, KISW-FM, KIXI-FM,
18 KKWF-FM, KMTT-FM, KOMO-AM, KPLU-FM, KPTK-AM, KVI-
19 AM, and KZOK-FM.

20 10.2. **Exhibit P** shows that the Secretary of State's public service
21 announcements aired on Spokane radio stations a total of 670 times in
22 July and August 2008, including KEYF-FM, KISC-FM, KIXZ-FM,
23 KKZX-FM, KQNT-FM, and KXLY-AM.

24 10.3. **Exhibit P** shows that the Secretary of State's public service
25 announcements aired on Yakima radio stations a total of 378 times in
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July and August 2008, including KARY-FM, KBBO-AM, KIT-AM, KRSE-FM, and KXDD-FM.

10.4. **Exhibit P** shows that the Secretary of State’s public service announcements aired on Tri-Cities radio stations a total of 558 times in July and August 2008, including KALE/KEGX, KFLD-AM, KOLW-FM, KONA-AM, KONA-FM, and KORD-FM.

10.5. **Exhibit P** shows that the Secretary of State’s public service announcements aired on other small radio stations a total of 2,655 times in July and August 2008.

10.6. **Exhibit P** shows that the Secretary of State’s public service announcements aired on Northwest Public Radio a total of 84 times in July and August 2008.

10.7. **Exhibit P** shows that the Secretary of State’s public service announcements aired on Hispanic radio stations a total of 246 times in July and August 2008, including KLES-FM (Yakima), KMNA-FM (Yakima), KZHR-FM (Tri-Cities), and KWLN-FM (Wenatchee).

11. In addition to publishing the statewide Voters’ Pamphlet, the Secretary of State has maintained information regarding the Top Two Primary on our Web site. This includes:

- 11.1. Top 2 Primary: FAQs for Voters (attached as **Exhibit Q**):
<http://www.sos.wa.gov/elections/Top2PrimaryFAQ.aspx>.
- 11.2. Top 2 Primary: FAQs for Candidates (attached as **Exhibit R**):
<http://www.sos.wa.gov/elections/faqcandidates.aspx>.

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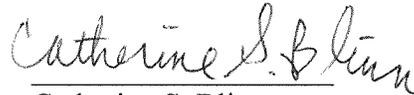
11.3. Detailed information, including copies of pleadings, in this litigation
(attached as **Exhibit S**):

<http://www.sos.wa.gov/elections/toptwo.aspx>.

11.4. Background and resources on primary systems (attached as
Exhibit T):

http://www.sos.wa.gov/elections/primary_systems.aspx.

12. I swear under penalty of perjury under the laws of the state of Washington that
the foregoing is true and correct and of my own knowledge, and that I executed this
Declaration at Olympia, Washington, in the County of Thurston, this 26th day of August,
2010.


Catherine S. Blinn