

EXHIBIT I-2

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Top Two Primary FAQ

by Dwight Pelz, Chair, WSDCC
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What is the difference between the Top Two primary, and the primaries we have always conducted in Washington?

A primary election can serve either one of two roles: either to **winnow down** the number of candidates who will appear on the general ballot; or to **nominate** the candidate for a political party.

In a non-partisan election, such as city council races in Washington, the primary takes a field of candidates running for a given office and **winnows down** (reduces) that field to two.

Historically in Washington, for a partisan race such as the Legislature or Congress, the primary **reduces** the field to two; but also serves to **nominate** the candidate of the Party. In 2004 Ron Sims ran against Chris Gregoire for Governor. When the voters gave more votes to Gregoire, they **nominated** her to be the **nominee** of the Democratic Party.

The Top Two Primary will only serve to **winnow down** the field to two candidates; and will no longer **nominate** a candidate for one party or the other. This is true even when the general election features one Democrat against one Republican – neither will be the nominee of their party.

Why are we holding Nominating Conventions?

The Top Two primary took from our party the ability to have the voters nominate a candidate. We are not willing to have this vital role eliminated. That is a time honored role of our political party in America – to let the voters know who is our **nominated candidate**.

The Supreme Court in its ruling clearly acknowledged the right of the parties to nominate through "whatever mechanism" we choose. "Whether the parties nominate their own candidates outside the state-run primary is simply irrelevant. In fact, parties many now nominate candidates by whatever mechanism they choose because I-872 repealed Washington's prior regulations governing party nomination."

Finally, in order to sustain our challenge in the courts to the Top Two Primary it is necessary that we retain our authority to nominate our candidates by conducting our own Nominating Conventions.

Who decided we should hold Nominating Conventions?

In 2005 the State Central Committee extensively debated how the Party would nominate candidates in the event that the State or the courts implemented the Top Two Primary. The Central Committee voted and passed the **Rules for the Selection of Candidates and Nominees for Public Office**.

These rules were applied in 2005 in two County Council races, one in King and one in Snohomish. In King County, PCO's had to choose between two incumbent Democrats, and nominated Bob Ferguson over Caroline Edmonds. Both candidates filed, and the race was very close, and not decided for a week after the voting.

On March 18, 2008 the US Supreme Court ruled against us on the Top Two Primary, forcing the Party to revisit the Rules adopted in 2005 by the Central Committee.

In April, 2008 the Executive Board met and reviewed these rules, and confirmed that we should conduct nominations in accordance with these rules for the 2008 election cycle. The LD and County organizations did heroic work to comply by these rules in the midst of a Presidential year, and all the burdens that places before local parties.

Rules Adopted in 2009

In 2009 the Central Committee Rules Committee reviewed the Rules for Nominations, in light of our 2008 experiences, and placed the Rules for Nomination before the Central Committee at its September, 2009 meeting in Walla Walla. These Rules were adopted. The only significant change to the previous rules was the provision that the Central Committee, not congressional district caucuses, would nominate candidates for the US House.

Why Should the PCO's Have the Power to Nominate?

There is ample precedent for this. Elected PCO's are elected public officials, and granted legal powers by statute. PCO's are currently charged by state law with the responsibility to nominate a candidate to the county authority, to fill vacancies in the Legislature and other partisan positions.

This is not a task PCO's in Washington shirk, even when it means choosing between two or more good Democrats to be the next legislator. When PCO's choose a person to fill a vacancy, that person is usually sworn into office within a week. The "winning" candidate takes office, the "losing" candidates go home.

Filling a vacancy arguably is a more consequential task than nominating a candidate at a Nominating Convention. Both the nominee and the challenger are free to file for the

position, and campaign for the Top Two primary. In highly Democratic districts the two may face each other a third time, on the general election ballot.

What if our LD or County Organization Does not Nominate?

It is the policy of the WSDCC to have a nominee in contested partisan races. According to the **Rules for the Selection of Candidates and Nominees for Public Office**, the State Party Chair shall nominate a candidate in the event that the local party does not. When possible, I shall seek the input of the Executive Board prior to taking such action. In 2008 I nominated one candidate for the State House, where the local LD organization declined to hold a Nominating Convention.

Nominations vs. Endorsements

Nominations and endorsements are not the same. Rules for **nominations** are set by the State Central Committee, which clearly states:

These rules are mandatory and are not amendable by any party organization other than the Washington State Democratic Central Committee or the State Convention.

Rules for **endorsements** are set by the local parties, and they are free to set whatever rules on endorsements they wish. They may have a two thirds requirement, they may allow for dual endorsements. They may open endorsements up to a broader set of Democrats than PCO's.

In fact it is possible that a Local Party might nominate Candidate A and endorse Candidate B.