





Wednesday, March 19, 2008 - Page updated at 12:13 AM

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## State ballot could pit two from same party

**By Andrew Garber and Ralph Thomas**

*Seattle Times staff reporters*

OLYMPIA — A U.S. Supreme Court ruling Tuesday shoved Washington politics into a strange realm where two candidates from the same party could run against each other in the November election.

The decision also means minor political parties could largely vanish from the general-election ballot. And it may help more moderate candidates win office.

All of that, and perhaps more, stems from the 7-2 ruling that upholds a top-two primary system approved by state voters in 2004.

"This is a very big deal for the state of Washington," Secretary of State Sam Reed said, adding he expects the decision to fundamentally change politics in the state.

Only one other state — Louisiana — uses a similar primary system in which the top two vote-getters advance to the general election, regardless of party affiliation.

The Supreme Court decision caps — for now — nearly eight years of litigation over whether voters should be able to vote for any primary candidate, no matter which party they claim.

For most of Washington's history, the state had a "blanket" primary that let voters do exactly that. Republicans could vote for Democrats and vice versa. The top vote-getter from each party advanced to the general election.

However, in 2000, the state's major parties sued to get rid of the system. They complained that it allowed interlopers — voters who didn't share their beliefs — to help select their candidates, and that it infringed on their right to pick their own nominees for the general election.

The parties won those early court decisions, and in 2004 state lawmakers replaced the blanket primary with a different system, more to the liking of the parties, that forced voters to choose one party's ballot before voting. They could no longer vote for candidates in the opposing party.

Blanket-primary supporters countered that year with Initiative 872, which established a top-two primary. But before it could be used, the parties sued again and won in the U.S. District Court and in the 9th U.S. Circuit Court of Appeals.

The U.S. Supreme Court apparently had the final word Tuesday, overturning the earlier decisions and reinstating I-872.

"There's no appeal from the United States Supreme Court," Attorney General Rob McKenna said Tuesday.

Republican State Party Chairman Luke Esser suggested there soon could be more court action to try to block the top-two primary.

But for now — starting with the primary this August — Washington voters once again will be able to vote for any candidate regardless of party, just as they did under the blanket primary.

But there's a twist. The new primary will send the top two vote-getters to the general election, regardless of party.

That means two Democrats, or two Republicans, could run for the same seat in November.

McKenna said he expects that would rarely happen. "I'm guessing it won't be as common as people suppose," he said.

Yet a review of past primaries shows that since 1972, there were 10 instances — including three governor races — in which the top two vote-getters for statewide offices were from the same party. It's happened nine times in congressional or U.S. Senate races. In all but two of those cases, the top two candidates were Democrats.

The most significant example was in the 1980 governor's race, when the top two vote winners in the primary were Democrats Jim McDermott and Dixy Lee Ray. Republican John Spellman, who went on to beat McDermott in the general election, was in third place.

In 1996, Democrats Gary Locke and Norm Rice both outpolled Republican Ellen Craswell in the primary. Locke went on to beat Craswell in the general election.

Having two candidates from the same party advance to the general election might be a good thing in some local races, said Todd Donovan, a political-science professor at Western Washington University.

In urban Seattle legislative districts, whichever Democrat wins the primary is a shoo-in to win the general election. The same is true for Republicans in many Eastern Washington districts. In those areas, a top-two primary will increase the likelihood of competitive — albeit intraparty — general-election races.

"A lot of people who have been running virtually unopposed in November will probably not be running unopposed anymore," Donovan said.

But what if the top-two primary leads to an all-Democrat general-election race for governor, or an all-Republican race for a congressional seat? "That might dramatically change people's perspective on this," Donovan said.

Tuesday's ruling also was a blow for third-party candidates. Democrats and Republicans are likely to be the top vote-getters in most races.

"This pretty well wipes out the third parties ... in terms of getting on the general-election ballot," said Ruth Bennett, who was the Libertarian Party's candidate for governor in 2004.

Paul Berendt, a former chairman of the state Democratic Party, predicts the new primary will mean more moderate candidates will be elected because voters from both parties will be able to cross over.

"There will be Democrats in some Republican areas who will cross over en masse and vote for someone with a Republican Party label who is not very reflective of that party in that area," he said, noting the same thing would happen in Democratic districts. "That will change the nature of the people elected."

From Berendt's perspective, that's not a good thing. "Having everyone who is exactly the same isn't a good thing for American politics," he said.

If history holds true, the state's major political parties aren't likely to give up their effort to kill the top-two primary.

Richard Hasen, a law professor at Loyola Law School and operator of a blog focusing on election law, said the Supreme Court ruling "does leave open the possibility of further litigation in which the parties can try to prove that voters are confused by the system and think this is still a party primary."

"It's going to be important for Washington election officials in order to fend off such a challenge to make it very clear in their

ballot materials that it is a nonpartisan primary and the party identification is just a self-description of the candidates and not the official endorsement of the parties," he said.

Esser, who met with his attorneys Tuesday, said if the party thinks it can make the case that the election would cause voter confusion, it might seek an injunction to halt this year's primary. He also said the party could go to court after the election.

Esser, who spoke briefly with Reed Tuesday, said he's open to negotiating a new primary system with the state. "Though it's hard to imagine what that compromise would be," Esser said.

*Andrew Garber: 360-943-9882 or [agarber@seattletimes.com](mailto:agarber@seattletimes.com)*

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## State explains how top two primary will work

*By The Daily News*

Washington Secretary of State's office answers frequently asked question about Washington's new top two primary system.

What is a Top Two Primary?

A Top Two Primary allows candidates to file for partisan office and list on the ballot a party preference. Voters do not have to declare a party affiliation and, for each race, voters may vote for any candidate in the race. The two candidates in each race who receive the most votes advance to the General Election.

How did the Top Two Primary become law?

The Top Two Primary was passed by the people as an initiative in 2004. It was I-872 and passed by almost 60%.

What happened after I-872 passed?

In May 2005, before the new primary was implemented, the state Democratic, Republican and Libertarian parties sued in federal court to prevent its implementation. The political parties argued that the new primary system violated their right to free association.

The federal District Court agreed with them and issued an order in July 2005 prohibiting the State from implementing the Top Two Primary. The State appealed but the Court of Appeals also agreed with the parties in an order issued in 2006. The State appealed to the U.S. Supreme Court.

What did the U.S. Supreme Court decide?

The court upheld the constitutionality of Initiative 872. The Supreme Court reasoned that, since this form of primary has never been used, the political parties' challenge to it was based on assumptions, and that the court would not nullify the vote of the people based upon such speculation.

What does this mean for voters?

In August, the state will conduct a primary using I-872. Voters will be able to choose among all candidates for each office and will not have to pick a party ballot. The two candidates with the most votes will advance to the general election.

Can the Democratic and Republican parties prevent a candidate from calling himself a Democrat or Republican?

No. Candidates will be permitted to express a political party preference. The court ruled that the ability of candidates to express a preference for a party does not severely burden the rights of that party.

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Could the General Election have two Republicans or two Democrats running in the same race?

Yes. The two candidates who advance to the General Election will be those with the most votes in the Primary. It is possible that both candidates who receive the highest and second highest numbers of votes could prefer the same party.

If the political parties oppose the design of the primary ballots, can they sue to prevent use of the Top Two this year?

Yes they can sue, but probably not prevent use of the Top Two primary. As part of its ruling, the Supreme Court said it would not set the Top Two primary aside based on speculation about what might happen, or based on "hypothetical" or "imaginary" cases. It is likely that something more will have to be shown to block use of the Top Two.

Does the U.S. Supreme Court opinion impact the Presidential Primary?

No. The Top Two Primary is for local, state and Congressional partisan races. The Presidential Primary is a separate system that only applies to the nomination process for President of the United States, and how the major parties allocate delegates to their national conventions.

Will minor party and independent candidates still use the convention and petition process in order to appear on the ballot?

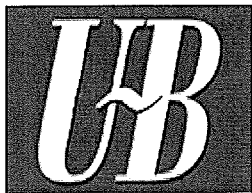
No. Minor party and independent candidates will file for office and appear on the ballot in the same manner as major party candidates. They no longer have to conduct conventions and submit petitions prior to filing week. They no longer advance directly to the General Election, but appear on the Primary Election ballot along with the major party candidates.

If no candidate from a major party files for a particular race, can the party fill the vacancy on the major party ticket after filing week?

No. There is no major party ticket in a Top Two Primary. All candidates are treated the same. A race that was open for filing during the regular filing period will only be re-opened for a special filing period if no candidates at all file during the regular filing period, which is called a void in candidacy.







## State's voters get huge win as high court upholds top-two primary

**We believe elections will be more competitive and give the people real choice.**

Updated: Wednesday, March 19, 2008 2:10 PM PDT

**By the Editorial Board of the Union-Bulletin**

The U.S. Supreme Court took a firm stand Tuesday affirming that the people -- not the political parties -- control primary elections.

The high court, in a 7-2 decision, upheld the state of Washington's voter-approved blanket primary system that allows the top two vote-getters to advance to the general election regardless of political party. That means Democrats could face Democrats and Republicans face Republicans.

Justice Clarence Thomas, writing for the court's majority, said that overturning Washington's voter-approved primary would have been an "extraordinary and precipitous nullification of the will of the people."

The decision is a blow to the state's political parties, which have been -- to this point -- successful in controlling the primary process. Their lawsuit led to the overturning of the state's long-held primary system in which voters could cross party lines. The parties sought to control who can be on the primary ballot as a Republican and Democrat and who can vote in that election.

The Washington State Grange, in an effort to bring the power back to the people, pushed an initiative in 2004 that established the top-two system. We endorsed that system as being a better fit for Washington's independent-minded voters. We were also confident that the initiative would ultimately be upheld as constitutional by the Supreme Court.

The top-two system, while not perfect, gives voters a far better opportunity to elect people they want. It should mean the two strongest, two most popular candidates will be the finalists.

This will make elections throughout the state very different, and very interesting. We also believe they will be more competitive and give the people real choice.

For example, it's likely that Republicans will face Republicans in many of the conservative Eastern Washington legislative districts while Democrats will face Democrats in the more liberal Seattle area. And in areas where the political climate is more moderate the general election is likely to look like a traditional race.

Statewide races will take on a different tone and candidates won't be able to kowtow to their partisan base to get the nomination and then veer to the political center in an effort to win the general elections.

Candidates are going to have to consider all the voters across the entire state from start to finish.

And the parties will have to work harder to recruit top-notch candidates -- candidates who are electable.

Tuesday was a great day for the voters of Washington state. They got the primary election back.

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Published March 23, 2008

## Primary ruling was a victory for voters

Shocking. That's the only word to describe the 7-2 vote of the U.S. Supreme Court upholding Washington's "top two" primary election system.

Tuesday's decision is a huge victory for voters of this state and a major blow to the two major political parties.

Under Washington's new primary system — which has never been used because of the court case — all candidates for a particular office may list their political party preference after their names. Beginning with the August primary, the top two vote-getters will advance to the November general election, even if they are from the same party.

It's the first court decision on the side of voters since 2000 when the Supreme Court took away this state's popular blanket primary that allowed voters to cast their ballots in support of the candidate of their choosing, regardless of party labels. Voters could choose a Democrat in one race, a Republican in another and a minor party candidate in a third contest. Voters loved it, the courts dumped it.

In hopes of regaining similar voting rights, the Washington State Grange put forth Initiative 872 in the fall of 2004. The top-two primary advances the top two candidates from the primary to the November general election regardless of political party. The initiative received an overwhelming 58.4 percent of the popular vote.

The political parties want to control the nominating system. Of course they don't want to pay for it, but they were successful in striking down the blanket primary and figured the courts would strike down the top-two primary as well. Democratic and Republican party leaders assert a First Amendment right for the parties to select their own nominees without outside forces interfering.

Attorney General Rob McKenna took the side of voters and personally argued the state's case before the U.S. Supreme Court on Oct. 1. He said the will of the electorate should be upheld and asked that the top two primary be declared constitutional. McKenna said there was no evidence the political parties would be harmed with the top-two primary system.

Adverse rulings in U.S. District Court and the 9th U.S. Circuit Court of Appeals, made it extremely unlikely that McKenna would win.

That's why it was such a shock Tuesday when the Supreme Court majority sided with McKenna, the voters and the grange initiative.

Writing for the majority, Justice Clarence Thomas said that overturning Washington's plan would have been an "extraordinary and precipitous nullification of the will of the people." He was joined by Chief Justice John Roberts and Justices John Paul Stevens, David Souter, Ruth Bader Ginsburg, Stephen Breyer and Samuel Alito.

In dissent, Justice Antonin Scalia said Washington's system would cause a political party to be associated with candidates who might not represent its views. Scalia was joined by Justice Anthony Kennedy.

Looking ahead, the parties might try to override the court ruling by going to a nominating system. But voters could trump that with an initiative that declares all positions nonpartisan, taking away all rights from the parties.

We'll have to wait to see how this all plays out, but for now score a major victory for voters.



**John White**

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**From:** Hamlin, Shane [shamlin@secstate.wa.gov]  
**Sent:** Friday, March 21, 2008 11:18 AM  
**To:** Deutsch, Joanie; Heffernan, Trova  
**Cc:** Elections - Outreach; Handy, Nick; Moss, Sheryl; Murphy, Patty; Blinn, Katie  
**Subject:** RE: Is a focus group possible?

Trust me, it was awkward typing that message...I think heed you advice. I do appreciate your concern for my wellbeing, though – thank you.

---

**From:** Deutsch, Joanie  
**Sent:** Friday, March 21, 2008 11:17 AM  
**To:** Hamlin, Shane; Heffernan, Trova  
**Cc:** Elections - Outreach; Handy, Nick; Moss, Sheryl; Murphy, Patty; Blinn, Katie  
**Subject:** RE: Is a focus group possible?

Dear Shane,

Please don't ever try to impersonate a home-boy ever again. This is in all sincerity because I care about you and your wellbeing.

The best,

*Joanie Deutsch*

Assistant Communications Director  
Office of the Secretary of State  
[jdeutsch@secstate.wa.gov](mailto:jdeutsch@secstate.wa.gov)  
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**From:** Hamlin, Shane  
**Sent:** Friday, March 21, 2008 11:16 AM  
**To:** Heffernan, Trova  
**Cc:** Elections - Outreach; Deutsch, Joanie; Handy, Nick; Moss, Sheryl; Murphy, Patty; Blinn, Katie  
**Subject:** RE: Is a focus group possible?

I figured as much. I 'gotta represent my crew, though. ☺

---

**From:** Heffernan, Trova  
**Sent:** Friday, March 21, 2008 11:05 AM  
**To:** Hamlin, Shane  
**Cc:** Elections - Outreach; Deutsch, Joanie; Handy, Nick; Moss, Sheryl; Murphy, Patty; Blinn, Katie  
**Subject:** RE: Is a focus group possible?

Goes without saying...in the email chain I was referring to earned media opportunities.

---

**From:** Hamlin, Shane  
**Sent:** Fri 3/21/2008 11:03 AM  
**To:** Heffernan, Trova  
**Cc:** Elections - Outreach; Deutsch, Joanie; Handy, Nick; Moss, Sheryl; Murphy, Patty; Blinn, Katie  
**Subject:** RE: Is a focus group possible?

5/1/2008

Trova,

By way of this email, I am looping Voter Education and Outreach into this conversation. I'm sure you will want and need their valuable input as you move forward with planning a voter education campaign.

-Shane

---

**From:** Heffernan, Trova  
**Sent:** Friday, March 21, 2008 9:47 AM  
**To:** Deutsch, Joanie; Blinn, Katie  
**Cc:** Hamlin, Shane; Handy, Nick; Moss, Sheryl; Murphy, Patty  
**Subject:** RE: Is a focus group possible?

I love this! It's a great idea to open this up to, and take feedback from, an outside group. Joanie and I are going to go to work next week on our voter ed campaign for the top two.

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**From:** Deutsch, Joanie  
**Sent:** Fri 3/21/2008 9:29 AM  
**To:** Blinn, Katie; Heffernan, Trova  
**Cc:** Hamlin, Shane; Handy, Nick; Moss, Sheryl; Murphy, Patty  
**Subject:** RE: Is a focus group possible?

I just spoke with Steve Excell about this.

He said we haven't used Gilmore Research Group before with the OSOS, but they are the premier group to use for this type of thing. They are located in Seattle and Steve has used them before in the private sector.

Here is their website [www.gilmore-research.com](http://www.gilmore-research.com)

We would probably need to contact them to find out a rough estimate on prices.

Is this something we would have to open up for a bid process? I'm not sure.

Thanks,

*Joanie Deutsch*  
Assistant Communications Director  
Office of the Secretary of State  
[jdeutsch@secstate.wa.gov](mailto:jdeutsch@secstate.wa.gov)  
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**From:** Blinn, Katie  
**Sent:** Friday, March 21, 2008 8:21 AM  
**To:** Heffernan, Trova  
**Cc:** Deutsch, Joanie; Hamlin, Shane; Handy, Nick; Moss, Sheryl; Murphy, Patty  
**Subject:** Is a focus group possible?

Trova,

I am exploring the idea of using some sort of focus group to help decide the best wording on the ballot. As you know, we need to design the ballots in a manner that makes it as clear as possible to the voters that the party preference does not mean that the candidate is endorsed or nominated by that party. I have attached some examples of variations.

5/1/2008

How complicated, expensive, and quickly could we use a focus group? I am assuming that there are marketing firms that do this quite regularly.

Thanks!  
Katie

---

5/1/2008





**John White**

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**From:** Blinn, Katie [kblinn@secstate.wa.gov]  
**Sent:** Thursday, March 20, 2008 11:51 AM  
**To:** Deutsch, Joanie; Handy, Nick; Hamlin, Shane; Even, Jeff  
**Cc:** Heffernan, Trova; Horn, Stephanie  
**Subject:** RE: Question from Benton County

For now, PCOs will continue to be elected at the Primary.

He is correct that they used to be elected in the General Election. That changed to the Primary when the pick-a-party was adopted in 2004. I-872 says nothing about PCO elections so, for now, it will continue to be in the Primary. The Legislature is free to change it in the future.

PCOs continue to file for office during the regular filing week, as they do now.

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**From:** Deutsch, Joanie  
**Sent:** Thursday, March 20, 2008 11:02 AM  
**To:** Blinn, Katie; Handy, Nick; Hamlin, Shane; Even, Jeff  
**Cc:** Heffernan, Trova; Horn, Stephanie  
**Subject:** Question from Benton County

Hello all,

Since I am county liaison for Benton and Franklin County, I received this question:

Dustin Dobson is the PCO recruiter for Benton County. Now that we don't pick a party ballot, will the PCO's run in the August primary or will they be on the general ballot like they were several years ago? If it is the November ballot, when do the PCO's register and pay their dollar?

Do we have the answers to this? Can someone help me?

Thanks,

*Joanie Deutsch*  
Assistant Communications Director  
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[jdeutsch@secstate.wa.gov](mailto:jdeutsch@secstate.wa.gov)  
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# The Seattle Times

Wednesday, March 19, 2008 - Page updated at 12:00 AM

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## Victory for voters

Washington voters, you may now retake control of your state political systems.

Tuesday, the U.S. Supreme Court affirmed voters' 2004 slapdown of the state political parties, which have been on an eight-year mission to increase their power by limiting voter choice. In a 7-2 decision, the court ruled Washington state could implement its top-two primary, designed to advance the two top vote-getters to the general election regardless of their party.

That means, in August, voters will return to Washington's long tradition of picking the best among all candidates on the primary ballot rather than being confined only to those of one party.

Candidates will be able to state which party they prefer, simply as more information for voters.

Expect a change in the approach of political candidates, both during campaigns and once elected. Instead of candidates scrambling to party extremes before the primary, then pretending to be moderate for the general election, candidates will have to start appealing to moderates and independents from the minute they file for election.

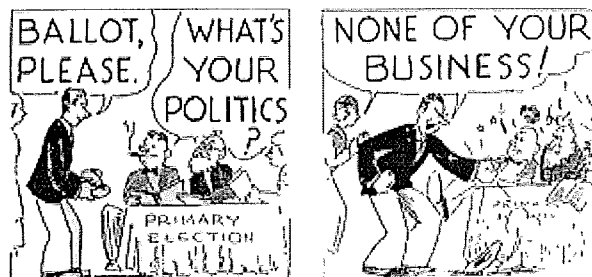
The top-two is a reasonable replacement for the old, popular blanket primary, ruled unconstitutional when parties successfully argued it interfered with their right to pick their own standard-bearers.

Washington State Grange, the champion of populism that originally prompted the blanket primary by initiative in the 1930s, stepped up again. In 2004, the Grange proposed the top-two primary in Initiative 872, which voters embraced handily.

But the people's choice was never implemented because the parties sued again, prevailing at the 9th U.S. Circuit Court of Appeals. Meanwhile, Washington voters were forced into the pick-a-party primary — something anathema to a state with such a long populist tradition.

This win puts voters back in control of electing the best of all candidates. With partisan control weakened, a whole new crop of exceptional middle-of-the-road candidates might step up to give public service a shot.

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## John White

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**From:** Moss, Sheryl [shmoss@secstate.wa.gov]  
**Sent:** Tuesday, January 29, 2008 10:40 PM  
**To:** Hamlin, Shane  
**Subject:** RE: Top Two - PROPOSED NEW DRAFT

I will review it on Friday when I return. Kinda hard to do it on a Smart Phone.

-----Original Message-----

From: "Hamlin, Shane" <shamlin@secstate.wa.gov>  
To: "Pearson, John" <jpearson@secstate.wa.gov>; "Moss, Sheryl" <shmoss@secstate.wa.gov>  
Cc: "Grant & Katie Blinn" <grantblinn@comcast.net>; "Handy, Nick" <nhandy@secstate.wa.gov>; "Moreno, Megan" <mmoreno@secstate.wa.gov>

Sent: 1/29/08 9:51 AM  
Subject: FW: Top Two - PROPOSED NEW DRAFT

John and Sheryl,

Please see the email string below. I can provide additional background this afternoon. Essentially, Senators who support the top two want to make sure there is a bill ready to go that addresses any weaknesses in I-872, or subsequent changes in law, should the US Supreme Court rule in our favor before the Session adjourns. Earlier today I learned they may move the bill along in case a decision is made late in the session.

Please begin reviewing the attached draft. We need to forward any comments or feedback as soon as possible.

Thank you!

-Shane

---

From: Buchholz, Keith [mailto:[Buchholz.Keith@leg.wa.gov](mailto:Buchholz.Keith@leg.wa.gov)]  
Sent: Monday, January 28, 2008 11:45 AM  
To: Hamlin, Shane; Stender, Michelle; Swanson, Sharon  
Cc: Grant & Katie Blinn  
Subject: RE: Top Two

Here's a draft. I have not sent it to the Code Reviser yet, as I thought I'd give everyone a chance to weigh in.

4/25/2008

A few comments and disclosures:

I have not intentionally created any problems. The area I'm most concerned about is the void/vacancy in candidacies as the filing periods come into play. Katie's and Shane's views would be most appreciated. I worked through the dates using a 2007 calendar to try to find needed changes. I'm fairly certain I screwed them up, but that's based on their complexity and my being relatively unfamiliar with them.

The bill aims to fix the problems created by the passage of a remarkably badly written initiative, so it does far more than simply examine recently enacted or amended laws to bring them into compliance. I'm trying to write this as someone competent would have done back in 2004, so I based most of this off SB 5745 (2005) and ESB 6453 (2004), using Katie's earlier language wherever appropriate. I can try to identify the parts I added or re-wrote if someone needs that info.

I eliminated all the variation between ballot styles, largely eliminated minor party conventions, tried to be consistent in referring to party affiliation as a designation, restructured recount rules, and created a one-party system.

that last comment wasn't true, just trying to find out who's still reading this.

keith

---

From: Hamlin, Shane [<mailto:shamlin@secstate.wa.gov>]  
Sent: Thursday, January 24, 2008 8:42 AM  
To: Buchholz, Keith; Stender, Michelle; Swanson, Sharon  
Cc: Grant & Katie Blinn  
Subject: Top Two

Good morning,

I couldn't imagine tackling this project without giving Katie an opportunity to provide comments and suggestions as we move along. I suspect her level of engagement may increase as we go along.

---

We can see that Keith took on a lot when he volunteered to take the first read through. Below is Katie's initial advice:

"I would start with the 2005 bill as the starting point. This was the fix-it legislation. The bill numbers are HB 1750 and SB 5745. Because more than two years has passed since I-872 was approved, we no longer need a 2/3 majority to fix the problem parts of I-872."

4/25/2008

I think we are all curious about the second part of Katie's remarks. I agree with her, but it is worth researching.

Until the next exchange on this fun topic...

-Shane

---

From: Buchholz, Keith [<mailto:Buchholz.Keith@leg.wa.gov>]  
Sent: Monday, January 21, 2008 5:52 PM  
To: Stender, Michelle; Hamlin, Shane; Swanson, Sharon  
Subject: RE: Top Two

Looks like I made a mistake offering to do this. The bill will be huge. here are the sections I've identified so far, with my notes to myself about what to do:

Sections affected  
04.008 remove (6)  
04.086 candidate, not nominee; remove final phrase re June 2004  
04.121 re-enact, wrongly repealed by I-872  
04.128 qualifying, not nominating; broader definition in book above statute  
04.310 change primary date to August  
04.311 qualifying, not nominating  
20.121 appear on primary ballot, several changes  
24.030 intact  
28.021 remove nominee  
28.041 change process to reflect qualification  
28.061 minors to primary  
32.031 remove "of nominees" – persons appearing on the ballot (1) (5)  
32.036 (2) gut, (3) primary not general  
32.241 (6) primary not general  
36.011 primary not general (is the date for major parties before the date by which minor parties have to file?)  
36.101 everybody (remove minor and ind candidates)  
36.104 repeal  
36.106 repeal  
36.121 (1) (a) delete consolidated (b) delete (c) delete  
36.131 general  
36.161 ??? candidate order by primary rank (similar to .171)  
36.191 remove plurality  
36.201 minor party change

I only got through 29A.36. There will be more.

---

From: Buchholz, Keith  
Sent: Monday, January 21, 2008 1:17 PM

4/25/2008

To: Stender, Michelle; 'Hamlin, Shane'; Swanson, Sharon  
Subject: Top Two

So, one of the first things I hit was I-872's change to the September primary, which very carefully placed it on the third Tuesday of September. Of course that has since been amended to place it on the third Tuesday of August. (Who could forget?)

Will a substantive change require a 2/3 vote?

(c) No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: Provided, That any such act, law, or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-thirds of all the members elected to each house

So what's the date of enactment for I-872, considering that the current order considers 872 void? Is it the original enactment date, or the date of the Supreme Court mandate?

I don't have an answer, just food for thought.

Keith Buchholz  
Leadership Counsel  
Senate Democratic Caucus  
(360) 786-7343





## ID Size and Placement

According to state law, on written or printed political advertising, the sponsor's full name and address and the candidate's party preference must:

- appear on the first page of the communication in at least 10 point type, or for ads such as billboards or posters, appear in type at least 10% of the largest size type used in the ad, and
- not be screened or half-toned (i.e., not made lighter through some printing or photographic process), and
- be set apart from any other ad text.

In any radio or TV political ad, the sponsor's full name and candidate's party preference must be clearly identified.

### Abbreviations

The following abbreviations may be used to identify the candidate's political party preference:

- Communist – Com
  - Constitution – CP
  - Democrat – D, Dem, Demo
  - Independent – Ind, Indep
  - Libertarian – L, LP, LBT, LBTN
  - Progressive – P, PP, Prog
  - Republican – R, GOP, Rep
  - Socialist – Soc
  - Socialist Workers – Soc Workers, SWP
- Official symbols or logos adopted by the state committee of the party may be used in lieu of other identification; a copy of the symbol or logo should be provided to PDC.

## Independent Expenditure Advertising & Electioneering Communications

Political advertising that meets all of the following criteria must include more details about the sponsor(s):

- 1) the ad supports or opposes a candidate for state or local office;
- 2) the ad is paid for by someone other than a candidate, a candidate's committee or agent;
- 3) the sponsor does the advertising completely independently of any candidate supported in the ad (or the opponent of the candidate opposed), or a candidate's committee or agent;
- 4) the sponsor did not receive the candidate's encouragement or approval to do the ad; and
- 5) the ad costs at least \$800, or the cost of this ad when combined with the cost of earlier ads supporting or opposing the candidate total \$800 or more.

If all 5 conditions are met, the ad must contain the following:

### FOR WRITTEN ADS –

"NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state,)."

Further, if this type of ad is sponsored by a political committee required to file with the PDC, the following must also appear: "Top Five Contributors" followed by a list of the names of the five persons or entities making the largest contributions in excess of \$700 to the PAC during the 12 months before the ad runs. If a political committee keeps records necessary to track contributions according to the use intended by contributors, that committee may identify the top five contributors giving for that purpose.

Both the "Notice to Voters" and "Top Five Contributors" messages must comply with the ID Size and Placement standards noted in this brochure.

Bona fide political parties are not required to include the Notice to Voters or Top 5 contributor information in written ads that they sponsor.

### FOR RADIO, TV, AND TELEPHONE ADS –

The following statement must be clearly spoken, or for TV advertisements, appear in print and be visible for at least four seconds, appear in letters greater than 4% of the visual screen height, and have a reasonable color contrast with the background: "No candidate authorized this ad. Paid for by (name, city, state).". In addition, top five contributor information, as discussed under "written advertisements," is necessary if the ad is sponsored by a political

committee required to file with the PDC. The Top 5 contributor information is also required for telephone transmissions.

Bona fide political parties are required to include the Notice to Voters statement in radio or TV ads that they sponsor, but not the Top 5 contributor information.

Independent expenditure advertising in the form of yard signs, bumper stickers, skywriting or other items exempt from sponsor ID (as discussed on the reverse), is also exempt from the Notice to Voters and Top Five Contributors requirements.

**MAILINGS:** Any person or entity, except a political party or political committee, that in one calendar year mails 1,000 identical or nearly identical pieces of advertising supporting or opposing a candidate or ballot measure as an independent expenditure must provide the appropriate county auditor with a copy of the ad and written notice of the number of pieces mailed within two working days of the mailing. Contact PDC for more information.

### REPORTING:

#### ELECTIONEERING COMMUNICATIONS –

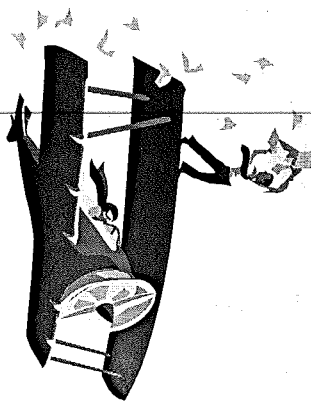
Anyone that sponsors an advertisement that clearly identifies at least one candidate for state, local, or judicial office; appears within 60 days of an election in the candidate's jurisdiction; is distributed through radio, television, postal mailing, billboard, newspaper or periodical; and, either alone, or in combination with other communications by the sponsor identifying the same candidate has a fair market value of \$5,000 or more must file electioneering communication reports (Form C-6) within 24 hours.

#### INDEPENDENT EXPENDITURES –

Anyone (except a committee already filing with PDC) that spends \$100 or more supporting or opposing a candidate or ballot measure—and the expenditures are not made in conjunction with a candidate or ballot issue committee—must file independent expenditure reports (Form C-6). All sponsors of last minute independent expenditure political ads valued at \$1,000 or more presented to the public within 21 days of an election must be report within 24 hours.

Additionally, any business, union, association or other entity that during one calendar year makes independent expenditures totaling over \$800 supporting or opposing state office candidates and statewide ballot measures must also file PDC Form C-7 (unless the entity reports the expenditures as a political committee or lobbyist/employer).

# Political Advertising



**PUBLIC DISCLOSURE COMMISSION**  
**PDC**  
 711 CAPITOL WAY RM 206  
 PO BOX 40908  
 OLYMPIA WA 98504-0908  
 (360) 753-1111  
 TOLL FREE 1-877-601-2828

July 2008

*"Political Advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.*

## General Requirements

**Sponsor ID:** Written ads must identify the sponsor's name and address unless exempt.\*

**Exempt From Sponsor ID:** Yard signs (8' x 4' or smaller) and some other items are exempt. See list at far right.

**Broadcast Ads:** Radio and TV ads must state the sponsor's full name, but not the address.\*

**Party Preference:** All forms of advertising must clearly state the candidate's party preference if the candidate is seeking partisan office. This requirement applies regardless of whether the ad is sponsored by the candidate or someone else.

**Size and Placement:** See back side of brochure for size and placement criteria regarding sponsor and party ID.

**Photographs:** If candidate photos are used in any ad, at least one of them must have been taken within the last 5 years and be no smaller than the largest candidate photo in the ad.

**Office Sought:** State law does not require ads to include the office or position a candidate is seeking.

\*Advertising that qualifies as an "independent expenditure" is subject to different sponsor ID requirements (unless the sponsor is a political party). See reverse side.

## The Law Forbids:

- Using an assumed name when identifying the sponsor.
- Distributing campaign material deceptively similar in design or appearance to the voters and candidate's pamphlets published by the Secretary of State.
- Using the state seal or its likeness to assist or defeat a candidate.

*Until further notice, pending possible legislative action, the Public Disclosure Commission will not be enforcing RCW 42.17.530 and WAC 390-18-040 regarding false political advertising.*

*"Sponsor" means the candidate, committee or other person who pays for the advertisement. If a person acts as an agent for another or is reimbursed for payment, the original source of the payment is the sponsor.*

To identify the sponsor, use the words "Paid for by" or "Sponsored by" followed by the name and address of the sponsor.\*

## What's Needed for Sponsor ID

**State, Local & Judicial Candidates**—show the candidate's name and address or the candidate's committee name and address.

**Federal Candidates**—only subject to federal law. (Contact FEC at 1-800-424-9530)

**Political committees**—show the committee's name and address. The treasurer's name is not required.\*

**Organizations or businesses**—show the organization or business name and address. President or treasurer's name is not required.\*

**Multiple sponsors**—show each sponsor's name and address. If one person pays for printing and another pays for mailing, list both as sponsors.\*

**Printed ads**—show the sponsor's name, mailing address and, if applicable, the candidate's party preference in an area apart from the ad text. If the ad is more than one page, identify the sponsor (and party preference) on the first page. Identification on a mailing envelope is optional; the ad enclosed in the envelope must be properly identified.\*

**Radio and TV ads**—clearly say the sponsor's name. The address is not required.\*

\*Advertising that qualifies as an "independent expenditure" is subject to different sponsor ID requirements. See reverse side.

## Items Exempt from Sponsor ID

astirays	newspaper ads (one col- umn inch or smaller)
badges & badge holders	noisemakers
balloons	official state or local voter pamphlets
bingo chips	paper & plastic cups
brushes	paper & plastic plates
bumper stickers (4" x 15" or smaller)	paperweights
business cards	pencils
buttons	pendants
cigarette lighters	pens
clothes pins	pinwheels
clothing	plastic tableware
coasters	pocket protectors
combs	pot holders
cups	reader boards with moveable letters
earnings	ribbons
errory boards	rulers (12" or smaller)
envelopes	shoe horns
erasers	skywriting
Frisbees	staple removers
glasses	stickers (2-3/4" x 1" or smaller)
golf balls & tees	sun glasses
hand-held signs	sun visors
hats	swizzle sticks
horns	tickets to fund raisers
ice scrapers	water towers
inscriptions	whistles
key rings	yard signs (8' x 4' or smaller)
knives	yo-yos
labels	all similar items
letter openers	
magnifying glasses	
matchbooks	
nail clippers & files	





STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 \* Olympia, Washington 98504-0908 \* (360) 753-1111 \* Fax (360) 753-1112  
Toll Free 1-877-601-2828 \* E-mail: [pdcc@pdcc.wa.gov](mailto:pdcc@pdcc.wa.gov) \* Website: [www.pdca.wa.gov](http://www.pdca.wa.gov)

TO: Members, Public Disclosure Commission

FROM: Vicki Rippie, Executive Director

DATE: May 14, 2008

SUBJECT: Initiative 872 (Top Two Primary) and its impact on implementation of campaign finance law provisions in 2008

In March, the U.S. Supreme Court ruled 7-2 that the state's Top Two primary system is constitutional on its face. *Washington State Grange v. Washington Republican Party, et al.* ("Top Two primary decision") This system was enacted into law by the voters in 2004 when I-872 passed. Implementation of the new law was delayed when it was challenged in federal court by the Republican, Democrat and Libertarian parties. The parties prevailed in district court and at the 9<sup>th</sup> Circuit Court of Appeals. But, the U.S. Supreme Court said the parties had not shown that they have been harmed, and reversed the lower court decision. However, a future "as applied" challenge to the law is a possibility.

The Legislature has not had an opportunity to respond to the Top Two decision to address any impacted laws. It is unclear what the Legislature would direct regarding RCW 42.17 as a result of the decision. In the absence of this direction and in an effort to provide interim guidance and avoid doubt or uncertainty on the part of those subject to chapter 42.17 RCW, three temporary measures are proposed here.

### Campaign Finance Issues and I-872

Statutory changes made by I-872 have an impact on these three campaign finance provisions.

- 1. Party Preference.** Based on the text of Initiative 872, the administrative rules adopted by the Secretary of State and the new declaration of candidacy form, the primary election is now a runoff election. It is not a nominating election, and any reference to party on the ballot is an indication of a candidate's preference, as opposed to a formal affiliation between the candidate and that party, or a reflection of an endorsement or support from that party.

Two sections of PDC law and two sections of the Commission's rules use the term "party affiliation"<sup>1</sup> as opposed to "party preference."

<sup>1</sup> RCW 42.17.040, Statement of organization by political committees; RCW 42.17.093, Out-of-state political committees—Reports; WAC 390-17-030, Sample ballots and slate cards; and WAC 390-18-020, Advertising—Political party identification.

Staff Recommendation: For purposes of continuity with election law and until the Legislature has an opportunity to modify RCW 42.17, PDC staff is recommending that the Commission adopt an emergency rule effective June 30, 2008, explaining "party affiliation" means "party preference" and clarifying that when a PDC form calls for "political party affiliation," "party affiliation," "political party" or "party" the information sought is the candidate's self-identified party preference. If you concur with this approach, proposed language will be drafted for consideration next month.

2. **Party Identification.** According to RCW 42.17.510(1), copy attached, if a candidate for partisan office has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising.

This requirement originated when party designation meant that the candidate was seeking nomination as a candidate of that party (primary election), or was seeking election to office as the standard-bearer of that party (general election). As noted above, party designation no longer means this; any reference to party in election law now simply is a statement of preference by a candidate.

Attached is a copy of the 2008 Declaration of Candidacy form that candidates will file with election officials the first week of June. Please see No. 7. This section of the form gives candidates for partisan office a choice of selecting and identifying his or her party preference in sixteen characters or less, or choosing the box associated with no party preference. There is no box to check for running as an "independent" as contemplated by RCW 42.17.510.

In addition, while most candidates may select as a preference the Republican, Democrat, Libertarian, Green or another common minor party for their preference, they are not restricted to any finite list of party names. One journalist has wondered whether "No New Taxes" or "Anti War Dem" or "A Good Budweiser" party would crop up as party preferences on candidate declarations. See *Spokesman Review* article attached.

My sense of the requirement in RCW 42.17.510(1) is that it is a remnant of the recent past when party identification meant a candidate favored that party and that party favored that candidate (more or less). In addition, subsection .510(1) was added to RCW 42.17 in the mid-1980s when candidate information sources were few, and there were no campaign websites, no party websites, no media outlets available online, no bloggers, and most people cast their ballots at the polls. Now there are numerous easily accessible sources for learning about candidates and who supports them, including PDC's own website. And, many people vote at home with their voter pamphlet handy to help them make their choices.

Staff Recommendation: Until the Legislature has an opportunity to revisit the party identification requirement and examine its purpose and efficacy in light of the U.S. Supreme Court's Top Two primary decision and the new meaning of party preference, staff recommends that the Commission temporarily suspend enforcement of RCW 42.17.510(1) with respect to party preference identification in

electioneering communications, independent expenditures, and other political advertising. Since candidates and independent spenders are currently ordering their advertising for this year's election, it would be helpful if the Commission adopted a motion at the May meeting regarding this topic if the Commission believes such action is warranted.

3. **Bona Fide Political Parties.** When I-134 passed in 1992 it established limits on the amounts most sources could contribute to a bona fide political party and it also imposed limits on how much a bona fide party could give to a candidate for state office. For example, this calendar year a party non-exempt fund may receive up to \$4,000 from a union, corporation or other entity. In turn, that party non-exempt fund may contribute up to \$.80 per registered voter to a candidate for statewide or legislative office. That means, for example, that a state party non-exempt fund could give up to \$59,964 to a Senate candidate from the 22<sup>nd</sup> legislative district, and just over \$2.6 million to a candidate for statewide office. However, a PAC may only give that Senate candidate \$800 per election, or the statewide candidate \$1,600 per election. The chart summarizing contribution limits is attached.

As such, it is very important that there is a clear distinction between an organization that qualifies as a bona fide political party and one that is a political committee (PAC), or the contribution limits of I-134 could be undermined severely.

RCW 42.17.020(6) defines "bona fide political party" as follows:

*(a) An organization that has filed a valid certificate of nomination with the secretary of state under **chapter 29A.20 RCW**;*

*(b) The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or*

*(c) The county central committee or legislative district committee of a major political party. There may be only one legislative district committee for each party in each legislative district.*

This definition relies on the election code, Title 29A RCW, for determining which organizations are bona fide political parties. Subsection (a) addresses minor parties and (b) and (c) relate to major parties. However, according to the federal district court decision in the Top Two primary case, chapter 29A.20 RCW relating to minor parties has been "impliedly repealed" by I-872, and the U.S. Supreme Court decision did not dispute or reverse this conclusion.<sup>2</sup>

In other words, at this point in time, chapter 29A.20 RCW does not exist and there is no way for a minor party to file a valid certificate of nomination with the Secretary of State's Office. And, for PDC purposes, there is no statutory method for recognizing the existence of minor parties or distinguishing between them and political committees for purposes of contribution limits.

<sup>2</sup> Note that RCW 29A.04 relating to major political parties remains viable.

Again, the Legislature has not addressed these matters in light of the Top Two decision.

Staff Recommendation: While any long-term resolution rests with the Legislature, if the Commission believes that, consistent with the intent of I-134 and its implementation since 1993,

- the impact on the definition of "bona fide political party" in chapter 42.17 RCW was an unintended consequence of the repeal of chapter 29A.20 RCW, and
- minor political parties have intrinsic value to the state's political process and should be treated for purposes of chapter 42.17 RCW in the same manner as major political parties,

then staff believes the Commission may want to consider a temporary solution. That solution would be to clarify the definition of "bona fide political party" in rule to include those minor parties which in 2004, 2005, 2006 or 2007 had filed at least one valid certificate of nomination under former chapter 29A.20 as contemplated by chapter 42.17 RCW. The purpose of this clarification is to allow organizations that had officially been designated as minor parties in the recent past to, during the 2008 election cycle, be subject to the same limits with respect to contributions they receive and contributions they make to their own candidates as the major parties. It is a matter of parity and consistency. Grandfathering in minor parties that met the criteria as a bona fide political party in 2004 or later would, as best I can determine, allow the following organizations to qualify as bona fide political parties in 2008: Green Party, Libertarian Party, Socialist Workers Party, and Workers World Party.

If the Commission generally supports this approach, a draft emergency rule will be brought for your consideration at the June 26 meeting. Again, the rule would take effect June 30, 2008.<sup>3</sup>

### Conclusion

Staff believes that the Commission has the authority to address, at least on a temporary basis pending further legislative action, the campaign finance and political advertising issues that have arisen as a result of the U.S. Supreme Court's decision regarding the constitutionality of I-872.

While staff is of the opinion that the party identification issue discussed in No. 2 above may warrant action this month, taking formal action on the two other matters in June would provide an opportunity for more public input on these topics.

Please contact me at 360/586-4838 or 1-877-601-2828 if you have questions you would like answered before the May 22 meeting. Thank you.

Attachments: RCW 42.17.510  
2008 Declaration of Candidacy form  
*Spokesman Review* article dated April 17, 2008  
Contribution Limits Chart

<sup>3</sup> According to RCW 42.17.370(1) any rule relating to campaign finance, political advertising or related forms must be in effect by June 30 of a given year or it cannot go into effect until the day following the general election.



**RCW 42.17.510**

**Identification of sponsor — Exemptions.**

(1) All written political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name and address. All radio and television political advertising, whether relating to candidates or ballot propositions, shall include the sponsor's name. The use of an assumed name for the sponsor of electioneering communications, independent expenditures, or political advertising shall be unlawful. **For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, that party or independent designation shall be clearly identified in electioneering communications, independent expenditures, or political advertising.**

(2) In addition to the materials required by subsection (1) of this section, except as specifically addressed in subsections (4) and (5) of this section, all political advertising undertaken as an independent expenditure by a person or entity other than a party organization, and all electioneering communications, must include the following statement as part of the communication "NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state)." If the advertisement undertaken as an independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors," followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement or communication.

(3) The statements and listings of contributors required by subsections (1) and (2) of this section shall:

(a) Appear on the first page or fold of the written advertisement or communication in at least ten-point type, or in type at least ten percent of the largest size type used in a written advertisement or communication directed at more than one voter, such as a billboard or poster, whichever is larger;

(b) Not be subject to the half-tone or screening process; and

(c) Be set apart from any other printed matter.

(4) In an independent expenditure or electioneering communication transmitted via television or other medium that includes a visual image, the following statement must either be clearly spoken, or appear in print and be visible for at least four seconds, appear in letters greater than four percent of the visual screen height, and have a reasonable color contrast with the background: "No candidate authorized this ad. Paid for by (name, city, state)." If the advertisement or communication is undertaken by a nonindividual other than a party organization, then the following notation must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars

reportable under this chapter during the twelve-month period before the date of the advertisement. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(5) The following statement shall be clearly spoken in an independent expenditure or electioneering communication transmitted by a method that does not include a visual image: "No candidate authorized this ad. Paid for by (name, city, state)." If the independent expenditure or electioneering communication is undertaken by a nonindividual other than a party organization, then the following statement must also be included: "Top Five Contributors" followed by a listing of the names of the five persons or entities making the largest contributions in excess of seven hundred dollars reportable under this chapter during the twelve-month period before the date of the advertisement. Abbreviations may be used to describe contributing entities if the full name of the entity has been clearly spoken previously during the broadcast advertisement.

(6) Political yard signs are exempt from the requirement of subsections (1) and (2) of this section that the name and address of the sponsor of political advertising be listed on the advertising. In addition, the public disclosure commission shall, by rule, exempt from the identification requirements of subsections (1) and (2) of this section forms of political advertising such as campaign buttons, balloons, pens, pencils, sky-writing, inscriptions, and other forms of advertising where identification is impractical.

(7) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet.

[2005 c 445 § 9; 1995 c 397 § 19; 1993 c 2 § 22 (Initiative Measure No. 134, approved November 3, 1992); 1984 c 216 § 1.]

(Emphasis added.)

## DECLARATION OF CANDIDACY

1. I, \_\_\_\_\_ am a registered voter residing at:  
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. \_\_\_\_\_  
(STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) (ZIP)

and, at the time of filing this declaration, I am legally qualified to assume office if elected.

3. My campaign contact information is:

(MAILING ADDRESS)	(CITY)	(STATE)	(ZIP)
(TELEPHONE NUMBER)		(EMAIL ADDRESS)	

4. I declare myself as a candidate for the office of:

(NAME OF OFFICE including DISTRICT or POSITION NUMBER)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

5. Filing Fee (check one):

- ☐ There is no filing fee because the office has no fixed annual salary;
- ☐ I am submitting a filing fee of \$10 because the fixed annual salary of the office is \$1,000 or less;
- ☐ I am submitting a filing fee of \$\_\_\_\_\_, an amount equal to 1% of the annual salary; or
- ☐ I am without sufficient assets or income to pay the filing fee and am submitting a filing fee petition in lieu of this fee.

6. Please print my name on the ballot exactly as follows: \_\_\_\_\_  
(PLEASE PRINT)

7. If the office is partisan, your party preference, if any, will be printed on the ballot exactly as follows:

☐ (Prefers  Party) or  
☐ (States No Party Preference)

If you fail to check a box or provide a party name, "(States No Party Preference)" will be printed.

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

**Note: Your signature must be personally attested to by a notary public or by the officer with whom the declaration is filed.**

**8. Sign Here X**

(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF \_\_\_\_\_

Signed or Attested before me on \_\_\_\_\_  
(DATE)

(SEAL OR STAMP)

by \_\_\_\_\_  
(CANDIDATE)

(SIGNATURE OF NOTARY)

(TITLE).

MY APPOINTMENT EXPIRES: \_\_\_\_\_

# DECLARATION OF CANDIDACY

## FILING FOR OFFICE

### **When:**

The filing period begins the first Monday in June and ends the following Friday. All declarations of candidacy must be received no later than the close of business on the last day of the filing period. Filings received after this date, regardless of the postmark, are invalid.

Mailed declarations of candidacy may be received up to ten business days before the filing period begins. Declarations of candidacy filed in person must be filed during normal business hours.

### **Where:**

The declaration of candidacy must be filed with the Office of the Secretary of State if the office sought is federal, statewide, or is a legislative, Court of Appeals, or Superior Court office that includes more than one county.

The declaration of candidacy may be filed with either the Office of the Secretary of State or the County Auditor if the office sought is a legislative, Court of Appeals, or Superior Court office that includes only one county.

The declaration of candidacy must be filed with the County Auditor for all other offices. If the office sought is a junior taxing district located in more than one county, the candidate should check with the County Auditor to determine which county is accepting filings. In King County, the office is called the King County Elections Division.

Declarations of candidacy filed with the Office of the Secretary of State may be filed online at [www.secstate.wa.gov](http://www.secstate.wa.gov).

### **Cost:**

The filing fee is 1% of the salary of the office if the office has a fixed annual salary of more than \$1,000. The filing fee is \$10 if the office has a fixed annual salary of \$1,000 or less. There is no filing fee if the office has no fixed annual salary. The fee is based on the salary in effect at the time of filing. Filing fees are not refundable.

Candidates with insufficient assets or income to pay the filing fee may instead submit a filing fee petition that contains the valid signatures of registered voters equal to the dollar amount of the filing fee.

### **Withdrawals:**

A candidate for partisan office has until the Thursday following filing week to withdraw.

Once filed, a declaration of candidacy may not be altered. If a candidate decides during the filing period to change the declaration of candidacy, the candidate must withdraw and re-file, which includes the payment of any filing fees.

## PUBLIC DISCLOSURE AND CAMPAIGN FINANCE REPORTS

INITIAL PUBLIC DISCLOSURE REPORTS MUST BE FILED WITHIN TWO WEEKS OF BECOMING A CANDIDATE.

Candidates for federal office, precinct committee officer, cemetery districts, and districts where voters must have special qualifications such as the ownership of land are exempt from state public disclosure requirements.

IF THE OFFICE SOUGHT HAD, AS OF THE LAST GENERAL ELECTION:	PUBLIC DISCLOSURE REPORTS REQUIRED
Fewer than 1,000 registered voters, and the candidate has not received and does not expect to receive contributions of \$5,000 or more in the aggregate.	None.
1,000-4,999 registered voters and an area less than the entire county, and the candidate has not received and does not expect to receive contributions of \$5,000 or more in the aggregate.	Financial Affairs Statement (Form F-1).
5,000 or more registered voters or a countywide area or larger.	Financial Affairs Statement (Form F-1). Campaign Finance Reports ("C" series forms).
The candidate has received or expects to receive contributions of \$5,000 or more in the aggregate.	Financial Affairs Statement (Form F-1). Campaign Finance Reports ("C" series forms).

## INSTRUCTIONS FOR COMPLETING THE DECLARATION OF CANDIDACY

**Line 1.** Print your name as you are registered to vote.

**Line 2.** Print the address at which you are registered to vote. Each candidate is responsible for ensuring that he or she meets **all** the qualifications of the office sought **at the time he or she files the declaration of candidacy**.

**Line 3.** Print your campaign's mailing address, telephone number, and e-mail address. Providing a telephone number and e-mail address is recommended, but not required. Contact information will be made available to the public. The election administrator and the Public Disclosure Commission may use the telephone number or e-mail address to provide campaign information to you.

A government office telephone number or e-mail address cannot be used for campaign purposes according to RCW 42.17.130 and RCW 42.52.180.

**Line 4.** Print the name of the office for which you are a candidate. For example, "State Representative...22nd District ...Position 1" or "City Councilman...Olympia...Position 4." Find out **prior** to the filing period for which offices you are eligible to file. Responsibility for filing for the correct office is yours.

**Line 5.** Check the appropriate box. If you assert that you have insufficient assets or income to pay the filing fee, you must submit a filing fee petition, as described in RCW 29A.24.101, with the declaration of candidacy.

**Line 6.** Print your name exactly as you wish it to appear on the ballot. Nicknames are acceptable. You may not use any nickname or title that denotes past or present occupation, including military rank, your position on issues, your political affiliation, or anything intentionally designed to mislead voters.

**Line 7.** If the office is a partisan office, you may state a political party that you personally prefer. Your preference does not imply that you have been nominated or endorsed by the party, or that the party approves of or associates with you. You also have the option of not stating a political party preference.

If you would like to state your preference, fill in the name of the party, up to 16 characters. The first letter of the party preference will be capitalized (e.g., Democratic). If you want to use initials, separate each letter with a period (e.g., G.O.P.) Your personal party preference will be printed on the ballot as follows:

JOHN SMITH  
(Prefers Example Party)  
JANE DOE  
(States No Party Preference)

If no party name is provided, "(States No Party Preference)" will be printed on the ballot. If you qualify for the general election, the party preference printed on the primary election ballot will be printed the same on the general election ballot.

**Line 8.** Read the oath. Sign the declaration of candidacy only in the presence of a notary public or the officer with whom the declaration is filed.

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**SPOKESMANREVIEW.COM**

Friday, April 18, 2008

SPOKANE

## Washington ballots could get interesting

Richard Roesler  
Staff writer  
April 17, 2008

OLYMPIA – Heads up, voters: Your ballot might look a little strange this August.

Don't be surprised, for example, if you find unusual slogans and shameless commercial pitches beneath some candidate names.

Secretary of State Sam Reed on Wednesday proposed rules for the state's first-ever Top Two primary. In a move designed to avoid another court challenge by political parties, the new rules allow candidates to indicate a "preferred party."

But under the proposed rules, candidates are free to write virtually anything they wish in the space between "prefers" and "party." The only limits: it can only total 16 characters and can't be obscene.

"People can describe themselves however they wish," explained Trova Heffernan, a spokeswoman for Reed. "It's their First Amendment right."

In between "prefers" and "party," candidates could write "NO NEW TAXES," or "ANTI WAR DEM" or even a short commercial pitch such as "A GOOD BUDWEISER" which would appear as "Prefers A GOOD BUDWEISER Party" when printed on ballots.

Far-fetched? Perhaps.

But Washington's ballot is no stranger to theatrics. A man named Mike the Mover has run for more than a dozen offices over two decades, largely as cheap advertising. And Michael Goodspaceguy Nelson has also run repeatedly on a platform that includes interplanetary colonization. In 2004, the two ran against each other in the gubernatorial primary.

The state's major political parties find nothing funny about the proposed change. Saying it's unfair to allow non-party-members to pick their standard bearers in the November election, they successfully sued to overturn the "blanket primary" that for decades allowed Washington voters to hopscotch between parties on a primary ballot. Voters responded by overwhelmingly approving the similar-looking Top Two primary in 2004. The parties sued again. Ever since, Washington voters have had to pick a party in the primary and choose only among candidates from that party.

Last month, the U.S. Supreme Court gave a 7-2 green light to the Top Two primary, saying the parties haven't shown that they've been harmed. Only Louisiana has a similar system. Washington's first such primary is slated for Aug. 19.

The parties want to be able to designate their nominee on the ballot. Reed's proposed rules don't allow that. They also point out that the change results in fewer choices – just two – on the November ballot.

Democratic Party Chairman Dwight Pelz also said Wednesday that the new primary would effectively "outlaw" minor parties. They were once guaranteed a spot on the November ballot. Now they only make it if they're in the top two vote-getters, which is highly unlikely in most races.

"The Libertarian, Green, Independent and Progressive parties can sell their office furniture and computers, because they will never again see their names on a meaningful ballot in our state," Pelz said in a statement.

The system gives the parties no way to repudiate a racist or otherwise objectionable candidate using their name, he said. And the top-two rules make it likely that in very liberal and very conservative enclaves, the two candidates facing off in November will both be Democrats or both be Republicans.

Still, neither the state Democratic nor Republican party has spelled out their next move, if any. Heffernan said the parties got the proposed rules on Wednesday and that her office received no immediate reaction.

Reed, for his part, predicts voters will be "thrilled" with a system that resembles the popular old blanket primary.

"Freedom on the ballot is the core of Washington's political heritage," he said. The Supreme Court ruling in March told the state to craft the rules carefully so the party's constitutional rights aren't stepped on, he said.

"We're paying attention and we'll get it right," he said.

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## CONTRIBUTION LIMITS

(Effective February 28, 2008)

### CONTRIBUTORS

	State Party	County and LD Party Committees	Caucus Political Committee (House or Senate)	Candidate Committees	Pacs, Unions, Corps and other entities	Individuals
State Party	Not Applicable	No Limit	No Limit	Only from Surplus Funds No Limit	\$4,000 per calendar year (non-exempt)	No Limit
County or LD Committee	No Limit	No Limit	No Limit	Only from Surplus Funds No Limit	\$4,000 per calendar year (non-exempt)	No Limit
Caucus Political Committee	No Limit	No Limit	No Limit	Only from Surplus Funds No Limit	\$800 per calendar year	No Limit
Statewide Executive Candidate Committee	\$0.80 per Reg. Voter per cycle	\$0.40 per Reg. Voter per cycle (Joint Limit)	\$0.80 per Reg. Voter per cycle	Prohibited	\$1,600 per election	\$1,600 per election
Legislative Candidate Committee	\$0.80 per Reg. Voter per cycle	\$0.40 per Reg. Voter per cycle (Joint Limit)	\$0.80 per Reg. Voter per cycle	Prohibited	\$800 per election	\$800 per election
Judicial	\$1,600 per election	\$1,600 per election	\$1,600 per election	Prohibited	\$1,600 per election	\$1,600 per election
King, Pierce, Spokane, or Snohomish County Office Candidate Committee	\$0.80 per Reg. Voter per cycle	\$0.40 per Reg. Voter per cycle (Joint Limit)	\$0.80 per Reg. Voter per cycle	Prohibited	\$800 per election	\$800 per election
Port of Seattle or Tacoma Commissioner Candidate Committee	\$0.80 per Reg. Voter per cycle	\$0.40 per Reg. Voter per cycle (Joint Limit)	\$0.80 per Reg. Voter per cycle	Prohibited	\$1,600 per election	\$1,600 per election
PACS	No Limit	No Limit	No Limit	Prohibited	No Limit	No Limit

### RECIPIENTS

County office and port commissioner candidates running for office in jurisdictions with more than 200,000 registered voters are subject to contribution limits.

- **Per cycle** means aggregate during the period from January 1 after the date of the previous general election for the office through December 31 after the upcoming general election for the office.
- **Per election** means per each primary, general, or special election for that office.
- **Per calendar year** means aggregate during the period from January 1 through December 31 each year.
- Contributions designated for the exempt account of a bona fide political party are NOT subject to limit, except during the 21 days before the general election when the \$5,000 maximum applies. See next column.
- During the 21 days before the general election, no contributor may donate over \$50,000 in the aggregate to a candidate for statewide office, or over \$5,000 in the aggregate to a candidate for any other office or to a political committee. This includes contributions to a party committee, as well as a candidate's personal contributions to his/her own campaign. It does not apply to contributions from the state committee of the WA State Democratic, Republican or Libertarian Party or from a minor party.

12/6/07