






STATE OF WASHINGTON  
PUBLIC DISCLOSURE COMMISSION

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TO: Members, Public Disclosure Commission  
FROM: Vicki Rippie, Executive Director   
DATE: June 17, 2008  
SUBJECT: Initiative 872 (Top Two Primary) and its impact on implementation of campaign finance law provisions in 2008 – Continued

Background

As was discussed in some detail last month, earlier this year the U.S. Supreme Court upheld Washington's Top Two Primary system which was enacted into law by the voters in 2004 through the passage of I-872. 2008 is the first year the Top Two system is being implemented by elections officials. Since the Supreme Court's decision was not issued until March, the Legislature has not had an opportunity to respond to the Top Two decision to address any impacted laws, including the portion of the district court decision concluding that I-872 "impliedly repealed" chapter 29A.20 RCW relating to Minor Party and Independent Candidate Nominations. The definition of "bona fide political party" in the campaign finance statute relies on the process in RCW 29A.20 to distinguish bona fide political parties from other political committees for contribution limit purposes.

At your May meeting, staff identified three I-872 related campaign finance issues for discussion and possible action in an effort to provide interim guidance for the 2008 elections: Party Preference, Party Identification, and Bona Fide Political Parties.

Summary of Issues and Possible Next Steps

- 1. Party Preference.** According to election law and rules, primaries in Washington are now runoff elections, not nominating elections.<sup>1</sup> For partisan office, a candidate's party designation on the declaration of candidacy form indicates the candidate's party preference only, and does not indicate a formal affiliation between the candidate and the party specified, or reflect an endorsement or support from that party.

Two sections of Chapter 42.17 RCW and Title 390 WAC use the term "party affiliation" as opposed to "party preference."<sup>2</sup>

<sup>1</sup> According to RCW 42.17.020(39), "'Primary' for the purposes of RCW 42.17.640 [the per-election contribution limits] means the procedure for nominating a candidate to state office under chapter 29A.52 RCW or any other primary for an election that uses, in large measure, the procedures established in chapter 29A.52 RCW." The Top Two Primary uses the procedures established in RCW 29A.52.112. Nevertheless, the Legislature may consider amending section .020(39) in 2009.

<sup>2</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.



Recommendation: Staff recommends adoption of an emergency rule clarifying the term "party affiliation" and references to "party," "political party" and similar terms on disclosure forms and elsewhere in Title 390 WAC. See draft WAC 390-05-274 attached.

2. **Party Identification.** According to RCW 42.17.510(1), 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.

Given the recent I-872 court decision, the text of I-872, and the Secretary of State rules implementing the Top Two Primary, in 2008 at least, there is no finite list of minor parties. Candidates are free to select any name to identify their preferred party so long as the name does not exceed 16 characters and is not obscene.

Because of the uncertainty surrounding party preference selections, the fact that party identification no longer indicates party endorsement or support, and that the agency's resources will be stretched thin during an always challenging statewide election year, staff recommended the Commission temporarily suspend enforcement of RCW 42.17.510(1) with respect to party preference identification until the Legislature had an opportunity to revisit this issue. Although the Commission initially concurred in this approach at the May meeting, ultimately at that meeting you decided it was more prudent to allow additional time for public comment before making a final decision.

Attached are comments from State Senator Darlene Fairley and attorney Richard L. Pope, Jr. Both oppose the May staff recommendation, for good reason: I-872 was passed by the voters in 2004. In 2005, as part of ESSB 5034 – a PDC request bill relating to electioneering communications – the Legislature amended RCW 42.17.510(1) adding language about clearly identifying the candidate's party preference in advertising. In other words, fully aware that I-872 had passed, the Legislature adopted language specifically calling for party preferences to appear in advertising. I certainly wish I had had the presence of mind to bring this important fact to your attention last month, and I apologize for not doing so.

It is also important to recognize, however, that until the district court decision was rendered and not repudiated by the U.S. Supreme Court in March of this year, I do not see how it could have been known, at least with certainty, that RCW 29A.20 had been repealed by I-872. This is the action that removed the statutory mechanism for recognizing, in a given election year, which organizations qualify as minor parties, and which candidates would seek office independent of any party. It is the removal of this process that leads to a potentially infinite list of party preferences that the statute requires be clearly identified in advertising.

The Commission's decision to postpone further evaluation and action until the June 26 meeting provided staff with an opportunity to review the declarations of candidates for partisan office and find out what party preferences were actually designated. There are seven "non-traditional" party names listed: "America's Third Party," "Executive Excellence Party," "Party of Commons," "Cut Taxes G.O.P. Party," "Progressive Dem. Party," "SalmonYoga Party," and "True Democratic Party."

Senator Fairley observed on page 2 of her letter that candidates selected these party names with a desire to distinguish themselves from other candidates, and it should prove no hardship to list that preference on advertising; in fact, it would be consistent with the candidate's message to list it.

In addition, some of the candidates who prefer the "non-traditional" parties listed above may select mini reporting and, unless they change options consistent with WAC 390-16-125 (Mini campaign reporting—Exceeding limitations), they may raise and spend no more than \$5,000 on their respective campaigns, suggesting that minimal advertising may be sponsored by the campaigns.

Revised Recommendation: Based on the public comments received, the Legislature's action in 2005, and the actual party preference designations now known that will be used by candidates, staff recommends the Commission advise that enforcement of RCW 42.17.510(1) is to proceed normally as facts and circumstances warrant.

3. **Bona Fide Political Parties.** As alluded to above and discussed in greater detail last month, the contribution limit provisions approved by voters in 1992 rely on RCW 29A.20 to distinguish bona fide political parties from other political committees. Bona fide parties may contribute considerably more to their candidates than may committees that do not satisfy the definition: \$2.6 million as opposed to \$1,600 per election to a candidate for statewide office.

Since RCW 29A.20 has been effectively repealed and RCW 42.17 has not been amended by the Legislature to remove reference to RCW 29A.20 and substitute a new definition of a minor party organization, it appears the Commission has two options. You could determine either that:

(a) the law no longer provides a mechanism for an organization to become a minor party, and until the Legislature acts such parties do not technically exist for purposes of party contribution limits; or

(b) I-872's impact on the bona fide political party definition in RCW 42.17 appears to be an unintended consequence and, consistent with the intent of I-134 and the intrinsic value of minor parties to the political process, clarify the definition of "bona fide political party" in rule to include those minor parties which in any year between 2002 and 2007 filed at least one valid certificate of nomination under former RCW 29A.20. Based on updated information from elections officials, this list now includes: the American Heritage Party, Constitution Party, Green Party, Libertarian Party, Progressive Party, Socialist Equality Party, Socialist Workers Party, and Workers World Party.

Recommendation: Staff recommends the Commission select option (b). Attached is a draft emergency rule (WAC 390-05-196) that, if adopted, could go into effect on June 30, 2008, to address this issue for the 2008 election only, pending amendment of RCW 42.17.020(6) by the Legislature. In addition, we recommend that you amend, on an emergency basis, WAC 390-05-275 to reference new WAC 390-05-196.

### Emergency Rules

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.

Since the three draft rules attached relate to these topics, in order to be in effect this year they need to be adopted on an emergency basis. If the Commission decides to go forward with rulemaking, the emergency basis for each rule will have to be identified. See RCW 34.05.350(1) below. An emergency rule is effective for 120 days beginning on the date it is filed with the Code Reviser unless a later date is specified in the adoption order.

#### **RCW 34.05.350 Emergency rules and amendments.**

*(1) If an agency for good cause finds:*

*(a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; or*

*(b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule,*  
*the agency may dispense with those requirements and adopt, amend, or repeal the rule on an emergency basis. The agency's finding and a concise statement of the reasons for its finding shall be incorporated in the order for adoption of the emergency rule or amendment filed with the office of the code reviser under RCW 34.05.380 and with the rules review committee.*

*(2) An emergency rule adopted under this section takes effect upon filing with the code reviser, unless a later date is specified in the order of adoption, and may not remain in effect for longer than one hundred twenty days after filing. Identical or substantially similar emergency rules may not be adopted in sequence unless conditions have changed or the agency has filed notice of its intent to adopt the rule as a permanent rule, and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule. This section does not relieve any agency from compliance with any law requiring that its permanent rules be approved by designated persons or bodies before they become effective.*

*(3) Within seven days after the rule is adopted, any person may petition the governor requesting the immediate repeal of a rule adopted on an emergency basis by any department listed in RCW 43.17.010. Within seven days after submission of the petition, the governor shall either deny the petition in writing, stating his or her reasons for the denial, or order the immediate repeal of the rule. In ruling on the petition, the governor shall consider only whether the conditions in subsection (1) of this section were met such that adoption of the rule on an emergency basis was necessary. If the governor orders the repeal of the emergency rule, any sanction imposed based on that rule is void. This subsection shall not be construed to prohibit adoption of any rule as a permanent rule.*

Please contact me at 360/586-4838 or 1-877-601-2828 if you have questions you would like answered before the June 26 meeting. Thank you.

Attachments: Draft Rules: New WACs 390-05-274 and 390-05-196, and Amended  
WAC 390-05-275  
RCW 42.17.510  
Summary of 2008 Declared Candidates  
Letter dated June 12, 2008, from Senator Darlene Fairley  
Letter dated May 27, 2008, from Richard L. Pope, Jr.

## **Possible Emergency Rulemaking to Implement I-872's Impact on Campaign Finance Provisions in 2008**

June 2008

### **Party Affiliation Draft Rule**

#### **New WAC 390-05-274 Party affiliation, party preference, etc.**

(1) "Party affiliation" as that term is used in chapter 42.17 RCW and Title 390 WAC means the candidate's party preference as expressed on his or her declaration of candidacy. A candidate's preference does not imply that the candidate is nominated or endorsed by that party, or that the party approves of or associates with that candidate.

(2) A reference to "political party affiliation," "political party," or "party" on disclosure forms adopted by the commission and in Title 390 WAC refers to the candidate's self-identified party preference.

### **Bona Fide Political Party Draft Rules**

**New WAC 390-05-196 Bona fide political party—Application of term.** An organization that filed a valid certificate of nomination with the secretary of state or a county elections official under chapter 29A.20 RCW in any year from 2002 through 2007 is deemed to have satisfied the definition of bona fide political party in RCW 42.17.020.

**Amend WAC 390-05-275 Definition – Party organization.** "Party organization," as that term is used in chapter 42.17 RCW and Title 390 WAC, means a bona fide political party as defined in RCW 42.17.020 and applied in WAC 390-05-196.

June 16, 2008

**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.)



**2008 - DECLARED CANDIDATES**

State Executive	39
State Legislative	
Senate	55
State Rep	218
Judicial	
Supreme Court	6
Appeals Court	9
Superior Court	224
District Court	1
Local Offices	272
<b>TOTAL</b>	<b>824</b>

**OFFICE BREAKDOWN**

Non-Partisan Offices	323
Partisan Offices	501

**PARTY BREAKDOWN**

Major Party Candidates:	
Democratic Party	207
Republican Party	244
Minor Party Candidates:	
Constitution Party	3
Green Party	3
Libertarian Party	1
Progressive Party	1
Independent Candidates	13
No Party Preference	20
Other Party Preference	9
	<b>501</b>

**OTHER PARTY PREFERENCES SELECTED ON DECLARATIONS**

Reform Party	1	1 - Governor Candidate
True Democratic Party	1	1 - Senate Candidate
Party of Commons	1	1 - Secretary of State Candidate
America's Third Party	1	1 - Senate Candidate
Cut Taxes G.O.P.	2	2 - St Rep Candidates
Executive Excellence Party	1	1 - Pierce Co Exec Candidate
SalmonYoga Party	1	1 - Senate Candidate
Progressive Dem Party	1	1 - St Rep Candidate
	<b>9</b>	

**MINOR PARTY CANDIDATES**

<b>Constitution Party</b>		
Glenn Freeman	Mini	St Auditor
Marilyn Montgomery	No C1	Secretary of State
Arlene Oeck	No C1	Lt Governor
<b>Green Party</b>		
E Duff Badgley	Mini	Governor
Howard Pellett	Mini	State Representative
Christopher Winter	No C1	State Representative
<b>Libertarian Party</b>		
Ruth Bennett	No C1	State Representative
<b>Progressive Party</b>		
Laurence Pratt	Mini	State Representative

**OTHER PARTY CANDIDATES**

<b>Reform Party</b>		
William Baker	No C1	Governor
<b>True Democratic Party</b>		
Hue Beattie	Full	State Senate
<b>Party of Commons</b>		
Clifford Greene	Mini	Secretary of State
<b>America's Third Party</b>		
Sarah Hart	Full	State Senate
<b>Cut Taxes G.O.P.</b>		
Keith Ljunghammer	No C1	State Representative
David Morris	No C1	State Representative
<b>Executive Excellence Party</b>		
Michael Lonergan	Full	Pierce County Executive
<b>SalmonYoga Party</b>		
Timothy Stoddard	No C1	State Senate
<b>Progressive Dem Party</b>		
Brendan Williams	Full	State Representative

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JUN 13 2008

Public Disclosure  
Commission

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## Washington State Senate

**Senator Darlene Fairley**

32nd Legislative District

**Olympia Address:**

PO Box 40432

Olympia, WA 98504-0432

E-mail: fairley.darlene@leg.wa.gov

June 12, 2008

Bill Brumsickle  
Chair, Public Disclosure Commission  
711 Capitol Way South, Suite 210  
P.O. Box 40908  
Olympia WA 98504-0908

Dear Mr. Brumsickle:

As chair of the Government Operations and Elections Committee of the Washington State Senate, I am writing to state my position on two issues pending before you. Those issues are the proposals to suspend enforcement of the statutory requirement that candidate advertising contain the candidate's expressed party preference and the statutory prohibition against falsely claiming an endorsement or being an incumbent.

I strongly urge the Commission to reject both proposals.

Party preference disclosure. For over twenty years, candidates have been required to state their party affiliation on almost all advertising. With the adoption of the Top Two Primary system in Initiative 872, a candidate stating a party preference is still required by statute to place that preference on advertising, as are any interest groups. Please note that RCW 42.17.510 explicitly references the candidate's expressed preference:

*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.*

The "party or independent preference" language was added to the statute in 2005, after passage of Initiative 872 but before it was declared unconstitutional. Contained in ESSB 5034, the language was adopted with the Legislature's complete understanding that it would apply to whatever "party preference" a candidate expressed.

It is important to note that the language giving the Commission such concern was not drafted by the Legislature: the bill, sponsored by Senator Kastama, was agency request legislation. The original bill contained the same language. The agency requesting the bill was the Public Disclosure Commission.

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PDC  
Page 2  
June 12, 2008

I also understand that your concern is based upon a series of assumptions: that candidates will prefer non-traditional, even frivolous, parties; that those candidates will spend to advertise without disclosing their preferences; and their opponents will file complaints before the Commission. Although I can concede for purposes of discussion that you may be right about the first assumption, I seriously doubt whether such candidates, particularly serious candidates, would advertise without loudly trumpeting the one thing that might make them stand out from their opponents: the unique party preference that the Top Two system allows. Frankly, I would be stunned if a candidate preferring "A Good Budweiser" party, mentioned in your materials and May meeting, would spend even a single dollar advertising that preference.

I also was pleased to note, based on the Secretary of State's web site, that virtually all of the "party preferences" made reference to actual political parties, both major parties and minor ones. I would expect that candidates who claimed a preference for a familiar party together with a description, such as the "Cut Taxes G.O.P. Party", have done so with the desire to distinguish themselves from other candidates, even those of the same general party. It should prove to be no hardship to list that preference on advertising; in fact, it would be consistent with the candidate's message to list it.

False statements by candidates. As your staff has described, the statute prohibiting false statements by candidates has been partially invalidated by the Supreme Court in the *Rickert* case. However, two of the remaining prohibitions – falsely claiming an endorsement and falsely claiming to be an incumbent – are not affected.

I certainly appreciate the uncertainty facing the Commission, especially as the Legislature was unable to fully address changes to the statute in the 2008 session. I do not expect the Commission to take action involving false statements made by a candidate that fall within the purview of the Court's decision. However, as the remaining sections of the statute are not directly impacted by the court decision, I do not believe the Commission should undertake the unusual step of deciding not to enforce it.

I understand that there are circumstances in which the Legislature has authorized the PDC to choose to not enforce a statutory requirement. For example, RCW 42.17.370 (8) allows the PDC to relieve certain candidates of their obligations to comply with the laws regarding election campaigns; subsection (10) authorizes the PDC to suspend reporting requirements, but only in a particular case following a hearing in which it was determined that a "manifestly unreasonable hardship" would result. Neither of these limited circumstances applies to the decisions before the commission now.

I am not aware of any provisions of Chapter 42.17 RCW that authorize the PDC to simply ignore statutes it is otherwise charged with enforcing. I reviewed with interest the following statement: "The commission shall...investigate and report apparent violations of this chapter [and] enforce this chapter according to the powers granted it by

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PDC  
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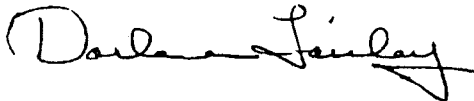
law." This language, taken from RCW 41.17.360, remains unchanged since 1972, when it was first adopted by the voters.

The action you are contemplating constitutes a significant step in the wrong direction.

It is my opinion that the Legislature can not ignore an agency's unilateral decision to refuse to enforce a statutory requirement. It will be my recommendation to the Legislature that we do not ignore it.

Please distribute this letter to the staff and members of the Public Disclosure Commission.

Sincerely,



Darlene Fairley  
Senator, 32<sup>nd</sup> District  
Chair, Government Operations and Elections

DF:ab

Richard L. Pope, Jr.  
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May 27, 2008

**FAX TO 360-753-1112, E-MAIL, AND MAIL**

**TOTAL FAX PAGES: 4**

Vicki Rippie  
Executive Director  
Public Disclosure Commission  
711 Capitol Way, Room 206  
Post Office Box 40908  
Olympia, Washington 98504-0908

Re: PDC Proposal to Suspend Enforcement of RCW 42.17.510(1)

Dear Ms. Rippie:

It would be a major mistake for the Public Disclosure Commission to suspend the enforcement of the political party identification rules in political advertising that are set forth in RCW 42.17.510(1) and WAC 390-18-020. These requirements to identify party preference in advertising were not superseded in any way by Initiative 872. In fact, the 2005 Legislature specifically amended RCW 42.17.510(1) during the 2005 Regular Session (before the now-overturned federal district court ruling striking down I-872) for the purpose of making RCW 42.17.510(1) conform to the newly adopted I-872 provisions regarding party preference.

Here is the relevant portion of Laws 2005, Chapter 445, Section 9 relating to this:

**Sec. 9.** RCW 42.17.510 and 1995 c 397 s 19 are each amended to read as follows:

(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. ~~((The party with which a candidate files))~~ 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 ((for partisan office)).

Prior amendment in 2005, the relevant part of RCW 42.17.510(1) read: **The party with which a candidate files shall be clearly identified in political advertising for partisan office.**

After amendment in 2005, the relevant part of RCW 42.17.510(1) now reads: **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.**

So the 2005 Legislature clearly required that political party preference be identified in advertising, and took into account the changes that were made by the recently adopted I-872.

Executive Director Vicki Rippie -- Page 2  
May 27, 2008

Your analysis of the legislative history of RCW 42.17.510(1) in your May 14, 2008 memo to the members of the Public Disclosure Commission is deeply flawed, since you totally failed to take the 2005 amendments into account, which were made after the adoption of I-872 and for the purpose of implementing the political party preference provisions of that initiative.

So I would urge the Public Disclosure Commission to keep the provisions of WAC 390-18-020 in effect, and for the PDC and its staff to actually enforce RCW 42.17.510(1).

I would note that the PDC has had a history of not actually enforcing RCW 42.17.510(1) when complaints were filed, even under the prior party primary and nomination system.

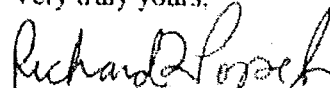
For example, when I was running for King County Council last year, the King County Republican Central Committee spent a little over \$27,000.00 in political advertising as an in-kind contribution to my opponent, Jane Hague. This political advertising (most of which was mail pieces attacking my own candidacy) failed to include my political party designation.

I filed complaints with the PDC and Attorney General on October 4, 2007 and October 5, 2007. Some months later, the PDC basically dismissed my complaint, with only a warning letter to the KCRCC that they had violated the law and that they needed to include party designation in future political advertising. All of this was in spite of the fact that the KCRCC had agreed to a settlement with the PDC for prior violations back in May 2007, in which they were fined a total of \$40,000.00, with \$17,500.00 of this fine suspended on condition that the KCRCC not violate any PDC laws for four years through December 31, 2010. So not only was no enforcement action taken with respect to the KCRCC illegally spending \$27,000.00 on non-party identified advertising, no action was taken with respect to the previously suspended fine either.

Needless to say, I am concerned that the real reason you are proposing to have the PDC suspend enforcement of RCW 42.17.510(1) is because you and your staff don't personally feel that the party identification requirement of the law is a very important enforcement priority.

Thank you for your careful attention in this matter.

Very truly yours,

  
Richard L. Pope, Jr.

Attachment (Excerpt from Laws 2005, Chapter 445, Section 9)

CERTIFICATION OF ENROLLMENT  
ENGROSSED SUBSTITUTE SENATE BILL 5034

Chapter 445, Laws of 2005

59th Legislature  
2005 Regular Session

CAMPAIGN FUNDING

EFFECTIVE DATE: 1/1/06 - Except sections 6 and 12, which become effective 7/1/05.

Passed by the Senate April 20, 2005  
YEAS 26 NAYS 20

BRAD OWEN

President of the Senate

Passed by the House April 13, 2005  
YEAS 56 NAYS 40

FRANK CHOPP

Speaker of the House of Representatives

Approved May 13, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE SENATE BILL 5034 as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 13, 2005 - 2:42 p.m.

Secretary of State  
State of Washington



1        **Sec. 9.** RCW 42.17.510 and 1995 c 397 s 19 are each amended to read  
2 as follows:

3        (1) All written political advertising, whether relating to  
4 candidates or ballot propositions, shall include the sponsor's name and  
5 address. All radio and television political advertising, whether  
6 relating to candidates or ballot propositions, shall include the  
7 sponsor's name. The use of an assumed name for the sponsor of  
8 electioneering communications, independent expenditures, or political  
9 advertising shall be unlawful. ~~((The party with which a candidate~~  
10 ~~files))~~ For partisan office, if a candidate has expressed a party or  
11 independent preference on the declaration of candidacy, that party or  
12 independent designation shall be clearly identified in electioneering  
13 communications, independent expenditures, or political advertising  
14 ~~((for partisan office))~~.

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

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

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

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



Wednesday, Jul. 30, 2008

## New primary election rules make voting better

Washington voters who aren't lazy or forgetful will make history in the next few weeks.

By making the effort to vote in the Aug. 19 election, they will be the first to test the state's new "top two" primary system.

The change should come as a relief to the many independent voters who cringed every time they were forced to use the "pick-a-party" format.

Franklin County officials mailed primary ballots Tuesday, while Benton County ballots are scheduled to go in the mail today.

That means primary voters will soon have the chance to vote for whomever they want, regardless of party affiliation, for the first time in years.

It may remind people of the days when Washington had a blanket primary, but there is a key difference.

Unlike the previous system, there's no guarantee the top Republican and top Democrat will advance to the general election.

For the first time, the top two vote getters in each race will go on, no matter their party. It's conceivable two Republicans or two Democrats could end up facing each other Nov. 4.

How this new process shakes out remains uncertain, but it is bound to make voters feel they have more of a choice than they had the last several years.

Washington's blanket primary system was established in 1935 and continued for 65 years, until the courts ruled the system violated the political parties' constitutional right to pick their own nominees.

So, from 2001 until last year, Washington voters had to pick a party before voting in the primary. Most voters resented it.

In 2004, Initiative 872 proposed the top two primary as the closest thing to the old blanket primary system. Voters approved it by an overwhelming margin.

The parties sued, and in 2005 the U.S. District Court ruled I-872 unconstitutional. However, the U.S. Supreme Court overturned the lower court's ruling earlier this year.

As a result, Washington is finally using the top two primary system voters approved four years ago.

The ballots will look a little different, according to the voters' pamphlet.

For instance, candidates have listed the party they prefer, but that doesn't necessarily mean they're endorsed by or affiliated with that party.

Some candidates prefer major parties, some minor parties and some will list no party preference.

Also, in statewide nonpartisan races and in judicial races, winners can be declared in the primary election if they receive more than 50 percent of the vote.

Mid-Columbia voters are faced with some crowded races. In the 8th Legislative District, for example, six candidates are vying for the House seat vacated by Shirley Hankins.

It is important to let your feelings be known now if you want your candidate to have a shot at advancing to the general election.

So enjoy voting this year. It's been too long since Washington residents have had the freedom to select any candidate they want.

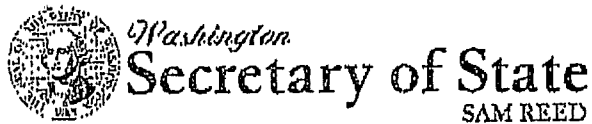
All ballots must be postmarked or deposited in a designated voting location before 8 p.m. Aug. 19.

One final warning: Don't vote too early. You never know what issue might arise between now and Election Day.

But don't let your ballot get lost in the meantime. More than one voter has been disenfranchised by a ballot left buried and forgotten under a pile of papers on the kitchen counter.

This new primary system is the best we've seen in a long while. Don't miss your opportunity to vote and make history.





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## Top Two Primary Frequently Asked Questions

### **What does this mean for voters?**

In August 2008, the State will conduct a Top Two Primary. Voters will not have to pick a party and will be able to choose among all candidates for each office. In each race, the two candidates with the most votes will advance to the General Election.

### **What is a Top Two Primary?**

A Top Two Primary allows voters to choose among all candidates running for each office. Voters do not have to declare a party affiliation in order to vote in the primary.

Candidates for partisan office may state a preference for a political party, which is listed on the ballot. Candidates do not have to be supported, nominated or endorsed by that party. The two candidates who receive the most votes in the Primary Election qualify for the General Election. Candidates must also receive at least 1% of the votes cast in that race in order to advance to the General Election.

### **What does the candidate's "party preference" mean in a Top Two Primary?**

Candidates filing for office will be permitted to express a preference for a political party, if any, and this preference will appear on the ballot. This does not mean that the party has nominated or endorsed that candidate, or that the candidate represents the party. It is simply a statement by the candidate of his or her personal preference.

### **How did the Top Two Primary become law?**

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

### **What happened after I-872 passed?**

In May 2005, the state Democratic, Republican and Libertarian parties sued in federal court to prevent its implementation. The political parties argued that the Top Two 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 I-872. The Supreme Court reasoned that, since this form of primary has never been used, the political parties' challenge was based on

assumptions. The Court decided that it would not nullify the vote of the people based on speculation. Click [here](#) to read the Supreme Court's opinion.

**Could a race in the General Election include two candidates who prefer the same party?**

Yes. The candidates in each race who advance to the General Election will be the two who receive the most votes in the Primary. It is possible that both candidates who advance to the General Election prefer the same party.

**Can a voter still write-in a candidate?**

Yes. Each race on the ballot will still have a write-in line and you can write in the name of a candidate.

**In a race for County Commissioner, who is allowed to vote in the Primary Election and the General Election?**

The law that authorizes voters to vote in a Primary Election and a General Election in a County Commissioner race has not changed. Voters within each county commissioner district may only vote in the Primary Election for the commissioner candidates running to represent that district. All voters in the county may vote for all commissioner candidates in the General Election. The relevant statutes are RCW 36.32.040 and RCW 36.32.050.

**What offices are affected?**

The Top Two Primary applies to elections for partisan office. This includes the U.S. Senate and House of Representatives, the State Legislature, partisan statewide offices such as Governor, and partisan county offices such as County Commissioner or County Treasurer.

The Top Two Primary does not apply to elections for President and Vice President, or nonpartisan office such as judicial office, municipal office, or a junior taxing district such as fire district or school board.

The Top Two Primary does not apply to an election for county office if the county has a charter and the charter specifies a different election system for county offices. This is the case for county offices in Pierce County.

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

No. The Top Two Primary is for local, state and Congressional races. The Presidential Primary is a separate system that only applies to nominating candidates for President, and how the major parties allocate their delegates to the national conventions. The relevant statutes are RCW 29A.56.010 through RCW 29A.56.060.

**Questions from Candidates:**

**What does this mean for candidates?**

Candidates must still file a declaration of candidacy with the County Auditor or the Secretary of State, depending on the office. Candidates will be allowed to state on the declaration of candidacy which political party they prefer, and that information will be listed on the ballot.

This is strictly an expression of that candidate's preference. It does not denote or imply that the party prefers, endorses, or has nominated that candidate. For purposes of conducting elections, people running for office are not members of a particular party or candidates of a particular party. Rather, they are candidates running for office, and are provided the opportunity to express a preference for a political party.

**When is the filing period?**

The regular filing period is the first week of June. This year, that is June 2-6, 2008. Candidates may file in person, by mail or, if filing with the Secretary of State's Office, online. Declarations of Candidacy filed by mail may be received beginning May 16, 2008.

**Are minor party candidates still required to conduct conventions and collect signatures in order to run for office?**

No. All candidates use the same procedures to file for office and appear on the Primary Election ballot. The Top Two Primary evens the playing field for candidates. Candidates may list any party as the party that they prefer.

Minor party and independent candidates for President and Vice President are an exception. They must still collect signatures and obtain the consent of the candidates.

**Can the political parties prevent a candidate from expressing a preference for their party?**

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

**Can the political parties still nominate candidates?**

Yes. State law no longer dictates how political parties conduct their nominations. Now, the state and local parties decide how to conduct their nominations. The rules for party-run nominations vary party to party, and even between the state and local parties. Political parties can nominate multiple candidates for the same race. The Court stated:

Whether parties nominate their own candidates outside the state-run primary is simply irrelevant. In fact, parties may now nominate candidates by whatever mechanism they choose because I-872 repealed Washington's prior regulations governing party nominations.

**Can the political parties demand that their nominees be distinguished on the ballot?**

No. The Attorney General's Office advises that I-872 does not allow or authorize any special designation on the ballot for candidates who have been nominated by a political party. All candidates are treated the same.

The Supreme Court ruled the political parties do not have a constitutional right to have their nominees distinguished on the ballot. The Supreme Court said:

It is true that parties may no longer indicate their nominees on the ballot, but that is unexceptionable. The First Amendment does not

give political parties a right to have their nominees designated as such on the ballot. . . . Parties do not gain such a right simply because the State affords candidates the opportunity to indicate their party preference on the ballot. "Ballots serve primarily to elect candidates, not as forums for political expression."

**Can candidates advertise themselves as nominees of a political party?**

Yes. Candidates can promote themselves in voters' pamphlets, advertisements, and other forums as the nominees of a political party.

**After candidate filing week, can a major party fill vacancies on the major party ticket?**

No. This process was specifically repealed in I-872 because there is no major party ticket in a Top Two Primary. All candidates are treated the same.

A race will only be reopened for a special filing period if there is a void in candidacy, meaning no candidates filed during the regular filing period.

**If only one or two candidates file, will that race skip the Primary and only appear on the General Election ballot?**

No. Even if only one or two candidates file for a partisan office, that race will still appear in the Primary Election. It is only in nonpartisan elections that the race skips the Primary when just one or two candidates file. The relevant statute is RCW 29A.52.220.

**If a candidate for partisan office who was one of the top two vote-getters in the Primary dies or is disqualified before the General Election, will the party be allowed to name a replacement?**

No. In a Top Two Primary, a candidate's party preference is purely for informational purposes and does not play any role in the administration of the election. Because the candidates are not representatives or nominees of a political party, a party is not allowed to name a replacement candidate. The laws that previously allowed the political parties to replace deceased or disqualified candidates were repealed in I-872.

How a deceased or disqualified candidate for partisan office is now handled the same as for nonpartisan office. Whether the third place candidate is placed on the General Election ballot depends on timing. The applicable statute is RCW 29A.36.180.





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Article published Jul 31, 2008

## Statewide races off voters' radar for now Wenatchee native Alan Martin running for state Treasurer

By Rachel La Corte  
Associated Press writer

OLYMPIA — In the handful of statewide races voters will be weighing in on next month's primary, there's only one open seat where there's even a small bit of mystery. And that race, to succeed Treasurer Mike Murphy, isn't generating all that much buzz, even though it's the only race that has potential to be impacted by the state's new "top two" primary style.

"Those down-ballot races struggle to get the voters' attention," said independent pollster Stuart Elway. "It's far down the radar screen."

In the Aug. 19 primary, voters will also pick finalists for governor, Congress, the judiciary and Legislature. Ballots will be sent to voters this week. All but two counties — King and Pierce — have automatic mail-in voting, and nearly all voters in those two counties vote by mail as well. It will be the first time since 2003 that they will be able to skip back and forth along party lines as they pick a favorite candidate for each office. The top two finishers will advance to the general election on Nov. 4, regardless of party. For partisan races such as the treasurer's race, that means that there's a possibility two Democrats could move forward to the general election in November.

Murphy is stepping down after three terms and crossing party lines to endorse Republican Alan Martin, who is assistant treasurer. Martin is a Wenatchee native.

The two Democrats vying to get through the primary are state Rep. Jim McIntire, chairman of the state forecast panel and former House Finance Committee chairman, and Chang Mook Sohn, who was the state's chief economist for more than two decades.

Elway said that most voters probably think the office is nonpartisan, or believe it should be. Mix that in with a lack of attention to the race, and voters may skip voting in it altogether.

"The fact that it's a top two open seat doesn't raise the excitement or attention level too significantly," he said.

But Murphy said that he hopes that changes as voters get their ballots and voter's pamphlets.

"It's possible to overlook it, but the reality is the treasurer's position is extraordinarily important for the ongoing operation of the government," Murphy said. "We pay the bills of the state of Washington every single day."

Other races voters will be weighing in on include lieutenant governor, where incumbent Democrat Brad Owen faces four challengers, and secretary of state, where Republican Sam Reed has three challengers. State auditor Brian Sonntag has two challengers and Insurance Commissioner Mike Kreidler has two. Terry Bergeson, running for her fourth term as superintendent of public instruction, faces off against five challengers.

Republican Attorney General Rob McKenna faces Democratic challenger John Ladenburg, the current Pierce County Executive, and Republican Commissioner of Public Lands Doug Sutherland faces Democrat Peter Goldmark, but all four will advance under the top two format.

For nearly 70 years, Washington state used a "blanket" primary system, where voters picked their favorites for each office — a Democrat for governor, a Republican for secretary of state, and so on. The top Democratic, Republican and third-party vote-getters for each office advanced to the general election.

That system was struck down by the 9th U.S. Circuit Court of Appeals in 2003, three years after the U.S. Supreme Court invalidated a similar system in California, finding that infringed on the rights of parties to pick their nominees.

The top two primary, which passed in 2004 with 60 percent of the vote, is more of a winnowing process, and raises the possibility that two candidates of the same party could advance. That model was then put on hold by another court challenge until the high court's ruling this year.

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## ▼ OPINION

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### In our view: It's 'top two' time

Thursday, July 31, 2008

Vote for just one.

That is, one candidate for each office — one for governor, one for state treasurer, one for county commissioner, one for each legislative office and so on.

If that sounds as if we're talking down to voters, we're not. It's an attempt to head off confusion in the Aug. 19 top two primary that is the first of its kind in Washington.

In this much-awaited, much-litigated primary, which the U.S. Supreme Court has upheld and the state political parties despise, we vote for one candidate per office, just as in other elections. The top two finishers for each office will advance to the Nov. 4 general election. That'll be the case even if they are of the same party, leaving the other major party shut out of the general election in that race.

And if one or both of the top two happen to be an Independent or a Libertarian or a Green or of no party preference, they would advance to the November ballot, leaving both major parties on the outside looking in for that particular office. That actually could happen here. Four Republicans, one Democrat, one Independent and one listed with "no party preference" are vying for the seat on the board of county commissioners that Democrat Betty Sue Morris no longer desires after 12 years.

The political parties don't like the top two primary, but we bet voters will. Here's why:

- Voters may choose their one preference for each office from among all candidates for the job, not just from among those who align with one party or the other.
- The two candidates most popular with voters stay alive for the general election. In other kinds of primaries, one Democrat and one Republican typically advance to the general election even if, for example, the second-most popular Republican had more votes than the most-popular Democrat.
- No public records will be created that will indicate voters' party preferences.

Here are a few more things to keep in mind in connection with our first top two primary:

**It's in the mail:** Some 202,000 ballots could begin arriving at registered voters' homes today and should all be delivered by early next week. Call 360-397-2345 if it doesn't arrive.

**There's no rush:** Filled-out ballots may be mailed back any time, so long as they are postmarked by Aug. 19. They also may be dropped off before that in the big red drop box at the intersection of West 14th and Esther streets in Vancouver or during business hours at the elections office one block west of there on Franklin Street.

Another option is to wait until primary day, Aug. 19, and deposit ballots in any of numerous boxes around the county that day. Those locations are listed on materials that come with the primary ballots and at [www.clarkvotes.org](http://www.clarkvotes.org).

**It's not your district:** You've heard about a hot race for a particular seat on the Board of Clark County Commissioners, but you can't find it on your ballot. That's probably because you don't live in that specific part of the county. But in the November election, all county voters will be eligible to vote in both county commissioner races — north and east — at stake this year.

**Columbian endorsements:** A summary of Columbian editorial board endorsements in races with more than two contenders will run in this space on Sunday. The unabridged versions are accessible at [www.columbian.com](http://www.columbian.com). Click on "Opinions" tab and then "Editorials."

**More Information:** For online versions of the local and state voters pamphlets, see [www.clarkvotes.org](http://www.clarkvotes.org).

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**WSR 08-14-109****EMERGENCY RULES****PUBLIC DISCLOSURE COMMISSION**

[ Filed June 30, 2008, 11:22 a.m. , effective June 30, 2008, 11:22 a.m. ]

Effective Date of Rule: Immediately.

Purpose: Adoption of new WAC 390-05-274 to clarify the term "party affiliation" and reference to "party," "political party" and similar terms in TITLE 390 WAC.

Statutory Authority for Adoption: RCW 42.17.370.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Recently, the United States Supreme Court upheld Washington's top two primary system which was enacted into law by the voters in 2004 through the passage of I-872. Under the new primary system a candidate's party designation on the declaration of candidacy form indicates the candidate's party preference only, and does not indicate formal affiliation between the candidate and the party specified, or reflect an endorsement or support from that party. To preserve the general welfare and given the timing restriction for rule making in RCW 42.17.370(1), the new rule is needed immediately for the 2008 election cycle to clarify the term "party affiliation" found in two sections of chapter 42.17 RCW and TITLE 390 WAC.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's Own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: June 26, 2008.

Vicki Rippie

Executive Director

**OTS-1714.1**

NEW SECTION

**WAC 390-05-274 Party affiliation -- Party preference.** (1) "Party affiliation" as that term is used in chapter 42.17 RCW and TITLE 390 WAC means the candidate's party preference as expressed on his or her declaration of candidacy. A candidate's preference does not imply that the candidate is nominated or endorsed by that party, or that the party approves of or associates with that candidate.

(2) A reference to "political party affiliation," "political party," or "party" on disclosure forms adopted by the commission and in TITLE 390 WAC refers to the candidate's self-identified party preference.

□

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**John White****From:** Even, Jeff (ATG) [JeffE@ATG.WA.GOV]**Sent:** Tuesday, June 03, 2008 11:34 AM

**To:** Hamlin, Shane; ADAMS - Nancy McBroom ; ASOTIN - Elaine Johnston; BENTON - Bobbie Gagner; CHELAN - Evelyn Arnold ; CLALLAM - Patty Rosand; CLARK - Greg Kimsey; COLUMBIA - Sharon Richter ; COWLITZ - Kristina Swanson ; Duvall, Thad; FERRY - Dianna Galvan; FRANKLIN - Zona Lenhart ; GARFIELD - Donna Deal ; GRANT - Bill Varney; GRAYS HARBOR - Vern Spatz ; ISLAND - Sheilah Crider; JEFFERSON - Donna Eldridge; KING - Sherril Huff; KITSAP - Walter E. Washington; KITTITAS - Jerry Pettit; Sorensen, Brenda; LEWIS - Gary Zandell ; LINCOLN - Shelly Johnston; MASON - Karen Herr; OKANOGAN - Laurie Thomas; Pat Gardner; PEND OREILLE - Marianne Nichols; PIERCE - Pat McCarthy ; SAN JUAN - Milene Henley; SKAGIT - Jeanne Youngquist; SKAMANIA - J. Michael Garvison ; SNOHOMISH - Carolyn Diepenbrock; SPOKANE - Vicky Dalton ; STEVENS - Tim Gray ; THURSTON - Kim Wyman ; WAHIAKUM - Diane Tischer; WALLA WALLA - Karen Martin ; WHATCOM - Shirley Forslof; WHITMAN - Eunice Coker ; YAKIMA - Corky Mattingly; ADAMS - Heidi Hunt; BENTON - Brenda Chilton; BENTON - Stuart Holmes; BENTON - Susie Christopher; CHELAN - Nissa Burger; CHELAN - Skip Moore; CHELAN - Stephania Wilder; CLALLAM - Julie Ridgway; CLALLAM - Shannon Cosgrove; CLALLAM - Shoona Radon; CLARK - Tim Likness; CLARK - Tom Godkin; COLUMBIA - Naedene Shearer; COWLITZ - Ameer Paxton; COWLITZ - Carolyn Myers; COWLITZ - Tom Gunn; DOUGLAS - Marty Whitehall; DOUGLAS - Pat Pennington; DOUGLAS - Priscilla Navares; FERRY - Liz Stinson; FRANKLIN - Diana Killian; GARFIELD - Peggy Laughery; GRANT - Faith Anderson; GRANT - Sally Andrews; GRAYS HARBOR - Helen Bensigner; GRAYS HARBOR - Julie Murphy; ISLAND - Anne LaCour; ISLAND - LoAnn Gulick; ISLAND - Michele Reagan; JEFFERSON - Betty Johnson; JEFFERSON - Karen Cartmel; KING - Bill Huennekens; KING - Bobbie Egan; KING - Christine Rudolph; KING - Harry Sanders; KING - Jacqueline Timmons; KING - Janice Case; KING - Laird Hall; KING - Rene LeBeau; KING - Sandy McConnell; KITSAP - Dolores Gilmore; KITTITAS - Sue Higginbotham; KLIKITAT - Brandie Sullivan; KLIKITAT - Connie Kayser; KLIKITAT - Pam Pimley; LEWIS - Beth Rosbach; LEWIS - Heather Borts; LEWIS - Mariann Zumbuhl; LINCOLN - Dale Vaughan; LINCOLN - Tina Brown; MASON - Amber Cervantes; OKANOGAN - Joesph MacLean; OKANOGAN - Mila Jury; Chris Stephens; PEND OREILLE - Liz Krezinsky; PEND OREILLE - Tina Olson; PIERCE - Lori Augino; PIERCE - Mike Rooney; SAN JUAN - Carlys Allen; SAN JUAN - Doris Schaller; SKAGIT - Casey Earles; SKAGIT - David Cunningham; SKAGIT - Linda Herod; SKAGIT - Margaret Enders; SKAGIT - Peter Lichtenheld; SKAMANIA - David O'Brien; SKAMANIA - Heidi Penner; SNOHOMISH - Carolyn Ableman; SNOHOMISH - Cindy Gobel; SNOHOMISH - Garth Fell; SNOHOMISH - Joe Smith; SNOHOMISH - Michelle Smith; SNOHOMISH - Wendy Mauch; SPOKANE - Kit Anderson; SPOKANE - Kris Forgey-Haynie; SPOKANE - Mike McLaughlin; SPOKANE - Paul Brandt; STEVENS - Beverly Lamm; THURSTON - Carrie Wack; THURSTON - Lynnette Thornton; THURSTON - Steve Homan; THURSTON - Tillie Naputi-Pullar; THURSTON (VR) - Keith Mullen; WAHIAKUM - Karen Fleming; WALLA WALLA - Debbie Benavides; WALLA WALLA - Katrina Manning; WALLA WALLA - Pam Hamilton; WHATCOM - Carolyn Duim; WHATCOM - Debbie Adelstein; WHATCOM - Ethel Heyrend; WHATCOM - Pete Griffin; WHATCOM - Travis Butcher; WHITMAN - Debbie Hooper; YAKIMA - Diana Soules; YAKIMA - Kathy Fisher

**Cc:** Ammons, Dave; Siderius, Christina**Subject:** RE: referencing the new primary

Shane, thank you. I will try to adhere to this myself.

I would add one other suggestions: At every opportunity—within reason—try to work into public communications the point that under the Top 2 Primary, each candidate for partisan office may state a political party that he or she prefers, but that this preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate. In other words, quote or paraphrase the notice that will appear on the ballot. If we say it so often that it becomes a joke, that's a good thing (it means people noticed). I would like, ultimately, to be able to submit a declaration to court showing that not only did we comply with the Supreme Court's analysis about voter confusion, but show that point turned up in public media. Obviously you won't want to sound like you're spouting legalese, but our audience is ultimately judicial on this point.

**From:** Hamlin, Shane**Sent:** Tuesday, June 03, 2008 11:29 AM

**To:** ADAMS - Nancy McBroom ; ASOTIN - Elaine Johnston; BENTON - Bobbie Gagner; CHELAN - Evelyn Arnold ; CLALLAM - Patty Rosand; CLARK - Greg Kimsey; COLUMBIA - Sharon Richter ; COWLITZ - Kristina Swanson ; Duvall, Thad; FERRY - Dianna

8/24/2009

Galvan; FRANKLIN - Zona Lenhart ; GARFIELD - Donna Deal ; GRANT - Bill Varney; GRAYS HARBOR - Vern Spatz ; ISLAND - Sheilah Crider; JEFFERSON - Donna Eldridge; KING - Sherril Huff; KITSAP - Walter E. Washington; KITTITAS - Jerry Pettit; Sorensen, Brenda; LEWIS - Gary Zandell ; LINCOLN - Shelly Johnston; MASON - Karen Herr; OKANOGAN - Laurie Thomas; Gardner, Pat; PEND OREILLE - Marianne Nichols; PIERCE - Pat McCarthy ; SAN JUAN - Milene Henley; SKAGIT - Jeanne Youngquist; SKAMANIA - J. Michael Garvison ; SNOHOMISH - Carolyn Diepenbrock; SPOKANE - Vicky Dalton ; STEVENS - Tim Gray ; THURSTON - Kim Wyman ; WAHAKIUM - Diane Tischer; WALLA WALLA - Karen Martin ; WHATCOM - Shirley Forslof; WHITMAN - Eunice Coker ; YAKIMA - Corky Mattingly; ADAMS - Heidi Hunt; BENTON - Brenda Chilton; BENTON - Stuart Holmes; BENTON - Susie Christopher; CHELAN - Nissa Burger; CHELAN - Skip Moore; CHELAN - Stephanie Wilder; CLALLAM - Julie Ridgway; CLALLAM - Shannon Cosgrove; CLALLAM - Shoon Radon; CLARK - Tim Likness; CLARK - Tom Godkin; COLUMBIA - Naedene Shearer; COWLITZ - Amee Paxton; COWLITZ - Carolyn Myers; COWLITZ - Tom Gunn; DOUGLAS - Marty Whitehall; DOUGLAS - Pat Pennington; DOUGLAS - Priscilla Navares; FERRY - Liz Stinson; FRANKLIN - Diana Killian; GARFIELD - Peggy Laughery; GRANT - Faith Anderson; GRANT - Sally Andrews; GRAYS HARBOR - Helen Bensigner; GRAYS HARBOR - Julie Murphy; ISLAND - Anne LaCour; ISLAND - LoAnn Gulick; ISLAND - Michele Reagan; JEFFERSON - Betty Johnson; JEFFERSON - Karen Cartmel; KING - Bill Huennekens; KING - Bobbie Egan; KING - Christine Rudolph; KING - Harry Sanders; KING - Jacqueline Timmons; KING - Janice Case; KING - Laird Hall; KING - Rene LeBeau; KING - Sandy McConnell; KITSAP - Dolores Gilmore; KITTITAS - Sue Higginbotham; KLIKITAT - Brandie Sullivan; KLIKITAT - Connie Kayser; KLIKITAT - Pam Pimley; LEWIS - Beth Rosbach; LEWIS - Heather Borts; LEWIS - Mariann Zumbuhl; LINCOLN - Dale Vaughan; LINCOLN - Tina Brown; MASON - Amber Cervantes; OKANOGAN - Joesph MacLean; OKANOGAN - Mila Jury; PACIFIC - Chris Stephens; PEND OREILLE - Liz Krezinsky; PEND OREILLE - Tina Olson; PIERCE - Lori Augino; PIERCE - Mike Rooney; SAN JUAN - Carlys Allen; SAN JUAN - Doris Schaller; SKAGIT - Casey Earles; SKAGIT - David Cunningham; SKAGIT - Linda Herod; SKAGIT - Margaret Enders; SKAGIT - Peter Lichtenheld; SKAMANIA - David O'Brien; SKAMANIA - Heidi Penner; SNOHOMISH - Carolyn Ableman; SNOHOMISH - Cindy Gobel; SNOHOMISH - Garth Fell; SNOHOMISH - Joe Smith; SNOHOMISH - Michelle Smith; SNOHOMISH - Wendy Mauch; SPOKANE - Kit Anderson; SPOKANE - Kris Forgey-Haynie; SPOKANE - Mike McLaughlin; SPOKANE - Paul Brandt; STEVENS - Beverly Lamm; THURSTON - Carrie Wack; THURSTON - Lynnette Thornton; THURSTON - Steve Homan; THURSTON - Tillie Naputi-Pullar; THURSTON (VR) - Keith Mullen; WAHAKIUM - Karen Fleming; WALLA WALLA - Debbie Benavides; WALLA WALLA - Katrina Manning; WALLA WALLA - Pam Hamilton; WHATCOM - Carolyn Duim; WHATCOM - Debbie Adelstein; WHATCOM - Ethel Heyrend; WHATCOM - Pete Griffin; WHATCOM - Travis Butcher; WHITMAN - Debbie Hooper; YAKIMA - Diana Soules; YAKIMA - Kathy Fisher

**Cc:** Ammons, Dave; Elections - All; Even, Jeff (ATG); Zylstra, Brian; Siderius, Christina

**Subject:** referencing the new primary

Election Partners,

In an effort to bring uniformity to the way our office and the media references the Top 2 (Top Two) Primary, the Executive Team talked through various alternatives, reviewed how the media (including social media) refers to the system, and consulted with Sam on his preferences.

To catch a reader's attention, our media releases and voting materials (except the WACs) will be refer to it as the Top 2 Primary... all caps, with the numeral "2" (instead of spelling out the number, as per the conventional method of citing a number), and no hyphen.

As you can see from Dave Ammons email below, we are really trying to get the media to refer to the primary in a uniform manner.

I hope candidate filing week is going well for you and your staff.

Take care --

Shane

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**From:** Ammons, Dave

**Sent:** Tuesday, June 03, 2008 10:01 AM

**To:** 520 Bldg - All; Legislative Bldg - Executive

**Cc:** Legislative Bldg - Communications; Adam Wilson, The Olympian; Andrew Garber, Seattle Times; Austin Jenkins, Northwest News Network-Public Radio; Brad Shannon, The Olympian; Chris McGann, Seattle PI; Chris Mulick, Tri-City Herald; Curt Woodward, AP; David Postman, Seattle Times; Don Jenkins, The Daily News; Jerry Cornfield, The Herald; Joe Turner, News Tribune; Kathie Durbin, The Columbian; Niki Sullivan, News Tribune; Rachel La Corte, AP; Ralph Thomas, Seattle Times; Rich Roesler, Spokesman-Review; Tom Banse, Northwest News Network-Public Radio

**Subject:** our primary style

8/24/2009

Our style on references to our new state primary system has been inconsistent, and after consulting with Secretary Reed, the old English teacher, we've decided on this: Top 2 Primary.

Best,  
David

David Ammons  
Communications Director  
Office of Secretary of State  
o 360-902-4140  
c 360-280-3944  
h 360-357-8908

---

Shane Hamlin  
Assistant Director of Elections  
Elections Division  
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[www.secstate.wa.gov](http://www.secstate.wa.gov)

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8/24/2009



## THE SPOKESMAN-REVIEW August 19, 2009 in City

# Voters decisive on council race, tax

McLaughlin's win clear, but results tight on south side

Jonathan Brunt And Jim Camden / Staff writers

Tags: 2009 election Election Jon Snyder Karen Kearney Mike Allen Nancy McLaughlin primary  
Spokane City Council



**City Councilwoman Nancy McLaughlin awaits primary election returns at a party at Five Mile Round Table Pizza on Tuesday night.**

Tuesday's two Spokane City Council primary races yielded one landslide and one battle too close to call.

Councilwoman Nancy McLaughlin easily topped a list of five challengers for her seat representing northwest Spokane, winning 56 percent of the vote. Counting was not complete Tuesday night, but McLaughlin likely will face Karen Kearney, a community volunteer, in the November election.

On the city's south side, Jon Snyder, publisher of Out There Monthly, had a small lead over incumbent Mike Allen in the first tally Tuesday. The candidate who comes in first after counting is finished next week won't win much more than bragging rights. Both will move on to the primary.

"It looks like it's a bit of a horse race," Allen, a former Eastern Washington University administrator, said Tuesday night.

After counting Tuesday, Snyder led Allen by 46 votes.

"We're happy to have the most votes this evening, and we're excited about going on to the general election," Snyder said.

Allen also faced a challenge from third-place finisher Kristina Sabestinas, the deputy district director for the Spokane office of U.S. Rep. Cathy McMorris Rodgers, R-Wash., and former City Councilman Steve Eugster, who finished fourth.

Sabestinas said Tuesday night she would wait for more counting before deciding to concede. As the campaign heated up, Sabestinas gave birth to her son, Jonathan, on July 29.

"I was actually back out (campaigning) a few days after I had the baby," she said.

Snyder, who won the endorsement from the local Democratic Party, has outpaced Allen in campaign fundraising almost 3-to-1.

In the northwest district, Kearney, a former bank manager, said she won't be intimidated by McLaughlin's tally. Kearney appeared to have enough votes to beat John Waite and move on to the general election.

"I'll continue working hard to get the issues out there," she said from her campaign party at

Working Class Heroes Bar and Grill.

McLaughlin said she was humbled by the results.

"I am just so honored and overwhelmed that the voters would give me such high marks in a primary," McLaughlin said from her campaign gathering at Round Table Pizza.

McLaughlin has raised more than \$30,000 for her campaign – more than three times as much as Kearney. She has received strong financial support from business and development sources.

Kearney and McLaughlin have strong ties to the local GOP, but Kearney distanced herself from the Republican label in the primary and won strong backing from unions.

Waite, who owns Merlin's, a downtown comic book, game and science-fiction store, tried to position himself as the fiscally responsible, progressive choice for disaffected Democrats. His low-budget campaign was behind Kearney's by about 3 percentage points after Tuesday's count.

#### **House race**

The five-way race in southeastern Washington's 9th Legislative District has three candidates knotted near the top, with the top two shifting as counties reported their results.

At the close of counting Tuesday night, Republican Susan Fagan, of Pullman, a former U.S. Senate staffer and public affairs director for Schweitzer Laboratories, was in first place with just less than 29 percent of the vote.

Republican Pat Hailey, of Mesa, the widow of former Rep. Steve Hailey, was less than 600 votes behind Fagan. Democrat Glen Stockwell, of Ritzville, a one-time Republican legislative candidate and former city councilman, was just 75 votes behind her.

Palouse's Darin Watkins and Art Swannack, of Lamont, finished far back in the pack and won't make it to the general election.

Although the state House seat is partisan, the state's top two primary system sends the two candidates with the most votes in the primary on to the general election. That means both candidates on the November ballot could be Republicans.

**Get more news and information at [Spokesman.com](http://www.spokesman.com)**





Wednesday, Aug. 19, 2009  
Comments (0)

## Grant leads 16th District race

By Michelle Dupler, Herald staff writer

For the second year in a row, voters in the 16th Legislative District will choose between a Grant and Nealey for the state House of Representatives.

But this time it's Laura Grant running as a Walla Walla Democrat instead of her father, the late Rep. Bill Grant.

Preliminary results in Tuesday night's primary election showed Grant leading a four-way race to hold the seat her father won for 11 consecutive terms.

Incumbent Laura Grant, a fifth-grade teacher, had 9,223 votes, or 46 percent, across the four counties comprising the district. Her closest challenger and apparent opponent for the Nov. 3 general election is Republican Terry Nealey, a Dayton lawyer, with 7,528 votes, or 38 percent.

Republican Kevin Young, a Walla Walla businessman, had 2,000 votes, or 10 percent. Reagan Independent David Roberts, a Walla Walla corrections officer, trailed with 1,203 votes, or 6 percent.

Grant was appointed to the seat in February following her father's death in early January from cancer.

With only the top two candidates advancing to the general election, it appears Grant and Nealey will repeat 2008's contest, when Nealey earned 46 percent against popular incumbent Bill Grant's 54 percent.

The question is whether Laura Grant can woo enough of her father's supporters to hold the seat by running on his platform as a voice for rural Eastern Washington in the Legislature's majority party.

Laura Grant fared weaker in this primary than her father did in a similar four-way contest in 2008, when Bill Grant pulled in 52 percent of the vote against Nealey's 27 percent. Two additional Republican challengers -- William Jesernig and Tom Cornell -- split the remaining votes.

At a gathering of family and friends in Walla Walla on Tuesday, Laura Grant said she was pleased with her showing in the primary.

"I think it's an indication I have a really good chance of keeping the seat," she said. "I think the voters understand this campaign is about moderate, common sense solutions, and that I will try to effectively represent Eastern Washington to west-side leaders."

She said she believes the votes show there are people who want her to continue her father's legacy as a conservative Democrat in Olympia.

"I have a voting record now and I think people are counting on me to represent the district as my dad has," she said. "Now I can continue to show that to them and be an effective voice. All along I have said my dad obviously represented this district well and left a very clear path to follow."

Nealey also had gathered with supporters Tuesday night and said he thought the numbers showed he'll go into the general election with a strong possibility of knocking Grant out of office.

"She's below 50 percent in each county, even Walla Walla," he said. "I feel my position is very strong. I think I can pick up votes from Young. I'm not so sure about Roberts."

Nealey said he thinks Laura Grant's weaker performance compared to her father in last year's primary, shows voters in the 16th District are disenchanted with Democrats in the Legislature.

"I think certainly based on the people I have talked to so far they are not happy with the way the majority party has ruled and gotten us into the financial mess we're in," he said. "I look forward to speaking to those issues and look forward to the campaign trail."

w Michelle Dupler: 582-1543; mdupler@tricity herald.com



From the YakimaHerald.com Online News.

## Ailing coroner candidate will campaign for office

By DAVID LESTER  
Yakima Herald-Republic

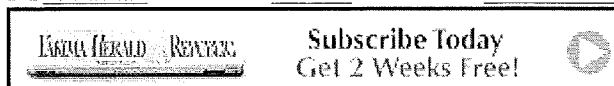
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Melinda Shoop

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YAKIMA, Wash. -- Look for Melinda Shoop on the campaign trail for Yakima County coroner.

Although hospitalized the last month for what her husband, David, called major surgery, the trained nurse and yarn shop owner will run a campaign leading up to the November election.

"It will take some time get her strength back, but she is fully intending to campaign in the fall season," her husband said Wednesday.

He declined to talk about the details of her illness but said it's likely Shoop will be in the hospital at least a few more days.

David Shoop said his wife, 59, was thrilled when she saw that she emerged from the primary election with the second most votes.

As of Wednesday afternoon, Shoop received 6,148 votes as the lone Democratic candidate running against incumbent Jack Hawkins and Alberta Redwing, both of whom are Republicans.

Under the state's Top Two primary system, Hawkins and Shoop will meet in the Nov. 3 general election.

Hawkins, a 60-year-old former sheriff's deputy and Yakima police officer, received the most votes with 17,142. As of Wednesday afternoon, he had 62.6 percent of the county vote to 22.5 percent for Shoop.

Redwing, 46, who used to work in the Benton County Coroner's office, came in third with 3,986 votes, or 14.6 percent.

Shoop trained as a registered nurse and spent 26 years in the field in emergency room, critical care, surgery and corrections settings.

The next issue is how much of a campaign to run. Unlike her two primary opponents, she had no yard signs and had not actively campaigned before Tuesday's election.

Shoop filed her candidate registration intending to use the mini reporting provision, which limits her fundraising to \$5,000 total. It also caps contributions to no more than \$500 from any one source.

Shoop, who could not be reached for comment, could change her declaration by filing an amended registration form and beginning to report contributions and expenditures, said David Ammons, spokesman for the Washington Secretary of State.

Mary Stephenson, chairwoman of the Yakima County Democratic Party, said Wednesday she hasn't had a chance to talk to the coroner candidate about her campaign.

Shoop has so far not requested financial support from the party. That could change.

"I need to find out the status of her campaign and make a decision on how much support to provide her," Stephenson said.

*\* David Lester can be reached at 509-577-7674 or [dlester@yakimaherald.com](mailto:dlester@yakimaherald.com).*

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