

**EXHIBIT 3**

**John White**

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**From:** Blinn, Katie [kblinn@secstate.wa.gov]  
**Sent:** Tuesday, March 18, 2008 4:36 PM  
**To:** Gurtler, Debra  
**Cc:** Hamlin, Shane  
**Subject:** RE: Top Two Primary  
**Attachments:** Top Two Primary Emergency Rules.pdf; District Court Order 7-15-05.pdf

Our initial conclusion is that we can implement this by rule. We are going to be talking to the AG's Office more tomorrow and the rest of the week.

In 2005, we adopted emergency rules to implement I-872. I have attached a copy. These emergency rules were only in effect from May until July 2005, when the District Court struck down the initiative.

In the Court's July 2005 ruling, which I have also attached, the Court noted (on pages 8-10) the history of all the primary election legislation in 2004 and 2005. Beginning on page 31, the Court addressed whether I-872 impliedly repealed the minor party nominating system and concluded that the voters' approval of I-872 did impliedly repeal the minor party nominating system.

The Court never addressed the broader issue of implementing by administrative rule since the Court ultimately ruled in favor of the political parties, but our current thinking is that it can be implemented by WAC, just as it was in 2005.

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**From:** Gurtler, Debra [mailto:Gurtler.Debra@leg.wa.gov]  
**Sent:** Tuesday, March 18, 2008 3:10 PM  
**To:** Blinn, Katie  
**Subject:** RE: Top Two Primary

What is your timing for reaching a conclusion whether you think it can be implemented by rule? Have you reached any conclusions so far?

Thanks,

Debra J. Gurtler  
Senior Policy Analyst  
Democratic Caucus  
House of Representatives  
310 John L. O'Brien Building  
PO Box 40600  
Olympia, WA 98504-0600

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Gurtler.Debra@leg.wa.gov

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**From:** Blinn, Katie [mailto:kblinn@secstate.wa.gov]  
**Sent:** Tuesday, March 18, 2008 9:26 AM  
**To:** Blinn, Katie; Fraser, Kristen; Rowe, Owen; Reilly, Marsha; Taylor, Tracey; Gurtler, Debra; Lund, Jami; Hayward, Allen; Buchholz, Keith; Stender, Michelle; Swanson, Sharon; Calderon, Cindy; cbridston@wacounties.org; Jones, Steve  
**Cc:** Hamlin, Shane

12/10/2008

**Subject:** RE: Top Two Primary

It really is crazy here. I am trying to write emails and answer the phone at the same time and apparently it isn't working.

I meant to say that the U.S. Supreme Court has upheld the Top Two Primary, disagreeing with the political parties' facial challenge.

Thanks!

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**From:** Blinn, Katie

**Sent:** Tuesday, March 18, 2008 9:23 AM

**To:** 'Fraser, Kristen'; 'Owen Rowe (rowe.owen@leg.wa.gov)'; 'Reilly, Marsha'; 'Taylor, Tracey'; 'Gurtler, Debra'; 'Lund, Jami'; Allen Hayward; 'Buchholz, Keith'; 'Stender, Michelle'; 'Sharon Swanson (Swanson.Sharon@leg.wa.gov)'; Cindy Calderon (calderon.cindy@leg.wa.gov); Chris Bridston (cbridston@wacounties.org); 'Steve Jones (jones.steve@leg.wa.gov)'

**Cc:** Hamlin, Shane

**Subject:** Top Two Primary

Legislative Staff,

I think that most of you have already heard that the U.S. Supreme Court has upheld the political parties' challenge to the Top Two Primary, I-872. The political parties made a facial challenge.

We plan to implement the Top Two in 2008. We are still digesting the opinion and how best to implement it. I have attached a copy of the opinion in case you are interested in reading it.

Thank you and we will keep you informed.

Katie

(It is a little crazy over here. ☺)

**John White**

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**From:** Blinn, Katie [kblinn@secstate.wa.gov]  
**Sent:** Wednesday, March 19, 2008 9:50 PM  
**To:** Miller, Paul; Kasselmann, Russell; WEI Development Support  
**Cc:** Elections - Cert & Training  
**Subject:** RE: Party preference designations for the August 19 Primary

Thank you to both of you.  
One possibility is that the declaration of candidacy could have the candidate fill in:  
\_\_\_\_\_ prefers the \_\_\_\_\_ Party.  
Katie Blinn prefers the Democratic Party.

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**From:** Miller, Paul  
**Sent:** Wed 3/19/2008 6:52 PM  
**To:** Kasselmann, Russell; WEI Development Support  
**Cc:** Elections - Cert & Training  
**Subject:** RE: Party preference designations for the August 19 Primary

Russell,

Pls take words like "party affiliation" out of your vocabulary when discussing this primary.  
Preference...Preference....Preference

Just kidding you ... :-)

However, I want you to call me on it if you catch me slip. I think it important to be consistent in our use of terms about this primary.

In this I-872 primary, the label can not be construed as the party with which the candidate affiliates. Instead, the label is useful for the candidate to communicate something about his/her views.

The candidate might prefer to associate with a particular party (BTW, Green-Frog Libertarian was my favorite ) but in no way does it mean the party wants to or will associate itself with that candidate. So even Kermit the Frog and his message can be disavowed by the Libertarians - even those with Green Frog leanings.

Sincerely,

*Paul Miller*

Technical Services Manager  
Secretary of State  
(360) 725-5783

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**From:** Kasselmann, Russell  
**Sent:** Wednesday, March 19, 2008 4:23 PM  
**To:** WEI Development Support

12/10/2008

**Cc:** Elections - Cert & Training

**Subject:** Party preference designations for the August 19 Primary

It was brought to my attention today that we will need to make some changes to the way we deal with party designations in the WEI, which will impact the way online candidate filing and over the counter candidate filing is done.

Apparently, a candidate will be allowed to put in whatever he or she feels best identifies the party they prefer. This means that a person could identify themselves as a Yellow-Dog Democrat or a Green-Frog Libertarian, or a Left-Leaning Republican Patriot or basically anything that they feel best describes their party affiliation. Obviously, the candidates will be prohibited from certain types of descriptors, including vulgar or obscene references, but it also looks like they will be prevented from using words like nominee or nominated by or blessed by. Candidates will also be limited by the number of characters that will fit on one line of one column of a ballot. Right now, the character limit is looking like it will be somewhere between 60 characters and 100 characters.

All the limitations will be set down in WAC, but it will be very difficult to stop a candidate from entering certain words if he or she is filing online. So, the proposal was made that there needs to be a disclaimer under the Party Preference field that provides a link to the appropriate WAC that describes all the limitations, and also informs the candidate that if the party preference entered does not meet the guidelines as stated in the WAC the candidate will be contacted to edit that party designation so that it does meet the guidelines. C&T will be doing the contacting of the candidates to make sure that the designations meet the requirements of the WAC.

In terms of changes to the WEI Admin interface, it means we are going to do away with the party table for now and include the party preference designation as a field that is associated with the candidate's record. The party preference designation will need to display below the candidates name in the online voter guide and in election results displays on both county and state websites.

If there is anything that I have forgotten to mention, please feel free to add it in here.

Thank you,

Russell

—  
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