

The 2005 Pick-a-Party Primary: Frequently Asked Questions

Is our primary changing?

Yes. A judge ruled Initiative 872's version of the top two primary is unconstitutional. Washington State will hold a pick-a-party primary, modeled after the Montana primary, in September 2005. Since 2005 is an odd numbered election year, relatively few partisan offices will be affected this September. The primary format will be familiar to voters affected by the change. The State of Washington conducted a pick-a-party primary in 2004. A history of Washington State's primary systems can be found at www.secstate.wa.gov.

Why was Initiative 872's version of the top two primary ruled unconstitutional?

Judge Zilly ruled that I-872's version of the top two primary is unconstitutional because it is a nominating primary for the political parties instead of a winnowing primary for the November ballot. Further, Judge Zilly said:

- Political parties have a right to control who they associate with;
- Political parties have a right to nominate their own candidates and do not need to open up selection of their nominees to all voters; and
- The Montana primary is back in effect.

What will the ballot look like now?

Since 2005 is an odd numbered election year, relatively few partisan offices will be affected in the September primary.

For counties that do not have any partisan races in 2005 (most counties), voters will not have to pick a party. Voters will receive one ballot with only nonpartisan races listed.

In counties that have partisan races, County Auditors have the authority to use one of two types of ballots: either a consolidated ballot or a physically separate ballot. The color red will represent Republican candidates and the color blue will represent Democratic candidates on the 2005 primary ballots.

What is a consolidated ballot?

A consolidated ballot is a single ballot on which voters may pick a party preference (Democratic Party or Republican Party) and vote for that party's slate of candidates. Each party has a designated section on the ballot.

Nonpartisan races and ballot measures are listed after all of the partisan races. All voters may vote on the nonpartisan races and issues even if they do not vote on partisan races.

What is a physically separate ballot?

A physically separate ballot is an individual ballot for each party (Democratic Party or Republican Party) that contains all partisan races as well as all nonpartisan races and issues.

A separate nonpartisan ballot will also be provided to voters who do not wish to vote on partisan races. Voters will be asked to select one of the partisan ballots or the nonpartisan ballot if they do not wish to vote on a partisan ballot.

If a county is using physically separate ballots, how many ballots will be issued?

In counties with partisan races using separate ballots, each voter will receive three ballots: Democratic Party, Republican Party and Nonpartisan. Nonpartisan races also appear on the Democratic Party and Republican Party ballots.

The voter may vote on only one ballot and must discard the remaining two ballots. Thus, if the voter picks a Democratic Party ballot, the voter may vote for Democratic candidates for partisan office and also vote for nonpartisan candidates on that same ballot. If a voter elects to not choose a party ballot, the voter may select and vote the nonpartisan ballot.

If the county is using physically separate ballots, what happens if the voter picks and votes a partisan ballot and also votes on the nonpartisan ballot?

The voter must pick and vote only one ballot. In a county using separate ballots, if the voter picks a partisan ballot and votes for nonpartisan candidates on that ballot, any votes cast separately on the nonpartisan ballot will not count.

How many major parties exist in Washington?

Washington currently recognizes two major parties. These parties are the Democratic Party and Republican Party. Both parties qualified for major party status by receiving at least five percent of the total vote cast for President, Vice President, United States Senator, or a statewide office in the 2004 General Election.

The Libertarian Party was a major party in 2004 but failed to meet the minimum vote percentages in the general election to retain major party status. Thus, the Libertarian Party will be a minor party in the 2005 elections.

Will minor parties and Independent candidates appear on the primary ballot?

No. Under Washington's pick-a-party primary law, minor parties and Independent candidates proceed directly to the general election and do not appear on the primary ballot.

How do minor parties and Independent candidates qualify for the general election?

The pick-a-party primary requires that minor parties and Independent candidates hold a political convention attended by at least 100 registered voters and gather a requisite number of signatures to qualify candidates for the general election ballot.

For 2005, minor parties and Independent candidates must hold conventions during either the week of June 25, 2005 through July 2, 2005 or August 13, 2005 through August 20, 2005. Nominating documents, a declaration of candidacy, and the filing fee must be filed no later than August 26, 2005.

Will I have to choose a party in the General Election?

No. The General Election will remain the same as and voters will be able to vote for any candidate, regardless of party.

Is the pick-a-party style primary constitutional?

This type of primary has not been constitutionally challenged so we do not know for sure if the courts will uphold this primary. Forty-eight other states use a primary system that limits voters to voting for only one party's candidates and many states use similar "open primary/private choice" systems that have been upheld by the courts.

If the voter does not want to vote for a party can the voter still vote for ballot measures?

Yes. Voters who do not wish to select a party on a consolidated ballot or vote one of the separate party ballots may vote for all nonpartisan offices, such as Superintendent of Public Instruction and judges, as well as all ballot measures.

If I choose a party will I automatically become a member of that party?

No. If a voter chooses a party on a consolidated ballot or votes one of the partisan ballots (Democratic Party or Republican Party) that voter's party affiliation is only for that primary and does not bind the voter to that party in future elections.

If a voter chooses a party, will a record be made of the party choice?

No. Making any record of what type of ballot a voter selects is specifically prohibited by law as currently written. If a voter makes a party selection for the primary, current Washington law provides that the selection may not be recorded or kept in any form by any person.

Will votes count if the voter does not choose a party on a consolidated ballot but still votes a straight party ticket?

No. The law specifically provides that the voter must first select a party on a consolidated ballot before voting on races. If the voter does not select a party but still votes a straight party ticket, none of the votes will count.

Will votes count if the voter chooses a party on a consolidated ballot but votes for candidates of multiple parties?

If the voter chooses a party on a consolidated ballot, only the votes cast for candidates of that party will count. Votes cast for candidates of a different political party will not count.

What if the voter votes for candidates of more than one party using separate ballots?

For separate ballots, the voter may only choose and vote one ballot. If the voter attempts to vote for partisan candidates on more than one ballot, none of the votes cast for any partisan candidates will count. Voting on more than one ballot in the separate ballot format has the same legal effect as not picking a party on the consolidated ballot.

What does partisan mean?

Under the pick-a-party primary, partisan means that the candidate filing for the office is asked to identify the party for which he or she is a candidate. That party affiliation could be a major party like the Republican Party or Democratic Party or a minor party like the Libertarian Party, Green Party or the Social Workers Party.

What does nonpartisan mean?

Under the pick-a-party primary, nonpartisan means the candidate filing for office is not asked to identify the party for which he or she is a candidate. For example, the Superintendent of Public Instruction and all judicial offices are nonpartisan offices. Many local offices including port commission, fire commission, school board, and city council are nonpartisan offices. Likewise, ballot measures, such as school levies and bonds, are nonpartisan.

Will votes count if the voter skips some races?

Yes, voters may still choose not to vote in a race on either a consolidated or separate ballot and the remaining votes cast will still count.

Do voters need to register with a party to get a ballot?

No. Washington's voter registration laws do not currently require a voter to register with a party to receive a ballot.

Who should voters contact with concerns about the pick-a-party primary system?

If a voter would like to discuss changes to the primary, the voter should contact their state legislators through the legislative information center at 1.800.562.6000 or by visiting www.leg.wa.gov.

For information on the primary please visit the Secretary of State's website at www.secstate.wa.gov