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THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON STATE REPUBLICAN  
PARTY, et al.,

Plaintiffs,

NO. CV05-0927-TSZ

WASHINGTON DEMOCRATIC CENTRAL  
COMMITTEE, et al.,

Plaintiff Intervenors,

STIPULATED STATEMENT OF  
LEGAL ISSUES

LIBERTARIAN PARTY OF  
WASHINGTON STATE, et al.,

Plaintiff Intervenors

vs.

DEAN LOGAN, King County Records &  
Elections Division Manager; et al.,

Defendants,

STATE OF WASHINGTON, et al.,

Defendant Intervenors,

WASHINGTON STATE GRANGE, et al.,

Defendant Intervenors.

1 The undersigned, on behalf of the plaintiffs and plaintiff intervenors and the  
2 defendants and defendant intervenors, respectively, have met and conferred and hereby  
3 stipulate that the following legal issues will be addressed in the parties' cross-motions for  
4 summary judgment, in the order stated:

5  
6 1. Does the primary system established by Initiative 872 nominate political party  
7 candidates for public office?

8 2. If the primary system under Initiative 872 does not nominate political party  
9 candidates for public office, does each political party have the right to select for itself the  
10 only candidate who will be associated with it on either a primary or general election ballot?

11 3. If the primary system under Initiative 872 nominates political party candidates  
12 for public office, does Initiative 872 violate the First Amendment by compelling a political  
13 party to associate with unaffiliated voters and members of other political parties in the  
14 selection of its nominees?

15 4. Does Washington's filing statute impose forced association of political parties  
16 with candidates in violation of the parties' First Amendment associational rights?

17 5. Does Initiative 872's limitation of access to the general election ballot to only  
18 the top two vote-getters in the primary for partisan office unconstitutionally limit ballot  
19 access for minor political parties?  
20

21 The political parties may address an additional issue related to ballot access that the  
22 parties to this lawsuit could not reach agreement upon. The Libertarian Party may address  
23 additional issues unique to its status as a minor political party.  
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DATED this 10<sup>th</sup> day of June, 2005.

/s/ John J. White, Jr.  
John J. White, Jr., WSBA #13682  
Kevin B. Hansen, WSBA #28349  
of Livengood, Fitzgerald & Alskog, PLLC  
Attorneys for Plaintiffs  
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ROB MCKENNA  
Attorney General

/s/ James K. Pharris  
James K. Pharris, WSBA #5313  
Sr. Assistant Attorney General  
Attorneys for State of Washington Intervenors

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 10, 2005, I electronically filed the foregoing stipulation with the clerk of the Court using the CM/ECF system which will send notification of such filing electronically to the following:

- David T. McDonald and Jay Carlson, attorneys for the Democratic Central Committee;
- Richard Dale Shepard, attorney for the Libertarian Party;
- Curtis G. Wyrick, attorney for Clark County Auditor;
- Ronald S. Marshall, attorney for Cowlitz County Auditor;
- H. Steward Menefee and James R. Baker, attorneys for Grays Harbor County Auditor;
- Norm Maleng, attorney for Dean Logan, King County Records & Elections;
- Janice E. Ellis, Gordon W. Sivley and Robert Tad Seder, attorneys for Snohomish County Auditor;
- Fred Johnson, attorney for Wahkiakum County Auditor;
- Rob McKenna, Attorney General;
- Maureen A. Hart, Solicitor General;
- James K. Pharris, Sr. Assistant Attorney General; and
- Jeffrey T. Even, Assistant Attorney General.

I sent the above-mentioned by facsimile and by first class United States Mail, postage prepaid, to defendants as follows:

Donna M. Eldridge  
Jefferson County Auditor  
1820 Jefferson Street  
P.O. Box 563  
Port Townsend, WA 98368  
Fax: 1-360-385-9228

Ms. Pat Gardner  
Pacific County Auditor  
P.O. Box 97  
South Bend, WA 98586  
Fax: 1-360-875-9333

Vicky Dalton  
Spokane County Auditor  
W. 1116 Broadway  
Spokane, WA 99263  
Fax: 1-509-477-6607

DATED this 10<sup>th</sup> day of June, 2005.

/s/ John J. White, Jr.  
John J. White, Jr., WSBA #13682