

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON STATE REPUBLICAN
PARTY, et al.,

Plaintiffs,

WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE, et al.,

Plaintiff Intervenors,

and

LIBERTARIAN PARTY OF WASHINGTON
STATE, et al,

Plaintiff Intervenors,

v.

STATE OF WASHINGTON, et al,

Defendant Intervenors,

and

WASHINGTON STATE GRANGE, et al,

Defendant Intervenors.

No. CV05-0927 TSZ

DECLARATION OF DAVID T.
MCDONALD IN SUPPORT OF
MOTION TO AMEND AND
SUPPLEMENT COMPLAINT

I, David T. McDonald, hereby declare as follows:

1. I am attorney of record for the Washington State Democratic Central
Committee ("the Party") in this matter. I am over the age of eighteen, have personal

DECLARATION IN SUPPORT OF
MOTION TO AMEND AND SUPPLEMENT
COMPLAINT - 1
CV05-0927 TSZ

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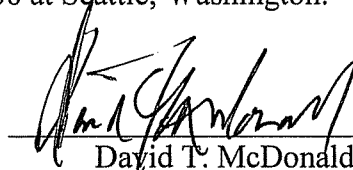
1 knowledge of the matters set forth herein, and am competent to testify thereto. I submit this
2 declaration in support of the Party's Motion to Amend its Compliant in Intervention ("Motion
3 to Amend").

4 2. Attached hereto as **Exhibit A** is a true and correct copy of an e-mail dated
5 March 18, 2008 from Secretary of State Sam Reed entitled "Supreme Court upholds the Top
6 Two Primary."

7 3. Attached hereto as **Exhibit B** is a true and correct copy of an e-mail dated
8 April 16, 2008 from Assistant Director of Elections Katie Blinn entitled "Draft Rules on Top
9 Two Primary." The following four documents were also included with the e-mail and are
10 included with this Exhibit: (B-1) a document summarizing the new rules; (B-2) Draft Rules
11 for the Top Two; (B-3) a Draft Declaration of Candidacy; and (B-4) a draft PCO Declaration
12 of Candidacy.

13 I declare under penalty of perjury that the foregoing is true and correct:
14

15 EXECUTED this 1st day of May, 2008 at Seattle, Washington.
16

17 
18 _____
19 David T. McDonald
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DECLARATION IN SUPPORT OF
MOTION TO AMEND AND SUPPLEMENT
COMPLAINT - 2
CV05-0927 TSZ

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EXHIBIT A

McDonald, David

From: Reed, Sam (Office) [Sam@secstate.wa.gov]
Sent: Tuesday, March 18, 2008 9:07 AM
To: Anne LaCour ; Bill Varney ; bobbie_gagner@co.benton.wa.us; Brenda Chilton ; Brenda Sorenson; Carolyn Diepenbrock ; Chris Bridston ; Corky Mattingly; dwilke@wacounties.org; tischerd@co.wahkiakum.wa.us; Dianna Galvan; ddeal@co.garfield.wa.us; Deldridge@co.jefferson.wa.us; ejohnston@co.asotin.wa.us; Eunice Coker; evelyn.arnold@co.chelan.wa.us; F. Milene Henley; Gary Zandell; Greg Kimsey; Jeanne Youngquist; Jerry Pettit ; kflynn@co.kitsap.wa.us; Karen Herr ; kmmartin@co.walla-walla.wa.us; Ken Raske ; Kim Wyman ; Kris Swanson; Laurie Thomas; Marianne Nichols ; Mike Garvison; Moss, Sheryl; nancym@co.adams.wa.us; Pat Gardner; Pat Hamilton ; Pat McCarthy; Patty Rosand; Sharon Richter; Sheilah Crider ; sjohnston@co.lincoln.wa.us; Sherril Huff ; sforslof@co.whatcom.wa.us; tduvall@co.douglas.wa.us; tgray@co.stevens.wa.us; vspatz@co.grays-harbor.wa.us; vdalton@spokanecounty.org; zlenhart@co.franklin.wa.us
Cc: Elections - All
Subject: Supreme Court upholds the Top Two Primary
Importance: High
Attachments: Supreme Court Opinion 3-18-08.pdf

Dear Election Partners,

I am thrilled to announce that the U.S. Supreme Court upheld the Top Two Primary, I-872! We plan to implement the Top Two in 2008.

The Justices ruled in our favor 7-2 and we are still digesting the opinion. I have attached a copy of the opinion in case you are interested in reading it.

I greatly appreciate the ongoing support of the elections community, the Grange, the Attorney General, and many legislators in this long effort to preserve greater choice for the voters.

We expect to implement the Top Two in WAC. You can expect to hear more about the WACs from the Elections Division.

Thank you, all, for your support and hard work!

Sam

EXHIBIT B

McDonald, David

From: Blinn, Katie [kblinn@secstate.wa.gov]
Sent: Wednesday, April 16, 2008 10:41 AM
To: Allen Hayward; Barbara Seitle; Benjamin Lawver; Christine Mrak; calderon.cindy@leg.wa.gov; Colleen Kerr; David Anderson; David Jamieson; David Lord; McDonald, David; Deb Eddy; Debra Gurtler; Dwight Pelz; Evelyn Spenser; Even, Jeff; Evergreen Freedom Foundation; Heather Lewis-Lechner; James Johann; Lund.Jami@leg.wa.gov; Jason Osgood; Jennifer Shaw; John J. White Jr.; Keith Buchholz; Kelly Haughton; Larry Helm; Linda Herod; M. Slater; Marian Beddill; Marsha Reilly; Michelle Stender; Permanent Offense; Rachael Meyers; Rebecca Engrav; Richard Shepard; Ryan McBrayer; Sally Andrews; Scott Dahlman; Swanson.Sharon@leg.wa.gov; Tim Borders; Tim Eyman; Tim White; Tracey Taylor; Washington State Republican Party; whitingdon@comcast.net; Fraser, Kristen; kriley@seattletimes.com; MarnieH@ATG.WA.GOV; Pharris, James; sharon@soundds1.com; jones.steve@leg.wa.gov; ahearne@foster.com
Cc: Deutsch, Joanie; Heffernan, Trova
Subject: Draft Rules on Top Two Primary
Attachments: Summary 4-16-08.pdf; Top Two draft rules 4-16-08.pdf; Draft Declaration of Candidacy.pdf; PCO Declaration of Candidacy.pdf

The Office of the Secretary of State is circulating a draft of the administrative rules to implement I-872, the Top Two Primary. Attached, please find:

1. A Summary of the Draft Rules
2. The Draft Rules
3. The Declaration of Candidacy for Public Office
4. The Declaration of Candidacy for PCO

You can also find these documents posted on our website at:
<http://www.secstate.wa.gov/elections/rulemaking.aspx>

Comments on the draft rules may be submitted by email to kblinn@secstate.wa.gov by close of business on Tuesday, April 22, 2008.

These rules do not address the election of Precinct Committee Officer because that position is not subject to I-872.

Thank you and have a good day.

Katie Blinn
Assistant Director of Elections
Office of the Secretary of State
kblinn@secstate.wa.gov
(360) 902-4168

EXHIBIT B-1



Washington
Secretary of State
SAM REED

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**Top Two Primary (Initiative 872)
DRAFT Rules**

Candidate Filing:

- Initiative 872 changes the primary election for partisan congressional, state, and county office.
- Each candidate for partisan office may state a political party that he or she prefers.
- A candidate's 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.
- A candidate states his or her party preference on the Declaration of Candidacy.
 - Each candidate is allowed up to 16 characters for the name of the political party.
 - A candidate may also choose to not state a preference for a political party.
- A candidate is not required to obtain approval from a party in order to state a preference for that party.
- Political parties can no longer fill a vacancy on the major party ticket because there is no "party ticket."
 - Only if no candidate files is there a void in candidacy, in which case a special filing period is opened.
- The filing process is the same for *all* candidates; the convention and petition requirements now only apply to minor party and independent candidates for President.

Primary Election Ballot:

- If a candidate states a preference for a political party on the declaration of candidacy, it will be listed on the ballot as:
JOHN SMITH
(Prefers Example Party)
- If a candidate does not state a preference, the following will be listed on the ballot:
JOHN SMITH
(States No Party Preference)
- Each ballot that includes a partisan race must include the following notice in bold:
Each candidate for partisan office may state a political party that he or she prefers. A candidate's 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.
- A similar notice will also be provided as an insert with absentee ballots, and on a sign in poll sites.
- A candidate's preference will be printed the same on both the Primary and General Election ballots.

- Political parties are free to nominate or endorse candidates by whatever mechanism they choose.
 - The law does not allow nominations or endorsements by interest groups, political action committees, political parties, labor unions, editorial boards, or other private organizations to be printed on the ballot.
 - Candidates may mention nominations and endorsements in their voters' pamphlet statement.
- For the Primary, the order in which the candidates in each race appear is determined by lot draw.
- Even if only one or two candidates file, the office will still appear in the Primary.

Voters:

- Voters are not required to affiliate with a political party in order to vote in the Primary.
- For each race, voters may vote for any candidate listed on the ballot.
- Voters in the Primary are voting for candidates, not choosing a political party's nominees.
- The purpose of the Primary is to winnow the number of candidates to two for the General Election.

General Election Ballot

- The two candidates who receive the most votes advance to the General Election ballot.
 - Candidates must also receive at least 1% of all votes cast for that office.
- A candidate's preference does not affect whether the candidate qualifies for the General Election.
- In each race on the General Election ballot, the candidate who received the most votes in the Primary is listed first and the candidate who received the second most votes in the Primary is listed second.
- The party preference information printed on the Primary Election ballot is printed the same on the General Election ballot.
- Candidates for President and vice President are listed on the General Election ballot as:

JOHN SMITH/JANE DOE

Example Party nominees

EXHIBIT B-2

AMENDATORY SECTION (Amending WSR 06-23-094, filed 11/15/06, effective 12/16/06)

WAC 434-208-060 Electronic filings. In addition to those documents specified by RCW 29A.04.255, the secretary of state or the county auditor shall accept and file in his or her office electronic transmissions of the following documents:

(1) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;

(2) Any minor party or independent candidate filing material for president and vice-president, except nominating petitions;

(3) Lists of presidential electors selected by political parties or independent candidates;

(4) Voted ballots, provided the voter agrees to waive the secrecy of his or her ballot;

(5) Resolutions from cities, towns, and other districts calling for a special election;

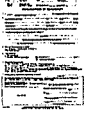
(6) ~~((Filling of vacancies on the ticket by a major political party,~~

~~(7))~~ Voter registration form.

NEW SECTION

WAC 434-208-110 Applicable dates and deadlines. If dates, deadlines, and time periods referenced in chapter 2, Laws of 2005 conflict with subsequently enacted law, such as chapter 344, Laws of 2006, the subsequently enacted law is effective.

WAC 434-215-012 Declaration of candidacy--Offices subject to a primary. Declarations of candidacy ~~for all partisan and nonpartisan offices~~ filed either in person or by mail shall be in substantially the following form:



~~The form shall measure eight and one half inches by eleven inches and be printed on paper stock of good quality. The form shall also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of the form or an electronic file, in a format approved by the secretary of state and acceptable to the public disclosure commission, containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29A.24.070, and one copy of the form or an electronic file containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be returned to the candidate. The filing officer must provide a paper or electronic copy of the filed declaration of candidacy to the candidate and to the public disclosure commission.~~

[Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-215-012, filed 6/28/06, effective 7/29/06. Statutory Authority: 2002 c 140 § 3. 02-15-156, § 434-215-012, filed 7/23/02, effective 8/23/02. 02-09-007, recodified as § 434-215-012, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-012, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-28-012, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. 84-15-050 (Order 84-2), § 434-28-012, filed 7/16/84; 80-05-014 (Order 80-1), § 434-28-012, filed 4/8/80.]

WAC 434-215-020 Declaration of candidacy--Precinct committee officer. (1) Declarations of candidacy for the office position of precinct committee officer, shall be filed in substantially the following form:

~~The forms shall measure eight and one half inches by eleven inches and be printed on paper stock of good quality. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number. County auditors may design and use a declaration of candidacy different in form and style from that specified by~~

this rule as long as it contains all of the information required by this rule.

[Statutory Authority: RCW 29A.04.611, 2006 c 344. 07-09-035, § 434-215-020, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. 06-14-049, § 434-215-020, filed 6/28/06, effective 7/29/06. 02-09-007, recodified as § 434-215-020, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. 97-21-045, recodified as § 434-228-020, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. 92-12-083, § 434-28-020, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. 84-15-050 (Order 84-2), § 434-28-020, filed 7/16/84; Order 75-1, § 434-28-020, filed 6/26/75.]

WAC 434-215-025 ~~Declaration of candidacy~~ Filing fee petitions. (1) When a candidate submits a filing fee petition in lieu of his or her filing fee, as authorized by RCW 29A.24.091, voters eligible to vote on the office in the general election are eligible to sign the candidate's filing fee petition.

(2) The filing fee petition described in RCW 29A.24.101(3) does not apply. The filing fee petition must be in substantially the following form:

The warning prescribed by RCW 29A.72. 140; followed by:

"We, the undersigned registered voters of [the jurisdiction of the office], hereby petition that [candidate's] name be printed on the ballot for the office of [office for which candidate is filing a declaration of candidacy]."

[Statutory Authority: RCW 29A.04.611. 07-09-036, § 434-215-025, filed 4/11/07, effective 5/12/07.]

NEW SECTION

WAC 434-215-120 Political party preference by candidate for partisan office. (1) On a declaration of candidacy, a candidate for partisan congressional, state, or county office may state his or her preference for a political party, or not state a preference. The candidate may use up to sixteen characters for the name of the political party. A candidate's party preference, or the fact that the candidate states no preference, must be printed with the candidate's name on the ballot and in any voters' pamphlets printed by the office of the secretary of state or a county auditor's office.

(2) If a candidate does not indicate a party that he or she prefers, then the candidate has stated no party preference and is listed as such on the ballot and in any voters' pamphlets.

(3) If the name of the political party provided by the candidate would be considered obscene, the filing officer must

notify the candidate and allow the candidate the opportunity to change the name of the political party prior to the end of the filing period. The filing officer may petition the superior court for a judicial determination that the party name may be rejected or edited. The court shall not enter such an order unless it concludes that the matter is obscene.

(4) A candidate's 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.

NEW SECTION

WAC 434-215-130 Minor political party candidates and independent candidates. (1) In the election system enacted as Chapter 2, Laws of 2005, there is no distinction between major party candidates, minor party candidates, or independent candidates filing for partisan congressional, state, or county office. All candidates filing for these partisan offices have the same filing and qualifying requirements. All candidates for partisan office have the option of stating on the ballot their preference for a political party, or stating no party preference. The party preference information plays no role in determining how candidates are elected to public office.

(2) The requirements in RCW 29A.20.111 through RCW 29A.20.201 for minor political party candidates and independent candidates for partisan office to conduct nominating conventions and collect a sufficient number of signatures of registered voters do not apply to candidates filing for partisan congressional, state, or county office. The requirements in RCW 29A.20.111 through RCW 29A.20.201 for minor political party candidates and independent candidates only apply to candidates for President and Vice President of the United States.

NEW SECTION

WAC 434-215-140 Voids in candidacy and vacancies in office.

(1) The procedures established in RCW 29A.24.141 through RCW 29A.24.191 for re-opening candidate filing due to a void in candidacy or a vacancy in office apply to partisan congressional, state, or county office.

(2) As established in RCW 29A.24.141, a void in candidacy only occurs when no valid declaration of candidacy has been filed, or all persons who filed have either died or been disqualified. There is no void in candidacy as long as there is at least one candidate.

(3) If dates, deadlines, and time periods referenced in chapter 2, Laws of 2005 conflict with subsequently enacted law, such as chapter 344, Laws of 2006, the subsequently enacted law is effective.

NEW SECTION

WAC 434-215-150 No major party ticket. The procedures in RCW 29A.28.011 allowing a major party to fill a vacancy on a major party ticket do not apply. The predecessor statute, RCW 29A.28.010, was repealed by Chapter 2, laws of 2005 (Initiative 872). Pursuant to Chapter 2, Laws of 2005, there is no "major party ticket."

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 434-220-010	Partisan primaries.
WAC 434-220-020	Definitions.
WAC 434-220-030	Ballot layout and color-- Consolidated ballots.
WAC 434-220-040	Ballot layout and color-- Physically separate ballots..
WAC 434-220-050	Order of political parties.
WAC 434-220-060	Ballot programming--Consolidated ballots.
WAC 434-220-070	Polling place procedures-- Physically separate ballots.
WAC 434-220-080	No record of political party affiliation.
WAC 434-220-090	Partisan primary recounts.

AMENDATORY SECTION (Amending WSR 06-14-049, filed 6/28/06, effective 7/29/06)

WAC 434-230-010 Sample ballots. Sample paper ballots shall be printed in substantially the same form as official ballots, but shall be a different color than the official ballot. ~~Sample ballots for counties using electronic or mechanical voting systems shall be printed in a manner that makes them easily distinguishable from the official ballot.~~ Sample ballots shall be available starting fifteen days prior to an election. Such sample ballots shall be made available through the office of the county auditor and at least one shall be available at all polling places on election day.

~~Names of the candidates in each office to appear on the primary ballot shall be arranged on the sample ballot in the order provided by RCW 29A.36.121. The names of the candidates in each office to appear on the general election ballot shall be listed on the sample ballot in the order in which their names appear on the official ballot. State measures and local measures shall be in the same order as they appear on the official ballot.~~

At any primary or election when a local voters' pamphlet is published which contains a full sample ballot, a separate sample ballot need not be printed.

Counties with populations of over five hundred thousand may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by

region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appears on at least one of the various sample ballots printed for such county. Each regional sample ballot shall contain all offices and issues to be voted upon within that region. A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each polling place and to other locations within the appropriate region or area.

NEW SECTION

WAC 434-230-015 Ballot format. (1) Each ballot shall specify the county, the date, and whether the election is a primary, special or general.

(2) Each ballot must include instructions directing the voter how to mark the ballot, including write-in votes, and how to correct a vote.

(3) Each ballot must explain, either in the general instructions or in the heading of each race, the number of candidates for whom the voter may vote (e.g., "vote for one").

(4) If the ballot includes a partisan office, the ballot must include the following notice in bold print immediately above the first partisan congressional, state or county office: "READ: Each candidate for partisan office may state a political party that he or she prefers. A candidate's 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." The same notice may also be listed in the ballot instructions.

(5) Counties may use varying sizes and colors of ballot cards if such size and color is used consistently throughout a region, area or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying color and size may also be used to designate absentee ballots, poll ballots, or provisional ballots.

(6) Ballots shall be formatted as provided in RCW 29A.36.170. Ballots shall not be formatted as stated in RCW 29A.04.008(6) and (7), 29A.36.104, 29A.36.106, 29A.36.121, 29A.36.161(4), and 29A.36.191.

NEW SECTION

WAC 434-230-025 Order of offices. Measures and offices must be listed in the following order, to the extent that they appear on a primary or election ballot:

- (1) Initiatives to the people;
- (2) Referendum measures;
- (3) Referendum bills;

(4) Initiatives to the legislature and any alternate proposals;

(5) Proposed constitutional amendments (senate joint resolutions, then house joint resolutions);

(6) Countywide ballot measures;

(7) President and Vice-President of the United States;

(8) United States senator;

(9) United States representative;

(10) Governor;

(11) Lieutenant governor;

(12) Secretary of state;

(13) State treasurer;

(14) State auditor;

(15) Attorney general;

(16) Commissioner of public lands;

(17) Superintendent of public instruction;

(18) Insurance commissioner;

(19) State senator;

(20) State representative;

(21) County officers;

(22) Justices of the supreme court;

(23) Judges of the court of appeals;

(24) Judges of the superior court; and

(25) Judges of the district court.

For all other jurisdictions, the offices in each jurisdiction shall be grouped together and listed by position number according to county auditor procedures.

NEW SECTION

WAC 434-230-035 Office format. (1) The name of each office must be printed on the ballot.

(2) The description "nonpartisan office" must be printed either for each office or as a heading above a group of nonpartisan offices.

(3) If the term of office is not a full term, a description of the term (e.g., short/full term, two-year unexpired term) must be printed with the office name.

(4) Following each list of candidates shall be a response position and a space for writing in the name of a candidate.

(5) Each office or position must be separated by a bold line.

(6) On a general election ballot in a year that President and Vice-President are elected, each political party's candidates for President and Vice-President shall be provided one vote response position for that party.

NEW SECTION

WAC 434-230-045 Candidate format. (1) For each office or position, the names of all candidates shall be listed together. If the office is on the primary election ballot, no candidates skip the primary and advance directly to the general election.

(2)(a) On the primary election ballot, candidates shall be

listed in the order determined by lot.

(b) On the general election ballot, the candidate who received the highest number of votes in the primary shall be listed first, and the candidate who received the second highest number of votes in the primary shall be listed second.

(c) The political party that each candidate prefers is irrelevant to the order in which the candidates appear on the ballot.

(3) Candidate names shall be printed in a type style and point size that can be read easily. There must be consistency in how candidate names are printed on the ballot so as not to emphasize one candidate's name over another. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

(4) For partisan office:

(a) If the candidate stated his or her preference for a political party on the declaration of candidacy, that preference shall be printed below the candidate's name, with parentheses and the first letter of each word capitalized, as shown in the following example:

JOHN SMITH

(Prefers Example Party)

(b) If the candidate did not state his or her preference

for a political party, that information shall be printed below the candidate's name, with parentheses and the first letter of each word capitalized, as shown in the following example:

JOHN SMITH

(States No Party Preference)

(c) The party preference line for each candidate may be in smaller point size or indented.

(d) The same party preference information shall be printed on both primary and general election ballots.

(5) If the office is nonpartisan, only the candidate's name will appear.

(6) The law does not allow nominations or endorsements by interest groups, political action committees, political parties, labor unions, editorial boards, or other private organizations to be printed on the ballot.

NEW SECTION

WAC 434-230-055 Partisan primary. In a primary for partisan congressional, state or county partisan office conducted pursuant to chapter 2, Laws of 2005 (Initiative 872):

(1) Voters are not required to affiliate with a political party in order to vote in the primary election. For each office, voters may vote for any candidate in the race.

(2) Candidates are not required to obtain the approval of a political party in order to file a declaration of candidacy and appear on the primary or general election ballot as a candidate

for partisan office. Each candidate for partisan office may state a political party that he or she prefers. A candidate's 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. A candidate's political party preference is not used to determine which candidates advance to the general election.

(3) Based on the results of the primary, the two candidates for each office who receive the most votes and who receive at least one percent of the total votes cast for that office advance to the general election. The primary election does not serve to nominate any political party's candidates, but serves to winnow the number of candidates down to a final list of two for the general election. Voters in the primary are casting votes for candidates, not choosing a political party's nominees. RCW 29A.36.191 does not apply since the predecessor statute, RCW 29A.36.190, was repealed in chapter 2, Laws of 2005.

(4) Chapter 2, Laws of 2005 repealed the prior law governing party nominations. Political parties may nominate candidates by whatever mechanism they choose. The primary election plays no role in political party nominations, and political party nominations are not displayed on the ballot.

(5) If dates, deadlines, and time periods referenced in chapter 2, Laws of 2005 conflict with subsequently enacted law, such as chapter 344, Laws of 2006, the subsequently enacted law is effective.

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

WAC 434-230-060 Primary votes required for appearance on general election ballot. Following any ~~((nonpartisan))~~ primary, ~~((no))~~ a candidate's name shall be entitled to appear on the general election ballot ~~((unless))~~ if he or she receives the greatest or the next greatest number of votes for the office and additionally receives at least one percent of the total votes cast for the office.

~~((Following any partisan primary, no major political party candidate's name shall be entitled to appear on the general election ballot unless he or she receives a plurality of votes cast for the candidates of his or her party for that office. The requirement in RCW 29A.36.191 that a candidate for partisan office receive at least one percent of the votes cast for that office in order to appear on the general election ballot is unenforceable based on Libertarian Party v. Sam Reed, Thurston County Superior Court No. 04-2-01974-2 (2004).))~~

NEW SECTION

WAC 434-230-085 Candidate who qualifies for more than one office. In the event a candidate, as a result of write-in votes in the primary, qualifies to appear on the general election ballot for more than one office, the candidate shall notify the county auditor in writing within three days after certification of the primary of the single office for which he or she desires to appear on the general election ballot. Any void in candidacy for other positions thus created will be handled as provided by law.

NEW SECTION

WAC 434-230-095 When a candidate dies or is disqualified.
(1) The procedures in RCW 29A.28.021 allowing a political party to appoint a replacement candidate if the party's candidate dies or is disqualified do not apply. The predecessor statute, RCW 29A.28.020, was repealed by chapter 2, Laws of 2005 (Initiative 872).

NEW SECTION

WAC 434-230-110 President and Vice President of the United States. When the race for President and Vice-President appears on a general election ballot, the candidates for these offices must be paired and listed according to political party in the order established in RCW 29A.36.161(4). The full name of the

political party, rather than an abbreviation, must be provided for each pair of candidates, with the first letter of each word capitalized, as shown in the following example:

JOHN SMITH/JANE DOE

Example Party Nominees

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-230-020	Placement of state ballot measures.
WAC 434-230-040	Candidate's political party designation--Primary to general.
WAC 434-230-050	Candidate nominated by two or more political parties or for two or more offices.
WAC 434-230-080	Judicial ballots--Form.
WAC 434-230-150	Ballot uniformity.
WAC 434-230-160	Poll-site voting instructions.
WAC 434-230-170	Ballot form.
WAC 434-230-190	Paper ballot uniformity.
WAC 434-230-200	Paper ballot instructions.
WAC 434-230-210	Paper ballots--Ballot form.
WAC 434-230-220	Same party designations used for primary and general elections.

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

WAC 434-250-040 Instructions to voters. (1) (~~In addition to the instructions required by chapters 29A.36 and 29A.40 RCW, instructions for properly voting and returning~~) Instructions that accompany an absentee ballot must also include:

~~(a) ((How to correct a ballot by crossing out the incorrect vote and voting the correct choice,~~

~~(b) Notice that, unless specifically allowed by law, more than one vote for an office or ballot measure will be an overvote and no votes for that office or ballot measure will be counted,~~

~~(e))~~ Notice that, if a voter has signed or otherwise identified himself or herself on a ballot, the ballot will not be counted;

~~((d))~~ (b) How to complete and sign the affidavit on the return envelope;

~~((e))~~ (c) How to make a mark, witnessed by two other people, if unable to sign the affidavit;

~~((f))~~ (d) How to place the ballot in the security envelope and place the security envelope in the return envelope;

~~((g))~~ (e) How to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

~~((h))~~ (f) Notice that postage is required, if applicable;
(and

~~(i))~~ (g) Notice that, in order for the ballot to be

counted, it must be either postmarked or deposited at a designated deposit site no later than election day; (~~and~~

~~(j))~~ (h) How a voter can learn about the locations, hours, and services, of voting centers and ballot deposit sites, including the availability of accessible voting equipment((-

County auditors may use existing stock of absentee ballot instructions until December 1, 2008.));

(i) For a primary election that includes a partisan office, a notice on a separate insert explaining:

"Washington has a new Primary. You do not have to pick a political party. In each race, you may vote for any candidate listed. The two candidates who receive the most votes in the August Primary will advance to the November General Election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's 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."

(j) For a general election that includes a partisan office, the following explanation:

"In Washington's new election system, the two candidates who received the most votes in the Primary advanced to the General Election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's 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."

(k) Any other information the county auditor deems necessary.

(2) Instructions that accompany a special absentee ballot must also include:

(a) A listing of all offices and measures that will appear upon the ballot, together with a listing of all persons who have filed for office or who have indicated their intention to file for office; and

(b) Notice that the voter may request and subsequently vote a regular absentee ballot, and that if the regular absentee ballot is received by the county auditor prior to certification of the election, it will be tabulated and the special absentee ballot will be voided.

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

WAC 434-250-050 ((~~Ballot materials.~~) Envelopes. ((In addition to the instructions and in addition to materials required by chapters 29A.36 and 29A.40 RCW, each)) Absentee ballots must be accompanied by the following:

(1) A security envelope, which may not identify the voter and must have a hole punched in a manner that will reveal whether a ballot is inside;

(2) A return envelope, which must be addressed to the county auditor and have a hole punched in a manner that will

reveal whether the security envelope is inside. The return envelope must display the official election materials notice required by the United States Postal Service, the words "POSTAGE REQUIRED" or "POSTAGE PAID" in the upper right-hand corner, and the following oath with a place for the voter to sign, date, and write his or her daytime phone number:

I do solemnly swear or affirm under penalty of perjury
that:

I am a citizen of the United States;

I am a legal resident of the state of Washington;

I will be at least 18 years old on or before election day;

I am not presently denied my voting rights as a result of
being convicted of a felony;

I have not been judicially declared mentally
incompetent;

I have not already voted in this election; and

I understand it is illegal to cast a ballot or sign a ballot
envelope on behalf of another voter.

Attempting to vote when not qualified, attempting to
vote more than once, or falsely signing this oath is a felony
punishable by a maximum imprisonment of five years, a
maximum fine of \$10,000, or both.

Signature_____Date_____

The return envelope must include space for witnesses to
sign.

The return envelope must conform to postal department

regulations.

County auditors may use existing stock of absentee envelopes until December 1, 2008.

AMENDATORY SECTION

WAC 434-250-310 Notice of elections by mail. (1) A jurisdiction requesting that a special election be conducted entirely by mail, as authorized by RCW 29A.48.020, may include the request in the resolution calling for the special election, or may make the request by a separate resolution. Not less than forty-seven days prior to the date for which a mail ballot special election has been requested, the county auditor shall inform the requesting jurisdiction, in writing, whether the request is granted and, if not granted, the reasons why.

(2) In the event that a primary is to be conducted by mail, the auditor must notify the jurisdiction involved not later than seventy-nine days before the primary date.

(3) ~~In addition to the information required in the notice of election published pursuant to RCW 29A.52.351 and 29A.52.311,~~ a A county auditor conducting an election by mail, including a county auditor that conducts every election by mail, must also state:

(a) The election will be conducted by mail and regular polling places will not be open;

(b) The precincts that are voting by mail if it is only specific precincts rather than the entire county;

(c) The location where voters may obtain replacement

ballots;

(d) Whether return postage is required;

(e) The dates, times and locations of designated deposit sites and voting centers.

[Statutory Authority: RCW 29A.04.611. 07-20-074, § 434-250-310, filed 10/1/07, effective 11/1/07; 07-12-032, § 434-250-310, filed 5/30/07, effective 6/30/07; 05-17-145, § 434-250-310, filed 8/19/05, effective 9/19/05.]

AMENDATORY SECTION (Amending WSR 07-20-074, filed 10/1/07, effective 11/1/07)

WAC 434-253-020 Polling place--Election supplies. Polling places shall be provided, at a minimum, with the following supplies at every election:

(1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter;

(2) Inspector's poll book;

(3) Required oaths/certificates for inspectors and judges;

(4) Sufficient number of ballots as determined by election officer;

(5) Ballot containers;

(6) United States flag;

(7) Voting instruction signs;

(8) Challenge and provisional ballots and envelopes;

(9) Cancellation cards due to death;

(10) Voting equipment instructions;

(11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;

(12) Keys and/or extra seals;

(13) Pay voucher;

(14) Ballots stub envelope;

(15) Emergency plan of action;

(16) Either sample ballots or voters' pamphlets;

(17) HAVA voter information poster;

(18) A sign listing the date of the election and the hours of voting on election day; and

(19) Voter registration forms (~~(, and~~

~~(20) For partisan primaries in counties using physically separate ballots, an "unvoted ballots" container with a numbered seal)).~~

AMENDATORY SECTION (Amending WSR 08-05-120, filed 2/19/08, effective 3/21/08)

WAC 434-253-025 Polling place--Items to be posted. The following items must be posted or displayed at each polling place while it is open:

- (1) United States flag;
 - (2) HAVA voter information poster;
 - (3) A sign listing the date of the election and the hours of voting on election day;
 - (4) Voting instructions printed in at least 16 point bold type;
 - (5) Either sample ballots or voters' pamphlets;
 - (6) Voter registration forms;
 - (7) Election materials in alternative languages, if so required by the Voting Rights Act (42 U.S.C. 1973aa et seq.);
- ((and))

(8)(a) For a primary election that includes a partisan office, the same notice provided to absentee voters by WAC 434-250-040(1)(i);

(b) For a general election that includes a partisan office, the same notice provided to absentee voters by WAC 434-250-040(1)(j); and

(9) Any other items the county auditor deems necessary.

AMENDATORY SECTION (Amending WSR 07-20-074, filed 10/1/07, effective 11/1/07)

WAC 434-262-031 Rejection of ballots or parts of ballots.

(1) The disposition of provisional ballots is governed by WAC 434-253-047. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

(2) Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(a) Where ~~two ballots are found folded together, or where a~~ voter has already voted ~~more than~~ one ballot;

(b) Where two voted ballots are contained within a returned mail ballot envelope containing only one valid signature under the affidavit, unless both ballots are voted identically, in which case one ballot will be counted. If there are two valid signatures under the affidavit, both ballots must be counted;

(c) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086;

(d) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

(e) Where the voter has voted for more candidates for an office than are permissible((+)

~~(f) In the case of a partisan primary, where the voter has~~

~~voted for a write in candidate for partisan office who has not filed a write in declaration of candidacy, thereby affiliating with a major party.~~

~~(3) For physically separate ballots in a partisan primary.~~

~~(a) If more than one ballot is returned but only one ballot is voted, the voted ballot must be counted.~~

~~(b) When a voted nonpartisan ballot and a voted party ballot are both returned, and the nonpartisan section of the party ballot was not voted, the votes from both ballots must be duplicated onto a blank party ballot and counted.~~

~~(c) When a voted nonpartisan ballot and a voted party ballot are both returned, and nonpartisan races and ballot measures were voted on both ballots, the nonpartisan and ballot measure votes that are the same on each ballot and the partisan votes must be duplicated onto a blank party ballot and counted.~~

~~(d) When more than one voted party ballot is returned, the partisan votes may not be counted but the nonpartisan and ballot measure votes that are the same on both ballots must be duplicated onto a blank nonpartisan ballot and counted)).~~

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

WAC 434-262-160 Write-in-voting--Voter intent. (1) In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. ((Write-in votes are to be counted where abbreviations are used for office, position, or political party)). Write-in votes in the general election are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding primary and failed to qualify for the general election. If a write-in declaration of candidacy has been filed, the voter need only write in that candidate's name in order for the vote to be counted; the candidate's party preference does not impact whether the write-in vote shall be counted. If no declaration of write-in candidacy has been filed, the voter must write in the name of the candidate ((, the political party, if applicable,)) and, if the office ((and/)) or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

(2)(a) If a write-in candidate for partisan office does not file a write-in declaration of candidacy but does qualify for the general election ballot, the candidate has not stated a preference for a political party and therefore shall have "(states no party preference)" printed on the general election ballot.

(b) If a write-in candidate for partisan office files a write-in declaration of candidacy and qualifies for the general election ballot, the party preference stated on the write-in declaration of candidacy, if any, shall be printed on the general election ballot.

AMENDATORY SECTION (Amending WSR 06-11-042, filed 5/10/06, effective 6/10/06)

WAC 434-335-040 Voting system requirements. (1) No voting device or its component software may be certified by the secretary of state unless it:

- (a) Secures to the voter secrecy in the act of voting;
- (b) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;
- (c) Correctly registers all votes cast for any and all persons and for or against any and all measures;
- (d) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for President and Vice-President of the United States;
- (e) Produces a machine countable and human readable paper record for each vote that may be accepted or rejected by the voter before finalizing his or her vote. The paper record of an electronic vote may not be removed from the device by the voter. If the voting device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by the voter; and
- (f) Has been tested and approved by the appropriate independent testing authority approved by the United States election assistance commission(~~(, and~~

~~(g) For a partisan primary, prevents the counting of votes~~

~~for candidates of more than one political party)).~~

(2) No vote tabulating system may be certified by the secretary of state unless it:

(a) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;

(b) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;

(c) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each ballot measure on the ballot in that precinct;

(d) Produces precinct and cumulative totals in printed form; and

(e) Produces legislative and congressional district totals for statewide races and issues in electronic and printed form.

(3) A vote tabulating system must:

(a) Be capable of being secured with lock and seal when not in use;

(b) Be secured physically and electronically against unauthorized access;

(c) Not be connected to, or operated on, any electronic network including, but not limited to, internal office networks, the internet, or the world wide web. A network may be used as an internal, integral part of the vote tabulating system but that network must not be connected to any other network, the internet, or the world wide web; and

(d) Not use wireless communications in any way.

(4) Transfer of information from a remote tabulating system

may be made by telephonic transmission only after the creation of a disk, paper tape, or other physical means of recording ballot results.

(5) The source code of electronic voting system software that has been placed in escrow must be identical to the source code of software that has been tested and certified by the federal independent testing authority and installed in the county. The applicant must place in escrow both the human-readable source code and the working or compiled version. In lieu of placing them in escrow, the source code and the working or compiled version may be deposited with the national software reference library. The software may be verified by matching the system's digital software signatures with the digital signatures the elections assistance commission has on file, when available.

[Statutory Authority: RCW 29A.04.611. 06-11-042, § 434-335-040, filed 5/10/06, effective 6/10/06; 05-18-022, § 434-335-040, filed 8/29/05, effective 9/29/05.]

AMENDATORY SECTION (Amending WSR 08-05-120, filed 2/19/08, effective 3/21/08)

WAC 434-335-445 The preparation of logic and accuracy test decks. (1) Each county shall produce a test deck of ballots to be used in the official logic and accuracy test to verify that the vote tabulating system is programmed to correctly count the ballots.

(2) The pattern to mark the test deck shall begin by giving the first candidate in each race one vote, the second candidate in each race two votes, the third candidate in each race three votes, etc. Once the pattern is completed for each race and issue, each remaining precinct or ballot style must be tested by using a minimum of one ballot that has a first choice marked for each race and issue. Additional votes may be added to ensure all responses for a race or issue have unique results. Another pattern may be used if it meets the requirements outlined in this section and is approved by the secretary prior to marking the test deck.

(3) The test deck must also test that the vote tabulating system is programmed to accurately count write-in votes, overvotes and blank ballots. The test deck must also include a sampling of all ballots that will be used during the election, including ballot on demand, alternative language ballots, and ballots marked with an electronic ballot marker.

~~((4) In a partisan primary:~~

~~(a) When a consolidated ballot is used, the test deck must test that the partisan and nonpartisan votes are counted properly for situations where just one party is selected, no party is selected, and both parties are selected; and~~

~~(b) When separate ballots are used, a test deck for each party must be prepared in addition to a test deck for nonpartisan races.))~~

AMENDATORY SECTION (Amending WSR 08-05-120, filed 2/19/08, effective 3/21/08)

WAC 434-381-120 Deadlines. (1) Candidate statements and photographs shall be submitted to the secretary of state((+

~~(a) For candidates who filed during the regular filing period,))~~ within seven calendar days after filing their declaration of candidacy((+

~~(b) For candidates who filed during a special filing period, or were selected by a political party pursuant to either RCW 29A.52.010 or 29A.24.140, within seven calendar days after the close of the special filing period or selection by the party)).~~

(2) For ballot measures, including initiatives, ((~~referendums~~)) referenda, alternatives to initiatives to the legislature, and constitutional amendments, the following documents shall be filed with the secretary of state on or before the following deadlines:

(a) Appointments of the initial two members of committees to prepare arguments for and against measures:

(i) For an initiative to the people or referendum measure: Within ten business days after the submission of signed petitions to the secretary of state;

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill,

within ten business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot:

(b) Appointment of additional members of committees to prepare arguments for and against ballot measures, not later than the date the committee submits its initial argument to the secretary of state;

(c) Arguments for or against a ballot measure, no later than twenty calendar days following appointment of the initial committee members;

(d) Rebuttals of arguments for or against a ballot measure, by no later than fourteen calendar days following the transmittal of the final statement to the committees by the secretary. The secretary shall not transmit arguments to opposing committees for the purpose of rebuttals until both arguments are complete.

(3) If a ballot measure is the product of a special session of the legislature and the secretary of state determines that the deadlines set forth in subsection (2) of this section are impractical due to the timing of that special session, then the secretary of state may establish a schedule of deadlines unique to that measure.

(4) The deadlines stated in this rule are intended to promote the timely publication of the voters pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late filing when, in the secretary's judgment, it is reasonable to do so.

NEW SECTION

WAC 434-381-200 Political party preference information.

If a state voters' pamphlet includes a race for partisan office, the pamphlet must include an explanation that each candidate for partisan office may state a political party that he or she prefers, and that a candidate's 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. The pamphlet must also explain that a candidate can choose to not state a political party preference.

EXHIBIT B-3

DECLARATION OF CANDIDACY

FILING FOR OFFICE

When:

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

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

Where:

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

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

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

Declarations of candidacy filed with the Office of the Secretary of State may be filed online at www.secstate.wa.gov.

Cost:

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

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

Withdrawals:

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

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

PUBLIC DISCLOSURE AND CAMPAIGN FINANCE REPORTS

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

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

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

INSTRUCTIONS FOR COMPLETING THE DECLARATION OF CANDIDACY

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

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

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

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

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

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

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

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

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

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

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

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

FOR OFFICE USE ONLY

Date _____ Fee Paid \$ _____ Filing No. _____ Office Code _____
☐ Check ☐ Debit/Credit
☐ Cash ☐ Filing Fee Petition Voter Registration # _____ Clerk Initials _____

DECLARATION OF CANDIDACY

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

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

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

3. My campaign contact information is:

 (MAILING ADDRESS) (CITY) (STATE) (ZIP)

 (TELEPHONE NUMBER) (EMAIL ADDRESS)

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

 (NAME OF OFFICE including DISTRICT or POSITION NUMBER)

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

5. Filing Fee (check one):

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

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

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

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

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

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

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

8. Sign Here X

 (SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF _____

(SEAL OR STAMP)

Signed or Attested before me on _____
 (DATE)

by _____
 (CANDIDATE)

 (SIGNATURE OF NOTARY)

 (TITLE)

MY APPOINTMENT EXPIRES: _____

EXHIBIT B-4

<u>Filing Data</u> <u>For Office Use Only</u>			
Date _____	Fee Paid \$ _____	Filing No. _____	Precinct # _____
Paid by: <input type="checkbox"/> Check <input type="checkbox"/> Cash		Staff Initials: _____	Voter Registration ID _____

DECLARATION OF CANDIDACY PRECINCT COMMITTEE OFFICER

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

_____ WA _____
(STREET ADDRESS OR RURAL ROUTE) (CITY) (ZIP)

that I am a registered voter in _____ precinct, that I declare myself a candidate for
the position of Precinct Committee Officer for the _____ Party,
(DEMOCRATIC / REPUBLICAN)
to be elected at the Primary Election, and I am paying the filing fee of one dollar required by RCW
29A.24.091.

**Further, I declare, under penalty of perjury, that I will support the
Constitution and laws of the United States and the Constitution and
laws of the State of Washington.**

X

(SIGNATURE OF CANDIDATE)

(DATE)

Contact Information: _____
(TELEPHONE NUMBER) (EMAIL ADDRESS)

(MAILING ADDRESS, IF DIFFERENT FROM RESIDENTIAL ADDRESS)

2. Please print my name on the ballot exactly as follows:
