

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON STATE REPUBLICAN  
PARTY, et al.,  
  
Plaintiffs,

and

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.,  
  
Defendants,

and

WASHINGTON STATE GRANGE,  
  
Defendant Intervenors.

No. CV05-0927Z

SECOND DECLARATION OF  
DAVID T. McDONALD IN SUPPORT  
OF PLAINTIFF INTERVENOR  
WASHINGTON STATE  
DEMOCRATIC CENTRAL  
COMMITTEE'S REPLY TO ITS  
MOTION FOR SUMMARY  
JUDGMENT

**Noted for Oral Argument:  
July 13, 2005 @ 9:00 a.m.**

1. I am the lead attorney for Plaintiff in Intervention the Washington State  
Democratic Central Committee in the above-entitled action. I am over the age of eighteen

SECOND DECLARATION OF DAVID T. MCDONALD IN  
SUPPORT OF PLAINTIFF INTERVENOR WASHINGTON  
STATE DEMOCRATIC CENTRAL COMMITTEE'S REPLY TO  
ITS MOTION FOR SUMMARY JUDGMENT - 1  
Case No. CV05-0927Z

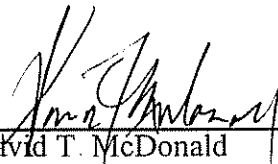
PRESTON GATES & ELLIS LLP  
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FACSIMILE: (206) 623-7022

1 years and I am competent to make this declaration. I make this declaration based on my own  
2 personal knowledge.

3 2. Attached as Exhibit A is a true and accurate copy of a news release dated  
4 April 1, 2004 entitled *Grange Launches "People's Choice" Initiative Campaign in Response*  
5 *to Governor's Veto*, which is available on the "Yes on 872" website at  
6 [www.i872.org/pressroom/release-2004-04-01.php](http://www.i872.org/pressroom/release-2004-04-01.php). This document was printed from that  
7 website on July 6, 2005.

8 3. Attached as Exhibit B is a true and accurate copy of the Washington State  
9 Grange Executive Committee Minutes dated March 31, 2004, which is available on the  
10 Washington Public Disclosure Commission's website. This document was printed from that  
11 website on July 6, 2005.

12 DATED this 6<sup>th</sup> day of July, 2005.

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16 David T. McDonald  
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26 SECOND DECLARATION OF DAVID T. MCDONALD IN  
SUPPORT OF PLAINTIFF INTERVENOR WASHINGTON  
STATE DEMOCRATIC CENTRAL COMMITTEE'S REPLY TO  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 6, 2005, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

**James Kendrick Pharris**

**Richard Dale Shepard**

**John James White, Jr.**

**Thomas Ahearne**

s/David T. McDonald  
David T. McDonald, WSBA # 5260  
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Washington State Democratic Central  
Committee and Paul Berendt, Chair

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# YES ON 872

PROTECT OUR RIGHT TO VOTE FOR THE PERSON, NOT THE PARTY

HOME CAMPAIGN HEADQUARTERS THE BLANKET PRIMARY PRESS ROOM F.A.Q. CONTACT

## NEWS RELEASE

April 1, 2004

*For immediate release*

### GRANGE LAUNCHES "PEOPLE'S CHOICE" INITIATIVE CAMPAIGN IN RESPONSE TO GOVERNOR'S VETO

The Washington State Grange announced today that it is now collecting signatures for I-872 (the "People's Choice" initiative) to run on the November ballot.

The initiative will institute a "modified" blanket primary system (also known as a qualifying primary) in which voters will not be restricted to choosing among the candidates of only one party in a primary election. Voters will also not be required to declare party affiliation when registering.

The initiative would implement a "top-two" system in which the two top vote-getters in a primary election advance to the general election, regardless of party.

"Our initiative will put a system in place which looks almost identical to the blanket primary system we've been using for nearly 70 years," said Grange President Terry Hunt. "The only difference is that this system will satisfy the constitutional requirements set forth by the courts."

The campaign was launched in response to Gov. Locke's partial veto of Engrossed Senate Bill 6453, which was passed by the legislature last month. The bill would have put a top-two system in place, which would then revert to a Montana-style system in the event that legal challenges by the political parties resulted in a successful ruling.

However, the Gov. Locke vetoed the "top-two" system out of the bill, leaving only the Montana-style system in its place. Under this system, voters are required to choose a ballot from only one party at a primary election.

"The Governor defied the will of the voters, and he defied the will of the legislators elected to represent those voters," said Hunt. "By changing the intent of the bill, he will have to face not only our initiative campaign, but a law suit by the Grange as well. He simply can't veto the qualifying primary out of a bill that is titled 'Enacting a Qualifying Primary.'"

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*For more information, contact David Burr, Communications Director, (360) 943-9911.*

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HOME + CAMPAIGN HEADQUARTERS + THE BLANKET PRIMARY + PRESS ROOM + F.A.Q. + CONTACT

Sponsored by the Washington State Grange

RECEIVED

APR 13 2004

Public Disclosure Commission

**Washington State Grange Executive Committee Minutes  
Conference Call  
March 31, 2004**

Worthy Master Terry Hunt called the Washington State Grange Executive Committee special meeting to order at 2:00 pm on March 31, 2004. All committee members were on the line.

Worthy Master Terry Hunt reported that the Governor is expected to take action on ESB-6453 tomorrow, April 1, 2004. If the Governor Veto's the top two out of the bill as suspected, we will be obligated to run initiative 872, the People's Choice Initiative.

Worthy Master Terry Hunt briefed the committee on paid signature collecting organizations and the Initiative drive.

Being no further business, the executive committee meeting adjourned at 2:45 pm.