

EXHIBIT 1

STATE OF WASHINGTON VOTERS' PAMPHLET

State General Election • November 2, 2004



Published by the Office of the Secretary of State

Edition 16



INITIATIVE MEASURE 872

PROPOSED TO THE PEOPLE

Official Ballot Title:

Initiative Measure No. 872 concerns elections for partisan offices.

This measure would allow voters to select among all candidates in a primary. Ballots would indicate candidates' party preference. The two candidates receiving most votes advance to the general election, regardless of party.

Should this measure be enacted into law?

Yes ☐ No ☐

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management. For more in-depth Office of Fiscal Management analysis, visit www.ofm.wa.gov/initiatives/default.htm. The complete text of Initiative Measure 872 begins on page 27.

Fiscal Impact Statement

Summary of Fiscal Impact

Initiative 872 would authorize a primary election allowing the two candidates with the most votes to advance to the general election, regardless of political party, starting with the primary election in September 2005. Annual costs for this primary election system could be as much as \$6.0 million lower for the state and counties compared to current law. The lower cost of the primary election system is due to ballot size, the number of ballots, and associated processing procedures. One time costs for public education and voter notification of changes in the primary election system may cost the state \$1.3 million.

Assumptions for Analysis of I-872

- As the State Elections Officer, the Secretary of State is projected to spend up to \$1.3 million on one-time costs associated with implementing the new primary system. The most notable one-time cost is a voter outreach campaign to educate voters about changed requirements. The Secretary of State's Office is expected to spend up to \$1 million to conduct a media campaign and up to \$305,000 to publish an eight-page primary voter's pamphlet prior to the primary election in September that explains the primary system changes to voters. Other state one-time costs associated with implementing a new primary are as follows: developing new election processes/procedures; designing a new ballot; and training election and poll-site staff on new processes. The Secretary of State's Office estimates that they would spend up to \$25,000 on these activities.
- County auditors, who administer elections at the county level, are expected to save up to \$6 million annually for on-going costs associated with implementation of the new primary election system. The state, which reimburses the counties for odd-year primary election costs, would share this cost savings. The current system requires either multiple ballots or a larger consolidated ballot that enables voters to either vote by party for all offices or vote only for non-partisan offices. The new primary election system reduces ballot publishing and processing costs.





INITIATIVE MEASURE 872

Explanatory Statement

The law as it presently exists:

The process for electing candidates to federal, state and local offices involves both a primary and a general election. The primary, which is conducted in September, plays a major role in determining which candidates appear on the ballot for the following general election. The general election takes place in November, and is the voters' opportunity to select which of the candidates who appear on the general election ballot (or a write-in) should be elected to office.

The current system, described below, applies to "partisan" offices, which are offices to which candidates are elected using a party affiliation. They include United States Senator, members of Congress, most statewide elected offices (Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Commissioner of Public Lands, and Insurance Commissioner), the state legislature, and most county offices. "Nonpartisan" offices are elected without reference to political party, and include judges (at all levels), the Superintendent of Public Instruction, offices of cities and special districts, and county offices where provided by local charter. Elections for nonpartisan offices are conducted differently from the system described below, and are not affected by the proposed initiative. Elections for President and Vice President of the United States are also not affected by the proposed initiative.

The way in which primaries are currently conducted is the product of longstanding Washington law, a recent lawsuit, and new 2004 legislation. Before it was declared unconstitutional by the courts in 2003, Washington used a system that was commonly known as the "blanket primary." Under that system, all candidates for a particular partisan office appeared together on the primary ballot, and a voter could vote for a candidate of one party for one office and a candidate of another party for a different office. The top vote getter of each major political party (currently meaning the Republicans, Democrats, and Libertarians) then advanced to the general election. Minor party and independent candidates could also advance to the general election if they received at least 1% of the votes for that office. The general election ballot, therefore, included the top candidate of each major party and some minor party or independent candidates as well.

In late 2003, a federal court ruled that the blanket primary was unconstitutional. All appeals in that case have been exhausted and the result is final. This means that a court order prohibits Washington from continuing to use the blanket primary system used in the past.

In response to this court decision, a new law was enacted in 2004 establishing a different way of conducting primaries for partisan offices. This new system applied for the first time at the September 2004 primary. Under the new system, separate primary contests are conducted for each major political party. In order to vote for partisan offices, a voter selects a primary ballot of a particular political party. Voters do not register by party and no record is made of the voters' choice. In the primary, the voter is limited to choosing among the candidates of the party whose ballot he or she selects, and may not vote for candidates affiliated with any other party. Nonpartisan offices and ballot measures appear separately, and a voter may cast votes for those offices and measures regardless of whether the voter cast votes for partisan offices.

The system adopted for use beginning in 2004 does not change the way voters participate in the general election conducted in November of each year. The general election ballot includes the candidate of each major political party who received the most votes at the primary, as well as any minor party or independent candidates who qualify through a convention and petition process. Voters are not limited to a single party at the general election. At the general election voters may choose among candidates of each major political party, as well as any minor party or independent candidates who qualify.

The effect of the proposed measure, if it becomes law:

This measure would change the system used for conducting primaries and general elections for partisan offices. The initiative would replace the system of separate primaries for each party, as adopted and used for the first time in 2004, with a system in which all candidates for each partisan office would appear together on the primary ballot. Candidates would be permitted to express a party preference or declare themselves independents, and their preference or status would appear on the ballot. The primary ballot would include all candidates filing for the office, including both major party and minor party candidates and independents. Voters would be permitted to vote for any candidate for any office, and would not be limited to a single party.

The general election ballot would be limited to the two candidates who receive the most votes for each office at the primary, whether they are of the same or different political preference. The measure would replace existing provisions that candidates of each major political party, as well as any minor party or independent candidates who qualify, appear on the general election ballot. This measure would change the way that candidates qualify to appear on the general election ballot, but would not otherwise change the way general elections are conducted. This measure would not change the way that primaries or general elections are conducted for nonpartisan offices.

Statement For Initiative Measure 872**VOTE FOR THE PERSON — NOT THE PARTY**

Last year the state party bosses won their lawsuit against the blanket primary, and in 2004 they convinced the Governor to veto legislation allowing voters to continue to vote for any candidate in the primary. Most of us believe this freedom to select any candidate in the primary is a basic right. Don't be forced to choose from only one party's slate of candidates in the primary. *Vote Yes on I-872.*

MORE COMPETITIVE PRIMARIES AND GENERAL ELECTIONS

Under I-872, the two candidates with the most votes in the primary win and go on to the general election ballot. No political party is guaranteed a spot on the general election ballot. Parties will have to recruit candidates with broad public support and run campaigns that appeal to all the voters. That's fair — and that's right.

PROTECT PRIVACY AND INCREASE PARTICIPATION

Under I-872, you will never have to declare party or register by party in order to vote in the primary. In the primaries in 2000, the turnout in Washington was *more than twice as high* as in states with party primaries — because voters in this state could support any candidate on the primary ballot. *Vote Yes on I-872.*

RETURN CONTROL OF THE PRIMARY TO THE VOTERS

The September primary this year gave the state party bosses more control over who appears on our general election ballot at the expense of the average voter. I-872 will restore the kind of choice in the primary that voters enjoyed for seventy years with the blanket primary. Protect Washington's tradition as a state that elects people over party labels. *Vote Yes on I-872.*

For more information, call 1.800.854.1635 or visit www.i872.org.

Rebuttal of Statement Against

I-872 gives voters *more choices* in the primary and *better choices* in the general. *All the voters* will decide who is on the November ballot. Whether it's one Republican and one Democrat, one major and one minor party, or even an Independent — they will be the *candidates the voters want the most*. The primary and general election should be decided by voters, not by exclusive party organizations that might be dominated by special interests!

Voters' Pamphlet Argument Prepared by:

PERRY HUNT, President, Washington State Grange, BILL FINKBEINER, State Senator, Republican, BRIAN HATHFIELD, State Representative, Democrat, SAM REED, Secretary of State, Republican, JOHN STANTON, Chairman and CEO, Western Wine Press, DARLENE FAIRLEY, State Senator, Democrat.

Statement Against Initiative Measure 872**I-872 REDUCES YOUR ELECTION CHOICES
THE LEAGUE OF WOMEN VOTERS AND OTHER
CONCERNED CITIZENS URGE YOU TO MAKE SURE
WASHINGTON VOTERS HAVE CHOICES
IN NOVEMBER**

Vote No on I-872! Don't be fooled. I-872 creates a Louisiana-style primary that would sharply reduce your choices in general elections. Over a third of the statewide and congressional candidates who appeared on the general election ballot in 2000 would have been eliminated in the primary if I-872 had been the law.

Third Parties and Independents Eliminated: If I-872 is passed, third parties, minor parties and even independents will be eliminated from the general election ballot, leaving (in most cases) one Republican and one Democrat. In November 2000, 180,000 voters who voted for third party candidates in the general election would never have had that choice if I-872 had been the law. Insulating the top two political parties from competition is a bad idea.

Single-Party Elections Will Result: Under I-872 many voters will not be able to vote for a candidate that represents their philosophy because the two top vote-getters in a race may be of the same party resulting in only one party being represented on the November ballot. In one-third of the races for Governor in the last twenty-five years, I-872 would have resulted in two general election gubernatorial candidates from the same party. In fact, the voters' ultimate choice for Governor in 1980, John Spellman, would never have appeared on the November ballot.

We urge you to preserve Washington's independent, multi-partisan election system by voting No on I-872.

For more information, call 206.652.8904 or visit www.No872.org.

Rebuttal of Statement For

The League of Women Voters and many others believe I-872 is bad for Washington. I-872 does not "restore the kind of choice" voters had in the past. *It reduces everybody's choice in the general election.*

It decreases general election ballot diversity by eliminating third party candidates and independents. Some November ballots may have choices from only one party for an office.

Support good government and general election choices. *Vote No on I-872.*

Voters' Pamphlet Argument Prepared by:

JUDY GOLDBERG, Chair, President of Washington League of Women Voters, GARY LOCKE, Governor of the State of Washington, BENJAMIN BENNETT, former Washington Attorney General, State Republican Chair, JOCELYN LANGELOIS, Chair, National Party of Washington, State, JODY GRACE, League of Women Voters, Green Party of Washington, JOAN THOMAS, first President Seattle LWV, past President Washington LWV.



AN ACT Relating to elections and primaries; amending RCW 29A.04.127, 29A.36.170, 29A.04.310, 29A.24.030, 29A.24.210, 29A.36.010, 29A.52.010, 29A.80.010, and 42.12.040; adding a new section to chapter 29A.04 RCW; adding a new section to chapter 29A.52 RCW; adding a new section to chapter 29A.32 RCW; creating new sections; repealing RCW 29A.04.157, 29A.28.010, 29A.28.020, and 29A.36.190; and providing for contingent effect.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

TITLE

NEW SECTION. Sec. 1. This act may be known and cited as the People's Choice Initiative of 2004.

LEGISLATIVE INTENT: PROTECTING VOTERS' RIGHTS AND CHOICE

NEW SECTION. Sec. 2. The Washington Constitution and laws protect each voter's right to vote for any candidate for any office. The Washington State Supreme Court has upheld the blanket primary as protecting compelling state interests "allowing each voter to keep party identification, if any, secret; allowing the broadest possible participation in the primary election; and giving each voter a free choice among all candidates in the primary." *Heavey v. Chapman*, 93 Wn.2d 700, 705, 611 P.2d 1256 (1980). The Ninth Circuit Court of Appeals has threatened this system through a decision, that, if not overturned by the United States Supreme Court, may require change. In the event of a final court judgment invalidating the blanket primary, this People's Choice Initiative will become effective to implement a system that best protects the rights of voters to make such choices, increases voter participation, and advances compelling interests of the state of Washington.

WASHINGTON VOTERS' RIGHTS

NEW SECTION. Sec. 3. The rights of Washington voters are protected by its Constitution and laws and include the following fundamental rights:

- (1) The right of qualified voters to vote at all elections;
- (2) The right of absolute secrecy of the vote. No voter may be required to disclose political faith or adherence in order to vote;
- (3) The right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation, of either the voter or the candidate.

DEFINITIONS

NEW SECTION. Sec. 4. A new section is added to chapter 29A.04 RCW to read as follows:

"Partisan office" means a public office for which a candidate may indicate a political party preference on his or her declaration of candidacy and have that preference appear on the primary and general election ballot in conjunction with his or her name. The following are partisan offices:

- (1) United States senator and United States representative;

- (2) All state offices, including legislative, except (a) judicial offices and (b) the office of superintendent of public instruction;
- (3) All county offices except (a) judicial offices and (b) those offices for which a county home rule charter provides otherwise.

Sec. 5. RCW 29A.04.127 and 2003 c 111 s 122 are each amended to read as follows:

"Primary" or "primary election" means a ((statutory)) procedure for ((nominating)) winnowing candidates ((to)) for public office ((at the polls)) to a final list of two as part of a special or general election. Each voter has the right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation, of either the voter or the candidate.

Sec. 6. RCW 29A.36.170 and 2003 c 111 s 917 are each amended to read as follows:

(1) ((Except as provided in RCW 29A.36.180 and in subsection (2) of this section, on the ballot at the general election for a nonpartisan)) For any office for which a primary was held, only the names of the top two candidates will appear on the general election ballot; the name((s)) of the candidate who received the greatest number of votes will appear first and the candidate who received the next greatest number of votes ((for that office shall appear under the title of that office, and the names shall appear in that order. If a primary was conducted;)) will appear second. No candidate's name may be printed on the subsequent general election ballot unless he or she receives at least one percent of the total votes cast for that office at the preceding primary, if a primary was conducted. On the ballot at the general election for ((any other nonpartisan)) an office for which no primary was held, the names of the candidates shall be listed in the order determined under RCW 29A.36.130.

(2) ((On the ballot at the general election)) For the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, or state superintendent of public instruction, if a candidate in a contested primary receives a majority of all the votes cast for that office or position, only the name of that candidate may be printed ((under the title of the office)) for that position on the ballot at the general election.

NEW SECTION. Sec. 7. A new section is added to chapter 29A.52 RCW to read as follows:

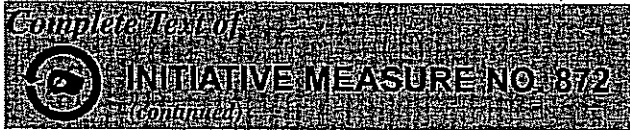
(1) A primary is a first stage in the public process by which voters elect candidates to public office.

(2) Whenever candidates for a partisan office are to be elected, the general election must be preceded by a primary conducted under this chapter. Based upon votes cast at the primary, the top two candidates will be certified as qualified to appear on the general election ballot, unless only one candidate qualifies as provided in RCW 29A.36.170.

(3) For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, then that preference will be shown after the name of the candidate on the primary and general election ballots by appropriate abbreviation as set forth in rules of the secretary of state. A candidate may express no party or independent preference. Any party or independent preferences are shown for the information of voters only and may in no way limit the options available to voters.

CONFORMING AMENDMENTS

Sec. 8. RCW 29A.04.310 and 2003 c 111 s 143 are each amended to read as follows:



((Nominating)) Primaries for general elections to be held in November must be held on:

- (1) The third Tuesday of the preceding September; or ((on))
- (2) The seventh Tuesday immediately preceding ((such)) that general election, whichever occurs first.

Sec. 9. RCW 29A.24.030 and 2003 c 111 s 603 are each amended to read as follows:

A candidate who desires to have his or her name printed on the ballot for election to an office other than president of the United States, vice president of the United States, or an office for which ownership of property is a prerequisite to voting shall complete and file a declaration of candidacy. The secretary of state shall adopt, by rule, a declaration of candidacy form for the office of precinct committee officer and a separate standard form for candidates for all other offices filing under this chapter. Included on the standard form shall be:

- (1) A place for the candidate to declare that he or she is a registered voter within the jurisdiction of the office for which he or she is filing, and the address at which he or she is registered;
- (2) A place for the candidate to indicate the position for which he or she is filing;
- (3) For partisan offices only, a place for the candidate to indicate ((a)) his or her major or minor party ((designation, if applicable)) preference, or independent status;
- (4) A place for the candidate to indicate the amount of the filing fee accompanying the declaration of candidacy or for the candidate to indicate that he or she is filing a nominating petition in lieu of the filing fee under RCW 29A.24.090;
- (5) A place for the candidate to sign the declaration of candidacy, stating that the information provided on the form is true and swearing or affirming that he or she will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

In the case of a declaration of candidacy filed electronically, submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitutions and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee established in RCW 29A.24.090.

The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process.

Sec. 10. RCW 29A.24.210 and 2003 c 111 s 621 are each amended to read as follows:

Filings for a partisan elective office shall be opened for a period of three normal business days whenever, on or after the first day of the regular filing period and before the sixth Tuesday prior to ((a primary)) an election, a vacancy occurs in that office, leaving an unexpired term to be filled by an election for which filings have not been held.

Any ((such)) special three-day filing period shall be fixed by the election officer with whom declarations of candidacy for that office are filed. The election officer shall give notice of the special three-day filing period by notifying the press, radio, and television in the county or counties involved, and by ((such)) any other means as may be required by law.

Candidacies validly filed within the special three-day filing period shall appear on the primary or general election ballot as if filed during the regular filing period.

The procedures for filings for partisan offices where a vacancy occurs under this section or a void in candidacy occurs under RCW 29A.24.140 must be substantially similar to the procedures for nonpartisan offices under RCW 29A.24.150 through 29A.24.170.

NEW SECTION. Sec. 11. A new section is added to chapter 29A.32 RCW to read as follows:

The voters' pamphlet must also contain the political party preference or independent status where a candidate appearing on the ballot has expressed such a preference on his or her declaration of candidacy.

Sec. 12. RCW 29A.36.010 and 2003 c 111 s 901 are each amended to read as follows:

On or before the day following the last day allowed for ((political parties to fill vacancies in the ticket as provided by RCW 29A.28.010)) candidates to withdraw under RCW 29A.24.130, the secretary of state shall certify to each county auditor a list of the candidates who have filed declarations of candidacy in his or her office for the primary. For each office, the certificate shall include the name of each candidate, his or her address, and his or her party ((designation, if any)) preference or independent designation as shown on filed declarations.

Sec. 13. RCW 29A.52.010 and 2003 c 111 s 1301 are each amended to read as follows:

Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no ((September)) primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw, ((either of the following circumstances exist:

- (1) No more than one candidate of each qualified political party has filed a declaration of candidacy for the same partisan office to be filled; or
- (2) no more than two candidates have filed a declaration of candidacy for a single ((nonpartisan)) office to be filled.

In ((either)) this event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the ((September)) primary ballot, but for the provisions of this section, shall be printed as ((nominees)) candidates for the positions sought upon the ((November)) general election ballot.

Sec. 14. RCW 29A.80.010 and 2003 c 111 s 2001 are each amended to read as follows:

- ((1)) Each political party organization may((:
 - (a) Make its own)) adopt rules ((and regulations; and
 - (b) Perform all functions inherent in such an organization;
- (2) Only major political parties may designate candidates to appear on the state primary ballot as provided in RCW 29A.28.010)) governing its own organization and the nonstatutory functions of that organization.

Sec. 15. RCW 42.12.040 and 2003 c 238 s 4 are each amended to read as follows:

- (1) If a vacancy occurs in any partisan elective office in the executive or legislative branches of state government or in any partisan county elective office before the sixth Tuesday prior to the ((primary for the)) next general election following the occurrence



of the vacancy, a successor shall be elected to that office at that general election. Except during the last year of the term of office, if such a vacancy occurs on or after the sixth Tuesday prior to the ((primary for that)) general election, the election of the successor shall occur at the next succeeding general election. The elected successor shall hold office for the remainder of the unexpired term. This section shall not apply to any vacancy occurring in a charter county ((which)) that has charter provisions inconsistent with this section.

(2) If a vacancy occurs in any legislative office or in any partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW ((29-01-135)) 29A.04.133 and shall continue through the term for which he or she was elected.

CODIFICATION AND REPEALS

NEW SECTION. Sec. 16. The code reviser shall revise the caption of any section of Title 29A RCW as needed to reflect changes made through this Initiative.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) RCW 29A.04.157 (September primary) and 2003 c 111 s 128;

(2) RCW 29A.28.010 (Major party ticket) and 2003 c 111 s 701, 1990 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;

(3) RCW 29A.28.020 (Death or disqualification--Correcting ballots--Counting votes already cast) and 2003 c 111 s 702, 2001 c 46 s 4, & 1977 ex.s. c 329 s 13; and

(4) RCW 29A.36.190 (Partisan candidates qualified for general election) and 2003 c 111 s 919.

NEW SECTION. Sec. 18. This act takes effect only if the Ninth Circuit Court of Appeals' decision in *Democratic Party of Washington State v. Reed*, 343 F.3d 1198 (9th Cir. 2003) holding the blanket primary election system in Washington state invalid becomes final and a Final Judgment is entered to that effect.



AN ACT Relating to education; amending RCW 28A.505.210, 82.14.410, 84.52.068, 28B.119.010, 43.09.050, 82.08.020, 82.12.045, and 67.28.181; reenacting and amending RCW 43.79A.040; adding new sections to chapter 28A.215 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 28A RCW; adding a new chapter to Title 28B RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 28A.215.100, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, 28A.215.190, 28A.215.200, 28A.215.900, 28A.215.904, 28A.215.906, and 28A.215.908; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1 FINDINGS. The people of the state of Washington find that:

(1) To compete successfully in the 21st century economy, Washington's citizens must be equipped with the best education and skills in the nation. Education today requires a seamless, integrated, and connected approach to learning, from early childhood to higher education and beyond.

(2) We are demanding more than ever from students and teachers, but our political leaders have ignored the will of the people and have failed to make the investments called for to meet these demands. The state has fallen behind the nation in funding per student at a time when we have committed ourselves to higher standards for all children.

(3) Too many of this state's kindergartners are not ready for school. Too many children do not read at grade level. Too many children do not graduate from high school. Too many college students need remedial classes and too many leave without degrees.

(4) Thousands of eligible low-income children are denied preschool opportunities that would better prepare them for school. Our students sit in the fourth most crowded classrooms in the nation. The state's colleges and universities cannot accommodate tens of thousands of students expected to graduate from high school in the next few years.

(5) To create the best-prepared work force in the country, to fuel the state's economic development, and to strengthen civic participation of the next generation, we must invest more in early childhood education, K-12, and postsecondary education.

(6) Any new funds raised to improve education must be protected and used only for that purpose.

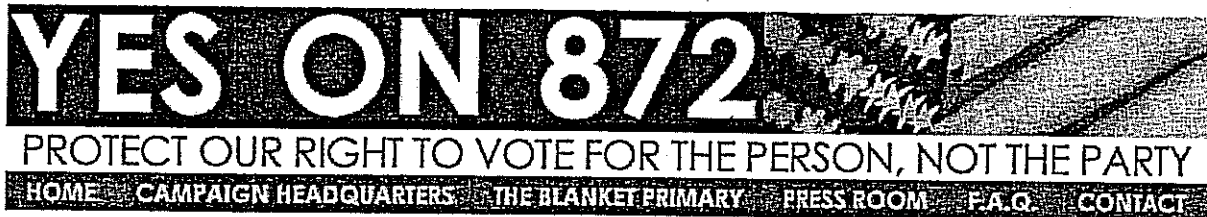
NEW SECTION. Sec. 2 INTENT. (1) It is the intent of the people to create a dedicated education trust fund that will enhance current education funding and make the additional investments needed to help students meet the educational and economic challenges of our time. The education trust fund will operate on three core principles:

(a) **STRATEGIC, TARGETED INVESTMENT.** The education trust fund makes carefully targeted investments to help teachers have the greatest impact on their students and to help families make the greatest gains in access to education and opportunity.

EXHIBIT 2

Initiative 872 - Preserve the Blanket Primary

Page 1 of 3



Minor parties benefit from I-872;
Grange dispels myths

**Preserve your independence. Vote YES
on the "People's Choice" initiative!**

The Washington State Grange announced today that the effects of the qualifying (or "top-two") primary proposed in Initiative 872 could serve to benefit minor parties in primary elections for legislative races. This is contrary to arguments made recently by opponents of the initiative, who have irresponsibly stated that I-872 will shut out minor parties.

New! Contribute online!



• **I-872 Flyer** (double-sided, suitable for printing)

• **I-872 Sign** (11X17, suitable for printing)

"We've done some research on this issue, and it turns out that the doom and gloom scenarios painted by our opponents are simply not true," said Grange President Terry Hunt. "We looked at legislative elections in 2000 and 2002, and we found that a significant number of third party candidates would have made it to the general election under a qualifying primary."

Want to help with I-872? Visit our online [Campaign Headquarters](#) to see how you can make a difference.

The Grange's research concluded that, in the primary election of 2000, a total of 13 minor party candidates for the legislature would have advanced to the general election had the top-two system been in place at that time. In three of those races, the minor party

They took our rights away from us...

...now we're going to take them back!

candidates actually received a higher proportion of the vote than one or more of the major party candidates in those races. In 2002, four legislative races would have had a "qualifying primary" system. It is set up so that the top-two vote-getters advance to the general election, regardless of party. And voters may vote for any candidate for any office without having to disclose party affiliation.

"These figures assume that the dynamics of the qualifying primary will be the same as they were under the blanket primary," said Grange Elections Specialist Don Whiting. "Because a qualifying primary is more competitive than a nominating primary, we could even see more minor party candidates for legislative offices at this 'grass roots' level. This is a fair system, this is the right system, and this is what the people of Washington State have said they want and deserve."

Sign up for I-872 email updates

To stay informed about Initiative 872 and the blanket primary, sign up for our campaign email list.

Email:



Privacy notice: The Grange will not sell or otherwise make available your email address to any third party.

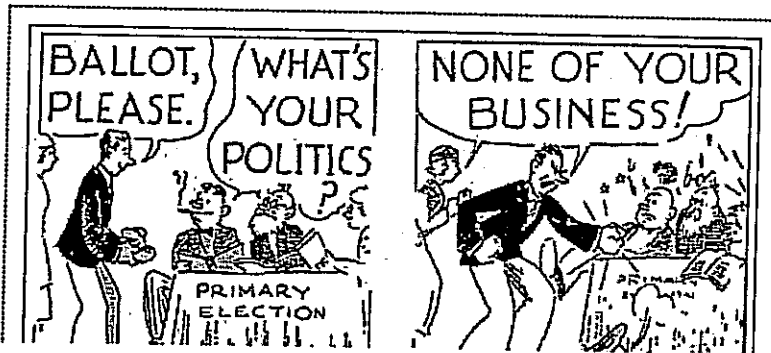
Initiative 872 - Preserve the Blanket Primary

Page 2 of 3

level."

[Read more...](#)

Read [the text of Initiative 872](#) online.



<http://www.blanketprimary.org/>

5/26/2005

Initiative 872 - Preserve the Blanket Primary

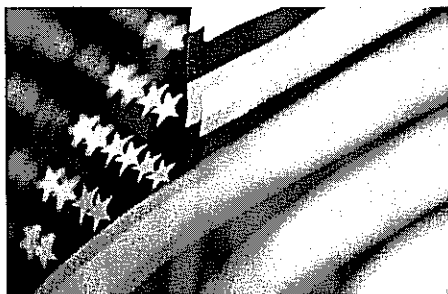
Page 3 of 3

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134

EXHIBIT 3



BLANKETPRIMARY.ORG

INITIATIVE 872

HOME

HISTORY

CALIFORNIA'S
PRIMARYNEWS AND
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STATE
GRANGE**FREQUENTLY ASKED
QUESTIONS*****About the Proposed "People's
Choice Initiative"***

Washington State Grange President Terry Hunt has filed a proposed initiative with the Secretary of State to protect the state's primary system from attacks by the major political parties. These questions and answers relate to the proposed initiative and the legal and legislative context in which it is being proposed.

How would this proposed initiative change our election laws?

This proposed initiative will only make changes in the state's primary laws if the US Supreme Court does not accept an appeal of the Ninth Circuit Court decision against Washington State's blanket primary. We believe that the Supreme Court will eventually uphold the blanket primary, but we need to be prepared if that does not happen. The proposed initiative would replace the current nominating system with a qualifying primary, similar to the nonpartisan primaries used for city, school district, and judicial offices. As in those primaries, the two candidates who receive the greatest number of votes would advance to the general election. Candidates for partisan offices would continue to identify a political party preference when they file for office, and that designation would appear on both the primary and general election ballots.

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16

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Would the primary ballot look any different to the voter?

No. At the primary, the candidates for each office will be listed under the title of that office, the party designations will appear after the candidates' names, and the voter will be able to vote for any candidate for that office (just as they now do in the blanket primary).

Would the general election ballot look different to the voter?

Sometimes, but only rarely. Depending on the number of candidates on the primary ballot for a particular office and the amount of public support each candidate achieves, the voter might be presented with a choice in the general election between two candidates of the same political party. This would only happen if both of those candidates received more votes in the primary than any other candidates (in the same party or any other political party). A qualifying primary forces political parties to recruit the best possible candidates and to actively contest all of the offices on the ballot.

Why is the Washington State Grange proposing this initiative?

We know that the voters of Washington overwhelmingly support the blanket primary. In a blanket primary, the voter does not have to declare political party affiliation at any stage of the process, and may vote for any candidate for any office on the primary ballot. "The major political parties are now trying to convince the Legislature and the public that we have to change the primary system to restrict voters choices in the primary and to force independent voters out of the primary altogether," Hunt explained. "This is simply not true. Through this initiative, we can continue to have all of the benefits of the blanket primary, including the right of a voter to pick any candidate for any office." For seventy years under the blanket primary system, the voters of this state have chosen which candidates advance to the general election ballot. Now, the major political parties are trying to take that away from the voters. This proposed initiative will ensure that the candidates who appear on the general election ballot are those who have the most support from the voters, not just the support of the political

party leadership.

Is the blanket primary case "over" and is the blanket primary "dead"?

No. Although the political party leaders have made this claim in the press, the Secretary of State, the Attorney General, and the Washington State Grange will file a motion for review with the U.S. Supreme Court. If the U.S. Supreme Court accepts the request for review, a hearing would be likely in late 2004 or in early 2005. The blanket primary has been upheld by the Washington State Supreme Court twice and by the Federal District Court. The recent decision in the Ninth Circuit is the only time that a federal or state court has ruled that the blanket primary in Washington is invalid.

What will happen if the U.S. Supreme Court hears the case and reverses the ruling of the Ninth Circuit?

If the Supreme Court rules that the blanket primary is valid, we will keep our nominating system exactly as it is now. The Legislature will not need to amend the laws governing the primary in 2004 and the State Grange will not need to pursue its initiative this year.

What will happen if the U. S. Supreme Court refuses to review the Ninth Circuit Court decision or hears the case and upholds the Ninth Circuit ruling?

Either of these actions would end the legal appeal of this case. If the Supreme Court refuses to hear the case on review or hears the appeal and declares the blanket primary invalid, Washington state will have to adopt a different nominating system for partisan offices. The Legislature would have to adopt a new nominating system for partisan offices - or the voters could do this through the initiative process.

Will there be a ruling from the U.S. Supreme Court before the legislative elections in 2004?

The U.S. Supreme Court will probably either grant or deny a review of the lower court ruling in March or April of 2004. If the Supreme Court takes the case on review and a stay is issued against the Ninth Circuit Court decision, there should be no change in the statutes until after the 2004 election. If the Court denies the review, the Legislature may have to act to provide an alternative system for the 2004 primary. Because of the timing, this might require a special legislative session.

Could the Legislature provide an alternative to the blanket primary during the regular session in 2004, if the U. S. Supreme Court does not decide on the application for review until April or May?

The Legislature should wait until the U. S. Supreme Court has decided whether or not to hear the blanket primary case. However, because that decision may come between the regular session of the Legislature and the beginning of the election process in 2004, the House and Senate will likely hold hearings and other deliberations on possible amendments to the blanket primary in the event that a special session is needed later in 2004.

If all the appeals fail, will we have to require voters to register by party or declare political party at the primary?

No. Although the political parties will probably advocate these options, the Legislature has several other choices to consider. Some of these approaches retain almost all of the features of the current primary system. We can change our current system to a qualifying primary. The only difference would be that, at the general election, the two candidates who received the most votes in the primary (for each office) would appear on the ballot - instead of one candidate from each major political party. Both the U. S. Supreme Court and the Ninth Circuit have ruled that this form of primary is different from the partisan blanket primary now in use in Washington state and that qualifying primaries are not subject to the kind of legal challenge presently being made by the political parties. The State Grange wants the Legislature to know that there are alternatives to the restrictive proposals the political parties are trying to push, and it wants the voters to know that they can continue to have a primary where they choose the candidates that go on the general election ballot.

If Washington adopts a qualifying primary, does this mean that the offices become nonpartisan?

No. Candidates will continue to express a political party preference when they file for office and that party designation will appear on the ballot. An office would only become nonpartisan if the Legislature adopts a statute prohibiting party designations on the ballot for candidates for that office.

In the past, there have been races for major offices including the Governor where the two candidates with the most votes in the primary were from the same political party. Would the initiative encourage this kind of outcome?

No. The initiative should force the political parties to compete more effectively for these offices. Unfortunately, we have seen recent races for Governor where one of the major parties nominated a candidate that received less than 40% of the vote in the general election. Under this initiative, parties should seek candidates with broad public support who can survive a competitive primary.

Does this proposed initiative create a "Cajun" primary, like they have in Louisiana?

Absolutely not. In Louisiana, voters are required to register by political party, and if a candidate receives more than 50% of the vote for an office at the primary, he or she is elected (the office does not even appear on the general ballot). Under this proposed initiative, voters would never have to declare political party affiliation and every office would appear on the general election ballot.

Would this proposal eliminate minor party candidates from the primary or general election ballot?

No. Minor parties would continue to select candidates the same way they do under the blanket primary. Their candidates would appear on the primary ballot for each office (as they do now). Minor party candidates have had good success recently advancing

candidates to the general election in districts where only one of the major political parties runs a candidate (about 15% of all legislative districts). Presumably they would continue to do well in these circumstances.

The major political parties have threatened that, if the Legislature adopts a qualifying (top-two) primary, then they would hold their own nominating conventions and sue in court to prevent anyone else from using their "name" as a party label. Would the same thing happen if the initiative is adopted?

A lawsuit is likely, but this is a hollow threat on the part of the parties. They would be unlikely to prevail on either claim. The major political parties can hold conventions and endorse candidates under current election law. The initiative would not change this. However, because there are no statutes preventing other candidates from filing for office and no laws permitting the appearance of the party endorsement on the ballot, such "nominations" are not relevant to the conduct of the primary or the election. The major parties' do not have a defensible claim that no one can use their "name" without their permission. In a recent case in Oregon about this issue, the court held that the party has no such right. This is the same as Midas Muffler trying to claim that no one else can use the word "muffler". They have a legal right to their whole name, but not to either the word "midas" or the word "muffler", by itself.



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EXHIBIT 4

YES I-872

Vote for the person, NOT the party

Initiative Measure 872

Advantages of a Qualifying Primary for Washington State

The federal courts have ruled that Washington can no longer conduct "blanket primaries", as it has for nearly seventy years. During the 2004 session, the Legislature adopted a new type of primary, called a "qualifying primary" or a "top-two primary". However, Governor Locke extensively vetoed that bill, eliminating the qualifying primary and creating instead a nominating primary in which voters will only be able to vote for the candidates of a single party in the primary.

The Washington State Grange opposes primaries in which voters are restricted to voting for candidates of only one party and does not want to see political parties gain control of the primary. Initiative Measure 872 establishes a qualifying primary which will give voters the freedom they enjoyed under the blanket primary — to vote for any candidate they prefer for each office.

Independent Voters Should be Free to Support Any Candidate in the Primary

Most of the voters in Washington are independents who "vote for the person, not the party." They want to support and vote for the candidates that they feel are the most qualified and will do the best job — without regard to the political party of the candidate.

Voters do not want to be restricted in the primary to voting on the candidates of only one party because, for many voters, this prevents them from expressing support for all the candidates they want to see elected. Initiative 872 gives voters this freedom to choose any candidate in the primary.

Qualifying Primaries are More Competitive

Under Initiative 872, the two candidates with the most votes in the primary win and go on to the general election ballot. No political party is guaranteed a spot on the general election ballot. Parties will have to recruit candidates with broad public support and run campaigns that appeal to all the voters.

Under Initiative 872, this will be especially true in "safe" legislative districts that are historically dominated by one party. In a nominating primary system, there may be several candidates from the dominant party in the primary, but only one of them advances to the general. Often, this is the only candidate on the

www.I872.org

general election ballot. If Initiative 872 is approved, voters in the general election will always have a choice between the two most popular candidates in the primary.

Elected Officials Will be More Representative of the Public

Qualifying primaries are more likely to produce public officials who represent the political preferences and opinions of a broad cross-section of the voters. Candidates will need to appeal to all the voters, partisan and independent alike. They will not be able to win the primary by appealing only to party activists. A party nominating primary takes control of the primary away from the voters and gives it to the leadership of the political party organizations. The qualifying primary gives voters the kind of control that they exercised for seventy years under the blanket primary.

Initiative 872 Protects Voter Privacy and Increases Participation

Under I-872, voters will never have to declare party or register by party in order to vote in the primary. In the primaries in 2000, the turnout in Washington was more than twice as high as in states with party primaries – because voters in this state could support any candidate on the primary ballot.

The Qualifying Primary is Constitutional

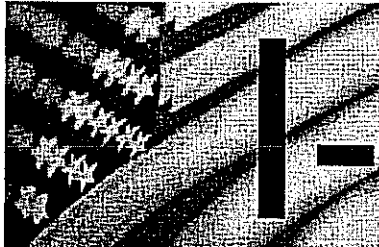
A majority of the US Supreme Court clearly distinguished the two types of primaries. They described the qualifying primary in the following way,

"Each voter, regardless of party affiliation, may vote for any candidate, and the top two vote getters (or however many the State prescribes) then move on to the general election. This system has all the characteristics of the partisan blanket primary, save the constitutionally crucial one: Primary voters are not choosing a party's nominee."

Because the voters are not selecting party nominees, a qualifying primary does not interfere with any constitutionally-protected interest of a political party. The Grange specifically drafted Initiative 872 to conform to this ruling by the US Supreme Court.

A Qualifying Primary Will be Better for Minor Party Candidates

Minor parties will be able to participate more effectively in a qualifying primary system than in nominating primaries. In a qualifying primary, minor parties are more likely to focus their efforts on "grassroots" legislative offices than on statewide and federal positions. If they compete aggressively in districts where one of the two larger parties is not running any candidates, they will have a good chance of qualifying a candidate for the general – and of winning more support for their party than in the past. Initiative 872 creates a level playing field for all candidates in the primary.

YES  I-872