

EXHIBIT 5

LAW OFFICES

LIVENGOOD, FITZGERALD & ALSKOG

A PROFESSIONAL LIMITED LIABILITY COMPANY

JAMES S. FITZGERALD*
DAVID A. ALSKOG
DAVID B. JOHNSTON
JOHN J. WHITE, JR.
DAVID J. SEELEY+
JAMES E. HURT
KEVIN B. HANSEN
AIMEE D. BRICE

PHILIP L. CARTER, RETIRED
ROBERT P. TIOSSEM, RETIRED

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E-Mail: white@lclaw.com

*ALSO ADMITTED IN OREGON
+ALSO ADMITTED IN CALIFORNIA

GORDON A. LIVENGOOD (1921 - 2001)

April 19, 2005

VIA REGULAR MAIL and
FACSIMILE: 206-296-0108

Mr. Dean Logan
King County Records & Elections
King County Administration Building
Room 553
500 Fourth Avenue
Seattle, WA 98104

Re: **Nomination of Republican Candidates in 2005**

Dear Mr. Logan:

As you know, the Ninth Circuit Court of Appeals struck down Washington's Blanket Primary because it impaired the First Amendment right of association of the Republican Party and its members. The Republican State Committee has adopted rules exercising those rights and governing the process for determining who will be the Republican nominee for partisan elected office. I have enclosed, for your information and use, a copy of those rules.

With the passage of Initiative 872 and its amendment of a portion of Washington's partisan primary law, many details of the administration of the primary remain unresolved or require adoption of appropriate procedures to assure fair representation. If the effect of Initiative 872 is the establishment of a Louisiana-style jungle primary, part III and IV of the rules adopted by the Republican State Committee apply. In that event, the Republican Party will nominate its candidate through a caucus and convention process. In King County, the caucus and convention process begins May 17 with precinct caucuses. Only the candidate nominated by the Republican Party will be eligible to use the Republican Party name in the September primary. The representation by other candidates that they are affiliated with the Republican Party would cause a substantial risk of confusion among Republican voters, risk fragmentation of the Republican vote and would violate the constitutional rights

Mr. Dean Logan

April 19, 2005

Page 2

of association of Republican voters in King County.

If the effect of Initiative 872 is that the primary for partisan King County office will be a Louisiana-style ("top two go forward") primary, we expect the county to respect the Republican Party's selection of its nominee. Please confirm promptly that the county will respect the Republican Party's First Amendment rights and not cause voter confusion by representing that more than one Republican candidate is on a Louisiana-style primary ballot. If you have any questions, please do not hesitate to call.

Very truly yours,

LIVENGOOD, FITZGERALD
& ALSKOG, PLLC


John J. White, Jr.

JJW/lw

Enclosure: a/s

cc: Christopher Vance (w/o encl.)

EXHIBIT 6

LAW OFFICES

LIVENGOOD, FITZGERALD & ALSKOG

A PROFESSIONAL LIMITED LIABILITY COMPANY

JAMES S. FITZGERALD*
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*ALSO ADMITTED IN OREGON
+ALSO ADMITTED IN CALIFORNIA

GORDON A. LIVENGOOD (1921 - 2001)

May 6, 2005

VIA REGULAR MAIL and
FACSIMILE: 1-360-397-6007

Mr. Greg Kimsey
Clark County Auditor
P.O. Box 5000
Vancouver, WA 98666-5000

Re: Nomination of Republican Candidates in 2005

Dear Mr. Kimsey:

As you know, the Ninth Circuit Court of Appeals struck down Washington's Blanket Primary because it impaired the First Amendment right of association of the Republican Party and its members. The Republican State Committee has adopted rules exercising those rights and governing the process for determining who will be the Republican nominee for partisan elected office. I have enclosed, for your information and use, a copy of those rules.

With the passage of Initiative 872 and its amendment of a portion of Washington's partisan primary law, many details of the administration of the primary remain unresolved or require adoption of appropriate procedures to assure fair representation. If the effect of Initiative 872 is the establishment of a Louisiana-style jungle primary, part III and IV of the rules adopted by the Republican State Committee apply. In that event, the Republican Party will nominate its candidate through a caucus and convention process. Only the candidate nominated by the Republican Party will be eligible to use the Republican Party name in the September primary. The representation by other candidates that they are affiliated with the Republican Party would cause a substantial risk of confusion among Republican voters, risk fragmentation of the Republican vote and would violate the constitutional rights of association of Republican voters in Clark County. If Clark County prints ballots identifying persons other than the Republican nominee as a "Republican" candidate, it will be forcing the party and its adherents to affiliate with those unauthorized candidates under the color of state law.

Mr. Greg Kimsey

May 6, 2005

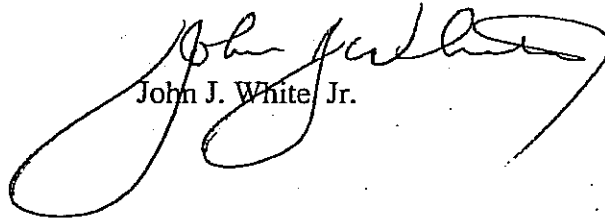
Page 2

If the effect of Initiative 872 is that the primary for partisan Clark County office will be a Louisiana-style ("top two go forward") primary, we expect the county to respect the Republican Party's selection of its nominee. Please confirm promptly that the county will respect the Republican Party's First Amendment rights and not cause voter confusion by representing that more than one Republican candidate is on a Louisiana-style primary ballot. If you have any questions, please do not hesitate to call.

There is also a question whether I-872 has even come into effect yet, because there has been no final judgment in the prior litigation concerning the blanket primary. If that is the case, the former "Montana" primary would still apply for this cycle.

Very truly yours,

LIVENGOOD, FITZGERALD
& ALSKOG, PLLC



John J. White Jr.

JJW/lw

Enclosure: a/s

cc: Christopher Vance (w/o encl.)

Brent Boger, Chairman,

Clark County Central Committee (w/o encl.)

EXHIBIT 7

Rules for the Nomination of Republican Candidates

PART ONE (Party Primary)

Rule 1. Party Primary Required. Any primary which has the effect of nominating a candidate of the Republican Party shall be conducted by use of a ballot on which only Republican candidates for partisan offices are listed. If the state has established a system of party registration, any voter who is registered as a member of the Republican Party and any voter who has not declared party affiliation may participate in the primary of the Republican Party by affirmatively requesting a Republican Ballot. In the absence of party registration, any voter may participate in the primary of the Republican Party by affirmatively requesting a Republican Ballot. A ballot that contains the names of candidates of other parties will comply with this rule if it provides for a declaration of party identification by the voter and only those declaring themselves to be Republicans shall be tabulated for purposes of determining the Republican nominee for any office.

Rule 2. Identification of Participants in Republican Primary. If permitted by Washington state law or provided for by court order, as a condition of participating in a Republican primary, a voter consents to the state providing the Republican Party with a list including the voter's name as a voter who participated in the Republican Party primary.

PART TWO: Qualification for Primary Ballot

Rule 3. Party Registration Required. If the state of Washington shall have established a system of voter registration in which voters may register as a member of the Republican Party, any candidate seeking to qualify for the primary ballot as a Republican must be registered as a Republican at the time the declaration of candidacy is filed.

Rule 4. Significant Support Required. The Republican Party asserts the right to grant permission to use the Republican name and to file seeking the Republican nomination for partisan offices only to candidates who demonstrate significant support within the Republican Party. Rules in Part Two shall become effective January 1, 2005 for all partisan elections conducted after that date.

Rule 5. Significant Support for Incumbents. When an incumbent seeking reelection obtains a vote of more than 66% at a nominating convention called pursuant to rules 6 through 10 as applicable for his office, the incumbent shall be the only candidate certified. If the incumbent does not receive a vote of more than 66%, the incumbent and any challenger must qualify under Rules 6 through 10.

Rule 6. Demonstration of Significant Support: Statewide Office. A candidate for partisan statewide office (including United States Senator) demonstrates significant

Republican support by obtaining a vote of 25% or more of the delegates to a Republican nominating convention held not earlier than the first day of May and not later than the Sunday before filing for office commences and held pursuant to the rules for caucuses and conventions adopted by the Republican State Committee of Washington, and further complying with these rules.

Rule 7: Demonstration of Significant Support, United States Congress.

A candidate for United State Congress demonstrates significant Republican support by obtaining the vote of 25% or more of the delegates to county conventions from precincts within the Congressional District. Votes shall be tallied at each county convention (or, if provided for by the rules of the county, at legislative district caucuses called by the respective county), such nominating conventions or caucuses held not earlier than the first day of April and not later than the last date set for the holding of county conventions in accordance with the rules for caucuses and conventions adopted by the Republican State Committee of Washington. The results from each county shall be reported to the Secretary, the Republican State Committee of Washington, within three days after the convention has adjourned.

Rule 8. Demonstration of Significant Support: County Office. A candidate for any county partisan office demonstrates significant Republican support by obtaining the vote of 25% or more of the delegates to a Republican county nominating convention, such nominating convention to be held not earlier than the first day of April and not later than the last date set for the holding of county conventions in accordance with the rules for caucuses and conventions adopted by the Republican State Committee of Washington.

Rule 9 Demonstration of Significant Support: Legislative Districts.
A candidate for Washington state legislature demonstrates significant Republican support by obtaining the vote of 25% or more of the delegates to county conventions from precincts within the Legislative District. Votes shall be tallied at each county convention (or, if provided for by the rules of the county, at legislative district caucuses called by the respective county), such nominating conventions or caucuses held not earlier than the first day of April and not later than the last date set for the holding of county conventions in accordance with the rules for caucuses and conventions adopted by the Republican State Committee of Washington. The results from each county shall be reported to the Secretary, the Republican State Committee of Washington, within three days after the convention has adjourned.

Rule 10. Demonstration of Significant Support: County Districted Offices. A candidate for a county partisan office comprising less than the entire county (County Council and County Commissioners who are nominated by less than the entire county demonstrates significant Republican support by obtaining the vote of 25% or more of the delegates to a Republican county nominating convention from precincts within the district the candidate seeks to represent, such nominating conventions (or district caucus if provided for under the rules of the county) shall be held not earlier than the first day of April and not later than the last date set for the holding of county conventions in

accordance with the rules for caucuses and conventions adopted by the Republican State Committee of Washington.

Rule 11: Provision When No Candidate Demonstrates Significant Support. If no candidate demonstrates the requisite support level, then the three candidates receiving the most votes shall be certified to the primary ballot.

Rule 12. Partisan elections in Odd-Numbered Years. Counties holding partisan elections in odd-numbered years shall hold precinct caucuses on the second Tuesday of March and shall thereafter hold district and/or county nominating conventions pursuant to the foregoing rules and to the rules of procedure for conducting precinct caucuses and county conventions adopted by the Republican State Committee to govern the preceding even-numbered year.

Rule 13. Special Elections: County or Legislative Offices. In any special election called to complete an unfilled term of office, the Republican nominating convention shall consist of the Precinct Committee Officers elected or appointed at least sixty days before the holding of the convention. The convention shall be held not later than the Sunday before filing for office commences. Candidates demonstrate significant support by obtaining the vote of 25% or more of the delegates to the convention.

Rule 14. Special Elections, Statewide Office. In any special election called to complete an unfilled term of office for any statewide office, if the notice of special election is called more than sixty days prior to the holding of a regularly scheduled state Republican convention, said convention shall serve as the nominating convention. In all other cases, the Republican State Committee shall serve as the Republican nominating convention. Each state committeeman, state committeewoman and county chairman shall be entitled to cast as many votes as the county he or she represents was allocated at the last Republican state convention. Candidates demonstrate significant support by obtaining the vote of 25% or more of the votes cast.

Rule 15. Alternative Demonstration of Support By Petition. Alternatively, if the state of Washington shall have established a system of voter registration in which voters may register as a member of the Republican Party and shall have provided for a system of validating nominating petitions, in any race where an incumbent has not received more than 66% of the vote in a nominating convention, a candidate may demonstrate significant Republican support by filing, with the declaration of candidacy a Nominating Petition signed by 5% of the Registered Republicans in the constituency that the candidate seeks to represent.

In the absence of a system of party registration and of petition signature validation, a candidate may demonstrate significant Republican support by filing, not less than one week before the close of filing for office, a Nominating Petition signed by 5% of the Republican Vote in the constituency in the last Quadrennial Election. "Republican Vote" shall mean the total vote in the precincts within the constituency for the offices of President, Vice President, Attorney General and the two positions of the State House of

Representative, divided by five. The Petition shall be filed with the County Central Committee for all offices where filing for office is with the County Auditor and with the State Committee for all offices where the filing for office is with the Secretary of State. The Nominating Petition shall be in a form prescribed by the State Chairman and shall include a statement that the individual considers him/herself to be a Republican and will not participate in the caucus system nor sign a nominating petition for any other party during the current year, and that the signer understands that the nominating petition shall be filed with the Republican Party and may be publicly inspected. The Party Committee with which the petition is filed shall have the responsibility of validating the signatures and certifying that the candidate has demonstrated significant Republican support.

PART THREE: Nomination in the Absence of a Valid Primary.

[NOTE: This set of rules is designed to provide for nomination of Republican candidates in the event that the court does not impose a party primary. If the "winnowing election" established by Initiate 872 remains in effect, actions under this rule will determine which Republican would appear on the "qualifying election" ballot in September.]

Rule 16. Nomination in the Absence of Qualifying Primary. In the absence of a primary election complying with Rule 1, Republican Party nominees will be selected in accordance with this Part Three.

Rule 17. Nominating Convention for years commencing in the Year 2005. Beginning in the year 2005, for any regularly scheduled election the candidates of the Republican Party shall be nominated by convention convened pursuant to these rules.

Such nominating convention shall select the party's nominee and shall be held not later than the Saturday preceding the first day candidates may file for election.

Delegates eligible to vote in the convention, or as appropriate in the caucus, shall be delegates residing in the district or constituency which the elected official shall represent. In Code Counties, candidates for county commissioner shall be nominated by delegates residing in the district which the commissioner seeks to represent.

Rule 18 Nominating by Precinct Committee Officers for special elections.¹

In the event of any special election in an odd-numbered year as a result of a vacancy due to death or resignation the Republican nominating convention shall consist of the Precinct Committee Officers elected or appointed at least sixty days before the

¹ Where the vacancy in office results from the resignation of a Republican elected official two separate actions are required by the Republican Party. Operating under the state constitution and other provisions, the party must submit a list of three names from which the County Commissioners must make the choice of a person to fill the office until the next election. Under these rules, the Party nominates its candidate to run at the next election. While they may be the same individual, they need not be. The two separate actions could be conducted at one meeting, depending on timing.

holding of the convention. In any even-numbered year in which the vacancy occurs not later than 15 days before the regularly scheduled county or state convention, the convention shall nominate. If the vacancy occurs subsequent to that date, the nominating convention shall consist of the Precinct Committee Officers elected or appointed at least sixty days before the holding of the convention. Said convention shall be held not later than the Saturday preceding the first day candidates may file for election. Provided, that in the event of a vacancy occurring subsequent to July 15 of any year, the state committee shall serve as the nominating convention, or in the case of offices voted on solely by voters on one county, the county central committee of that county.

Rule 19. Nominating Conventions in Odd-Numbered Years [King and Snohomish in 2005]. For nomination for any regularly scheduled office for county commission or county council, other county office or any other partisan office, the chairman of the Republican County Central Committee shall cause a nominating convention to be convened.

The county chairman of the county involved shall convene precinct caucuses to select delegates to the nominating convention. The caucuses shall be conducted, insofar as possible, in accordance with the Rules Governing County Caucuses adopted by the Republican State Committee of Washington to govern in the prior even-numbered year, provided that the date for the precinct caucus shall be set by the county central committee.

Rule 20. Nominating Conventions in even-numbered years. For regularly scheduled elections to be held in any even-numbered year commencing with the year 2006, any nominating convention shall be the county or state convention called pursuant to the Rules for Precinct Caucuses and County Conventions adopted by the Republican State Committee of Washington.

Rule 21. Majority Vote Required. The nominee of the Republican Party shall be the candidate who receives a majority vote. If no candidate receives a majority of the first ballot, the candidate receiving the least number of votes shall be dropped from each successive ballot until a candidate receives a majority. In the event of a tie in determining which candidate shall be dropped, the candidate shall be chosen by lot.

PART FOUR General Rules.

The following rules shall apply to conventions held under either Part Two or Part Three of these rules.

Rule 22. Rules for Balloting. Each candidate or the candidate's representative shall be entitled to address the caucus or convention for not less than two minutes, or longer if provided for under rules adopted to govern the convention. Each delegate shall vote by ballot for one candidate for each office for which nominations are sought. The results shall be tallied and reported to the chairman of the convention and, within three

days after the adjournment of the convention, to the Secretary of the Republican State Committee of Washington. The convention or caucus may dispense with balloting for any office in which a single candidate is seeking nomination.

Rule 23: Weighting votes in Multi-County Districts. The standard minimum allocation of delegates to precincts under existing state rules for precinct caucuses is two delegates per precinct on average (see rules for caucuses and conventions adopted by the Republican State Committee of Washington). Some counties elect to allocate more delegates in order to increase participation at the grass roots level. In order to assure appropriate weighting between delegate votes in multi-county Legislative or Congressional districts, the delegate vote reported under Rules 7 and 9 for multi-county districts shall be adjusted as follows: Multiply by two and divide by the average number of delegates allocated to each precinct in allocation of delegates.

Example: Smith County and Jones County make up the 50th Legislative District and each are identical in population. Smith County has allocated an average of 2 delegates per precinct to its precincts for purposes of the nominating convention. Jones County has allocated an average of 4 delegates per precinct. The vote tally in Smith County is 120 votes for candidate A and 30 for Candidate B. The vote tally in Jones County is 212 votes for Candidate A and 88 votes for Candidate B. While the "raw vote" would give Candidate B 118 votes out of 450, or over 25%, that is a result of the larger allocation of votes in Jones County. Adjusting by the formula, the raw votes in Smith County would remain the same (multiplied by 2 and divided by 2), but the votes in Jones County would be divided in half (multiplied by 2 and divided by 4). The result would be that Candidate A has 226 votes and Candidate B has 74. Since 74 is less than 25% of 300, Candidate B would not be certified for the primary ballot in a convention held under Part Two. (In this example, of course, Candidate A would have a majority and would be the nominee in a convention held under Part Three.)

Rule 24 Provision for Convention Recess. If a convention determines that it is not prepared to nominate or certify a candidate or candidates for one or more offices, the convention may recess to a date certain, not later than the Saturday before the commencement of the period for candidate filing, or may recess to a call of the chair. In the event the convention recesses to the call of the chair, any reconvened convention must be held not later than the Saturday before the commencement of the period for candidate filing and the call of the reconvened notice must be mailed not later than ten days before the date upon which the convention reconvenes.

Rule 25: Provision for Reconvening Convention. In the event of a vacancy on the Republican ballot or a substantial change in the nature of the primary by virtue of the death, disability, or announced withdrawal or resignation of a candidate, the county

chairman (in the case of an office wholly within the boundary of a single county) or the state chairman (in the case of a multi county legislative office) may convene the members of the county central committee or committees residing within the relevant jurisdiction, shall convene to serve as the convention. In the event the vacancy involves a Congressional or statewide office, the state Committee shall serve as the default nominating convention. Each state committeeman, state committeewoman and county chairman shall be entitled to cast as many votes as the county he or she represents was allocated at the last Republican state convention.

Rule 26: Authority to Fill Ballot Vacancies. Should a place on the ticket of the Republican Party be vacant because no person has filed for nomination as the candidate of that major political party, (whether or not a candidate has been certified pursuant to these rules) and if the vacancy is for a state or county office to be voted on solely by the electors of a single county the county central committee may select and certify a candidate to fill the vacancy; if the vacancy is for any other office the state committee may select and certify a candidate to fill the vacancy.

Rule 27 Certification. For offices voted on solely by voters from one county, The chairman of the county central committee shall certify the results to the County Auditor, or other official serving as chief elections officer for the county no later than the first day for filing for office. For offices voted on by voters from more than one county, the chairman of the Republican State Committee of Washington shall certify the results to the Secretary of State no later than the first day for filing for office.

Rule 28. Action in Default of County Convention. In the event that any county shall fail to hold a nominating convention pursuant to these rules, the responsibility for selecting the nominee of the Republican Party shall be that of the Republican State Committee of Washington.

Rule 29 Convention Contests. In the event that the results of any convention held under these rules shall be challenged, the Republican State Committee of Washington shall be the sole judge of such contest and the determination of the Republican State Committee of Washington as to whom the nominee of the Republican Party is shall be final.

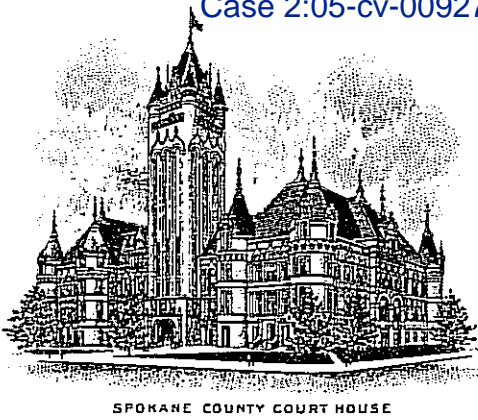
Rule 30 Authority to Use Name Republican. Only candidates who shall have been certified or nominated pursuant to these rules shall be entitled to designate themselves as Republican candidates or to appear on the election ballot or in other election documents using the designation "Republican" or other words identifying themselves as Republicans

PART FIVE : Authority of State Committee and Executive Board.

Rule 31 Authority to Amend Rules. In the event of the rendering of any court decision which affects the conduct of nominations, the state committee shall reserve the

right to amend these rules to conform to, or take advantage of, such court decision. In the interval between state committee meetings, such power is held by the Executive Board.

EXHIBIT 8



SPOKANE COUNTY COURT HOUSE

SPOKANE COUNTY ELECTIONS DEPARTMENT

PAUL BRANDT
Manager

VICKY M. DALTON, AUDITOR

1033 W. Gardner Ave., Spokane, WA 99260-0025
(509) 477-2320 • Fax: 477-6607 • TDD: 477-2333

May 17, 2005

RECEIVED

MAY 17 2005

LIVENGOOD, FITZGERALD
& ALSKOG

John J. White, Jr.
Livengood, Fitzgerald & Alskog, PLLC
121 Third Avenue
Post Office Box 908
Kirkland, WA 98083-0908

RE: Nomination of Republican Candidates in 2005

Dear Mr. White:

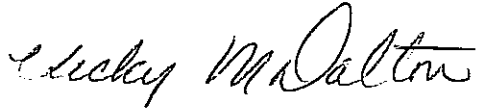
This is in response to your letter of April 19, 2005 in which you asserted an expectation on the part of the Republican State Committee that Spokane County "respect the Republican Party's selection of its nominee" for partisan offices that will appear on the 2005 primary ballot. As you indicate in your letter, details of the implementation of Initiative 872 – or the Top Two Primary – are not yet formally established, so I may be unable to answer your questions completely at this time.

From communications with the Office of the Secretary of State, it is my understanding that Secretary Reed is in the process of promulgating administrative rules implementing the initiative. Further, it is my understanding that the language in the initiative is interpreted by the State as repealing the existing Montana-style primary and the State intends to administer the 2005 primary under the language adopted in the initiative.

The Spokane County Auditor's Office will be guided by the text of the initiative and the administrative rules adopted by the Secretary of State in making determinations regarding placement of candidates' names on the 2005 primary ballot. I appreciate you providing my office with a copy of the "Rules for the Nomination of Republican Candidates". We will keep your rules on file as a reference in the event they are germane to the implementation of the new primary. At this time, I am not aware of any language associated with the Initiative that contemplates a partisan nomination process separate from the primary.

I hope this information is of use to you. If you have additional questions feel free to contact me.

Sincerely,



Vicky M. Dalton, CPA
Auditor

cc: Hon. Sam Reed, Secretary of State
Nick Handy, State Elections Director, Office of the Secretary of State
Steven Kinn, Deputy Prosecuting Attorney, Spokane County



proud past, promising future

CLARK COUNTY
WASHINGTON

AUDITOR
Greg Kimsey

RECEIVED

MAY 19 2005

LIVENGOOD, FITZGERALD
& ALSKOG

May 16, 2005

John J. White, Jr.
Livengood, Fitzgerald & Alskog, PLLC
121 Third Avenue
Post Office Box 908
Kirkland, WA 98083-0908

RE: Nomination of Republican Candidates in 2005

Dear Mr. White:

This responds to your letter of April 19, 2005 in which you asserted an expectation on the part of the Republican State Committee that Clark County will "respect the Republican Party's selection of its nominee" for partisan offices that will appear on the 2005 primary ballot. As you indicate in your letter, details of the implementation of Initiative 872 – or the Top Two Primary – are not yet formally established, so I may be unable to answer your questions completely at this time.

I have been in contact with the Office of the Secretary of State and it is my understanding that Secretary Reed is in the process of promulgating administrative rules implementing the Initiative. Further, it is my understanding that the language in the initiative is interpreted by the state as repealing the existing Montana-style primary and the state intends to administer the 2005 primary under the language adopted in the Initiative.

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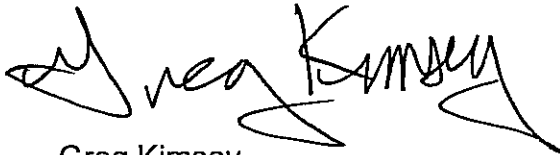
1300 Franklin Street • P.O. Box 5000 • Vancouver, WA 98666-5000 • tel: [360] 397-2241 • fax: [360] 397-6007 • www.clark.wa.gov



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I hope this information is of use to you. I have copied the Secretary of State on my reply so that his office can provide notice to you and your client when administrative rules are filed and adopted.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Kimsey". The signature is stylized with a large, sweeping initial "G" and a long, horizontal flourish extending to the right.

Greg Kimsey
Clark County Auditor

cc: Hon. Sam Reed, Secretary of State
Nick Handy, State Elections Director, Office of the Secretary of State
Curt Wyrick Chief. Deputy Prosecuting Attorney, Office of the Clark
County Prosecuting Attorney



Snohomish County

Auditor's Office

Bob Terwilliger
County Auditor
Carolyn Ableman
Chief Deputy Auditor

M/S #505
3000 Rockefeller Avenue
Everett, WA 98201-4059
(425) 388-3693
FAX (425) 259-2777

May 13, 2005

John J. White, Jr.
Livengood, Fitzgerald & Alskog, PLLC
121 Third Avenue
Post Office Box 908
Kirkland, WA 98083-0908

RE: Nomination of Republican Candidates in 2005

Dear Mr. White:

This responds to your letter of May 6, 2005 in which you asserted an expectation on the part of the Republican State Committee that Snohomish County "respect the Republican Party's selection of its nominee" for partisan offices that will appear on the 2005 primary ballot. As you indicate in your letter, details of the implementation of Initiative 872 – or the Top Two Primary – are not yet formally established, so I may be unable to answer your questions completely at this time.

I have been in contact with the Office of the Secretary of State and it is my understanding that Secretary Reed is in the process of promulgating administrative rules implementing the Initiative. Further, it is my understanding that the language in the initiative is interpreted by the state as repealing the existing Montana-style primary and the state intends to administer the 2005 primary under the language adopted in the Initiative.

The Snohomish County Auditor's Office will be guided by the text of the initiative and the administrative rules adopted by the Secretary of State in making determinations regarding placement of candidates' names on the 2005 primary ballot. I appreciate you providing my office with a copy of the "Rules for the Nomination of Republican Candidates". We will keep your rules on file as a reference in the event they are germane to the implementation of the new primary. At this time, I am not aware of any language associated with the Initiative that contemplates a partisan nomination process separate from the primary.

I hope this information is of use to you. I have copied the Secretary of State on my reply so that his office can provide notice to you and your client when administrative rules are filed and

John J. White, Jr.
April 27, 2005/13/2005
Page 2

adopted. As further information becomes available regarding the implementation of this new primary in Snohomish County, I will make every effort to keep you informed.

Sincerely,



Bob Terwilliger
Snohomish County Auditor

cc: Hon. Sam Reed, Secretary of State
Nick Handy, State Elections Director, Office of the Secretary of State
Gordon Sivley, Deputy Prosecuting Attorney, Snohomish County Prosecutor's Office



King County

**Records, Elections and
Licensing Services Division**

Department of Executive Services
King County Administration Building
500 Fourth Avenue, Room 553
Seattle, WA 98104-2337
206-296-1540 Fax 206-296-0108
TTY Relay: 711

RECEIVED

APR 28 2005

LIVENGOOD, FITZGERALD
& ALSKOG

April 27, 2005

John J. White, Jr.
Livengood, Fitzgerald & Alskog, PLLC
121 Third Avenue
Post Office Box 908
Kirkland, WA 98083-0908

RE: Nomination of Republican Candidates in 2005

Dear Mr. White:

This responds to your letter of April 19, 2005 in which you asserted an expectation on the part of the Republican State Committee that King County "respect the Republican Party's selection of its nominee" for partisan offices that will appear on the 2005 primary ballot. As you indicate in your letter, details of the implementation of Initiative 872 -- or the Top Two Primary -- are not yet formally established, so I may be unable to answer your questions completely at this time.

I have been in contact with the Office of the Secretary of State and it is my understanding that Secretary Reed is in the process of promulgating administrative rules implementing the Initiative. Further, it is my understanding that the language in the Initiative is interpreted by the state as repealing the existing Montana-style primary, and the state intends to administer the 2005 primary under the language adopted in the Initiative.

King County Elections will be guided by the text of the Initiative and the administrative rules adopted by the Secretary of State in making determinations regarding placement of candidates' names on the 2005 primary ballot. I appreciate your providing my office with a copy of the "Rules for the Nomination of Republican Candidates." We will keep your rules on file as a reference in the event they are germane to the implementation of the new primary. At this time, I am not aware of any language associated with the Initiative that contemplates a partisan nomination process separate from the primary.

John J. White, Jr.
April 27, 2005
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I hope this information is of use to you. I have copied the Secretary of State on my reply so that his office can provide notice to you and your client when administrative rules are filed and adopted. As further information becomes available regarding the implementation of this new primary in King County, I will make every effort to keep you informed.

Sincerely,



Dean C. Logan
Director

cc: Hon. Sam Reed, Secretary of State
Nick Handy, State Elections Director, Office of the Secretary of State
Janine Joly, Sr. Deputy Prosecuting Attorney, Office of the King County Prosecutor

EXHIBIT 9



Elections Calendar

- 1/1/2005 LEGAL HOLIDAY - NEW YEAR'S DAY (RCW 1.16.050)
- 1/8/2005 Last day to register to vote for the February 8 special election except for in-person registration at the auditor's office (RCW 29A.08.140)(RCW 29A.08.145)
- 1/10/2005 First day to file Initiatives to the People (RCW 29A.72.030)
- 1/10/2005 Regular Legislative Session begins (44.04.010)
- 1/17/2005 LEGAL HOLIDAY - MARTIN LUTHER KING, JR. DAY (RCW 1.16.050)
- 1/18/2005 PDC Form C-4
- 1/19/2005 Auditors to have absentee ballots available for the February 8 special election (RCW 29A.40.070)
- 1/21/2005 Auditors to have absentee ballots mailed for the February 8 special election (RCW 29A.40.070)
- 1/21/2005 Last day for filing resolutions for the March 8 special election (RCW 29A.04.330)
- 1/24/2005 Last day for in-person registration at the auditor's office for the February 8 special election (RCW 29A.08.145)
- 1/24/2005 Last week for auditors to publish notice of closing of registration for the March 8 special election (RCW 29A.08.140)
- 1/26/2005 First day to apply for an absentee ballot for the April 26 special election (RCW 29A.40.020)(RCW 29A.40.050)
- 1/27/2005 Last day for adoption of resolutions for a local voters pamphlet for the March 8 special election (RCW 29A.32.210)
- 1/29/2005 First day auditors may publish notice of the February 8 special election (RCW 29A.52.351)
- 2/1/2005 PDC Form C-4
- 2/5/2005 Last day to register to vote for the March 8 special election except for in-person registration at the auditor's office (RCW 29A.08.140)(RCW 29A.08.145)
- 2/5/2005 Last day auditors may publish notice of the February 8 special election (RCW 29A.52.351)
- 2/7/2005 Last day to apply for an absentee ballot for the February 8 special election (RCW 29A.40.020)
- 2/8/2005 SPECIAL ELECTION (RCW 29A.04.321)(RCW 29A.04.330)
- 2/15/2005 PDC Form C-4
- 2/16/2005 Auditors to have absentee ballots available for the March 8 special election (RCW 29A.40.070)
- 2/16/2005 First day to apply for an absentee ballot for the May 17 special election (RCW 29A.40.020)(RCW 29A.40.050)
- 2/18/2005 County canvassing board to certify the February 8 special election returns (RCW 29A.60.190)
- 2/18/2005 Last day for in-person registration at the auditor's office for the March 8 special election (RCW 29A.08.145)
- 2/18/2005 Auditors to have absentee ballots mailed for the March 8 special election (RCW 29A.40.070)
- 2/21/2005 LEGAL HOLIDAY - PRESIDENTS' DAY (RCW 1.16.050)
- 2/26/2005 First day auditors may publish notice of the March 8 special election (RCW 29A.52.351)

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- 3/1/2005 PDC Form C-4
- 3/5/2005 Last day auditors may publish notice of the March 8 special election (RCW 29A.52.351)
- 3/7/2005 Last day to apply for an absentee ballot for the March 8 special election (RCW 29A.40.020)
- 3/8/2005 SPECIAL ELECTION (RCW 29A.04.321)(RCW 29A.04.330)
- 3/9/2005 First day to file Initiatives to the Legislature (RCW 29A.72.030)
- 3/10/2005 PDC Form C-4
- 3/11/2005 Last day for filing resolutions for the April 26 special election (RCW 29A.04.330)
- 3/14/2005 Last week for auditors to publish notice of closing of registration for the April 26 special election (RCW 29A.08.140)
- 3/17/2005 Last day for adoption of resolutions for a local voters pamphlet for the April 26 special election (RCW 29A.32.210)
- 3/18/2005 County canvassing board to certify the March 8 special election returns (RCW 29A.60.190)
- 3/26/2005 Last day to register to vote for the April 26 special election except for in-person registration at the auditor's office (RCW 29A.08.140)(RCW 29A.08.145)
- 4/1/2005 Last day for filing resolutions for the May 17 special election (RCW 29A.04.330)
- 4/4/2005 Last week for auditors to publish notice of closing of registration for the May 17 special election (RCW 29A.08.140)
- 4/5/2005 PDC Form C-4
- 4/6/2005 Auditors to have absentee ballots available for the April 26 special election (RCW 29A.40.070)
- 4/7/2005 Last day for adoption of resolutions for a local voters pamphlet for the May 17 special election (RCW 29A.32.210)
- 4/8/2005 Auditors to have absentee ballots mailed for the April 26 special election (RCW 29A.40.070)
- 4/11/2005 Last day for in-person registration at the auditor's office for the April 26 special election (RCW 29A.08.145)
- 4/11/2005 PDC Form C-4
- 4/16/2005 Last day to register to vote for the May 17 special election except for in-person registration at the auditor's office (RCW 29A.08.140)(RCW 29A.08.145)
- 4/16/2005 First day auditors may publish notice of the April 26 special election (RCW 29A.52.351)
- 4/19/2005 PDC Form C-4
- 4/23/2005 Last day auditors may publish notice of the April 26 special election (RCW 29A.52.351)
- 4/24/2005 Regular Legislative Session ends (Article II, Section 12, Washington State Constitution)
- 4/25/2005 Last day to apply for an absentee ballot for the April 26 special election (RCW 29A.40.20)
- 4/26/2005 SPECIAL ELECTION (RCW 29A.04.321)(RCW 29A.04.330)
- 4/26/2005 PDC Form C-4
- 4/27/2005 Auditors to have absentee ballots available for the May 17 special election (RCW 29A.40.070)
- 4/29/2005 Auditors to have absentee ballots mailed for the May 17 special election (RCW 29A.40.070)
- 5/2/2005 Last day for in-person registration at the auditor's office for the May 17 special election (RCW 29A.08.145)

- 5/6/2005 County canvassing board to certify the April 26 special election returns (RCW 29A.60.160)
- 5/7/2005 First day auditors may publish notice of the May 17 special election (RCW 29A.52.351)
- 5/10/2005 PDC Form C-4
- 5/14/2005 Last day auditors may publish notice of the May 17 special election (RCW 29A.52.351)
- 5/16/2005 Last day to apply for an absentee ballot for the May 17 special election (RCW 29A.40.020)
- 5/17/2005 SPECIAL ELECTION (RCW 29A.04.320)(RCW 29A.04.330)
- 5/27/2005 County canvassing board to certify the May 17 special election returns (RCW 29A.60.160)
- 5/30/2005 LEGAL HOLIDAY - MEMORIAL DAY (RCW 1.16.050)
- 6/10/2005 PDC Form C-4
- 6/22/2005 Last day for adoption of resolutions for a local voters pamphlet for the primary (RCW 29A.32.210)
- 6/22/2005 First day to apply for an absentee ballot for the primary (RCW 29A.40.020)(RCW 29A.40.050)
- 6/24/2005 Last day for filing officer to assign position numbers for election purposes (RCW 29A.24.010)
- 7/4/2005 LEGAL HOLIDAY - INDEPENDENCE DAY (RCW 1.16.050)
- 7/8/2005 Last day to file signatures for Initiatives to the People (RCW 29A.72.030)
- 7/11/2005 First day candidate filings by mail may be accepted (RCW 29A.24.081)
- 7/25/2005 First day for all candidates to file for office (RCW 29A.24.050)
- 7/29/2005 Last day for all candidates to file for office (RCW 29A.24.050)
- 8/4/2005 Last day for candidates to withdraw (RCW 29A.24.131)
- 8/5/2005 Last day for filing resolutions for special elections held in conjunction with the primary (RCW 29A.04.330)
- 8/5/2005 Last day for major parties to fill vacancies (RCW 29A.28.011)
- 8/8/2005 Last day void in candidacy or vacancy in non-partisan office will cause filings to be reopened for a three-day filing period. The names to appear on the primary ballot (RCW 29A.24.171)
- 8/8/2005 Last day vacancy in partisan office will cause an unexpired term election (RCW 29A.24.211)
- 8/8/2005 Last day for Secretary of State to certify candidates to auditors (RCW 29A.36.011)
- 8/8/2005 Last week for auditors to publish notice of closing of registration for the primary (RCW 29A.08.140)
- 8/9/2005 First day void in candidacy or vacancy in non-partisan office (other than Superintendent of Public Instruction or Judge of the Supreme Court) will cause filings to be reopened for a three-day filing period. The names to appear only on the general election ballot (RCW 29A.24.181)
- 8/10/2005 Last day for adoption of resolutions for a local voters pamphlet for the general election (RCW 29A.32.210)
- 8/10/2005 First day to apply for a general election absentee ballot (RCW 29A.40.020)(RCW 29A.40.050)
- 8/20/2005 Last day to register to vote in the state primary except for in-person registration at the auditor's office (RCW 29A.08.140)(RCW 29A.08.145)
- 8/30/2005 PDC Form C-4
- 8/31/2005 Auditors to have absentee ballots available for the primary (RCW 29A.40.070)

- 9/2/2005 Auditors to have absentee ballots mailed for the primary (RCW 29A.40.070)
- 9/2/2005 Last day for In-person registration at the auditor's office for the primary (RCW 29A.08.145)
- 9/5/2005 LEGAL HOLIDAY - LABOR DAY (RCW 1.16.050)
- 9/10/2005 First day auditors may publish notice of the primary (RCW 29A.52.311)
- 9/13/2005 PDC Form C-4
- 9/17/2005 Last day auditors may publish notice of the primary (RCW 29A.52.311)
- 9/19/2005 Last day for write-in candidates to file Declaration of Candidacy for the primary (RCW 29A.24.311)
- 9/19/2005 Last day to apply for an absentee ballot for the primary (RCW 29A.40.020)
- 9/20/2005 STATE PRIMARY (RCW 29A.04.311)(RCW 29A.04.330)
- 9/23/2005 Last day for filing resolutions for a special election to be held in conjunction with the general election (RCW 29A.04.330)
- 9/26/2005 Last week for auditors to publish notice of closing of registration for the general election (RCW 29A.08.140)
- 9/26/2005 Last day void in candidacy or vacancy in a non-partisan office (other than Superintendent of Public Instruction or judge of the Supreme Court) will cause filings to be re-opened for a three-day filing period. The names to appear only on the general election ballot (RCW 29A.24.181)
- 9/30/2005 County canvassing board to certify the primary returns (RCW 29A.60.190)
- 10/3/2005 Last day for auditors to transmit abstract of primary votes to the Secretary of State (RCW 29A.60.230)
- 10/8/2005 Last day to register to vote in the general election except for in-person registration at the auditor's office (RCW 29A.08.140)(RCW 29A.08.145)
- 10/10/2005 PDC Form C-4
- 10/11/2005 Last day for Secretary of State to certify the primary returns (RCW 29A.60.240)
- 10/12/2005 Last day for Secretary of State to certify nominees and state measures to auditors (RCW 29A.52.321)
- 10/18/2005 PDC Form C-4
- 10/19/2005 Auditors to have absentee ballots available for the state general election (RCW 29A.40.070)
- 10/21/2005 Auditors to have absentee ballots mailed for the state general election (29A.40.070)
- 10/24/2005 Last day for In-person registration at the auditor's office for the general election (RCW 29A.08.145)
- 10/29/2005 First day auditors may publish notice of the general election (RCW 29A.52.350)
- 11/1/2005 PDC Form C-4
- 11/5/2005 Last day auditors may publish notice of the general election (RCW 29A.52.351)
- 11/7/2005 Last day for write-in candidates to file a Declaration of Candidacy (RCW 29A.24.311)
- 11/7/2005 Last day to apply for an absentee ballot for the general election (RCW 29A.40.020)
- 11/8/2005 STATE GENERAL ELECTION (RCW 29A.04.321)(RCW 29A.04.330)
- 11/11/2005 LEGAL HOLIDAY - VETERANS' DAY (RCW 1.16.050)

11/23/2005 County canvassing boards to certify the general election returns (RCW 29A.60.190)

11/24/2005 LEGAL HOLIDAY - THANKSGIVING DAY (RCW 1.16.050)

11/25/2005 STATE OBSERVED HOLIDAY (RCW 1.16.050)

11/28/2005 Last day for auditors to transmit abstract of general election votes to Secretary of State (RCW 29A.60.230)

12/8/2005 Last day for Secretary of State to certify the state general election returns (RCW 29A.60.250)

12/8/2005 State measures receiving favorable majority vote are declared law by governor unless effective date is contained within text of measure (RCW 29A.60.260)

12/10/2005 PDC Form C-4

12/23/2005 Last day to file resolutions for the February 7, 2006 special election (RCW 29A.04.330)

12/25/2005 LEGAL HOLIDAY - CHRISTMAS DAY (RCW 1.16.050)

12/26/2005 STATE OBSERVED HOLIDAY (RCW 1.16.050)

12/29/2005 Last day for adoption of resolutions for a local voters pamphlet for the February 7 special election (RCW 29A.32.210)

12/30/2005 Last day to file signatures for Initiatives to the Legislature (RCW 29A.72.030)

You can find this information at: http://www.secstate.wa.gov/elections/calendar_list.aspx

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