

EXHIBIT J



WASHINGTON STATE 2004 GENERAL ELECTIONS

[Vote.Wa.Gov](#) » [2004 General Elections](#) » Measures Results

All Offices	Measures	Machine Recount	Manual Recount	Federal	Statewide	Legislative	Judicial
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MEASURE RESULTS

Measure	Measure Name	Yes (Votes/Percentage)	No (Votes/Percentage)
Initiative Measure 872	Elections for partisan offices	1,632,225 59.84%	1,095,190 40.15%
Initiative Measure 884	Dedicating funds designated for educational purposes	1,102,996 40.00%	1,654,112 59.99%
Initiative Measure 892	Authorizing additional electronic scratch ticket machines	1,069,414 38.45%	1,711,785 61.54%
Referendum Measure 55	Charter public schools	1,122,964 41.66%	1,572,203 58.33%
Initiative Measure 297	Mixed radioactive and nonradioactive hazardous waste	1,812,581 69.09%	810,795 30.90%

Initiative Measure 872 - Elections for partisan offices



Map Legend: ☒ Yes ☒ No ☐ No Data

County Results List

County	Yes (Votes/Percentage)	No (Votes/Percentage)
Adams	3,365 69.11%	1,504 30.88%
Asotin	5,385 64.27%	2,993 35.72%
Benton	39,745 62.12%	24,233 37.87%
Chelan	18,339 64.83%	9,946 35.16%
Clallam	21,344 61.26%	13,495 38.73%
Clark	93,703 59.56%	63,618 40.43%
Columbia	1,410 69.08%	631 30.91%
Cowlitz	27,553 67.86%	13,044 32.13%
Douglas	8,355 65.19%	4,460 34.80%
Ferry	2,150 66.48%	1,084 33.51%
Franklin	10,413 66.39%	5,271 33.60%
Garfield	760 61.19%	482 38.80%

Grant	16,235	65.42%	8,581	34.57%
Grays Harbor	19,501	72.03%	7,570	27.96%
Island	21,533	58.93%	15,002	41.06%
Jefferson	10,273	57.26%	7,667	42.73%
King	467,015	54.88%	383,913	45.11%
Kitsap	68,267	59.33%	46,779	40.66%
Kittitas	9,813	63.46%	5,649	36.53%
Klickitat	5,068	57.44%	3,754	42.55%
Lewis	19,654	63.84%	11,131	36.15%
Lincoln	3,545	64.95%	1,913	35.04%
Mason	16,002	65.68%	8,360	34.31%
Okanogan	9,795	63.25%	5,689	36.74%
Pacific	6,549	66.34%	3,322	33.65%
Pend Oreille	3,958	66.46%	1,997	33.53%
Pierce	185,586	62.18%	112,852	37.81%
San Juan	5,082	52.73%	4,554	47.26%
Skagit	29,953	59.46%	20,418	40.53%
Skamania	2,960	60.83%	1,906	39.16%
Snohomish	171,974	60.64%	111,603	39.35%
Spokane	126,174	64.11%	70,630	35.88%
Stevens	12,331	63.75%	7,011	36.24%
Thurston	65,193	60.73%	42,155	39.26%
Wahkiakum	1,525	72.03%	592	27.96%
Walla Walla	14,133	64.88%	7,650	35.11%
Whatcom	50,171	59.66%	33,913	40.33%
Whitman	9,849	57.87%	7,168	42.12%
Yakima	47,564	67.74%	22,650	32.25%
Total	1,632,225	59.84%	1,095,190	40.15%

Results last updated on: 12/23/2004 3:52:00 PM

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Washington Secretary of State
520 Union Avenue SE, PO BOX 40220, OLYMPIA WA 98504-0220
(360) 902-4180

EXHIBIT K

INITIATIVE 872

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 872 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to elections and primaries; amending RCW
2 29A.04.127, 29A.36.170, 29A.04.310, 29A.24.030, 29A.24.210, 29A.36.010,
3 29A.52.010, 29A.80.010, and 42.12.040; adding a new section to chapter
4 29A.04 RCW; adding a new section to chapter 29A.52 RCW; adding a new
5 section to chapter 29A.32 RCW; creating new sections; repealing RCW
6 29A.04.157, 29A.28.010, 29A.28.020, and 29A.36.190; and providing for
7 contingent effect.

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

9 **TITLE**

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

12 **LEGISLATIVE INTENT: PROTECTING VOTERS' RIGHTS AND CHOICE**

13 NEW SECTION. Sec. 2. The Washington Constitution and laws protect
14 each voter's right to vote for any candidate for any office. The
15 Washington State Supreme Court has upheld the blanket primary as
16 protecting compelling state interests "allowing each voter to keep

1 party identification, if any, secret; allowing the broadest possible
 2 participation in the primary election; and giving each voter a free
 3 choice among all candidates in the primary." *Heavey v. Chapman*, 93
 4 Wn.2d 700, 705, 611 P.2d 1256 (1980). The Ninth Circuit Court of
 5 Appeals has threatened this system through a decision, that, if not
 6 overturned by the United States Supreme Court, may require change. In
 7 the event of a final court judgment invalidating the blanket primary,
 8 this People's Choice Initiative will become effective to implement a
 9 system that best protects the rights of voters to make such choices,
 10 increases voter participation, and advances compelling interests of the
 11 state of Washington.

12 WASHINGTON VOTERS' RIGHTS

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

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

22 DEFINITIONS

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

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

- 30 (1) United States senator and United States representative;
- 31 (2) All state offices, including legislative, except (a) judicial
 32 offices and (b) the office of superintendent of public instruction;
- 33 (3) All county offices except (a) judicial offices and (b) those
 34 offices for which a county home rule charter provides otherwise.

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

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

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

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

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

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

35 (1) A primary is a first stage in the public process by which
36 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;

1 (2) A place for the candidate to indicate the position for which he
2 or she is filing;

3 (3) For partisan offices only, a place for the candidate to
4 indicate ((a)) his or her major or minor party ((designation, if
5 applicable)) preference, or independent status;

6 (4) A place for the candidate to indicate the amount of the filing
7 fee accompanying the declaration of candidacy or for the candidate to
8 indicate that he or she is filing a nominating petition in lieu of the
9 filing fee under RCW 29A.24.090;

10 (5) A place for the candidate to sign the declaration of candidacy,
11 stating that the information provided on the form is true and swearing
12 or affirming that he or she will support the Constitution and laws of
13 the United States and the Constitution and laws of the state of
14 Washington.

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

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

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

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

31 Any ((such)) special three-day filing period shall be fixed by the
32 election officer with whom declarations of candidacy for that office
33 are filed. The election officer shall give notice of the special
34 three-day filing period by notifying the press, radio, and television
35 in the county or counties involved, and by ((such)) any other means as
36 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~~

1 ~~((2))~~) no more than two candidates have filed a declaration of
 2 candidacy for a single ~~((nonpartisan))~~ office to be filled.

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

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

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

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

20 (1) If a vacancy occurs in any partisan elective office in the
 21 executive or legislative branches of state government or in any
 22 partisan county elective office before the sixth Tuesday prior to the
 23 ~~((primary for the))~~ next general election following the occurrence of
 24 the vacancy, a successor shall be elected to that office at that
 25 general election. Except during the last year of the term of office,
 26 if such a vacancy occurs on or after the sixth Tuesday prior to the
 27 ~~((primary for that))~~ general election, the election of the successor
 28 shall occur at the next succeeding general election. The elected
 29 successor shall hold office for the remainder of the unexpired term.
 30 This section shall not apply to any vacancy occurring in a charter
 31 county ~~((which))~~ that has charter provisions inconsistent with this
 32 section.

33 (2) If a vacancy occurs in any legislative office or in any
 34 partisan county office after the general election in a year that the
 35 position appears on the ballot and before the start of the next term,
 36 the term of the successor who is of the same party as the incumbent may
 37 commence once he or she has qualified as defined in RCW ~~((29.01.135))~~

1 29A.04.133 and shall continue through the term for which he or she was
2 elected.

3 **CODIFICATION AND REPEALS**

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

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

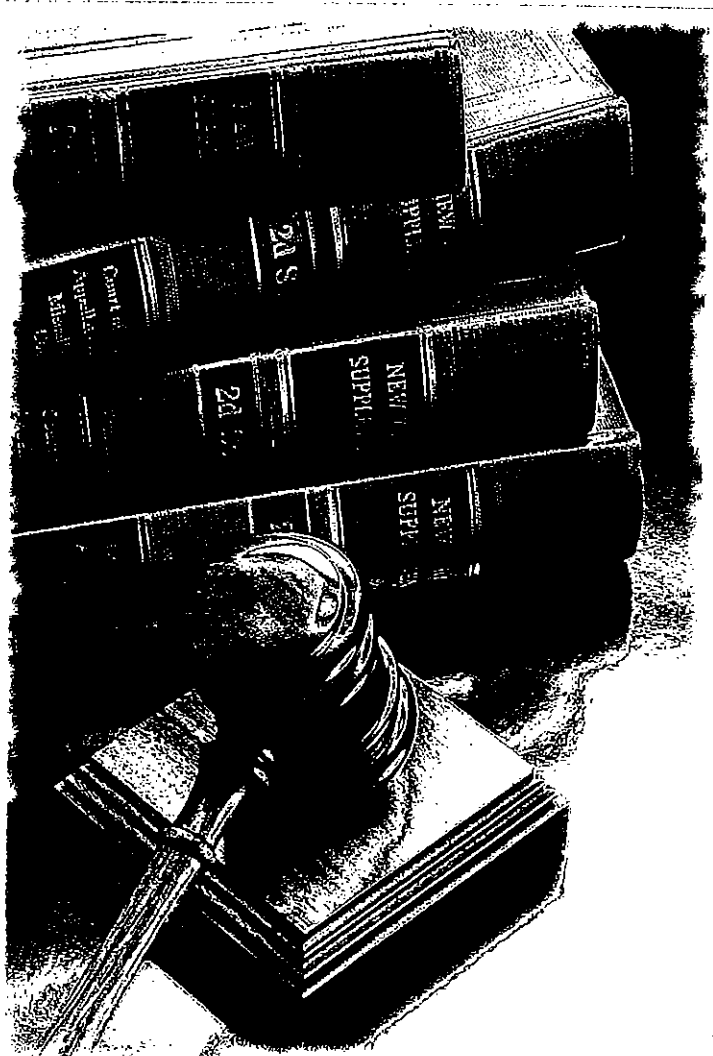
- 9 (1) RCW 29A.04.157 (September primary) and 2003 c 111 s 128;
10 (2) RCW 29A.28.010 (Major party ticket) and 2003 c 111 s 701, 1990
11 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;
12 (3) RCW 29A.28.020 (Death or disqualification--Correcting ballots--
13 Counting votes already cast) and 2003 c 111 s 702, 2001 c 46 s 4, &
14 1977 ex.s. c 329 s 13; and
15 (4) RCW 29A.36.190 (Partisan candidates qualified for general
16 election) and 2003 c 111 s 919.

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

--- END ---

EXHIBIT L

ELECTION LAW IN WASHINGTON



**Learn how to defend the principles and
procedures underlying the democratic process.**

TUESDAY, JUNE 21, 2005

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ELECTION LAW IN WASHINGTON

Learn how to defend the principles and procedures underlying the democratic process.

SCHEDULE

8:00 a.m. - Check In • Walk-In Registration • Distribution Of Course Books • Coffee, Tea, Juice and Pastry Service

8:45 - 9:30

INTRODUCTION TO ELECTION SYSTEMS

Professor Todd Donovan — Professor in the Political Science Department at Western Washington University, published dozens of academic articles, including several on initiatives, and has co-authored several books. Todd's primary academic expertise is in the areas of direct democracy, election systems, and representation.

9:30 - 10:15

ELECTION TECHNOLOGIES AND MECHANICS

Ms. Pat McCarthy — Elected Pierce County Auditor 2003 to Present. Certified Elections/Registration Administrator-Auburn University-August 2002 Legislative Co-Chair of Washington State Association of County Auditors

10:15 - 10:30

Break

10:30 - 11:15

UPDATE ON HAVA AND OTHER FEDERAL ELECTION LAWS

Mr. Nick Handy — Current Director of Elections in the Office of Secretary of State. Appointed in May 2004, Mr. Handy served as Elections Director through the 2004 general election. Mr. Handy is an attorney with thirty years experience working in state and local government, including fourteen years in the Washington State Attorney General's Office where he served as Deputy Attorney General.

11:15 - 12:00

UPDATE ON WASHINGTON STATE ELECTION LAWS

Ms. Katie Blinn — Assistant Director of Elections for the Office of the Secretary of State and oversees the Secretary of State's Certification and Training Program. Prior to coming to the Secretary of State's office, Katie worked for four years as nonpartisan staff counsel at the Washington State House of Representatives and the Pierce County Prosecutor's Office.

12:00 - 1:15 Lunch On Your Own

1:15 - 2:00

ELECTION ETHICS

Professor John Strait — Associate Professor of Law, Seattle University School of Law — graduate of Yale Law School; has taught, researched and written in the field of professional responsibility and legal malpractice since 1976.

2:00 - 2:45

POLITICAL PARTIES: THEIR LEGAL ROLE IN ELECTIONS

Mr. John White — Principal at the Kirkland law firm, Livengood Fitzgerald & Alskog, PLLC. He is outside general counsel to the Washington State Republican Party, and has represented individuals and organizations in connection with election and campaign finance law since the early 1990s. His practice focuses primarily on business, tax and estate planning matters.

2:45 - 3:00

Break

3:00 - 3:45

ELECTION CONTESTS AND RECALLS

Mr. David McDonald — Senior litigation partner at Preston Gates & Ellis in Seattle, WA. Since 1992, he has represented the State of Washington at the Democratic National Committee. Since January 7, 2005, he has also served as the Contest Manager for the Washington State Democratic Party.

3:45 - 4:30

PANEL DISCUSSION — RESTORING VOTER CONFIDENCE IN PUBLIC ELECTIONS or "ARE ELECTIONS TOO IMPORTANT TO LEAVE TO ELECTIONS OFFICIALS?"

Prof. Todd Donovan • Mr. Nick Handy • Mr. David McDonald • Mr. John White
Other panelists may participate.

4:30 pm Complete Evaluation Forms — Adjourn

Political Parties: Their Legal Role in Elections

By Richard Derham and John White¹

I Political Parties and Representative Democracy

Representative democracy in any populous unit of governance is unimaginable without the ability of citizens to band together in promoting among the electorate candidates who espouse their political views.²

Modern style political parties are, like the nation itself, largely the creation of the men who framed our constitution. As the Supreme Court statement quoted above notes, political parties organized around ideas and philosophy are essential to representative government.

It was not always so. James Madison's warning about the dangers of faction³ grew out of the 16th and 17th Century English experience, replicated in some colonies, where narrow interests, frequently of the job-seeking variety, became the dominant factor

¹ Mr. Derham is retired from Davis Wright Tremaine, where he practiced for 30 years. He served as Legal Counsel, Washington State Republican Party, 1976-1983.1992-1996, and as Chairman, King County Republican Central Committee, 1991-92.

Mr. White is a principal with the Kirkland firm Livengood, Fitzgerald & Alskog, PLLC. He has served as general counsel to the Washington State Republican Party since 1997, and as counsel to the King County Republican Central Committee (1991-1996). His practice includes representing individuals and organizations on election and campaign finance law matters. The opinions expressed herein are personal and do not represent the views of anyone but the authors.

The authors express appreciation to Richard Shepard for his assistance in researching the law relating to third parties.

² California Democratic Party v Jones, 530 U. S. 567, 574 (2000).

³ Federalist Papers, Number 10.

4. Implications for a "Top Two" System.

Voters in Washington State in 2004, by passing Initiative 872, enacted a two-stage election with a "winnowing" primary under which all candidates who file would appear on the ballot in the first stage and a run-off between the top two in the second stage.¹⁰⁵ A combination of apparently muddled drafting and indifference to the constitutional limitations of state regulation of partisan activities has left the fate of Initiative 872 in doubt. On May 19, the Washington State Republican Party filed suit in the U.S. District Court seeking to have the act declared unconstitutional¹⁰⁶. The Libertarian and Democratic Parties immediately filed to intervene in support of the Republican Party's claims.¹⁰⁷ A motion for preliminary injunction was lodged on May 26 for the court's June 10th motion calendar.

a. The positions of the Parties.

The Republican, Democratic and Libertarian Parties all contend that their constitutional rights either prevent the state from conducting a "top two" primary or allow their members to join together in any manner prescribed by their party rules to select their nominee. Each party has rules in place and is in the process of nominating candidates authorized to use its name in the 2005 partisan elections. While other candidates may file as independents, it is the parties' contention that each political party may determine which candidate may use the party designation on the ballot, and that any other result would allow a candidate to appropriate the party's name regardless of whether the party desires to associate with that candidate.

While Washington's Secretary of State has asserted that nothing in state election law interferes with a party's decision to have a "nominating convention," and to give financial support to a candidate of its choice, he asserts that the party has no right to control the use of its name on the ballot. The Supreme Court had previously rejected a similar argument:

The ability of the party leadership to endorse a candidate is simply no substitute for the party members' ability to choose their own nominee.¹⁰⁸

Indeed, as the long line of cases discussed above have demonstrated, a political party's right to control use of its name on the ballot is not only established, it is fundamental:



¹⁰⁵ Ch. 2, Laws of 2005.

¹⁰⁶ Mr. White serves as counsel for plaintiff in this case.

¹⁰⁷ Washington State Republican Party v Logan, et al, Cause Number CV05-0927, U.S. District Court for the Western District of Washington.

¹⁰⁸ California Democratic Party v. Jones, 530 U. S. 567, 580 (2000).

EXHIBIT M

	<h2 style="margin: 0;">RULE-MAKING ORDER</h2>	CR-103 (June 2004) (Implements RCW 34.05.360)
Agency: Secretary of State		<input type="checkbox"/> Permanent Rule <input checked="" type="checkbox"/> Emergency Rule
Effective date of rule: Permanent Rules <input type="checkbox"/> 31 days after filing <input type="checkbox"/> Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)		Effective date of rule: Emergency Rules <input checked="" type="checkbox"/> Immediately upon filing. <input type="checkbox"/> Later (specify) _____
Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain: _____		
Purpose: Implementation of a new top-two primary election system pursuant to chapter 2, Laws of 2005.		
Citation of existing rules affected by this order: Repealed: 434-262-005 and 434-230-210 Amended: 434-208-060, 434-215-012, 434-215-070, 434-230-010, 434-230-040, 434-230-050, 434-230-060, 434-230-170, 434-261-020, 434-262-160, and 434-381-120 Suspended: _____		
Statutory authority for adoption: chapter 2, Laws of 2005; RCW 29A.04.611		
Other authority: _____		
PERMANENT RULE ONLY (Including Expedited Rule Making) Adopted under notice filed as WSR _____ on _____ (date). Describe any changes other than editing from proposed to adopted version: _____ If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: Name: _____ phone () _____ Address: _____ fax () _____ e-mail _____		
EMERGENCY RULE ONLY Under RCW 34.05.350 the agency for good cause finds: <input type="checkbox"/> That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest <input checked="" type="checkbox"/> That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule. Reasons for this finding: Initiative 872 created a new primary election system, known as the top-two primary. Initiative 872 passed in November 2005, chapter 2, Laws of 2005. The top-two primary conflicts with the nominating primary still described in statute. Because the Secretary of State is legally obligated to implement the new law, and because implementing legislation did not pass during the 2005 legislative session, the Secretary of State must implement the new primary through emergency rule making. The standard rule making process will not allow the rules to take effect until September 2005, after the election cycle has begun		
Date adopted: May 18, 2005		<div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: 150px;"> CODE REVISER USE ONLY CODE REVISER'S OFFICE STATE OF WASHINGTON FILED <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80px;"> MAY 18 2005 </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>TIME <u>9:30</u></div> <div>AM <input checked="" type="radio"/> PM <input type="radio"/></div> </div> <div style="margin-top: 10px;">WSR <u>05-11-101</u></div> </div>
NAME (TYPE OR PRINT) Steve Excell		
SIGNATURE 		
TITLE Assistant Secretary of State		

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>4</u>	Amended	<u>9</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>2</u>	Repealed	<u>2</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

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

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

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

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

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

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

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

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

AMENDATORY SECTION (Amending WSR 02-15-156, filed 7/23/02, effective 8/23/02)

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

((STRICKEN GRAPHIC))

FILING DATA ... FOR OFFICE USE ONLY

Date _____ Time _____

Fee Paid \$ _____

Paid By (Check one)

☐ AM ☐ Check ☐ Other

☐ PM ☐ Cash ☐ Nom. Petition

File No. _____

Clerk/Cashier Initials _____

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:

(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. _____

(STREET ADDRESS OR RURAL ROUTE)

TELEPHONE NUMBER

(MAILING ADDRESS - IF DIFFERENT)

_____ Washington _____

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

3. I declare myself as a candidate for nomination to the office of:

(NAME OF OFFICE)

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

(POSITION NUMBER IF APPLICABLE)

(DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- ☐ a full term or a full term and a short term, or
☐ an unexpired term

5. This office is:

- ☐ Nonpartisan, or
☐ Partisan, and I am: ☐ a candidate of the _____ party, or
☐ an independent candidate nominated pursuant to chapter 29.24 RCW

6. Filing Fee (Check one):

- ☐ There is no filing fee because the office has no fixed annual salary, or
☐ I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
☐ I am submitting a filing fee of \$ _____, an amount equal to 1% of the annual salary, or
☐ I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.18.050.

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

(PLEASE PRINT)

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

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

8. Sign Here **X** _____

(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

 (SIGNATURE OF ACKNOWLEDGING OFFICIAL)

 (TITLE OF ACKNOWLEDGING OFFICIAL)

Candidate: Return an copies of this declaration to your Elections Dept.
 Distribution by Elections Dept: White-Civil; Yellow-POC; Pink-Candidate

((STRICKEN GRAPHIC))

((STRICKEN GRAPHIC))

[

FILING DATA . . . FOR OFFICE USE ONLY

Date/Time _____	Fee Paid \$ _____	File No _____
Paid By (Check one)		
<input type="checkbox"/> Check	<input type="checkbox"/> Other	Office _____
<input type="checkbox"/> Cash	<input type="checkbox"/> Nom. Petition	Code: _____
Clerk/Cashier initials _____		

DECLARATION OF CANDIDACY

1. I, _____ am a registered voter residing at:

(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. _____

(STREET ADDRESS OR RURAL ROUTE WHERE REGISTERED TO VOTE) (CITY) (COUNTY) (ZIP CODE)

(MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)

(TELEPHONE NO.) (E-MAIL ADDRESS)

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

3. I declare myself as a candidate for nomination to the office of:

(NAME OF OFFICE)

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

(POSITION NUMBER IF APPLICABLE)

(DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- ☐ A full term or a full term and a short term, or
☐ An unexpired term

5. This office is:

- ☐ Nonpartisan, or
☐ Partisan, and I am: ☐ a candidate of the _____ party, or
☐ an independent candidate nominated pursuant to chapter 29.24 RCW.

6. Filing Fee (Check one):

- ☐ There is no filing fee because the office has no fixed annual salary, or
☐ I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
☐ I am submitting a filing fee of \$_____, an amount equal to 1% of the annual salary, or
☐ I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.15.050.

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

(PLEASE PRINT)

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

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

8. Sign Here X

(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF _____

SIGNED OR ATTESTED BEFORE ME ON _____

(DATE)

by _____

(CANDIDATE)

(SIGNATURE OF NOTARY)

(TITLE)

MY APPOINTMENT EXPIRES _____

(SEAL OR STAMP)

SSE 94-1 (2002)

Candidate: Return all copies of this declaration to your Elections Dept.
 Distribution by Elections Dept: White—County; Yellow—PDC; Pink—Candidate

]

((STRICKEN GRAPHIC))

[3]

OTS-8074.3

FILING DATA . . . FOR OFFICE USE ONLY

Date _____	Fee Paid \$ _____	File No _____	Office Code _____
<input type="checkbox"/> Check	<input type="checkbox"/> Debit/Credit		
<input type="checkbox"/> Cash	<input type="checkbox"/> Filing Fee Petition	Clerk Initials _____	

DECLARATION OF CANDIDACY

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

2. _____
(STREET ADDRESS OR RURAL ROUTE WHERE REGISTERED TO VOTE) (CITY) (COUNTY) (ZIP CODE)

(MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)

(TEL. PHONE NO.) (EMAIL ADDRESS)

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

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

(NAME OF OFFICE)

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

(POSITION NUMBER IF APPLICABLE) (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- ☐ A full term or a full term and a short term, or
☐ An unexpired term

5. This office is:

- ☐ Nonpartisan, or
☐ Partisan, and (check one). ☐ my party preference is _____ or
☐ I am an independent candidate

The party preference will be listed on the ballot exactly as provided unless limited space necessitates abbreviation.

6. Filing Fee (check one):

- ☐ There is no filing fee because the office has no fixed annual salary, or
☐ I am submitting a filing fee of \$10 because the fixed annual salary of the office is \$1,000 or less, or
☐ I am submitting a filing fee of \$ _____, an amount equal to 1% of the annual salary, or
☐ I am without sufficient assets or income to pay the filing fee required by law and I have attached a filing fee petition in lieu of this fee, pursuant to WAC 434-215-013 and RCW 29A.24.091.

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

(PLEASE PRINT)

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

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

8. Sign Here X _____

(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF _____

SIGNED OR ATTESTED BEFORE ME ON _____

(DATE)

by _____

(CANDIDATE)

(SIGNATURE OF NOTARY)

(TITLE)

MY APPOINTMENT EXPIRES _____

(SEAL OR STAMP)

SSE84-1 (2005)

Candidate: Return all copies of this declaration to your Elections Dept.

Candidate: Return all copies of this declaration to the filing officer. Distribution by the filing officer: White--County; Yellow--PDC; Pink--Candidate
 The form shall measure eight and one-half inches by eleven inches

and be printed on paper stock of good quality. The form shall also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of the form or an electronic file, in a format approved by the secretary of state and acceptable to the public disclosure commission, containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW ((29.15.030)) 29A.24.070, and one copy of the form or an electronic file containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be returned to the candidate.

NEW SECTION

WAC 434-215-013 Filing fee petition. A candidate who lacks sufficient assets or income to pay the filing fee may submit a filing fee petition with the declaration of candidacy. The filing fee petition must meet the requirements of RCW 29A.24.091 and 29A.24.111, must be printed on sheets of uniform color and size, must include a place for each person to sign and print his or her name and voter registration address, and must contain no more than twenty numbered lines. The filing fee petition must be in substantially the following form:

The warning prescribed by RCW 29A.72.140, followed by:

We, the undersigned registered voters of (the state of Washington or the political subdivision for which the filing is made), hereby petition that the name of (candidate's name) be printed on the official primary ballot for the office of (name of office).

NEW SECTION

WAC 434-215-015 Political party preference and independent status. A candidate for partisan office who files a declaration of candidacy properly must appear on the primary election ballot, regardless of the candidate's party preference or independent status, unless the office is not subject to a primary election. Except for the offices of President and Vice-President of the United States, neither endorsement by a political party nor a nominating convention are required in order to file a declaration of candidacy and appear on the primary election ballot. A candidate for partisan office who does not provide a political party preference is deemed to be an independent candidate. An

independent candidate or a candidate who lists on the declaration of candidacy a preference for a party that does not qualify as a major political party is not required to hold a convention, file a nominating petition, or file a certificate of nomination, as stated in RCW 29A.20.110 through 29A.20.201. The requirements of RCW 29A.20.110 through 29A.20.201 are limited to candidates for President and Vice-President of the United States.

AMENDATORY SECTION (Amending WSR 02-15-156, filed 7/23/02, effective 8/23/02)

WAC 434-215-070 Definition and standards for systems to file declarations of candidacy electronically. An electronic system to file declarations of candidacy shall be an online system accessible to candidates on the world wide web that records the information specified in RCW 29.15.010 (1) through (4) and WAC 434-215-090. At a minimum, the system shall perform the following functions:

- (1) Verify the candidate's voter registration status;
- (2) Check the candidate's name against the name returned by electronic transfer of funds process;
- (3) Allow the filing officer to verify filings before filing information is made public;
- (4) Accept electronic transfer of funds for the payment of filing fees required by RCW 29.15.050, except that a candidate submitting a ((nominating)) filing fee petition in the place of a filing fee may not file the declaration of candidacy electronically;
- (5) Inform, and require the candidate to acknowledge, that submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitution 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 29.15.050; and
- (6) Inform the candidate that knowingly providing false information on a declaration of candidacy is a class C felony as provided by RCW 29.85.100.

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

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

~~((Names of the candidates in each office to appear on the primary ballot shall be arranged on the sample ballot in the order provided by RCW 29A.36.120. The names of the candidates in each office to appear on the general election ballot shall be listed on the sample ballot in the order in which their names appear on the official ballot. State measures and local measures shall be in the same order as they appear on the official ballot.))~~ Positions or offices shall be arranged on all official and sample ballots in substantially the following order: State ballot measures, United States president and vice-president, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, county officers, justices of the supreme court, judges of the court of appeals, judges of superior court, and judges of the district court. For all other jurisdictions, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any.

The names of candidates and ballot measures shall appear on the sample ballot in the same order as they appear on the official ballot. The names of the candidates shall appear on the primary election ballot in the order determined by lot. The party preference of candidates for partisan office shall have no bearing on the order in which candidates appear on the ballot. The names of the candidates shall appear on the general election ballot according to the number of votes the candidates received in the primary election: The name of the candidate who received the greatest number of votes shall appear first and the name of the candidate who received the second greatest number of votes shall appear second. If no primary was conducted, the names of the candidates shall appear on the general election ballot in the order determined by lot.

At any primary or election when a local voters' pamphlet is

published which contains a full sample ballot, a separate sample ballot need not be printed.

Counties with populations of over five hundred thousand may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appears on at least one of the various sample ballots printed for such county. Each regional sample ballot shall contain all offices and issues to be voted upon within that region.

A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each polling place and to other locations within the appropriate region or area.

NEW SECTION

WAC 434-230-035 Special filing periods for voids in candidacy and vacancies in office. Voids in candidacy, as provided in RCW 29A.24.141 through 29A.24.181, may occur for partisan as well as nonpartisan office. A three day special filing period must be opened, as provided in RCW 29A.24.171 and 29A.24.181, whether the office is partisan or nonpartisan.

Vacancies in office, as provided in RCW 29A.24.171, 29A.24.181, and 42.12.040, may be filled through a special three day filing period as provided in RCW 29A.24.171 and 29A.24.181, whether the office is partisan or nonpartisan.

A scheduled election shall lapse when a void in candidacy remains after both a normal filing period and a special three day filing period, or when a vacancy in office occurs involving an unexpired term on or after the sixth Tuesday before the general election.

If the death or disqualification of a candidate for a partisan or nonpartisan office does not give rise to the opening of a new filing period, then the following occurs:

(1) If the candidate dies or becomes disqualified after filing a declaration of candidacy but before the close of the filing period, then the declaration of candidacy is void and his or her name will not appear on the ballot;

(2) If the candidate dies or becomes disqualified after the close of the filing period but before the day of the primary, then his or her name will appear on the primary ballot and all otherwise valid votes for that candidate will be tabulated. The candidate's name will not appear on the general election ballot even if he or she otherwise would have qualified to do so, but no other candidate will advance, or be substituted, in the place of that candidate. If the candidate was the only candidate to qualify to advance to

the general election, then the general election for that office lapses, and the office will be regarded as vacant as of the time the newly elected official would have otherwise taken office;

(3) If the candidate dies or becomes disqualified on or after the day of the primary, and he or she would have otherwise qualified to appear on the general election ballot, then his or her name will appear on the general election ballot and all otherwise valid votes for that candidate will be tabulated. If the candidate received a number of votes sufficient to be elected to office, but for his or her death or disqualification, then the office will be regarded as vacant as of the time the newly elected official would have otherwise taken office.

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

WAC 434-230-040 Candidate's political party ((designation)) preference--Primary to general. ((~~No person who has offered himself or herself as a candidate for the nomination of one party at the primary, shall have his or her name printed on the ballot of the succeeding general election as the candidate of another political party.~~)) A candidate for partisan office who indicated a party preference on the declaration of candidacy may not change the party preference between the primary election and the general election.

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

WAC 434-230-050 Candidate ((~~nominated by two or more political parties or~~)) eligible for two or more offices. ((~~In the event a candidate, as a result of write-in votes, is the nominee of two or more political parties for the same office, such candidate shall designate in writing, under which political party designation he or she desires to be listed on the ballot. Such written notice shall be submitted to the county auditor within three days of the certification of the primary.~~))

In the event a candidate, as a result of write-in votes in the primary, is ((~~a nominee~~)) eligible to advance to the general election for two or more offices, the candidate shall notify the county auditor within three days of the primary certification, in writing, of the single office for which he or she desires to appear on the general election ballot. Any void in candidacy for other positions thus created will be handled as provided by law.

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

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

~~((Following any partisan primary, no political party candidate's name shall be entitled to appear on the general election ballot unless he or she receives a plurality of votes cast for the candidates of his or her party for that office and additionally at least one percent of the total votes cast for the office. An independent candidate must receive one percent of the total votes cast for the office in the primary in order for his or her name to appear on the general election ballot.))~~ The filing officer shall notify, in writing, all candidates who satisfy other requirements but who fail to meet the one percent requirement of the fact that their name will not appear on the general election ballot.

~~((In those charter counties where provision is made in the county charter for the qualification of minor party and independent candidates, the charter provisions shall apply if the candidates has chosen that method for ballot qualification.))~~

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

WAC 434-230-170 ~~((Electronic voting devices--))~~ Ballot form. Each office on the ballot shall be identified, along with a statement designating how many candidates are to be voted on for such office (e.g., vote for . . . , with the words, "one," "two," or a spelled number). The office term shall be included on the ballot if such term is other than a full term (e.g., short/full term, two-year unexpired term, etc.). Each office shall be listed on the ballot in the manner prescribed by law or administrative rule. Following the office designation the names of all candidates for that position shall be listed ~~((together with political party designation certified by the secretary of state as provided in RCW 29A.36.010 or the word "nonpartisan," or "NP" as applicable))~~. If the position is a partisan position, the party preference or independent status of each candidate shall be listed next to the

candidate. The party preference must be listed exactly as provided by the candidate on the declaration of candidacy unless limited space on the ballot necessitates abbreviation or the party description provided is, in the opinion of the county auditor, obscene. If the office encompasses more than one county, the county auditor must coordinate the appearance of the ballot with other affected counties to achieve consistency. If the position is a nonpartisan position, the word "nonpartisan" or "NP" shall be listed next to each candidate. Each office listed on the ballot shall be separated by a bold line. In a year in which a President of the United States is to be elected, the names of all candidates for President and Vice-President for each party shall be grouped together. Each group shall be enclosed in brackets with one vote response position for each party, where the voter may indicate ((their)) his or her choice.

Candidate names and party preferences shall be printed in a type style and point size which is easily read. If a candidate's name or party preference exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include using a smaller point size, a different type style, or setting the name in upper/lower case letters, rather than upper case, if appropriate.

For paper ballots, there shall be a box at either the left or right of the name of each candidate where the voter may indicate his or her choice.

Each position, with the candidates running for that office, shall be clearly delineated from the following one by a bold line. Following each listing of candidates shall be a blank space for writing in the name of any candidate, if desired, on the ballot card, or a write-in space provided on the ballot envelope.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 434-230-210

Paper ballots--Ballot form.

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

WAC 434-261-020 Counting center--Political party observers. Counting center operations shall be observed by at least one representative from each major political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to the primary or election, the county auditor shall determine the number of observers required in order to observe all aspects of the counting center proceedings, and shall request, in writing, that each major political party appoint representatives to fill the requirements. Where more than one observer is to be appointed, the political party shall designate one of their observers as supervisor. Counting center observers shall be provided training with respect to ballot processing procedures and the vote tallying system as required by RCW 29A.12.120.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained (~~as provided in subsection (2) of this section~~).

Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

NEW SECTION

WAC 434-262-012 Partisan Primaries. Pursuant to chapter 2, Laws of 2005, a partisan primary does not serve to determine the nominees of a political party but serves to winnow the number of candidates to a final list of two for the general election. The candidate who receives the highest number of votes and the candidate who receives the second highest number of votes at the primary election advance to the general election, regardless of the candidates' political party preference. The candidates also must receive at least one percent of the total votes cast for that office at the primary in order to advance to the general election.

Each voter may vote for any candidate listed on the ballot, regardless of the party preference of the candidates or the voter. Voters at the primary election are not choosing a political party's nominees.

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

WAC 434-262-160 Write-in-voting--Voter intent. In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. ~~((Write-in votes are to be counted where abbreviations are used for office, position, or political party.))~~ In a general election, write-in votes are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding primary and failed to qualify for the general election. If a ~~((write-in))~~ declaration of candidacy has been filed pursuant to RCW 29A.24.311, the voter ~~((need only))~~ must write in ~~((that))~~ the candidate's name in order for the vote to be counted. If no declaration of ~~((write-in))~~ candidacy has been filed, the voter must write in the candidate's name ~~((of the candidate, the political party, if applicable,))~~ and, if the office and/or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

REPEALER

The following section of the Washington Administrative Code
is repealed:

WAC 434-262-005

Authority and purpose.

AMENDATORY SECTION (Amending WSR 04-15-089, filed 7/16/04, effective 8/16/04)

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

(a) For candidates who filed during the regular filing period, within three business days after filing their declaration of candidacy;

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

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

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

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

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, within ten business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot;

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

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

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

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

(4) The deadlines stated in this rule are intended to promote the timely publication of the voters pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late

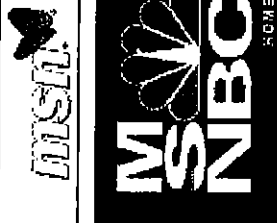
filing when, in the secretary's judgment, it is reasonable to do so.

EXHIBIT N

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TOP STORIES FROM:

State GOP picks Hammond - Dunn will still run in primary for 9th District

by **Dean A. Radford, Journal Reporter**
The King County Journal


BELLEVUE -- Steve Hammond of Enumclaw pulled off a minor upset Saturday, beating political newcomer Reagan Dunn for the Republican Party nomination in the County Council's 9th District.

The political power of the Dunn family name-- he's the son of former U.S. Rep. Jennifer Dunn -- and more than \$100,000 in contributions filled Dunn's campaign sails.

But Hammond succeeded where it counted the most -- he got his people to the polling place, the county party's nominating



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It's possible Dunn and Hammond could both advance to the general election, depending on the strength of the candidate the Democrats field in the race. Their nominating convention is later this month in Bellevue.

The final vote tally was 234 for Hammond to 209 for Dunn. In keeping with recent problems counting ballots in King County, there were eight more ballots cast than eligible voters.

But the difference wasn't enough to change the outcome of the election, so the results stood.

Had he lost, Hammond said he would have bowed to the wishes of the party and not challenged Dunn in the September election. He's not sure how to react to Dunn's decision, now.

But, he said, the challenges ``just keep coming," especially from within his own party. Some have said Dunn was the object of ``dirty politics" late in the race, but that allegation caught Hammond by surprise.

Dunn's hand shake and a hug after the vote, Hammond said, was a sign of party unity.

Hammond kept his cards -- his delegates -- close to his chest. Cautious optimism has become part of his election-day lexicon. Just before the convention, Dunn said the race for delegates had tightened considerably, but he felt he was pulling away.

Each candidate's name was placed into nomination; then they gave a five-minute speech. Speaking next to the podium with microphone in hand, Dunn said he is the stronger of the two candidates to beat a Democrat.

He pointed out that gubernatorial candidate Dino Rossi barely carried the 9th District. After his speech, Dunn sat in the back row to listen to Hammond. His mother walked over and placed her hand on his shoulder.

Both candidates whipped up the delegates with harsh criticisms of County Executive Ron Sims, especially the way his elections division handled the 2004 election, and of the much-maligned, at least in rural areas, Critical Areas Ordinance.

``We are in the middle of a war," Hammond said. ``I am asking that you not take me off the battlefield."

Saturday, it was Hammond's soldiers who won the battle. He seemed to enjoy the day, chatting easily with supporters.

A union member, Barbara Bogar of Enumclaw, admits she's a Democrat, but ``today, I am a Republican for him." Hammond's experience on the council matters to her.

``He's not new coming into it," she said. ``He's here for us."

Both candidates started their political careers as appointees, replacing council icons, now attorney general Rob McKenna in Dunn's case and the late Kent Pullen in Hammond's case.

Each bore the title incumbent, just from different districts. Redistricting threw them together in the council's new 9th District, which Hammond has represented.

Rossi nominates Irons for county executive post

By Dean A. Radford

EXHIBIT O

Passed by the WSDCC Rules Committee on April 2, 2005 for consideration by the WSDCC

Rules for the Selection of Candidates and Nominees for Public Office

- I. Applicability.** These Rules shall apply to the selection of any candidate or nominee for public office who intends to be, or is, associated with the Democratic Party, directly or indirectly, on any ballot used in a publicly financed election or candidate selection process.
- II. Exclusive Means of Selection.** Candidates and nominees for public office must be selected by one of the means specified in these Rules.
- III. Democratic Primary.** Where State law provides for a public primary that complies with these Rules (hereinafter a "Democratic Primary"), candidates and nominees shall be selected by means of that Democratic Primary; provided that in the event of a vacancy on the Democratic ticket, the State Chair may fill the vacancy as specified in State law and applicable Party rules.
- IV. Rules governing Democratic primaries.** A public primary must comply with the following rules in order to qualify as a Democratic Primary where candidates or nominees will be selected by means of the primary:
 - A. Separate Democratic ballot required.** All Democratic Primaries occurring on a single date shall appear on the same ballot. The ballot provided to voters in the Democratic Primaries may not contain the names of any candidate for office who is affiliated with any other political party, or of no political party, except that the State may provide to voters a ballot that may be simultaneously used in the Democratic Primaries and in primaries for offices in which no candidate's name is associated with any political party or persuasion, and in such case the ballot may contain the names of all candidates for such offices.
 - B. Opportunity to join or confirm membership in the Party must be provided.** Voters participating in the Democratic Primary must be offered the opportunity to publicly affiliate with the Democratic Party but public affiliation with the Party shall not be a requirement of participation in the Democratic Primary unless such public affiliation is required by law.
 - C. Affiliates of other political parties forbidden to participate.** As a condition of participating in the Democratic Primary, voters must either publicly affiliate with the Democratic Party or publicly indicate that they are not affiliated with any political party.
 - D. Voter participation is public record.** The participation of any voter in the Democratic Primary shall be a public record to the extent necessary to verify that only voters eligible under party rules receive a Democratic ballot and, in addition, the choice by any voter whether to voluntarily affiliate with the Democratic Party at the Democratic Primary or to declare a lack of affiliation with any political party shall be a public record.
 - E. List of Democratic affiliates provided to Party.** The law governing the conduct of the Democratic Primary must provide that election officials shall provide to the Democratic Party no later than the date of certification of the results of the Democratic Primary, a list containing the name of every voter participated in the primary and who voluntarily chose to publicly affiliate with the Democratic Party.

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- F. A statewide system of voluntary voter registration by party which allows voters to publicly affiliate with the Democratic Party shall satisfy the requirements of subparagraphs B and E, of this paragraph.
- V. **Alternative means of selection.** Where State law does not provide for a Democratic Primary that complies with these Rules, candidates and nominees shall be selected in accordance with the following rules, provided that in the event of a vacancy on the Democratic ticket, the State Chair may fill the vacancy as provided by State law and other applicable Party rules; and further provided that in 2005 implementation of this Alternative Means of Selection must be affirmatively approved by the Executive Board. The Central Committee specifically intends that the Executive Board may consider issues including but not limited to litigation, citizen initiatives, and the current state of the law in reaching its decision on implementation.
- A. **Authorization required.** No candidate for public office may campaign as a Democratic candidate except as authorized pursuant to this Rule. No candidate for public office may be designated, nor permit him or herself to be designated, as the Democratic nominee for any public office unless such candidate has been designated by the Washington State Democratic Party as a Democratic nominee pursuant to this Rule.
- B. In the event a primary process is suspended by a qualifying referendum or otherwise is inconsistent with these rules, and upon an affirmative vote of the Executive Board, party candidates shall be selected by the following process.
1. **County Partisan Office Nominees.** The nominees for county partisan office shall be chosen at a county nominating convention, or optionally at county council district nominating conventions, consisting of elected and appointed precinct committee officers representing precincts in that county or council district as of the last central committee meeting or executive board meeting held prior to the county nominating convention. Such nominating conventions or caucuses shall be called by the Chair of the Washington State Democratic Party not later than 14 days prior to the date filing for office commences. The results from each nominating convention shall be reported to the Chair of the Washington State Democratic Party within 24 hours after the convention has adjourned.
 2. **Legislative Nominees.** The nominees for Washington State Senate and Washington State House of Representatives shall be chosen at a legislative district nominating convention consisting of elected and appointed precinct committee officers representing precincts in that legislative district as of the last legislative district meeting held prior to the legislative district nominating convention. Such nominating conventions shall be called by the Chair of the Washington State Democratic Party not later than 14 days prior to the date filing for office commences. The results from each nominating convention shall be reported to the Chair of the Washington State Democratic Party within 24 hours after the convention has adjourned.
 3. **Congressional Nominees.** The nominees for United States Congress shall be chosen through nominating conventions of elected and appointed precinct committee officers representing precincts in that Congressional District as of the

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last legislative district meeting or county central committee meeting held prior to the Congressional District nominating convention. Such nominating conventions shall be called by the Chair of the Washington State Democratic Party not later than 14 days prior to the date filing for office commences. The results from each nominating convention shall be reported to the Chair of the Washington State Democratic Party within 24 hours after the convention has adjourned.

4. Statewide Nominees. The nominees for all statewide partisan elected offices (US Senator, Governor, Lt. Governor, Secretary of State, Treasurer, Auditor, Attorney General, Insurance Commissioner, and Public Lands Commissioner) shall be selected at the Democratic State Convention. Such nominating conventions shall be called by the Chair of the Washington State Democratic Party not later than 14 days prior to the date filing for office commences. The results from each nominating convention shall be reported to the Chair of the Washington State Democratic Party within 24 hours after the convention has adjourned.
 5. The procedures set forth in subparagraphs 3 and 4 may be delegated in whole or in part by a vote of those entitled to vote to the Washington State Democratic Central Committee.
 6. Rules for Balloting. Each candidate or the candidate's representative shall be entitled to address the 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 no more than one candidate for each office for which nominations are sought. The results shall be tallied and reported to the chairman of the convention. The convention may dispense with balloting and nominate by acclamation for any office in which a single candidate is seeking nomination.
- C. Vacancy on ticket. A vacancy caused by the death or disqualification of nominee of the Democratic Party may be filled at any time up to and including the day prior to the election for that position. For state partisan offices in any political subdivision voted on solely by electors of a single county, an individual shall be appointed to fill such vacancy by the relevant Democratic County Central Committee. For all other partisan offices, including federal or statewide offices, an individual shall be appointed to fill such vacancy by the Washington State Democratic Central Committee. The authority granted under this section may be delegated by the County or State Democratic Central Committee to its Executive Board or Chair.
1. Weighted Voting. The number of votes at each nominating convention other than the state convention shall be equal to the sum of the number of precinct level delegates that were allocated to the precincts that are represented at the convention during the most recent National Delegate Selection process. Each elected or appointed PCO voting at the caucus or convention shall be apportioned the number of votes equal to the number of precinct level delegates his or her precinct was allotted during the most recent National Delegate Selection process. In the case of newly formulated precincts the calculation would be based on the allocation formula used in the most recent delegate selection plan.

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2. **Majority Vote Required.** The candidate of the Democratic Party shall be the candidate who receives a majority vote of weighted ballots. 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.
3. **Nominations in Cases Where No Convention Action Occurs.** In any case where the appropriate convention has failed to designate a nominee, the nominee will be designated by Democratic State Central Committee acting through its Chair.
4. **These rules are mandatory and are not amendable by any party organization other than the Washington State Democratic Central Committee or the State Convention.**
5. **State Chair to Notify Election Officials.** To the extent required by law or appropriate, the State Chair shall submit to state and local election officials the names of those candidates authorized to campaign as Democratic candidates and those candidates designated as Democratic nominees.

VI. Threshold demonstration of Party support required. Any registered voter in the State of Washington is eligible for selection as a candidate or nominee of the Democratic Party for any public office provided:

- A. The voter must publicly attest his or her support of the Democratic Party and his or her desire to be publicly known as a Democrat; and
- B. The voter must be otherwise eligible under state law for election to the office sought; and
- C. The voter must not have been registered as a member of any political party other than the Democratic Party for at least one (1) year immediately preceding filing for office; and
- D. Beginning January 1, 2005 the voter must have either (1) received a vote of approval of 25% of those present and voting at a meeting of the Democratic Party organization under the charter for the jurisdiction represented by the office sought or (2) at the time of filing the declaration of candidacy required by law submitted a nominating petition signed by at least 5% of those voters who at the time of signing are voters in the jurisdiction and registered with the Democratic Party or (3) at the time of filing the declaration of candidacy required by law submitted a nominating petition signed by at least 25% of the elected and appointed Democratic Precinct Committee Officers representing precincts within the jurisdiction represented by the office sought and who held such office as of the last meeting of the Democratic party organization for the jurisdiction.

VII. Decision of Executive Board Final. The decision of the executive board with respect to any question of interpretation of these rules is final.

VIII. All nominating conventions held under this rule shall submit their results to the state party no later than July 12, 2005.