

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON STATE REPUBLICAN
PARTY, et al.,

Plaintiffs,

v.

DEAN LOGAN, et al.,
Defendants,

WASHINGTON DEMOCRATIC CENTRAL
COMMITTEE, et al.,

Interveners

LIBERTARIAN PARTY OF
WASHINGTON STATE, et al.,

Interveners

STATE OF WASHINGTON, et al.,

Interveners

WASHINGTON STATE GRANGE, et al.,

Interveners.

Case No: CV05-0927-TSZ

DECLARATION OF RICHARD
SHEPARD IN SUPPORT OF
LIBERTARIAN PARTY'S MOTION
FOR SUMMARY JUDGMENT

NOTE ON MOTION CALENDAR:
FRIDAY, JULY 13, 2005

ORAL ARGUMENT REQUESTED

DECLARATION OF RICHARD SHEPARD
IN SUPPORT OF LIBERTARIAN
PARTY'S MOTION FOR SUMMARY
JUDGMENT - Page 1 of 3

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Documents\Cases\LibertarianParty\WState\Litigation\872\Pleadings\DECLARATION
OF RICHARD SHEPARD IN SUPPORT OF LIBERTARIAN PARTY'S MOTION FOR
SUMMARY JUDGMENT.doc

SHEPARD LAW OFFICE, INC.

818 So. Yakima Ave., #200
Tacoma, WA 98405
(253) 383-2235

RICHARD S. SHEPARD declares under penalty of perjury under the laws of the State of Washington and the United States of America as follows:

1. I am the attorney for the Libertarian Plaintiff-Intervenors in this lawsuit, am competent to testify, and make this declaration of my own personal knowledge.
2. Attached hereto as Exhibit A is a true and correct copy of Engrossed Senate Bill 6453 adopting an open “nominating” primary in Washington and containing the Governor’s message explaining his veto of the companion top-two “qualifying” primary.
3. Attached hereto as Exhibit B is a true and correct copy of RCW 29.15.010, effective at the time *Democratic Party of Washington v. Reed* was being litigated, and recodified as RCW 29A.24.030 effective 2004. Subsection (3) authorizes any moving party candidate to “designate” affiliation with any political party without the assent of the political party.
4. Attached hereto as Exhibit C is a true and correct copy of the statewide Primary Election Results for 1998-2004 in Washington taken from the Secretary of State website, together with a spreadsheet of the same data showing the proportionate ballot strength of the top four candidates in each race.
5. Attached hereto as Exhibit D is a true and correct copy of the Emergency Rule Order dated 5/08/05 for implementing I-872. WAC 424-215-015 provides RCW §§ 29A.20.110 through 29A.20.201 (minor party nominating statutes) apply only to nominations for President and Vice President.
6. Attached hereto as Exhibit E is a true and correct copy of the current Constitution and Bylaws of the Libertarian Party of Washington State. Constitution Article IV requires endorsement of a “non-aggression” pledge to be a member of the party.

DECLARATION OF RICHARD SHEPARD
IN SUPPORT OF LIBERTARIAN
PARTY’S MOTION FOR SUMMARY
JUDGMENT - Page 2 of 4

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1 Constitution Article XIII requires that all Libertarian candidates for partisan
2 office shall be members of the party.

3 7. Attached hereto as Exhibit F is a true and correct copy of an Authenticating
4 Declaration and Certificate of Registration showing registration of the name
5 "Libertarian Party" in the United States Patent and Trademark Office.

6 8. Attached hereto as Exhibit G is a true and correct copy of an article in *Ballot*
7 *Access News*, dated June 1, 2005, page 4. Author Richard Winger is a nationally
8 recognized ballot access expert. In the article he has compiled tables of state-by-
9 state averages for number of candidates on the November ballot for United States
10 Senator and Governor and the proportionate number of signatures or votes needed
11 for access to the November ballot.

12 9. Attached hereto as Exhibit H is a true and correct copy of a Memorandum to the
13 Conference by Justice Potter Stewart regarding *Jernigan v. Lendall*, dated
14 6/21/77. This memorandum discusses the propriety of a ballot access threshold
15 for minor parties of greater than 5%.

16 DATED Friday, June 17, 2005, at Tacoma, Washington.

17 SHEPARD LAW OFFICE, INC.

18 

19 RICHARD SHEPARD, WSBA # 16194
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DECLARATION OF RICHARD SHEPARD
IN SUPPORT OF LIBERTARIAN
PARTY'S MOTION FOR SUMMARY
JUDGMENT - Page 3 of 4

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Documents\Cases\LibertarianParty\WAS\State\Litigation\872\Pleadings\DECLARATION
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R.C.W. § 29.15.010 Declaration and affidavit of candidacy

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 and affidavit of candidacy. The secretary of state shall adopt, by rule, a declaration of candidacy form for the office of precinct committee officer and a separate standard form for candidates for all other offices filing under this chapter. Included on the standard form shall be:

- (1) A place for the candidate to declare that he or she is a registered voter within the jurisdiction of the office for which he or she is filing, and the address at which he or she is registered;
- (2) A place for the candidate to indicate the position for which he or she is filing;
- (3) A place for the candidate to indicate a party designation, if applicable;
- (4) A place for the candidate to indicate the amount of the filing fee accompanying the declaration of candidacy or for the candidate to indicate that he or she is filing a nominating petition in lieu of the filing fee under R.C.W. § 29.15.050;
- (5) A place for the candidate to sign the declaration of candidacy, stating that the information provided on the form is true and swearing or affirming that he or she will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

EXHIBIT B

Top Four Primary Results from 1998-2004

U.S. Senate

| 1998 | | Percentage of Votes |
|-------------|-----------------|----------------------------|
| Candidate 1 | Patty Murray-D | 0.46 |
| Candidate 2 | Linda Smith-R | 0.32 |
| Candidate 3 | Chris Bayley-R | 0.15 |
| Candidate 4 | Warren Hanson-R | 0.02 |

Governor

| 2000 | | Percentage of Votes |
|-------------|----------------------|----------------------------|
| Candidate 1 | Gary Locke-D | 0.54 |
| Candidate 2 | John Carlson-R | 0.35 |
| Candidate 3 | Harold Hochstatter-R | 0.07 |
| Candidate 4 | Meta Heller-D | 0.02 |

Lt. Governor

| 2000 | | Percentage of Votes |
|-------------|-------------------|----------------------------|
| Candidate 1 | Brad Owen-D | 0.44 |
| Candidate 2 | Mike Elliott-R | 0.24 |
| Candidate 3 | Joe Mitschelen-R | 0.14 |
| Candidate 4 | Lonnie Williams-D | 0.11 |

Secretary of State

| 2000 | | Percentage of Votes |
|-------------|-------------------|----------------------------|
| Candidate 1 | Sam Reed-R | 0.22 |
| Candidate 2 | Don Bonker-D | 0.21 |
| Candidate 3 | Bob Terwilliger-D | 0.12 |
| Candidate 4 | Mike Wensman-R | 0.10 |

State Treasurer

| 2000 | | Percentage of Votes |
|-------------|-----------------|----------------------------|
| Candidate 1 | Mike Murphy-D | 0.47 |
| Candidate 2 | Diane Rhoades-R | 0.41 |
| Candidate 3 | Louis Bloom-D | 0.07 |
| Candidate 4 | Tim Perman-LBT | 0.05 |

State Auditor

| 2000 | | Percentage of Votes |
|-------------|-------------------|----------------------------|
| Candidate 1 | Brian Sonntag-D | 0.56 |
| Candidate 2 | Richard McEntee-R | 0.38 |
| Candidate 3 | Chris Caputo-L | 0.06 |

Attorney General

| 2000 | | Percentage of Votes |
|-------------|--|----------------------------|
|-------------|--|----------------------------|

C

| | | |
|-------------|----------------------|------|
| Candidate 1 | Christine Gregoire-D | 0.55 |
| Candidate 2 | Richard Pope-R | 0.39 |
| Candidate 3 | Richard Shepard-L | 0.04 |
| Candidate 4 | Luanne Coachman-NL | 0.01 |

2000

Commissioner of Public Lands
Percentage of Votes

| | | |
|-------------|-------------------|------|
| Candidate 1 | Doug Sutherland-R | 0.33 |
| Candidate 2 | Mike Lowry-D | 0.29 |
| Candidate 3 | Georgia Gardner-D | 0.12 |
| Candidate 4 | Jim O'Donnell-D | 0.06 |

2000

Superintendent of Public Instruction
Percentage of Votes

| | | |
|-------------|--------------------|------|
| Candidate 1 | Teresa Bergeson-NP | 0.57 |
| Candidate 2 | Donald Crawford-NP | 0.15 |
| Candidate 3 | Arthur Hu-NP | 0.14 |
| Candidate 4 | David Blomstrom-NP | 0.08 |

2000

Insurance Commissioner
Percentage of Votes

| | | |
|-------------|------------------|------|
| Candidate 1 | Mike Kreidler-D | 0.33 |
| Candidate 2 | Don Davidson-R | 0.29 |
| Candidate 3 | John Conniff-D | 0.21 |
| Candidate 4 | Curtis Fackler-R | 0.12 |

Governor

2004

Percentage of Votes

| | | |
|-------------|----------------------|------|
| Candidate 1 | Christine Gregoire-D | 0.39 |
| Candidate 2 | Dino Rossi-R | 0.34 |
| Candidate 3 | Ron Sims-D | 0.18 |
| Candidate 4 | John Aiken, Jr.-R | 0.03 |

Lt. Governor

2004

Percentage of Votes

| | | |
|-------------|-------------------|------|
| Candidate 1 | Brad Owen-D | 0.59 |
| Candidate 2 | Jim Wiest-R | 0.16 |
| Candidate 3 | Jim Nobles-R | 0.14 |
| Candidate 4 | Scott Bonifield-R | 0.09 |

Secretary of State

2004

Percentage of Votes

| | | |
|-------------|------------------|------|
| Candidate 1 | Laura Ruderman-D | 0.57 |
| Candidate 2 | Sam Reed-R | 0.42 |

| | | |
|-------------|---------------------|------|
| Candidate 3 | Jacqueline Passey-L | 0.01 |
|-------------|---------------------|------|

| | | |
|-------------|----------------------------|--|
| | State Treasurer | |
| 2004 | Percentage of Votes | |

| | | |
|-------------|---------------|------|
| Candidate 1 | Mike Murphy-D | 0.59 |
| Candidate 2 | Oscar Lewis-R | 0.40 |
| Candidate 3 | John Sample-L | 0.01 |

| | | |
|-------------|----------------------------|--|
| | State Auditor | |
| 2004 | Percentage of Votes | |

| | | |
|-------------|-----------------|------|
| Candidate 1 | Brian Sonntag-D | 0.59 |
| Candidate 2 | Will Baker-R | 0.40 |
| Candidate 3 | Jason Bush-L | 0.01 |

| | | |
|-------------|----------------------------|--|
| | Attorney General | |
| 2004 | Percentage of Votes | |

| | | |
|-------------|----------------|------|
| Candidate 1 | Rob McKenna-R | 0.31 |
| Candidate 2 | Deborah Senn-D | 0.31 |
| Candidate 3 | Mark Sidran-D | 0.29 |
| Candidate 4 | Mike Vaska-R | 0.08 |

| | | |
|-------------|-------------------------------------|--|
| | Commissioner of Public Lands | |
| 2004 | Percentage of Votes | |

| | | |
|-------------|-------------------|------|
| Candidate 1 | Mike Cooper-D | 0.58 |
| Candidate 2 | Doug Sutherland-R | 0.41 |
| Candidate 3 | Steve Layman-L | 0.01 |

| | | |
|-------------|---|--|
| | Superintendent of Public Instruction | |
| 2004 | Percentage of Votes | |

| | | |
|-------------|--------------------|------|
| Candidate 1 | Teresa Bergeson-NP | 0.36 |
| Candidate 2 | Judith Billings-NP | 0.35 |
| Candidate 3 | John Blair-NP | 0.01 |
| Candidate 4 | Juanita Doyon-NP | 0.01 |

| | | |
|-------------|-------------------------------|--|
| | Insurance Commissioner | |
| 2004 | Percentage of Votes | |

| | | |
|-------------|------------------|------|
| Candidate 1 | Mike Kreidler-D | 0.59 |
| Candidate 2 | John Adams-R | 0.22 |
| Candidate 3 | Earl Adams-R | 0.01 |
| Candidate 4 | Curtis Fackler-R | 0.01 |



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Secretary of State

☐ Permanent Rule
☒ Emergency Rule

Effective date of rule:

Permanent Rules

☐ 31 days after filing.
☐ 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

☒ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ 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:

- ☐ 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.
- ☒ 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

NAME (TYPE OR PRINT)

Steve Excell

SIGNATURE

TITLE

Assistant Secretary of State

CODE REVISER USE ONLY

MAY 18 2005

EXHIBIT D

(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 | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted in the agency's own initiative:

| | | | | | |
|-----|-------|---------|----------|----------|----------|
| New | _____ | Amended | <u>2</u> | Repealed | <u>2</u> |
|-----|-------|---------|----------|----------|----------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

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 04-16-089, 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 _____ Fee Paid \$ _____ File No. _____
 Paid By (Check one) _____
☐ AM ☐ Check ☐ Other
☐ PM ☐ Cash ☐ Norm. Petition
 Clerk/Cashier Initials _____

DECLARATION OF CANDIDACY

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

(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. _____

(IS THIS ADDRESS ON A RURAL ROUTE?)

(TELEPHONE NUMBER)

(MAILING ADDRESS - IF DIFFERENT)

_____, Washington _____

(CITY)

(COUNTY)

(ZIP CODE)

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 all copies of this declaration to your Elections Dept.
 Distribution by Elections Dept: White--County; 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"/> Norm 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.) (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 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 EXP RES _____

(SEAL OR STAMP)

SSE 34-1 (2002)

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

]

(STRICKEN GRAPHIC))

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) _____

(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 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)

| | | |
|---|--|---|
| <p>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.</p> <p><small>Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.</small></p> <p>STATE OF WASHINGTON, COUNTY OF _____</p> <p><small>(SEAL OR STAMP)</small></p> | | <p>8. Sign Here X _____ <small>(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)</small></p> <p>SIGNED OR ATTESTED BEFORE ME ON _____ <small>(DATE)</small></p> <p>by _____ <small>(CANDIDATE)</small></p> <p>_____ <small>(SIGNATURE OF NOTARY)</small></p> <p>_____ <small>(TITLE)</small></p> <p>My appointment expires _____</p> |
|---|--|---|

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, obscure. 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 ~~((not 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

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

DECLARATION
(Regarding Libertarian Party® Trademark)

To Whom It May Concern:


I am General Counsel to the Libertarian National Committee, Inc., the governing body of the national Libertarian Party®, and have continuously served as General Counsel since 1991. As such, I have personal knowledge of the facts set forth in this Declaration.

The Libertarian National Committee, Inc., owns the trademark Libertarian Party®. Attached is a true, accurate and complete copy of its trademark registration, as issued by the United States Patent Office. This trademark registration has not been revoked, withdrawn or amended, and is currently in full force and effect. The Libertarian National Committee and its affiliate parties and candidates have continuously used the trademark Libertarian Party® since the time it was registered with the United States Patent Office, and prior to that time, since approximately 1972.

Under the national bylaws of the Libertarian Party®, the Libertarian National Committee's recognized affiliate in each state is permitted the use of the trademark Libertarian Party® for its political operations, and for use by its designated candidates, within its state. In the State of Washington, the Libertarian National Committee has recognized the Libertarian Party of Washington State, PO Box 7118, Bellevue, WA 98008, with an office at 15831 NE 8th, Ste. 210, Bellevue, WA 98008, as its state affiliate. The Libertarian National Committee has not granted to any other person within the State of Washington the right to use the trademark Libertarian Party®.

I declare under penalty of perjury according to 28 U.S.C., § 1746 that the foregoing is true and correct.

Executed on June 16, 2005, at Grand Rapids, Michigan.



William W. Hall

The United States of America



CERTIFICATE OF REGISTRATION
PRINCIPAL REGISTER

The Mark shown in this certificate has been registered in the United States Patent and Trademark Office to the named registrant.

The records of the United States Patent and Trademark Office show that an application for registration of the Mark shown in this Certificate was filed in the Office; that the application was examined and determined to be in compliance with the requirements of the law and with the regulations prescribed by the Director of the United States Patent and Trademark Office; and that the Applicant is entitled to registration of the Mark under the Trademark Act of 1946, as Amended.

A copy of the Mark and pertinent data from the application are part of this certificate.

This registration shall remain in force for TEN (10) years, unless terminated earlier as provided by law, and subject to compliance with the provisions of Section 8 of the Trademark Act of 1946, as Amended.



Nicholas P. Galai

Acting Director of the United States Patent and Trademark Office

Requirements for Maintaining a Federal Trademark Registration

SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. §1058, upon the expiration of the following time periods:

- i) At the end of 6 years following the date of registration.
- ii) At the end of each successive 10-year period following the date of registration.

Failure to file a proper Section 8 Affidavit at the appropriate time will result in the cancellation of the registration.

SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. §1059, at the end of each successive 10-year period following the date of registration.

Failure to file a proper Application for Renewal at the appropriate time will result in the expiration of the registration.

No further notice or reminder of these requirements will be sent to the Registrant by the Patent and Trademark Office. It is recommended that the Registrant contact the Patent and Trademark Office approximately one year before the expiration of the time periods shown above to determine the requirements and fees for the filings required to maintain the registration.

Int. Cls.: 16 and 42

**Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, 50, 100
and 101**

Reg. No. 2,423,459

United States Patent and Trademark Office

Registered Jan. 23, 2001

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

LIBERTARIAN PARTY

LIBERTARIAN NATIONAL COMMITTEE, INC. (D.C.
NON-PROFIT CORPORATION)
2600 VIRGINIA AVENUE, N. W., SUITE 100
WASHINGTON, DC 20037

FOR: NEWSPAPERS, BROCHURES, PAMPHLETS
AND BOOKLETS CONCERNING POLITICAL ISSUES
, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38
AND 50).

FIRST USE 1-0-1972; IN COMMERCE 1-0-1972.

FOR: POLITICAL PARTY SERVICES, NAMELY,
PROMOTING THE INTERESTS OF A POLITICAL
PARTY, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 1-0-1972; IN COMMERCE 1-0-1972.
NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT
TO USE "PARTY", APART FROM THE MARK AS
SHOWN.

SER. NO. 75-937,476, FILED 3-7-2000.

PRISCILLA MILTON, EXAMINING ATTORNEY

June 1, 2005

Ballot Access News

GOVERNOR, SENATOR ACCESS COMPARISON

The March 1 *B.A.N.* compared the states on how easy it is for minor party and independent presidential candidates to get on the ballot. The April 1 *B.A.N.* compared the states on how easy it is for a group to be a qualified party. The May 1 chart compares them on how easy it is for a new party to get a full slate of U.S. House candidates on the November ballot. This chart compares the states for access in U.S. Senate and gubernatorial elections, for independent and minor party candidates.

The chart in the middle column tells the average number of candidates on the November ballot for Governor and U.S. Senator in each state (including the Democratic and Republican nominees), for the period 1980-2004. The states are ordered with the most lenient at the top, and the most restrictive at the bottom. Arkansas, New Mexico and Maryland have offered voters the fewest choices for Governor and U.S. Senator. However, Maryland drastically improved ballot access in 1998 and again in 2003, so its future ranking will surely improve.

The nationwide average for U.S. Senate and gubernatorial elections is 3.73 candidates on the ballot. This contrasts to 2.60 candidates on the ballot in the average U.S. House race, and 4.10 candidates on the ballot in the average presidential race.

The chart in the right column shows the percentage of signatures (or, in Delaware, the number of registrants) for a new party or independent candidate for U.S. Senator or Governor to get on the November ballot. The easiest method in each state is used. "Easiest" means the procedure used most often. "Percentage" shows the number of signatures (or registrants, or votes in a primary) needed, divided by the number of registered voters. Washington is the worst, since candidates need approximately 30% support from the voters (measured by primary votes) in order to get on the November ballot. This is because the voters passed the "top-two" initiative last year.

OF CANDIDATES ON

| | |
|----------------|------|
| Louisiana | 9.50 |
| New Jersey | 8.71 |
| New York | 6.53 |
| Minnesota | 5.79 |
| California | 5.53 |
| Vermont | 5.50 |
| Tennessee | 5.36 |
| Wisconsin | 5.00 |
| Colorado | 4.80 |
| Michigan | 4.71 |
| Illinois | 4.40 |
| Iowa | 4.33 |
| Utah | 4.25 |
| Pennsylvania | 4.13 |
| Alaska | 4.00 |
| Nevada | 4.00 |
| Connecticut | 3.80 |
| Oregon | 3.73 |
| South Carolina | 3.53 |
| Rhode Island | 3.50 |
| Arizona | 3.47 |
| Hawaii | 3.47 |
| Missouri | 3.44 |
| Massachusetts | 3.43 |
| Kansas | 3.40 |
| Texas | 3.36 |
| Oklahoma | 3.27 |
| North Carolina | 3.25 |
| Maine | 3.14 |
| Delaware | 3.13 |
| Alabama | 3.07 |
| Indiana | 3.06 |
| New Hampshire | 3.05 |
| Ohio | 3.00 |
| Montana | 2.87 |
| Mississippi | 2.80 |
| South Dakota | 2.73 |
| North Dakota | 2.63 |
| Idaho | 2.60 |
| West Virginia | 2.60 |
| Kentucky | 2.56 |
| Washington | 2.50 |
| Wyoming | 2.50 |
| Florida | 2.47 |
| Georgia | 2.47 |
| Nebraska | 2.36 |
| Virginia | 2.36 |
| Maryland | 2.20 |
| New Mexico | 2.14 |
| Arkansas | 2.06 |

SIGNATURES NEEDED (%)

| | |
|----------------|----------------|
| Mississippi | .00% |
| Florida | .00% |
| Louisiana | .00% |
| Oklahoma | .00% |
| Vermont | .00+% |
| Tennessee | .00+% |
| New Jersey | .02% |
| Nevada | .02% |
| Colorado | .03% |
| Delaware | (reg.) .05% |
| Wisconsin | .05% |
| Ohio | .06% |
| Minnesota | .07% |
| Iowa | .08% |
| Utah | .08% |
| Hawaii | .10% |
| Idaho | .13% |
| New York | .13% |
| Rhode Island | .15% |
| Kentucky | .18% |
| Nebraska | .18% |
| North Dakota | .21% |
| Massachusetts | .24% |
| Missouri | .24% |
| Virginia | .24% |
| Kansas | .30% |
| Illinois | .33% |
| Maryland | .34% |
| New Hampshire | .35% |
| Texas | .35% |
| Connecticut | .37% |
| Maine | .42% |
| South Carolina | .43% |
| Michigan | .44% |
| Arkansas | .59% |
| Alaska | .66% |
| South Dakota | .67% |
| New Mexico | .68% |
| Indiana | .69% |
| West Virginia | .75% |
| Arizona | .76% |
| Montana | .78% |
| Pennsylvania | .80% |
| Oregon | .91% |
| California | 1.00% |
| Georgia | 1.00% |
| North Carolina | 1.26% |
| Alabama | 1.44% |
| Wyoming | 2.05% |
| Washington | approx. 30.00% |

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE POTTER STEWART

June 21, 1977

MEMORANDUM TO THE CONFERENCE

Re: Case held for No. 76-128, Mandel v. Bradley,
No. 76-680, Jernigan v. Lendall

In 1974, Jim Lendall, an independent candidate for the state legislature, filed suit against the Arkansas Secretary of State, challenging Arkansas' ballot access requirements. At that time independent candidates were required to file nominating petitions signed by 15% of the qualified electors in the relevant district, and the petitions had to be submitted by the first Tuesday in April -- roughly 210 days before the general election. A three-judge court ruled that the scheme was unconstitutional, specifically finding that support for independent candidates does not crystallize until after party nominees and positions are known, and that it is unduly burdensome to require so substantial a number of petition signatures to be filed so early. 387 F. Supp. 397 (ED Ark.). No appeal was taken.

The Arkansas legislature amended its ballot access scheme in 1975 to require signatures of only 10%, rather than 15% of the qualified electors in the district. According to a 1975 survey of state election laws, only one other state -- North Carolina -- requires that large a percentage of signatures. See Developments in the Law -- Election Law, 88 Harv. L. Rev. 1111, 1124 n. 11 (1975).

H

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Constitution of the **Libertarian Party of Washington State**

As amended in convention, May 1, 2004

Statement of Principles

We, the members of the Libertarian Party of Washington State, hold these truths to be self-evident, that all men and women are created equal, that they are endowed with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. Accordingly, all individuals have the right to exercise sole dominion over their lives, and have the right to live in whatever manner they choose, so long as they do not forcibly interfere with the equal right of others to live in whatever manner they choose.

We further hold that where government exists, it must not violate the right of any individual: namely (1) the right to life - accordingly, we support prohibition of the initiation of physical force against others; (2) the right to liberty of speech and action - accordingly we oppose all attempts by government to abridge the freedom of speech and the press, as well as government censorship in any form; and (3) the right to property - accordingly, we oppose all government interference with private property, such as confiscation, nationalization, and eminent domain, and support the prohibition of robbery, trespass, fraud, and misrepresentation.

Since governments, when instituted, must not violate individual rights, we oppose all interference by government in the areas of voluntary and contractual relations among individuals. People should not be forced to sacrifice their lives or property for the benefit of others. They should be left free by government to deal with one another as free traders; and the resultant economic system, the only one compatible with the protection of individual rights, is the free market.

Toward these ends, the following articles comprise our Constitution:

Article I: Name

The name of this organization will be the Libertarian Party of Washington State, hereinafter referred to as "the Party."

Article II: Purpose and Duration

The purpose of the Party is to proclaim and implement its Statement of Principles by:

1. Nominating and running candidates for office in the State of Washington;
2. Entering into political information and educational activities;
3. Promoting, chartering, and coordinating regional organizations throughout the State of Washington;
4. Calling conventions of Libertarian Party Members within the State of Washington;
5. Providing delegates for national Libertarian Party conventions;
6. And filling vacancies on the Libertarian Party ticket.

The duration of this Party will be perpetual.

Article III: Controlling Documents

The controlling documents of the Party are this Constitution and the Party Bylaws. Authority for procedures not otherwise addressed in the Controlling Documents is Robert's Rules of Order, newly revised.

EXHIBIT E

Article IV: Membership

1. Any person residing within the State of Washington, and who endorses in writing the following statement: "I do not believe in or advocate the **initiation** of force as a means of achieving political or social goals," and who meets the criteria established by the controlling documents is a member of the Party.
2. The requirement and standards for membership will be set forth in the Party Bylaws.

Article V: Officers

1. The Party shall have four (4) Party Officers, as follows: State Chair, Vice-Chair, Treasurer and Secretary.
2. Party Officers will be elected individually, on separate ballots, in the order set forth above, at the annual Party Convention. No offices shall be combined. When three or more candidates run for an office, the election shall be conducted using an instant runoff vote.
3. Terms of office for Party Officers will commence thirty (30) days after adjournment of the annual convention in odd numbered years, and terminate thirty days after adjournment of the annual convention in the succeeding odd numbered year.
4. Only Party members eligible to vote at the annual Party convention may serve as Party Officers.
5. Party Officers have the executive powers and duties of the Party. Additional powers and duties of the Party Officers are set forth herein and in the Bylaws.
6. Party Officers may delegate their powers and/or duties to other Party members upon the advice and consent of the State Executive Committee.
7. In the event that the office of State Chair becomes vacant, the Vice-Chair shall become the State Chair for the remainder of the term.
8. The State Executive Committee may, by a two-thirds (2/3) majority vote of the current members, appoint or reinstate Party Officers other than the State Chair if vacancies or suspensions occur, such officers to serve the remainder of the vacated term.
9. Any Party Officer may be suspended for cause by a two-thirds (2/3) majority vote of the State Executive Committee. The Vice-Chair is recused from voting to suspend the State Chair.
10. A Party Officer may challenge his/her suspension by written appeal to the Judicial Committee within thirty (30) days of receipt of notice of such suspension. Failure to appeal within thirty (30) days shall confirm the suspension and bar any later challenge or appeal.

Article VI: State Executive Committee

A. Membership:

1. The State Executive Committee will be composed of representatives from each of the U.S. Congressional districts for the State of Washington. Representatives must be Party members and will be designated by Party members in their respective districts.
2. Party members from each Congressional district who are in attendance at the annual Party convention shall select members and alternates from the affected district to the State Executive Committee in any manner they choose.
3. The Party Vice-Chair, Treasurer and Secretary are at-large members of the State Executive Committee.
4. The State Chair shall preside at State Executive Committee meetings, and may vote only if the Chair's vote would change the outcome.

B. Powers:

1. The State Executive Committee will have all policy making, investigatory and review authority over all the affairs, properties, and funds of the Party, not prohibited by the Controlling Documents of the Party.
2. The State Executive Committee will meet in the manner, and conduct itself according to rules as provided in the Party Bylaws.
3. The State Executive Committee shall have the power to appoint committees as provided in the Party Bylaws. A Party

Officer may not chair a standing committee established by the Party Bylaws.

4. The State Executive Committee may never expel a member from the Party, but may petition the Judicial Committee to expel a member of the Party upon a 2/3 vote.

Article VII: Statutory State Committee

A. Membership:

The Statutory State Committee shall be composed of Party members who have been selected by Statutory County Committees to serve on the Statutory State Committee.

B. Powers:

1. The Statutory State Committee has the following powers:
 - a. To call conventions of Libertarian Party members within the State of Washington;
 - b. To provide delegates for National Libertarian Party conventions;
 - c. To nominate Presidential electors; and
 - d. To fill vacancies on the Libertarian Party ticket.
2. The Statutory State Committee will meet in the manner, and conduct itself according to rules as provided in the Party Bylaws.
3. The Statutory State Committee may delegate its powers to the State Executive Committee, or to an appropriate standing committee created by the controlling documents, or to the Party Convention.

Article VIII: Judicial Committee

A. Membership:

1. The Judicial Committee will consist of not more than nine (9) Party members.
2. A candidate for election to the Judicial Committee must be a Party member for three (3) years.
3. Party Officers and members of the State Executive Committee and the Statutory State Committee are not eligible to serve on the Judicial Committee.
4. Members of the Judicial Committee shall be elected at each annual convention and serve for a period specified in the Bylaws, unless they are recalled by a two-thirds (2/3) majority vote at a Party convention.
5. Within sixty (60) days of each annual convention the Judicial Committee shall elect from its members a Chief Justice.
6. Vacancies on the Judicial Committee will be filled at the next annual Party convention.

B. Powers:

1. The Judicial Committee shall hear appeals or petitions from Party members concerning:
 - a. Interpretation of the controlling documents;
 - b. Disputes involving access to Party records;
 - c. Suspension of Party Officers; and
 - d. Disputes involving representation on the State Executive Committee, or the Statutory State Committee or its committees
2. The Judicial Committee shall review any petition by the State Executive Committee to expel a member from the Party. The Judicial Committee must either dismiss such petition or refer such petition to the Convention, or to any

- properly called Special Convention, for a final determination.
3. Decisions of the Judicial Committee shall be limited to summary affirmation or reversal of any official act of a Party Officer, or the State Executive Committee or the Statutory State Committee. The State Executive Committee, or the Statutory State Committee or the appellant/petitioner may request a written opinion from the Judicial Committee.
4. Judicial Committee decisions are subject to repeal by a two-thirds (2/3) majority vote of members at the next annual Party convention.
5. The Judicial Committee will meet in the manner and conduct themselves according to the Party Bylaws.

Article IX: Regional Organizations

1. The State Executive Committee may charter as regional organizations those organizations requesting such status, to represent counties or other political or geographical entities, if requested by affected members and approved by the State Executive Committee. Regional Organizations may be, in the sole and exclusive discretion of the State Executive Committee, Statutory County Committees. Regional organizations will be chartered for the following purposes:
 - a. Nomination of candidates for public office.
 - b. Working to elect Libertarian candidates and promoting Libertarian principles through political information and educational activities.
 - c. Selecting representatives to appropriate Party activities.
2. Every organization so chartered will ratify the Statement of Principles of the LPWS and provide the names and titles of its regional officers to the State Executive Committee annually.

Article X: Statutory County Committees

A. Membership:

Statutory County Committees are composed of current dues paying Party members who are elected as Precinct Committee Officers in their County, or dues paying Party members in the County who are appointed by the committee chair.

B. Powers:

1. Statutory County Committees shall select from their numbers up to two representatives to the Statutory State Committee. Any representative to the Statutory State Committee must have been a member of the Party for 1 year.
2. Statutory County Committees shall have such other powers as may be delegated by these controlling documents or by the State Executive Committee.
3. The Statutory County Committee will meet in the manner, and conduct itself according to rules as provided in the Party Bylaws.

Article XI: Party Conventions

A. Annual Convention

1. The Party will meet in convention as provided in the convention rules and the Party Bylaws.
2. Any current dues-paying Party member as determined by the State Executive Committee for ninety (90) calendar days prior to a State convention may vote at that convention.
3. The rules for each convention will be adopted by the convention as its first order of business. A simple majority of those delegates present and voting will be sufficient for adoption.
4. At annual conventions Party Officers and Judicial Committee members shall be elected as provided in the Bylaws, a Party Platform may be adopted or revised, the Constitution and Bylaws may be Amended, resolutions may be adopted

and candidates for public office may be nominated.

5. The convention date(s) and location city shall be announced in the Party's member newsletter, at least sixty (60) calendar days prior to the annual convention.
6. In years when a National Libertarian Party Convention is to be held, the annual convention will elect delegates and alternates to the national convention in accordance with procedures set forth in the Party Bylaws. In the event of conflict, selections made by the annual Party convention shall have priority over the selections of the Statutory State Committee.
7. In years when a United States Presidential Election is to be held, the annual convention will elect representatives to the United States Electoral College. In the event of conflict, the selections made by the annual Party convention shall have priority over the selections of the Statutory State Committee.

B. Special Conventions

1. The State Executive Committee may call a special convention by a four-fifths (4/5) majority vote of those present at a regular State Executive Committee meeting. In the event of conflict, the convention date selected by the State Executive Committee shall have priority.
2. Members of the Party may call a special convention by submitting a petition to the State Chair, signed by at least twenty-five (25) percent of the membership of the Party. Those petitioning will bear all costs including required notification.

Article XII: Platform

1. The Party may adopt a Platform or plank at the annual Party convention by a two-thirds (2/3) majority vote of delegates in attendance.
2. Any Platform plank, or the entire Platform, may be repealed by a simple majority vote of delegates at the convention.
3. All platform planks shall be consistent with the Statement of Principles of the Party.

Article XIII: Nomination of Candidates

1. All Libertarian candidates for partisan office shall be members of the Party, and shall be nominated by members of the Party.
2. In the event of conflict, the person(s) selected to fill vacancies on the Libertarian Party ticket by the Campaigns Committee or other committee delegated with such power by the annual Party convention shall have priority over the selections of the Statutory State Committee.
3. Nomination of candidates for public office will be according to this Constitution and the Party Bylaws.

Article XIV: Amendments

1. The Statement of Principles, preamble to this Constitution, affirms the philosophy upon which the Libertarian Party is founded, upon which it shall be sustained, and through which liberty shall prevail. The enduring importance of the Statement of Principles requires that it may be amended only by a seven-eighths (7/8) majority vote of all delegates at an annual convention.
2. This Constitution may be amended by a two-thirds (2/3) majority vote of delegates in attendance at any party convention.
3. The Party Bylaws may be amended by a majority vote of delegates in attendance at any Party convention.

Bylaws of the **Libertarian Party of Washington State**

As amended in convention, May 1, 2004

Article I: Membership

1. Anyone meeting the requirements of membership as determined by the State Executive Committee and residing in the State of Washington is hereby a member of the Party.
2. Dues paying Party members as determined by the State Executive Committee shall receive a subscription to the Party newsletter, plus other incidental benefits to be determined by the State Executive Committee.
3. An individual may maintain only one membership in the Party.
4. Any member may require that his or her membership information may not be distributed to any organization not affiliated with the Libertarian Party of Washington State (LPWS). An affiliate of the LPWS is defined as the Libertarian National Committee, and chartered regional chapters of the LPWS.
5. Any member has a right to contact the general membership of the Party concerning Party business; the State Executive Committee shall establish procedures for so contacting the membership.
6. Any LPWS member may obtain upon payment of reasonable cost the name, addresses, phone number, and e-mail addresses on announcement lists when available of all or any members.

Article II: Party Officers

A Generally:

1. Any Officer who may have a conflict of interest in discharging his or her duties as an Officer shall fully advise the State Executive Committee regarding the possible conflict.
2. Each Party Officer will be responsible for maintaining documentation within his/her area of responsibility.
3. Each officer will be responsible for transferring all records and accounts pertaining to his/her area of responsibility within thirty (30) days after the election or appointment of his/her successor.
4. Each Party Officer will provide a written report to be presented at the annual Party Convention and passed on to the next Officer.
5. No Party Officer may incur expenses beyond budget without approval of the State Executive Committee.

B. State Chair:

1. The State Chair shall be the chief executive officer and chief spokesperson of the Party, holding all powers pertaining to the ordinary business affairs of the Party.
2. The State Chair may appoint, hire and discharge Party volunteers and paid personnel, such as an office manager and an events chair, consistent with any express State Executive Committee policies.
3. The State Chair may contract for products and services, consistent with any express State Executive Committee policies.
4. The State Chair shall be a voting member of the Strategic Planning Committee.

C. Vice-Chair:

1. The Vice-Chair shall assume the duties and responsibilities of the State Chair in the event of his/her resignation, incapacity, death, suspension, or absence.
2. The Vice-Chair shall be a voting member of the Public Relations and Campaigns Committees.

D. Treasurer:

1. The Treasurer shall be responsible for establishing and maintaining a system of accounts in accordance with Generally Accepted Accounting Practices.
2. The fiscal year of the Party shall begin on August 1st of each year.
3. In the event the Treasurer is unable to perform the duties of the office the records of the Party shall revert to the State Chair.

4. The Treasurer shall make Party financial records, excluding the names of contributors, available to any Party member in good standing at a reasonable time and place upon fourteen (14) calendar days' notice.
5. The Treasurer shall be a voting member of the Finance and Policy Committees.

E. Secretary:

1. The Secretary will be responsible for recording the minutes of the State Executive Committee meetings and Party conventions.
2. The Secretary will ensure that draft copies of convention minutes are available to Party members within Thirty (30) days following a convention.
3. The Secretary shall notify State Executive Committee members of the time and location of meetings.
4. The Secretary shall be a voting member of the Membership and Policy Committees.
5. The Party Secretary is responsible for Party membership records, Party archives, and all other records not otherwise provided for in the Controlling documents.

Article III: State Executive Committee

A. Meetings:

1. The State Executive Committee shall convene only in open meeting. Within a properly announced open meeting, a closed "Executive Session" may be convened to discuss the following confidential matters: contracts worth more than \$1000 per year, personnel and/or disciplinary matters requiring State Executive Committee action, and pending or active litigation. The purpose of the private session shall be announced prior to convening privately, and no votes may be taken until the open meeting is reconvened, at which time motions and discussion may or may not proceed.
2. The State Executive Committee shall meet at least quarterly, as may be determined by the Committee, or by a call of the State Chair, or by written request of one-third (1/3) or more of the members of the Committee.
3. A quorum for State Executive Committee meetings will consist of at least half the current total Committee members. If neither the Chair nor the Vice Chair is in attendance, a simple majority of attending members may elect a Presiding Chair *pro tem*.

B. Rules and Procedures:

1. All State Executive Committee members shall be notified of the time and location of meetings no less than twenty-one (21) days in advance; provided that, in the case of emergency meetings called by the State Chair seven (7) days shall be adequate. Emergency meetings may be held online or via telephone, to consider a single question, if a recorded vote includes at least 2/3 of State Executive Committee members, and with Meeting Minutes recorded and filed.
2. The State Executive Committee may adopt such rules of procedure as it deems necessary.
3. In case of a dispute between Party members of the same region for the same seat on the State Executive Committee, the undisputed State Executive Committee members present shall determine by majority vote which member shall be seated for that meeting. In the event of an appeal to the Judicial Committee, if the wrong person was seated, official action taken or business conducted at the subject meeting shall not be affected.
4. Any petition to the Judicial Committee to expel a member from the Party shall be preceded by a written motion to the State Executive Committee summarizing the reasons for expulsion. The motion will require two seconds to be considered. Any Party member subject to a motion for petition to expel shall receive a copy of the written motion 30 days before the matter may be considered by the State Executive Committee and given a reasonable opportunity to be heard in a regular meeting of the State Executive Committee before a dispositive vote is taken. In the event a motion for petition to expel a member passes the State Executive Committee, the State Executive Committee shall select one of its members to represent the State Executive Committee in its petition to the Judicial Committee.

C. Committees:

1. The State Executive Committee shall establish and maintain the following Standing Committees: Campaigns, Membership, Public Relations, Finance, and Policy. Standing Committee Chairs will be appointed or terminated by the State Chair, with the approval of the State Executive Committee.

2. Standing Committees shall have the powers of investigation, supervision, and review of the Party activities within their area of responsibility, and shall have access to all records of the Party. Standing Committee Chairs hold primary responsibility for staffing their Committees, and/or forming and staffing committees.
3. The responsibilities of the standing committees will be, but are not limited to, the following:
 - a. The Campaigns Committee will identify political races and coordinate candidate and issue development.
 - b. The Membership Committee will recruit new members, develop membership educational programs and publications, and assist in organizing regional organizations.
 - c. The Public Relations Committee will coordinate news media, disseminate information within and for the Party, and operate a speakers' bureau.
 - d. The Finance Committee will have the primary responsibility for fund raising.
 - e. The Policy Committee has primary responsibility for creating and maintaining a Policy Manual.
 - f. The Strategic Planning Committee will create, maintain and update a 5-year Strategic Plan, for approval by the State Executive Committee.
4. The State Executive Committee may establish Temporary Committees, by approving a written and amendable delegation of powers and/or function. Standing Committees may form Temporary Subcommittees on the same basis. Temporary Committees will expire after 12 months, unless renewed by the originating body. Temporary Committee Chairs will be appointed or terminated by the State Chair, with the approval of the State Central Committee.

Article IV: Statutory State Committee

A. Meetings:

1. The Statutory State Committee shall convene only in open meeting.
2. The Statutory State Committee shall meet during January of each odd-numbered year, and as may be determined by the Committee, or by a call of the State Chair.
3. A quorum for the Statutory State Committee meetings will consist of at least half the current total Committee members.
4. Except for the meeting held during January of each odd-numbered year, and provided that proper notice and open access is given, the Statutory State Committee may, in its discretion, meet on-line.

B. Rules and Procedures:

1. Notice of the Statutory State Committee meeting held in January of each odd-numbered year shall be made seven (7) days in advance to all Statutory County Committees lawfully organized pursuant to Chapter 29.42, R.C.W. Notice of the time, location and agenda of all other Statutory State Committee meetings shall be made no less than twenty-one (21) days in advance.
2. The presiding officer at Statutory State Committee meetings shall ensure that minutes are regularly taken and that the minutes shall be available to any Party member upon request.
3. The Statutory State Committee may adopt such additional rules of procedure as it deems necessary.

Article V: Judicial Committee

A. Generally:

1. Members of the Judicial Committee shall serve for a term of three years.
2. No member of the Judicial Committee may sit in judgment of an appeal of a ruling or action of the State Executive Committee or the Statutory State Committee, which occurred while that member served on either Committee.
3. The Judicial Committee shall, when required by its duties, have access to all written records of the Party and Party committees concerned.
4. A ruling of the Judicial Committee may be overturned by a two-thirds (2/3) majority vote of the delegates at a convention.

B. Chief Justice:

1. The Chief Justice may not serve consecutive terms as Chief Justice.
2. The Chief Justice will receive all appeals and petitions, and schedule hearings so as to obtain a quorum of the Judicial Committee.

C. Timing and Notification:

1. The Chief Justice must notify the Party Officers within seven (7) days that an appeal or petition has been received, and provide the substance.
2. The Chief Justice shall provide at least fourteen (14) calendar day's notice to all interested Parties to a hearing, unless otherwise agreed to by all Parties concerned.
3. Hearings must be held within forty-five (45) calendar days from the time a written request is received by the Chief Justice, unless otherwise agreed to by all parties concerned.
4. The Judicial Committee must provide a ruling within fifteen (15) calendar days of the conclusion of a hearing, unless otherwise agreed to by all parties concerned.

D. Hearings:

1. In hearing a petition to expel a member from the Party, a quorum of the Judicial Committee will consist of 7/8 of its members. In all other matters, a quorum of the Judicial Committee will consist of a simple majority.
2. All parties to a hearing will have the right to represent their interests in the manner of their own choosing, consistent with the rules, guidelines, and principles of the Judicial Committee.
3. With the consent of all parties, the Chief Justice may call for written arguments and a mail ballot of the committee. Unless the parties agree otherwise, the Judicial Committee must provide a ruling within sixty (60) calendar days of the date of the original appeal or petition.

Article VI: Regional Organizations

1. The State Executive Committee will promote and charter regional organizations.
2. Organizations applying for regional organization status will petition the State Executive Committee. The petition will explicitly ratify the Statement of Principles of the National Party and will be signed annually by no fewer than five (5) Party members residing in that region.
3. The State Executive Committee will have the power to suspend regional organizations by a two-thirds (2/3) vote. Suspension is subject to written appeal to the Judicial Committee within thirty (30) calendar days of notification of suspension. Upon failure to appeal, the charter of the regional organization will be revoked. The State Executive Committee will not suspend any regional organization within a period of four (4) months prior to the annual convention. A regional organization may be suspended from the Party for the following reasons:
 - a. Violating the Statement of Principles.
 - b. Endorsing or supporting a candidate in opposition to one nominated by a recognized branch of the Libertarian Party.
 - c. Failing to hold a local meeting within the region at least once every calendar quarter.Upon appeal by the regional organization, the Judicial Committee will conduct a hearing. Following the hearing, the Judicial Committee will have thirty (30) calendar days to decide either to revoke the charter of the regional organization, or to continue the charter. Until the Judicial Committee decides, the regional organization charter will continue to be in force.
4. Members of the Party residing in unchartered regions may petition the State Executive Committee for recognition as chartered regions; such petitions must identify boundaries such as county lines, and must meet requirements set forth in the controlling documents.

Article VII: Statutory County Committees

1. A Statutory County Committee may petition for Regional Organization status under Article X of the Party Constitution and Article VI of these Bylaws. The petition will explicitly ratify the Statement of Principles of the Party and will be signed by no fewer than five (5) Party members who are also Statutory County Committee members residing in that county.

2. A Statutory County Committee shall conduct business related to statutory powers only in open meeting.
3. The presiding officer at Statutory County Committee meetings shall ensure that minutes are regularly taken and that the minutes shall be available to any Party member upon request.
4. The Statutory County Committee may adopt such additional rules of procedure as it deems necessary.

Article VIII: Party Conventions

A. Generally:

1. The annual Party convention shall be held in the first or second quarter of the calendar year, or a date selected by the State Executive Committee.
2. Credentials for any convention will be determined by the Credentials Chair, consistent with the controlling documents of the Party.
3. A quorum for the convention business shall consist of no less than 3% of the total current Party membership.

B. Convention Committees:

1. The convention committees are the Constitution and Bylaws Committee, Platform Committee, Nominating Committee, Credentials Committee, and Rules and Resolutions Committee.
2. Convention Committee Chairs will be appointed or terminated by the State Chair, with the approval of the State Executive Committee. The State Chair will announce at the State Party convention that the State Chair will appoint the Convention Organizing Committee Chair and the chairs of the convention committees at the first scheduled State Executive Committee meeting to occur fifteen (15) days or more after the State Party convention. In addition to a Committee Chair, each committee may consist of up to twelve (12) Party members, selected by the State Executive Committee. After that State Executive Committee meeting any unfilled positions may be filled by either the State Executive Committee or by the respective convention committee chairs.
3. All convention committee meetings will be open to all Party members, who may obtain the committees schedules from their respective chairs.
4. Chairs of the convention committees will be responsible for completion and reproduction at party expense of their final committee reports.
5. The chairs of the Constitution and Bylaws Committee and the Platform Committee will certify and cause to be published at Party expense each document in its entirety as amended by the convention.
6. The Nominating Committee is responsible for identifying candidates for internal Party positions (such as state officer or Judicial Committee member) and should only do so for positions which do not have announced candidacies within 30 days of the annual Party convention.
7. Each committee, except the Nominating Committee, shall submit a written report to the Party Secretary not later than thirty (30) days prior to the Party convention.
8. Convention committee reports shall be available, upon request, to any Party member.
9. The State Chair will ensure that the committee's reports, and the reports of committee members submitted separately, are presented at the convention.

C. Elections for National Party conventions:

1. All delegates and representatives to national conventions of the Libertarian Party must be members of the State and National Parties.
2. The State Chair will announce to the convention body the total number of delegates and representatives to national party convention committees, and the number to be selected by the State Party convention.
3. Nominations of delegates from the floor shall not require seconds. Members may nominate themselves.
4. After the election of delegates, alternate delegates may be elected.
5. After the election of delegates and alternates, representatives to national committees may be elected.
6. The duly elected delegates present at the convention will select a Delegation Chair and determine their own substitution procedures.

7. A list of the delegates and alternates, and a description of the substitution procedures, shall be submitted by the Delegation Chair to the State Chair and the National Secretary within seven (7) calendar days of the convention.

D. Elections for Judicial Committee members:

1. Three (3) new Judicial Committee members shall be elected at each annual Party convention by single transferable vote. In the event of a resignation or vacancy on the Judicial Committee, a member shall also be elected to complete the term of the original member.
2. Nominations of qualified candidates will be accepted from the floor. Members may nominate themselves. All nominations require a second.
3. The Rules Committee will determine procedures for electing Judicial Committee members.

E. Nominating and Endorsing candidates:

1. Only the party's regional organizations and convention delegates have power to nominate Libertarian Party candidates for partisan offices, and to endorse candidates for non-partisan offices.
 - a. Delegates may nominate and endorse candidates for any office.
 - b. After the convention adjourns, power to nominate and endorse will transfer from delegates to the Campaigns Committee, but regional organizations also retain their power to nominate or endorse even after the convention adjourns.
 - c. In the event more than one regional organization, or regional organizations and the Campaigns Committee, or the convention, nominates more than one candidate either before, at, or after the convention, then all such candidates become nominees and are authorized to appear on the Libertarian Primary ballot. But if there is no primary election, then the following rules apply to determine the party nominee for the general election:
 1. That candidate winning approval by a majority of the convention delegates or of the Campaigns Committee is the party nominee unless a regional organization covering the entire jurisdiction served by a candidate shall have also nominated a candidate, in which event the regional organization's candidate shall be the party nominee.
 2. In the event two or more regional organizations cover the entire jurisdiction served by a candidate and nominate different candidates, that candidate of the smallest regional organization (by geographical area) shall be the Party nominee.
2. The nomination of a Libertarian Party candidate or endorsement of a non-partisan candidate during or after the convention may be withdrawn for cause by a three-fourths (3/4) majority vote of State Executive Committee members.
3. "None of the Above" (NOTA) may be nominated, seconded and supported on the same basis as an actual candidate, for either partisan or non-partisan endorsements. If "NOTA" wins a majority of votes, there shall be no endorsement for that office.