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HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON STATE REPUBLICAN  
PARTY, et al.,

Plaintiffs,

WASHINGTON DEMOCRATIC CENTRAL  
COMMITTEE, et al.,

Plaintiff Intervenors,

LIBERTARIAN PARTY OF  
WASHINGTON STATE, et al.,

Plaintiff Intervenors,

vs.

DEAN LOGAN, King County Records &  
Elections Division Manager, et al.,

Defendants,

STATE OF WASHINGTON, et al.,

Defendant Intervenors,

WASHINGTON STATE GRANGE, et al.,

Defendant Intervenors.

NO. CV05-0927-TSZ

DECLARATION OF  
KEVIN B. HANSEN

NOTE ON MOTION CALENDAR:  
WEDNESDAY, JULY 13, 2005

WITH ORAL ARGUMENT



# **EXHIBIT 1**

LAW OFFICES

LIVENGOOD, FITZGERALD & ALSKOG

A PROFESSIONAL LIMITED LIABILITY COMPANY

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

121 THIRD AVENUE  
POST OFFICE BOX 908  
KIRKLAND, WASHINGTON 98083-0908

PHONE: (425) 822-9281  
FAX: (425) 828-0908  
E-mail: hansen@lclaw.com

\*ALSO ADMITTED IN OREGON  
+ALSO ADMITTED IN CALIFORNIA

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

GORDON A. LIVENGOOD (1921 - 2001)

**Sent by Facsimile to 1-360-664-2971  
and by Certified and First Class Mail**

May 19, 2005

Office of the Secretary of State  
Department of Elections  
P.O. Box 40237  
Olympia, WA 98504

**Re: Public Records Request**

To Whom It May Concern:

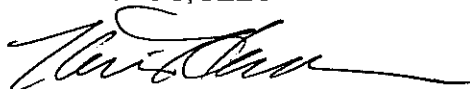
Pursuant to the Washington State Public Records Act, Chapter 42.17 RCW, and WAC 332-10-080(4), please provide to the undersigned copies of the following public records:

1. Any and all communications with any county and/or election officials regarding the implementation of Initiative 872.
2. Any and all communications with county and/or election officials regarding the Republican Party Rules, a copy of which is attached.
3. Any and all communications with any person regarding the effective date of Initiative 872.
4. Any and all documents relating to the effect of Initiative 872 on provisions of Title 29A RCW other than those expressly listed in Initiative 872.

The records requested should include, but are not limited to, electronic mail communications, correspondence, and notes of phone conversations. Please send me an invoice for copying costs and call me if you have any questions regarding this request.

Very truly yours,

LIVENGOOD, FITZGERALD  
& ALSKOG, PLLC



Kevin B. Hansen

KBH/wl  
cc: Client  
Enclosure

**EXHIBIT 2**

5

SECRETARY  
of STATE



June 15, 2005 *Sam Reed*

Legislative Building  
PO Box 40220  
Olympia, WA 98504-0220  
Tel 360.902.4151  
Fax 360.586.5629  
www.secstate.wa.gov

Kevin B. Hansen  
Livengood, Fitzgerald & Alskog  
PO Box 908  
Kirkland, WA 98083-0908

Mr. Hansen:

Enclosed are documents you requested May 19, 2005 regarding Initiative 872. There are a total of 775 copies, but because of the duplicates from email threads we are only charging you for 580 copies. The charges are \$.15 per page and \$6.00 shipping for a total of \$93.00. Please remit payment to my attention at the address below.

There are four emails that are attorney client privilege per RCW 42.17.310(1)(j).

Email dated December 3, 2004 12:35 PM from John Pearson to Jeff Even AAG et al.  
Email dated December 3, 2004 1:41 PM from Shane Hamlin to Jeff Even AAG et al.  
Email dated February 15, 2005 5:15 PM from Nick Handy to Jeff Even AAG et al.  
Email dated March 22, 2005 9:22 AM from Nick Handy to Jeff Even AAG et al.

There is one email that is a Preliminary Draft and exempt per RCW 42.17.310(1)(i).

Email dated January 3, 2005 11:30 PM from Shane Hamlin to Nick Handy et al.

The copies have all been numbered. Pages 464, 465, 467, 502, 726, and 727 have lines redacted for attorney client privilege RCW 42.17.310(1)(j).

We appreciate your patience. Please let me know if you need anything else.

Sincerely,

Brenda Galarza  
Records/Public Disclosure Officer  
PO Box 40224  
Olympia, WA 98504-0224  
360-586-4556  
360-586-0121 fax  
bgalarza@secstate.wa.gov

# **EXHIBIT 3**

**Blinn, Katie**

**From:** Cervantes, Amber

**Sent:** Friday, May 13, 2005 4:54 PM

**To:** Zona Lenhart (zlenhart@co.franklin.wa.us); Al Brotche (auditor@auditor.co.mason.wa.us); Bill Varney; Bob Terwilliger (county.auditor@co.snohomish.wa.us); Bobbie Gagner (bobbie\_gagner@co.benton.wa.us); Carla Heckford; Cathleen McKeown (cmckeown@co.clallam.wa.us); Clydene Bolinger (auditor@co.ferry.wa.us); Coralee "Corky" Mattingly (corky.mattingly@co.yakima.wa.us); Dean Logan; Diana Housden (dianah@co.klickitat.wa.us); Diane Tischer (tischerd@co.wahkiakum.wa.us); Donna Deal (ddeal@co.garfield.wa.us); Donna Eldridge (deldridge@co.jefferson.wa.us); Elaine Johnston (ejohnston@co.asotin.wa.us); Eunice Coker (eunicec@co.whitman.wa.us); Evelyn Arnold (evelyn.arnold@co.chelan.wa.us); Gary Zandell (gzandell@co.lewis.wa.us); Greg Kimsey (greg.kimsey@co.clark.wa.us); J. Michael Garvison (garvison@co.skamania.wa.us); Jerry Pettit; Karen Flynn (kflynn@co.kitsap.wa.us); Karen Martin (kmmartin@co.walla-walla.wa.us); Kim Wyman (wymank@co.thurston.wa.us); Kristina Swanson (swansonk@co.cowlitz.wa.us); Nancy McBroom (nancym@co.adams.wa.us); Norma Brummett (normab@co.skagit.wa.us); Pat Gardner (pgardner@co.pacific.wa.us); Pat McCarthy (pmccart@co.pierce.wa.us); Peggy Robbins (robb7673@co.okanogan.wa.us); Sharon Richter (sharon\_Richter@co.columbia.wa.us); Shelly Johnston (sjohnston@co.lincoln.wa.us); Shirley Forslof (sforslof@co.whatcom.wa.us); Si Stephens (sis@co.san-juan.wa.us); Suzanne Sinclair (suzannes@co.island.wa.us); Thad Duvall (tduvall@co.douglas.wa.us); Tim Gray (tgray@co.stevens.wa.us); Vern Spatz (vspatz@co.grays-harbor.wa.us); Vicky Dalton (vdalton@spokanecounty.org); Tim Likness (tlikness@co.clark.wa.us); Beverly Lamm (blamm@co.stevens.wa.us); Bill Huennekens; Brandt, Paul; Carolyn Diepenbrock (carolyn.diepenbrock@co.snohomish.wa.us); Dan Gillespie (dang@co.san-juan.wa.us); David Cunningham; David O'Brien (davido@co.skamania.wa.us); Dawn Weaver (dawnw@co.klickitat.wa.us); Debbie Hooper; Delores Gilmore (dgilmore@co.kitsap.wa.us); Diana Soules (Diana.soules@co.yakima.wa.us); Dianna Galvan (elections@co.ferry.wa.us); Dianna Killian; Faith Anderson; Heidi Hunt (heidih@co.adams.wa.us); Julie Smith; Karen Cartmel (karenc@co.jefferson.wa.us); Katrina Manning (kmanning@co.walla-walla.wa.us); Libby Nieland (nielandl@co.cowlitz.wa.us); LoAnn Gulick (loanng@co.island.wa.us); Lori Augino (laugino@co.pierce.wa.us); Mariann Zumbuhl (mlzumbuh@co.lewis.wa.us); Mila Jury (jury6576@co.okanogan.wa.us); Naedene Shearer; Nissa Shaw; Pat Pennington (ppennington@co.douglas.wa.us); Pat Sykora (pas@co.mason.wa.us); Patty Rosand (prosand@co.clallam.wa.us); Peggy Laughery (plaughery@co.garfield.wa.us); Pete Griffin (pgriffin@co.whatcom.wa.us); Steve Homan (homans@co.thurston.wa.us); Sue Higginbotham (sue@co.kittitas.wa.us); Susie Christopher (susie\_christopher@co.benton.wa.us)

**Cc:** Elections - All

**Subject:** Declaration of Candidacy

Dear Election Administrators,

Attached is the Declaration of Candidacy Form including instructions. They have been revised to reflect the suggestions made at conference. We are going to have the forms reprinted. The office of the PDC plans to have them out in the mail to you by the end of May/beginning of June.

Please review the form and instructions and provide any suggestions for change to me by 3:00 pm on Monday, May 16.

There are two reasons that the form needs to be finalized in such an expeditious manner. One, the form needs to be adopted by emergency WAC prior to the political party's lawsuits, which are expected to be filed first thing next week. And two, the form needs to get to the printer so that the PDC has plenty of time to get the forms out to the counties.

Thank you and have a great weekend.

Amber Cervantes

Office of the Secretary of State  
Certification and Training Program

3 902.4165

acervantes@secstate.wa.gov

5/24/2005



**Blinn, Katie**

**From:** Moore, Julie [Julie.Moore@METROKC.GOV]  
**Sent:** Wednesday, April 20, 2005 10:36 AM  
**To:** 'Blinn, Katie'  
**Subject:** RE:

Thank you so much. Julie

-----Original Message-----

**From:** Blinn, Katie [mailto:kblinn@secstate.wa.gov]  
**Sent:** Tuesday, April 19, 2005 5:01 PM  
**To:** 'Moore, Julie'  
**Subject:** RE:

I agree that it is doubtful that the Legislature will pass legislation to implement Initiative 872, though there has been at bit more discussion of it the past few days. I will know more next week, after session ends. A few of your questions are addressed in I-872 itself:

- \* Members of recognized political parties need only indicate their party membership on the Declaration of Candidacy. **YES**
- \* Minor political parties do not need to have nominating conventions anymore. **NOT ADDRESSED IN THE INITIATIVE**
- Supplemental nominating petitions are now called Filing Petitions **NOT ADDRESSED IN THE INITIATIVE**
- If there is a vacancy for a partisan race by one of the major political parties, the rule about having the county or state central committee select and certify a candidate for the office would go away, right? **YES**
- Would we have a vacancy by a major political party? Or would we care?
- We would only care if no one filed, correct? Then we would have a special filing period like we do for nonpartisan offices. **YES**
- Would the Democrats still be listed first, or would all candidates be listed in lot order? **FOR THE PRIMARY, CANDIDATES ARE LISTED BY LOT. FOR THE GENERAL ELECTION, THE CANDIDATE WHO RECEIVED THE MOST VOTES AT THE PRIMARY IS LISTED FIRST, AND THE CANDIDATE WHO RECEIVED THE SECOND MOST VOTES AT THE PRIMARY IS LISTED SECOND**

-----Original Message-----

**From:** Moore, Julie [mailto:Julie.Moore@METROKC.GOV]  
**Sent:** Tuesday, April 19, 2005 2:07 PM  
**To:** 'kblinn@secstate.wa.gov'  
**Subject:**

Hi Katie,

I have a few questions about the Primary. It doesn't look like the legislature is going to pass either the Senate Bill or the House Bill. However, we will be implementing the new top two Primary correct?

I would like to get our Candidate Guidelines out to our web site and need to confirm with you that these statements are correct.

- Members of recognized political parties need only indicate their party membership on the Declaration of Candidacy.
- Minor political parties do not need to have nominating conventions anymore.
- Supplemental nominating petitions are now called Filing Petitions
- If there is a vacancy for a partisan race by one of the major political parties, the rule about having the county or

Secretary of State

I-872  
 Top-Two Primary

Katie Blinn, OSOS  
 BG Sandahl, Thurston County

2005 Elections Conference  
 October 5, 2004 ←

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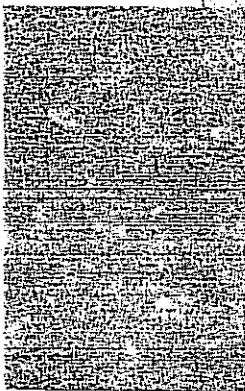
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Should be May 12, 2005

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Secretary of State

Background - Blanket

1935 - 2004 "Blanket" Primary

Voter could vote for any candidate  
 listed on the primary ballot,  
 regardless of each candidate's  
 party affiliation.

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Secretary of State

Background - Blanket

1996  
 California adopted blanket primary  
 Political Parties in California sued

2000  
 U.S. Supreme Court ruled that  
 California's blanket primary violated the  
 political parties' freedom of association.

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Secretary of State

### Lawsuit

- Expect the political parties to argue that the nominating system for minor party and independent candidates should still be required.
  - If minor parties can hold nominating conventions, major parties should be allowed to also.

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Secretary of State

### Lawsuit

- Expect a fight over control of the party name
  - Only those candidates endorsed by the party or nominated by the party at a party convention may call themselves Republicans or Democrats.

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Secretary of State

### Lawsuit

Control over the party name impacts Auditors because it impacts the appearance of the ballot.

Party preference as listed on declaration of candidacy  
v.  
Party label as authorized by the party

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**Cervantes, Amber**

**From:** Handy, Nick

**Sent:** Tuesday, March 22, 2005 9:06 AM

**To:** Zona Lenhart; Al Brotche (auditor@auditor.co.mason.wa.us); Bill Varney; Bob Terwilliger; Bobbie Gagner (bobbie\_gagner@co.benton.wa.us); Cathleen McKeown (cmckeown@co.clallam.wa.us); Clydene Bolinger (auditor@co.ferry.wa.us); Diana Housden (dianah@co.klickitat.wa.us); Diane Tischer (tischerd@co.wahkiakum.wa.us); Donna Eldridge (deldridge@co.jefferson.wa.us); Eunice Coker; Evelyn Arnold (evelyn.arnold@co.chelan.wa.us); Gary Zandell (Gzandell@co.lewis.wa.us); Greg Kimsey (greg.kimsey@co.clark.wa.us); J. Michael Garvison; Karen Flynn (kflynn@co.kitsap.wa.us); Kim Wyman (wymank@co.thurston.wa.us); Kristina Swanson (swansonk@co.cowlitz.wa.us); Nancy McBroom (nancym@co.adams.wa.us); Norma Brummet (normab@co.skagit.wa.us); Pat Gardner (pgardner@co.pacific.wa.us); Pat McCarthy; Peggy Robbins; Sharon Richter; Shelly Johnston (sjohnston@co.lincoln.wa.us); Shirley Forslof (sforslof@co.whatcom.wa.us); Si Stephens (sis@co.san-juan.wa.us); Suzanne Sinclair (Suzannes@co.island.wa.us); Thad Duvall (tduvall@co.douglas.wa.us); Tim Gray (tgray@co.stevens.wa.us); Vern Spatz (vspatz@co.grays-harbor.wa.us); Vicky Dalton (vdalton@spokanecounty.org); Karen Martin (kmmartin@co.walla-walla.wa.us); Betty Johnson; Carla Heckford; Corky Mattingly (E-mail); Dean Logan; Donna Deal; Elaine Johnston; Jerry Pettit; Tim Likness (tlikness@co.clark.wa.us); Brittany Connolly; Carolyn Diepenbrock (carolyn.diepenbrock@co.snohomish.wa.us); Dan Gillespie (dang@co.san-juan.wa.us); David O'Brien (davido@co.skamania.wa.us); Dawn Weaver (dawnw@co.klickitat.wa.us); debrah@co.whitman.wa.us; Delores Gilmore (dgilmore@co.kitsap.wa.us); Diana Killian (dkillian@usa.com); Diana Soules (Diana.soules@co.yakima.wa.us); Dianna Galvan (elections@co.ferry.wa.us); Freeman Moore (skip.moore@co.chelan.wa.us); Heidi Hunt (heidih@co.adams.wa.us); Karen Cartmel (karenc@co.jefferson.wa.us); Katrina Manning (kmanning@co.walla-walla.wa.us); Libby Nieland (nielandl@co.cowlitz.wa.us); LoAnn Gulick (loann@co.island.wa.us); Lori Augino (laugino@co.pierce.wa.us); Mariann Zumbuhl (mizumbuh@co.lewis.wa.us); Pat Pennington (ppennington@co.douglas.wa.us); Pat Sykora (pas@co.mason.wa.us); Patty Rosand (prosand@co.clallam.wa.us); Peggy Laughery (plaughery@co.garfield.wa.us); Pete Griffin (pgriffin@co.whatcom.wa.us); Steve Homan (homans@co.thurston.wa.us); Sue Higginbotham (sue@co.kittitas.wa.us); Susie Christopher (susie\_christopher@co.benton.wa.us); Winnie Logan; Anne LaCour; Barbara Sandahl; Beverly Lamm (blamm@co.stevens.wa.us); Bill Huennkens; Brandt, Paul; Brenda Chilton; Doris Schaller; Erika Kubitschta; Faith Anderson; Julie Smith; Lynda Sissom; Michele Reagan; Mila Jury; Nissa Shaw; Pam Hamilton; Peggy Robbins

**Cc:** Elections - All

**Subject:** Legislative Update

Election Partners,

Here is a brief update on the status of election bills in the Legislature.

**Certification and Training Program (HB 1749).** The House bill passed the House. The Senate version passed the Senate as an amendment to the Senate Election Reform bill. Both bills would add three positions to the SOS Certification and Training Program and would require that the SOS review each county at least once every three years. If this bill passes and is funded, we will be recruiting for three more positions to work with Sheryl, Tracy and Amber. You may recall that the Legislature cut funding for several positions a few years ago so this is essentially restoring this program to its former staffing. We are feeling relatively positive about this bill at this point.

**Vote by Mail (SB 5744—SHB 1754).** The Senate bill passed the Senate giving each county the option of going vote by mail without the need to reprecinct. Both the County Auditor and the legislative authority of the county would need to concur. The House bill also passed the House but with one additional twist. The House bill would require statewide vote by mail by 2008. We expect the Senate will not accept the 2008 statewide mandate and the ultimate bill that passes will be local option only. We are feeling relatively positive about this bill at this time.

**August Primary Date (SHB 2027).** The Senate bill died in the Senate. The House bill passed the House on a strong 95-1 vote. This bill would set the primary on the third Tuesday of August and set filing the first week in June. We are nervous about getting this bill through the Senate and continue to need all your help on this bill. We are hopeful that the political dynamics that caused the bill to die earlier in the Senate will not resurface. We need a "super-majority" or 33 votes to pass this bill out of the Senate.

**Omnibus Election Bill (SHB 1752).** This bill passed the Senate. This bill sets forth a series of improvements generally relating to canvassing, provisional ballots, absentee ballots, voter verified paper audit trail, write-ins, name changes, certification periods, recounts, and election contests. We are feeling relatively confident about this bill.

**HAVA Voter Registration (SSB 5743).** The Senate bill passed the Senate. The House bill is dead. This bill contains a laundry list of relatively technical changes that mostly relate to voter registration and needed improvements to make the Voter Registration Database more effective. The changes mostly relate to voter ID, identifying felons, and homeless voter registration. We are relatively hopeful about this bill.

**Top Two Primary Implementation (SSB 5745).** Both the Senate and House bills did not get out of the house of origin by the cutoff date and both are dead. This bill is suffering from two distinct ailments. First, after the rough session last year on the primary, this Legislature lacks the political will to deal with the primary again. Second, some legislators may actually be willing to make the problems worse to strengthen the political parties' ability to challenge the initiative. Given these dynamics, we are currently inclined to solve the problems relating to the initiative through the rulemaking process. We believe the initiative intent is clear and a good rulemaking package can solve any discrepancies and result in an efficient and orderly top two primary.

**Even Year Funding (SSB 5746).** Both the House and Senate bills are dead to provide even year funding for elections. The current budget deficit has doomed this bill. We assume this bill is dead and not to be revived.

**Primary Election Voters' Pamphlet (SSB 5741).** Both the House and Senate bills are dead to provide funding for a primary election voters' pamphlet. This bill is also doomed by the budget deficit. We assume this bill is dead and will not be revived.

**Absentee Ballots Due on Election Day.** The House bill requiring absentee ballots to be due on election day is dead and no bill was ever introduced in the Senate. We do not expect this bill to revive.

For more information on individual bills, you might wish to check this link to the legislative website:  
<http://www1.leg.wa.gov/legislature>.

Nick Handy  
Director of Elections

Hamlin, Shane

**From:** Hamlin, Shane

**Sent:** Wednesday, December 01, 2004 2:51 PM

**To:** 'Zona Lenhart'; 'Al Brotche (auditor@auditor.co.mason.wa.us)'; 'Bill Varney'; 'Bob Terwilliger'; 'Bobbie Gagner (bobbie\_gagner@co.benton.wa.us)'; 'Cathleen McKeown (cmckeown@co.clallam.wa.us)'; 'Clydene Bolinger (auditor@co.ferry.wa.us)'; 'David B. Bowen (davidb@co.kittitas.wa.us)'; 'Diana Housden (dianah@co.klickitat.wa.us)'; 'Diane Tischer (tischerd@co.wahkiakum.wa.us)'; 'Donna Eldridge (deldridge@co.jefferson.wa.us)'; 'Eunice Coker'; 'Evelyn Arnold (evelyn.arnold@co.chelan.wa.us)'; 'Gary Zandell (Gzandell@co.lewis.wa.us)'; 'Greg Kimsey (greg.kimsey@co.clark.wa.us)'; 'J. Michael Garvison'; 'Karen Flynn (kflynn@co.kitsap.wa.us)'; 'Kim Wyman (wymank@co.thurston.wa.us)'; 'Kristina Swanson (swansonk@co.cowlitz.wa.us)'; 'Nancy McBroom (nancym@co.adams.wa.us)'; 'Norma Brummet (normab@co.skagit.wa.us)'; 'Pat Gardner (pgardner@co.pacific.wa.us)'; 'Pat McCarthy'; 'Peggy Robbins'; 'Sharon Richter'; 'Shelly Johnston (sjohnston@co.lincoln.wa.us)'; 'Shirley Forslof (sforslof@co.whatcom.wa.us)'; 'Si Stephens (sis@co.san-juan.wa.us)'; 'Suzanne Sinclair (Suzannes@co.island.wa.us)'; 'Thad Duvall (tduvall@co.douglas.wa.us)'; 'Tim Gray (tgray@co.stevens.wa.us)'; 'Vern Spatz (vspatz@co.grays-harbor.wa.us)'; 'Vicky Dalton (vdalton@spokanecounty.org)'; 'Karen Martin (kmmartin@co.walla-walla.wa.us)'; 'Carla Heckford'; 'Corky Mattingly (E-mail)'; 'Dean Logan'; 'Donna Deal'; 'Elaine Johnston'; 'Tim Likness (tlikness@co.clark.wa.us)'; 'Amy Lee'; 'Brittany Connolly'; 'Carolyn Diepenbrock (carolyn.diepenbrock@co.snohomish.wa.us)'; 'Dan Gillespie (dang@co.san-juan.wa.us)'; 'David O'Brien (davidoo@co.skamania.wa.us)'; 'Dawn Weaver (dawnw@co.klickitat.wa.us)'; 'Debbie Adelstein (DAdelste@co.whatcom.wa.us)'; 'debrah@co.whitman.wa.us'; 'Delores Gilmore (dgilmore@co.kitsap.wa.us)'; 'Diana Killian (dkillian@usa.com)'; 'Diana Soules (Diana.soules@co.yakima.wa.us)'; 'Dianna Galvan (elections@co.ferry.wa.us)'; 'Freeman Moore (skip.moore@co.chelan.wa.us)'; 'Heidi Hunt (heidih@co.adams.wa.us)'; 'Karen Cartmel (karenc@co.jefferson.wa.us)'; 'Katrina Manning (kmanning@co.walla-walla.wa.us)'; 'Libby Nieland (nielandl@co.cowlitz.wa.us)'; 'LoAnn Gulick (loanng@co.island.wa.us)'; 'Lori Augino (laugino@co.pierce.wa.us)'; 'Mariann Zumbuhl (mizumbuh@co.lewis.wa.us)'; 'Mila Jury (jury6576@co.okanogan.wa.us)'; 'Pat Pennington (ppennington@co.douglas.wa.us)'; 'Pat Sykora (pas@co.mason.wa.us)'; 'Patty Rosand (prosand@co.clallam.wa.us)'; 'Peggy Laughery (plaughery@co.garfield.wa.us)'; 'Pete Griffin (pgriffin@co.whatcom.wa.us)'; 'Ron Pursley (rpursley@co.grays-harbor.wa.us)'; 'Steve Homan (homans@co.thurston.wa.us)'; 'Sue Higginbotham (sue@co.kittitas.wa.us)'; 'Susie Christopher (susie\_christopher@co.benton.wa.us)'; 'Faith Anderson'; 'Beverly Lamm (blamm@co.stevens.wa.us)'; 'Bill Huennekens'; 'Brandt, Paul'; 'Erika Kubitschta'

**Cc:** 'Katie Blinn (grantblinn@comcast.net)'; Elections - S-Team; Excell, Steve; Even, Jeff; Reed, Sam (Office); Wise, Jeff; Hutchins, Trova

**Subject:** Talking Points and Bills to Implement I-872

**Importance:** High

Hello all,

We wanted to share the attached documents with each of you. The content of each is as follows:

- I-872 Issues – Bullets is a set of about 8 major points that need to be considered with regard to implementing the Qualifying Primary
- 66% Qualifying Summary provides bullet points on Draft H-0060.1 (also attached as a PDF document). This bill amends language contained in I-872, therefore a 2/3 majority vote is required in each legislative chamber.
- 50% Qualifying Primary provides bullet points on Draft H-0059.1 (also attached as a PDF document). This bill does not amend I-872, therefore only a simple majority vote is required in each chamber.
- H-0062.1 is a PDF bill draft that repeals redundant election statutes.

5/31/2005

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Kathie Blinn did a commendable job in pulling all this together before she went on maternity leave. THANK YOU KATIE!

As I am sure you are all aware, it is very likely that as the "fix it" bill (whatever draft the Legislature chooses to begin with) moves through the process it will be tweaked and refined until we have a complete, workable qualifying primary that everyone can live with. Well, we can hope anyway. ☺

As per our conversation earlier today, I think these documents will be very helpful Friday morning at the House State Government Committee work session.

I hope you and each of your very capable team of elections staff are getting a bit of a breather before we head into inevitable second recount.

Take care all -

Shane Hamlin  
Legislative Liaison  
Office of the Secretary of State  
Phone: 360-902-4141  
Cell: 360-480-5921  
Fax: 360-586-5629

**Qualifying Primary  
Requiring 2/3 Majority in the Legislature  
H-0060.1/05**

- Amends I-872, thereby invoking the 2/3 majority rule.
- Mirrors the 2004 qualifying primary bills, HB 3177 & ESB 6453, as much as possible.
- Fills in the blanks and cures conflicts between I-872 and current law.
- Repeals sections of the initiative that are ambiguous, unclear or illogical.
- Repeals or amends the statutes that establish the current Montana-style primary.
- Includes a list of sections for repeal that should have been repealed in ESB 6453, but the Governor vetoed the repealer section in that bill.
- Returns the election of PCO's to the general election.
- Eliminates the minor party and independent candidate convention process, except for the nomination of President and Vice President.
- Changes the campaign finance definitions of "caucus political committee" and "primary".



1 qualifications specified by law for persons who may be elected to the  
2 office.

3 (2) Excluding the office of precinct committee officer or a  
4 temporary elected position such as a charter review board member or  
5 freeholder, no person may file for more than one office.

6 (3) The name of a candidate for an office shall not appear on a  
7 ballot for that office unless, except as provided in RCW 3.46.067 and  
8 3.50.057, the candidate is, at the time the candidate's declaration of  
9 candidacy is filed, properly registered to vote in the geographic area  
10 represented by the office. For the purposes of this section, each  
11 geographic area in which registered voters may cast ballots for an  
12 office is represented by that office. If a person elected to an office  
13 must be ((nominated)) qualified from a district or similar division of  
14 the geographic area represented by the office, the name of a candidate  
15 for the office shall not appear on a primary ballot for that office  
16 unless the candidate is, at the time the candidate's declaration of  
17 candidacy is filed, properly registered to vote in that district or  
18 division. The officer with whom declarations of candidacy must be  
19 filed under this title shall review each such declaration filed  
20 regarding compliance with this subsection.

21 (4) The requirements of voter registration and residence within the  
22 geographic area of a district do not apply to candidates for  
23 congressional office. Qualifications for the United States congress  
24 are specified in the United States Constitution.

25 Sec. 9. RCW 29A.20.121 and 2004 c 271 s 110 are each amended to  
26 read as follows:

27 ~~((1) Any nomination of a candidate for partisan public office by  
28 other than a major political party may be made only: (a) In a  
29 convention held not earlier than the last Saturday in June and not  
30 later than the first Saturday in July or during any of the seven days  
31 immediately preceding the first day for filing declarations of  
32 candidacy as fixed in accordance with RCW 29A.28.041; (b) as provided  
33 by RCW 29A.60.021; or (c) as otherwise provided in this section.))~~  
34 Minor political party and independent candidates for president and vice  
35 president of the United States may appear only on the general election  
36 ballot.

1       ~~((2))~~ Nominations of candidates for president and vice president  
 2 of the United States other than by a major political party ~~((may))~~ must  
 3 be made ~~((either at a convention conducted under subsection (1) of this~~  
 4 ~~section, or))~~ at a ~~((similar))~~ convention ~~((taking place))~~ held not  
 5 earlier than the first Sunday in July and not later than seventy days  
 6 before the general election. ~~((Conventions held during this time~~  
 7 ~~period may not nominate candidates for any public office other than~~  
 8 ~~president and vice president of the United States, except as provided~~  
 9 ~~in subsection (3) of this section.~~

10       ~~(3) If a special filing period for a partisan office is opened~~  
 11 ~~under RCW 29A.24.211, candidates of minor political parties and~~  
 12 ~~independent candidates may file for office during that special filing~~  
 13 ~~period. The names of those candidates may not appear on the general~~  
 14 ~~election ballot unless they are nominated by convention held no later~~  
 15 ~~than five days after the close of the special filing period and a~~  
 16 ~~certificate of nomination is filed with the filing officer no later~~  
 17 ~~than three days after the convention. The requirements of RCW~~  
 18 ~~29A.20.131 do not apply to such a convention.~~

19       ~~(4) A minor political party may hold more than one convention but~~  
 20 ~~in no case shall any such party nominate more than one candidate for~~  
 21 ~~any one partisan public office or position. For the purpose of~~  
 22 ~~nominating candidates for the offices of president and vice president,~~  
 23 ~~United States senator, United States representative, or a statewide~~  
 24 ~~office, a minor party or independent candidate holding multiple~~  
 25 ~~conventions may add together the number of signatures of different~~  
 26 ~~individuals from each convention obtained in support of the candidate~~  
 27 ~~or candidates in order to obtain the number required by RCW 29A.20.141.~~  
 28 ~~For all other offices for which nominations are made, signatures of the~~  
 29 ~~requisite number of registered voters must be obtained at a single~~  
 30 ~~convention.))~~

31       Sec. 10. RCW 29A.20.141 and 2004 c 271 s 111 are each amended to  
 32 read as follows:

33       ~~((1) To be valid, a convention must be attended by at least one~~  
 34 ~~hundred registered voters.~~

35       ~~(2))~~ In order to nominate candidates for the offices of president  
 36 and vice president of the United States, ~~((United States senator,~~  
 37 ~~United States representative, or any statewide office,))~~ a nominating

**Hamlin, Shane**

---

**From:** Hamlin, Shane  
**Sent:** Friday, January 21, 2005 12:55 PM  
**To:** Zona Lenhart; Al Brotche (auditor@auditor.co.mason.wa.us); Bill Varney; Bob Terwilliger; Bobbie Gagner (bobbie\_gagner@co.benton.wa.us); Cathleen McKeown (cmckeown@co.clallam.wa.us); Clydene Bolinger (auditor@co.ferry.wa.us); David B. Bowen (davidb@co.kittitas.wa.us); Diana Housden (dianah@co.klickitat.wa.us); Diane Tischer (tischerd@co.wahkiakum.wa.us); Donna Eldridge (deldridge@co.jefferson.wa.us); Eunice Coker; Evelyn Arnold (evelyn.arnold@co.chelan.wa.us); Gary Zandell (Gzandell@co.lewis.wa.us); Greg Kimsey (greg.kimsey@co.clark.wa.us); J. Michael Garvison; Karen Flynn (kflynn@co.kitsap.wa.us); Kim Wyman (wymank@co.thurston.wa.us); Kristina Swanson (swansonk@co.cowlitz.wa.us); Nancy McBroom (nancym@co.adams.wa.us); Normia Brummet (normab@co.skagit.wa.us); Pat Gardner (pgardner@co.pacific.wa.us); Pat McCarthy; Peggy Robbins; Sharon Richter; Shelly Johnston (sjohnston@co.lincoln.wa.us); Shirley Forslof (sforslof@co.whatcom.wa.us); Si Stephens (sis@co.san-juan.wa.us); Suzanne Sinclair (Suzannes@co.island.wa.us); Thad Duvall (tduvall@co.douglas.wa.us); Tim Gray (tgray@co.stevens.wa.us); Vern Spatz (vspatz@co.grays-harbor.wa.us); Vicky Dalton (vdalton@spokanecounty.org); Karen Martin; Carla Heckford; Corky Mattingly (E-mail); Dean Logan; Donna Deal; Elaine Johnston  
**Cc:** Elections - All; Gould, Mary; Excell, Steve; Hutchins, Trova; Nacke, Joanie; Reed, Sam (Office); 'hayward.allen@leg.wa.gov'; 'evans.amy@leg.wa.gov'; 'Hesselholt.Claire@leg.wa.gov'; 'gurtler.debra@leg.wa.gov'; 'Smith.Diane@leg.wa.gov'; 'Allen.James@leg.wa.gov'; 'morishima.jim@leg.wa.gov'; 'Fraser.Kristen@leg.wa.gov'; 'Nicholson.Mac@leg.wa.gov'; 'Reilly.Marsha@leg.wa.gov'; 'Keyser.Michael@leg.wa.gov'  
**Subject:** OSOS Leg. Package - 9 of 10 Drafts, with Bullet Point Sheets  
**Importance:** High

Hello Everyone,

Please find attached Z drafts for nine of the ten bills our office is requesting the Legislature to consider this session. I think most of you are familiar with these, so there shouldn't be any surprises here (I hope).

In addition to the nine drafts, I've also included a document that provides a bullet point summary of each bill, and a "one pager" on the entire package.

The tenth bill, regarding provisional and absentee ballot procedures, is not quite ready. As soon as it is, I will distribute it.

We will be collecting signatures on all these proposals beginning next week.

On behalf of Sam (and myself), I'd like to thank everyone in the Elections Division and the many County Auditors who've helped shape these proposals. I'd especially like to thank our newest member of the Elections crew, Katie Blinn. She, along with a team of dedicated program managers in the Elections Division worked hard to put this package together. There assistance has been invaluable to me in my efforts on the package as well. **THANK YOU ALL!**

If you have any questions, please feel free to contact me or Katie. Katie's email is [kblinn@secstate.wa.gov](mailto:kblinn@secstate.wa.gov) and her phone is 360-902-4168.

Shane Hamlin  
 Legislative Liaison  
 Office of Secretary of State  
 Phone: 360-902-4141  
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5/31/2005

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Fax: 360-586-5629

5/31/2005

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## Qualifying Primary Z-0472.1/05

- Creates a qualifying primary in which the top two vote-getters advance to the general, regardless of their party affiliation, mirroring the 2004 bills, HB 3177 & ESB 6453.
- The primary election is no longer a nominating process; it is no longer an election to choose a political party's nominees.
- Instead, two candidates *qualify* for the general election if, at the primary, they received the most votes and received at least 1% of the total votes cast for that office.
- References to "nominating" procedures are changed to "qualifying" procedures.
- No party registration or declaration of party affiliation is required for voters.
- A candidate's party affiliation is simply to provide voters information on the candidate's political philosophy, and cannot be construed as an endorsement or nomination by that political party.
- The process for filling vacancies on a major party ticket, and filling vacancies caused by the death or disqualification of a minor or major party candidate, are repealed.
- If a court declares that a political party has the right to control the use of its name, preventing candidates from self-designating party affiliation on a declaration of candidacy, candidates may instead submit a three-word description that best approximates his or her political philosophy.
- The election of PCO's reverts to the general election, as was the case prior to 2004.
- Eliminates the minor party and independent candidate convention process, except for the nomination of President and Vice President. Minor party and independent candidates file and appear in the primary just like major party candidates.
- The PDC definition of "caucus political committee" is changed to remove references to "members of a major political party", and instead refers to members of the majority and minority caucuses.
- Amends I-872 as necessary for its implementation, requiring 2/3 majority approval.
- Repeals or amends the statutes for the Montana-style primary. The initiative does not repeal the Montana primary so both systems are arguably "good law" and in conflict.
- Fills in blanks left by I-872. For example, how minor party candidates are handled.
- Cures conflicts between I-872 and current law. For example, the order that candidates appear on the general election ballot.
- Repeals or amends provisions of the initiative that are illogical. For example, sections 10 (RCW 29A.24.210) and 15 (RCW 42.12.040) of the initiative, which address vacancies in partisan office, don't work logistically because they allow for a special filing period any time through the primary election cycle.
- Repeals or amends provisions of the initiative that are unclear. For example, section 10 refers to RCW 29A.24.140 as the statute that addresses voids in candidacy for *partisan* office, but that statute actually addresses voids in candidacy for *nonpartisan* office.
- Repeals a list of statutes that were supposed to be repealed in last year's ESB 6453. Instead, the Governor vetoed the repealer section, leaving these statutes "on the books".

1/21/2005

Handy, Nick

From: Handy, Nick  
Sent: Thursday, March 24, 2005 3:58 PM  
To: Even, Jeff  
Cc: Katie Blinn (grantblinn@comcast.net); Hamlin, Shane  
Subject: RE: Top Two Update



Jeff,  
[Redacted]

Nick

-----Original Message-----  
From: Even, Jeff (ATG) [mailto:JeffE@ATG.WA.GOV]  
Sent: Thursday, March 24, 2005 3:49 PM  
To: Handy, Nick; Reed, Sam (Office); Excell, Steve  
Cc: Pharris, James (ATG); Blinn, Katie; Hamlin, Shane  
Subject: RE: Top Two Update

[Redacted]

-----Original Message-----  
From: Handy, Nick  
Sent: Thursday, March 24, 2005 3:51 PM  
To: Reed, Sam (Office); Excell, Steve  
Cc: Even, Jeff (ATG); Pharris, James (ATG); Blinn, Katie; Hamlin, Shane  
Subject: Top Two Update

Sam/Steve,

Here is Rep. Kathy Haigh's e-mail to Bob Terwilliger advising that she lacks support in the House for moving a Top Two primary bill.

Rep. Haigh also advised Shane Hamlin today that the Top Two bill is dead in the house.

This supports our recommendation last week to resolve this issue through the rulemaking process.

We need to communicate our change in thinking on this to the Grange soon.

Nick

-----Original Message-----  
From: Haigh, Rep. Kathy [mailto:Haigh.Kathy@leg.wa.gov]  
Sent: Thursday, March 24, 2005 2:40 PM  
To: Terwilliger, Bob  
Subject: RE: Reconciliation of Initiative on Top Two Primary with Existing Law on Montana Primary

I am really sorry to tell you this but I have not been able to garner majority support for the legislation. I had no idea it was going to become such a problem but after taking the legislation through the whole process last year and then still seeing the initiative move forward the attitude is that if people are going to run the government by pure democracy they are going to understand the impact of their decisions. I full well know the SOS and the county auditors are going to feel the brunt and I am not really sure what you are going to do. But the legislature feels the next step is up to the parties and the courts.

,We have been told that the Grange knew their imitative did not provide for full implementation due to the change in law last year. They chose not to change it so now we live with it. Also, we are fairly sure that if we had tried to change language in the initiative we would have had to get a 2/3rds vote. Again we were probably not going to get there.

I suspect that in two years the legislature may be willing to make changes by a simple majority vote but we will see what happens this year. Of course, it is our own races we will be involved in next year. Depending on how bad things get, perhaps they will want to fix it before they get there.

Hope this is helpful.

Kathy

-----Original Message-----

From: Terwilliger, Bob [mailto:Bob.Terwilliger@co.snohomish.wa.us]  
Sent: Thursday, March 24, 2005 1:03 PM  
To: Kastama, Sen. Jim; haigh\_ka@leg.wa.gov  
Cc: Reed, Sam (Office); Handy, Nick; Zona Lenhart; Al Brotche; Barbara Sandahl; Bill Varney; Bob Terwilliger; Bobbie Gagner; Carla Heckford; Cathleen McKeown; Clydene Bolinger; Coralee Mattingly; dean logan; Diana Housden; Diane Tischer; Donna Deal; Donna Eldridge; Elaine Johnston; Eunice Coker; Evelyn Arnold; Gary Zandell; Greg Kimsey; Jerry Pettit; Karen Flynn; Karen Martin; kerri rooney; Kim Wyman; Kris Swanson; Mike Garvison; Nancy McBroom; Norma Brummett; Pat Gardner; Pat McCarthy; Peggy Robbins; Sharon Richter; Shelly Johnston; Shirley Forslof; Si A. Stephens; Suzanne Sinclair; Thad Duvall; Tim Gray; Vern Spatz; Vicky M. Dalton  
Subject: Re: Reconciliation of Initiative on Top Two Primary with Existing Law on Montana Primary

Dear Senator Kastama and Representative Haigh:

It is my understanding that at this time the legislation introduce on behalf of the Secretary of State to reconcile the conflicts between the Montana style primary legislation passed in the 2004 legislative session with the recently passed initiative on the top two primary style did not pass out of either the Senate or the House.

It is very possible that many legislators are not aware of the seriousness of the existence of these conflicts as the state moves towards the primary season THIS YEAR.

There are 13 counties that will be conducting the primary election in September with Democratic and Republican candidates on the ballot. Those counties are Chelan, Clallam, Clark, Cowlitz, Garfield, Grays Harbor, Jefferson, King, Kittitas, Pacific, Snohomish, Spokane and Wahkiakum. Because of county office vacancies in Chelan, Clallam, Clark, Cowlitz, Garfield, Jefferson, Kittitas and Spokane there will be a county wide primary with partisan offices on the ballot that otherwise would not occur in the odd year. In Cowlitz, Grays Harbor, Pacific and Wahkiakum there will be an unexpired term election for state representative. In King County they will have all 9 county council seats and the county executive race on the ballot and in Snohomish County they will have 3 county

I am hopeful that this will be done and the Auditor's Association is available to answer any questions you may have on this issue.

Sincerely,

Bob Terwilliger

Snohomish County Auditor



**Buckles, Tracy**

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**From:** James Masters [james@directdemocracy.com]  
**Sent:** Wednesday, February 23, 2005 7:10 AM  
**To:** 'Buckles, Tracy'  
**Subject:** RE: Minor Parties in Washington

Dear Ms. Buckles,  
Thank you for your prompt response regarding my request. Your information was very helpful.  
Sincerely,  
James Masters

-----Original Message-----

**From:** Buckles, Tracy [mailto:tbuckles@secstate.wa.gov]  
**Sent:** Tuesday, February 22, 2005 12:11 PM  
**To:** 'james@directdemocracy.com'  
**Subject:** Minor Parties in Washington

Dear Mr. Masters,

Thank you for your e-mail. Secretary Reed asked me to reply on his behalf.

Washington voters approved an initiative in the 2004 general election that changes the way we conduct our primary elections. We adopted a "top two" system where the top two candidates in the primary move on to the general election regardless of political party affiliation.

We are in the process of passing legislation to implement the new system. In that legislation, we are changing the way minor parties or third parties gain access to the ballot. They used to have a petition and convention system. The new legislation removes all those requirements and simply allows minor/third party candidates to file for office like the major parties and go automatically on the primary ballot.

I need to emphasize, however, that our legislators are still in session and this bill could pass as is, pass amended in some way or not pass at all. We won't know until April.

I hope this is helpful. Please contact us if you have any other questions.

*Tracy Buckles*  
*Elections Program Coordinator*  
*(360) 902-4159*  
2005-355

Floyd, Pam

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**From:** Pearson, John  
**Sent:** Tuesday, March 08, 2005 3:02 PM  
**To:** Blinn, Katie  
**Subject:** RE: Top Two Primary

This is not good news.

-----Original Message-----

**From:** Blinn, Katie  
**Sent:** Tuesday, March 08, 2005 1:18 PM  
**To:** Hamlin, Shane; Handy, Nick; Pearson, John; Pat McCarthy; sandahb@co.thurston.wa.us; Keri Rooney; wybank@co.thurston.wa.us; Reed, Sam (Office)  
**Subject:** Top Two Primary  
**Importance:** High

As you know, the President of the Senate ruled yesterday that the bill to change the date of the primary, SB 5219, requires a 2/3 majority because it changes I-872. This ruling is controversial because many do not agree that the bill makes a substantive change to the initiative. However, that is the ruling we are stuck with.

Shane and I have learned that the same objection is going to be raised on SB 5745, the bill to implement I-872, and Senate staff expect that **SB 5745 will similarly require a 2/3 majority**. The argument is based on the following paragraph on the I-872 website, under Frequently Asked Questions:

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

No. Minor parties would continue to select candidates the same way they do under the blanket primary. Their candidates would appear on the primary ballot for each office (as they do now). Minor party candidates have had good success recently advancing candidates to the general election in districts where only one of the major political parties runs a candidate (about 15% of all legislative districts). Presumably they would continue to do well in these circumstances."

It appears that the website was never updated last year after the Montana Primary was enacted. Consequently, for minor party candidates, the paragraph compares the process in the blanket primary and the top-two primary, but not the Montana primary. The argument is that the bill changes the process for minor party candidates in a manner that violates the initiative, and therefore requires a 2/3 majority. The initiative does not address minor party candidates at all – one of the biggest reasons why implementing legislation is necessary. We will probably have to begin lobbying for a 2/3 majority on this bill as well.

Katie Blinn  
Assistant Director of Elections  
Office of the Secretary of State  
[kblinn@secstate.wa.gov](mailto:kblinn@secstate.wa.gov)  
(360) 902-4168

5/26/2005

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