

From: Kathy Fisher [kathy.fisher@co.yakima.wa.us]
Sent: Friday, September 12, 2008 11:16 AM
To: Blinn, Katie
Subject: FW: Certification of PCOs

Attachments: A Resolution on the Election of Republican PCOs.pdf; Nominated Statewide Candidates.pdf

From: Luke Esser, Chairman [mailto:luke@wsrp.org]
Sent: Friday, September 12, 2008 11:03 AM
Subject: Certification of PCOs

Dear County Auditor,

The purpose of this letter is to officially notify you that your office should not issue a Certificate of Election to any Republican Precinct Committee Officer who received less than 10 percent of the vote received by the highest Republican nominee for any office in that precinct.

As you are surely aware, RCW 29A.80.051 requires that, "to be declared elected, a candidate for precinct committee officer must receive at least ten percent (10%) of the number of votes cast for a candidate of the same party who received the most votes in the precinct." The WSRP has nominated candidates for office. As the Attorney General indicated at oral argument at the Supreme Court, candidates nominated by the parties are considered "its" candidates for testing "major political party" status, which also uses a percentage of the vote threshold.

We are aware that on May 27, 2008 the Secretary of State promulgated Emergency Regulations which state that the 10 percent requirement for election of a PCO is not in effect on the theory that none of the candidates for public office who appeared on the ballot represented a political party. That is incorrect. However, it should be also noted that an administrative agency cannot repeal a statute by adopting a regulation. The state has maintained that I-872 permits the political parties to nominate their candidates free of state interference. A list of statewide candidates nominated by the Republican Party is attached for your reference and use.

Furthermore, on July 12, 2008 the Executive Board of the Washington State Republican Party met and unanimously adopted a resolution clarifying that our party will require that our elected precinct committee officers continue to meet the ten percent threshold. I have attached a copy of the resolution that was adopted for your reference.

Therefore, it is the official position of the WSRP that no candidate who receives less than ten percent of the vote as required by RCW 29A.80.051 and our Executive Board Resolution shall be considered a validly elected Republican Precinct Committee Officer. Therefore we must insist that you not issue a Certificate of Election for any Republican candidate for precinct committee officer who failed to meet the 10 percent threshold. Issuance of certificates of election to unauthorized candidates would violate both state law and the First Amendment's protection of rights of political association.

In addition, I am asking that you provide us with a list of all Republican PCO candidates for whom your office issues a Certificate of Election, and a report of votes cast for each office, by candidate in each of those precincts. Should you have any questions or need any additional information please do not hesitate to contact me directly. Thank you in advance with your cooperation on this matter.

Sincerely,

Chairman Luke Esser