



1 independent polling has confirmed – is a term that fosters substantial public confusion. This  
2 is, apparently, precisely the point of the tactic: to confuse Washington voters by seeking to  
3 obscure Rossi's membership in and nomination by the Washington State Republican Party.  
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5 Nonetheless, in direct violation of the unequivocal command of RCW 29A.24.030,  
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7 defendant Reed has allowed Rossi to proceed and has improperly certified or is about to  
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9 improperly certify a list of gubernatorial candidates and their party preferences that identify  
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11 Rossi as preferring the "G.O.P. Party."  
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15 This lawsuit seeks an order declaring that including such a "party preference" is  
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17 improper under Washington law and directing defendant Reed to prepare and to distribute an  
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19 amended certified list of gubernatorial candidates that, in accordance with the law,  
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21 accurately identifies Rossi's party preference as the Washington State Republican Party.  
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23 Allowing Rossi to obscure his true party preference and affiliation directly violates the law,  
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25 would mislead a substantial portion of the voting public and would breed cynicism and  
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27 mistrust in our public institutions and, indeed, in our electoral process. This Court has the  
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29 power and the duty to correct such threatened errors in the preparation and printing of the  
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31 ballot and should exercise that power to protect the integrity of the electoral process.  
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### 33 ALLEGATIONS

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35 Plaintiff Jeff Smith in and for his complaint, alleges as follows:

### 36 PARTIES

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39 1. Plaintiff Jeff Smith is a citizen of Washington, a resident of King County, a  
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41 lawful registered voter in King County, and an elector of Washington State as that term is  
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43 defined in RCW 29A.04.061. An affidavit of plaintiff setting forth the grounds for this  
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45 complaint is filed herewith.  
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1           8.       On February 15, 2008, Rossi filed an amended C-1 form, which – again –  
2 listed him as a member of the "Republican" party. A true and correct copy of this filing is  
3 attached to the Rava Decl. as Exhibit 3. On March 5, 2008, Rossi again amended his C-1  
4 form for a second time, and again indicated that he was a member of the "Republican" party.  
5 A true and correct copy of this filing is attached to the Rava Decl. as Exhibit 4.  
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10           9.       In March 2008, the United States Supreme Court upheld the "top-two"  
11 primary system passed as initiative I-872 in 2004. As a result, on July 11, 2008, the  
12 defendant promulgated regulations to implement the top-two primary system, including  
13 establishing a declaration of candidacy form on which candidates for partisan political  
14 preference could either designate a preference for a major or minor political party or select  
15 no party preference.  
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18           10.       The term "major political party" is a defined term under Washington law.  
19 RCW 29A.04.086. There are only two in Washington State. The defendant publishes a list  
20 of all political parties in Washington State. According to defendant, the only major political  
21 parties are the Washington State Democratic Party and the Washington State Republican  
22 Party and the only minor political parties are the Constitution Party of Washington, the  
23 Green Party of Washington State, and the Libertarian Party of Washington State. A true and  
24 correct copy of the Secretary's list is attached to the Rava Decl. as Exhibit 6.  
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27           11.       In June 2008, Rossi filed a Declaration of Candidacy for Governor, in which  
28 he indicated his party preference as "G.O.P. Party." There is no such political party in  
29 Washington State. Instead, "G.O.P." is an *abbreviation of a nickname* ("Grand Old Party")  
30 sometimes used to refer to the Republican Party. The term is unfamiliar to a significant  
31 number of Washington voters.  
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12. The defendant specifically urged other Republican candidates to indicate their preference for the "Republican" party, rather the "G.O.P." Party, on their declaration of candidacy forms, stating that he believed that it would be "clearer to the voters" if Rossi indicated a preference for the *actual name* of his political party (or at least a party that actually exists).

13. A significant number of Washington voters are unfamiliar with the acronym "G.O.P." and do not associate "G.O.P." with the Washington State Republican Party.

14. Under Washington law, the defendant must certify to each county auditor a list of the relevant candidates who have filed declarations of candidacy. For each office, the certificate must include the name of each candidate, his or her address, and his or her party designation, if any. The party preference or absence of party preference must appear on the ballot after the candidate's name.

15. Although Rossi misleadingly declared himself to "prefer" a non-existent political party, and the party designation on his declaration of candidacy conflicts with that indicated on his filings with the Public Disclosure Commission and numerous other public statements, the defendant nonetheless certified or is about to certify a list of gubernatorial candidates to county auditors that indicates that Rossi "prefers the G.O.P. Party."

16. Washington State's 2008 general election will take place on November 4, 2008. Unless the Secretary's certification is corrected to indicate Rossi's preference for the Republican Party, the ballot in King County, as with other counties, will be printed in error, and will confuse or mislead a significant number of voters who may not know that "G.O.P." is an abbreviation of a nickname sometimes used to refer to the Republican Party.

**FIRST CAUSE OF ACTION  
VIOLATIONS OF WASHINGTON ELECTION LAW**

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4     17. Plaintiff realleges and incorporates by reference, as if fully set forth herein,  
5 the allegations in paragraphs 1-16 above.  
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8     18. Pursuant to RCW 29A.24.030, a candidate who desires to have his or her  
9 name printed on the ballot for election to state office must complete and file a declaration of  
10 candidacy. For partisan offices, the declaration of candidacy form must include "a place for  
11 the candidate to indicate his or her major or minor party preference, or independent status."  
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15     19. A "major political party" is defined by Washington law as "a political party  
16 of which at least one nominee for president, vice president, United States senator, or a  
17 statewide office received at least five percent of the total vote cast at the last preceding state  
18 general election in an even-numbered year." RCW 29A.04.086. A "minor" political party is  
19 defined as "a political organization other than a major political party." RCW 29A.04.097.  
20 All political committees, of course, must register with the Public Disclosure Commission  
21 pursuant to RCW 42.17.040.  
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25     20. WAC 434-215-120 sets forth the requirements for identifying party affiliation  
26 on a declaration of candidacy form, and requires the Secretary of State to print the  
27 candidate's party preference, or the fact that the candidate states no preference on the ballot  
28 and in any voters' pamphlets. If the candidate does not indicate a preferred party, the  
29 candidate is deemed to have selected "no preference."  
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33     21. Pursuant to RCW 29A.68.011(2), any judge of the proper superior court  
34 shall, by order, require any person charged with error in printing the ballot to correct the  
35 error, whenever appears that an error in printing the ballot has been or is about to be  
36 committed.  
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