

No. _____

SUPREME COURT OF THE STATE OF WASHINGTON

**TIMOTHY WHITE, ALLAN ROSATO,
LINDA ORGEL, ARTHUR GRUNBAUM, and
GREEN PARTY OF SAN JUAN COUNTY,**

Petitioners,

v.

**SAM REED, individually and in his capacity as Secretary of State for
the State of Washington, MILENE HENLEY, in her capacity as San
Juan County Auditor, and SAN JUAN COUNTY,**

Respondents

**PETITION FOR WRIT OF MANDAMUS AND/OR PROHIBITION
AGAINST STATE OFFICIAL (ORIGINAL ACTION)**

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No. 23457
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I. PRELIMINARY STATEMENT

1. Every voter in the State of Washington has the right to be treated equally in exercising the right to vote. Every voter is equally entitled to (1) absolute secrecy when preparing and depositing his or her ballot; and (2) the right to vote on a properly certified and tested voting system. Due to the actions of Secretary of State Sam Reed, over one million Washington voters – about one out of three -- are being deprived of these rights merely because of the counties in which they reside. This discrimination constitutes a violation of equal protection guaranteed by the Fourteenth Amendment of the United States Constitution.

2. This is an original action against a state official brought pursuant to RAP 16.2, seeking a writ of mandamus and/or prohibition to require Secretary Reed to equally protect the fundamental rights of all Washington voters. This case is of particular public interest, seeking to remedy the alleged abridgement of fundamental rights of over one million Washington voters, including those of Petitioners. It is therefore a case that is appropriately heard by the State's highest court in the first instance.

3. While Petitioners' claim against Secretary Reed is based upon a federal cause of action, the merits of the claim ultimately turn on a question of state constitutional and election law. In *Charfauros v.*

Taitano, 2001 U.S. App. LEXIS 1083, the Ninth Circuit Court of Appeals explained that:

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution guarantees each and every person that they will not be denied their fundamental rights – including the right to vote – in an arbitrary or discriminatory manner. *In addition to protecting the exercise of federal constitutional rights, the Equal Protection Clause also prevents violation of rights guaranteed to the people by state governments – including the government of CNMI [Commonwealth of the Northern Mariana Islands]. The CNMI Constitution provides CNMI residents not only the right to vote but the right to vote by secret ballot. ... Thus, any restrictions placed on those rights must be scrutinized under the Equal Protection Clause. As the Supreme Court of the United States has held, “if a challenged statute grants the right to vote to some citizens and denies the franchise to others, ‘the court must determine whether the exclusions are necessary to promote a compelling state interest.’”*

2001 U.S. App. at 24-26 (emphasis added; citations omitted)

4. The Ninth Circuit held that the *Charfauros* plaintiffs “were denied equal protection of the law” because they were arbitrarily denied the right to cast a secret ballot as guaranteed them by the CNMI code. “It is well established that once the legislature prescribes a particular voting procedure, the right to vote in that precise manner is a fundamental right, and ‘one source of its fundamental nature lies in the...equal dignity owed to each voter.’” 2001 U.S. App. at 31 (citing *Bush v. Gore*, 531 U.S. 98, 121 S.Ct. 525, 529, 148 L.Ed.2d 388 (2000)).

5. Likewise, the Washington State Constitution directs the Legislature “to provide for such method of voting as will secure to every elector *absolute secrecy* in preparing and depositing his ballot.” The Washington State Legislature has done so by prohibiting the placement of unique identifiers such as serial numbers or bar codes on individual ballots. State election law also guarantees all voters the right to vote on properly certified voting systems and that all voters will be treated equally, regardless of their residency. These enactments define the fundamental rights of Washington State voters that are protected by the Equal Protection Clause of the Federal Constitution.

6. As discussed in this Petition, Secretary Reed has deprived approximately one-third of Washington voters of these fundamental rights solely based upon their county of residence. He has encouraged, approved, and subsidized certain counties’ placement of unique identifiers on ballots, depriving these counties’ voters of their constitutionally guaranteed and statutorily defined right to a secret ballot. He encouraged and subsidized some of these counties to utilize uncertified voting systems, further depriving these counties’ voters of fundamental rights.

7. This is the Court that should determine the scope of our State’s fundamental right to a secret ballot, and this is the best time to do

so. The Court's Ruling on this case will likely require certain counties to modify their election procedures to protect their voters' fundamental rights as defined by state law. Because the presidential election of 2008 is recently concluded, the Court has a window of opportunity to decide this fundamental election law question with the least disruption of the election system. If this case were to proceed first in another court, it would almost inevitably find its way to this Court, and most likely at a time when it would cause a greater disruption to the election system.¹

II. PARTIES

8. Petitioners Timothy White and Allan Rosato are registered voters residing in San Juan County, Washington. They have been denied equal protection of law by having unique and non-removable bar codes placed upon their ballots in state and federal elections and by being forced to use a voting system that has not been properly tested and certified, simply because of their county of residence.

9. Petitioners Linda Orgel and Arthur Grunbaum are registered voters residing in Grays Harbor County, Washington. They have been denied equal protection of law by having unique and non-

¹ Petitioners also note that the Legislature has recently adjourned after having soundly rebuffed Secretary Reed's efforts to repeal the statutory right to a secret ballot, so it is safe to assume that the fundamental right to a secret ballot will be fixed during the pendency of this action.

removable bar codes printed upon their ballots in state and federal elections simply because of their county of residence.

10. Petitioner Green Party of San Juan County (“the Green Party” herein) is an unincorporated association, a “minor political party” and political organization within the meaning of RCW 29A.04.097, and is registered as such with the Washington Public Disclosure Commission. Said party has offices in San Juan County and its members are residents and voters in San Juan County.

11. Respondent Sam Reed is the Secretary of State and chief elections officer for the State of Washington. He is sued in his official and individual capacities.

12. Respondent Milene Henry is auditor and chief elections officer of Respondent San Juan County, a municipal corporation. She is sued in her official capacity. These “San Juan Respondents” deploy and utilize unique ballot identifiers and the Mail-in Ballot Tracker system (“MiBT”) in San Juan County.²

² Petitioners White and Rosato have brought this equal protection claim against the San Juan Respondents in *White v. Henley*, San Juan County Cause No. 06-2-05166-2. For judicial efficiency, Petitioners will ask the San Juan Respondents to stipulate to transferring the Equal Protection Claim to this Action, and San Juan County has suggested that it may be amenable to such consolidation. Absent such stipulation, Petitioners’ claims in this action will be against Secretary Reed only and the claims against the San Juan Respondents will proceed in San Juan County Superior Court.

III. JURISDICTION

13. The Supreme Court has jurisdiction over the subject matter of the suit pursuant to 42 U.S.C. § 1983. Original Supreme Court jurisdiction is authorized by Rule of Appellate Procedure 16.2.

14. This Court has jurisdiction over the Petitioners and Respondents because they are residents of the State of Washington.

IV. FACTUAL ALLEGATIONS

A. SECRETARY REED IS RESPONSIBLE FOR EQUALLY PROTECTING FUNDAMENTAL VOTING RIGHTS FOR ALL WASHINGTON VOTERS.

15. RCW 29A.04.611 requires the secretary of state as “chief elections officer” to facilitate the execution of RCW Chapter 34.05 in a “*uniform manner*.... To that end the secretary shall assist local election officers by devising *uniform forms and procedures*” and “shall make rules governing the following provisions:

(10) *Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections; ...*

(31) *The testing, approval, and certification of voting systems; ...*

(34) *Standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;*

(35) *Uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections”.*

RCW 29A.04.611 (emphasis added).

B. SECRETARY REED'S ACTIONS HAVE DEPRIVED PETITIONERS OF THEIR FUNDAMENTAL RIGHT TO ABSOLUTE SECRECY IN VOTING.

1. Washington voters have a fundamental right to absolute secrecy of their ballots, prohibiting the use of unique ballot identifiers.

16. The State Legislature has confirmed that "*The rights of Washington voters are protected by its constitution and laws and include the following fundamental rights: ... (2) The right of absolute secrecy of the vote.*" RCW 29A.04.206. Article VI, Section 6 of the State Constitution requires that "*The legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.*" (emphasis added).

17. The Legislature has defined the fundamental right to an absolutely secret ballot as including the right to have one's ballot uniform with others in the precinct and free from distinguishing marks:

RCW 29A.36.111:

Every ballot for a single combination of issues, offices, and candidates shall be uniform within a precinct.... No paper ballot or ballot card may be marked in any way that would permit the identification of the person who voted that ballot. (emphasis added).

RCW 29A.36.161(5):

All paper ballots and ballot cards used at a polling place must be sequentially numbered in such a way to permit removal of

such numbers *without leaving any identifying marks* on the ballot. (emphasis added).

RCW 29A.44.221:

...the election officers may tear off and retain the numbered stub from the ballot before delivering it to the voter. *If an election officer has not already done so, when the voter has finished, he or she shall either (1) remove the numbered stub from the ballot, place the ballot in the ballot box, and return the number to the election officers, or (2) deliver the entire ballot to the election officers, who shall remove the numbered stub from the ballot and place the ballot in the ballot box.* (emphasis added).³

At the time that Reed took the original actions described herein, WAC 434-230-180 read: “All paper ballots and ballot cards shall be sequentially numbered in such a way to permit removal of such numbers without leaving any identifying marks on the ballot card. ... *There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards.*” (emphasis added).

18. The Help America Vote Act of 2002, 42 U.S.C. chapter 146 (“HAVA”) also grants a fundamental right to a secret ballot.

³ See also RCW 29A.08.161 (“*No record may be created or maintained by a state or local governmental agency or a political organization that identifies a voter with the information marked on the voter's ballot.*”) (emphasis added).

2. **Sam Reed has approved, subsidized, and encouraged the placement of unique identifiers on ballots in approximately 24 counties.⁴**

19. Secretary Reed has taken actions that deprive approximately one third of Washington voters of their right to an absolutely secret ballot based solely upon county of residence.

20. Secretary Reed has approved, purchased and/or subsidized, and encouraged the use of an election “auditing system” known as “the VoteHere system” or “Mail-in Ballot Tracker” (hereinafter MiBT). Reed purchased MiBT for use by any Washington county. Reed spent over \$1.5 million for the voting system component, and awarded such moneys through sole-source, no-bid contracts.

21. The use of MiBT for ballot tracking requires a unique ballot identifier on every voter’s ballot. Counties implementing MiBT have placed unique and non-removable identifiers on individual ballots.

22. Secretary Reed’s actions have also resulted in placing unique ballot identifiers in counties employing the HART voting system.

23. Petitioners do not challenge the Secretary’s certification of the HART system, which requires compliance with State law. The HART

⁴ The exact number of counties using unique ballot identifiers has changed over time. In the 2008 General election it was 24 of 39.

system can be operated without activating the option to print unique identifiers on ballots, as occurs in the State of California.

24. Due to Secretary Reed’s actions subsequent and apart from his certification decision, the HART voting system has been deployed in Washington with the unique ballot identifier option turned on, applying a unique identifier to every ballot in all 21 Washington counties using the HART system. According to a report issued by Reed’s office, “Hart's default setting prints a unique ballot ID on every ballot. ... The Office of the Secretary of State strongly supports the use of this Hart feature...”⁵

3. The use of unique ballot identifiers threatens actual compromise of ballot secrecy.

25. In addition to violating statutory ballot secrecy standards, the use of ballot IDs threatens *actual* compromise of ballot secrecy.

26. The threat to ballot secrecy is greatest in counties that use MiBT. Any county wishing to use MiBT for ballot tracking must utilize the MiBT assembly process, which links the identity of the voter with the unique identifier on the ballot, which Operations Manual for MiBT describes as follows:

1. *Barcodes are printed on (or applied to) mailing envelopes and ballots prior to assembly.*

⁵ “Mail-in Ballot Tracker (MiBT) Patch Report: MiBT Patch, Unique Ballot ID,” issued by Paul Miller, Voting Systems Manager, OSOS Elections Division, c. July 14, 2008.

2. Voter and Ballot IDs that correspond to the barcodes are *loaded into MiBT*.
3. During ballot assembly, election workers or mailing house employees *scan envelopes and ballot barcodes* (as “issued”) as they assemble each ballot package. (emphasis added).⁶

A “Ballot ID” is “a unique alphanumeric code that is specific to that ballot”; the “Envelope ID” is the barcode “associated with a voter’s voter registration ID”.⁷

27. MiBT includes an “Intermix” process which maintains the link between the Ballot ID and the Voter ID all the way through tabulation. The Operations Manual describes the process: “MiBT securely decrypts the association between the Envelope ID and Ballot ID” in carrying out this function.⁸

28. Secretary Reed has not tested or verified that MiBT protects the absolute secrecy of voters’ ballots. Reed has never tested the encryption process used by MiBT to secure and/or conceal the linkage between a voter and her ballot. It is well accepted that any encryption can be broken with sufficient time and effort. Moreover, as the party encrypting the data, VoteHere and other MiBT vendors presumably can

⁶ MiBT Operations Manual, p.2.

⁷ Operations Manual, p. 4. See also Operations Manual, p. 44, 45 (describing scanning process and error codes).

decrypt this data. On information and belief, VoteHere and other MiBT vendors, and potentially certain elections staff, could use the MiBT system to identify a particular voter with his or her voted ballot.

29. Other security problems include:

- In utilizing the MiBT system, election workers and public observers may view a voter's name and ballot identifier at the same time. This association is also displayed on MiBT computer screens.
- Sensitive information, including the voter-ballot link, is stored on uncertified and unsecured computer systems and accessed via the internet for indefinite and non-standard periods.

30. Due to the fear that ballots containing unique bar codes can be linked to voters, these ballots have been deemed by at least one county to be public records exempt from both public observation and public disclosure. This further impairs equal protection since unhindered public observation of elections procedures and voted ballots constitutes a core safeguard of election integrity.

4. The use of unique ballot identifiers undermines voter confidence.

31. The use of ballot identifiers also undermines *voters'* *confidence* in the absolute secrecy of their ballots. Research conducted by King County Elections established that the use of

⁸ Operations Manual, p. 79.

unique bar codes was considered an unacceptable infringement on ballot secrecy to many voters, especially those over the age of fifty. King County's study found "The use of a unique identifier on a ballot for the purpose of tracking voted ballots is viewed by some as compromising the voter's right to a secret ballot. While the encryption technology available is compelling, King County Elections does not want to compromise the spirit or legal definition of the secret ballot. Sufficient accountability can be attained with tracking to the signature envelope level, not to the ballot."⁹

32. Nick Handy, Sam Reed's appointed State Director of Elections, acknowledged these privacy concerns in testimony to the Legislature's elections committees:

[T]he VoteHere system... is a system that in the case of several counties there has been a linkage between the actual ballot and the actual voter. ... And that linkage is broken by an encryption process that scrambles information such that the Election Office can't trace the information back. ... [A]s much as we have worked to try to explain to voters and interest groups that in fact the linkage is broken and you can't trace it back, there is an increasing amount of distrust by voters in the state about the fact that that linkage occurs.¹⁰

⁹ "King County Elections Tracking and Accountability Business Case; Exhibit 4: VBM: Ballot tracking with and without a unique identifier on the ballot," May 15, 2007.

¹⁰ "Ballot Tracking and Voter Privacy Presentation from Office of Secretary of State/discussion: Ballot Tracking and Unique Identifiers," July 12, 2007, <http://www.tvw.org/media/mediaplayer.cfm?evid=2007070051&TYPE=V&CFID=25798>

33. During his 2008 reelection campaign, Secretary Reed repeatedly acknowledged that the use of unique ballot identifiers gives “people...a perception they possibly could have their secrecy of the ballot violated.”¹¹ In one interview, Reed stated, “*There are some counties that add bar codes and, actually, I have advocated this, and have provided some funding for it, for ballot tracking purposes. ... I know there’re a lot of conspiracies about these bar codes...*”¹² In another, Reed opened by stating, “[*F*]irst, for the viewers, just so they won’t be alarmed, is in most counties, the bar code is simply telling the tabulating machine what offices to count. That’s what it’s for. It’s not an identifier other than for generally, like probably, in the general group of precincts, all within the same district, the same ballot.”¹³ When asked whether the ballot tracking he

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¹¹ “*Seattle P-I* Editorial Board Candidate interviews -- Secretary of State,” TVW, Oct. 6, 2008, <http://www.tvw.org/media/mediaplayer.cfm?Evid=2008100050&type=v&cfid=9012181&cftoken=2d4444eb00ddb8e-0501eae5-3048-349e-4eebde1a0562a620&bhcp=1>.

¹² “*Inside Olympia*” with Host Austin Jenkins, TVW, Sept. 23, 2008, <http://www.tvw.org/media/mediaplayer.cfm?evid=2008090091&TYPE=V&CFID=2579802&CFTOKEN=1e4f8d3ad9b53a66-8D1DA4C5-3048-349E-4EFBD2CB2B71FFEA&bhcp=1>.

¹³ “*Yakima Herald-Republic* Editorial Board Candidate interviews -- Secretary of State.” TVW, Sept. 30, 2008, <http://www.tvw.org/media/mediaplayer.cfm?evid=2008090088&CFID=9012181&CFTOKEN=2d4444eb00ddb8e-0501EAE5-3048-349E-4EEBDE1A0562A620&bhcp=1>.

advocates is a system that can link a ballot to the specific voter, Reed answered “*For most counties, it is not.*”¹⁴ (emphasis added).

34. Secretary Reed has not required MiBT to undergo testing and certification like other voting systems used in the State of Washington. Therefore, voters’ confidence in the absolute secrecy of their ballots requires their *trust* in the vendor of the ballot tracking system.

5. Unique ballot identifiers are not necessary for ballot tracking or election auditing.

35. The fact that two-thirds of the State’s voters do not have unique ballot identifiers on their ballots is proof that such identifiers are not necessary to our state’s election system. The HART voting system, which accounts for the majority of unique ballot identifier use in Washington, is designed to operate with or without their use. In counties not employing MiBT, alternative ballot tracking and audit systems currently accomplish all necessary functions to the satisfaction of Secretary Reed’s appointed Director of Elections, Nick Handy:

...[W]e really don’t need that linkage [between the actual ballot and the actual voter] for purposes of the ballot accountability measures. ...[W]e can take the individual voter linkage out of the process.

Reed also admitted that the right to a secret ballot “is a constitutional protection in the State of Washington, and one that is fundamental to our election system.”

¹⁴ *Id.*

...[W]e've discovered...that there are more people who are concerned about whether that's tracking back to them, and we feel we can get to the same goal by simply tracking this on a more generic area.¹⁵

Moreover, MiBT is not a certified component of any voting system and therefore cannot be deemed to be a necessary component of such system.

C. Sam Reed has taken actions that have deprived Petitioners of their fundamental right to vote on properly certified and tested voting systems.

36. Pursuant to HAVA and state law, citizens also have a fundamental right to vote on a properly certified and tested voting system. Automatic bar code readers used to produce ballot audit trail information must also be properly tested and certified.

37. Neither MiBT nor its bar code readers have been certified by Secretary Reed. Secretary Reed's support for MiBT has thus deprived voters in counties employing MiBT of their fundamental right to vote on a properly tested and certified voting system.

D. Reed's actions have created two classes of Washington voters, based solely upon residency.

38. Whether or not a voter is deprived of his or her fundamental rights to an absolutely secret ballot and to use a properly tested and certified voting system depends solely upon the county of residence of the voter. For example, in counties using unique ballot

¹⁵ Ballot Tracking and Voter Privacy Presentation, *fn 10*..

identifiers, the mere possibility that a particular ballot will be linked to an individual voter constitutes a dramatic and significant impairment of fundamental rights. Arguably, this risk is most pronounced in those counties that have unique ballot identifiers and use the MiBT system that creates and maintains a link between the voter and the ballot.

**V. CAUSE OF ACTION PURSUANT TO 42 USC § 1983
FOR VIOLATION OF EQUAL PROTECTION**

39. Petitioners incorporate the preceding paragraphs as though fully set forth herein.

40. Washington voters have a fundamental right to an absolutely secret ballot, pursuant to state and federal law. State statutes define this fundamental right to include the requirement that all ballots in a precinct be uniform and a prohibition on the placement of unique and non-removable identifying marks on individual ballots.

41. Washington voters also have a fundamental right to vote on a properly tested and certified voting system, pursuant to state and federal law.

42. The actions of Respondents have resulted in Petitioners White and Rosato being deprived of their fundamental right to use properly tested and certified voting systems, as defined by federal and state law, based solely upon their county of residence.

43. Respondents have deprived Petitioners of equal protection of law, as guaranteed by the Fourteenth Amendment to the United States Constitution, by causing their fundamental rights to be abridged due to their counties of residence.

44. Secretary Reed as chief elections officer is responsible for these constitutional violations, and has authority and has means to have remedied above deprivations under statutes including but not limited to RCW 29A.04.230, .611 and 29A.12.140.

45. There is no compelling interest, important interest, or even legitimate government interest for these abridgements. Given that the challenged government actions have been implemented in only some of Washington's counties, they can not be considered necessary, narrowly tailored, or even rationally related to the government interest in improving the election system.

46. Secretary Reed has taken these actions under color of state law, but has acted in an individual and official capacity and should be liable as such.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioners pray for the following relief:

1. For a writ of mandamus and/or prohibition causing Secretary Reed to equally protect the fundamental rights of all Washington voters regardless of their county of residence and specifically by (1) discontinuing the placement of unique and non-removable identifiers on ballots and (2) discontinuing the use of MiBT pending proper testing and certification.

2. For an order declaring the use of non-removable unique identifiers on Washington state ballots to be a violation of the fundamental right to an absolutely secret ballot as protected by Washington state constitutional and statutory laws, and/or federal law;

3. For an order declaring the use of MiBT violates voters' fundamental right to use properly tested and certified voting systems;

4. For an order declaring that Respondents have violated the constitutional rights of Petitioners by denying them of their fundamental rights based upon their county of residence;

5. For an order providing such other injunctive and declaratory relief as is necessary to protect the federal constitutional rights of the Petitioners;


6. For judgment against Respondents for nominal and actual damages, including the financial costs borne by Petitioners in protecting their fundamental rights to absolute secrecy in preparing and depositing their ballots;

7. For reasonable attorneys' fees and reimbursement of all costs for the prosecution of this action, pursuant to 42 U.S.C. § 1988; and

8. For such other and further relief as this Court deems just and appropriate.

RESPECTFULLY SUBMITTED this 13th day of July, 2009

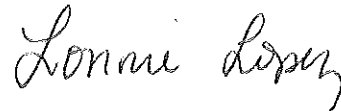
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By: 
Knoll Lowney, WSBA # 23457
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DECLARATION OF SERVICE

I, Lonnie Lopez, hereby declare that on this day I caused this Petition to be served on the Respondents by legal messenger and/or electronically.

Stated under oath this 13th day of July, 2009, in Seattle Washington.



OFFICIAL BALLOT

San Juan County
2008 General Election
November 04, 2008

Precinct 002-2AB

Voting Instructions:

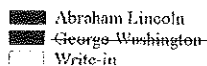
Please use a black or blue pen to mark your ballot. To vote for your choice in each contest, completely fill in the box provided to the left of your choice. To vote for or against a measure or proposition, fill in the box to the left of the response following the measure or proposition. To vote for a candidate, fill in the box to the left of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write the name of the candidate in the space provided and fill in the box to the left of the write-in space.

More than one vote for an office will be an overvote and no votes for that office will be counted.

If you sign or otherwise identify yourself on the ballot, the ballot will not be counted.

Voters with disabilities may choose to use the accessible voting machine in the Elections Office located at 55 Second Street, Suite A, Friday Harbor, 8:00 a.m. until 4:30 p.m. weekdays and until 8:00 p.m. on election day.

To correct your vote on a race, draw a line through the candidate's entire name. You then have the option of making another choice if you wish. See example below.



Washington State Issues

Proposed By Initiative Petition

INITIATIVE MEASURE NO. 985

Initiative Measure No. 985 concerns transportation.

This measure would open high-occupancy vehicle lanes to all traffic during specified hours, require traffic light synchronization, increase roadside assistance funding, and dedicate certain taxes, fines, tolls and other revenues to traffic-flow purposes.

Should this measure be enacted into law?

- Yes
- No

INITIATIVE MEASURE NO. 1000

Initiative Measure No. 1000 concerns allowing certain terminally ill competent adults to obtain lethal prescriptions.

This measure would permit terminally ill, competent, adult Washington residents, who are medically predicted to have six months or less to live, to request and self-administer lethal medication prescribed by a physician.

Should this measure be enacted into law?

- Yes
- No

INITIATIVE MEASURE NO. 1029

Initiative Measure No. 1029 concerns long-term care services for the elderly and persons with disabilities.

This measure would require long-term care workers to be certified as home care aides based on an examination, with exceptions; increase training and criminal background check requirements; and establish disciplinary standards and procedures.

Should this measure be enacted into law?

- Yes
- No

Federal Races

PARTISAN OFFICE

President and Vice-President of the United States

4 year term - vote for one

Barack Obama/
Joe Biden
Democratic Party Nominees

John McCain/
Sarah Palin
Republican Party Nominees

Ralph Nader/
Matt Gonzalez
Independent Candidates

Gloria La Riva/
Eugene Puryear
Socialism & Liberation Party
Nominees

James E. Harris/
Alyson Kennedy
Socialist Workers Party
Nominees

Bob Barr/
Wayne A. Root
Libertarian Party Nominees

Chuck Baldwin/
Darrell L. Castle
Constitution Party Nominees

Cynthia McKinney/
Rosa Clemente
Green Party Nominees

Write-in

READ: Each candidate for President and Vice-President is the official nominee of a political party. For other partisan offices, each candidate may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate.

PARTISAN OFFICE

U.S. Congressional District 2 Representative

2 year term - vote for one

Rick Larsen
(Prefers Democratic Party)

Rick Bart
(Prefers Republican Party)

Write-in

Washington State Races

Governor

4 year term - vote for one

Christine Gregoire
(Prefers Democratic Party)

Dino Rossi
(Prefers G.O.P. Party)

Write-in

Lieutenant Governor

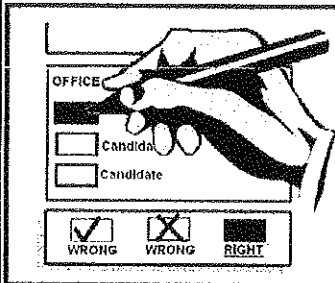
4 year term - vote for one

Brad Owen
(Prefers Democratic Party)

Marcia McCraw
(Prefers Republican Party)

Write-in

HOW TO MARK YOUR BALLOT



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