

The Honorable John C. Coughenour

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WASHINGTON STATE REPUBLICAN
PARTY, et al.,

Plaintiffs,

WASHINGTON STATE DEMOCRATIC
CENTRAL COMMITTEE, et al.,

Plaintiff Intervenor,

and

LIBERTARIAN PARTY OF WASHINGTON
STATE, et al.,

Plaintiff Intervenor,

v.

STATE OF WASHINGTON, et al.,

Defendant Intervenor,

and

WASHINGTON STATE GRANGE,

Defendant Intervenor.

No. CV05-0927 JCC

DECLARATION OF DAVID T.
MCDONALD IN SUPPORT OF
WASHINGTON STATE
DEMOCRATIC PARTY'S
OPPOSITION TO DEFENDANTS'
MOTIONS TO DISMISS

I, David T. McDonald, hereby declare as follows:

DECLARATION IN SUPPORT OF WASHINGTON
STATE DEMOCRATIC PARTY'S OPPOSITION
TO DEFENDANTS' MOTIONS TO DISMISS
CV05-0927 JCC

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CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2008, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

- James Kendrick Pharris**
- Thomas Ahearne**
- Richard Dale Shepard**
- John James White, Jr.**

s/Alex Wagner
David T. McDonald, WSBA #5260
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Attorneys for Plaintiffs in Intervention,
Washington State Democratic Party and
Dwight Pelz, Chair

DECLARATION IN SUPPORT OF WASHINGTON
STATE DEMOCRATIC PARTY'S OPPOSITION
TO DEFENDANTS' MOTIONS TO DISMISS
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EXHIBIT A

ID Size and Placement

According to state law, on written or printed political advertising, the sponsor's full name and address and the candidate's party affiliation must:

- appear on the first page of the communication in at least 10 point type, or
 - for ads such as billboards or posters, appear in type at least 10% of the largest size type used in the ad, and
 - not be screened or half-toned (i.e., not made lighter through some printing or photographic process), and
 - be set apart from any other ad text.
- In any radio or TV political ad, the sponsor's full name and candidate's party identification must be clearly spoken.

Abbreviations

The following abbreviations may be used in advertising. PDC believes they clearly identify political party affiliation.

- Communist—Com
 - Democrat—D, Dem, Demo
 - Independent or unaffiliated—Ind, Indep
 - Libertarian—L, LP, LET, LBTN
 - Republican—R, GOP, Rep (Use the latter only when it could not erroneously imply the candidate is a State Representative.)
 - Socialist—Soc
 - Socialist Workers—Soc Workers, SWP
- Official symbols or logos adopted by the state committee of the party may be used in lieu of other identification; a copy of the symbol or logo should be provided to PDC.

Independent Expenditure Advertising

Political advertising that meets all of the following criteria must include more details about the sponsor(s):

- 1) the ad supports or opposes a candidate for state or local office;
- 2) the ad is paid for by someone other than a candidate, a candidate's committee or agent;
- 3) the sponsor does the advertising completely independently of any candidate supported in the ad (or the opponent of the candidate opposed), or a candidate's committee or agent;
- 4) the sponsor did not receive the candidate's encouragement or approval to do the ad; and
- 5) the ad costs at least \$675, or the cost of this ad when combined with the cost of earlier ads supporting or opposing the candidate total \$675 or more.

If all 5 conditions are met and the sponsor is other than a political party, the ad must contain the following:

"NOTICE TO VOTERS (Required by law): This advertisement is not authorized or approved by any candidate. It is paid for by (name, address, city, state)."

Further, if this type of ad is sponsored by a political committee or PAC, the following must also appear: "Top Five Contributors" followed by a list of the names of the five persons or entities making the largest contributions to the PAC during the 12 months before the ad runs. If a political committee keeps records necessary to track contributions according to the use intended by contributors, that committee may identify the top five contributors giving for that purpose.

Both the "Notice to Voters" and "Top Five Contributors" messages must comply with the ID Size and Placement standards noted above.

The "Notice to Voters" and "Top Five Contributors" provisions for radio and television independent expenditure political advertising must be clearly spoken.

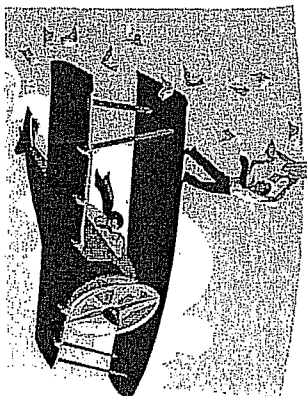
If independent expenditure advertising is in the form of yard signs, bumper stickers, skywriting or other items exempt from sponsor ID (as discussed on the reverse), these ads are also exempt from the Notice to Voters and Top Five Contributors requirements.

MAILINGS: Any person or entity, except a political party or political committee, that in one calendar year mails 1,000 identical or nearly identical pieces of advertising supporting or opposing a candidate or ballot measure as an independent expenditure must provide the appropriate county auditor with a copy of the ad and written notice of the number of pieces mailed within two working days of the mailing. Contact PDC for more information.

REPORTING INDEPENDENT EXPENDITURES: Anyone (except a committee already filing with PDC) that spends \$100 or more supporting or opposing a candidate or ballot measure—and the expenditures are not made in conjunction with a candidate or ballot issue committee—must file independent expenditure reports (Form C-6). Last minute independent expenditure political ads valued at \$1,000 or more presented to the public within 21 days of an election must be reported within 24 hours.

In addition, any business, union, association or other entity that during one calendar year makes independent expenditures totaling over \$675 supporting or opposing state office candidates and statewide ballot measures must also file Form C-7 (unless the entity reports the expenditures as a PAC or lobbyist employer).

Political Advertising



PUBLIC DISCLOSURE COMMISSION
PDC
 711 CAPITOL WAY RM 206
 PO BOX 4088
 OLYMPIA WA 98504-0908
 (360) 753-1111
 TOLL FREE 1-877-694-3828

"Political Advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

General Requirements

Sponsor ID: Written ads must identify the sponsor's name and address unless exempt.*

Exempt From Sponsor ID: Yard signs (8' x 4' or smaller) and some other items are exempt. See list at far right.

Broadcast Ads: Radio and TV ads must state the sponsor's full name, but not the address.*

Party Affiliation: All forms of advertising must clearly state a candidate's party affiliation if the candidate is seeking partisan office. This requirement applies regardless of whether the ad is sponsored by the candidate or someone else.

Size and Placement: See back side of brochure for size and placement criteria regarding sponsor and party ID.

Photographs: If candidate photos are used in any ad, at least one of them must have been taken within the last 5 years and be no smaller than the largest candidate photo in the ad.

Office Sought: State law does not require ads to include the office or position a candidate is seeking.

*Advertising that qualifies as an "independent expenditure" is subject to different sponsor ID requirements (unless the sponsor is a political party). See reverse side.

The Law Forbids:

- Using an assumed name when identifying the sponsor.
- Sponsoring an ad that contains a false statement of material fact about a candidate (unless a candidate is making statements about him or herself).
- Falsely claiming or implying a person or group supports or endorses a candidate when they do not.
- Falsely representing a candidate as the incumbent. (On letterhead, yard signs and other forms of advertising, non-incumbents must actually state they're seeking the office: e.g., Mary Smith for State Senate or Elect Mary Smith State Senator.)
- Distributing campaign material deceptively similar in design or appearance to the voters and candidate's pamphlets published by the Secretary of State.
- Using the state seal or its likeness to assist or defeat a candidate.

These definitions apply in political ads:

"Incumbent" means a person who now holds an elected office.

"Re-elect" represents that the candidate is presently holding the office being sought, was elected to it, and is seeking another term in that same office in the same district or political subdivision.

"Retain" represents that the candidate is the incumbent but does not imply that the candidate attained the office by election.

"Return" represents that the candidate now holds, or has previously held, the office being sought, but does not represent that the office was attained by election.

"Sponsor" means the candidate, committee or other person who pays for the advertisement. If a person acts as an agent for another or is reimbursed for payment, the original source of the payment is the sponsor.

To identify the sponsor, use the words "Paid for by" or "Sponsored by" followed by the name and address of the sponsor.*

What's Needed for Sponsor ID

State, Local & Judicial Candidates—show the candidate's name and address or the candidate's committee name and address.

Federal Candidates—only subject to federal law. (Contact FEC at 1-800-424-9530)

Political committees—show the committee's name and address. The treasurer's name is not required.*

Organizations or businesses—show the organization or business name and address. President or treasurer's name is not required.*

Multiple sponsors—show each sponsor's name and address. If one person pays for printing and another pays for mailing, list both as sponsors.*

Printed ads—show the sponsor's name, mailing address and, if applicable, the candidate's party affiliation in an area apart from the ad text. If the ad is more than one page, identify the sponsor (and party) on the first page. Identification on a mailing envelope is optional; it's the ad enclosed in the envelope that must be properly identified.*

Radio and TV ads—clearly say the sponsor's name. Address not required.*

*Advertising that qualifies as an "independent expenditure" is subject to different sponsor ID requirements (unless the sponsor is a political party). See reverse side.

Items Exempt from Sponsor ID

- | | |
|------------------------|---|
| ashtrays | newspaper ads (one col-
umn inch or smaller) |
| badges & badge holders | noisemakers |
| ballons | official state or local voter pamphlets |
| bingo chips | paper & plastic cups |
| bushes | paper & plastic plates |
| bumper stickers | paperweights |
| business cards | pencils |
| (4" x 15" or smaller) | pendants |
| business cards | pens |
| buttons | pin/breeds |
| cigarette lighters | plastic tableware |
| clothes pins | pocket protectors |
| clothing | pot holders |
| coasters | reader boards with
moveable letters |
| combs | ribbons |
| cups | rulers (1/2" or smaller) |
| earrings | shoe horns |
| emery boards | skyrting |
| envelopes | staple removers |
| erasers | stickers (2-3/4" x 1" or
smaller) |
| Frisbees | sun glasses |
| glasses | sun visors |
| golf balls & tees | swizzle sticks |
| hand-held signs | tickets to fund raisers |
| hats | water towers |
| horns | whistles |
| ice scrapers | yard signs (8' x 4' or
smaller) |
| inscriptions | yo-yos |
| key rings | all similar items |
| knives | |
| labels | |
| letter openers | |
| magnifying glasses | |
| matchbooks | |
| mail clippers & files | |