

EXHIBIT L

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF WASHINGTON
3 AT SEATTLE

4 WASHINGTON STATE REPUBLICAN)
5 PARTY, et al.,)
6 Plaintiffs,) NO. CV05-0927-JCC
7 WASHINGTON STATE DEMOCRATIC)
8 CENTRAL COMMITTEE, et al.,)
9 Plaintiff Intervenors,)
10 LIBERTARIAN PARTY OF)
11 WASHINGTON STATE, et al.,)
12 Plaintiff Intervenors,)
13 vs.)
14 STATE OF WASHINGTON, et al.,)
15 Defendant Intervenors,)
16 WASHINGTON STATE GRANGE,)
17 et al.,)
18 Defendant Intervenors)

18 DEPOSITION UPON ORAL EXAMINATION OF DANIEL ROBERT JAXON RAVENS

19
20
21
22 Wednesday, August 4, 2010
23 Tacoma, Washington
24
25

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10 I N D E X E X H I B I T

11	EXHIBIT NO.	DESCRIPTION	PAGE/LINE
12	NO. 1	Document entitled Rules for the Selection of Democratic Candidates and Nominees for Public Office dated 9/26/09; 5 pgs.	43 4
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14	NO. 2	Amended Charter of the Democratic Party; 10 pgs.	76 13
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1 BE IT REMEMBERED that on Wednesday, August 4,
2 2010, at 1:26 p.m. at 1250 Pacific Avenue, Tacoma,
3 Washington, before DIXIE J. CATTELL, Notary Public in and
4 for the State Washington, appeared DANIEL ROBERT JAXON
5 RAVENS, the witness herein;

6 WHEREUPON, the following proceedings were had,
7 to wit:

8
9 DANIEL ROBERT JAXON RAVENS, having been first duly sworn by
10 the Notary, testified as follows:

11
12 EXAMINATION

13 BY MR. PHARRIS:

14 Q Could you state your name for the record, please?

15 A My full name is Daniel Robert Jaxon Ravens, and I go by
16 Jaxon Ravens.

17 Q And that's Jaxon, J-A-X-O-N?

18 A Correct.

19 Q Ravens is R-A-V-E-N-S?

20 A Um-hmm.

21 Q Okay. Have you ever had your deposition taken before?

22 A No.

23 Q They are used in various cases for different purposes.

24 This is basically to exchange information about the pending
25 case, information that could be used in trial or in other

1 proceedings that we have. The reporter will make a
2 transcript, and it will be furnished to you before it's
3 finalized so you can correct any misquotes or obvious
4 errors, and your counsel will advise you on that point.

5 If you don't understand a question, go ahead and
6 please ask for clarification. Don't try to answer it if
7 you don't understand it. If you don't know the answer,
8 it's perfectly all right to say so. That's one of the
9 questions is whether you know the answer.

10 The only other thing, make sure you speak your answer
11 aloud because if you just use a gesture or body language,
12 it doesn't reflect very well on the written record, so. . .

13 And based on maybe the last depositions, wait for the
14 end of the question before you answer so she has a chance
15 to get it all written down. That also may be possibly so
16 you have a chance to think about your answer, but that's
17 another issue.

18 Your attorney may object or one of the others, for
19 that matter, may object for the sake of the record. But
20 unless your attorney instructs you not to answer, you'll go
21 ahead and answer the question, and we'll deal with the
22 objection at a later time.

23 Finally, if you do need a break for any reason, let
24 me know, and I don't think this will be particularly long,
25 but if it's longer than your needs, go ahead and let us

1 know and we'll make a break.

2 Mr. Ravens, this is probably an obvious question, but
3 are you a resident of the state of Washington?

4 A I am.

5 Q Okay. What city and county do you have live in?

6 A I live in Seattle, Washington, King County.

7 Q How long have you been a Washington resident?

8 A I consider myself a Washington resident since about 1991.

9 Q So almost 20 years?

10 A Yeah, almost 20 years.

11 Q Okay. And do you regularly vote in state elections?

12 A Yes.

13 Q Okay. What's your educational background?

14 A I have a undergraduate degree in politics and economics
15 from the University of California at Santa Cruz. I have an
16 MBA in international business with a specialization in
17 management from Thunderbird, which is the American School
18 of International Business. It's in Arizona.

19 Q When did you receive that degree?

20 A I received my MBA in December of 2002.

21 Q What's your work history? What jobs have you held and for
22 what periods of time?

23 A Should I start from the beginning and go forward or --

24 Q Yeah, more or less.

25 A Let's see, I spent roughly -- after graduating from

1 undergraduate in 1991, I spent about ten years living and
2 traveling overseas. And during that time I mostly taught
3 English on and off in different countries around the world,
4 but traveled widely and worked in a variety of different
5 jobs, but mostly teaching English in different countries.

6 I returned to the United States in the late 1990's
7 and did some part-time work for the Red Cross and for the
8 Democratic Party. I was subsequently hired as the
9 Executive Director for the King County Democrats in a
10 position which I served for a couple of years, two or three
11 years.

12 Q May I break in? Approximately what years were those?

13 A It would have been 1998 to 2001, roughly.

14 Q Okay. Go ahead and continue.

15 A I then took two years to get my MBA, returning to Seattle
16 after that. I was hired by the Washington State Democrats
17 in January of 2004 and became Executive Director in January
18 of 2005 and have had that position since then.

19 Q How were you chosen for the position of Executive Director?
20 Who chose you?

21 A For the Executive Director of the state party, I was chosen
22 by the chair at that time, Paul Berendt.

23 Q And if my note is correct, you've been Executive Director
24 since about January of 2004?

25 A I've been working for the party since January of 2004.

1 I've been Executive Director since January of 2005.

2 Q Okay. So you have five and a half years as of now?

3 A That's correct.

4 Q Could you describe your duties in this job?

5 A I would say that about 40 percent of my job is party
6 affairs. A lot of that's customer service, answering
7 questions for local party leaders and for voters around the
8 state, also dealing with the DNC and other national
9 organizations. I would say the remainder, the remaining
10 60 percent, is divided equally between finance, new media,
11 technology, and events. So working kind of as a manager or
12 internal consultant on those different aspects of my job.

13 Q Did you use the word -- the phrase "new media"?

14 A Yeah, new media.

15 Q What do you mean by that? What is that?

16 A Internet, Web sites, e-mails, social media.

17 Q When you say you spend your time on that, what do you do?

18 Are you actually using those media or talking to other
19 people about using them or --

20 A We have a new media director, Director of New Media, and
21 she has questions about how we should position e-mails
22 perhaps or how we should design the Web site, those types
23 of things. So we will sit down together at various times
24 and go through some of those projects.

25 Q And what -- in the area of technology, what do you do

1 there?

2 A Well, we maintain our voter file of voters in this state.

3 We have a Technology Director also in the office. So

4 sometimes he has questions about which activity has a

5 higher priority. Sometimes people will come to me and ask

6 to get put on his list. It's a management position.

7 There's a little bit, you know, some questions back and

8 forth about strategy.

9 Q So you supervise that person?

10 A Correct.

11 Q And likewise the new media person?

12 A Correct.

13 Q What about events, what's your involvement in that area?

14 A We have a Special Events and Development Director in our

15 office. We hold three meetings a year for the State

16 Central Committee. One of those can be the state

17 convention. We also hold a number of fund-raising events,

18 so I assist, supervise the Special Events and Development

19 Director in making these events occur.

20 Q What's the size of the staff at the State Democratic

21 Central Committee?

22 A The size of the staff that I have, supervisory, that I work

23 with in a supervisory role is -- one, two, three, four,

24 five, six, seven -- about seven. And that changes.

25 There's some interns as well. I would say eight, roughly.

1 The state party as a whole obviously changes its staff size
2 depending on the election cycle.

3 Q So this being election year, for instance, it's probably
4 going to be larger than it would have been, say, last year
5 at this time?

6 A Yeah, but we also have the Coordinated Campaign, which is a
7 much larger staff. I don't have a direct supervisory role
8 over any of those people.

9 Q Who does supervise --

10 A The Coordinated Campaign Director and the state party
11 chair.

12 Q So that's -- so you have a person, as you say, who is
13 called Coordinated Campaign Director, and that's not
14 yourself?

15 A Correct.

16 Q The staff that you talked about, are they all housed
17 together?

18 A We don't live together, no, but we work in the same office,
19 correct.

20 Q Excuse me.

21 A We haven't looked into that option.

22 Q Gee, I thought I had a good story.

23 A We work in the same office in downtown Seattle. The
24 Coordinated Campaign works in a separate office.

25 Q Also in Seattle?

1 A Correct.

2 Q But you don't have any branch offices in other parts of the
3 state or things like that?

4 A We do not. The Coordinated Campaign does.

5 Q Okay. Did you review any materials specifically in
6 preparation for this deposition?

7 A I looked through the state party bylaws and charter and
8 briefly reviewed the rules for nomination of Democratic
9 Party leaders.

10 Q Right. Is it your understanding that you might be called
11 as a witness in the trial in this case?

12 A I was not aware of that, but I am now.

13 Q Okay. What -- just a little bit, what is the structure of
14 the state Democratic Party organization? How is it
15 organized, if it is?

16 A Fundamentally, the state party is organized at the precinct
17 level. It's where it all starts, and even in the charter
18 it says the Precinct Committee Officers are the first
19 members of the state party. So Precinct Committee Officers
20 are elected by a process -- I won't go into too much
21 detail -- throughout the State, and those individuals are
22 selected in the primary election, obviously. And then
23 there are meetings held in December and January,
24 reorganization meetings, where counties and legislative
25 districts get together and the Precinct Committee Officers

1 in those jurisdictions gather and they elect officers.
2 They also elect representatives to serve in other
3 organizations.

4 A very important example of that is that they elect
5 state committee members. Each county and legislative
6 district elects two, one man and one woman, to serve on the
7 State Central Committee. So those individuals in turn meet
8 at the state -- the Washington State Democratic Central
9 Committee reorganization meeting, which is held in the end
10 of January, the year after the election. And the State
11 Central Committee gets together and subsequently elects
12 officers to, you know, chair, vice chair, treasurer,
13 secretary to those positions. They also elect members of
14 the Executive Board from the different congressional
15 districts.

16 That being said -- that's the kind of day-to-day
17 structure of the party organization. That being said, the
18 state convention or the Democratic Party is the highest
19 authority of the Democratic Party, and the state convention
20 meets every two years. Delegates are elected through a
21 delegate selection process. And this organization has --
22 well, I should say that the state convention has given
23 governing authority of the party to the State Central
24 Committee. Also the State Central Committee deals with the
25 financial functions of the State party.

1 Q So the ultimate -- I say ultimate, but the most important
2 policy-making body is the convention, but in between
3 meetings of the convention a lot of this stuff is done
4 through the Central Committee. Is that fair to say?

5 A Correct.

6 Q To what extent, if any, does the national Democratic Party
7 get involved in decision-making by the state party?

8 A Do you have an example or can you be more specific?

9 Q Well, for instance, let's say in a platform development.
10 When the state party develops a platform, are they required
11 to coordinate with or reflect some national platform or
12 national policy directives?

13 A No.

14 Q Okay. Does the national party dictate how the state party
15 will be organized in any way or how it will make its
16 decisions?

17 A The state -- the charter and the bylaws of the state party,
18 the charter specifically states that we need to abide by
19 certain elements of the national charter and bylaws, but it
20 doesn't specifically say anything about the platform.

21 Q Okay. But the organization there's that much connection?

22 A Yeah. Specifically in terms of delegation selection.

23 Q You mentioned some local level organizations, which I
24 gather could be county organizations and also legislative
25 district organizations; is that correct?

1 A Correct.

2 Q Do they operate essentially independently of the state
3 party? What sort of rules do they have to follow? What's
4 the relationship between the two in terms of the way they
5 act?

6 A It depends on what county and legislative district you live
7 in. No. We're all a big wonderful --

8 Q But does it vary? Right.

9 A We're all big wonderful family, and we work together with
10 the local party organizations. There are some elements of
11 local party organizations that are -- well, I should say
12 there are some elements of local party organization
13 charters and bylaws that are laid down by the state party.
14 Specifically, the election of officers for local party
15 organizations. It is required that at the reorganization
16 meetings in November and December that only PCO's elected
17 in that primary election are the ones who will -- who will
18 basically gather and elect the chairs and vice chair and
19 the state committee members. Or, actually, I should say
20 the chair, the state committee members, and any
21 representatives to other organizations. Only elected PCO's
22 can do that. I think they also have the authority to
23 affect the bylaws.

24 Q That's a state rule, so they have to follow that?

25 A That's a state party -- yes.

1 Q Okay.

2 A I should also say in addition there are certain rules that
3 we have and procedures that we expect local party
4 organizations to follow, like nomination procedures.

5 Q Okay. So, now they have to follow the state nomination
6 procedures? They can't just go off and do it some
7 different way?

8 A Correct, and that's stated in the nomination rules.

9 Q Okay. But I gather from your earlier comments there are
10 other things in which they have a fair amount of freedom in
11 how they do their --

12 A Correct.

13 Q All right. Is it your understanding that the Democratic
14 Party has members? Do they have membership standards?
15 I'll just start with do they have members?

16 A Can you define that word?

17 Q Well, I don't know. I'll just say does it mean anything to
18 you to talk about somebody being a member of the Democratic
19 Party? Do you consider yourself a member of the Democratic
20 Party?

21 A I'd like to make a distinction. The Democratic Party in
22 the state of Washington does not have requirements for
23 membership in the sense of you pay a fee or you obviously
24 register as a Democrat in this state. Those two things do
25 not exist in this state. At the same time, by being a --

1 myself by being a Precinct Committee Officer and by being
2 an active member of my local party organization and such, I
3 consider myself through my activities and my actions to be
4 a member of the Democratic Party.

5 Q Are there, to your knowledge, any -- is there anything in
6 the charter, for instance, that defines what a member of
7 the Democratic Party is?

8 A I think the clearest statement of that -- well, there's a
9 couple different places where it mentions participation in
10 the Democratic Party, and specifically it talks about being
11 a registered voter in that state or in that locality. It
12 talks about declaring or publicly declaring yourself as a
13 Democrat, and that is a statement that's at the top of the
14 sign-in sheets for the precinct caucuses, and that's also
15 listed in various places in the charter and bylaws.

16 Q Is one of those places, for instance, people who
17 participate in the presidential primary?

18 A Correct. In the caucuses, yes.

19 Q Okay. Does the party maintain a -- or attempt to maintain
20 a list or roster of its members in any sense?

21 A No.

22 Q Okay. To your knowledge, has the party ever -- does it
23 have any process for expelling a member?

24 A Well, I'm a little -- you asked me to define the term
25 "member," and I've said that in terms of people registering

1 as Democrats and people paying a fee to become members, I'm
2 using that as my definition.

3 Q Right.

4 A No, no, we don't have a membership list like that. So
5 since we don't have a membership in that somewhat tight,
6 you know, formalized definition, I would say the answer to
7 your question is no.

8 Q Okay. We talked a little bit earlier about a platform.
9 The state Democratic Party has an official platform; is
10 that correct?

11 A Correct.

12 Q How often do they adopt a new platform?

13 A Every two years.

14 Q Two years. At the convention; is that correct?

15 A Correct.

16 Q Is there also a national platform?

17 A Yes.

18 Q Okay. How is that adopted? By the --

19 A By the DNC at the national convention.

20 Q Okay. Does the state platform have to be consistent with
21 the national platform, to your knowledge?

22 A Yeah. I would say generally yes, but I don't know the
23 specifics on that.

24 Q Okay. Local parties, and you talked about both counties
25 and legislative districts, do they adopt their own

1 platforms also?

2 A Some of them do.

3 Q Some do. Okay. Do they have to be consistent with the
4 state platform?

5 A Generally, yes, but -- I'll leave it at that. Generally,
6 yes.

7 Q In your position are you involved with -- by coordinating
8 state with local platform?

9 A The state platform is -- the reason that I'm kind of going
10 a little slower on this question is that the process of
11 platform development is a little more complex than, you
12 know, these two separate entities, suddenly, you know, who
13 has authority. The state platform is developed through a
14 very long and rigorous process through basically taking all
15 of the local party platforms and resolutions and distilling
16 those down into one document. So, you know, the local
17 party organization -- they're very intimately tied
18 together. So does the state party platform have authority
19 over the local ones? No, and there might be some
20 differences, and vice versa, the local ones might, you
21 know, have some elements in the state that aren't in the
22 state platform, but are in theirs. So there's kind of this
23 relationship that exists between the two, but to try to
24 determine authority between the two is. . . .

25 Q Okay. Does the state Democratic Party nominate candidates

1 for public office? And I'm talking at the moment with
2 respect to right now. We'll talk later about past times,
3 but does the party nominate candidates?

4 A We have rules for the nomination of candidates.

5 Q Do you nominate candidates for only -- for partisan offices
6 as defined in state law?

7 A Correct.

8 Q How about nonpartisan offices, do you do that?

9 A No, we do not nominate candidates in nonpartisan offices.

10 Q I'd like to go back in history because you do indicate that
11 you have been in the state for about 20 years and have been
12 politically active for much of that time?

13 A Can I clarify that remark?

14 Q Sure.

15 A So I have been a Washington resident that time, but I spent
16 a good part of that time overseas.

17 Q Okay, I understand that.

18 A So, yeah.

19 Q So let's -- at least the period up to 2004 and going back
20 to well before you or I were a resident or born, we had a
21 system called the Blanket Primary. Are you familiar with
22 that system?

23 A Not very much.

24 Q So, do you have any memory as to whether the Democratic
25 Party had a process for nominating candidates in those

1 years of the Blanket Primary other than simply using the
2 results of the primary?

3 A No, I don't. I don't have knowledge of that.

4 Q Okay. From 2004 to 2007, the state used a different form
5 of primary often called the Montana Primary. Are you
6 familiar with that system?

7 A Basics, yes.

8 Q Okay. How did it basically work?

9 A That individuals in the primary would choose their ballot
10 by party and would cast their votes that way.

11 Q So an individual voter would select, say, either a
12 Democratic ballot or a Republican ballot, possibly some
13 third party if there was one, but they could only vote for
14 candidates on that ballot --

15 A Correct.

16 Q -- correct? Is it your understanding that, if you have
17 one, that that was different from the way it happened under
18 the Blanket Primary?

19 A Yes. But, again, my understanding of the Blanket Primary
20 is very --

21 Q I won't go back to the Blanket Primary again.

22 Under the Montana Primary, to the extent you recall,
23 did the Democratic Party have any process for nominating
24 candidates other than simply using the results of the
25 state-operated primary?

1 A I don't know.

2 Q You don't know. Okay.

3 Now, beginning in 2008 the State began to use what's
4 called the Top Two Primary. Are you familiar with that?

5 A Um-hmm.

6 Q Okay. That's what you're working with now. How does the
7 Two Top differ from the Montana Primary? Not a trick
8 question. I just want to get the general --

9 A This isn't going to be graded on.

10 Q This is not, no.

11 A The Top Two Primary is where it's an open primary ballot,
12 so anybody can vote for anybody.

13 Q So unlike the Montana Primary where I had to select one
14 party's ballot or another party's ballot all the candidates
15 will now appear on a voter's ballot and the voter can
16 choose for each office among all the people who filed for
17 that office; is that correct?

18 A Correct.

19 Q And how is it determined which of those candidates will
20 move to the general election ballot under the Top Two
21 system?

22 A Well, I would assume that the candidate -- the top two
23 candidates who get votes will move on to the ballot
24 excepting judicial races.

25 Q And given that description, unlike in the previous primary,

1 the Top Two could, am I correct, could result in two
2 candidates advancing who have, for instance, the same party
3 preference? Let's move back and talk about a different
4 factor.

5 Is it -- am I correct in describing that under -- how
6 do candidates file under the Top Two Primary with respect
7 to having any party identification?

8 A They state their preference.

9 Q And so a candidate upon filing states their preference for
10 a party or, I gather, no party, whichever they choose; is
11 that correct?

12 A Yes. Except it seems for Precinct Committee Officers.

13 Q Let's leave Precinct Committee Officers out of the
14 discussion because I think we'll have to agree that that's
15 a little bit of a different matter, but for state and local
16 public offices, we'll talk about partisan offices --

17 A Um-hmm.

18 Q -- candidates state a preference, and if I'm correct, that
19 preference then appears on the ballot at both of the
20 primary and general election?

21 A (Witness nods head).

22 Q Given that -- and it's possible, therefore, given the top
23 two that two candidates who have expressed a preference for
24 the same party might be the two who qualify for the general
25 election?

1 A Correct.

2 Q Under this system -- and you mentioned earlier that the
3 existence of some rules -- how does the party select its
4 nominee for one of these partisan offices under the Top Two
5 Primary?

6 A Can you repeat that question?

7 Q Given the Top Two system since 2008 -- and if the process
8 has changed let me know this -- how does the party nominate
9 candidates, its candidates for partisan offices?

10 A Well, the State Central Committee has passed some rules for
11 this process, and the rules basically state that the local
12 party organization in that jurisdiction, the elected and
13 appointed Precinct Committee Officers -- well, I would say,
14 to be more specific, that a call will go out from the chair
15 of that local party organization letting the elected and
16 appointed Precinct Committee Officers in that jurisdiction
17 know that there's going to be a nominating convention.
18 This will take place before filing. It has to be take
19 place at least 14 days before filing.

20 And then these individuals will gather, and these
21 Precinct Committee Officers will actually be given votes,
22 weighted votes, according to the number of delegates that
23 each precinct had in the preceding delegate selection
24 process in the presidential caucuses. And these Precinct
25 Committee Officers will then vote for individuals who have

1 brought themselves forward to be the nominee of the party
2 for that position. There will only be one nominee in each
3 jurisdiction.

4 Q So following on that then, the party never nominates more
5 than one candidate for a position?

6 A Correct. And there's a distinction between nominations and
7 endorsements.

8 Q Yeah, I want to get to that in a little bit. We're going
9 to talk nomination for now as you understand the term.
10 We'll leave endorsements aside for the moment.

11 How are nominees selected for statewide offices? You
12 mentioned kind of a local process, but is there one, like,
13 for Governor and US Senator and Insurance Commissioner?

14 A Statewide offices are elected at the or -- sorry --
15 nominees are selected for statewide office at the state
16 convention.

17 Q Okay. And that occurs when in the year?

18 A That occurs usually in June of even-numbered years.

19 Q June. So that would be after filing, but before the
20 primary?

21 A Correct.

22 Q Okay. And at that time, as you say, the state convention
23 chooses the nominees for statewide offices?

24 A Correct. I would like to say that the date of the
25 convention is not set to be after filing, but it kind of

1 floats around a little bit in June.

2 Q All right.

3 A So it's not -- you know, I couldn't say that in the future
4 it's always going to be after filing or that it will.

5 Q So then it's conceivable that the convention would occur
6 before filing period?

7 A That has not happened, but, yeah, it's conceivable. I
8 don't want to --

9 Q Would that change the procedure for how you would go about
10 it?

11 MR. MCDONALD: Objection; calls for speculation.

12 A I don't know.

13 Q (By Mr. Pharris) Does the party require its nominees to
14 endorse the party platform?

15 A Can you repeat that question?

16 Q Does the party require its nominees to endorse the party
17 platform?

18 A In terms of endorse in this respect, what do you --

19 Q Well, in any sense. Do they have any requirements with
20 respect to people seeking the nomination for an office that
21 they make some statement that they agree with or somehow
22 support the party platform?

23 A No.

24 Q Okay. Once the party has nominated a candidate, do they
25 have any process for revoking that nomination?

1 MR. MCDONALD: You're asking any process he's
2 aware of as opposed to asking for --

3 MR. PHARRIS: Yes.

4 Q (By Mr. Pharris) Is there any process you're aware of?

5 A Not right now.

6 Q I'm gathering, therefore, you don't have any memory of any
7 use of such a process?

8 A There was one individual recently who was nominated, I want
9 to say it was in Southwestern Washington, Clark County,
10 around there, and that individual subsequently decided that
11 they did not want to run for that position, and so they
12 kind of stepped down and a replacement was selected.

13 Q Okay. But that was almost kind of a voluntary --

14 A Yes.

15 Q -- initiated by the candidate?

16 A Yes.

17 Q To your memory has the party ever nominated a candidate who
18 on filing expressed a preference for some party other than
19 the Democratic Party?

20 A Not to my knowledge.

21 Q I believe you earlier testified -- I just want to
22 confirm -- the party does not have a practice of nominating
23 candidates for nonpartisan offices; is that correct?

24 A Nominating, correct. That is correct.

25 Q All right. At this point I'm going to change for a minute.

1 Has the party ever endorsed candidates for nonpartisan
2 offices?

3 A It does.

4 Q Okay. What is -- what's that process?

5 A Well, it depends on what level you're talking about.

6 Q Let's talk about statewide for the moment, if they do.

7 A At the recent state convention, we endorsed a couple of
8 candidates in judicial races.

9 Q Statewide races on State Supreme Court?

10 A Yes. And in that particular instance the body decided -- a
11 motion was made to suspend the rules, which was upheld by
12 the body, for the purpose of endorsing a candidate in one
13 of these races. And so the rules were suspended for that
14 purpose, the motion was passed, and that was the procedure
15 for that at the statewide level.

16 Q But from your statement that the rules were suspended, I
17 take it to mean the rules had to be suspended in order for
18 the body to do that --

19 A Correct.

20 Q -- or the rules wouldn't have allowed it?

21 A Yes, for endorsement.

22 Q For endorsement. And, again, these candidates were
23 endorsed, not nominated; is that correct?

24 A Correct.

25 Q What about offices that are not statewide -- and I think

1 you did describe generally when these are more local --
2 such as candidates for the state Legislature? What level
3 does the nomination occur for those offices?

4 A At the local party organization.

5 Q Okay. But I think you earlier indicated that they have to
6 follow the state rules for how this is done; is that
7 correct?

8 A Correct.

9 Q And would I be correct saying this is also the way it's
10 done for partisan county offices?

11 A Correct.

12 Q You know, county commissioners, sheriffs?

13 A That they follow the rules, correct.

14 Q At this point I did want to talk a little bit about the
15 difference of endorsement. You've already indicated that
16 the party does sometimes have a practice of endorsing
17 candidates and that it has a different meaning from
18 nominating. What is the difference in meaning between
19 nominating a candidate and endorsing a candidate?

20 A Do you want me to talk at the statewide level or at the
21 local level?

22 Q Let's start with the statewide level, but then I want to
23 talk about the local level too.

24 A At the statewide level it's more a sign of support for that
25 particular candidate. Conceivably you could endorse

1 multiple candidates in a race. That's not the case, does
2 not really happen, but it's possible. I mean, you
3 suspended the rules, so you could conceivably do that.

4 Q Suspend that rule too?

5 A Yeah, you know, so -- and that's it at the state level.

6 Q Okay.

7 A The local level, local party organizations establish their
8 own rules for the process of endorsement. Generally I can
9 say that they involve a meeting of the body, an official
10 call, a meeting of the body, and then it depends on who is
11 going to make that endorsement. I would say that it's
12 usually PCO's elected and appointed who will make that
13 endorsement. And some organizations they will endorse more
14 than one -- they have rules about what's required for
15 endorsement. It could be a two-thirds majority, a simple
16 majority; it differs.

17 Q And that's called local options?

18 A That's local options. And they can endorse sometimes more
19 than one individual in a race, which they do, and they are
20 also, especially in city council races and things that,
21 they will often make endorsements in nonpartisan races.

22 Q Okay. So I believe what you said earlier, only one
23 candidate can be nominated, but potentially more than one
24 could be endorsed?

25 A Correct.

1 Q I gather maybe from the following too then that they might
2 theoretically endorse a candidate who was not the one who
3 was nominated?

4 A That is correct. Well, especially if there's more than
5 one, right.

6 Q Let's say that this nomination process has gone on as
7 you've described it and then the filing period is over and
8 we're ready for the campaign in the primary. Does the
9 party publicly announce which candidates it has nominated
10 or somehow make that information available?

11 A The state party on its Web site has a list of nominated and
12 endorsed candidates around the state.

13 Q Okay. So I could go look at the state party's Web site and
14 I would know, as you say, around the state?

15 A (Witness nods head).

16 Q So would that include information -- well, let me see,
17 which offices would that include? You talked about, for
18 instance, the endorsement for --

19 A Partisan offices.

20 Q Okay. But the statewide partisan offices, I assume US
21 Senate, US House of Representatives. Legislative races?

22 A Yes.

23 Q How about county races, or is that left to the local?

24 A In terms of nonpartisan county races?

25 Q Partisan I'm talking. In terms of publicly announcing who

1 the party has nominated?

2 A If they have -- if the local party organization has
3 informed us about who they've nominated in partisan races,
4 that information will go up on our Web site.

5 Q Okay. What other -- does the party offer any support to
6 the campaigns of the individual candidates that it has
7 nominated, financial or otherwise? And if there is any, if
8 you could describe what it is.

9 A Sometimes yes. Sometimes no. Can I describe what that is?

10 Q Yeah, please. Yeah. Let's say -- let's look at least for
11 now at the state party as opposed to local organizations.

12 A And you're talking -- so just to clarify a little bit,
13 you're specifically talking about not candidates that have
14 been nominated by the Democratic Party, what support we
15 offer nominated candidates?

16 Q Yeah, let's say there's a race in which Candidate A has
17 been nominated by the Democratic Party. There are other
18 candidates with various expressed party preferences
19 running. What kind of support, including financial, does
20 the party give Candidate A?

21 A I'm going -- I'm going to say I don't know. Yeah, my job
22 does not -- there's a certain -- the one thing that is not
23 included on my list of job duties is political director,
24 and so the specifics of what support candidates are given
25 I'm not. . . .

1 Q Okay, that's fine.

2 So, if you know -- and from the last answer you might
3 not -- does the party ever provide, say, financial support
4 to a candidate who has declared a preference for another
5 party?

6 A I'm going to say I don't know. I would say no, but I'm not
7 sure.

8 Q Likewise, if you know, does the party ever withhold support
9 from a candidate in the primary who has expressed a
10 preference for the Democratic Party?

11 A I don't know.

12 Q Let's -- again, this is with reference to the Top Two
13 Primaries that, say, would be conducted in 2010, and I
14 don't know if the rules have changed significantly since
15 2008. If a candidate has been nominated by the Democratic
16 Party as its candidate and that candidate gets -- comes in
17 first or second in the primary and, therefore, is going to
18 be in the general election, is that candidate then kind of
19 automatically still the party's nominee for the general
20 election?

21 A To the best of my understanding, yes.

22 Q Now, let's suppose on the contrary that the Democratic
23 Party has nominated a candidate and that person is not one
24 of the two top vote-getters and, therefore, does not
25 advance to the general election. Does the party have any

1 process for nominating one of the successful candidates
2 instead?

3 A Yes, there is a process. The State Central Committee
4 acting through its chair can appoint a nominee in that
5 race, can select a nominee in that race.

6 Q If both candidates advancing to the general election have
7 expressed preference for the Democratic Party, and let's
8 say neither one was nominated -- I don't know whether
9 that's very likely -- does the party choose one and make a
10 nomination of one of the two successful Democrats?

11 A The question is a little speculative --

12 Q Okay.

13 A -- so I'm --

14 Q Do you ever know that to have happened?

15 A No.

16 Q If no party -- if no candidate advancing to the general
17 election has expressed a preference for the Democratic
18 Party so that the two appearing in the general election are
19 Republicans or Independents or Green Party or something
20 else, does the Democratic Party ever nominate one of those
21 as its candidate even though they expressed a different
22 preference?

23 A The Democratic Party has never done that, to my knowledge.

24 Q So you have no memory of that ever happening?

25 A Correct.

1 Q Do you have any knowledge of a candidate for office -- and
2 these are again under the Top Two Primaries since 2008 --
3 falsely claiming to be the nominee of the Democratic Party
4 for an office?

5 A I have no knowledge of that.

6 Q Do you have any knowledge of a candidate who, upon filing,
7 states a preference for the Democratic Party and the party
8 has made some -- taken some official action --

9 A Can you start that question over again?

10 Q Okay. Do you have any knowledge when a candidate files for
11 a partisan office under the Top Two Primary and states a
12 preference for the Democratic Party, do you have any
13 knowledge of a circumstance under which the party,
14 believing that statement was false, took some action
15 against the candidate or otherwise?

16 A I have no knowledge of that.

17 Q Could you state again the years in which you've held your
18 current job? Am I correct that was since early 2005?

19 A Correct.

20 Q So you have then experienced a change -- you've experienced
21 the transition from working with the Montana Primary to the
22 Top Two Primary; is that correct?

23 A Correct.

24 Q In your experience, has the Democratic Party's role in
25 elections changed with the adoption of the Top Two Primary?

1 A Yes.

2 Q How?

3 A We've had to establish nomination, procedures for
4 nomination.

5 Q Okay.

6 A And that has had profound effects.

7 Q What would -- what kind of profound effects?

8 A Well, it's -- from a very basic, you know, organizational
9 standpoint, it's required a whole different set of
10 meetings. It's required the party to put together these
11 rules. It's required officers at the local level and at
12 the state level to take on these -- this new role of having
13 to call these meetings and, you know, determine the process
14 that's going to be necessary for this. It's required --
15 well, let's see, we're talking about -- there's just a lot
16 of stuff.

17 The Top Two Primary has also required the party to be
18 a little -- in the Montana Primary where people could
19 choose their ballot, and we kind of had a sense of who our
20 electorate was going to be, now since anybody can vote
21 wherever they want, the party has a much larger electorate
22 to kind of get in touch with and let them know what's going
23 on.

24 And subsequently when you've got a bunch of different
25 candidates who are running as Prefers Democrat, it's

1 difficult to basically -- it makes it much more -- I mean,
2 the field has expanded and the choices have expanded, and
3 so the ability of the Democratic Party previously where it
4 could get behind a candidate and really help move that
5 candidate forward has really been diluted by this process
6 and just the extension of the sizes of who's involved
7 there.

8 Secondly, when you've got all these different
9 candidates up there that are Prefers Democrat, the ability
10 of the Democratic Party to message exactly who it is and
11 what it stands for becomes much more complex.

12 And, third, as a result of both of those two things,
13 it just gets more expensive and much more difficult to try
14 to manage this whole process that is new and, you know,
15 helping all of these 88 local party organization chairs get
16 through this process, and, in turn, help then educate all
17 the voters is much more complex.

18 Q You talked several times about races in which several
19 candidates stated a preference for the Democratic Party.
20 Are there significant changes in the party's role in races
21 in where only one person has expressed a preference for the
22 Democratic Party? In other words, is it a function of the
23 number of potentially Democratic candidates that are out
24 there or of the top two or both?

25 A Can you repeat that question?

1 Q Let me just go back to the first part of it, and forget my
2 explanation.

3 Has the Democratic Party's role in elections along
4 the lines you've been describing, is that true even in
5 races in which there's only one candidate who's expressed a
6 preference for the Democratic Party, so it's kind of
7 obvious who the party would be backing? Maybe it doesn't
8 happen; I don't know.

9 A Well, no, I'm just thinking, because, again here, it's
10 difficult to generalize when you've got all these local
11 party organizations. You've got some local party
12 organizations that conceivably might, you know, tie the
13 endorsement along with the nomination and just kind of move
14 through. You've got other organizations that are going to
15 have -- it doesn't matter. You know, we still have to
16 follow this very tight function, so it's kind of difficult
17 to say. So I would say yes, it throws another hiccup into
18 the whole process.

19 Q If the party's role is different, in your opinion, would
20 you describe this as a change for the better or for the
21 worse or neither one?

22 A The Top Two Primary, the role of the party -- can you
23 clarify?

24 Q Yeah, the role of the primary (sic) in Top Two primary as
25 opposed to the previous system.

1 A The previous system -- the Montana Primary system was
2 better.

3 Q Why? For the reasons I gather you've just talked about?

4 A Yeah. There's clarity. You know, we kind of know who
5 we're talking to. You know, there's no cross-over voting.

6 Q In your opinion and to the extent you have any knowledge on
7 this issue, does the State's implementation of the Top Two
8 Primary result in voter confusion as to which candidates
9 have been nominated by the Democratic Party?

10 A In my opinion, yes.

11 Q Okay. Explain. Why do you believe that's true?

12 A Well, here's an example of this. I looked at my ballot
13 today, and I looked through all the candidates for my
14 legislative district. It says Prefers Democrat, Prefers
15 Democrat. I flipped it over and under the PCO elections it
16 is says Democratic Party Nominee behind their name. And,
17 you know, ultimately -- I mean, fundamentally, I was like,
18 well, what's the -- what does that mean? What is the
19 difference there between those two? Why are they listed
20 separately. You know, I think that the whole -- the whole
21 conflict within -- their conflict, the whole problems
22 within the state constitution regarding affiliation versus
23 preference and how those two things are tied together in
24 the finance laws and -- among other things, that's
25 confusing as well.

1 Q And, again, I'm asking maybe not about the inherent factors
2 in the Top Two Primary, but what the State has done to
3 implement it. Can you identify the things the State has
4 done in implementing the Top Two Primary that either caused
5 or aggravated these problems you've described?

6 MR. MCDONALD: Object to the form if you're
7 trying to imply that he hasn't already done so.

8 MR. PHARRIS: I didn't hear.

9 MR. MCDONALD: I'm sorry. I object to the form
10 if you're trying to imply that he has not already
11 identified those factors. If you're asking for more,
12 that's one thing.

13 MR. PHARRIS: Right, I'm asking for more.

14 Q (By Mr. Pharris) If there's anything beyond what you've
15 already talked about.

16 MR. MCDONALD: Go ahead.

17 A Let me think for a second here. I'm going to pause on that
18 question for a bit, so can we move on to other questions?

19 Q (By Mr. Pharris) We can. In fact, let me just ask another
20 one. How could the State, if you have an opinion about
21 this question, how could the State change the way it
22 implements the Top Two Primary to reduce or eliminate these
23 problems that you have described?

24 A Well, according to the rules that we have, one of the --
25 you know, the state party could implement a primary system

1 where individuals like the Montana Primary have to choose a
2 ballot, you know, by party and vote that way. That would
3 be a lot -- the clarity of that would be very useful. We
4 could also institute registration by party in this state.
5 What else could we do? Those are two, and I'm going to
6 hold on that too for a second.

7 Q Okay. I'm going to move to something else, and then I may
8 give you a chance if you want to to --

9 A Okay.

10 Q -- to say something more about that subject. I want to
11 move just a little bit to the subject of Precinct Committee
12 Officers because you've made reference to that a couple of
13 times. How are Precinct Committee Officers elected?

14 A Currently?

15 Q Just currently, right. Your understanding of the process.
16 Again, this is not a law school test. This is just --

17 A Yeah.

18 Q -- how do you think it works?

19 A Currently if someone wants to be elected as a Precinct
20 Committee Officer, they need to go to, or actually in a lot
21 of counties now, they can go online to the county auditor's
22 office, Elections Department, and they can fill out an
23 online form stating that they wish to be a Precinct
24 Committee Officer, and it asks for a party when they fill
25 out those forms. And they will subsequently end up on the

1 primary ballot listed. There could be multiple candidates
2 for each party.

3 In addition, I think the current situation is there
4 is a line for write-in candidates on the ballot, but in
5 order to be -- to have your votes counted as a write-in
6 candidate, you need to fill in a PCO declaration of
7 write-in candidacy prior to, I want to say, usually the
8 16th, like prior to the primary, prior to the 17th, and you
9 file that with your local auditor's office, and then
10 subsequently any write-in votes for you will count.

11 After the primary election the individual who gets
12 the most votes for a particular party will be the elected
13 Precinct Committee Officer in that precinct. Anybody can
14 vote for any PCO's.

15 Q So -- and anyone can vote. But you indicated earlier,
16 looking at your own ballot, that the language in connection
17 with PCO candidates was different in talking about nominee
18 or something to that effect rather than party preference;
19 is that correct?

20 A Correct.

21 Q Okay. So, in that sense, the manner of selecting PCO's is
22 somewhat different from other offices; is that correct?

23 A (Witness nods head).

24 MR. AHEARNE: Was there an answer to that
25 question?

1 A I said yes.

2 MR. PHARRIS: He nodded, but I also think he
3 sort of said yes.

4 Q (By Mr. Pharris) Has the process for selecting PCO's
5 changed with the adoption of the Top Two Primary?

6 A Yes.

7 Q How?

8 A In the Montana Primary when you selected your ballot by
9 party, it would have just the Democratic nominees on it
10 where the Republican ballot would have just the Republican
11 nominees on it. I don't want to use the word nominees, but
12 it had the Democratic candidates or Republican candidates.

13 Q But now since everyone receives a single ballot, everyone
14 has the opportunity to vote for a PCO?

15 A Correct.

16 Q Are there -- is there anything to stop a candidate from
17 voting for both a Democratic PCO and a Republican PCO?

18 A I don't know. I didn't look closely enough at the language
19 right there. I couldn't tell if it said pick one or not.
20 I didn't see that.

21 MR. PHARRIS: Can we take a little bit of a
22 break?

23 MR. MCDONALD: (Nods head).

24 (Recessed at 2:30 p.m.)

25 (Reconvened at 2:38 p.m.)

1 Q (By Mr. Pharris) Mr. Ravens, I'm handing you -- let's mark
2 it as an exhibit for identification first.

3 (EXHIBIT NO. 1 MARKED)

4 Q Mr. Ravens, I'm handing you what's been marked as
5 Exhibit 1. You'll also notice that it has something on it
6 called Nichols 1, which means this is a copy of an exhibit
7 that was marked as Exhibit 1 in Todd Nichols' deposition,
8 and I believe it is also identical to Exhibit 1 in Dwight
9 Pelz's deposition. Could you look at that and tell us what
10 it is?

11 A These are the Rules for the Selection of the Democratic
12 Candidates and Nominees for Public Office as adopted by the
13 State Democratic Central Committee on September 26, 2009.

14 Q To your knowledge, are these the rules that are currently
15 in force?

16 A Yes.

17 Q That's my only question about that exhibit. You're welcome
18 to keep looking at it if you want to.

19 You indicated that -- discussed, in fact, these very
20 rules about the party nominating candidates for partisan
21 offices. Does the party always nominate a candidate for
22 each partisan office?

23 A To my knowledge?

24 Q Yes.

25 A No. They don't always.

1 Q Why would they not do so?

2 A If there's not a candidate who's running in that office.

3 Q If there is a candidate running, would they nominate
4 someone?

5 A Not necessarily.

6 Q And why might they not?

7 A Because the candidate might not be a Democrat.

8 Q Okay. So they wouldn't just automatically nominate any
9 warm body just because they were running?

10 A That is correct.

11 Q You indicated that one of your responsibilities that you
12 deal with -- work with staff on is public affairs for the
13 party; is that correct?

14 A Party affairs.

15 Q Party affairs?

16 A Not public affairs.

17 Q Not public affairs. Does that mean -- are you involved at
18 all with the party's public outreach or public affairs?

19 A Can you define that?

20 Q Questions, say, from voters about candidates or a race.

21 A Yes.

22 Q Okay. Do you get questions from voters about the Top Two?

23 A Sometimes, but I can't remember any specific instances.

24 Q What about the media, do you have discussions with them on
25 that subject?

1 A I do not talk to the press.

2 Q You don't talk to the media. You're a very lucky man.

3 The -- do you get questions from voters about --

4 A Let me clarify.

5 Q Go ahead.

6 A I don't usually talk to the press.

7 Q We all get to once in a while.

8 A Yeah.

9 Q Do you get questions from voters about individual
10 candidates?

11 A Yes.

12 Q Okay. What types of questions would those be?

13 A In the past I've had questions that have ranged from, you
14 know, which candidate should I be voting for? Who is this
15 person? What do they stand for? I hate this person.
16 Things like that. I don't often get calls like that, but
17 every once in a while I'll get calls like that.

18 Q Do you get questions asking who the party's nominees are?

19 A They will ask. They won't specifically say, "Who is the
20 party's nominee?" But they might say something along the
21 lines of "Who is the Democrat in this race? or "Who should
22 I be voting for?"

23 Q Do any of the questions either state or imply confusion as
24 to who is the Democrat among the candidates?

25 A Yes, but I don't have any specifics. By the nature of

1 their questions, they're obviously confused about what's
2 going on.

3 Q Do you keep a log of the kinds of calls people make?

4 A No.

5 Q Did you get questions on these general subjects, obviously
6 not about the Top Two specifically, but about candidates
7 and nominees before the Top Two was adopted during the time
8 of the Montana Primary? Did people call in then also and
9 ask questions?

10 A People call in and ask questions, yes.

11 Q Do you remember, was it different kinds of questions or
12 some of the same ones?

13 A There are more questions now than there have been in the
14 past.

15 Q You're talking about in volume?

16 A Yeah.

17 Q Okay. Anything else about the types of questions you're
18 getting, maybe that we haven't discussed that I
19 haven't. . . ?

20 A No.

21 Q Okay. I think you also -- well, you did indicate earlier
22 that part of responsibility is in the area of new media.
23 Does the party use the new media -- and I guess I maybe
24 should include old media -- to communicate with the public
25 about the way the Top Two Primary works?

1 A Do we send out e-mails with information about the Top Two
2 Primary?

3 Q Um-hmm.

4 A To the general public? No.

5 Q Do you to somebody else?

6 A Does somebody else? What do you mean?

7 Q You said you don't to the general public.

8 A We might have internal communications between party leaders
9 about the two Top Two Primary, yeah.

10 Q So within a party, but not to the general public?

11 A Correct.

12 MR. PHARRIS: I think we're done.

13 Tom?

14 MR. AHEARNE: I've got several questions just
15 clarification-based primarily on what Mr. Pharris has asked
16 you, and I'm just going to jump around hopefully just
17 following the order of my notes.

18 EXAMINATION

19 BY MR. AHEARNE:

20 Q First, you mentioned you traveled around the world a lot,
21 and I didn't get down the years. I thought you said ten
22 years starting in '91, but then I thought you were back
23 here in the late '90s, so --

24 A Yeah, it was -- I think I spent a chunk of time in the late
25 '80s traveling, and then I think I left in early '92 and

1 came back in, like, early '98, so it was maybe eight years
2 total. It was most of the '90s.

3 Q And just rough ballpark, about what percentage of your time
4 in those years you were traveling around the world were you
5 actually in the state of Washington?

6 A I was not in the state of Washington.

7 Q During that eight-year period?

8 A Correct.

9 Q You talked about the Coordinating Campaign or Coordinator
10 or Coordinated Campaign. What was the phrase?

11 A Coordinated, e-d, Coordinated Campaign.

12 Q Real briefly, what is that?

13 A The Coordinated Campaign is the campaign arm of the state
14 party that forms around the elections usually about nine
15 months to a year out and their job is to coordinate efforts
16 between candidates and -- for the election.

17 Q So just as an example, coordinating Patty Murray and
18 whoever the legislative representatives are from her
19 particular district and things like that?

20 A Correct.

21 Q You were asked some questions about the Washington State
22 platform and the national Democratic platform. Do you
23 recall those generally?

24 A My questions?

25 Q Do you remember talking about that?

1 A Yes. Yes, I do.

2 Q Now, do other states have a state party platform as well?

3 A To the best of my knowledge, yes.

4 Q And do the state Democratic Party platforms, those other
5 states, are they the same as the state party platform of
6 Washington?

7 A They are not.

8 Q Is there a process in the Democratic Party so the state
9 party platforms are consistent with each other?

10 A No.

11 Q Is there a process in the Democratic Party so the state
12 party platforms are consistent with the national party
13 platform?

14 A Can you define "consistent"?

15 Q Well, when you said no, what did you mean by consistent?

16 A Well -- are they exactly -- when you said consistent, are
17 they exactly the same? I would say no, they're not exactly
18 the same. Is there a process for making them exactly the
19 same? No, there's not a process for that.

20 Q Is there any process for making them consistent with each
21 other?

22 A And that's when I would ask you --

23 Q Okay. Okay.

24 A I was defining "consistent" as being exactly the same.

25 Q All right. All right. Are the state -- can you give me

1 some examples of how state party platforms would differ?

2 What I'm really looking for is it something as simple,

3 well, we call our Washington and Oregon calls their Oregon?

4 There's a difference. Or are there platform planks that

5 differ? One might say we support gay marriage and another

6 doesn't?

7 A Well, it might be something like we support such-and-such

8 activity in Eastern Washington or, you know, the removal of

9 dams or -- and that's not necessarily going to be the case

10 in a different party platform. It may be regionally

11 specific.

12 Q To the best of your knowledge, are there platform planks in

13 State party platforms that are at odds with planks in

14 another state's party platform?

15 A To the best of my knowledge, I would say no.

16 Q And to your knowledge, is there any process in the national

17 Democratic Party to make sure there aren't platform planks

18 between states that differ from one another?

19 A To my knowledge, no.

20 Q And are you aware of any process to ensure that each

21 individual state party's platform is in line with the

22 national party platform?

23 A Am I aware of the process? No.

24 Q Now, you'd also mentioned that there's some county

25 platforms?

1 A Correct.

2 Q And did you say that sometimes the legislative district has
3 its own platform as well?

4 A Correct.

5 Q Is there any process within the state of Washington to make
6 sure the county party platforms are consistent with each
7 other?

8 A No.

9 Q Is there a process for making sure the legislative district
10 platforms are consistent with each other?

11 A No.

12 Q Does the state party have any process where they approve of
13 county or legislative district platforms?

14 A No.

15 Q Does the state party have any process where they require or
16 recommend changes to either county or legislative district
17 platforms?

18 A We acquire all of the platforms as a result of the
19 development of the state party platform, so we aggressively
20 collect that information from local party organizations.
21 We do not, however, get back to that local party and say
22 "This must be taken out of your platform."

23 Q Do you get back to any county or legislative district and
24 say, Well, you should take this out or you should change it
25 at all?

1 A No.

2 Q Now, does the state party have any process to ensure that
3 elected officials --

4 A Can I go back a second?

5 Q Sure.

6 A So in terms of -- there is one thing that's -- where we do
7 get back to local party organizations, and that's with
8 issues about resolutions. So resolutions might be brought
9 forward through local party organizations and brought to
10 the state platform committee, State Resolutions Committee,
11 State Central Committee. And the state resolutions
12 committee will take a look at that resolution, often
13 compare it to our platform and compare it to previous
14 resolutions and sometime we'll say, you know, we're not --
15 we recommend a no pass on this resolution for the following
16 reasons. And then it might say it's, you know, it's in
17 conflict with something we already have in our platform or
18 it's in conflict with a previous resolution we have already
19 passed, and then that resolution will be sent back to the
20 local party organization.

21 Q Just to make sure I understand, and I probably don't, so
22 correct me, the resolution you're talking about is a county
23 party will pass a resolution saying, hey, state party, you
24 should make this part of the state platform?

25 A Not part of the state platform, but the state party should

1 pass this resolution as well.

2 Q Okay. And that's the one instance that you're mentioning
3 where the state party will get back to the county and say
4 no, we as a state party are not going to pass this
5 resolution because, and then this is why?

6 A Yeah.

7 Q And what's the difference between a platform and a
8 resolution?

9 A Well, a platform is like a statement of values, and a
10 resolution tends to be more of a short-term, kind of --
11 oftentimes a response to a particular situation or action.
12 So a resolution might be along the lines of, you know, we
13 need to pull our troops out of Iraq immediately whereas the
14 platform plank hopefully will be something along the lines
15 of, you know, the US government should be -- should have
16 a -- should not be involved in wars overseas or something
17 like -- just a vague suggestion, but be more a statement of
18 policy, and this would be like a short-term action item,
19 the resolution. So a platform would be a statement of
20 policy and -- of program and ideology and values, and the
21 resolution would be a short-term response to a particular
22 issue.

23 Q And if I wanted to find -- strike that. If a voter wanted
24 to determine what the programs or ideology of the state
25 Democratic Party was, how would the voter find that out?

1 A The platform is on our Web site.

2 Q The state party platform?

3 A Correct.

4 Q And are the county or legislative district party platforms
5 on the Web site as well?

6 A Not on the state party Web site.

7 Q To your knowledge, are they on some other Web site?

8 A Some local party organizations have it up and some do not.

9 Q Now, does the state party have any process for monitoring
10 whether elected officials adhere to the state party
11 platform?

12 A No.

13 Q Would I be correct that the state party has no process for
14 monitoring whether elected officials adhere to the county
15 or legislative district platforms as well?

16 A Correct.

17 Q Does the state party have any process for monitoring
18 whether elected officials adhere to the national party
19 platform?

20 A No.

21 Q Near the end of Mr. Pharris's questioning he asked some
22 questions about whether the party would nominate someone as
23 a candidate or choose not to nominate someone as a
24 candidate for a particular office, and you said in answer
25 something along the lines of, well, if the candidate is not

1 a Democrat you wouldn't nominate them. Do you remember
2 recall that generally?

3 A Yes.

4 Q What do you mean when you say a candidate is not a
5 Democrat?

6 A If they had attended the Republican precinct caucus, if
7 they'd run as a -- I'm sorry -- if they'd attended a
8 precinct caucus or organizing event for another political
9 party; if perhaps they had run as a candidate for another
10 political party, if they'd been an official member perhaps
11 of another political organization, those might be some
12 reasons why the local party organization might not choose
13 to nominate them as a Democratic candidate.

14 Q And to you as the Executive Director of the Washington
15 State Democratic Party, what does it mean to be a Democrat?

16 A You're asking my opinion on this?

17 Q Yes, sir.

18 A Okay. I think the clearest indication is voting for
19 Democratic candidates, first and foremost. I think playing
20 an active role in your local party organization or a party
21 organization is also, and perhaps contributing to the
22 Democratic Party or affiliated organizations; I think that
23 generally holding in common the values expressed in the
24 platform and the statements in the resolutions, sharing
25 that commonality would consider one a Democrat.

1 Q And just to be clear, when you say the statements in the
2 resolutions, am I correct that you meant the resolutions
3 that the state party actually adopts?

4 A As opposed to?

5 Q The ones that the county or legislative district parties
6 have adopted to pass on?

7 A I would say generally supporting resolutions that have been
8 passed by either organization.

9 Q Okay. When you said either organization, you meant either
10 the county, the legislative district, or the state?

11 A That is correct.

12 Q Now, my notes near the beginning of your testimony, I
13 thought you said something along the lines of you consider
14 someone to be a member of the Washington State Democratic
15 Party if they publicly declare themselves to be a Democrat.

16 A Can you repeat your question?

17 Q Here's my question.

18 MR. MCDONALD: His question is what he thinks.

19 A Yeah, that's what I --

20 Q (By Mr. Ahearne) What I'm doing is I'm saying what I think
21 you said and I want to make sure I got my notes correct or
22 if you think something different. I'll just ask the
23 question outright. Do you consider someone to be a member
24 of the Washington State Democratic Party if they publicly
25 declare themselves to be a Democrat?

1 A Me personally or me professionally.

2 Q Well, let's go to you personally.

3 A Me personally? I would take at face value, I would take
4 what they say. If somebody says they're a Democrat to me,
5 oh, okay, yes, I'll take them at their word.

6 Q How would your answer deal professionally?

7 A Well, professionally if you want to participate as a
8 Democrat in the precinct caucuses, when you sign in at the
9 precinct caucuses, there's a statement at the top of the
10 page that states that I, by signing below, I'm a registered
11 voter in the above-mentioned precinct, that I declare
12 myself as a Democrat -- I don't know the specifics -- and
13 that I'm willing to have that information made public.

14 So that is what we define somebody in our process of
15 selecting delegates as a Democrat.

16 Q Would you consider somebody that does those three things to
17 be a member of the state Democratic Party?

18 A Yes. Well, I would consider them a member of the state
19 party, yes.

20 Q And if my understanding is correct, the state party doesn't
21 maintain any list of members, though, does it?

22 A We have lists of Precinct Committee Officers, party
23 leaders, people who have made contributions to the party
24 and we have some indication in our voter file of where
25 people might stand, so we have lists like that.

1 Q When you say contributions, do you mean solely financial
2 contributions, or do you mean contributions in time or in
3 kind?

4 A In-kind contributions also need to be reported so, yes, we
5 keep track of those.

6 Q And does that include contributions of time?

7 A Yes, generally.

8 Q When you were talking about judicial endorsements, you
9 mentioned something about the rules being suspended. Do
10 you recall that?

11 A Yes.

12 Q Can you briefly say what's the process for suspending
13 rules?

14 A We would turn to the party parliamentarian to do that
15 first. But a member would step to the mike, be recognized
16 by the chair, and would say "I would like to make a motion
17 to suspend the rules for the purpose of," and they would
18 state the specific purpose for which they wish to suspend
19 the rules, and they would get a second. The body would
20 take a vote on that. I don't remember if it's a majority
21 or more than that. And then after that motion had passed,
22 then they would make a subsequent motion stating,
23 therefore, I would like to make the following motion that
24 we endorse the following candidate, and the second motion
25 would be voted on, and then that would be -- then you would

1 resume the process of the meeting after that.

2 Q Is my understanding correct that the suspension of the
3 rules stops once that purpose for which the rules were
4 suspended is over?

5 A That is my understanding as well, yes.

6 Q You also talked about there being a local option for
7 endorsements. In different counties, parties have
8 different rules --

9 A Yes.

10 Q -- is that correct?

11 A Yes.

12 Q Is there a place where those different rules for the
13 different counties or legislative districts are published?

14 A No.

15 Q So if I'm a voter and I want to know --

16 A Sorry. Can I question?

17 Q Sure.

18 A So does the state party collect this information and
19 disseminate it as an aggregate? No. Might local party
20 organizations share that information? Yes.

21 Q To your knowledge, do all county and legislative district
22 organizations make publicly available their rules on how
23 they choose endorsements?

24 A To my knowledge, yes.

25 Q So, to your knowledge, if I as a voter wanted to determine

1 what it meant for the Kitsap County Democratic Party to
2 have endorsed Candidate X, I could look, like, on the Web
3 site or call up at the Kitsap Democratic Party and say --
4 A I'm not sure about the specifics, but, yes, you could get
5 in touch with the party and they would inform you as to
6 what those procedures are.

7 Q Mr. Pharris asked you some questions about the effects of
8 going from the Montana system to the Top Two system.

9 A Um-hmm.

10 Q Do you recall that line of questioning generally?

11 A Um-hmm. Yes.

12 Q Under the Montana Primary system, who paid for the process
13 of nominating the party's candidates for public office?

14 A I'm not sure. I don't know.

15 Q Did the state party pay for it?

16 A I don't know.

17 Q And under Initiative 872 who pays for the process of
18 nominating the party's candidates for public office?

19 A In terms of paying for it, do you mean holding a meeting,
20 sending out the -- those types of activities?

21 Q The cost of the process of nominating the party's
22 candidates for public office.

23 A The jurisdiction making that nomination will bear the costs
24 for that process.

25 Q And when you say the jurisdiction, do you mean like the

1 county or the city?

2 A It could be the county or the legislative district. So the
3 county organization or the legislative district party
4 organization will pay those costs.

5 Q I just want to make sure. When you're saying jurisdiction,
6 you mean a branch of the Democratic Party --

7 A Yes.

8 Q -- not the governmental?

9 A Correct. Although if they wanted to pay. . .

10 Q You'll take donations from anyone.

11 Near the end of your testimony you also talked about
12 the -- Mr. Pharris asked you some questions about whether a
13 voter could vote for the Democrat PCO and the Republican
14 PCO, and you said something like, well, you weren't sure
15 because you would have to look at the language there?

16 A Well, I don't have my ballot in front of me, so I wanted to
17 look at my ballot and see exactly what it says, so the
18 answer is I don't know.

19 Q No, what I was really going to ask about is "the language
20 there," are you referring to the language that is on the
21 ballot?

22 A Correct.

23 Q So if I understand it correctly, the ballot explains what
24 the voter is supposed to do, or it may?

25 A It may.

1 Q And if the ballot has an explanation on it to the voter,
2 your assumption is the voter is going to actually comply
3 with it?

4 A Yes.

5 Q Now, you also -- when Mr. Pharris asked you a question
6 about Exhibit 1, if I can ask you to look at that,
7 please --

8 A Um-hmm.

9 Q -- and if I understand it correctly, you said that you
10 reviewed rules as part of your preparation for today's
11 deposition; is that correct?

12 A Correct.

13 Q And are these the rules that you had reviewed?

14 A Yes.

15 Q And are these the -- does Exhibit 1 state the Democratic
16 Party's candidate selection and nomination process?

17 A Yes, it does.

18 Q If I can ask you to look at the last page, please, on the
19 Roman numeral 6A, where it says, "The voter must publicly
20 attest his or her support for the Democratic Party and his
21 or her desire to be publicly known as a Democrat." Do you
22 see that?

23 A Um-hmm.

24 Q To you as the Executive Director of the state Democratic
25 Party, what does it mean to support the Democratic Party?

1 A It means that this voter generally supports the candidates
2 and the platform of the state party or of the party, the
3 Democratic Party.

4 Q And when you refer to the platform of the Democratic Party,
5 is that the national platform, state platform, county
6 platform, legislative platform, or all of those or some --

7 A All of those, I want to say generally supports, generally
8 sports the provisions within those platforms or the planks
9 within those platforms.

10 Q Could you just briefly say what a plank is?

11 A A plank is a section of a platform that addresses values in
12 a particular area. So it might be agriculture or foreign
13 affairs.

14 Q And when you say "generally," what do you mean by
15 "generally"? Is there like -- do you support half of them,
16 more than half of them?

17 A There's no -- you know, there's no number or cutoff for
18 that. I think if somebody reads through the platform and
19 says, you know, "Yes, I feel good about this, this is what
20 I believe," that's good. That shows support.

21 Q Do they have to say "I feel good about the entire platform"
22 or just generally the general gist of it?

23 A There's no cutoff, so, yes, generally.

24 Q And are there any planks in the platform that are more
25 important than other planks, or are they pretty much all

1 equal?

2 A All planks are created equal.

3 Q You explained briefly your position as the Executive
4 Director, and Mr. Berendt, the prior party chair, selected
5 you; is that correct?

6 A That is correct.

7 Q Could you just briefly explain the process that you went
8 through to be selected as the Executive Director?

9 A I'd been working -- let's see. I'd been working for the
10 party over the course of 2004, working on the election of
11 2004, doing caucuses and convention cycle work.

12 At the end of -- or January 2005, the prior Chief of
13 Staff, Executive Director, had left that position, and
14 there was a need for somebody to take on that role. And at
15 the time Paul -- in the role of chair he has authority over
16 the staff hirings -- selected me as the -- it was already
17 the phrase at the time -- the appointed or was the
18 temporary Executive Director, I think, and I served in that
19 position for about three months, three or four months
20 before he kind of -- the language changed and it became
21 official.

22 Q Was there any, like, posting for your position or something
23 or any process --

24 A Not that I'm aware of.

25 Q You mentioned there was some other, like, directors of this

1 Coordinated Campaign, and you mentioned the new media
2 person. Briefly, what's the general process for selecting
3 those party employees?

4 A We have job descriptions for those positions, and usually
5 we will post them in a variety of locations asking for
6 resume submissions.

7 Q And would my assumption be correct that the party pays the
8 cost of selecting those employees in those positions,
9 et cetera?

10 A Yes, that's correct.

11 Q And how are the party officers selected, the chair -- you
12 mentioned chair, vice chair, treasurer, and I think
13 secretary. Are those the four --

14 A Correct, the four officers are the chair, the vice chair,
15 the secretary, and the treasurer. Those individuals are
16 selected or elected by the State Committee members in the
17 State Central Committee reorganization meeting which takes
18 place in the end of January the year after the election.
19 They're 2-year terms.

20 Q And who pays the cost of that selection of the party
21 officers?

22 A The state party does.

23 Q You mentioned the Executive Board as well, correct?

24 A Correct.

25 Q And who pays the cost of selecting the Executive Board for

1 the state party?

2 A The state party does.

3 Q You talked about how PCO's are selected today under the
4 current system.

5 A Um-hmm.

6 Q And who pays the cost of selecting the PCO's today?

7 A The State does.

8 Q Now, you talked about the platforms, so if I wanted to
9 determine -- strike that. If a voter wanted to determine
10 what the message of the Democratic Party was, would there
11 be any place they could look other than the national
12 platform, the state platform, the county platform, and
13 legislative district platform?

14 A The charter and the bylaws.

15 Q Of the state party?

16 A Of the state party.

17 Q Now, do the legislative district organizations and the
18 county organizations have their own charter and bylaws?

19 A Usually have bylaws.

20 Q And to determine the message of the Democratic Party, would
21 the voter need to look at the bylaws for the legislative
22 and county organizations as well?

23 A Can you define "message"?

24 Q Well, one of the consistent reiterations in this case is
25 the message of the Democratic Party, and I'm trying to

1 figure out how one defines the message of the Democratic
2 Party. Do you believe the Democratic Party has a message?

3 A Yes.

4 Q What is it?

5 A I would look at the beginning of the charter, so --

6 Q The state charter?

7 MR. MCDONALD: Excuse me a second. Let me
8 retroactively, for purposes of further questions, object to
9 the form of the question as being ambiguous unless you
10 define a point in time in order to determine what message
11 you're talking about. The Democratic Party in various
12 forms has been around since sometime in the late 1700's.

13 Go ahead.

14 Q (By Mr. Ahearne) And the message of the Democratic Party
15 at any particular point in time, would it be accurate to
16 say that a voter would look at the national, state, county,
17 and legislative district platforms and bylaws, at that
18 particular point in time?

19 A Yes, they could look at those documents and get a sense of
20 the message of the Democratic Party.

21 Q And would there be any other place they could or should
22 look to get a sense of the message of the Democratic Party?

23 A Well, through our efforts with new media, through press
24 releases, talking points, information we have online, Web
25 sites for local party organizations, and, most importantly,

1 from statements made by Democratic-elected officials.

2 Q And to show that I'm a dinosaur, when you say new media, do
3 you mean things like Facebook and e-mails and those
4 automatic e-mails that go out and things like that?

5 A At least you called it Facebook and not MyFace, so. . .
6 Yes, that's correct, that is what I mean.

7 Q The social networking stuff?

8 A Social media, yes.

9 Q Yes, my kids are going to drag me into the 21st Century
10 whether I like it or not.

11 Do you believe Initiative 872 is unconstitutional?

12 A No. So, I do believe that the Top Two Primary is
13 unconstitutional?

14 Q Let me ask the question again because I think you misheard
15 me.

16 A Okay.

17 Q Do you believe that Initiative 872 is unconstitutional?

18 A Oh, yes.

19 Q Why?

20 A Well --

21 MR. MCDONALD: See how calm my blood pressure
22 was.

23 MR. AHEARNE: You knew I was going to correct
24 that.

25 A Well, I think that the Top Two Primary basically does not

1 allow for party organizations to select -- to select their
2 own leaders from within their -- within their group. I
3 think that it also -- and that all goes back down to the
4 whole issue regarding the election of Precinct Committee
5 Officers and how I think that the current system, you know,
6 the current process as established as it's being
7 implemented is confusing and allows for individuals to be
8 elected who might have nothing to do with the Democratic
9 Party.

10 Q Anything else?

11 A Yes. Also in terms of would what I described a little bit
12 earlier about our process of nominees or of nominating our
13 candidates -- my brain is skipping a second here -- and the
14 terms of the -- and the fact that it's -- the way that it's
15 being implemented now, it's just very -- it's confusing for
16 party organizations to -- or it's confusing for voters, I
17 should say, to identify who the party's nominee is.

18 Q And in your answer when you mentioned party leaders --

19 A My second part? Can you repeat?

20 Q Sure. When you were answering my question, you said
21 something along the lines of confusing or making difficult
22 or something the selection or the ability of the party to
23 select its own leaders.

24 A Correct.

25 Q And my question is when you say leaders, what do you mean?

1 A Oh, party leaders as in how precinct -- as I described
2 earlier, how Precinct Committee Officers subsequently elect
3 the chairs for local party organizations and subsequently
4 elect the representatives for the State Central Committee
5 and elect the state party chair.

6 Q So I would understand that one party leader is the chair?

7 A Correct.

8 Q Would the Precinct Committee Officers be part of the party
9 leadership?

10 A Yes.

11 Q And, to your knowledge, does Initiative 872 specify how
12 PCO's are to be selected?

13 A To my knowledge, no.

14 Q To the best of your knowledge, as Executive Director of
15 Washington State Democratic Party, is there confusion among
16 voters in connection with the Top Two Primary as
17 implemented by the State?

18 A To the best of my knowledge, yes.

19 Q Could you tell me what that confusion is?

20 A It's not clear who the nominee of the Democratic Party is.

21 Q Anything else that you have in mind?

22 A I'm going to hold it there.

23 Q What do you mean by you're going to hold it there?

24 A Oh, just -- my brain is kind of skipping, so can I come
25 back to that question.

1 Q I'm near the end, so --

2 A Oh, you are? Can you repeat your question then?

3 Q Sure. What is the confusion among voters that you were
4 testifying about in connection with the Top Two Primary as
5 implemented by the State?

6 A So the confusion of identifying who the nominee of the
7 party is going to be and the confusion of -- well, I'll
8 stop there.

9 Q Now, is -- to the best of your knowledge as Executive
10 Director of Washington State Democratic Party, is there
11 confusion among party members in connection with the Top
12 Two Primary as implemented by State?

13 A Yes.

14 Q Would it be the same confusion you testified about with
15 respect to the voters?

16 A To some degree, yes.

17 Q And then how does it differ?

18 A Because you're talking about party organizations and party
19 members?

20 Q Yes.

21 A Well, yeah, I would say definitely with party members in
22 the same sense that they're voters, they're getting that
23 same ballot. You know, in terms of who our members are,
24 you know, not everybody that's on the list that we have in
25 the office or not all the Democrats are people we might

1 consider -- are lists that we have and can distribute and
2 we can use to get in touch with people, so there might be a
3 large -- very possibly there's a large segment of
4 Democratic voters in this state who are not getting
5 messaging that we're able to send out at great expense and
6 work. And when they get that ballot, just like the other
7 voters do, they're going to be -- you know, Prefers
8 Democrat -- they're also going to be a little bit confused
9 by the eight candidates that might have that under their
10 name.

11 Q What is the basis for that conclusion that you've drawn?

12 A Because they -- because the words "Prefer Democrat," I
13 think, are fundamentally just confusing on their own, so
14 that's -- that would be the basis.

15 Q Okay. To the best of your knowledge, is there any impact
16 on party-supported candidates from the confusion you've
17 testified about?

18 A Can you repeat the question, please?

19 Q Sure. To the best of your knowledge, is there any impact
20 on party-supported candidates of the confusion you have
21 testified about?

22 A Well, it's harder, yes, because if you've got, you know,
23 multiple candidates running as Prefers Democrat, and in the
24 past in the Montana Primary where it was, you know -- you
25 know, it was kind of clear where people fit and we could

1 get behind one of those candidates really strongly, that
2 now just the scope of that ballot is much more confusing
3 for individuals.

4 Q You used some phrases in your answer that I want to make
5 sure I understand. When you talk about the scope of the
6 ballot, what do you mean by that?

7 A The number of candidates that are on the ballot.

8 Q And that would contrast under the Top Two system with the
9 Montana system because Montana system had fewer candidates
10 on the ballot?

11 A Well, you just have the Democratic -- you have the
12 Democratic Party ballot and it's easier for us to kind of
13 get behind one candidate.

14 Q And that was going to be my second question. When you say
15 get behind a candidate, what do you mean by that?

16 A I mean basically, you know, in the sense of supporting,
17 moving that candidate past the primary so that they could
18 be in the general election.

19 Q What would the state party do to do that?

20 A I think I'm getting my two. . . .

21 Q Why don't we start over here?

22 A Yeah, let's just start over. I'm a little down in the
23 weeds.

24 Q And when we were talking about the Montana system --

25 A Yeah.

1 Q -- and you had said -- one of the points you made is it was
2 easier to get behind strongly a candidate, I just wanted to
3 know what you meant by get behind someone.

4 A I'm going to retract that, actually.

5 Q Okay.

6 A If you could restate your earlier question, we could start
7 from there.

8 Q I was trying to figure out the phrases you were using.

9 A Yeah, I was getting a little bit lost in the weeds, so I
10 was would like to take a couple steps back.

11 Q Okay. And in that same round -- in that same answer you
12 said something about is it was clear where people fit.

13 A I want to retract that too. That language is very general.

14 Q Okay.

15 A I'd be happy to restart at the beginning of the question,
16 but I kind of got down there a couple.

17 Q No, I understood your answer, but for those phrases that I
18 didn't understand, and if you're retracting phrases, then I
19 don't have to understand them.

20 A I apologize. I retract them.

21 MR. AHEARNE: Okay, I'm done.

22 MR. MCDONALD: John, Orrin?

23 MR. WHITE: This is John White. I have no
24 questions.

25 MR. GROVER: And this is Orrin. I have no

1 questions.

2 MR. MCDONALD: I have some.

3 EXAMINATION

4 BY MR. MCDONALD:

5 Q Mr. Ravens, in response to questions from Mr. Ahearne
6 regarding how a voter or where a voter turns to to
7 determine the message of the Democratic Party, you said
8 something to the effect of, most importantly, to statements
9 of Democratic elected officials. Do you recall that?

10 A Yes.

11 Q Did you mean to exclude Democratic candidates?

12 A I did not mean to exclude them. And, actually, I thought
13 about that as the conversation had carried on. I would
14 include Democratic candidates in that list.

15 Q At a level of importance near that of elected officials?

16 A Most definitely.

17 Q What's the charter that you referred to?

18 A That's the charter of the state Democratic Party.

19 Q And is that a document?

20 A It is a document.

21 Q Do you happen to have a copy of it?

22 A I do happen to have a copy of it.

23 Q Okay.

24 MR. MCDONALD: I apologize. I had not intended
25 to use this as an exhibit, but he has a copy and I would

1 like to mark it, and if you want to take a break to get
2 access to one, that's fine. Maybe I better -- let me just,
3 if I could, before I mark it, since I haven't looked at it
4 to see. . .

5 MR. AHEARNE: Would it be possible to just
6 quickly make a copy, please?

7 MR. PHARRIS: Could we take a break because I
8 need to take one anyway at this point?

9 MR. MCDONALD: Yes.

10 (Recessed at 3:25 p.m.)

11 (Reconvened at 3:32 p.m.)

12 MR. MCDONALD: Would you mark that.

13 (EXHIBIT NO. 2 MARKED)

14 Q (By Mr. McDonald) Could you identify Exhibit 2, please?

15 A Exhibit 2 is the charter of the Democratic Party of the
16 State of Washington as amended by the Washington State
17 Democratic Central Committee on January 30, 2010.

18 Q And where did that copy from?

19 A I printed out this copy this morning in my office. It's a
20 copy that we have on file.

21 Q Is the charter publicly available?

22 A It is. It's online.

23 Q I notice that Exhibit 2 has some highlighting and some
24 stars. Are those part of the official document, or are
25 those your notes?

1 A They are not. They are my notes.

2 MR. AHEARNE: If I can just interrupt, you
3 mentioned some highlighting on the copy you gave us. There
4 is no highlighting. Could you briefly say where the
5 highlighting is, because I'm assuming what the witness has
6 is the going to be the real McCoy.

7 THE WITNESS: The highlighting is on page 1,
8 lines 28, 29; page 2, lines 3, 7, 8 and 9; page 4, lines --
9 sentence beginning at the end of the line 24, line 25, and
10 line 26; and page 8, line 4.

11 MR. AHEARNE: Thank you. I'm sorry.

12 Q (By Mr. McDonald) Did you apply that highlighting?

13 A Yes.

14 Q When did you do that?

15 A I did that this morning.

16 Q For what reason?

17 A Just to draw out parts of the charter that I felt related
18 to nomination and Precinct Committee Officers.

19 Q Were you asked to do the highlighting?

20 A I was not asked.

21 Q For that matter, were you asked to review the charter
22 before your deposition?

23 A I was not.

24 Q If you could turn to page 2 of the charter, Article I(B),
25 can you read line 2, please?

1 A Line 2 on page 2, states, B, "The Democratic Party of the
2 State of Washington shall be composed of."

3 Q Do you understand that section of the charter to define who
4 the members of the Democratic Party are?

5 A Yes.

6 Q Can you read lines 7 through 9 which are part of that
7 section?

8 A Line 7, which is B(4) states "All residents of the State of
9 Washington who are willing to support the principles and
10 goals of the Democratic Party as expressed in the charter
11 and wish to be known as Democrats."

12 Q Do you see anywhere in that language a reference to the
13 platforms of the various party organizations?

14 A I do not.

15 Q Are there principles expressed in the charter; do you know?

16 A Yes. Hang on a second. I'm looking at the charter now.
17 Yes.

18 Q Let me perhaps direct you to Article VII. Can you read the
19 title of Article VII?

20 A The title of Article VII is Basic Principles.

21 Q And there's a full two pages there, but can you perhaps
22 just read the major headings, A,B, C, et cetera?

23 A I'm reading on page 7 and 8 the major headings for Article
24 VII, Basic Principles. A, Open Party; B, Full
25 Participation; C, Fair Representation; D, Majority Rule; E,

1 Accountability; F, Elections and Campaigns; G, Ballot
2 Procedures.

3 Q Okay. Actually, it might be worth turning to section E on
4 page 8. What's the first -- can you read the first
5 subsection of the Accountability principle?

6 A So on page 8, line 19, E, Accountability. No. 1 states
7 "Those elected as Democrats have the obligation to support
8 the principles of the Democratic Party."

9 Q Do you understand that members of the Democratic Party
10 agree to support the principles expressed in the charter?

11 A Yes.

12 Q Do you understand that members of the Democratic Party
13 expect people who are elected as Democrats to support the
14 principles of the Democratic Party?

15 A Yes.

16 Q Is this document a document that any voter can get from the
17 Democratic Party upon request?

18 A Yes, it is.

19 Q Let me turn to --

20 MR. MCDONALD: Let me borrow your copy,
21 actually. I've handed the witness Exhibit 1 to his
22 deposition.

23 Q (By Mr. McDonald) And I'd direct you to Article or
24 Section V(A) of Exhibit 1 at line 18. Can you tell me what
25 the heading says there?

1 A It says -- sorry, you said page 2 --

2 Q Article V?

3 A -- Article V(A) states "Authorization required."

4 Q Do you know what the purpose of that provision is?

5 A It determines who can campaign as a Democratic candidate.

6 Q I take it -- does that -- strike that. Does that provision
7 say anything about being limited to nominees?

8 A It states, "No candidate for public office may be
9 designated, nor permit himself or herself to be designated,
10 as the Democratic nominee for any public office unless such
11 candidate has been designated by the Washington State
12 Democratic Party as a Democratic nominee pursuant to this
13 rule."

14 Q Okay, thank you.

15 Does the -- you indicated, I believe, that at
16 precinct caucuses people have to sign a statement before
17 they're allowed to participate. Do you recall that?

18 A That is correct.

19 Q Does the party keep a record of who signs?

20 A We do. The party does, yes.

21 Q And is that statement generally intended, as far as you
22 understand it, to limit participation to members of the
23 Democratic Party?

24 A Yes, that is correct.

25 Q In connection with the Presidential Preference Primary, do

1 you know whether the party provides an oath to the State of
2 Washington that will be required to be signed by voters
3 before they get a democratic ballot?

4 A Can you repeat the question?

5 Q In connection with the Presidential Preference Primary held
6 pursuant to state law, do you know whether the Democratic
7 Party provides to the State of Washington an oath that a
8 voter will be required to sign before obtaining a ballot
9 and participating in that Presidential Preference Primary?

10 A I'm not sure.

11 Q Do you know whether the party maintains a list of people
12 who received a democratic ballot in a Presidential
13 Preference Primary?

14 A I'm not sure.

15 Q Who would know whether the party voter file keeps that
16 information?

17 A I would ask the voter file manager. Chairman Dwight Pelz
18 would probably know that as well.

19 (EXHIBIT NO. 3 MARKED)

20 Q I've just handed you what has been marked as Exhibit 3 to
21 your deposition. What is it?

22 A Exhibit 3 is the Bylaws of the Democratic Party, the State
23 of Washington, as Amended by the Washington State
24 Democratic Central Committee on January 30, 2010.

25 Q The copy that is actually marked, do you know where that

1 came from?

2 A This came from my office. I printed it out this morning
3 prior to coming to this meeting.

4 Q Does that document have highlighting on it as well?

5 A It does not. Oh, I take that back. I didn't remember
6 that.

7 Q Let me reask the question. Does that document have
8 highlighting on it?

9 A Now, that I take a second look at the document, yes, it
10 does, towards the last few pages.

11 Q Can you identify for the record where the highlighting is?

12 A Thank you. On page 8, lines 36 through 38, and same page,
13 lines 42 and 43; also on page 11, line 11 starting with
14 Candidates, line 11, 12 and 13. And that is the only
15 highlighting in this document.

16 Q On page 11 of Exhibit 3, the section you indicated was
17 highlighted, the words you highlighted read "Candidates and
18 nominees for public office who are or will be identified as
19 Democrats or publicly associated with the Democratic Party
20 to any extent in the general election for such office must
21 be selected in accordance with rules adopted by the SCC."
22 Why did you highlight that?

23 A Because I felt that it directly pertained to the Exhibit 1,
24 Rules for the Selection of Democratic Candidates and
25 Nominees for Public Office.

1 Q What is the SCC?

2 A The State Central Committee.

3 MR. MCDONALD: I have nothing further.

4 MR. PHARRIS: I have no additional questions.

5 MR. AHEARNE: I do.

6 EXAMINATION

7 BY MR. AHEARNE:

8 Q If I can ask you to please look at Exhibit 2, page 2, the
9 lines that your attorney asked you some questions about --
10 7, 8 and 9 -- where it states "All residents of the State
11 of Washington who are willing to support the principles and
12 goals of the Democratic Party as expressed in the charter
13 and wish to be known as Democrats," do you see that?

14 A I do.

15 Q The principles, are those the principles that are
16 identified as the Basic Principles in Article VII of
17 Exhibit 2?

18 A Yes.

19 Q Are there any principles other than the Basic Principles?

20 A No.

21 Q So is it your testimony that the Basic Principles listed in
22 Article VII of Exhibit 2 are all of the principles of the
23 Democratic Party?

24 A I'd also like to include the information in the preamble,
25 which is on page 1, lines 8 through 19.

1 Q So do I understand your testimony correctly that all of the
2 principles of the Democratic Party are those expressed in
3 the Preamble and in Article VII of Exhibit 2?

4 A Yes.

5 Q It then goes on to refer to the goals of the Democratic
6 Party. Do you see that?

7 A Um-hmm.

8 Q What are the goals of the Democratic Party?

9 A The goals as expressed in the charter, so --

10 Q Could you identify where in -- let's break this into
11 pieces. The charter is Exhibit 2; is that correct?

12 A That is correct.

13 Q Could you point out where in Exhibit 2 the goals of the
14 Democratic Party are expressed?

15 A I think the goals are in the same -- well, the goals are in
16 the same location in the Preamble, page 1, lines 8 through
17 19, and also in the section on Basic Principles, the goal
18 of fair representation, for example, the goal of
19 accountability. And in the Preamble the goal to protect
20 individual rights, our environment.

21 Q So, is my understanding correct that the goals of the
22 Democratic Party are those expressed in the Preamble and in
23 Article VII of Exhibit 2?

24 A Correct.

25 Q In that same line where it says "All residents of the State

1 of Washington who are willing to support the principles and
2 goals," do you see that part?

3 A Yes, I do.

4 Q What does "support" mean?

5 A Support means that they agree with these goals and
6 principles as stated in the charter.

7 Q They agree with all of them, most of them, some of them?

8 A I would say that they generally agree with, if not
9 completely agree, with the items in the Preamble in the
10 Article VII.

11 Q Could you be any more specific with what you mean by
12 "generally agree"?

13 A Well, there's no cutoff on line. I mean, there's no, like,
14 50 percent or 75 percent or 80 percent. I would say that
15 -- I mean, for example, lines 14 through 16, "We further
16 pledge to make effort to encourage maximum participation
17 the political process and to protect individual rights,
18 civil liberties, our environment, and social and economic
19 justice for all."

20 So, for example -- I mean, that says upon these basic
21 principles. So, for example, "We further pledge to make
22 every effort to protect our environment," so generally I
23 agree, yes, to protect our environment; however, there
24 might be some difference on the specifics on -- that's not
25 listed in the charter, but, yes, I agree that we need to

1 protect our environment.

2 Q Are there any principles or goals listed in the Preamble of
3 Article VII that are more important than other principles
4 and goals?

5 A No.

6 Q Later on when that same part on page 2 states "Wish to be
7 known as Democrats," do you see that?

8 A Correct.

9 Q What does it mean to be known as a Democrat?

10 A That you publicly state that you are a Democrat.

11 Q And going back to this support of the principles and goals
12 that are in the Preamble and Article VII of Exhibit 2, does
13 the state party do anything to monitor whether elected
14 officials adhere to those principles and goals?

15 A No.

16 Q You testified earlier about the Montana Primary system. At
17 that time did the State Democratic Party do anything to
18 monitor whether candidates of the Democratic Party
19 supported the principles and goals of the Democratic Party?

20 A I don't know.

21 MR. AHEARNE: That's all I have.

22 MR. PHARRIS: John or Orrin, have anything more?

23 MR. WHITE: This is John White. I still don't
24 have any questions.

25 MR. GROVER: And this is Orrin. I don't have

1 any questions.

2 MR. MCDONALD: Give me just one moment.

3 No, I have no further questions.

4 MR. PHARRIS: I think we're done.

5 MR. GROVER: Thank you, gentlemen.

6 MR. PHARRIS: Thank you.

7 MR. MCDONALD: Thank you.

8 (Concluded at 3:52 p.m.)

9 (Signature reserved)

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C E R T I F I C A T E

I, DIXIE J. CATTELL, a duly authorized Notary Public in and for the State of Washington, residing at Olympia, do hereby certify:

That the foregoing deposition of DANIEL ROBERT JAXON RAVENS was taken before me and completed on the 4th day of August, 2010, and thereafter transcribed by me by means of computer-aided transcription; that the deposition is a full, true and complete transcript of the testimony of said witness;

That the witness, before examination, was, by me, duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the witness reserved signature;

That I am not a relative, employee, attorney or counsel of any party to this action or relative or employee of such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That I am herewith securely sealing the deposition of DANIEL ROBERT JAXON RAVENS and promptly serving the same upon MR. JAMES PHARRIS.

IN WITNESS HEREOF, I have hereunto set my hand and affixed my official seal this _____ day of _____, 2010.

Dixie J. Cattell, CSR#2346

Notary Public in and for the State
Of Washington, residing at Olympia.