

06-730 WASHINGTON V. WA REPUBLICAN PARTY

DECISION BELOW:460 F. 3d 1108

LOWER COURT CASE NUMBER: 05-35774, 05-35780

QUESTIONS PRESENTED:

In *California Democratic Party v. Jones*, this Court recognized that, consistent with the First Amendment rights of political parties, a state may adopt a primary election system in which all voters may participate and the top vote recipients advance to the general election, so long as “primary voters are not choosing a party’s nominee.” *California Democratic Party v. Jones*, 530 U.S. 567, 585-86 (2000).

Washington voters adopted a primary election system in which all qualified voters are allowed to vote for any candidate, and the two candidates receiving the most votes for a given office qualify for the general election ballot, without regard to party affiliation.

Does Washington’s primary election system in which all voters are allowed to vote for any candidate, and in which the top two candidates advance to the general election regardless of party affiliation, violate the associational rights of political parties because candidates are permitted to identify their political party preference on the ballot?

CERT. GRANTED 2/26/2007

CONSOLIDATED WITH 06-713 FOR ONE HOUR ORAL ARGUMENT