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AUG 21 2017  
Washington State  
Supreme Court byh

No. 93786-9

SUPREME COURT  
OF THE STATE OF WASHINGTON

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ANDREW PILLOUD,  
Appellant,

vs.

KING COUNTY REPUBLICAN CENTRAL COMMITTEE

and

LORI SOTELO,  
County Chairman, King County Republican Central Committee,

Respondents.

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APPELLANT'S ANSWER TO  
AMICUS CURIAE BRIEF OF THE STATE OF WASHINGTON

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## Table Of Contents

I. Argument	3-4
A. The state's constitutional analysis is flawed as it fails to consider Marchioro v. Chaney.	
II. Conclusion	4

## Table Of Authorities

### Table of Cases

Eu v. San Francisco County Democratic Central Committee 489 U.S. 214 (1989)	3-4
Marchioro v. Chaney 442 U.S. 191 (1979)	3-4

### Statutes

RCW 29A.80.020	3
RCW 29A.80.061	3

## I. Argument

- A. The state's constitutional analysis is flawed as it fails to consider Marchioro v. Chaney.

The state makes no argument that RCW 29A.80.061, calling for the election of legislative district chair, imposes any more burden than RCW 29A.80.020, calling for a state committee with elected leadership. The statute calling for the elected state committee was upheld in *Marchioro v. Chaney* 442 U.S. 191 (1979). The statute calling for the election of a legislative district chair imposes less of a burden than the statute calling for a state committee as it assigns no duties to the position.

The state argues that laws which regulate the election of individuals to positions related to a party's internal governance are unconstitutional, citing *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214 (1989). *Eu* does not overturn the decision in *Marchioro* or serve as a blanket ban on the regulation of political parties. It merely draws the line on what constitutes an impermissible burden. *Eu* Footnote 22 speaks to the distinction between the two cases:

*Marchioro v. Chaney*, 442 U. S. 191 (1979), is not to the contrary. There we upheld a Washington statute mandating that political parties create a state central committee, to which the Democratic Party, not the State, had assigned significant responsibilities in administering the party, raising and distributing

funds to candidates, conducting campaigns, and setting party policy. Id. at 442 U. S. 198-199. The statute only required that the state central committee perform certain limited functions such as filling vacancies on the party ticket, nominating Presidential electors and delegates to national conventions, and calling state-wide conventions. The party members did not claim that these statutory requirements imposed impermissible burdens on the party or themselves, so we had no occasion to consider whether the challenged law burdened the party's First Amendment rights, and, if so, whether the law served a compelling state interest. Id. at 442 U. S. 197, n. 12. Here, in contrast, it is state law, not a political party's charter, that places the state central committees at a party's helm, and in particular assigns the statutorily mandated committee responsibility for conducting the party's campaigns.

## **II. Conclusion**

The state's constitutional analysis is flawed. The controlling case is Marchioro, not Eu.

Respectfully submitted on August 16, 2017,



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CERTIFICATE OF SERVICE

I certify (or declare) under penalty of perjury under the laws of the State of Washington that on the 16th day of August 2017, I caused a true and correct copy of the foregoing APPELLANT'S ANSWER TO AMICUS CURIAE BRIEF OF THE STATE OF WASHINGTON to be served on the following in the manner indicated below:

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