



# Prospective Council Candidate Workshop

*Please Note: Meeting will be recorded*

March 30, 2023 | 5:00 – 6:30 pm

## Join in person:

Mercer Island City Hall, Council Chambers – 9611  
SE 36<sup>th</sup> Street, Mercer Island, WA 98040

## Join via Zoom: [Zoom link](#)

Meeting ID: 846 6223 9242; Passcode: 525609  
Dial by your location - (253) 215-8782

## AGENDA

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### Welcome, Introductions, Agenda Review

### Candidate Resources

- [www.mercerisland.gov/citycouncil/page/serving-city-council](http://www.mercerisland.gov/citycouncil/page/serving-city-council)
- [www.kingcounty.gov/depts/elections/for-candidates.aspx](http://www.kingcounty.gov/depts/elections/for-candidates.aspx)
- [www.pdc.wa.gov/learn/new-candidates](http://www.pdc.wa.gov/learn/new-candidates)

### Council-Manager Form of Government

- City Manager as the Only Appointed Official
- International City/County Management Association (ICMA) Code of Ethics
- City of Mercer Island Code of Ethics

### Councilmember Commitment

- Compensation (MICC 3.42)
- Filing for Office
- Public Disclosure Commission (PDC) Filing

### Councilmember Role & Responsibilities

- Meeting Commitment
- Councilmember Workload

### Wrap-up

- Q&A
- Information Resources:
- Council Candidate Orientation – June 8, 2023 from 5:00 pm to 6:30 pm
- Council-Elect Orientation – December 2023, date to be determined
- City Website – <https://www.mercerisland.gov/>
- Staff:
  - Jessi Bon, City Manager ([jessi.bon@mercerisland.gov](mailto:jessi.bon@mercerisland.gov))
  - Ali Spietz, Chief of Administration ([ali.spietz@mercerisland.gov](mailto:ali.spietz@mercerisland.gov))
  - Andrea Larson, City Clerk ([andrea.larson@mercerisland.gov](mailto:andrea.larson@mercerisland.gov))

## Serving on the City Council

### Councilmember?

A candidate for City Council must be a:

- Resident of Mercer Island for at least one year
- Registered voter in Mercer Island *(to register to vote, you must be a citizen of the United States, a legal resident of Washington State and at least 18 years old by Election Day)*

Neither a Councilmember nor his/her spouse or interdependent family members may be employed by the City, except when the Councilmember's spouse was employed by the City before the election or appointment to the Council.

### What are the primary election requirements?

Candidates who meet the legal qualifications above must file a Declaration of Candidacy with King County Elections within the filing period in May. There is no filing fee. The general election is in November, but the Primary Election Day is in August. If no more than two people file for a position, there is no primary election for that position.

### What are the November election procedures?

Councilmembers are elected by registered voters of the City. Newly elected Councilmembers take office at the first Council meeting of the next year (following certification of election results by the King County Elections Officer).

### What is the purpose of Council position numbers?

Washington State election law require that if more than one position with the same name (Councilmember) and district number (Mercer Island) will be voted upon during an election, the positions to be filled shall be designated by number. This means that candidates must file for a specific position on the Mercer Island City Council. Positions 1, 3, 5, and 7 are on the ballot in the same year and positions 2, 4, and 6 are on the same ballot two years later.

### How often does the City Council meet?

Regular Council meetings are held the first and third Tuesday of each month at 5:00<sup>1</sup> pm at the City Hall Council Chambers and via Zoom. Special Meetings are called as needed. The meeting schedule and start-times are subject to change. The Council also meets for annual Planning Sessions for goal setting and long-range planning purposes.

### What time commitment is required?

The duties of a Councilmember involve an average minimum commitment of 30-40 hours per month for preparation, participation, and attendance at meetings (regular and special City Council meetings, Council subcommittee meetings, City board and commission meetings, community meetings and committee meetings for regional appointments). Prospective candidates are encouraged to contact a current Councilmember to ask what the experience is like and what is involved.

### How long is a Councilmember's term?

Councilmembers are elected to a term of four years.

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<sup>1</sup> [Ordinance No. 23C-01](#) Amending MICC 2.06.010 to establish the start time of Regular Meetings of the City Council as 5 PM.

### **How are vacancies filled when a Councilmember leaves prior to the end of his or her term?**

In case of a vacancy, the remaining Councilmembers will appoint someone to fill the vacancy until the next regularly scheduled election pursuant to [RCW 42.12.070](#) and as outlined in the City Council Rules of Procedure. The Council will publish a notice of the vacancy, the procedure by which the vacancy will be filled, and the application form on the City's website and distribute the information through other media channels. Interviews of candidates will take place during a meeting open to the public.

### **How are the Mayor and Deputy Mayor elected? What are the roles of the Mayor and Deputy Mayor?**

The Mayor and Deputy Mayor are elected from among the Councilmembers for a two-year term. At the first Council meeting of the even calendar years, the City Clerk will entertain a motion for "nominations" for a Councilmember to serve as Mayor and Deputy Mayor. Approval is by majority vote of Council members present. The Mayor presides at all Council meetings, votes as a Councilmember and does not have any veto power. The Deputy Mayor serves in the Mayor's absence.

## **Serving on the City Council**

### **Mercer Island Offices Subject to Election**

<b>Office</b>	<b>Current office holder</b>
Council Position No. 1	David Rosenbaum
Council Position No. 3	Wendy Weiker
Council Position No. 5	Craig Reynolds
Council Position No. 7	Jake Jacobson

### **Important Dates**

Prospective Council Candidate Workshop	March 30, 2023
Candidate Filing	Monday, May 15 through Friday, May 19, 2023
Deadline to Withdraw	Monday, May 22, 2023 at 4:30 pm
Council Candidate Orientation	June 8, 2023
Primary Election	Tuesday, August 1, 2023
General Election	Tuesday, November 7, 2023
Councilmember-Elect Orientation	December 2023
First City Council Meeting	Tuesday, January 2, 2024

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## ***Chapter 3.02 CITY MANAGER***

### **3.02.010 Powers and duties.**

The powers and duties of the city manager, appointed by the city council during the period that the council-manager plan of government is in effect in the city, shall be coextensive with those powers and duties prescribed by RCW 35A.13.080 and other laws of the state and ordinances of the city now in force or as hereafter amended.

(Added during 1980 codification)

### **3.02.020 Office full-time job—Oath.**

Unless express authority to the contrary is hereafter granted by resolution of the city council, the city manager shall devote his/her full-time to the affairs of the city, and before undertaking the duties of his/her office the city manager shall take an official oath or affirmation in support of the government of the United States, the laws of the state, the ordinances of the city and the faithful performance of his/her duties.

(Ord. A-102 § 2, 1991; added during 1980 codification)

### **3.02.030 Provision for professional services.**

The city manager shall be empowered to make by any reasonable contractual arrangement for professional services such as casualty and liability insurance for the city, actuarial appraisal of properties, and similar professional services as may from time to time be required. Such provision may be by appointment on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services.

(Ord. A-102 § 2, 1991; added during 1980 codification)

## ***Chapter 3.04 INDEMNIFICATION OF CITY EMPLOYEES, OFFICIALS AND VOLUNTEERS***

### **3.04.010 Purpose.**

The purpose of this chapter is to protect city officers, employees and volunteers acting in good faith purporting to perform his or her official duties and to authorize the defense of any action or proceeding against such officer, employee or volunteer and to create a procedure to determine whether or not the acts or omissions of the officer, employee, or volunteer were, or in good faith purported to be, within the scope of his or her official duties.

(Ord. 17C-08 § 1)



### 3.04.020 Definitions.

Unless the context indicates otherwise, the words and phrases used in this chapter shall have the following meanings:

*Employee* means any person who is or has been employed by the city. "Employee" does not include independent contractors.

*Official* means any person who is serving or has served as an elected city official, and any person who is serving or has served as an appointed member of any city board, commission, committee or other appointed position with the city. "Official" does not include independent contractors performing the duties of appointed positions.

*Volunteer* means any person who performs his or her services gratuitously for the benefit of the city and has no employer-employee relationship with the city.

(Ord. 17C-08 § 1)

### 3.04.030 Legal representation.

- A. As a condition of service or employment with the city of Mercer Island, the city shall provide to an official, employee or volunteer, and any spouse or registered domestic partner of an official, employee or volunteer to the extent the community, as community is defined in RCW Chapter 26.16, is implicated, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official, employee or volunteer may have concluded service or employment with the city, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such official, employee or volunteer resulting from any conduct, act or omission of such official, employee or volunteer performed or omitted on behalf of the city in his or her capacity as a city official, employee or volunteer, which act or omission is within the scope of their service or employment with the city.
- B. The legal services shall be provided by the office of the city attorney unless:
  - 1. Any provision of an applicable policy of insurance or self-insurance plan provides otherwise; or
  - 2. A conflict of interest or ethical bar exists with respect to said representation; or
  - 3. The city manager determines that the assignment of counsel other than the city attorney is necessary or prudent under the circumstances.
- C. In the event that outside counsel is retained under subsection B of this section, the city shall indemnify the official, employee or volunteer from the reasonable costs of defense; provided, that in circumstances where outside counsel is retained under subsection B of this section, the city controls the defense of the matter consistent with the contract with the outside counsel selected by the city.

(Ord. 17C-08 § 1)

### 3.04.040 Exclusions.

- A. In no event shall protection be offered under this chapter by the city to:
  - 1. Any dishonest, fraudulent, criminal, intentionally wrongful or malicious act or course of conduct of an official, employee or volunteer;
  - 2. Any act or course of conduct of an official, employee or volunteer which is not performed on behalf of the city;

3. Any act or course of conduct which is outside the scope of an official's, employee's or volunteer's service or employment with the city; and/or
4. Any lawsuit brought against an official, employee or volunteer by or on behalf of the city.

Nothing herein shall be construed to waive or impair the right of the city council to institute suit or counterclaim against any official, employee or volunteer, nor to limit its ability to discipline or terminate an employee.

- B. The protections of this chapter shall not apply with respect to any accident, occurrence or circumstance for which the city or the official, employee or volunteer is insured against loss or damages under the terms of any valid insurance policy or self-insurance program; provided, that this chapter shall provide protection, subject to its terms and limitations, above any loss limit of such policy. The provisions of this chapter are intended to be secondary to any contract or policy of insurance owned or applicable to any official, employee or volunteer. The city shall have the right to require any official, employee or volunteer to utilize any such policy protection prior to requesting the protection afforded by this chapter.

(Ord. 17C-08 § 1)

### **3.04.050 Determination of exclusion.**

The determination of whether an official, employee or volunteer shall be afforded a defense by the city under the terms of this chapter shall be finally determined by the city council on the recommendation of the city manager. The city council may request the city attorney to provide an opinion or recommendation concerning the determination. The decision of the city council shall be final as a legislative determination of the council. Nothing herein shall preclude the city from undertaking an officer's, employee's or volunteer's defense under a reservation of rights.

(Ord. 17C-08 § 1)

### **3.04.060 Representation and payment of claims—Conditions.**

The protections of this chapter shall apply only when the following conditions are met:

- A. In the event of any incident or course of conduct potentially giving rise to a claim for damage, or the commencement of a suit, the official, employee or volunteer involved shall, as soon as practicable, give the city risk manager written notice thereof, identifying the official, employee or volunteer involved, all information known to the official, employee or volunteer involved, all information known to the official, employee or volunteer with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses.
- B. Upon receipt thereof, the official, employee or volunteer shall forthwith deliver any claim, demand, notice or summons or other process relating to any such incident or conduct to the city attorney, and shall cooperate with the city attorney, or an attorney designated by the city, and, upon request, assist in making settlement of any suit and enforcing any claim for any right of subrogation against any persons or organizations that may be liable to the city because of any damage or claim of loss arising from the incident or course of conduct, including but not limited to rights of recovery for costs and attorneys' fees arising out of state or federal statute upon a determination that the suit brought is frivolous in nature.
- C. Such official, employee or volunteer shall attend interviews, depositions, hearings and trials and shall assist in securing and giving evidence and obtaining attendance of witnesses all without any additional

compensation to the official, employee or volunteer and, in the event that an employee has left the employ of the city, no fee or compensation shall be provided. The city shall pay reasonable out-of-pocket expenses and costs (e.g., travel expenses, parking expenses, etc.) incurred by employees, officials and volunteers (including former employees, former officials and former volunteers) in connection with such attendance. All such expenses shall be approved by the city manager, or designee, and the city manager's determination shall be final.

- D. Such official, employee or volunteer shall not accept nor voluntarily make any payment, assume any obligations, or incur any expense relating to the claim or suit, other than for first aid to others at the time of any incident or course of conduct giving rise to any such claim, loss or damage.

(Ord. 17C-08 § 1)

### **3.04.070 Effect of compliance with conditions.**

If legal representation of an official, employee or volunteer is undertaken consistent with this chapter, all of the conditions of representation are met, and a judgment is entered against the official, employee or volunteer, or a settlement made, the city shall pay such judgment or settlement; provided, that the city may, at its discretion, appeal as necessary such judgment.

(Ord. 17C-08 § 1)

### **3.04.080 Failure to comply with conditions.**

In the event that any official, employee or volunteer fails or refuses to comply with any of the conditions of MICC 3.04.060, or elects to provide his/her own representation with respect to any such claim or litigation, then all of the protections of this chapter shall be inapplicable and shall have no force or effect with respect to any such claim or litigation.

(Ord. 17C-08 § 1)

### **3.04.090 Reimbursement of incurred expenses.**

- A. If the city determines that an official, employee or volunteer does not come within the provisions of this chapter, and a court of competent jurisdiction later determines that such claim does come within the provisions of this chapter, then the city shall pay any judgment rendered against the official, employee or volunteer and reasonable attorneys' fees incurred in defending against the claim. The city shall pay any attorneys' fees incurred in obtaining the determination that such claim is covered by the provisions of this chapter.
- B. If the city determines that a claim against a city official, employee or volunteer does not come within the provisions of this chapter, and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, then the city shall be reimbursed by the official, employee or volunteer for costs or expenses incurred in obtaining the determination that such claim is not covered by the provisions of this chapter.

(Ord. 17C-08 § 1)

### **3.04.100 Conflict with provisions of insurance policies or self-insurance plan.**

Nothing contained in this chapter shall be construed to modify or amend any provision of any policy of insurance or self-insurance plan where any city official, employee or volunteer thereof is the named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance or self-insurance plan, the policy or plan provisions shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any official's, employee's or volunteer's right to full protection pursuant to this chapter, it being the intent of this chapter and section to provide the protection detailed in this chapter outside and beyond insurance policies that may be in effect, while not compromising the terms and conditions of such policies by any conflicting provision contained in this chapter.

(Ord. 17C-08 § 1)

### **3.04.110 Pending claims.**

The provisions of this chapter shall apply to any pending claim or lawsuit against an official, employee or volunteer, or any such claim or lawsuit hereafter filed, irrespective of the date of the events or circumstances which are the basis of such claim or lawsuit.

(Ord. 17C-08 § 1)

## ***Chapter 3.42 INDEPENDENT SALARY COMMISSION***

### **3.42.010 Established.**

There is created and established an independent salary commission.

(Ord. 04C-09 § 2)

### **3.42.020 Purpose—Function.**

The independent salary commission shall review and establish the salaries of the mayor and the council members and exercise the powers and perform the duties established by RCW 35.21.015, as now existing or hereafter amended.

(Ord. 04C-09 § 2)

### **3.42.030 Membership.**

- A. The independent salary commission shall consist of five members appointed by the mayor and approved by the city council.
- B. The independent salary commission shall serve without compensation.
- C. Each member of the independent salary commission shall serve a term of one year commencing upon appointment and terminating 12 months thereafter.
- D. If, for any reason, a vacancy occurs during the term of an independent salary commission member, the mayor shall appoint, with the approval of the city council, a new member to fill the unexpired term of that member.

(Ord. 04C-09 § 2)

### **3.42.040 Qualifications.**

- A. No person shall be appointed to serve as a member of the independent salary commission unless that person is a citizen of the United States, a resident of the city for at least one year immediately preceding such appointment, and an elector of the county in which the member resides.
- B. No city officer, official, or employee of the city or any of their immediate family members may serve on the commission. "Immediate family member" as used in this section means the parents, spouse, siblings, children, or dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee.

(Ord. 04C-09 § 2)

### **3.42.050 Operation.**

- A. The city manager will appoint appropriate staff to assist the independent salary commission.
- B. The independent salary commission shall keep a written record of its proceedings, which shall be a public record all in accordance with state law, and shall actively solicit public comment at all meetings which shall be subject to the Open Public Meetings Act pursuant to RCW Chapter 42.30.
- C. The independent salary commission shall meet as often as necessary in 2004 in order to file a schedule with the city clerk on or before October 1, 2004. Once a schedule has been filed, the commission will not meet until the city council reconvenes a new salary commission for purposes of further studying city council compensation.
- D. Three members shall constitute a quorum and the votes of three members shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the independent salary commission.

(Ord. 04C-09 § 2)

### **3.42.060 Responsibilities.**

The independent salary commission shall have the following responsibilities:

- A. To study the relationship of salaries to the duties of the mayor and the city council members and to study the costs personally incurred by council members in performing such duties;
- B. To study the relationship of Mercer Island city council members' salaries and benefits to those salaries and benefits of council members in surrounding city jurisdictions and other current market conditions;
- C. To establish salary and benefits by either increasing or decreasing the existing salary and benefits for each position by an affirmative vote of not less than three members;
- D. To review and file a salary and compensation schedule with the city clerk not later than October 1, 2004, and if a salary commission is reconvened thereafter, by October 1 in any subsequent year.

(Ord. 04C-09 § 2)

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**3.42.070 Effective date—Salaries.**

The city clerk will publish the commission's salary and compensation schedule and the schedule will become effective in the amounts, at the times, and under the conditions established in the schedule 30 days after publication, subject to referendum petition filed consistent with chapter 2.24 MICC. Once filed, the schedule shall be incorporated into the city budget without further action of the city council or salary commission. Consistent with state law, salary increases established by the commission shall be effective as to the mayor and all city council members regardless of their terms of office. Salary decreases established by the commission shall become effective as to incumbents at the commencement of their next subsequent terms of office. Existing salaries for the mayor and council members established by city ordinance and/or city budget shall remain in effect unless and until changed in accordance with the provisions of this chapter. The terms and conditions of the commission's adopted salary schedule will remain in effect until amended under the terms and conditions of a new salary schedule filed in accordance with this chapter.

(Ord. 04C-09 § 2)

Chapter **35A.13** RCW**COUNCIL-MANAGER PLAN OF GOVERNMENT****Sections**

<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.010</b>	City officers—Size of council.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.020</b>	Election of councilmembers—Eligibility—Terms—Vacancies—Forfeiture of office—Council chair.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.030</b>	Mayor—Election—Chair to be mayor—Duties.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.033</b>	Election on proposition to designate person elected to position one as chair—Subsequent holders of position one to be chair.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.035</b>	Mayor pro tempore or deputy mayor.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.040</b>	Compensation of councilmembers—Expenses.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.050</b>	City manager—Qualifications.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.060</b>	City manager may serve two or more cities.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.070</b>	City manager—Bond and oath.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.080</b>	City manager—Powers and duties.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.090</b>	Creation of departments, offices, and employment—Compensation.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.100</b>	City manager—Department heads—Authority.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.110</b>	City manager—Appointment of subordinates—Qualifications—Terms.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.120</b>	City manager—Interference by councilmembers.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.130</b>	City manager—Removal—Resolution and notice.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.140</b>	City manager—Removal—Reply and hearing.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.150</b>	City manager—Substitute.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.160</b>	Oath and bond of officers.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.170</b>	Council meetings—Quorum—Rules—Voting.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.180</b>	Adoption of codes by reference.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>35A.13.190</b>	Ordinances—Style—Requisites—Veto.

[HTML](#)[PDF](#)**35A.13.200** Authentication, recording and publication of ordinances.*Item 2.*[HTML](#)[PDF](#)**35A.13.210** Audit and allowance of demands against city.[HTML](#)[PDF](#)**35A.13.220** Optional division of city into wards.[HTML](#)[PDF](#)**35A.13.230** Powers of council.[PDF](#)**RCW 35A.13.010****City officers—Size of council.**

The councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven-member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of council offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of council offices in the city. When the population of a council-manager code city having five council offices increases to five thousand or more inhabitants, the number of council offices in the city shall increase from five to seven members. In the event of an increase in the number of council offices, the city council shall, by majority vote, pursuant to RCW **35A.13.020**, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven council offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of council offices to five. The ordinance shall specify which two council offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained council office, if necessary, in order to comply with RCW **35A.12.040**.

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW **35A.02.130**, is subject to the laws applicable to that old plan of government.

For the purposes of determining population under this section, cities may include or exclude the population of any state correctional facility located within the city.



## NOTES:

**Severability—1987 c 3:** See note following RCW 3.70.010.

**Severability—1979 ex.s. c 18:** See note following RCW 35A.01.070.

*Population determinations, office of financial management: Chapter 43.62 RCW.*

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PDF **RCW 35A.13.020**

### **Election of councilmembers—Eligibility—Terms—Vacancies—Forfeiture of office—Council chair.**

In council-manager code cities, eligibility for election to the council, the manner of electing councilmembers, the numbering of council positions, the terms of councilmembers, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilmember pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan, except that in council-manager cities where all council positions are at large positions, the city council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one shall be the council chair and shall carry out the duties prescribed by RCW 35A.13.030.

[ 2009 c 549 § 3017; 1994 c 223 § 36; 1975 1st ex.s. c 155 § 1; 1967 ex.s. c 119 § 35A.13.020.]

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PDF **RCW 35A.13.030**

### **Mayor—Election—Chair to be mayor—Duties.**

Biennially at the first meeting of the new council the members thereof shall choose a chair from among their number unless the chair is elected pursuant to RCW 35A.13.033. The chair of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him or her as mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He or she shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.

[ 2009 c 549 § 3018; 1975 1st ex.s. c 155 § 2; 1967 ex.s. c 119 § 35A.13.030.]

## **Election on proposition to designate person elected to position one as chair— Subsequent holders of position one to be chair.**

The city council of a council-manager city may by resolution place before the voters of the city, a proposition to designate the person elected to council position one as the chair of the council with the powers and duties set forth in RCW 35A.13.030. If a majority of those voting on the proposition cast a positive vote, then at all subsequent general elections at which position one is on the ballot, the person who is elected to position one shall become the chair upon taking office.

[ 2009 c 549 § 3019; 1975 1st ex.s. c 155 § 3.]

## **PDF RCW 35A.13.035**

### **Mayor pro tempore or deputy mayor.**

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

[ 2009 c 549 § 3020; 1969 ex.s. c 81 § 1.]

### **NOTES:**

**Effective date—1969 ex.s. c 81:** "This 1969 amendatory act shall take effect July 1, 1969." [ 1969 ex.s. c 81 § 7.]

## **PDF RCW 35A.13.040**

### **Compensation of councilmembers—Expenses.**

The salaries of the councilmembers, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent: PROVIDED, That compensation of councilmembers may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council.

Until councilmembers of a newly organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmembers shall be entitled to compensation in the same manner and in the same amount as councilmembers of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmembers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants—twenty dollars per meeting for not more than two meetings per month; in cities having more than five thousand but less than fifteen thousand inhabitants—a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants—a salary of four hundred dollars per calendar month. A councilmember who is occupying the position of mayor, in addition to his or her salary as a councilmember, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmember salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

[ 2009 c 549 § 3021; 1979 ex.s. c 18 § 25; 1967 ex.s. c 119 § 35A.13.040.]

## NOTES:

**Severability—1979 ex.s. c 18:** See note following RCW 35A.01.070.

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### RCW 35A.13.050

#### City manager—Qualifications.

The city manager need not be a resident at the time of his or her appointment, unless such residency is required by the council. He or she shall be chosen by the council solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he or she was elected.

[ 2022 c 30 § 2; 2009 c 549 § 3022; 1967 ex.s. c 119 § 35A.13.050.]

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### RCW 35A.13.060

#### City manager may serve two or more cities.

Whether the city manager shall devote his or her full time to the affairs of one code city shall be determined by the council. A city manager may serve two or more cities in that capacity at the same time.

[ 2009 c 549 § 3023; 1967 ex.s. c 119 § 35A.13.060.]

Before entering upon the duties of his or her office the city manager shall take an oath or affirmation for the faithful performance of his or her duties and shall execute and file with the clerk of the council a bond in favor of the code city in such sum as may be fixed by the council. The premium on such bond shall be paid by the city.

[ 2009 c 549 § 3024; 1967 ex.s. c 119 § 35A.13.070.]

### City manager—Powers and duties.

The powers and duties of the city manager shall be:

- (1) To have general supervision over the administrative affairs of the code city;
- (2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;
- (3) To attend all meetings of the council at which his or her attendance may be required by that body;
- (4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;
- (5) To recommend for adoption by the council such measures as he or she may deem necessary or expedient;
- (6) To prepare and submit to the council such reports as may be required by that body or as he or she may deem it advisable to submit;
- (7) To keep the council fully advised of the financial condition of the code city and its future needs;
- (8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter 35A.33 RCW, and to be responsible for its administration upon adoption;
- (9) To perform such other duties as the council may determine by ordinance or resolution.

[ 2009 c 549 § 3025; 1987 c 3 § 17; 1967 ex.s. c 119 § 35A.13.080.]

### NOTES:

**Severability—1987 c 3:** See note following RCW 3.70.010.

## Creation of departments, offices, and employment—Compensation.

Item 2.

On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. Pursuant to recommendation of the city manager, the council shall make provision for obtaining legal counsel for the city, either by appointment of a city attorney on a full time or part time basis, or by any reasonable contractual arrangement for such professional services.

[ 1967 ex.s. c 119 § 35A.13.090.]

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### RCW 35A.13.100

## City manager—Department heads—Authority.

The city manager may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his or her position subject to civil service, may be removed by the manager or other such appointing officer at any time subject to any applicable law, rule, or regulation relating to civil service. Subject to the provisions of RCW 35A.13.080 and any applicable civil service provisions, the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

[ 2009 c 549 § 3026; 1967 ex.s. c 119 § 35A.13.100.]

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### RCW 35A.13.110

## City manager—Appointment of subordinates—Qualifications—Terms.

Appointments made by or under the authority of the city manager shall be on the basis of ability and training or experience of the appointees in the duties which they are to perform, and shall be in compliance with provisions of any merit system applicable to such city. Residence within the code city shall not be a requirement. All such appointments shall be without definite term.

[ 1967 ex.s. c 119 § 35A.13.110.]

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### RCW 35A.13.120

## City manager—Interference by councilmembers.

Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the city manager or any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

[ 2009 c 549 § 3027; 1967 ex.s. c 119 § 35A.13.120.]

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**PDF** **RCW 35A.13.130**

### **City manager—Removal—Resolution and notice.**

The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least thirty days before the effective date of his or her removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him or her and the reasons therefor. Upon passage of the resolution stating the council's intention to remove the manager, the council by a similar vote may suspend him or her from duty, but his or her pay shall continue until his or her removal becomes effective.

[ 2009 c 549 § 3028; 1967 ex.s. c 119 § 35A.13.130.]

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**PDF** **RCW 35A.13.140**

### **City manager—Removal—Reply and hearing.**

The city manager may, within thirty days from the date of service upon him or her of a copy thereof, reply in writing to the resolution stating the council's intention to remove him or her. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager and his or her services shall terminate upon that day. If a reply shall be timely filed with the city clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

[ 2009 c 549 § 3029; 1967 ex.s. c 119 § 35A.13.140.]

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**PDF** **RCW 35A.13.150**

### **City manager—Substitute.**

The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

- (1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or
- (2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or
- (3) During the absence, disability, or suspension of the manager.

[ 1967 ex.s. c 119 § 35A.13.150.]

[PDF](#)

## RCW 35A.13.160

### Oath and bond of officers.

All provisions of RCW 35A.12.080 relating to oaths and bonds of officers, shall be applicable to code cities organized under this council-manager plan.

[ 1967 ex.s. c 119 § 35A.13.160.]

[PDF](#)

## RCW 35A.13.170

### Council meetings—Quorum—Rules—Voting.

All provisions of RCW 35A.12.110, as now or hereafter amended, and 35A.12.120, relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.

[ 1979 ex.s. c 18 § 26; 1967 ex.s. c 119 § 35A.13.170.]

### NOTES:

**Severability—1979 ex.s. c 18:** See note following RCW 35A.01.070.

[PDF](#)

## RCW 35A.13.180

### Adoption of codes by reference.

Ordinances of cities organized under this chapter may adopt codes by reference as provided in RCW 35A.12.140.

[ 1967 ex.s. c 119 § 35A.13.180.]



The enacting clause of all ordinances shall be as follows: "The city council of the city of . . . . . do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

[ 1967 ex.s. c 119 § 35A.13.190.]

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PDF RCW 35A.13.200

### Authentication, recording and publication of ordinances.

Ordinances of code cities organized under this chapter shall be authenticated, recorded and published as provided in RCW 35A.12.150 and 35A.12.160.

[ 1967 ex.s. c 119 § 35A.13.200.]

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PDF RCW 35A.13.210

### Audit and allowance of demands against city.

RCW 35A.12.170 shall apply to the audit and allowance of demands against the city.

[ 1967 ex.s. c 119 § 35A.13.210.]

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PDF RCW 35A.13.220

### Optional division of city into wards.

A code city organized under this chapter may be divided into wards as provided in RCW 35A.12.180.

[ 1967 ex.s. c 119 § 35A.13.220.]



The council of any code city organized under the council-manager plan provided in this chapter shall have the powers and authority granted to legislative bodies of cities governed by this title as more particularly described in chapter 35A.11 RCW, except insofar as such power and authority is vested in the city manager.

[ 1967 ex.s. c 119 § 35A.13.230.]

# ICMA CODE OF ETHICS

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The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. We believe professional management is essential to efficient and democratic local government by elected officials.
2. Affirm the dignity and worth of local government services and maintain a deep sense of social responsibility as a trusted public servant.
3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.
4. Serve the best interests of the people.
5. Submit policy proposals to elected officials; provide them with facts, and technical and professional advice about policy options; and collaborate with them in setting goals for the community and organization.
6. Recognize that elected representatives are accountable to their community for the decisions they make; members are responsible for implementing those decisions.
7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.
9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions pertaining to appointments, pay adjustments, promotions, and discipline.
12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

*Adopted by the ICMA Executive Board in 1924, and most recently revised by the membership in June 2020.*

## Chapter 2.60 CODE OF ETHICS

### 2.60.010 Purpose and intent.

- A. *Preamble.* The city of Mercer Island's residents and businesses are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. To that end, the city encourages all city officials to:
1. Honor and respect the principles and spirit of representative government and comply with all laws and policies affecting the operations of government;
  2. Conduct their official and personal affairs in such a manner as to maintain public confidence in city government and give the clear impression that they cannot be improperly influenced in the performance of their official duties;
  3. Be independent, impartial, and fair in their judgment and actions;
  4. Use the power and resources of public office to advance the best interests of the city of Mercer Island and its residents, not for personal gain;
  5. Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility; and
  6. Be honest, fair, and respectful and avoid conduct creating an appearance of impropriety.
- In recognition of these goals, the city of Mercer Island has adopted this code of ethics to strengthen the quality of government through ethical principles that shall govern the conduct of all officials.
- B. *Liberal construction.* This code of ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.
- C. *Supplemental to existing law.* This chapter is intended to supplement Washington State Law, including but not limited to RCW Chapter 42.23, the United States and Washington State Constitutions, laws pertaining to conflicts of interests and elections campaigns, and city ordinances.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

### 2.60.020 Definitions.

For the purpose of this chapter:

*Beneficial interest* means any direct or indirect monetary or material benefit accruing to an official as a result of contracts or transactions which are or may be the subject of an official act or action by or with the city, except contracts or transactions which confer similar benefits to all other persons and/or property similarly situated.

*Confidential information* means (1) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (2) information made confidential by law. Information obtained during properly convened executive sessions and information subject to the attorney-client and/or work product privilege is deemed confidential.

*Conflict of interest* exists when any of the following stands to incur financial gain or loss related to a government decision: (1) the official, (2) the official's spouse, (3) an individual with whom the official resides, or (4)

an entity that the official serves as an employee, officer, director, trustee, partner or owner. An "owner" for purposes of this definition is an individual who owns one percent or more of the entity.

*Contract* includes any contract, sale, lease, or purchase.

*Contracting party* includes any person, partnership, association, cooperative, corporation, or other business entity which is a party to a contract with the city.

*Financial gain or loss* means any material financial gain or loss that an individual or entity stands to incur as a result of a decision under consideration by the city. "Financial gain or loss" does not include (1) payment of generally applicable taxes or fees or (2) financial interests shared with more than ten percent of the city's population.

*Official* means all members of the city council, the city's boards and commissions, and other council-appointed task groups or committees of the city of Mercer Island who are currently serving their positions.

*Remote interest* means: (1) that of a non-salaried officer of a nonprofit corporation; (2) that of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary; (3) that of a landlord or tenant of a contracting party; or (4) that of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

## **2.60.030 Prohibited conduct.**

In addition to the requirements applicable under RCW Chapter 42.23, which establishes the minimum standards for officials, officials shall be subject to the following:

- A. *Conflicts of interest.* In order to ensure their independence and impartiality, officials shall recuse themselves from participation in government deliberations or decisions where they have a conflict of interest.
- B. *Appearance of conflict.* If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the official's judgment could be impaired because of either (1) a personal or business relationship not covered under the foregoing subsection, or (2) a transaction or activity engaged in by the official, the official shall make a public, written disclosure of the facts giving rise to the appearance of a conflict before participating in the matter.
- C. *Interest in contracts.* Officials shall not be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such person, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity, or reward in connection with such contract from any other person beneficially interested therein. The foregoing shall not apply to the exemptions specified in RCW 42.23.030 which are incorporated herein as if fully set forth. An official may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested even though one of the exemptions allowing the awarding of such a contract applies. The interest of the official must be disclosed and noted in the city's official minutes or similar records before the formation of the contract. RCW 42.23.040 shall apply to conflicts or potential conflicts with respect to remote interests in city decisions involving the awarding of a contract.
- D. *Misuse of public position or resources.* Except for infrequent use at little or no cost to the city, officials shall not use public resources that are not available to the public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.

- E. *Representation of third parties.* Except in the course of official duties, officials shall not appear on behalf of the financial interests of third parties before the bodies on which the officials serve or in interaction with assigned staff. Furthermore, the members of the city council shall not appear on behalf of the financial interest of third parties before the council or any board, commission or proceeding of the city, or in interaction with staff.
- F. *Gifts and favors.*
1. Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the official in their official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. Officials shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by subsection (2).
  2. For the purposes of this code of ethics, the following items are presumed not to influence the vote, action, or judgment of the official, or be considered as part of a reward for action or inaction, and may be accepted:
    - a. Unsolicited flowers, plants, and floral arrangements;
    - b. Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
    - c. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
    - d. Unsolicited items received by an official for the purpose of evaluation or review, if the official has no personal beneficial interest in the eventual use or acquisition of the item;
    - e. Informational material, publications, or subscriptions related to the recipient's performance of official duties;
    - f. Food and beverages consumed at hosted receptions where attendance is related to the official's official duties;
    - g. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;
    - h. Unsolicited gifts from dignitaries from another city, state or a foreign country which are intended to be personal in nature;
    - i. Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the official is related to the performance of official duties; and
    - j. Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the city or with the recipient in connection with city matters.
  3. The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.
- G. *Confidential information.* Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

### **2.60.040 Signed acknowledgment.**

All officials, upon taking office or being appointed, shall sign a statement acknowledging they have received, read, and agree to be bound by this code of ethics and RCW Chapter 42.23. This requirement shall also apply to currently-serving officials at the time of adoption of this code of ethics and any time there are material changes thereto.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

### **2.60.050 Ethics officer.**

- A. The position of ethics officer is hereby created. The city manager shall contract with one or more agencies to fill this position. The ethics officer shall be responsible for the prompt and fair enforcement of this code of ethics when called upon to do so.
- B. The ethics officer, in addition to other duties, may recommend changes or additions to this code of ethics to the city council. The ethics officer shall provide input into and review the training materials and program developed for this code of ethics if requested by the city manager or city council.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

### **2.60.060 Advisory opinions.**

- A. Officials subject to this code of ethics may request, and the ethics officer may render at the city's expense, written advisory opinions concerning the applicability of MICC 2.60.030 to hypothetical circumstances and/or situations solely related to the official making the request. The ethics officer shall not render opinions on matters that are the purview of other government agencies or officials, e.g., the public disclosure commission, the city's public records officer, et al. The ethics officer retains sole discretion to determine in which cases an advisory opinion will be issued. Factors the ethics officer may consider when determining in which cases an advisory opinion will be issued include, but are not limited to, whether the issue presented has been recently addressed by the ethics officer, whether the issue presented is likely to be the subject of controversy or dispute, and the extent to which the requesting official has made prior requests for advisory opinions. The advisory opinion process is not intended to serve as a substitute for an official's own understanding of, and exercise of reasonable judgment with respect to, the prohibitions addressed in MICC 2.60.030.
- B. The ethics officer shall endeavor, except for good cause shown, to respond to requests for advisory opinions within 45 days of submission of the request, and may respond more rapidly if the requester expresses urgency in the request.
- C. An official's conduct based in reasonable reliance on an advisory opinion rendered by the ethics officer to said official shall not be found to violate this code of ethics to the extent that this code is enforced by the city as a civil matter, as long as all material facts have been fully, completely, accurately presented in a written request for an advisory opinion, the ethics officer issues an advisory opinion that the described conduct would not violate the code of ethics, and the official's conduct is consistent with the advisory opinion. The ethics officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the ethics officer's authority, the remainder of the opinion shall remain intact.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

## **2.60.070 Complaints, investigations, hearings and enforcement.**

### **A. Complaint process.**

1. *Complaint requirements—Service.* Any person may submit a written complaint to the ethics officer alleging one or more violations of this code of ethics by an official, by filing it with the city clerk. The complaint must set forth specific facts with enough precision and detail for the ethics officer to make a determination of sufficiency and must set forth the specific subsection(s) of MICC 2.60.030 that the complaining party believes have been violated. The complaint must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with RCW Chapter 9A.72.
2. *Finding of sufficiency.* Based on the contents of the written complaint, the ethics officer shall make a determination of sufficiency within 30 days of receipt of the complaint. A complaint shall be sufficient if it precisely alleges and reasonably describes acts that constitute a prima facie showing of a violation of MICC 2.60.030, including RCW Chapter 42.23. In rendering sufficiency determinations under this subsection, the ethics officer shall consider the purpose and intent section contained in MICC 2.60.010 and the declaration of purpose in RCW 42.23.010.
3. *Confidentiality.* Except as otherwise provided by law, and subject to MICC 2.60.070(H), the city will maintain as confidential the fact that a complaint has been filed, the contents of the complaint, the identity of the person making the complaint, and the identity of the official complained against during the open and active investigation conducted by the ethics officer until such time as the ethics officer has made a determination of sufficiency.
4. *Dismissal.* The complaint shall be dismissed if the ethics officer determines that (1) the complaint is not sufficient, (2) the complaint provided too little detail for the ethics officer to reach a determination, or (3) a violation has or may have occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct. In the event of dismissal, the official who was the subject of the complaint shall receive the protections under the Public Records Act afforded to a "not sustained" determination of alleged misconduct. A complaint dismissed by the ethics officer under this subsection shall be deemed to be dismissed with prejudice and will not be reconsidered if resubmitted by the complainant unless factual allegations not present in the original complaint are presented.
5. *Notice.* Notice of action by the ethics officer shall be provided as follows:
  - a. Within seven days of the ethics officer rendering a finding of insufficiency or dismissal of a complaint, the city clerk shall send notice to the person who made the complaint and the official complained against of the ethics officer's determination. No reconsideration or appeal of a finding of insufficiency or dismissal of a complaint is available through the ethics officer or the city.
  - b. Within seven days of the ethics officer rendering a finding of sufficiency, the city clerk shall send notice to the person who made the complaint and the official complained against of the ethics officer's determination. No reconsideration or appeal of a finding of sufficiency of a complaint is available through the ethics officer or the city. Following the initial notice, the city clerk shall schedule and give notice of the hearing which will be held to determine if a violation has occurred. Notice shall be provided at least 30 days prior to the date set for the hearing.
6. *Stipulations.* Prior to, and in-lieu-of the hearing, the ethics officer and the official complained against may upon agreement jointly submit a recommended stipulation to the city council. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the ethics officer thinks a stipulation is appropriate, an admission of the violation by the official complained against, a promise

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by the official complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and forwarded to the city council for action.

- B. *Conduct of hearings.* All hearings on complaints found to be sufficient by the ethics officer shall be conducted by the hearing examiner. The hearing shall be informal, meaning that the hearing examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The official complained against shall have the right to file a written answer to the charge. Each party may appear at the hearing in person or through legal counsel. Each party may present and cross examine witnesses on any matter relevant to the issues raised in the complaint and give relevant evidence before the hearing examiner. The hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence. To that end, upon a showing of reasonable necessity, the hearing examiner may issue subpoenas and subpoenas duces tecum at the request of the complaining party, the official complained against, or on his or her own initiative. All testimony shall be under oath administered by the hearing examiner. The hearing examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The hearing examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by electronic device, and exhibits; provided, that the hearing examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.
- C. *Final decision and recommendations.* Within 30 days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, issue a final decision in writing, including findings of fact, conclusions of law, and a determination of whether any violation of MICC 2.60.030, including RCW Chapter 42.23, has been established. The final written decision shall be signed and dated by the hearing examiner. In rendering a final decision, the hearing examiner shall consider the purpose and intent section contained in MICC 2.60.010 and the declaration of purpose in RCW 42.23.010. If the hearing examiner determines that the alleged code of ethics violation(s) have not been proven, the hearing examiner shall dismiss the complaint with prejudice and no further action shall be taken. If the hearing examiner determines that one or more code of ethics violation(s) are proven, the final decision shall also contain any recommendations of the hearing examiner to the city council for any remedial action or sanction that the council may find appropriate and lawful. The hearing examiner may recommend any one or more of the following remedial actions or sanctions as further described below in subsection (E): No sanctions or penalties, referral, admonition, reprimand, censure, removal, and/or civil penalties. Within fifteen days of the hearing examiner's final decision, the city clerk shall deliver copies of the final decision to the person who made the complaint, the official complained against, the ethics officer, and the city council.
- D. *City council action.* The city council in consultation with the city attorney shall, within 30 days of receipt of the hearing examiner's final decision or at the next regularly scheduled city council meeting following that 30-day period, determine what, if any, of the hearing examiner's recommended remedial actions or sanctions to adopt. Final city council action to decide upon the ethics officer's recommended stipulation or the hearing examiner's recommended remedial actions or sanctions shall be by majority vote in a public meeting. However, if the proceeding involves a member of the city council, deliberations by the council may be in executive session pursuant to RCW 42.30.110(1)(f). The member of the city council against whom the complaint was made shall not attend or participate in any executive session and shall not vote in open session on any matter involving themselves.
- E. *Disposition.* The city council may take one or more of the following actions in disposition of the complaint. The city council's action must afford deference to the ethics officer's recommended stipulation or, in the event a violation is found by the hearing examiner, the hearing examiner's recommended remedial actions or sanctions.
1. *No sanctions or penalties.* The city council may dispose of the complaint without imposing sanctions or penalties.



2. *Referral.* A complaint may be referred to another agency with jurisdiction over the violation, such as the public disclosure commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.
  3. *Admonition.* An admonition shall be an oral non-public statement made by the mayor, or his/her designee, or if the complaint is against the mayor, the deputy mayor or his/her designee, to the official.
  4. *Reprimand.* A reprimand shall be administered to the official by a letter of reprimand by the city council. The letter shall be prepared by the city council and shall be signed by the mayor or, if the complaint is against the mayor, the deputy mayor.
  5. *Censure.* A letter of censure shall be a letter read to the official in public. The letter shall be prepared by the city council and shall be signed by the mayor, or if the complaint is against the mayor, the deputy mayor. The official shall appear at a city council meeting at a time and place directed by the city council to receive the letter of censure. Notice shall be given at least 20 calendar days before the scheduled appearance at which time a copy of the proposed letter of censure shall be provided to the official. The letter of censure shall be read publicly, and the official shall not, at the time of reading, make any statement in support of, or in opposition thereto, or in mitigation thereof. The letter of censure shall be read at the time it is scheduled whether or not the official appears as required.
  6. *Removal—Member of board or commission or other appointed task group or committee.* If the official against whom the complaint was made is currently a member of a city board or commission or other city task group or committee, the city council may, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Mercer Island City Code, by a majority vote remove the official from such board or commission effective immediately. Nothing in this subsection limits the city council's removal authority under title 3 of the MICC.
  7. *Removal—Councilmember appointments.* In addition to taking any actions above, if the official against whom the complaint was made is a member of the city council who serves on any city board or commission, other city task group or committee, regional or multijurisdictional body as a representative of the city, whether appointed by the mayor, mayor and deputy mayor, council, or regional body, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Mercer Island City Code, by a majority vote the city council may remove the official from such body effective immediately.
  8. *Removal—Mayor or deputy mayor appointment.* In addition to taking any actions above, if the official against whom the complaint was made serves as mayor or deputy mayor, the city council may remove said appointment.
  9. *Civil penalties.* In addition to taking any actions above, the city council may also assess a civil penalty of up to \$1,000.00. Any monetary penalty assessed civilly shall be placed in the city's general fund.
- F. *Appeal.* Either the complaining party or the official complained against may, within 30 days of the city council's action on (1) the ethics officer's recommended stipulation or (2) the hearing examiner's final decision, appeal to the King County superior court by writ of certiorari pursuant to RCW Chapter 7.16.
- G. *Protection against retaliation.* Neither the city nor any official may take or threaten to take, directly or indirectly, any action that constitutes personal attack, harassment, or intimidation, against any person because that person files a complaint with the ethics officer.
- H. *Public records.* Records filed with the ethics officer and/or hearing examiner, and written decisions or recommendations of the ethics officer and/or hearing examiner, become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. If the city receives a request under the Public Records Act, RCW Chapter 42.56, to inspect or copy such information and reasonably determines that such information may be exempt from disclosure, including upon the grounds stated in MICC 2.60.070(A)(4), it will notify the complaining party and the official complained against of the

request and of the date that such information will be released to the requester unless any party obtains a court order to enjoin that disclosure pursuant to RCW 42.56.540. The city will provide such notice at least ten days prior to the date that the information will be released. If no party timely obtains a court order enjoining disclosure, the city may release the requested information on the date specified.

- I. *Recovery of fees or costs.* No attorney's fees or other costs related to matters covered by this chapter incurred by any official or complainant shall be recoverable from the city, except as follows: The city shall reimburse reasonable legal fees incurred by the official relating to or arising out of the defense of an ethics complaint that results in a dismissal of the complaint by the hearing examiner. The hearing examiner shall determine the amount of the reasonable fee award.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

## **2.60.080 Limitations.**

Complaints based on this code of ethics may only be brought against current officials and must be submitted within two years from the date of the alleged violation. If the official against whom the complaint was brought resigns or their term ends before the disposition of the complaint, no further action pursuant to MICC 2.60.080 shall be taken. This section shall only apply for purposes of enforcement of this code of ethics pursuant to MICC 2.60.080.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

Chapter 42.23 RCW

CODE OF ETHICS FOR MUNICIPAL OFFICERS—CONTRACT INTERESTS

Sections

<a href="#">HTML</a>	<a href="#">PDF</a>	<b>42.23.010</b>	Declaration of purpose.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>42.23.020</b>	Definitions.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>42.23.030</b>	Interest in contracts prohibited—Exceptions.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>42.23.040</b>	Remote interests.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>42.23.050</b>	Prohibited contracts void—Penalties for violation of chapter.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>42.23.060</b>	Local charter controls chapter.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>42.23.070</b>	Prohibited acts.
<a href="#">HTML</a>	<a href="#">PDF</a>	<b>42.23.900</b>	Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.

NOTES:

*Cities, free passes, services prohibited: RCW 35.17.150.*

*County officers, general provisions: Chapter 36.16 RCW.*

*Ethics in public service act: Chapter 42.52 RCW.*

*Public employment, civil service: Title 41 RCW.*

*State officers, general provisions: Chapter 43.01 RCW.*

[PDF](#)

RCW 42.23.010

Declaration of purpose.

It is the purpose and intent of this chapter to revise and make uniform the laws of this state concerning the transaction of business by municipal officers, as defined in chapter 268, Laws of 1961, in conflict with the proper performance of their duties in the public interest; and to promote the efficiency of local government by prohibiting certain instances and areas of conflict while at the same time sanctioning, under sufficient controls, certain other instances and areas of conflict wherein the private interest of the municipal officer is deemed to be only remote, to the end that, without sacrificing necessary public responsibility and enforceability in areas of significant and clearly conflicting interests,

the selection of municipal officers may be made from a wider group of responsible citizens of the communities which they are called upon to serve.

Item 4.

[ 1961 c 268 § 2.]

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## RCW 42.23.020

### Definitions.

For the purpose of chapter 268, Laws of 1961:

- (1) "Municipality" shall include all counties, cities, towns, districts, and other municipal corporations and quasi municipal corporations organized under the laws of the state of Washington;
- (2) "Municipal officer" and "officer" shall each include all elected and appointed officers of a municipality, together with all deputies and assistants of such an officer, and all persons exercising or undertaking to exercise any of the powers or functions of a municipal officer;
- (3) "Contract" shall include any contract, sale, lease or purchase;
- (4) "Contracting party" shall include any person, partnership, association, cooperative, corporation, or other business entity which is a party to a contract with a municipality.

[ 1961 c 268 § 3.]

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## RCW 42.23.030

### Interest in contracts prohibited—Exceptions.

No municipal officer shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. This section shall not apply in the following cases:

- (1) The furnishing of electrical, water or other utility services by a municipality engaged in the business of furnishing such services, at the same rates and on the same terms as are available to the public generally;
- (2) The designation of public depositaries for municipal funds;
- (3) The publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;
- (4) The designation of a school director as clerk or as both clerk and purchasing agent of a school district;
- (5) The employment of any person by a municipality for unskilled day labor at wages not exceeding one thousand dollars in any calendar month. The exception provided in this subsection does not apply to a county with a population of one hundred twenty-five thousand or more, a city with a population of more than one thousand five hundred, an irrigation district encompassing more than fifty thousand acres, or a first-class school district;
- (6)(a) The letting of any other contract in which the total amount received under the contract or contracts by the municipal officer or the municipal officer's business does not exceed one thousand five hundred dollars in any calendar month.

(b) However, in the case of a particular officer of a second-class city or town, or a noncharter optional code city, or a member of any county fair board in a county which has not established a county purchasing department pursuant to RCW **36.32.240**, the total amount of such contract or contracts authorized in this subsection (6) may exceed one thousand five hundred dollars in any calendar month but shall not exceed eighteen thousand dollars in any calendar year.

(c)(i) In the case of a particular officer of a rural public hospital district, as defined in RCW **70.44.460**, the total amount of such contract or contracts authorized in this subsection (6) may exceed one thousand five hundred dollars in any calendar month, but shall not exceed twenty-four thousand dollars in any calendar year.

(ii) At the beginning of each calendar year, beginning with the 2006 calendar year, the legislative authority of the rural public hospital district shall increase the calendar year limitation described in this subsection (6)(c) by an amount equal to the dollar amount for the previous calendar year multiplied by the change in the consumer price index as of the close of the twelve-month period ending December 31st of that previous calendar year. If the new dollar amount established under this subsection is not a multiple of ten dollars, the increase shall be rounded to the next lowest multiple of ten dollars. As used in this subsection, "consumer price index" means the consumer price index compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used.

(d) The exceptions provided in this subsection (6) do not apply to:

(i) A sale or lease by the municipality as the seller or lessor;

(ii) The letting of any contract by a county with a population of one hundred twenty-five thousand or more, a city with a population of ten thousand or more, or an irrigation district encompassing more than fifty thousand acres; or

(iii) Contracts for legal services, except for reimbursement of expenditures.

(e) The municipality shall maintain a list of all contracts that are awarded under this subsection (6). The list must be made available for public inspection and copying;

(7) The leasing by a port district as lessor of port district property to a municipal officer or to a contracting party in which a municipal officer may be beneficially interested, if in addition to all other legal requirements, a board of three disinterested appraisers and the superior court in the county where the property is situated finds that all terms and conditions of such lease are fair to the port district and are in the public interest. The appraisers must be appointed from members of the American Institute of Real Estate Appraisers by the presiding judge of the superior court;

(8) The letting of any employment contract for the driving of a school bus in a second-class school district if the terms of such contract are commensurate with the pay plan or collective bargaining agreement operating in the district;

(9) The letting of an employment contract as a substitute teacher or substitute educational aide to an officer of a second-class school district that has three hundred or fewer full-time equivalent students, if the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district and the board of directors has found, consistent with the written policy under RCW **28A.330.240**, that there is a shortage of substitute teachers in the school district;

(10) The letting of any employment contract to the spouse of an officer of a school district, when such contract is solely for employment as a substitute teacher for the school district. This exception applies only if the terms of the contract are commensurate with the pay plan or collective bargaining agreement applicable to all district employees and the board of directors has found, consistent with the written policy under RCW **28A.330.240**, that there is a shortage of substitute teachers in the school district;

(11) The letting of any employment contract to the spouse of an officer of a school district if the spouse was under contract as a certificated or classified employee with the school district before the date in which the officer assumes office and the terms of the contract are commensurate with the pay

plan or collective bargaining agreement operating in the district. However, in a second-class school district that has less than two hundred full-time equivalent students enrolled at the start of the school year as defined in RCW **28A.150.203**, the spouse is not required to be under contract as a certificated or classified employee before the date on which the officer assumes office;

(12) The authorization, approval, or ratification of any employment contract with the spouse of a public hospital district commissioner if: (a) The spouse was employed by the public hospital district before the date the commissioner was initially elected; (b) the terms of the contract are commensurate with the pay plan or collective bargaining agreement operating in the district for similar employees; (c) the interest of the commissioner is disclosed to the board of commissioners and noted in the official minutes or similar records of the public hospital district prior to the letting or continuation of the contract; and (d) and the commissioner does not vote on the authorization, approval, or ratification of the contract or any conditions in the contract.

A municipal officer may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested even though one of the exemptions allowing the awarding of such a contract applies. The interest of the municipal officer must be disclosed to the governing body of the municipality and noted in the official minutes or similar records of the municipality before the formation of the contract.

[ **2020 c 69 § 1**; **2007 c 298 § 1**; **2006 c 121 § 1**; **2005 c 114 § 1**; **1999 c 261 § 2**; **1997 c 98 § 1**; **1996 c 246 § 1**. Prior: **1994 c 81 § 77**; **1994 c 20 § 1**; **1993 c 308 § 1**; **1991 c 363 § 120**; **1990 c 33 § 573**; **1989 c 263 § 1**; **1983 1st ex.s. c 44 § 1**; prior: **1980 c 39 § 1**; **1979 ex.s. c 4 § 1**; **1971 ex.s. c 242 § 1**; **1961 c 268 § 4**.]

## NOTES:

**Findings—Intent—1999 c 261:** "The legislature finds that:

(1) The current statutes pertaining to municipal officers' beneficial interest in contracts are quite confusing and have resulted in some inadvertent violations of the law.

(2) The dollar thresholds for many of the exemptions have not been changed in over thirty-five years, and the restrictions apply to the total amount of the contract instead of the portion of the contract that pertains to the business operated by the municipal officer.

(3) The confusion existing over these current statutes discourages some municipalities from accessing some efficiencies available to them.

Therefore, it is the intent of the legislature to clarify the statutes pertaining to municipal officers and contracts and to enact reasonable protections against inappropriate conflicts of interest." [ **1999 c 261 § 1**.]

**Purpose—Captions not law—1991 c 363:** See notes following RCW **2.32.180**.

**Purpose—Statutory references—Severability—1990 c 33:** See RCW **28A.900.100** through **28A.900.102**.

**Severability—1989 c 263:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [ **1989 c 263 § 3**.]

**Severability—1980 c 39:** "If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [ **1980 c 39 § 3**.]

**Remote interests.**

A municipal officer is not interested in a contract, within the meaning of RCW 42.23.030, if the officer has only a remote interest in the contract and the extent of the interest is disclosed to the governing body of the municipality of which the officer is an officer and noted in the official minutes or similar records of the municipality prior to the formation of the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer having the remote interest. As used in this section "remote interest" means:

- (1) That of a nonsalaried officer of a nonprofit corporation;
- (2) That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
- (3) That of a landlord or tenant of a contracting party;
- (4) That of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

None of the provisions of this section are applicable to any officer interested in a contract, even if the officer's interest is only remote, if the officer influences or attempts to influence any other officer of the municipality of which he or she is an officer to enter into the contract.

[ 1999 c 261 § 3; 1961 c 268 § 5.]

**NOTES:**

**Findings—Intent—1999 c 261:** See note following RCW 42.23.030.

**Prohibited contracts void—Penalties for violation of chapter.**

Any contract made in violation of the provisions of this chapter is void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the municipality. Any officer violating the provisions of this chapter is liable to the municipality of which he or she is an officer for a penalty in the amount of five hundred dollars, in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon the officer by law.

In addition to all other penalties, civil or criminal, the violation by any officer of the provisions of this chapter may be grounds for forfeiture of his or her office.

[ 1999 c 261 § 4; 1961 c 268 § 6.]

**NOTES:**

**Findings—Intent—1999 c 261:** See note following RCW 42.23.030.



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**RCW 42.23.060****Local charter controls chapter.**

If any provision of this chapter conflicts with any provision of a city or county charter, or with any provision of a city-county charter, the charter shall control if it contains stricter requirements than this chapter. The provisions of this chapter shall be considered as minimum standards to be enforced by municipalities.

[ 1999 c 261 § 5; 1961 c 268 § 16.]

**NOTES:**

**Findings—Intent—1999 c 261:** See note following RCW 42.23.030.

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**RCW 42.23.070****Prohibited acts.**

(1) No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.

(2) No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.

(3) No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.

(4) No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

[ 1994 c 154 § 121.]

**NOTES:**

**Effective date—1994 c 154:** See RCW 42.52.904.

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**RCW 42.23.900**



For the purposes of this chapter, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships.

[ 2009 c 521 § 104.]

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## ***Chapter 3.42 INDEPENDENT SALARY COMMISSION***

### **3.42.010 Established.**

There is created and established an independent salary commission.

(Ord. 04C-09 § 2)

### **3.42.020 Purpose—Function.**

The independent salary commission shall review and establish the salaries of the mayor and the council members and exercise the powers and perform the duties established by RCW 35.21.015, as now existing or hereafter amended.

(Ord. 04C-09 § 2)

### **3.42.030 Membership.**

- A. The independent salary commission shall consist of five members appointed by the mayor and approved by the city council.
- B. The independent salary commission shall serve without compensation.
- C. Each member of the independent salary commission shall serve a term of one year commencing upon appointment and terminating 12 months thereafter.
- D. If, for any reason, a vacancy occurs during the term of an independent salary commission member, the mayor shall appoint, with the approval of the city council, a new member to fill the unexpired term of that member.

(Ord. 04C-09 § 2)

### **3.42.040 Qualifications.**

- A. No person shall be appointed to serve as a member of the independent salary commission unless that person is a citizen of the United States, a resident of the city for at least one year immediately preceding such appointment, and an elector of the county in which the member resides.
- B. No city officer, official, or employee of the city or any of their immediate family members may serve on the commission. "Immediate family member" as used in this section means the parents, spouse, siblings, children, or dependent relatives of the officer, official, or employee, whether or not living in the household of the officer, official, or employee.

(Ord. 04C-09 § 2)

### **3.42.050 Operation.**

- A. The city manager will appoint appropriate staff to assist the independent salary commission.

- B. The independent salary commission shall keep a written record of its proceedings, which shall be a public record all in accordance with state law, and shall actively solicit public comment at all meetings which shall be subject to the Open Public Meetings Act pursuant to RCW Chapter 42.30.
- C. The independent salary commission shall meet as often as necessary in 2004 in order to file a schedule with the city clerk on or before October 1, 2004. Once a schedule has been filed, the commission will not meet until the city council reconvenes a new salary commission for purposes of further studying city council compensation.
- D. Three members shall constitute a quorum and the votes of three members shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the independent salary commission.

(Ord. 04C-09 § 2)

### **3.42.060 Responsibilities.**

The independent salary commission shall have the following responsibilities:

- A. To study the relationship of salaries to the duties of the mayor and the city council members and to study the costs personally incurred by council members in performing such duties;
- B. To study the relationship of Mercer Island city council members' salaries and benefits to those salaries and benefits of council members in surrounding city jurisdictions and other current market conditions;
- C. To establish salary and benefits by either increasing or decreasing the existing salary and benefits for each position by an affirmative vote of not less than three members;
- D. To review and file a salary and compensation schedule with the city clerk not later than October 1, 2004, and if a salary commission is reconvened thereafter, by October 1 in any subsequent year.

(Ord. 04C-09 § 2)

### **3.42.070 Effective date—Salaries.**

The city clerk will publish the commission's salary and compensation schedule and the schedule will become effective in the amounts, at the times, and under the conditions established in the schedule 30 days after publication, subject to referendum petition filed consistent with chapter 2.24 MICC. Once filed, the schedule shall be incorporated into the city budget without further action of the city council or salary commission. Consistent with state law, salary increases established by the commission shall be effective as to the mayor and all city council members regardless of their terms of office. Salary decreases established by the commission shall become effective as to incumbents at the commencement of their next subsequent terms of office. Existing salaries for the mayor and council members established by city ordinance and/or city budget shall remain in effect unless and until changed in accordance with the provisions of this chapter. The terms and conditions of the commission's adopted salary schedule will remain in effect until amended under the terms and conditions of a new salary schedule filed in accordance with this chapter.

(Ord. 04C-09 § 2)

## REPORT AND RECOMMENDATIONS 2004 CITY OF MERCER ISLAND SALARY COMMISSION

### **Summary of Recommendations**

An increase from \$100 to \$200 per month for Council Members and an increase from \$200 to \$400 per month for the position of Mayor was approved by a 4 -1 vote at the September 16, 2004 meeting.

### **Composition of the Salary Commission**

The Salary Commission is established by ordinance as an independent decision-making body charged with setting salaries for City of Mercer Island elected officials. The Commission is made up of five members. Commission members serve a one-year term and hold at least one meeting annually.

The 2004 Salary Commission is composed of the following members:

	<u>Appointed</u>	<u>End of Term</u>
Ken Glass	August 2, 2004	August 1, 2005
Cynthia Howe	August 2, 2004	August 1, 2005
Jane Meyer	August 2, 2004	August 1, 2005
Peter Orser	August 2, 2004	August 1, 2005
Hal Quinn	August 2, 2004	August 1, 2005

The Salary Commission must meet at least once during the year, and may meet any number of times necessary to establish salaries for the Mayor and Council.

Any new salary schedule must be filed with the City Clerk no later than October 1<sup>st</sup>. Once a schedule has been filed, the Commission will not meet until the City Council reconvenes a new Salary Commission for purposes of further studying City Council compensation.

### **Information Considered by the Commission**

To arrive at a decision, the Salary Commission received the following information:

- Data from surrounding cities, including population, meeting frequency, typical length of meetings, monthly compensation for council members and mayors, other benefits provided, and annual city council budgets.
- A copy of Ordinance #98C-01, which officially adopted the Council's current salary, established on December 14, 1981.
- Expenses incurred by Council Members but not reimbursed.
- Number of hours spent (on a monthly basis) by Council Members conducting Council business, not including Council meeting times.
- The current budget narrative for Mercer Island's City Council.
- The Association of Washington Cities data for council members and mayors.

## **Proceedings and Discussions**

### **September 16, 2004 – Initial Meeting and Final Vote**

The Commission spent considerable time reviewing the data provided by staff, including data provided by neighboring cities, expenses incurred by Council Members but not reimbursed, hours spent by Council Members conducting Council business and the Association of Washington Cities data for council members and mayors. Members acknowledged that the Council's compensation was well below most council compensation of surrounding cities and determined that this alone, should not be the basis of an increase to compensation.

The consensus of the Commission was to acknowledge the dedication and hard work of Mercer Island City Council Members by establishing an increase to current compensation that takes into consideration the length of time since the last compensation adjustment, City budget constraints, public perception, and the ability to attract viable, qualified candidates for open Council positions. The Commission agreed that they would not support adding benefits as part of Council's compensation.

A discussion ensued around the fact that historically, there have been few uncontested Council vacancies, therefore supporting a conclusion that the level of compensation for Mercer Island Council Members is not a deterrent in attracting Council candidates. The consensus of the Commission was that being a council member should be about serving a civic duty and not about receiving compensation and benefits. It was also discussed that past Councils have deliberately chosen to keep the compensation at the level established in 1981. Considering this, the Commission determined that a substantial increase of the current amount was simply not warranted or defensible.

The Commission discussed applying an average cost of living adjustment of three percent each year, beginning in 1982 and ending in 2004. This increases the Council's compensation from \$100 per month to \$197 per month and the Mayor's compensation from \$200 per month to \$395 per month by the year 2004. The consensus of the Commission was that a more appropriate word relating to Council pay is "stipend" instead of "compensation".

**MOTION:** Moved by Quinn and seconded by Meyer to submit a salary schedule to the City Clerk on or before October 1, 2004, increasing the Council's stipend from \$100 per month to \$200 per month and the Mayor's stipend from \$200 per month to \$400 per month to be effective January 1, 2005. Motion carried 4 – 1.

The Commission also believed that a press release announcing the change to Council pay, including the points of consideration, would be appropriate. The consensus of the group was to name Peter Orser as the spokesperson for the Independent Salary Commission. Mr. Orser accepted.

### **Minority Report**

The Commission agreed that it was important to note the reasons behind the 4 – 1 vote. One Commission Member remained unconvinced that an increase to Council pay was warranted at this time solely based on the fact that attracting qualified candidates to run for Council has not

been an issue. This Commission Member recognizes and appreciates the commitment and dedication required by those serving out Council terms, however believes that the service should be based on fulfilling a civic duty and not based on receiving compensation and benefits.

Respectfully Submitted:

---

Ken Glass

---

Date

---

Cynthia Howe

---

Date

---

Jane Meyer

---

Date

---

Peter Orser

---

Date

---

Hal Quinn

---

Date

# 2023 Candidate Manual



# A letter from the Director

Dear candidates and campaign managers,

Congratulations on your decision to run for office or to help someone else run for office. I know firsthand how challenging it can be to put yourself out there in the hopes of serving your community. It is no small act to step up in this way, whether you're the candidate or supporting the candidate.

Running for office can be daunting for all kinds of reasons, but the technical processes and deadlines should not be one of them. Here at King County Elections, we're here to help!

Whether you're running for the first time, a new campaign manager, or a seasoned campaign pro, I encourage you to read through this manual thoroughly. It provides an overview of everything you need to know to officially file as a candidate, submit a voter pamphlet statement, and much more. We update this manual every year to reflect all changes to the candidate filing process and requirements.

Our team of professional election administrators conducts accurate, secure, and accessible elections for our 1.4 million registered voters and more than 190 jurisdictions. We do so with robust bipartisan observation, nation-leading best practices, and a commitment to removing barriers to voting. I believe it's critical that campaigns and King County Elections are all ready to provide accurate information about how elections are run. We welcome any and all questions you may have, about any aspect of our work from voter registration to ballot tabulation. Please don't hesitate to reach out.

Best of luck in your campaign,

Julie Wise, Director  
King County Elections



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### Legend

-  This symbol denotes important deadlines.
-  This symbol denotes general information.
-  This symbol denotes important information.
-  This symbol denotes contact information.



Information contained in the Candidate Manual is subject to change. Consult the online manual for the most updated information.



### Contact us

mail/office	919 SW Grady Way Renton, WA 98057
phone	206-296-1565
fax	206-296-0108
email	<a href="mailto:election.services@kingcounty.gov">election.services@kingcounty.gov</a>
online	<a href="http://kingcounty.gov/elections">kingcounty.gov/elections</a>

# 2023 Election Calendar

Important election dates and deadlines for candidates.

## Candidate filing dates

The key filing dates for 2023 are:

- Online: Monday, May 15 at 9 a.m. through Friday, May 19 at 4 p.m.
- In-person: Monday, May 15 at 8:30 a.m. through Friday, May 19 at 4:30 p.m.

*King County Elections strongly recommends filing online as it is fast, easy, and convenient.*

The withdrawal deadline for 2023 is:

- Monday, May 22 at 4:30 p.m.

## Primary and general election dates

The primary and general election dates for 2023 are:

- Primary election: August 1
- General election: November 7

Even-numbered years are when federal, state, legislative and some judicial offices appear on the general election ballot. Odd-numbered years are when county, port, some judicial, city, school and special purpose district offices appear on the general election ballot.

## Primary and general election calendar

Red colored boxes indicate primary election dates and blue colored boxes indicate general election dates.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
May	14	15 Candidate filing begins In-person: 8:30 a.m. Online: 9 a.m.	16	17	18	19 Candidate filing ends In-person: 4:30 p.m. Online: 4 p.m.	20
		Candidate filing RCW 29A.24.050					
	21	22 Last day for candidates to withdraw (due by 4:30 p.m.) RCW 29A.24.131	23	24	25	26 Local voters' pamphlet submissions due by 4:30 p.m.	27
	28	29 Elections office closed in observance of Memorial Day	30	31			

# Primary and general election calendar (continued)

Item 6.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
June					1	2	3
	4	5	6	7	8	9 Local voters' pamphlet proofs emailed to candidates for review	10
	11	12 Candidate responses for local voters' pamphlet proofs & campaign contact information updates due by 4:30 p.m.	13	14	15	16 Overseas, service, and out of state ballots mailed Online voter guide available Ballot tracker available	17
	18	19 Elections office closed in observance of Juneteenth	20	21	22	23	24
	25	26	27	28	29	30	

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
July							1
	2	3	4 Elections office closed in observance of Independence Day	5	6	7	8
	9	10	11 Local voters' pamphlet mailed to all residential households in King County	12 Ballots mailed King County Elections Office Vote Center opens	13 Ballot drop boxes open Last day to file as a write-in candidate without paying a filing fee, due by 4:30 p.m.	14	15
	16	17 1st day candidates may submit a local voters' pamphlet statement for the general election	18	19	20	21	22
	23	24 Deadline to register or update an existing registration online or by mail	25	26	27	28	29 Additional Vote Centers open
	30	31					

# Primary and general election calendar (continued)

Item 6.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
August			<b>Election Day 1</b> Deadline to register in person and vote Last day to file as a write-in candidate by 8 p.m.	2	3	4 Local voters' pamphlet submissions for the general due by 4:30 p.m.	5
	6	7	8	9	10	11	12
	13	14	15 Election certification RCW 29A.60.190	16	17 Deadline to file application for recount by 4:30 p.m. RCW 29A.64.011	18	19
	20	21	22	23	24	25	26
	27	28	29	30	31		

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
September						1	2
	3	4 Elections office closed in observance of Labor Day	5	6	7	8 Local voters' pamphlet proofs sent to candidates for review	9
	10	11 Candidate responses for local voters' pamphlet proofs + campaign contact information updates due by 4:30 p.m.	12	13	14	15	16
	17	18	19	20	21	22 Overseas, service, and out of state ballots mailed Online voter guide available Ballot tracker available	23
	24	25	26	27	28	29	30

# Primary and general election calendar (continued)

Item 6.

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
October	1	2	3	4	5	6	7
	8	9 Elections office closed in observance of Indigenous Peoples' Day	10	11	12	13	14
	15	16	17 Local voters' pamphlet mailed to all residential households in King County	18 Ballots mailed King County Elections Office Vote Center opens	19 Ballot drop boxes open Deadline to file as a write-in candidate without paying a filing fee by 4:30 p.m.	20	21
	22	23	24	25	26	27	28
	29	30 Deadline to register or update an existing registration online or by mail	31				

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
November				1	2	3	4 Additional Vote Centers open
	5	6	7 Election Day deadline to register in person and vote Last day to file as a write-in candidate by 8 p.m.	8	9	10 Elections office closed in observance of Veterans Day	11
	12	13	14	15	16	17	18
	19	20	21	22	23 Elections office closed in observance of Thanksgiving	24 Elections office closed in observance of Thanksgiving	25
	26	27	28 Election certification RCW 29A.60.190	29	30		

# Filing to be a Candidate

How to file for office.

chapter

02

Item 6.

## Becoming a candidate

To become a candidate, you must complete and file a Declaration of Candidacy and, at the time of filing, possess the qualifications specified by law required for the office and be properly registered to vote in the district represented by the office. Information about residency requirements can be found at the end of this chapter.

To find out which offices you can file for this year, view the [Offices Subject to Election](#) on our website. This list includes the offices up for election, the current incumbent, where to file your Declaration of Candidacy, filing fee information and voters' pamphlet submission information.

## When to file

The candidate filing period begins the Monday two weeks prior to Memorial Day and ends the following Friday.

All Declarations of Candidacy must be received before the close of business on the last day of the filing period. Declarations of Candidacy received after this date, regardless of the postmark, are invalid. No late filings will be accepted.

Candidates may file online starting at 9 a.m. on the first day of filing until 4 p.m. on the last day of filing. Mailed Declarations of Candidacy may be submitted in advance up to ten business days before the filing period begins. Filings received prior to this date will be returned to the candidate. Contact the Elections office to discuss filing in person.

## Where to file

All candidates will file online via the Secretary of State's Candidate Filing portal.

The following offices must file with the Office of the Secretary of State:

- President and Vice President
- US Senator
- US Representative
- State offices
- State Senator and Representative for Legislative Districts 1, 12, 31, and 32
- State Supreme Court



### Filing deadlines

Mail

May 1 - May 19, 4:30 p.m., regardless of postmark

In-person

May 15, 8:30 a.m. - May 19, 4:30 p.m.

Online

May 15, 9 a.m. - May 19, 4 p.m.



### Office of the Secretary of State Elections Division

360-902-4180

[elections@sos.wa.gov](mailto:elections@sos.wa.gov)

[sos.wa.gov/elections](https://sos.wa.gov/elections)

Contact the Office of the Secretary of State for more information about filing in person with office.

Item 6.

Candidates for the following offices must file with King County Elections:

- State Senator and Representative for Legislative Districts 5, 11, 30, 33, 34, 36, 37, 41, 43, 45, 46, 47 and 48
- County offices
- Court of Appeals, Division No. 1, District, No. 1
- King County Superior Court
- District Court
- Cities and Towns (Exception: City of Milton files with Pierce County)
- Municipal Court
- Schools (Exception: Fife School District No. 417 files with Pierce County)
- Special Purpose Districts where a majority of the voters are registered in King County (Exceptions: East Pierce Fire & Rescue and Rural Pierce County Library System file with Pierce County, Snoqualmie Pass Fire and Rescue and Snoqualmie Pass Utility District file with Kittitas County)

## Cost to file

Filing fees or filing fee petitions must accompany the Declaration of Candidacy at the time of filing. The filing fee is based on the salary in effect at the time of filing. Candidates can pay the filing fee online using a credit card or debit card. Candidates paying the filing fee with cash or check should contact the Elections office for information about filing in person.

Filing fees are not refundable, even in the event of a withdrawal. If a candidate withdraws and re-files for a different position, a second filing fee must be paid for the new position.

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee should contact our office as soon as possible to receive more information about your options.

To view filing fee information for offices subject to election this year, view the [Offices Subject to Election](#) on our website. This list includes the offices up for election, the current incumbent, where to file your Declaration of Candidacy, filing fee information and voters' pamphlet submission information.

## Filing fee petitions

Those planning to submit a filing fee petition or who lack the funds to pay their filing fee should contact our office as soon as possible to receive more information about options.



## Getting ready to file

Item 6.

Before you file for office, you will need to:

- Verify that your voter registration information is current. You can [verify your voter registration information](#) online.
- Verify the office and position for which you are filing. You are responsible for filing for the correct office. Remember, filing fees are not refundable. If you withdraw and re-file for a different position, you must pay a second filing fee for the new position.
- Make sure you meet the qualifications for that office. You are responsible for ensuring that you meet all qualifications of the office.
- Decide how you want your name to appear on the ballot.
- If filing for a partisan office, know how you want your party preference information to appear on the ballot.
- Have your campaign contact information ready.

## Your name on the ballot

When filing for office, you must input your name exactly as you wish it to appear on the ballot. You may use a nickname by which you are commonly known as your first name, but your last name must be the name under which you are registered to vote. For example, if you are registered to vote as William Smith but are commonly known as Bill, you may use Bill Smith for your ballot name.

You may not use a nickname that denotes present or past occupation or military rank, use a nickname that denotes your position on issues or political affiliation, or use a nickname designed to intentionally mislead voters.

Make sure you input your ballot name correctly; you cannot make any corrections once you submit your Declaration of Candidacy.

## Partisan offices - party preferences

For a partisan office, you may choose to state a political party that you personally prefer. A preference does not imply that you have been nominated or endorsed by the party, or that the party approves of or associates with you.

If you choose to state a party preference, enter the name of the party (must be 18 characters or less). The first letter of the party preference will be capitalized (i.e., Democratic). If you use an acronym or initials, each letter will be capitalized whether or not use you periods (i.e., GOP or G.O.P.). Your party preference will appear below your name as "(Prefers \_\_\_\_\_ Party)".

If you choose not to state a party preference, "(States No Party Preference)" will appear on the ballot.

Make sure you input your party preference exactly as you wish it to appear on the ballot; you cannot make any changes once you submit your Declaration of Candidacy.

## How to file your Declaration of Candidacy

Filing your Declaration of Candidacy is important and as a best practice, King County Elections recommends that you submit your Declaration of Candidacy as early as possible during filing week. Our office cannot accept late submissions.

All candidates will file online via the Secretary of State's Candidate Filing portal. Online candidate filing opens on Monday, May 15, 2023, at 9 a.m. and is available 24 hours a day until Friday, May 19, 2023, at 4 p.m.

Candidates will receive a confirmation email when their filing has been received and again when their filing has been approved.

Watch this [online training tutorial video](#) that will guide you through the steps to file for office online. The tutorial will be available by April 1, 2023.

King County Elections strongly recommends filing online. Completing your Declaration of Candidacy through the online portal is fast, easy and convenient.

If you will be out of town and will not have computer access during the week of candidate filing, you may submit your Declaration of Candidacy by mail beginning on May 1, 2023. Filings submitted by mail must be received by 4:30 p.m. on May 19, 2023, regardless of postmark. Filings received by mail prior to May 1, 2023, will be returned to the candidate.

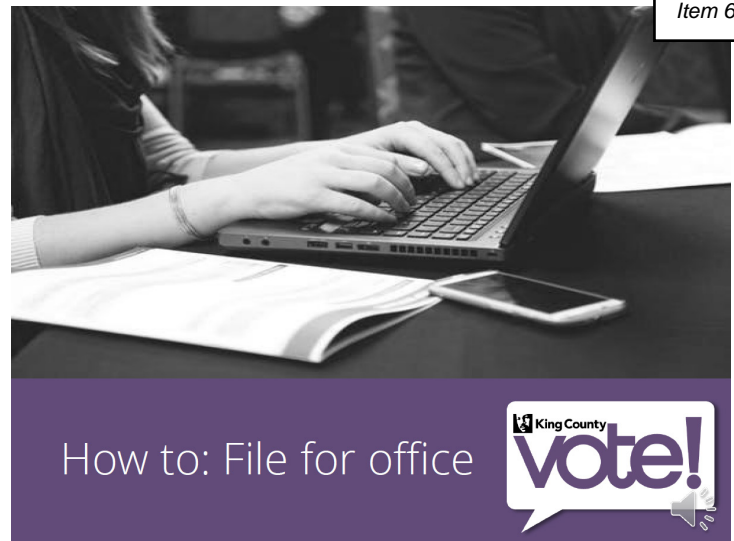
Once filed, a Declaration of Candidacy may not be altered. If you decide during the filing period to change the Declaration of Candidacy, you must first withdraw and then re-file.

## Withdrawal of candidacy

The deadline for withdrawing from office is the Monday following filing week.

To withdraw, you must submit a signed request that your name be removed from the ballot. A [Withdrawal of Candidacy form](#) will be available on our website. The form is also available via a link in the confirmation email sent to candidates who filed for office online.

No filing fees will be refunded, even in the event of a withdrawal.



Clicking on the image above will link to a brief tutorial on how to file for office online. The tutorial will be available by April 1.



### Filing deadlines

#### Mail

May 1 - May 19, 4:30 p.m., regardless of postmark

#### In-person

May 15, 8:30 a.m. - May 19, 4:30 p.m.

#### Online

May 15, 9 a.m. - May 19, 4 p.m.



### Deadline to withdraw candidacy

May 22, 2023, 4:30 p.m.

## No double filings

Item 6.

A candidate's name cannot appear on the ballot more than once, except for precinct committee officer.

## Residency Requirements

All candidates must be registered to vote within the district they are running to represent. Before filing, confirm your voting districts using the [My Voter Information tool](#) on our website.

Every ten years following the Census, electoral districts are redrawn. This is done to make sure that each district represents an equal number of residents.

Congressional, state legislative, and County Council districts were redrawn in 2021. The City of Seattle and some special purpose districts with internal boundaries completed redistricting in 2022.

Your district may have changed in either process. Be sure to check your voting districts using the [My Voter Information tool](#).

Office	Requirements
County offices	Candidates must be at least 21 years of age, residents and registered voters of King County. County Council candidates must be residents and registered voters of their County Council district. (King County Charter)
Court of appeals judges	Candidates must be residents for not less than one year at the time of appointment or initial election in the district for which his or her position was created and admitted to practice law in the courts of the State of Washington for not less than five years prior to taking office. (RCW 2.06)
Fire, water & sewer districts	Candidates must be qualified electors (registered voters) of district. (RCW 42.04)
Municipal court judges (other than Seattle Municipal Court)	Candidates must be qualified resident electors of King County and admitted to practice law in the courts of record of the State of Washington. (RCW 3.50)
Non-charter code cities	Candidates must be registered voters at the time of filing and residents for at least one year on Election Day. (RCW 35A.12.030)  Note: All cities in King County are "non-charter code" cities, except the city of Seattle and the towns of Beaux Arts Village, Hunts Point, Skykomish and Yarrow Point.
Park & recreation districts	Candidates must be resident electors (registered voters) of district. (RCW 36.69, 54.12)
Port districts	Candidates must be registered voters of King County. (RCW 53.12)

Office	Requirements
School districts	Candidates must be registered voters of the district or director district. Mercer Island, Vashon Island and Skykomish School District candidates need only be registered voters in the school district. Candidates of all other school districts must be registered voters in their director district. (RCW 28A.315, 29A.24)
State legislature	Candidates must be qualified voters in the district. (State Constitution, Article II, Section 7)
State offices	Candidates must be qualified electors of the State of Washington. (State Constitution, Article III, Section 25)
Supreme, superior, and Seattle municipal court judges	Candidates must be registered voters of Washington State and admitted to practice law in the courts of record of the State of Washington. (State Constitution, Article IV, Section 17; Article III, Section 25; RCW 35.20)
District court judges	Candidates must be a registered voter of the district court and electoral district and admitted to practice law in the state of Washington. (RCW 3.34)
US representative	Candidates must be at least 25 years of age, US citizens and residents of the state for which they shall be chosen. (US Constitution, Article II)
US senate	Candidates must be at least 30 years of age, US citizens and residents of the state for which they shall be chosen. (US Constitution, Article II)

# Write-in Candidate

Information on how to file as an official write-in candidate.

chapter

03

Item 6.

## Becoming a write-in candidate

In order to have votes counted for a race, write-in candidates must file a [Declaration of Write-in Candidacy](#). The Declaration of Write-in Candidacy form will be made available on our website in May. At the time of filing, you must possess the qualifications specified by law required for the office and be properly registered to vote in the district represented by the office. You cannot file to be a write-in candidate if you are already on the ballot (except for precinct committee officer) and/or have already filed for the same office at the preceding primary.

To find out which offices you can file for this year, view the [Offices Subject to Election](#) on our website. This list includes the offices up for election, the current incumbent, where to file and filing fee information.

## When to file

Declarations of Write-in Candidacy must be received by 8 p.m. on the primary or general election day. Declarations of Write-in Candidacy received after this date, regardless of the postmark, cannot be accepted. Candidates that file 19 days prior to election day or earlier do not have to pay a filing fee.

## Where to file

The following offices must file with the Office of the Secretary of State:

- President and Vice President
- US Senator
- US Representative
- State offices
- State Senator and Representative for Legislative Districts 1, 12, 31, and 32
- State Supreme Court

Contact the Secretary of State's Office for more information about filing with their office.



### Deadline to file as write-in candidate

Primary Election: August 1, 2023, 8 p.m.

- Deadline to file without paying a filing fee: July 13, 2023, 4:30 p.m.

General Election: November 7, 2023, 8 p.m.

- Deadline to file without paying a filing fee: October 19, 2023, 4:30 p.m.



### Office of the Secretary of State Elections Division

360-902-4180  
elections@sos.wa.gov  
sos.wa.gov/elections

The following offices must file with King County Elections:

- State Senator and Representative for Legislative Districts 5, 11, 30, 33, 34, 36, 37, 41, 43, 45, 46, 47 and 48
- County offices
- Court of Appeals, Division No. 1, District No. 1
- King County Superior Court
- District Court
- Cities and Towns (Exception: City of Milton files with Pierce County)
- Municipal Court
- Schools (Exception: Fife School District No. 417 files with Pierce County)
- Special Purpose Districts where a majority of the voters are registered in King County (Exceptions: East Pierce Fire & Rescue and Rural Pierce County Library System file with Pierce County, Snoqualmie Pass Fire Protection District No. 51 and Snoqualmie Pass Utility District files with Kittitas County)

## Cost to file

The filing fee is based on the timing of when the declaration is filed. Write-in candidates that file 19 days or earlier before an election do not pay a filing fee. Write-in candidates that file 18 days or less before an election must pay a filing fee amount. For offices with an annual salary of more than \$1,000, the filing fee amount is 1% of the annual salary. For all other offices, the filing fee amount is \$25. Filing fees or filing fee petitions must accompany the Declaration of Write-in Candidacy at the time of filing.

Filing fees are not refundable, even in the event of a withdrawal. If a write-in candidate withdraws and re-files for a different position, a second filing fee must be paid for the new position.

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee should contact our office as soon as possible to receive more information about options.

To find out filing fee information for offices subject to election this year, view the [Offices Subject to Election](#) on our website. This list includes the offices up for election, the current incumbent, where to file your Declaration of Write-in Candidacy and filing fee information.

## Filing fee petitions

Those planning to submit a filing fee petition or who lack the funds to pay their filing fee should contact our office as soon as possible to receive more information about options.

## Results

Write-in votes are not tabulated for individual write-in candidates unless there is a declared write-in candidate for that race and enough write-in votes are cast to meet the thresholds required for individually tallying those votes.

## Qualifying for the ballot

Names of write-in candidates will not appear on the ballot or in the voters' pamphlet.

As a declared write-in candidate any recognizable variation of your name will be counted.

If a write-in candidate qualifies for the general election by earning a sufficient number of votes in the primary, the candidate's name will be printed on the general election ballot and in the general election voters' pamphlet.

## Withdrawal of write-in candidacy

Withdrawals of write-in candidacy must be received before 8 p.m. on the date of a primary or general election.

To withdraw, you must submit a signed request. A [Withdrawal of Candidacy form](#) will be made available on our website in May.

No filing fees will be refunded, even in the event of a withdrawal.



# Voters' Pamphlet Information

Guidelines and information on how to submit your voters' pamphlet information.

chapter

04

Item 6.

## Where to file

The [Secretary of State's Office](#) accepts voters' pamphlet submissions for federal, statewide, legislative, Court of Appeals and Superior Court offices. All other offices file with King County Elections. **The voters' pamphlet guidelines and deadlines in this manual only pertain to candidates who file with King County Elections.**

Where to file and word limits for each office will be listed in the [Offices Subject to Election](#) on our website by March 15, 2023. Please note, candidates for multi-county local races will need to file their voters' pamphlet materials with each county.

## When to file

Our office must receive your voters' pamphlet submission for the primary election no later than Friday, May 26, 2023, at 4:30 p.m., regardless of postmark.

You have the option of submitting a new statement for the general election. If you choose to submit a new statement and/or photo for the general election, you can begin filing as early as Monday, July 17, 2023. Your voters' pamphlet submission for the general election must be received by our office no later than Friday, August 4, 2023, at 4:30 p.m., regardless of postmark.

Submissions received after the deadline will not be accepted. No exceptions.

## Your photo

You may submit one self-portrait of your head and shoulders. Use a light-colored background, but white is not recommended. Photos should be no more than five years old. Clothing or insignia that suggest a public office (i.e., judicial robes, law enforcement or military uniforms) are not allowed.

Your photo should not be digitally altered. Digital photos should be at minimum 300 dpi resolution and no smaller than 4 x 5 inches (1200 x 1500 pixels).

If you do not submit a photo the phrase "No photo submitted" will appear in the pamphlet.

Once filed, you are not allowed to change your photo. If you decide during the filing period to change your submission, you must first withdraw and then re-file by the deadline.



**Deadline to file voters' pamphlet information**

Primary Election: May 26, 2023, 4:30 p.m.

General Election: August 4, 2023, 4:30 p.m.



## Formatting

Space for each candidate is limited, so formatting is very important.

Format your statement as an essay; text must be written in paragraphs. Tables, lists and bullet points are not allowed, and will be changed to a block paragraph with a semicolon to separate each item. The number of paragraphs permitted is based on statement word limits:

- 150 words: three paragraphs
- 200 words: four paragraphs
- 300 words: six paragraphs

Only use italics to emphasize specific words or statements. Bold, underline and all caps is not allowed. Words or statements submitted with prohibited formatting will be changed to italics.

### Correct

I approve of *justice* for all, *fairness* of the law and *rehabilitation*.

### Incorrect

I approve of:

- JUSTICE for all
- **Fairness** of the law
- Rehabilitation

Keep your statement simple and write in the narrative. Per RCW 29A.32.230(3), your statement must only be about you. Do not include references to your opponent(s). You may seek help when writing your statement but remember it is ultimately your responsibility. All or any part of a candidate statement may be rejected at the Elections Director's discretion if it contains obscene, profane, libelous and/or defamatory language.

Voters want to know why they should vote for you. Here are a few tips from voters:

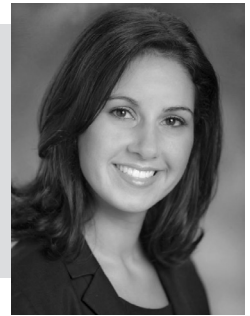
- Treat this as a resume and edit carefully.
- Give your vision for the future. Be positive.

Sample statement in the printed voters' pamphlet.

Item 6.

### Liz Darcy

(555) 555-5555  
info@darcyformayor.com  
www.darcyformayor.com



**Education:** Bachelor's in Economics, State University; Master's in Business Administration, State University

**Occupation:** Manager, Main Street Bank

**Statement:** We deserve a leader that will listen to our ideas and concerns and be proactive, not reactive, in their decision making. We deserve a leader that cares more about serving citizens than getting re-elected. We deserve a leader at city hall that can work with local businesses, instead of against them; a leader that has the knowledge to set the city on a successful course—not just for the next five years, but for the next five decades. *I am that leader.*

Born and raised in this town, my roots here run deep. My family has lived here for four generations, and my husband and I are raising our three beautiful children here. As manager of the bank for the last fifteen years, I have expanded our small business loan program, creating opportunities for local businesses and organizations to make a difference in our community. This successful program has reduced the vacancy rate on Main Street to zero, creating a prosperous, revitalized Downtown.

I am an active community volunteer: as head of the PTA, I have worked with other parents to create the best learning environment for our kids; and I helped to establish our city's block watch program, which keeps our neighborhoods safe and crime rates low.

As your mayor I will work to make our city a better place for all residents to live. I will listen to your ideas and provide forums for discussion and debate. I will make decisions based not just on immediate need, but with an eye toward the future. I will make city government more transparent and fiscally responsible.

I want to make our city the best it can be; together we can make a difference! *I humbly ask for your vote.*



### Word limits

300 words: all countywide offices (Executive, Prosecuting Attorney, Assessor, Director of Elections, port district commissioners), County Council offices, City of Seattle offices, and jurisdictions having over 150,000 registered voters

200 words: District Court judges and jurisdictions having between 65,000 and 149,999 registered voters

150 words: all other offices and jurisdictions

- Write what you stand for or support.
- Describe your education, background and/or qualifications.
- Avoid technical terms that may not be generally understood.
- Do not criticize opponents.

Proofread carefully; your statement will be printed exactly as you submit it. You are not allowed to change your statement once it has been submitted.

## Word limits

Word limits vary by office and can be found in the [Offices Subject to Election](#) on our website by March 15, 2023. In addition to the statement, each candidate may include a 10-word occupation line and a 15-word education line.

If no information is submitted for any of the sections, the statement “No information submitted” will appear in the pamphlet.

## Your campaign contact information

Campaign contact information such as a phone number, email, and/or website is included in the pamphlet. Contact information does not count towards the word limits, and at least one method of contact must be provided. Government web and email addresses, such as those ended in .gov, are not permitted. Mailing addresses are not published in the pamphlet.

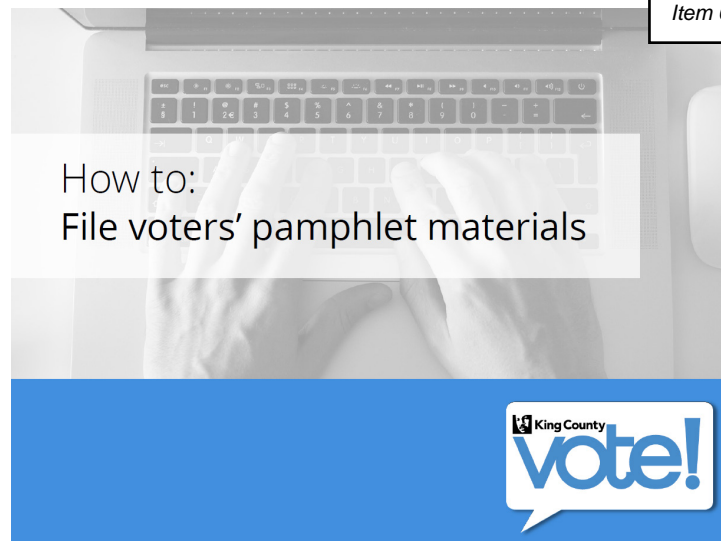
You may update your contact information for the print edition of the local voters’ pamphlet for the primary election until June 12, 2023, at 4:30 p.m. and until September 11, 2023, at 4:30 p.m. for the general election. Changes to your contact information on our website can be made at any time.

## How to submit your voters’ pamphlet information

Your voters’ pamphlet submission is important and as a best practice, King County Elections recommends that you submit your information as early as possible. Our office will not accept late submissions. No exceptions.

King County Elections recommends filing your voters’ pamphlet statement online. Filing online is both easy and convenient.

King County Elections will provide an online training tutorial that will guide you through how to file your voters’ pamphlet information



Clicking on the image above after April 1, 2023 will link to a brief tutorial on how to file your voters’ pamphlet information.



### Deadline to file voters’ pamphlet information

Primary Election: May 26, 2023, 4:30 p.m.

General Election: August 4, 2023, 4:30 p.m.



### Please submit your materials as soon as possible.

Once received, all information must be reviewed, translated into additional languages and prepared for printing, all of which must happen in a very tight time frame. By submitting early, you are helping us manage our work flow and ensuring that King County voters will continue to receive a quality voters’ pamphlet.

online. The video will be made available through our [Running for Office](#) webpage by April 1, 2023.

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For the primary election, online voters' pamphlet filing opens on Monday, May 15, 2023, at 9 a.m. and is available 24 hours a day until Friday, May 26, 2023, at 4:30 p.m. Any candidates who have not completed their filing by 4:30 p.m. will be shut out of the system and their voters' pamphlet information rejected.

For the general election, online voters' pamphlet filing opens on Monday, July 17, 2023, at 9 a.m. and is available 24 hours a day until Friday, August 4, 2023, at 4:30 p.m. Any candidates who have not completed their filing by 4:30 p.m. will be shut out of the system and their voters' pamphlet information invalidated.

If you submitted a statement and/or photo for the primary election, you are not required to resubmit for the general election. If our office does not receive a new statement and/or photo from you for the general election, the information you submitted for the primary election will appear in the general election pamphlet.

You also have the option of submitting your voters' pamphlet information by mail. If submitting by mail, you must also complete a King County Local Voters' Pamphlet Submission Form, which can be found on our website. Filings submitted by mail must be received by 4:30 p.m. on the last day to file, regardless of postmark.

Once filed, your voters' pamphlet information may not be altered. If you decide during the filing period to change your submission, you must first withdraw and then re-file by the deadline.

## Withdrawal of voters' pamphlet submission

You may withdraw your statement and photo and submit a new statement and photo prior to the submission deadline. If you withdraw your statement and photo and fail to resubmit a new statement and photo, no statement or photo will appear in the voters' pamphlet.

To withdraw, you must submit a request withdrawing your original statement and photo. A Withdrawal of Local Voters' Pamphlet Submission Form can be found on our website. A link to this form is also in the email confirmation sent to candidates who file online.

## Reviewing your submission

Prior to publication of the local voters' pamphlet, King County Elections will email each candidate a proof of their statement. Upon receipt of the proof, candidates should ensure that there are no discrepancies between the proof copy and the information they submitted.

No changes to the originally submitted statements or photos will be accepted. The only changes that will be accepted are updates to the campaign contact information.



### Deadline to withdraw voters' pamphlet information

Primary Election: May 26, 2023, 4:30 p.m.

General Election: August 4, 2023, 4:30 p.m.



### Voters' pamphlet review deadlines

Primary Election: June 12, 2023, 4:30 p.m.

General Election: September 11, 2023, 4:30 p.m.

# Campaign Contributions

Where to file campaign contribution information.

## chapter 05

Item 6.

### Where to file

All candidates need to contact the [Washington State Public Disclosure Commission \(PDC\)](#) directly with any questions regarding the filing of public disclosure documents. We strongly encourage candidates to access all PDC information on their website.

### Information for county offices (Assessor, County Council, Director of Elections, and Executive)

As of December 2012, candidates for King County elective office no longer must file a statement of financial and other interests with the King County Ethics Program.

All nominees for appointment to any County elective office (except for judicial offices), within two weeks of becoming a nominee and all elected officials who are defined as county employees, shall file a statement of financial and other interest with the King County Ethics Program. This requirement may be satisfied by filing a signed copy of the PDC F-1 report. For more information, contact the King County Ethics Program.

### Contribution limits for county offices

All persons and organizations, including political committees, are prohibited from making contributions during the election cycle totaling more than \$2,000 in the aggregate to any candidate for Assessor, County Council, Director of Elections, or Executive.



Washington State Public Disclosure  
Commission

877-601-2828  
[pdc.wa.gov](http://pdc.wa.gov)



Ethics Program  
King County Office of Civil Rights  
& Open Government

206-263-7821  
[board.ethics@kingcounty.gov](mailto:board.ethics@kingcounty.gov)  
[kingcounty.gov/ethics](http://kingcounty.gov/ethics)

# Ballot Order

Information about the order in which candidates and measures appear on the ballot.

## Ballot order

State law determines the order of offices and measures on the ballot at the federal or state level. For local offices and measures, the order they appear on the ballot is established by the county.

## Order of offices

The offices will appear in the following order:

- Federal Offices
  - President and Vice President of the United States
  - United States Senator
  - United States Representative
- State Offices
  - Governor
  - Lieutenant Governor
  - Secretary of State
  - State Treasurer
  - State Auditor
  - Attorney General
  - Commissioner of Public Lands
  - Superintendent of Public Instruction
  - Insurance Commissioner
  - State Senator
  - State Representative
- County Offices
  - County Executive
  - Prosecuting Attorney
  - Assessor
  - Director of Elections
  - County Council
- State and County Judicial Offices. These appear on the ballot sequentially by district and/or position within each category.
  - Justices of the Supreme Court
  - Judges of the Court of Appeals
  - Judges of the Superior Court
  - Judges of the District Court
- Countywide Special Purpose Districts
  - Port of Seattle
- Cities and Towns
  - Mayor
  - City Attorney
  - Other elective department positions
  - Council
  - Municipal Court Judge
- Special Purpose Districts. Directors or commissioners within each district shall be in the order of the position or director district numbers assigned to those offices.
  - Regional districts that are not countywide
  - Transportation
  - School
  - Fire
  - Water
  - Sewer
  - Sewer and water combined
  - Public hospital
  - Airport
  - Cemetery
  - Park and Recreation Districts
  - Park and Recreation Service Areas
  - Flood, Drainage or related districts

## Order of measures

The measures will appear on the ballot in the following order:

- Initiatives to the people
- Referendum measures
- Referendum bills
- Initiatives to the Legislature and alternate proposals, if any
- Advisory votes
- Proposed Constitutional amendments
  - Senate Joint Resolutions
  - House Joint Resolutions
- Countywide ballot measures

All other local measures, if any, appear in the area dedicated to that jurisdiction and follow the offices. For example, a ballot measure for a city would appear on the ballot after the city council races. Local measures would appear in the following order:

- Initiatives
- Referendum measures
- Proposed charter amendments
- All other propositions

Measures are numbered sequentially within each of the above categories in the order they are received by King County Elections, unless otherwise indicated by the jurisdiction proposing the measures.

## Order of candidates

After the close of the regular candidate filing period, King County Elections will conduct a lot draw to determine the order in which candidate names will appear on the primary election ballot.

For the general election ballot, the candidate receiving the most votes in the primary election will appear first and the candidate receiving the second highest number of votes will appear second. If a primary election is not required for an office, the candidate names will appear on the general election ballot in the order determined by the lot draw.



# Voter Statistics and Data

Information about past voter turnout and how to request voter information.

## Data Visualization Tool

Easily view [ballot return statistics](#) for each election on our website. This information is updated at least twice daily by 12 p.m. and 6 p.m. during an active election.

## General data request information

Current lists of voter registrations are public records. (RCW 29A.08.720)

This data may be used for political purposes only. Voter registration data may not be used for commercial purposes. (RCW 29A.08.720, 29A.08.740 and 42.56.070(9))

There is no charge for data requests, unless the data is provided on paper. If you require paper copies, you will be charged at a cost of \$0.15 per page (\$0.15 per sheet x 34 is \$5.10).

Data files are provided via our online portal, GovQA. If additional accommodations are needed, contact Election Services.

## Voter data requests

Data of registered voters within a specific district, including:

- Name of registered voter
- Voter ID
- Voter status
- Registered address, city, state and zip
- Mailing address, if provided
- Precinct name, number and portion
- Date of registration
- Date of birth
- Gender
- Voting history (if requested)

To request this information, complete the [Voter Data Request form](#) on our website. Allow 1-2 business days for processing.

## Mail ballot return data requests

Mail ballot return data includes voters (within requested districts) eligible for the current election only. The file will contain the same information as a voter data request but will also indicate if the voter has returned their ballot.

To request this information, complete the [Mail Ballot Return Data Request form](#) on our website. Allow 1-2 business days for processing.

## Signature challenge data requests

Signature challenge data contains a list of voters with a signature challenge on their ballot for the current election. The file includes:

- Voter ID
- Voter's name
- Voter's date of birth
- Voter's mailing address
- Challenge reason
- Ballot status
- Precinct name

For more information about signature challenge data requests or to request this information, contact our office.



King County Elections -  
Election Services

206-296-1565  
[election.services@kingcounty.gov](mailto:election.services@kingcounty.gov)  
[kingcounty.gov/elections](http://kingcounty.gov/elections)



# Voter Registration Guidelines

General information about voter registration drives.

chapter

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Item 6.

## Voter registration drives

Every eligible person is encouraged to register to vote and to participate fully in all elections. Make sure the people of your community have a voice in the next election.

Tips for a successful drive:

- Plan your drive well in advance of voter registration deadlines.
- Consider coordinating with other groups to maximize your efforts.
- Obtain permission from the owner or manager before conducting drives on private property.
- Obtain forms from the Elections office or the Secretary of State's Office.
- Treat everyone the same.
- Know how to complete the form so you can assist individuals.
- Allow people to take a registration form and submit it themselves.
- Let people know they may fill out a form to update their existing registration (name change, address change, etc.)
- Assist people with disabilities only when they ask for help.
- Have contact information for the Elections office available to aid in referring people.
- Submit completed forms within 5 business days. You can submit completed forms by mail or in person to the Elections office.
- Return unused forms to the Elections office.

Do not...

- refuse to give anyone a registration form.
- offer gifts or promotional items for registering someone to vote unless you offer the same item to someone who does not register to vote.
- accept registrations you know to be fraudulent (see Voter Concern Information at the end of this chapter).

# Completing the voter registration form

The below information is required on voter registration forms:

- voter's name;
- date of birth;\*
- affirmation of United States citizenship;
- a Washington State residential address (include both mailing and residential addresses if mail is not delivered to the residential address);
- signature attesting to the truth of the information provided.

\*16 and 17 year olds can now pre-register to vote. Registrants under the age of 18 will have their registrations held until they become eligible to vote.

## Voter registration deadlines for the primary and general elections

Online or by mail:

- You can register to vote, or update your registration, online or by mail until 8 days before an election.
- Mailed registrations need to be received, not postmarked, by the 8 day deadline.
- If changes to an existing registration are not received online or by mail by this deadline, a voter may still vote using their previous voter registration record information, or make the necessary updates in person.

In-person, at any elections office in Washington State:

- You can register to vote, or update your registration, until 8 p.m. on election day.
- If a voter is unable to update their existing registration in person by this deadline, they may still vote using their previous voter registration record information.

## Voter concern information

If you believe you have witnessed irregularities, discrimination or fraud, please report the incident by accessing the Voter Concern Form on the Secretary of State's [website](#).

Clearly and specifically state your concern(s) and include events, dates, times, addresses and names pertaining to your concern(s).



King County Elections -  
Voter Services

206-296-8683  
[elections@kingcounty.gov](mailto:elections@kingcounty.gov)  
[kingcounty.gov/elections](http://kingcounty.gov/elections)



Office of the Secretary of State  
Elections Division

360-902-4180  
[elections@sos.wa.gov](mailto:elections@sos.wa.gov)  
[sos.wa.gov/elections](http://sos.wa.gov/elections)

# Campaign Sign Regulations

General information about campaign sign regulations.

chapter

09

Item 6.

## The role of King County Elections

King County Elections has **no** role in the regulation of campaign signs.

## King County sign regulations

King County regulates all signs on county-owned property, easements and unincorporated road right-of-way, and unpermitted signs are not allowed in these locations (King County Code (KCC) 21A.20.040 and 21A.20.120C2). The county may remove and dispose of any unpermitted signs posted on county-owned property, easements or road right-of-way.

Political campaign signs may be displayed on private property with the property owner's consent. Any such signs, posters or handbills must be removed within 10 days following the election day, per King County Code (KCC) 21A.20.120C1. Although the campaign volunteers may agree to remove any sign, the property owner is ultimately responsible for compliance with the removal policy.

## What to do about signs illegally placed

On private property:

- Property owners can contact the campaign headquarters and ask to have the sign removed.
- Advise the campaign about the error so it is not repeated.
- The King County Road Services Division has no authority over signs posted on private property.

On the road right-of-way in unincorporated King County:

- Call Road Services at 1-800-KC-ROADS (527-6237).

Report sign problems not related to road right-of-way issues:

- Call the campaign headquarters. If the campaign contact information is not listed on the sign, the King County Elections [website](#) lists all of the candidates and their campaign contact information.
- To file a formal complaint about damaged or stolen political campaign signs in unincorporated King County, contact the King County Sheriff's Office at 206-296-3311. It will be helpful to include such facts as license numbers, names and witnesses to the theft. Do not call 911.

How to retrieve signs removed from the right-of-way:

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- Campaigns can call Road Services at 1-800-KC-ROADS (527-6237) to find out how to retrieve signs that maintenance crews have removed.
- Private property owners should contact the campaign headquarters to replace a sign that has been vandalized or stolen from their property.

## Washington State sign regulations

RCW 47.42 and the Highway Advertising Control Act regulate signs on Interstate highways, Primary highways and highways that are part of the Scenic and Recreational system. Signs on private property adjacent to these highways must comply with the Highway Advertising Control Act, rules contained in WAC 468-66 and applicable local agency sign codes. Signs placed within the right-of-way of any state highway are subject to removal by the Washington State Department of Transportation.

Per WAC 468-66-050 & RCW 47.36.180(1), temporary political campaign signs:

- are limited to a maximum size of 32 square feet;
- must not resemble an official traffic control sign;
- must be removed within 10 days following the election;
- be placed with permission of the property owner prior to placing sign.

For any questions about the placement of campaign signs along state highways, call 360-705-7282.



King County Department of  
Transportation  
Road Services Division  
800-KC-ROADS (527-6237)  
maint.roads@kingcounty.gov  
kingcounty.gov/roads



Washington State Department of  
Transportation  
360-705-7282  
wsdot.wa.gov

# Observing Elections

Information about observing the elections process at King County Elections.

## chapter 10

Item 6.

### Take a self-guided tour of Elections

See democracy in action! You can walk the 1/5 mile “loop” circling our ballot processing area. See every step a ballot takes, from signature verification to opening and scanning.

King County Elections Headquarters features a viewing loop so that you can observe the election process in action. No reservations are needed for this self-guided tour.

The viewing loop is open on the dates listed below during weekdays from 8:30 a.m. to 4:30 p.m., with extended hours on election days.

Primary election: July 12 - August 15

General election: October 18 - November 28

On our website, you may take a [video tour of King County Elections](#) that walks you through every step of the process. Each video segment corresponds to a view point on our self-guided tour.

More information about [observer opportunities](#) can be found on our website; continue to check back for updates throughout the year.

### Live election cams

See for yourself how ballots are processed by watching our [live election cams](#) (when an election is in process) which are available on our website.

Webcams are live 24 hours a day, 7 days a week from the Monday after ballots are mailed through election certification.

Primary election live web cam dates: July 17 - August 15

General election live web cam dates: October 23 - November 28

If we are not currently processing ballots, consider watching our virtual tour video to get an idea of what we do.



# You've decided to run for office...

## Now get to know the PDC

### First: Introduce yourself.

Several actions [make you a candidate in the eyes of the law](#) and prompt the requirement for filing reports with the Public Disclosure Commission. For candidates who did not previously announce their candidacy, raise funds or spend money on their campaigns, the declaration of candidacy is the triggering event.

Within two weeks of filing that declaration, most candidates must register their campaigns ([C-1 report](#)) and disclose their personal financial affairs ([F-1 report](#)). (Exceptions apply in cases where candidates are running for office in small jurisdictions and don't plan to spend more than \$5,000.) **All reports must be filed electronically.**

### Second: Consider your (reporting) options.

Candidates who are required to register their campaigns can choose [mini or full reporting](#). Choose wisely – candidates who initially opt for mini reporting but then switch to full reporting face deadlines for doing so and must retroactively document their contributions and expenditures.

Mini reporting is available to candidates who plan to raise (from others and their own funds) and spend no more than \$5,000 and who will receive no more than \$500 from any one contributor other than themselves. Those candidates do not have to file contribution and expenditure reports, but they must keep records of that activity and allow [public inspection of campaign books](#) just prior to an election.

Candidates who choose full reporting must abide by state and local contribution limits, but have no cap on how much they may raise and spend.

### Three: Know your limits.

Candidates using mini reporting may not raise more than \$5,000 (including their own funds) and cannot accept more than \$500 from a single donor. Most other candidates face limits on contributions that [vary by office sought and type of donor](#). If a candidate is on the ballot twice (for example, in the primary and general), the limits are per election. Additional limits apply in the [21 days before the general election](#).

### Four: Meet your deadlines.

Candidates who choose full reporting [must file reports](#) showing donations, in-kind contributions, expenditures and debt. They face [deadlines](#) for submitting those reports, and the reporting windows shrink as the campaign season progresses.

Much, much more information – including rules about political advertising – is available at our website, [www.pdc.wa.gov](http://www.pdc.wa.gov). Can't find what you need? Email us at [pdc@pdc.wa.gov](mailto:pdc@pdc.wa.gov).

*"The public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private."*

RCW 42.17A.001(10)



## CITY ORGANIZATION

The City of Mercer Island is a non-charter, code city which operates under the Council-Manager plan of government as provided in Title 35A RCW. The seven-member, at large, City Council is elected by the residents on a non-partisan basis. The City Council is responsible for the adoption of policies necessary for the operation and growth of the City. The City Council appoints a City Manager to administer the affairs of the City in a manner outlined by themselves and by the public.

### COUNCIL

The seven Councilmembers are elected at large for four-year terms. Elections are arranged so that three or four terms expire every two years. Councilmembers have the responsibility of establishing policy to govern the City Manager, adopting a budget for City revenues and expenditures, and performing all other actions necessary to govern the City, including the passage of ordinances and resolutions.

### MAYOR

The Mayor is elected from among the Councilmembers for a two-year term. The Mayor is recognized as the chief spokesperson and head of the City government for all public, political, and ceremonial purposes, and by the governor for purposes of military law. They preside at all Council meetings and vote as a Councilmember on business before the Council. They have no full-time administrative duties.

### CITY MANAGER

The City Manager is chief executive officer and the agent of the City Council in carrying out its decisions and policies. They are appointed by, and responsible to the Council for proper administration of City affairs for an indefinite term. The City Manager serves at the discretion of the Council. The appointment and removal of department managers is one of the powers given to the City Manager. They exercise general supervision and control over all officers and employees of the City. Another important duty is the preparation of the City budget, which they recommend to the City Council biannually.

The City Manager is responsible to the Council for the proper administration of all matters related to the City, including preparation of an annual budget, hiring & firing of City employees, supervision of City government, implementation of Council policies, and advising the Council on administrative questions.



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## ***Chapter 2.02 NONCHARTER CODE CITY***

### **2.02.010 City classification.**

The city of Mercer Island is classified as a noncharter code city, under the council-manager plan of government as set forth in RCW Chapter 35A.13, endowed with all the applicable rights, powers, privileges, duties and obligations of a noncharter code city as set forth in RCW Title 35A, as the same now exists, or may be provided hereafter, including any and all supplements, amendments, or other modifications of said title at any time hereafter enacted.

(Ord. 442 § 1, 1978)

## ***Chapter 2.04 CITY COUNCIL—OFFICERS***

### **2.04.010 City council positions.**

The city council members shall continue to hold office until their successors are elected and qualified at the next biennial municipal election to be conducted as provided in RCW Chapter 35A.29. The four existing city council positions which terms will expire January 14, 1980, shall be elected for four-year terms in the 1979 municipal elections. The three existing city council positions, which terms expire January 11, 1982, shall be elected for new four-year terms in the 1981 municipal elections. Thereafter the requisite number of city council positions shall be filled by election biennially as the terms of their predecessors expire and shall serve for terms of four years. The positions to be filled on the city council shall be designated by consecutive numbers and shall be dealt with as separate offices for all election purposes as provided by RCW Chapter 35A.29.

(Ord. 442 § 3, 1978)

### **2.04.020 Reserved.**

Editor's note(s)—Repealed by Ord. 04C-09; § 2.04.020, pertaining to designated salaries, is repealed upon the effective date of any schedule filed with the Mercer Island city clerk by the independent salary commission described in chapter 3.42.

### **2.04.030 Eligibility to hold elective office.**

No person shall be eligible to hold elective office under the council-manager plan of government unless he shall have been a resident of the city for a period of at least one year next preceding his election, and a registered voter. A mayor or councilman shall hold within the city government no other public office or employment except as permitted under the provisions of RCW Chapter 42.23.

(Added during 1980 codification)

## ***Chapter 2.06 CITY COUNCIL—MEETINGS***

### **2.06.010 Regular meetings—Date and time.**

Regular meetings of the city council will be held on the first and third Tuesday of each month at the hour of 6:30 p.m.; except that the regular meeting start time between June 15, 2020, and December 31, 2022 shall be 5:00 p.m. When a meeting day falls on a legal holiday, such meeting shall be held on the first business day following.

(Ord. 20C-27 § 1; Ord. 20C-10 § 1; Ord. 20C-03 § 1; Ord. 17C-19 § 1; Ord. 06C-08 § 1; Ord. A-116 § 1, 1994; Ord. A-114 § 1, 1994; Ord. A-94 § 1, 1992; Ord. 516 § 1, 1981)

( Ord. No. 22C-01 , § 1, 1-18-2022)

### **2.06.020 Meeting place.**

The regular meeting place of the city council shall be at City Hall, 9611 S.E. 36th Street, Mercer Island, Washington.

(Ord. A-94 § 2, 1992; Ord. 516 § 2, 1981)

### **2.06.030 Open public meetings.**

All meetings of the city council and of committees thereof shall be open to the public, unless an executive session thereof is authorized in accordance with law.

(Ord. 17C-19 § 1; Ord. 516 § 3, 1981)

### **2.06.040 Presiding member.**

Meetings of the council shall be presided over by the mayor, if present, or the mayor pro tempore if one has been appointed, or by a member of the council selected by a majority of the council members at such meeting. Appointment of a council member to preside over the meeting shall not in any way abridge his right to vote on matters coming before the council at such meeting.

(Added during 1980 codification)

### **2.06.050 Quorum—Rules—Voting.**

- A. At all meetings of the council a majority of the councilmembers shall constitute a quorum for the transaction of business unless otherwise provided by law. The council shall determine its own rules, bylaws and order of business, and may establish rules for the conduct of council meetings and the maintenance of order. At the desire of any member, any question shall be voted upon by roll call and the ayes and nays shall be recorded in the minutes.
- B. The passage of any ordinance, grant or revocation of franchise or license, and any resolution for the payment of money, shall require the affirmative vote of at least a majority of the whole membership of the council.

(Ord. 17C-19 § 1; added during 1980 codification)

**2.06.060 Robert's Rules of Order.**

Robert's Rules of Order, revised, shall govern the deliberations of the council, except when in conflict with any rule established by the council.

(Added during 1980 codification)

**2.06.070 Powers of council.**

The city council shall have the powers and authority granted to legislative bodies of cities governed by RCW Title 35A as more particularly described in RCW Chapter 35A.11, except insofar as such power and authority is vested in the city manager.

(Added during 1980 codification)

***Chapter 2.08 CITY OFFICE HOURS*****2.08.010 Location of City Hall.**

The City Hall for the city shall be at 9611 S.E. 36th Street, Mercer Island, Washington.

(Ord. 95C-009 § 1; Ord. 190 § 1, 1968)

**2.08.020 Hours of business and holidays.**

- A. Unless otherwise specified by the city manager, City Hall shall be open for the transaction of business Monday through Friday during the hours of 8:30 a.m. to 5:00 p.m. with the exception of the following legal holidays:
1. New Year's Day;
  2. Martin Luther King, Jr.'s Birthday;
  3. Presidents' Day;
  4. Memorial Day;
  5. Juneteenth (beginning in 2022);
  6. Independence Day;
  7. Labor Day;
  8. Veterans Day;
  9. Thanksgiving Day;
  10. Day after Thanksgiving Day;
  11. Christmas Day;
  12. One additional holiday as designated by the city manager each year.
- B. When a holiday falls on Sunday, the following Monday shall be observed as a holiday.
- C. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

(Ord. 190 § 2, 1968; Ord. A-43 § 1, 1985; Ord. No. 21C-24 , § 1, 10-19-2021)

## ***Chapter 2.10 OFFICIAL CITY NEWSPAPER***

### **2.10.010 Official city newspaper.**

The Mercer Island Reporter shall be the official city newspaper.

(Ord. 80 § 1, 1963)

## ***Chapter 2.60 CODE OF ETHICS***

### **2.60.010 Purpose and intent.**

- A. *Preamble.* The city of Mercer Island's residents and businesses are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. To that end, the city encourages all city officials to:
1. Honor and respect the principles and spirit of representative government and comply with all laws and policies affecting the operations of government;
  2. Conduct their official and personal affairs in such a manner as to maintain public confidence in city government and give the clear impression that they cannot be improperly influenced in the performance of their official duties;
  3. Be independent, impartial, and fair in their judgment and actions;
  4. Use the power and resources of public office to advance the best interests of the city of Mercer Island and its residents, not for personal gain;
  5. Conduct public deliberations and processes openly, unless legally confidential, in an atmosphere of respect and civility; and
  6. Be honest, fair, and respectful and avoid conduct creating an appearance of impropriety.
- In recognition of these goals, the city of Mercer Island has adopted this code of ethics to strengthen the quality of government through ethical principles that shall govern the conduct of all officials.
- B. *Liberal construction.* This code of ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.
- C. *Supplemental to existing law.* This chapter is intended to supplement Washington State Law, including but not limited to RCW Chapter 42.23, the United States and Washington State Constitutions, laws pertaining to conflicts of interests and elections campaigns, and city ordinances.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

### **2.60.020 Definitions.**

For the purpose of this chapter:

*Beneficial interest* means any direct or indirect monetary or material benefit accruing to an official as a result of contracts or transactions which are or may be the subject of an official act or action by or with the city, except contracts or transactions which confer similar benefits to all other persons and/or property similarly situated.

*Confidential information* means (1) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (2) information made confidential by law. Information obtained during properly convened executive sessions and information subject to the attorney-client and/or work product privilege is deemed confidential.

*Conflict of interest* exists when any of the following stands to incur financial gain or loss related to a government decision: (1) the official, (2) the official's spouse, (3) an individual with whom the official resides, or (4) an entity that the official serves as an employee, officer, director, trustee, partner or owner. An "owner" for purposes of this definition is an individual who owns one percent or more of the entity.

*Contract* includes any contract, sale, lease, or purchase.

*Contracting party* includes any person, partnership, association, cooperative, corporation, or other business entity which is a party to a contract with the city.

*Financial gain or loss* means any material financial gain or loss that an individual or entity stands to incur as a result of a decision under consideration by the city. "Financial gain or loss" does not include (1) payment of generally applicable taxes or fees or (2) financial interests shared with more than ten percent of the city's population.

*Official* means all members of the city council, the city's boards and commissions, and other council-appointed task groups or committees of the city of Mercer Island who are currently serving their positions.

*Remote interest* means: (1) that of a non-salaried officer of a nonprofit corporation; (2) that of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary; (3) that of a landlord or tenant of a contracting party; or (4) that of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

## **2.60.030 Prohibited conduct.**

In addition to the requirements applicable under RCW Chapter 42.23, which establishes the minimum standards for officials, officials shall be subject to the following:

- A. *Conflicts of interest.* In order to ensure their independence and impartiality, officials shall recuse themselves from participation in government deliberations or decisions where they have a conflict of interest.
- B. *Appearance of conflict.* If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the official's judgment could be impaired because of either (1) a personal or business relationship not covered under the foregoing subsection, or (2) a transaction or activity engaged in by the official, the official shall make a public, written disclosure of the facts giving rise to the appearance of a conflict before participating in the matter.
- C. *Interest in contracts.* Officials shall not be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such person, in whole or in part, or which may be made for the benefit of his or her office, or accept, directly or indirectly, any compensation, gratuity, or reward in connection with such contract from any other person beneficially interested therein. The foregoing shall not apply to the exemptions specified in RCW 42.23.030 which are incorporated herein as if fully set forth. An official may not vote in the authorization, approval, or

ratification of a contract in which he or she is beneficially interested even though one of the exemptions allowing the awarding of such a contract applies. The interest of the official must be disclosed and noted in the city's official minutes or similar records before the formation of the contract. RCW 42.23.040 shall apply to conflicts or potential conflicts with respect to remote interests in city decisions involving the awarding of a contract.

- D. *Misuse of public position or resources.* Except for infrequent use at little or no cost to the city, officials shall not use public resources that are not available to the public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.
- E. *Representation of third parties.* Except in the course of official duties, officials shall not appear on behalf of the financial interests of third parties before the bodies on which the officials serve or in interaction with assigned staff. Furthermore, the members of the city council shall not appear on behalf of the financial interest of third parties before the council or any board, commission or proceeding of the city, or in interaction with staff.
- F. *Gifts and favors.*
  - 1. Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the official in their official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. Officials shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by subsection (2).
  - 2. For the purposes of this code of ethics, the following items are presumed not to influence the vote, action, or judgment of the official, or be considered as part of a reward for action or inaction, and may be accepted:
    - a. Unsolicited flowers, plants, and floral arrangements;
    - b. Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
    - c. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
    - d. Unsolicited items received by an official for the purpose of evaluation or review, if the official has no personal beneficial interest in the eventual use or acquisition of the item;
    - e. Informational material, publications, or subscriptions related to the recipient's performance of official duties;
    - f. Food and beverages consumed at hosted receptions where attendance is related to the official's official duties;
    - g. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization;
    - h. Unsolicited gifts from dignitaries from another city, state or a foreign country which are intended to be personal in nature;
    - i. Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the official is related to the performance of official duties; and

- j. Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the city or with the recipient in connection with city matters.
- 3. The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.
- G. *Confidential information.* Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

### **2.60.040 Signed acknowledgment.**

All officials, upon taking office or being appointed, shall sign a statement acknowledging they have received, read, and agree to be bound by this code of ethics and RCW Chapter 42.23. This requirement shall also apply to currently-serving officials at the time of adoption of this code of ethics and any time there are material changes thereto.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

### **2.60.050 Ethics officer.**

- A. The position of ethics officer is hereby created. The city manager shall contract with one or more agencies to fill this position. The ethics officer shall be responsible for the prompt and fair enforcement of this code of ethics when called upon to do so.
- B. The ethics officer, in addition to other duties, may recommend changes or additions to this code of ethics to the city council. The ethics officer shall provide input into and review the training materials and program developed for this code of ethics if requested by the city manager or city council.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

### **2.60.060 Advisory opinions.**

- A. Officials subject to this code of ethics may request, and the ethics officer may render at the city's expense, written advisory opinions concerning the applicability of MICC 2.60.030 to hypothetical circumstances and/or situations solely related to the official making the request. The ethics officer shall not render opinions on matters that are the purview of other government agencies or officials, e.g., the public disclosure commission, the city's public records officer, et al. The ethics officer retains sole discretion to determine in which cases an advisory opinion will be issued. Factors the ethics officer may consider when determining in which cases an advisory opinion will be issued include, but are not limited to, whether the issue presented has been recently addressed by the ethics officer, whether the issue presented is likely to be the subject of controversy or dispute, and the extent to which the requesting official has made prior requests for advisory opinions. The advisory opinion process is not intended to serve as a substitute for an official's own understanding of, and exercise of reasonable judgment with respect to, the prohibitions addressed in MICC 2.60.030.
- B. The ethics officer shall endeavor, except for good cause shown, to respond to requests for advisory opinions within 45 days of submission of the request, and may respond more rapidly if the requester expresses urgency in the request.

- C. An official's conduct based in reasonable reliance on an advisory opinion rendered by the ethics officer to said official shall not be found to violate this code of ethics to the extent that this code is enforced by the city as a civil matter, as long as all material facts have been fully, completely, accurately presented in a written request for an advisory opinion, the ethics officer issues an advisory opinion that the described conduct would not violate the code of ethics, and the official's conduct is consistent with the advisory opinion. The ethics officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the ethics officer's authority, the remainder of the opinion shall remain intact.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

## **2.60.070 Complaints, investigations, hearings and enforcement.**

### **A. Complaint process.**

1. *Complaint requirements—Service.* Any person may submit a written complaint to the ethics officer alleging one or more violations of this code of ethics by an official, by filing it with the city clerk. The complaint must set forth specific facts with enough precision and detail for the ethics officer to make a determination of sufficiency and must set forth the specific subsection(s) of MICC 2.60.030 that the complaining party believes have been violated. The complaint must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with RCW Chapter 9A.72.
2. *Finding of sufficiency.* Based on the contents of the written complaint, the ethics officer shall make a determination of sufficiency within 30 days of receipt of the complaint. A complaint shall be sufficient if it precisely alleges and reasonably describes acts that constitute a prima facie showing of a violation of MICC 2.60.030, including RCW Chapter 42.23. In rendering sufficiency determinations under this subsection, the ethics officer shall consider the purpose and intent section contained in MICC 2.60.010 and the declaration of purpose in RCW 42.23.010.
3. *Confidentiality.* Except as otherwise provided by law, and subject to MICC 2.60.070(H), the city will maintain as confidential the fact that a complaint has been filed, the contents of the complaint, the identity of the person making the complaint, and the identity of the official complained against during the open and active investigation conducted by the ethics officer until such time as the ethics officer has made a determination of sufficiency.
4. *Dismissal.* The complaint shall be dismissed if the ethics officer determines that (1) the complaint is not sufficient, (2) the complaint provided too little detail for the ethics officer to reach a determination, or (3) a violation has or may have occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct. In the event of dismissal, the official who was the subject of the complaint shall receive the protections under the Public Records Act afforded to a "not sustained" determination of alleged misconduct. A complaint dismissed by the ethics officer under this subsection shall be deemed to be dismissed with prejudice and will not be reconsidered if resubmitted by the complainant unless factual allegations not present in the original complaint are presented.
5. *Notice.* Notice of action by the ethics officer shall be provided as follows:
  - a. Within seven days of the ethics officer rendering a finding of insufficiency or dismissal of a complaint, the city clerk shall send notice to the person who made the complaint and the official complained against of the ethics officer's determination. No reconsideration or appeal of a



finding of insufficiency or dismissal of a complaint is available through the ethics officer or the city.

- b. Within seven days of the ethics officer rendering a finding of sufficiency, the city clerk shall send notice to the person who made the complaint and the official complained against of the ethics officer's determination. No reconsideration or appeal of a finding of sufficiency of a complaint is available through the ethics officer or the city. Following the initial notice, the city clerk shall schedule and give notice of the hearing which will be held to determine if a violation has occurred. Notice shall be provided at least 30 days prior to the date set for the hearing.
6. *Stipulations.* Prior to, and in-lieu-of the hearing, the ethics officer and the official complained against may upon agreement jointly submit a recommended stipulation to the city council. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the ethics officer thinks a stipulation is appropriate, an admission of the violation by the official complained against, a promise by the official complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and forwarded to the city council for action.
- B. *Conduct of hearings.* All hearings on complaints found to be sufficient by the ethics officer shall be conducted by the hearing examiner. The hearing shall be informal, meaning that the hearing examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The official complained against shall have the right to file a written answer to the charge. Each party may appear at the hearing in person or through legal counsel. Each party may present and cross examine witnesses on any matter relevant to the issues raised in the complaint and give relevant evidence before the hearing examiner. The hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence. To that end, upon a showing of reasonable necessity, the hearing examiner may issue subpoenas and subpoenas duces tecum at the request of the complaining party, the official complained against, or on his or her own initiative. All testimony shall be under oath administered by the hearing examiner. The hearing examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The hearing examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by electronic device, and exhibits; provided, that the hearing examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.
- C. *Final decision and recommendations.* Within 30 days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, issue a final decision in writing, including findings of fact, conclusions of law, and a determination of whether any violation of MICC 2.60.030, including RCW Chapter 42.23, has been established. The final written decision shall be signed and dated by the hearing examiner. In rendering a final decision, the hearing examiner shall consider the purpose and intent section contained in MICC 2.60.010 and the declaration of purpose in RCW 42.23.010. If the hearing examiner determines that the alleged code of ethics violation(s) have not been proven, the hearing examiner shall dismiss the complaint with prejudice and no further action shall be taken. If the hearing examiner determines that one or more code of ethics violation(s) are proven, the final decision shall also contain any recommendations of the hearing examiner to the city council for any remedial action or sanction that the council may find appropriate and lawful. The hearing examiner may recommend any one or more of the following remedial actions or sanctions as further described below in subsection (E): No sanctions or penalties, referral, admonition, reprimand, censure, removal, and/or civil penalties. Within fifteen days of the hearing examiner's final decision, the city clerk shall deliver copies of the final decision to the person who made the complaint, the official complained against, the ethics officer, and the city council.
- D. *City council action.* The city council in consultation with the city attorney shall, within 30 days of receipt of the hearing examiner's final decision or at the next regularly scheduled city council meeting following that 30-day period, determine what, if any, of the hearing examiner's recommended remedial actions or

sanctions to adopt. Final city council action to decide upon the ethics officer's recommended stipulation or the hearing examiner's recommended remedial actions or sanctions shall be by majority vote in a public meeting. However, if the proceeding involves a member of the city council, deliberations by the council may be in executive session pursuant to RCW 42.30.110(1)(f). The member of the city council against whom the complaint was made shall not attend or participate in any executive session and shall not vote in open session on any matter involving themselves.

- E. *Disposition.* The city council may take one or more of the following actions in disposition of the complaint. The city council's action must afford deference to the ethics officer's recommended stipulation or, in the event a violation is found by the hearing examiner, the hearing examiner's recommended remedial actions or sanctions.
1. *No sanctions or penalties.* The city council may dispose of the complaint without imposing sanctions or penalties.
  2. *Referral.* A complaint may be referred to another agency with jurisdiction over the violation, such as the public disclosure commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.
  3. *Admonition.* An admonition shall be an oral non-public statement made by the mayor, or his/her designee, or if the complaint is against the mayor, the deputy mayor or his/her designee, to the official.
  4. *Reprimand.* A reprimand shall be administered to the official by a letter of reprimand by the city council. The letter shall be prepared by the city council and shall be signed by the mayor or, if the complaint is against the mayor, the deputy mayor.
  5. *Censure.* A letter of censure shall be a letter read to the official in public. The letter shall be prepared by the city council and shall be signed by the mayor, or if the complaint is against the mayor, the deputy mayor. The official shall appear at a city council meeting at a time and place directed by the city council to receive the letter of censure. Notice shall be given at least 20 calendar days before the scheduled appearance at which time a copy of the proposed letter of censure shall be provided to the official. The letter of censure shall be read publicly, and the official shall not, at the time of reading, make any statement in support of, or in opposition thereto, or in mitigation thereof. The letter of censure shall be read at the time it is scheduled whether or not the official appears as required.
  6. *Removal—Member of board or commission or other appointed task group or committee.* If the official against whom the complaint was made is currently a member of a city board or commission or other city task group or committee, the city council may, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Mercer Island City Code, by a majority vote remove the official from such board or commission effective immediately. Nothing in this subsection limits the city council's removal authority under title 3 of the MICC.
  7. *Removal—Councilmember appointments.* In addition to taking any actions above, if the official against whom the complaint was made is a member of the city council who serves on any city board or commission, other city task group or committee, regional or multijurisdictional body as a representative of the city, whether appointed by the mayor, mayor and deputy mayor, council, or regional body, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Mercer Island City Code, by a majority vote the city council may remove the official from such body effective immediately.
  8. *Removal—Mayor or deputy mayor appointment.* In addition to taking any actions above, if the official against whom the complaint was made serves as mayor or deputy mayor, the city council may remove said appointment.
  9. *Civil penalties.* In addition to taking any actions above, the city council may also assess a civil penalty of up to \$1,000.00. Any monetary penalty assessed civilly shall be placed in the city's general fund.

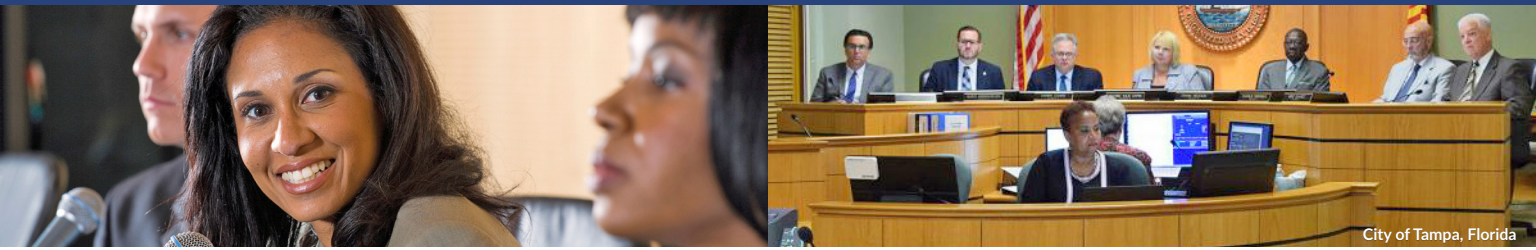
- F. *Appeal.* Either the complaining party or the official complained against may, within 30 days of the city council's action on (1) the ethics officer's recommended stipulation or (2) the hearing examiner's final decision, appeal to the King County superior court by writ of certiorari pursuant to RCW Chapter 7.16.
- G. *Protection against retaliation.* Neither the city nor any official may take or threaten to take, directly or indirectly, any action that constitutes personal attack, harassment, or intimidation, against any person because that person files a complaint with the ethics officer.
- H. *Public records.* Records filed with the ethics officer and/or hearing examiner, and written decisions or recommendations of the ethics officer and/or hearing examiner, become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. If the city receives a request under the Public Records Act, RCW Chapter 42.56, to inspect or copy such information and reasonably determines that such information may be exempt from disclosure, including upon the grounds stated in MICC 2.60.070(A)(4), it will notify the complaining party and the official complained against of the request and of the date that such information will be released to the requester unless any party obtains a court order to enjoin that disclosure pursuant to RCW 42.56.540. The city will provide such notice at least ten days prior to the date that the information will be released. If no party timely obtains a court order enjoining disclosure, the city may release the requested information on the date specified.
- I. *Recovery of fees or costs.* No attorney's fees or other costs related to matters covered by this chapter incurred by any official or complainant shall be recoverable from the city, except as follows: The city shall reimburse reasonable legal fees incurred by the official relating to or arising out of the defense of an ethics complaint that results in a dismissal of the complaint by the hearing examiner. The hearing examiner shall determine the amount of the reasonable fee award.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)

## **2.60.080 Limitations.**

Complaints based on this code of ethics may only be brought against current officials and must be submitted within two years from the date of the alleged violation. If the official against whom the complaint was brought resigns or their term ends before the disposition of the complaint, no further action pursuant to MICC 2.60.080 shall be taken. This section shall only apply for purposes of enforcement of this code of ethics pursuant to MICC 2.60.080.

(Ord. No. 21C-10 , § 1(Exh. A), 6-15-2021)



THE ROLE OF THE MAYOR OR CHIEF ELECTED OFFICIAL

Typically, the mayor or board chairperson in a council-manager community is a voting member of the governing body who may be either directly elected, as in 69 percent of council-manager communities, or who is selected by and from among their colleagues on the governing body. The mayor or chairperson is the public face of the community who presides at meetings, assigns agenda items to committees, facilitates communication and understanding between elected and appointed officials, and assists the governing body in setting goals and advocating policy decisions.

THE ROLE OF ELECTED OFFICIALS

Under the council-manager form, the elected officials (e.g. the council or board) are the legislative body and the community's policy makers. Power is centralized in this body, which approves the budget and adopts local laws and regulations, for example. The elected officials also focus on the community's big-picture goals, such as community growth and sustainability.

The elected officials hire a professional city, town, or county manager based on that person's education, experience, skills, and abilities and NOT on their political allegiances. The elected officials supervise the manager's performance, and if that person is not responsive and effective in their role, the elected officials have the authority to remove her or him at any time.



THE MANAGER'S ROLE

The manager is an at-will employee who can be fired by a majority of the elected officials, consistent with local laws or any employment agreements. This person

- Prepares a budget for the governing body's consideration.
- Recruits, hires, supervises, and terminates government staff.
- Serves as the governing body's chief advisor by providing complete and objective information about local operations, discussing options, offering an assessment of the long-term consequences of decisions, and making policy recommendations.

88 carries out the policies established by the governing body.

WHAT ROLE DO RESIDENTS PLAY?

Under council-manager government, local governments often actively engage and involve their residents in community decision making. Residents can guide their community by serving on boards and commissions, participating in visioning and strategic planning sessions, and designing community-oriented local government services.

Council-Manager Form of Government

For more information, contact [icma.org/contactus](https://icma.org/contactus)

@ICMA ICMAorg

To learn more about professional local government management, visit [icma.org/professional-local-government-management](https://icma.org/professional-local-government-management)



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What it is, how it works, and the benefits to your community

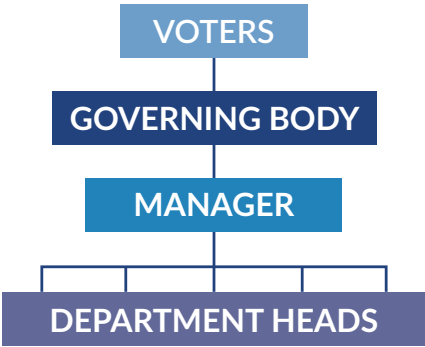


What is the council-manager form of government?

The council-manager form is the most popular structure of government in the United States among municipalities with populations of 2,500 or more. It is one of several ways in which U.S. municipalities and counties can organize.

Under this form, residents elect a governing body—including a chief elected official, such as a mayor or board chairperson—to adopt legislation and set policy. The governing body then hires a manager or administrator with broad executive authority to carry out those policies and oversee the local government’s day-to-day operations.

The Council-Manager Form



What’s so special about the council-manager form of government?

Born out of the U.S. progressive reform movement at the turn of the 20th century, the council-manager form was created to combat corruption and unethical activity within local government by promoting nonpolitical management that is effective, transparent, responsive, and accountable.

The council-manager form of government recognizes the critical role of elected officials as policy makers, who focus on mapping out a collective vision for the community and establishing the policies that govern it. The form also recognizes the need for a highly-qualified individual who is devoted exclusively to the delivery of services to residents.

Think about the structure used by many corporations, in which the board of directors hires an experienced CEO, who is granted broad, executive authority to run the organization. While these boards establish the company’s overall policy on, the CEO oversees implementation of that policy.

What types of communities use the council-manager form of government?

Today more than 120 million people in the U.S. live in municipalities that operate under the council-manager form. Fifty-four percent of the more than 4,300 U.S. municipalities with populations of 10,000 or more use the form, as do 59 percent of the 347 municipalities with populations greater than 100,000. More than 800 counties also employ a similar system.

How can council-manager government benefit my community?

- **Flexibility**—The council-manager form can adapt to local needs and demands. While governing bodies in some council-manager communities are elected at large, for example, others are elected by district or by a combination of an at-large-and-by-district system to respond to local needs.
- **Clearly Defined Roles**—Under the council-manager form, there is a clear distinction between the administrative role of the manager and the political and policy roles of the governing body, lead by the mayor. The day-to-day operations of the local government organization reside with the appointed manager, allowing elected officials to devote their time and energy to policy development and the assessment of the effectiveness of those policies within the community.
- **A Roadmap for Success**—The council-manager form is the system of local government under which professional management is most likely to succeed. Under this system, professional managers can focus on service delivery, policy implementation, and performance management and can align the local government’s services with the values, mission, and policy goals defined by the community and elected officials.

How do we know that council-manager government works?

- The Equipt to Innovate Initiative—a framework of seven essential elements that define high-performance government and empower innovation—found in 2017 that top-performing cities in all but one element employed the council-manager form of government. In 2018, the study’s overall top performer was also council-manager.

- Two-thirds of Moody’s Aaa-bond-rated communities are run by professional local government managers, and many operate under the council-manager form of government.
- An IBM Global Business Services report titled “Smarter, Faster, Cheaper” found that cities that operate under the council-manager form of government are nearly 10 percent more efficient than those that operate under the mayor-council form.
- The National Civic League, America’s oldest advocate for community democracy, has endorsed council-manager government through its *Model City Charter* since 1915.
- The majority of communities recognized since 2013 with the National Civic League’s coveted All-America City Award have been council-manager.

Does it cost more for a community to adopt the council-manager form and hire a professional manager?

Many local governments have *reduced* their overall costs after hiring a professional manager. Savings can come from decreased operating costs, increased efficiency and productivity, improved revenue collection, and effective use of technology. The economic health of the community may also benefit from the implementation of improved business development and retention strategies.

How can my community adopt the council-manager form of government?

Methods vary from state to state, but most communities can adopt council-manager government through a charter, local ordinance, state enabling law, or by voter referendum. For information on how your community can adopt council-manager government, contact your state municipal league, state and local government association, or association of counties. You can find contact information for these organizations at [icma.org/state-localgovassns](http://icma.org/state-localgovassns) or [ncl.org/state-municipal-leagues](http://ncl.org/state-municipal-leagues).

Once my community adopts council-manager government, how do we hire a professional manager?

The vacancy is often announced in *Leadership Matters*, ICMA’s weekly e-newsletter; through the ICMA Job Center at [icma.org/job-center](http://icma.org/job-center); and through state league publications,

and qualified candidates are invited to apply. Elected officials may also hire an executive recruitment firm to assist them with the selection process. Interested parties may apply directly to the governing body or to the recruitment firm, which reviews the applications and interviews qualified candidates. *ICMA makes no recommendations regarding candidates.* Additional information on hiring a professional local government manager is available in ICMA’s *Recruitment Guidelines Handbook*. Visit [icma.org/documents/recruitment-guidelines](http://icma.org/documents/recruitment-guidelines) to download a copy.

What kind of educational and on-the-job experience do professional local government managers generally have?

Sixty-five percent of managers surveyed by ICMA indicated that they had earned a master’s (usually in public administration, business, or public policy), or other advanced degree. Survey respondents also said that they had spent an average of more than 20 years working in the local government management profession.

What is ICMA and why is membership in that organization important?

ICMA, the International City/County Management Association, is the professional and educational “home” for more than 12,000 appointed managers and administrators serving cities, towns, counties, other local governments, and regional entities in 40 countries throughout the world.

In addition to gaining access to valuable resources and lifelong professional development opportunities, appointed local government managers who are members of ICMA are bound by its Code of Ethics, which commits members to a set of ethical standards of honesty and integrity that go beyond those required by the law. This stringently enforced code specifies 12 ethical principles of personal and professional conduct, including dedication to good government. For more information, visit [icma.org/ethics](http://icma.org/ethics).

Finally, through its Voluntary Credentialing Program, ICMA recognizes individual members who are qualified by a combination of education and experience, adherence to high standards of integrity, and an assessed commitment to lifelong learning and professional development. ICMA members who meet these requirements may earn designation as an ICMA Credentialed Manager. For more information on ICMA’s Voluntary Credentialing Program, visit [icma.org/voluntary-credentialing-program-overview](http://icma.org/voluntary-credentialing-program-overview).

# So you want to be an elected official...

Practical information for  
people running for office in  
Washington's cities and towns





## Why are you running for election to a local office?

This is a question that every candidate will be asked – and a question that every candidate must carefully consider.

Most often, people run for office because they are deeply committed to their city or town and want to influence the community's direction. At times, people run because they are passionate about a single issue or problem. A single controversy – such as a land use or zoning decision – could dominate an entire election campaign.

But once the election is over, things change. Candidates who have won an election based on their position on a single issue soon discover that they are responsible for a much broader array of challenges. The platform they ran on may not even be on the council's agenda. Getting it placed there will only be possible if they are willing and able to work cooperatively with other members of the council, many of whom will have their own issues to champion.

In order to be effective, elected officials must work as part of a team to establish a shared vision for the future, develop goals and plans that make that future possible, and work with their colleagues and constituents to enact the local policies and laws that will ultimately lead to accomplishment.

Holding a public office is an act of service to the public – that is, service to all the residents of a city or town, not just those who share your views or those who voted for you. It is a challenge that requires every office holder to rise above the fray, to reach beyond comfort zones, and to work with others with whom they may have significant differences.

Rising to that challenge is what makes democracy work. It's what makes shaping our shared future possible. It's what others have done before us. And it's what has made our cities and towns places we can be proud of.





Getting elected as a councilmember or mayor brings a special status. It also comes with the obligation to look beyond yourself and cultivate the qualities of collaboration, teamwork, and civility.

Elected officials set the tone for the civic life of their community. When elected officials demonstrate how to differ with one another respectfully, find principled compromises, and focus on the common good, community members often will too. When elected officials get mired in blame, recrimination, or division, civic progress can grind to a halt, and the city's sense of common purpose can fracture.

To govern well, elected leaders must help each other and the public stay focused on the future and on the common good. That can be an uphill struggle when the passions of the moment lead to demands for instant solutions, or when there is a deep division over a single issue that threatens to push longer-term problems aside. There will always be occasions when elected officials differ among themselves. But the mark of leadership is the ability to handle those differences in ways that move the agenda forward, build trust, and create a civic culture of mutual respect that makes progress possible.

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When elected officials get mired in blame, recrimination, or division, civic progress can grind to a halt.

Cities provide services that are vital to community health, safety, and economic activity. While specific city-provided services may vary, most cities provide public safety, land use and planning, parks, and public works such as street maintenance and construction, water, sewer, and/or stormwater management. Understanding the role of elected officials is critical to ensure proper planning, oversight, and delivery.

## **Policymaking vs. administration**

Councils are legislative bodies – that is, they are elected to make major policy decisions and pass budgets. The basic job of councilmembers is to find the balance among themselves that represents the best interests of the majority of residents, while respecting the rights of all.

Councilmembers make policies, but mayors (in mayor-council cities) and city managers (in council-manager cities) are responsible for their implementation and administration. Learning the difference between these two key functions – policymaking and administration – and respecting the boundaries between them is critical to a well-run government.

The separation of powers between legislative and administrative functions serves not only as a check on the exercise of authority between the two branches of local government, but also as a way to promote their efficient day-to-day operation and staff direction.

## **Understanding your city's form of government and classification**

Different cities have different forms of government. The most common form of government is the mayor-council form. This form consists of an elected mayor (elected at-large) who serves as the city's chief executive officer and a council (elected either at-large or from districts) that is responsible for formulating and adopting policies. In mayor-council cities, a professional administrator may assist the mayor with day-to-day operations.

## **Cities by classification & form**

Class	Mayor-council	Council-manager	Total
First	6	4	10
Second	5	0	5
Town	68	0	68
Code	147	50	197
N/A	1	0	1
<b>Total</b>	<b>227</b>	<b>54</b>	<b>281</b>

The second most common form of city government is the council-manager form. The council-manager form consists of an elected council, which is responsible for policymaking, and a professional city manager (appointed by the council) who is responsible for administration. The city manager is accountable to the council and is responsible for implementing the council's policies. Although mayors in council-manager cities have no administrative or executive duties, they do serve as the chair of the council and often play a prominent political leadership role.

It is also important to know your city's classification – first class city, second class city, town, or code city. Many state laws differ depending upon the classification, such as the specific powers and responsibilities of a mayor.

First class and code cities have broad home rule powers granted in both the state constitution and statute. Cities may determine their structure and regulate under their police powers, as long as they do not conflict with the state constitution or laws. In Washington, more than 200 code and first class cities have broad home rule powers and have been granted all powers available to other classes of cities.

## The third branch

Cities can choose to run their own municipal courts or contract with the county or another city to provide court services. Approximately one-third of cities run their own courts with elected or appointed judges. Full-time judges are elected. Part-time judges are either appointed by the mayor (mayor-council cities) or the manager (council-manager cities), and may be subject to council confirmation. Although the city council may determine the court's budget, the judge is responsible for running the court, including supervising court staff, and is not subject to council or executive oversight.

## Working with other jurisdictions

City elected officials' jobs don't stop at the city limits. The city's streets must connect with county roads and state highways. Similarly, cities must work with other jurisdictions and many levels of government to achieve collective goals. In some cases, this can involve complex, technical inter-jurisdictional agreements for services such as public safety, sewage treatment, or other utilities.

Cities must abide by state and federal laws and regulations, and can benefit from state and federal funding programs. There may also be special purpose districts for fire protection, ports, transit, sewer and water, cemeteries, libraries, and a host of other specific functions that interact with city government. Residents have the right to expect that these relationships are well-managed, efficient, and collaborative—and it's up to elected officials to make this happen.

### **Celebrating community achievements and promoting civic pride**

City elected officials also serve as champions for civic achievement. By appearing at ribbon-cutting ceremonies, participating in charity events, and attending celebrations of student achievement, elected officials bring recognition and attention to the values of civic engagement and individual accomplishment. This might not be in the elected leader's official job description, but it is an important part of how elected leaders can bring out the best in their communities and strengthen the traditions that build civic pride.

## Ethics

You may think of yourself as an ethical and law-abiding person, but that may not be enough to keep you on the right side of the law once you are elected. There are specific laws and high ethical standards of conduct for elected officials, and becoming thoroughly informed about them is important.

All city officials must abide by strict laws regarding ethics in government. These laws aim to prevent favoritism and ensure that elected officials are truly serving the public rather than reaping personal benefits from their positions.

State laws that city elected officials must abide by include:

**No special privileges** – Elected officials must pay the same fees for permits or services as any other resident. They cannot receive or give any special privileges, discounts, or exemptions or use any city resources for private purposes. For example, a city official cannot borrow a city pickup truck for the weekend or arrange for it to be used by a friend or relative.

## No gifts or rewards from private

**sources** – Elected officials may not receive gifts that are in any way connected to their public service. For instance, if a councilmember votes for a specific project and a constituent sends a thank you gift of tickets to a concert or game, the tickets must be returned.

## No disclosure of confidential

**information** – Elected officials may not disclose confidential information or use it for personal gain. This means that you may not accept a job or engage in a business that might require you to disclose confidential information you gained from your city position.

**No conflicts of interest** – Elected officials may not have any financial interest in any public contracts made through their office with the city they serve. This includes contracts for employment, sales, leases, and purchases. (There are limited exceptions to this rule in small cities with a population under 10,000.)

In addition, elected officials may not vote on any matter that would have a personal direct financial impact on them. This prohibition does not include matters that have a general impact, such as taxes or utility rates.

Conflicts of interest can also include “remote” interests – interests that would not personally benefit you, but might benefit people or organizations with whom you have a special relationship. For instance, if you are on the governing board of a nonprofit organization seeking a contract with the city, you must disclose your interest and you may not vote on that contract or attempt to influence the votes of others.

## Open public meetings

The Open Public Meetings Act (OPMA) requires that all council meetings (and meetings of planning commissions, library boards, and other public bodies) be open to the public, except under special circumstances, such as discussing a lawsuit, a confidential personnel issue, or a real estate transaction.

This also means that elected officials cannot meet informally and make decisions out of the public eye.

Whenever a quorum of the council is present, city business cannot be the topic of discussion unless the public has been notified and the meeting is open to them.

If this act is violated, there may be personal penalties for the elected officials involved. In addition, any final action that is taken in a meeting which did not comply with the Open Public Meetings Act is null and void.

## Public access to records

The Public Records Act (PRA) gives any person full access to a wide range of information about how government does business. Most information relating to the conduct of government that is prepared, owned, used, or retained by a city is presumed to be a public record that must be made available to the public for inspection and copying. This includes papers, photos, maps, videos, and electronic records (such as email, text messages, and social networking sites). It also includes reports that are prepared for government by hired contractors.

All cities must make these records available for everyone. There are a limited number of exemptions from disclosure for some personnel records and other confidential matters.

## Required OPMA and PRA training

Under the Open Government Trainings Act, every elected local or statewide official that is also a member of a “governing body,” must receive both open public meetings and records trainings. This must occur no later than 90 days after taking the oath of office or assuming duties. “Refresher” training must occur at intervals of no more than four years.

## Adopting a city budget

One of the most challenging tasks for local elected officials is developing and adopting annual city budgets. They can be complex and technical documents that are important expressions of a city's vision, values, priorities, and strategic goals. Budgets are also a tool for evaluating past performance, as elected leaders and staff make note of what was accomplished in the past year and how actual costs compared to estimated projections.

Mastering the budget process can be a steep learning curve for newly-elected leaders. There are guiding state laws about the timing and content of city budgets. Once in office, elected officials soon find that the budget is such an important policy document that they can't be effective unless they fully understand it, and can explain it to their constituents.

Budgets are important expressions of a city's vision, values, priorities, and strategic goals.



## **Comprehensive planning, growth management, and environmental protection**

Every city needs to plan for growth in order to provide a healthy future for its residents. Cities adopt comprehensive plans that spell out a specific vision for how the city will develop, while protecting critical natural resources and open space. Engaging the community in the process of developing a comprehensive plan ensures that everyone works together to create a shared vision for the future, and that everyone takes part in the work of achieving it.

Twenty-nine counties and the cities within them are required to or have chosen to create plans that conform to the state Growth Management Act (GMA). Once adopted, a city's comprehensive plan is used to guide decisions about zoning, subdivisions, and other regulatory matters. Local codes can create incentives for the kind of growth a city wants by providing such things as density bonuses for projects that provide affordable housing or preserve natural areas.

State and federal environmental laws and regulations also affect local comprehensive planning, because they require protection of certain natural resources such as clean drinking water and critical wildlife habitat. Learning about these laws and how they affect your city is an important part of an elected leader's job.

Keeping the comprehensive plan in mind – and keeping it in the public eye – ensures that the city stays focused on creating the future residents want for the next generation and beyond.

## Publications

You can find many materials, publications, and other resources online. Below are a few highlighted publications that may be of value to you even before becoming an elected leader.

### **Association of Washington Cities, wacities.org**

- *Mayor & Councilmember Handbook*
- *Small City Resource Manual: A guide for Washington's small cities and towns*

### **Municipal Research and Services Center, mrsc.org**

- *Getting Into Office: Being Elected or Appointed into Office in Washington Counties, Cities and Towns, and Special Districts*
- *Knowing the Territory: Basic Legal Guidelines for Washington City, County, and Special District Officials*

## Training opportunities

After getting elected, there are regional workshops, statewide conferences, and eLearning opportunities to help you learn important laws and hone skills to become a more effective leader.

Highlighted trainings include:

- **OPMA and PRA eLearnings**  
AWC and MRSC have two eLearnings available 24/7: Open Public Meetings Act and Public Records Act

### **Certificate of Municipal Leadership**



AWC's Certificate of Municipal Leadership (CML) program recognizes mayors and councilmembers for accomplishing training in four core areas:

- Roles, responsibilities, and legal requirements
- Public sector resource management
- Community planning and development
- Effective local leadership



The Association of Washington Cities (AWC) serves its members through advocacy, education, and services. Founded in 1933, AWC is a private, nonprofit, nonpartisan corporation that represents Washington's 281 cities and towns before the state legislature, the state executive branch, and with regulatory agencies. AWC also provides training, data and publications, and services such as the AWC Employee Benefit Trust, AWC Risk Management Service Agency, AWC Workers' Comp Retro, AWC Drug and Alcohol Consortium, AWC GIS Consortium, and AWC JobNet.

Promoting communication between cities and towns and developing broad public understanding of the important roles of cities and towns is part of our vision.

Association of Washington Cities  
[wacities.org](http://wacities.org)

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# Guidelines for Local Government Agencies in Election Campaigns

## Cite as PDC Interpretation No. 04-02

### USE OF THE GUIDELINES

These Guidelines are meant to aid and assist in compliance with the law.

This document is an educational tool that is an expression of the Commission's view of the meaning of **RCW 42.17A.555** and relevant administrative rules and case law involving local government and election campaign activity. It is intended to provide guidance regarding the Commission's approach and interpretation of how the statutory prohibition on the use of public facilities for campaigns impacts activities that may be contemplated by government employees and other persons who may seek to utilize those public facilities. Readers are strongly encouraged to review the statute and rules referenced in these Guidelines.

For ease of reference, the majority of this interpretation is in chart form. In part, the chart identifies categories of persons, some possible activities, and some general considerations. These illustrative examples in the columns of the chart are not intended to be exhaustive.

For example, the categories of persons identified are, in many cases, illustrative only and simply identify groups of persons more likely to undertake or consider undertaking the activity mentioned in the adjacent columns. If an activity is described as being viewed as "Permitted," it is viewed as permitted for all agency personnel otherwise having the authority under law or agency policy to undertake that action, not just the persons identified in the chart or in a particular column. The same approach is applied to the "Not Permitted" column. Further, the remarks in the chart's "General Considerations" column have relevance for the entire section and are not limited to the specific bullet point immediately to the left of the general consideration.

As noted in the Basic Principles section below, hard and fast rules are difficult to establish for every fact pattern involving agency facilities that may occur.

\*School Districts are directed to **Guidelines for School Districts in Election Campaigns, Interpretation 01-03.**

Situations may arise that are not squarely addressed by the guidelines or that merit additional discussion. The PDC urges government agencies to review the guidelines in

their entirety, and to consult with their own legal counsel and with the PDC. The PDC can be reached at <mailto:pdc@pdc.wa.gov>, 360/753-1111 or toll free at 1-877-601-2828.

**Use of public office or agency facilities in campaigns - Prohibition - Exceptions. RCW 42.17A.555**

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

(4) This section does not apply to any person who is a state officer or state employee as defined in RCW 42.52.010.

**Notes:**

**Finding -- Intent -- 2006 c 215:** "(1) The legislature finds that the public benefits from an open and inclusive discussion of proposed ballot measures by local elected leaders, and that for twenty-five years these discussions have included the opportunity for elected boards, councils, and commissions of special purpose districts to vote in open public meetings in order to express their support of, or opposition to, ballot propositions affecting their jurisdictions.

(2) The legislature intends to affirm and clarify the state's long-standing policy of promoting informed public discussion and understanding of ballot propositions by allowing elected boards, councils, and commissions of special purpose districts to adopt resolutions supporting or opposing ballot propositions." [2006 c 215 § 1.]

### **General applications of RCW 42.17A.555 WAC 390-05-271**

- (1) **RCW 42.17A.555** does not restrict the right of any individual to express his or her own personal views concerning, supporting, or opposing any candidate or ballot proposition, if such expression does not involve a use of the facilities of a public office or agency.
- (2) **RCW 42.17A.555** does not prevent a public office or agency from (a) making facilities available on a nondiscriminatory, equal access basis for political uses or (b) making an objective and fair presentation of facts relevant to a ballot proposition, if such action is part of the normal and regular conduct of the office or agency.

### **Definition of normal and regular conduct. WAC 390-05-273**

Normal and regular conduct of a public office or agency, as that term is used in the proviso to **RCW 42.17A.555**, means conduct which is (1) lawful, i.e., specifically authorized, either expressly or by necessary implication, in an appropriate enactment, and (2) usual, i.e., not effected or authorized in or by some extraordinary means or manner. No local office or agency may authorize a use of public facilities for the purpose of assisting a candidate's campaign or promoting or opposing a ballot proposition, in the absence of a constitutional, charter, or statutory provision separately authorizing such use.

Similar prohibitions on the use of public facilities by state employees and state officers are described in a memorandum from the Attorney General's Office regarding **RCW 42.52** and available at <http://www.ethics.wa.gov>.

## **BASIC PRINCIPLES**

1. Public facilities may not be used to support or oppose a candidate or ballot proposition. **RCW 42.17A.555**. Facilities include local government agency equipment, buildings, supplies, employee work time, and agency publications. The statute includes an exception to the prohibition for "activities which are part of the normal and regular conduct of the office or agency."
2. The Public Disclosure Commission holds that it is not only the right, but the responsibility of local government to inform the general public of the operational and

maintenance issues facing local agencies. This includes informing the community of the needs of the agency that the community may not realize exist. Local governments may expend funds for this purpose provided that the preparation and distribution of information is not for the purpose of influencing the outcome of an election.

3. Public employees do not forfeit their rights to engage in political activity because of their employment. Neither may agency employees be subjected to coercion, pressure, or undue influence to participate in political activity or to take a particular position. Public officials and employees should make it clear that any participation is personal rather than officially sponsored.
4. Supervisory personnel have a duty to know, apply, and communicate to their staffs the difference between acceptable information activities and inappropriate promotional activities in support of local government ballot measures.
5. Local elected officials are free to support agency ballot issues and engage in other political activities as long as such activities do not make use of government facilities, time or resources and do not either pressure or condone employees' use of agency facilities, time or resources to support ballot issues.
6. The PDC is charged with enforcing [RCW 42.17A.555](#). This requires consideration and analysis of activities, which may or may not be determined to be in violation of the statute. The PDC has, over the years, developed methods of considering and analyzing activities engaged in by public offices. Among the factors considered are the normal and regular conduct and the timing, tone, and tenor of activities in relation to ballot measure elections. As in any matter where intent is to be considered, hard and fast rules, which will be applicable to all situations, are difficult to establish.

The combination of a number of activities into a coordinated campaign involving close coordination between agency activities and citizens' committee activities which closely resembles traditional election campaign activities and which is targeted at and/or occurs close in time to a ballot measure election is likely to draw close scrutiny and careful consideration by the PDC as to whether a violation has occurred.

- 7.a. Historically, the PDC has routinely advised and held that with respect to election-related publications, one jurisdiction-wide objective and fair presentation of the facts per ballot measure is appropriate.

In addition, if an agency\* has also customarily distributed this information through means other than a jurisdiction-wide mailing (e.g. regularly scheduled newsletter, website, bilingual documents, or other format), that conduct has also been permitted

under [RCW 42.17A.555](#) so long as the activity has been normal and regular for the government agency. For more discussion of fact sheets, see [this staff analysis](#).

b. The PDC will presume that every agency may distribute throughout its jurisdiction an objective and fair presentation of the facts for each ballot measure. If the agency distributes more than this jurisdiction-wide single publication, the agency must be able to demonstrate to the PDC that this conduct is normal and regular for that agency. In other words, the agency must be able to demonstrate that for other major policy issues facing the government jurisdiction, the agency has customarily communicated with its residents in a manner similar to that undertaken for the ballot measure.

c. Agencies are urged to read the definitions of "normal and regular" at [WAC 390-05-271](#) and [WAC 390-05-273](#). **Agencies need to be aware, however, that in no case will the PDC view a marketing or sales effort related to a campaign or election as normal and regular conduct.**

8. The PDC attributes publications or other informational activity of a department or subdivision as the product of the local agency as a whole.

9. Providing an objective and fair presentation of facts to the public of ballot measures that directly impact a jurisdiction's maintenance and operation, even though the measure is not offered by the jurisdiction, may be considered part of the normal and regular conduct of the local agency. The agency must be able to demonstrate that for other major policy issues facing the jurisdiction, the agency has customarily communicated with its residents in a manner similar to that undertaken for the ballot measure.

10. State law provides certain exemptions from the prohibition on the use of public office or agency facilities in campaigns for an elected legislative body, an elected board, council or commission of a special purpose district, and elected officials that are not afforded appointed officials. [RCW 42.17A.555 \(1\) and \(2\)](#) apply only to these elected bodies and elected officials.\*\*

\*Agency means any county, city, town, port district, special district, or other state political subdivision.

\*\*See [Chapter 215, Laws of 2006](#) and [AGO 2005 No. 4](#).



**Persons****Permitted****Not Permitted****General Considerations****Agency\*  
Administrators**

**(County  
Administrator, City  
Manager,  
Executive Director,  
Fire Chief, PUD  
Manager, Etc.)**

- May inform staff during non-work hours<sup>[1]</sup> of opportunities to participate in campaign activities.<sup>[2]</sup>
- Are encouraged to communicate to staff the difference between acceptable and unacceptable activities related to a ballot measure.
- In the course of normal publications for the agency, may distribute an objective and fair presentation of the facts<sup>[3]</sup> based on and expanded upon the information<sup>[4]</sup> prepared by the agency in accordance with the normal and regular conduct of the agency.<sup>[5]</sup>
- May speak at community forums and clubs to present factual and objective information on a ballot measure during regular work hours.
- May encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections.
- May respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties.
- May wear campaign buttons or similar items while on the job if the agency's policy generally permits employees to wear political buttons.
- May engage in campaign activities on their own time, during non-work hours and without using public resources.

- Shall not pressure or coerce employees to participate in campaign activities.
- Shall not use internal memoranda solely for the purpose of informing employees of meetings supporting or opposing ballot measures.
- Shall not coordinate informational activities with campaign efforts, in a manner that makes the agency appear to be supporting or opposing a ballot measure.
- Shall not use public resources to operate a speakers' bureau in a manner that may be viewed as promoting a ballot measure.

- Has there been communications with staff and with union representatives regarding the prohibition on the use of the agency's internal mail or email system to support or oppose a ballot measure?
- Is the distribution of this information consistent with the normal practices of the agency (such as newsletters, websites, or some other format)?
- Is the information provided an objective and fair presentation of the facts?
- Is the activity consistent with the agency's normal and regular course of business?
- Do the materials accurately present the costs and other anticipated impacts of a ballot measure?
- For considerations regarding uniforms and related equipment, see pages 14-18.

**Community  
Groups**

- May use agency facilities for meetings supporting or opposing a ballot measure to the extent that the facilities are made available on an equal access, nondiscriminatory basis, and it is part of the normal and regular activity of the jurisdiction.

- Shall not use agency facilities to produce materials that support or oppose a ballot measure.

**Local Elected  
Legislative Body\***

- May collectively vote to support or oppose a ballot measure at a properly noticed public meeting, where opponents of the measure are given an equal opportunity to express views.<sup>[6]</sup>

- Shall not pressure or coerce agency management to participate in campaign activities.
- Shall not explicitly include passage of a ballot measure in the agency's annual goals.

**Persons****Permitted****Not Permitted****General Considerations****Local Government  
Elected Officials**

- May engage in political activities on his or her own time, if no public equipment, vehicle or facility is used. (An elected official may use his or her title but should clarify that he/she is speaking on his/her own behalf, and not on behalf of the agency. If the elected legislative body has adopted a resolution, the official can then speak on behalf of the agency.)
- May attend any function or event at any time during the day and voice his or her opinion about a candidate or ballot proposition as long as they are not being compensated and are not using any public equipment, vehicle or other facility.

- Shall not direct agency staff to perform tasks to support or oppose campaign activities or ballot measures.
- Shall not use public facilities or resources to engage in political activities.

- Is the elected official using staff time, a public vehicle, or other public resources?
- Has the agency adopted a resolution? If yes, the elected official can speak on behalf of the agency. If not, has the elected official made it clear that he or she is not speaking on behalf of the agency?
- Also see Uniforms and Related Equipment Section below.
- Also see Officials' Calendars Section below.

**Appointed Officials  
(Boards,  
Commissions, and  
similar appointed  
positions)**

- May engage in political activities on his or her own time, if no public equipment, vehicle or facility is used. An appointed official may use his or her title but should clarify that he/she is speaking on his/her own behalf, and not on behalf of the agency.
- May attend any function or event at any time during the day and voice his or her opinion about a candidate or ballot proposition as long as they are not being compensated and are not using any public equipment, vehicle or other facility.

- Shall not direct agency staff to perform tasks to support or oppose campaign activities or ballot measures.
- Shall not use public facilities or resources to engage in political activities.
- Shall not use public facilities to express a collective decision or actually vote upon a motion or resolution to support or oppose a ballot proposition.
- Shall not use public facilities to make a statement at a press conference or responding to an inquiry in support or opposition to any ballot proposition.

- Is the appointed official using staff time, a public vehicle, or other public resources?
- Has the appointed official made it clear that he or she is not speaking on behalf of the agency?
- Also see Uniforms and Related Equipment Section below.
- Also see Officials' Calendars Section below.

**Management Staff  
or Their Designees**

- May speak at community forums and clubs to present an objective and fair presentation of the facts on a ballot measure during regular work hours.<sup>[7]</sup>
- May fully participate in campaign activities, including meeting with citizens' campaign committees to plan strategies, during non-work hours and without the use of public resources.
- May inform staff during non-work hours of opportunities to participate in campaign activities.

- Shall not use public resources to operate a speakers' bureau in a manner that may be viewed as promoting a ballot measure.
- Shall not use public resources to promote or defeat a candidate or ballot measure.
- Shall not pressure or coerce employees to

- Is the management staff using public resources in a manner that promotes or opposes a candidate or a ballot measure?
- Does the presentation accurately present the costs and other anticipated impacts of a ballot measure?
- Does the agency have a policy permitting

**Persons****Permitted**

- May respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties.
- May wear campaign buttons or similar items while on the job if the agency's policy generally permits employees to wear political buttons.
- May place window signs or bumper stickers on their privately owned cars, even if those cars are parked on government property during working hours.
- Are encouraged to communicate to staff the difference between acceptable and unacceptable activities related to a ballot measure.
- May encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections.

**Not Permitted**

- participate in campaign activities.
- Shall not use agency resources to organize the distribution of campaign materials.

**General Considerations**

- employees to wear political buttons?
- For considerations regarding agency employees' calendars, see pages 27- 28.

**Agency Employees**

- May speak at community forums and clubs to present an objective and fair presentation of the facts on a ballot measure during regular work hours.
- May inform staff during non-work hours of opportunities to participate in campaign activities.
- May engage in campaign activities on their own time, during non-work hours and without using public resources.
- May respond to questions regarding a ballot measure if such activity is consistent with his or her normal and regular duties.
- May wear campaign buttons or similar items while on the job if the agency's policy generally allows employees to wear political buttons.
- May, during non-work hours, make available campaign materials to employees in lunchrooms and break rooms that are used only by staff or other authorized individuals.
- May place window signs or bumper stickers on their cars, even if those cars are parked on government agency property during working hours.
- May encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections.

- Shall not use work hours or public resources to promote or oppose a candidate or ballot measure (such as gathering signatures, distributing campaign materials, arranging speaking engagements, coordinating phone banks, or fundraising).
- Shall not pressure or coerce other employees to participate in campaign activities.
- Shall not use agency resources to organize the distribution of campaign materials.

- Do the presentations accurately present the costs and other anticipated impacts of a ballot measure?
- Is the employee acting on his or her own time, during non-work hours?
- See section on Agency Employees' Calendars below.

Persons	Permitted	Not Permitted	General Considerations
<b>Union Representatives</b>	<ul style="list-style-type: none"> <li>• May, during non-work hours, make available campaign materials to union members in lunchrooms and break rooms that are used only by staff or other authorized individuals.</li> <li>• May distribute campaign materials at union-sponsored meetings.</li> <li>• May post campaign materials on a bulletin board, if such a board is in an area that is not accessible to the general public and if such activity is consistent with the agency's policy and the collective bargaining agreements.</li> </ul>	<ul style="list-style-type: none"> <li>• Shall not use the agency's internal mail or email system to communicate campaign-related information, including endorsements.</li> <li>• Shall not distribute promotional materials in public areas.</li> </ul>	<ul style="list-style-type: none"> <li>• Are campaign materials made available only in those areas used solely by staff or other authorized individuals?</li> <li>• Does such distribution occur during non-work hours?</li> </ul>

Activities and Resources	Permitted	Not Permitted	General Considerations
<b>Equipment and Supplies</b>	<ul style="list-style-type: none"> <li>• Agency employees, in the course of their employment, may use equipment (including but not limited to projectors and computers) to make an objective and fair presentation of the facts at community forums and clubs.</li> <li>• Agency employees, in the course of their employment, may produce information that is an objective and fair presentation of the facts using public resources.</li> </ul>	<ul style="list-style-type: none"> <li>• Public resources (including but not limited to internal mail systems, email systems, copiers, telephone) shall not be used to support or oppose a candidate or ballot measure, whether during or outside of work hours.</li> <li>• Citizens' campaign committees and other community groups shall not use agency equipment (including but not limited to internal mail systems, projectors, computers, and copiers) to prepare materials for meetings regarding ballot measures.</li> </ul>	<ul style="list-style-type: none"> <li>• Do the presentations fairly and objectively present the costs and other anticipated impacts of a ballot measure?</li> </ul>

<b>Uniforms &amp; Related Equipment Purchased with Non-Public Funds</b>	<ul style="list-style-type: none"> <li>• Agency employees and campaigns may use uniforms that are not the property of the agency and are rented or purchased with non-public funds (such as campaign funds), to assist campaigns including to support or oppose ballot propositions.</li> <li>• These same provisions apply to related equipment including but not limited to: firearms; badges; nametags; holsters; handcuffs; jackets; belts; vests; agency patches, logos, insignias, emblems; and radios.</li> </ul>
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Activities and Resources	Permitted	Not Permitted	General Considerations
<b>CURRENT Uniforms &amp; Related Equipment</b> <a href="#">[8]</a> <b>Purchased with Public Funds</b>	<ul style="list-style-type: none"> <li>Agency employees may use or wear their own uniforms to assist a campaign including to support or oppose a ballot proposition. This use includes any part of the employee's own uniform (shirt, pants, shoes, hat, etc.). This use includes clothing that may not appear to be a uniform (example, detective's suit). "Own uniform" means: The employee has purchased the uniform. The agency has not issued, purchased or replaced the uniform, or has not reimbursed the employee for the employee's purchase of the uniform, in whole or in part (such as reimbursement to the employee through a clothing allowance used to pay for the item).<a href="#">[9]</a></li> <li>These same provisions apply to related equipment including but not limited to: firearms; badges; nametags; holsters; handcuffs; hats; jackets; belts; vests; agency patches, logos, insignias, emblems; and radios.</li> </ul>	<ul style="list-style-type: none"> <li>Agency employees shall not use or wear their agency-issued, agency-purchased, agency-owned or agency-replaced uniforms to assist a campaign or to support or oppose a ballot proposition.</li> <li>This prohibition applies to use of any part of such a uniform (shirt, pants, shoes, hat, etc.).</li> <li>This same prohibition applies to clothing that may not appear to be a uniform (example, a detective's suit).</li> <li>This same prohibition applies to related equipment including but not limited to: firearms; badges; nametags; holsters; handcuffs; jackets; belts; vests; shoes; agency patches, logos, insignias, emblems; and radios.</li> <li>Prohibited uses include but are not limited to using or wearing those uniforms at campaign functions or in political advertisements such as TV commercials.</li> <li>Exceptions for attending campaign functions in uniform may be made on a case-by-case basis under exigent circumstances.<a href="#">[10]</a></li> <li>Public funds shall not be used to rent or purchase uniforms to assist campaigns, or to support or oppose ballot propositions.</li> <li>This same prohibition applies to related equipment including but not limited to: firearms; badges; nametags; holsters; handcuffs; jackets; belts; vests; agency patches, logos, insignias, emblems; and radios.</li> </ul>	<ul style="list-style-type: none"> <li>Are any public funds used to purchase, reimburse, or replace the uniforms or related equipment? See footnote 9.</li> </ul>
<b>CURRENT Uniforms &amp; Related Equipment in Agency Photos and Videos</b>	<ul style="list-style-type: none"> <li>Agency photos and agency videos depicting agency employees wearing agency uniforms may be used by a campaign to assist a campaign including to</li> </ul>	<ul style="list-style-type: none"> <li>Agency employees shall not make special arrangements for or "stage" the taking of an agency photo or agency video of an employee in uniform so the photo or</li> </ul>	<ul style="list-style-type: none"> <li>Was the agency photo or agency video taken in the ordinary course of agency business, and not "staged" for a campaign?</li> </ul>

Activities and Resources	Permitted	Not Permitted	General Considerations
	<p>support or oppose ballot proposition, if the photos or videos: (1) were made in the ordinary course of the agency's business, (2) were not "staged" for campaign purposes and, (3) are made available to a campaign on the same terms and conditions as any other member of the public would receive the photos or videos. For example, agency photos or agency videos could be provided in response to a public records request, or by other authorized agency policy.</p> <ul style="list-style-type: none"> <li>• This same provision applies to agency photos and agency videos depicting agency personnel wearing or using related equipment, including but not limited to: firearms; badges; nametags; holsters; handcuffs; jackets; belts; vests; agency patches, logos, insignias, emblems; and radios.</li> </ul>	<p>video can be used for campaign purposes.</p> <ul style="list-style-type: none"> <li>• This same prohibition applies to related equipment including but not limited to: firearms; badges; nametags; holsters; handcuffs; jackets; belts; vests; agency patches, logos, insignias, emblems; and radios.</li> </ul>	<ul style="list-style-type: none"> <li>• Was a campaign provided an agency photo or agency video of an employee wearing a uniform in the same manner, and under the same conditions, as any other member of the public requesting the photo or video? For example, was the agency providing it in response to a public records request, or pursuant to authorized agency policies?</li> <li>• Does the campaign's ad make it clear to voters that the public agency is not endorsing or supporting the candidate or ballot measure, even though an employee in the photo/video is wearing a uniform? It is suggested that a disclaimer be added to the advertising to clarify that the photo/video has been obtained in the manner prescribed by the agency.</li> </ul>
<b>FORMER Uniforms &amp; Related Equipment [see Footnote No. 8]</b>	<ul style="list-style-type: none"> <li>• When a uniform or piece of related equipment was previously purchased, issued, replaced or reimbursed by the agency and is no longer used by the agency, the item may be used by a campaign to assist a campaign, or support or oppose a ballot measure.</li> <li>• "No longer used by the agency" means the employee or agency has documented that: <ul style="list-style-type: none"> <li>○ The uniform or equipment has exceeded its life expectancy as defined by the agency and/or has been officially retired by the agency;</li> <li>○ The uniform or equipment has been given or sold to an employee or another</li> </ul> </li> </ul>		<ul style="list-style-type: none"> <li>• Has the employee or campaign documented that the uniform or piece of related equipment is no longer used by the agency?</li> </ul>

**Activities and Resources****Permitted****Not Permitted****General Considerations**

- person following agency procedures; and,
- The agency has no expectation the uniform or equipment will be returned to or used by the agency in the future.

**Meeting Facilities**

- Agency meeting facilities, including audio visual equipment, may be used by campaign committees for activities on the same terms and conditions available to other community groups, subject to the provisions of the agency's policy.
  - Use of agency meeting facilities is permitted when the facility is merely a "neutral forum" where the activity is taking place, and the public agency in charge of the facility is not actively endorsing or supporting the activity that is occurring.
- Can community groups typically use agency facilities?
  - Are facilities made available to all groups on the same terms?
  - Has the agency adopted a policy regarding the distribution of campaign materials on agency property?
  - Is the meeting facility customarily made available on an equal access, nondiscriminatory basis for a variety of uses?

**Lists**

- Lists of names (such as agency vendors or customers) that a agency has obtained or created in the course of transacting its regular public business are subject to public disclosure requirements; thus, unless otherwise exempt, the lists must be released subject to public records requests.
  - Agencies may charge a preestablished fee to cover the costs of providing copies of such lists on an equal access, nondiscriminatory basis.
- Agencies shall not sell copies of such lists (though they may charge a pre-established fee to recover the costs of providing copies of the lists).
  - If a list is generally available as a public record, it cannot be denied to a person or group on the grounds that it might be used in a campaign.
- Is the list obtained or created in the course of the agency transacting its public business?
  - Are the fees charged no greater than necessary to cover the costs of providing copies?
  - Has the agency complied with established policy in responding to any public record requests?

**Voting Information**

- Agency personnel may encourage staff and members of the public to vote, as long as such encouragement routinely occurs for other elections.
  - Public facilities may be used to register people to vote and to do periodic poll checking.
- Agencies shall not pressure or coerce employees to vote.
  - Agencies shall not organize an effort to encourage staff to wear campaign buttons or display campaign materials.
- Is the activity related to providing voting information for elections, as opposed to advocating for or against a particular candidate or ballot measure?

Activities and Resources	Permitted	Not Permitted	General Considerations
<b>Agency Publications (Specific to Elections)</b>	<ul style="list-style-type: none"> <li>• Agencies may develop an objective and fair presentation of the facts regarding agency needs and the anticipated impact of a ballot measure and may distribute it in the agency's customary manner. This information<sup>[11]</sup> may be printed in various languages and communicated in other formats as required by the ADA.</li> <li>• In the course of regular publications for the agency, the agency may distribute an objective and fair presentation of the facts for each ballot measure in accordance with the normal and regular conduct of the agency.</li> </ul>	<ul style="list-style-type: none"> <li>• Agencies shall not distribute election-related information in a manner that targets specific subgroups. Targeting does not refer to mailing information to agency constituencies such as community leaders, or some other group, or to the agency's regular distribution list to provide information in a manner that is consistent with the normal and regular conduct of the agency.</li> <li>• Agencies shall not publicize information supporting or opposing a candidate or ballot measure.</li> </ul>	<ul style="list-style-type: none"> <li>• Does the information provide an objective and fair presentation of the facts?</li> <li>• Is the timing, format, and style, including tone and tenor, of the information presented in a manner that is normal and regular for the agency?</li> <li>• Is the information distributed in a manner that is normal and regular for the agency?</li> <li>• Do the materials accurately present the costs and other anticipated impacts of a ballot measure?</li> <li>• Does the agency typically distribute information by newsletters, websites, or some other format?</li> </ul>
<b>Agency Publications (Regular)</b>	<ul style="list-style-type: none"> <li>• Agencies may include all or part of the information regarding agency needs and the anticipated impacts of a ballot measure in the agency's regular publications, such as agency and department newsletters. (For example, a department newsletter may specifically describe the projects and/or programs planned for that department.)</li> <li>• Agencies may inform staff and/or others of community meetings related to ballot measures if other such information is normally published in a newsletter or community calendar, and if both those supporting or opposing a ballot measure have the opportunity to appear on the calendar or in the newsletter.</li> <li>• Agencies may factually report jurisdictional support for a ballot measure, so long as it is the normal and regular conduct for the agency. (For example, a community newsletter that ordinarily</li> </ul>	<ul style="list-style-type: none"> <li>• Agencies shall not use internal memoranda or other agency publications to encourage employees to participate in campaign activities.</li> <li>• Agencies shall not publish materials supporting or opposing a candidate or ballot measure.</li> </ul>	<ul style="list-style-type: none"> <li>• Does the agency routinely distribute such information?</li> <li>• Does the agency normally inform staff and/or parents of community activities and meetings?</li> <li>• Is the information presented in an objective and fair manner?</li> <li>• Is the agency engaging in significantly different activities during the time period immediately prior to the ballot measure compared to all other times of the year?</li> </ul>



Activities and Resources	Permitted	Not Permitted	General Considerations
	<p>reports on governmental actions may report that the jurisdiction adopted a resolution supporting a ballot measure.)</p> <ul style="list-style-type: none"> <li>Agencies may thank citizens for their support after an election in agency publications.</li> </ul>		
<b>Reader Boards/Posters</b>	<ul style="list-style-type: none"> <li>Information encouraging staff and members of the public to vote, or providing the dates of upcoming elections such as "vote on February __", may be posted, as long as such encouragement is customarily posted for elections other than just an agency's ballot measure.</li> <li>Agencies may thank citizens on their reader boards for their support after an election.</li> <li>May post objective and fair information at an agency or at a future site regarding anticipated improvements to be funded by a ballot measure that is specific to that agency or site.</li> </ul>	<ul style="list-style-type: none"> <li>Agencies shall not display a "Vote for ." sign or other promotional messages on reader boards or posters.</li> <li>Signs advocating for or against candidates or ballot measures shall not be posted on agency property in any area accessible to the general public.</li> <li>Publicly owned vehicles shall not be used to carry or display political material.</li> </ul>	
<b>Surveys and Research</b>	<ul style="list-style-type: none"> <li>Agencies may conduct surveys and/or other community research, including demographic questions, to determine the community's priorities, public perception of performance, and/or to inform the community about agency programs and policies.</li> <li>Agencies may conduct community research (including but not limited to the use of questionnaires, surveys, workshops, focus groups, and forums) to determine the community's priorities for both programs and/or facilities and their associated total costs and projected dollars per thousand assessment.</li> </ul>	<ul style="list-style-type: none"> <li>Agencies shall not conduct surveys to determine what taxation level the public would support.</li> <li>Agencies shall not conduct surveys designed to shore up support or opposition for a ballot measure.</li> <li>Agencies shall not target registered voters or other specific subgroups of the jurisdiction in conducting their election-related surveys.</li> <li>Agencies shall not use survey results in a manner designed to support or oppose a candidate or ballot measure.</li> </ul>	<ul style="list-style-type: none"> <li>Has the elected legislative body passed a resolution authorizing a measure to be placed on the ballot? (If so, actions may be more closely scrutinized.)</li> <li>Does the election-related survey target specific subgroups?</li> <li>Is the survey or community research consistent with normal and regular activities of the agency?</li> </ul>

Activities and Resources	Permitted	Not Permitted	General Considerations
	<ul style="list-style-type: none"> <li>• The surveys and/or other community research can be conducted before or after the governing body has approved a resolution to place a ballot measure on the ballot. However, research conducted after the adoption of the resolution may be subject to greater scrutiny.</li> <li>• Agencies may publish survey results if it is consistent with the normal and regular conduct of the agency.</li> </ul>		
<b>Technology (websites, emails, computerized calling systems)</b>	<ul style="list-style-type: none"> <li>• An agency may develop an objective and fair presentation of the facts and post that information on its website, including information regarding agency needs and the anticipated impacts of a ballot measure. This information may be reformatted so that it is consistent with the manner in which the agency customarily presents information on its website.</li> <li>• Agency websites may permit viewers to make selections to learn about the anticipated impacts of a ballot measure for a specific division, or otherwise allow readers to explore issues in greater or lesser detail.</li> <li>• Agencies may update the information on their websites in a manner that is customary for the agency.</li> <li>• Staff may respond to inquiries regarding a ballot measure in an objective and fair manner, via email or by telephone, if it is part of their normal and regular duties.</li> </ul>	<ul style="list-style-type: none"> <li>• Agency computers, email systems, telephones, and other information technology systems shall not be used to aid a campaign for or against a candidate or ballot measure.</li> <li>• Electronic communication systems shall not be used to generate or forward information that supports or opposes a candidate or ballot measure.</li> <li>• Agency websites shall not be used for the purposes of supporting or opposing a candidate or ballot measure.</li> </ul>	<ul style="list-style-type: none"> <li>• Are the materials developed an objective and fair presentation of the facts?</li> <li>• Is the agency engaging in significantly different activities during the time period immediately prior to the ballot measure compared to all other times of the year?</li> <li>• Do the materials accurately present the costs and other anticipated impacts of a ballot measure?</li> <li>• Has there been communications with staff and with union representatives regarding the prohibition on the use of the agency's technology to support or oppose a ballot measure?</li> </ul>
<b>Agency Calendars</b>	<ul style="list-style-type: none"> <li>• Agency officials, appointees and employees may place on their individual agency calendar the basic information that he/she is scheduled to be out of the office to attend campaign</li> </ul>	<ul style="list-style-type: none"> <li>• Agency officials, appointees and employees shall not use, nor direct their staff to use, public facilities or resources to arrange or plan campaign activities, or to assist with a campaign activity. Arranging</li> </ul>	<ul style="list-style-type: none"> <li>• Is the scheduling activity limited to calendaring for the official, appointee or employee?</li> <li>• Is the calendaring limited to the ministerial act of placing only basic information</li> </ul>

Activities and Resources	Permitted	Not Permitted	General Considerations
	<p>events. They may synchronize their personal electronic calendars with agency electronic calendars so long as only basic information gets placed on the agency calendar about campaign events.</p> <ul style="list-style-type: none"> <li>• Agency officials, appointees and employees may respond to public inquiries, including from campaigns, about the employee's, appointee's or official's availability on his/her schedule to attend a campaign event.</li> <li>• A supervising employee, appointee or official may request his or her scheduling assistant (agency staff) to block out time on the supervising employee's, appointee's or official's individual calendar for campaign events.</li> <li>• A scheduling assistant may receive information and block out time on the supervising employee's, appointee's or official's individual calendar for campaign events, as directed by the supervising employee, appointee or official.</li> <li>• A scheduling assistant may respond to public inquiries, including from campaigns, about the supervising employee's, appointee's or official's availability on his/her schedule to attend a campaign event.</li> <li>• Agencies may inform staff and/or others of community meetings related to ballot measures if other such information is normally published in a community calendar, and if both those supporting or opposing a ballot measure have the opportunity to appear on the calendar.</li> </ul>	<p>details of the official's, appointee's or employee's appearance or participation in the campaign activity such as travel logistics, tickets, invitations to other participants, or agenda while at the event, are not permitted. Communicating about the individual's interest and/or potential for participating in planned or possible future campaign events or activities, including endorsement interviews, are not permitted. Those activities must use campaign resources and staff, not public agency resources and staff.</p> <ul style="list-style-type: none"> <li>• Agency officials, appointees and employees shall not place their individual campaign-related events on agency-wide distributed calendars such as monthly calendars of agency events, or regularly scheduled newsletters with agency events provided or distributed to staff or the public.</li> </ul>	<p>about the campaign event (name, date, time, location, duration and contact number) on the official's appointee's or employee's schedule; conducted solely for business and security purposes related to the agency's need to know the official's, appointee's or employee's availability and location; and, to avoid scheduling conflicts?</p> <ul style="list-style-type: none"> <li>• Is the calendaring request to a scheduling assistant to block out time (generally or only for specific appointments), on the individual's calendar directed in the first instance by the official appointee or supervising employee to agency staff, and not by a campaign?</li> <li>• Is the campaign contact information the publicized means by the campaign of reaching the individual who is a candidate or assisting a campaign, for the purpose of scheduling his/her attendance at campaign events, or for participating in other campaign events?</li> <li>• Do agency staff refer campaign-related inquiries to the campaign when the person contacting the agency seeks information beyond an individual's availability on his/her agency schedule.</li> </ul>

**Note on Timing of Activities:** A particular activity may be subject to the scrutiny of Public Disclosure Commission depending in part on whether it is a part of the "normal and ordinary" conduct of a local government agency. Generally, activities that occur after the elected legislative body has passed a resolution authorizing a measure to be placed on the ballot will be subject to greater scrutiny by the Public Disclosure Commission than those occurring before such a resolution has been passed.

**Note on Agency Policies:** The application of these guidelines is also subject to each jurisdiction's own adopted policies.

**[1]** Agencies may set the definition of work hours for their employees. For example, to the extent that an agency defines the lunch hour as a non-work hour, activities to support or oppose a candidate or a ballot measure that do not use public resources and that are held away from government facilities are permitted during the lunch hour.

**[2]** [RCW 42.17A.495\(2\)](#) provides that "[n]o employer or labor organization may discriminate against an officer or employee in the terms or conditions of employment for (a) the failure to contribute to, (b) the failure in any way to support or oppose, or (c) in any way supporting or opposing a candidate, ballot proposition, political party, or political committee."

**[3]** Throughout these guidelines, the clause "objective and fair presentation of the facts" means that in addition to presenting the facts, the materials should present accurately the costs and other anticipated impacts of a ballot measure.

**[4]** For the purposes of these guidelines, "information" refers to the documents prepared, printed, and mailed to persons within the governmental jurisdiction by that agency solely for the purposes of informing residents regarding an upcoming ballot measure. The agency may continue to distribute information consistent with the customary practices of the agency, including but not limited to newsletters, websites, and multi-lingual documents. These publications may continue, but if they discuss the ballot measure, the information needs to be an objective and fair presentation of the facts.

**[5]** For the purpose of these guidelines, the term "normal and regular" is defined in [WAC 390-05-273](#) and clarified further by [WAC 390-05-271](#).

\*Agency means any county, city, town, port district, special district, or other state political subdivision.

**[6] RCW 42.17A.555(1)** provides that action may be "taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;".

\* The term "elected" modifies the term "body," connoting that the body itself must be elected. "We therefore conclude that bodies composed in any of the three ways you suggest in your question are not elected bodies for purposes of RCW 42.17.130 [the former codification of **RCW 42.17A.555**]. Bodies containing a combination of elected or appointed members, bodies whose members serve ex officio by virtue of being elected to another office, or informal groups of elected officials from different jurisdictions are not "elected" for purposes of this analysis." (**AGO 2005 No. 4, Page 4**)

**[7]** Agencies may set the definition of work hours for their employees. For example, to the extent that a agency defines the lunch hour as a non-work hour, activities to support or oppose a candidate or a ballot measure that do not use public resources and that are held away from agency facilities are permitted during the lunch hour.

**[8]** For members of the judiciary subject to the Code of Judicial Conduct, see **PDC Interpretation 00-03**.

**[9]** An agency's reimbursement for or other means of providing for cleaning/maintenance of uniforms or related equipment does not convert the privately-purchased item to a public facility.

10 For example, in examining all the surrounding circumstances, the Commission may determine that an enforcement action will not proceed when public safety and the demands of the public employee's office with respect to an ongoing law enforcement matter unexpectedly required the official to remain in uniform at a campaign function, and if that uniform use is part of the agency's "normal and regular" activities under those circumstances. However, the Commission anticipates these situations will be rare and isolated. This exception does not apply when campaigns or employees may seek to use agency uniforms and related equipment under other circumstances, or for other campaign activities such as in political advertising.

**[11]** For the purposes of these guidelines, "information" refers to the documents prepared, printed, and mailed jurisdiction-wide by the agency solely for the purposes of informing residents regarding an upcoming ballot measure. The agency may continue to distribute information consistent with the customary practices of the agency, including but not limited to newsletters, websites, and multi-lingual documents. These publications may continue, but if they discuss the ballot measure, the information should be an objective and fair presentation of the facts.

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**Approved: September 28, 2004 | Amended September 28, 2006, August 23, 2012 and May 22, 2013**

**References: RCW 42.17.555**

**See also: WACs 390-05-271 and 390-05-273**

# Getting into Office

Being Elected or Appointed  
into Office in Washington



## GETTING INTO OFFICE

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This publication is a revision of the 2007 publication, *Getting Into Office: Being Elected or Appointed into Office in Washington Counties, Cities, Towns, and Special Districts*; it addresses issues relating to: qualifying and running for elective office in cities, towns, counties, and special districts; assuming office; vacancies in office; and appointments to fill vacancies.

## ACKNOWLEDGEMENT

We are grateful to Paul Sullivan, Legal Consultant, for his contribution.

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The content of this publication is for informational purposes only and is not intended as legal advice, nor as a substitute for the legal advice of an attorney. You should contact your own legal counsel if you have a question regarding your legal rights or any other legal issue.

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# Revision History

MRSC updates this publication as needed to reflect new legislation and other changes. To make sure you have the most recent version, please go to [mrsc.org/publications](http://mrsc.org/publications).

DATE	SUMMARY
<b>January 2020</b>	<b>The Election Campaign:</b> Updated reporting requirements in small political subdivisions (RCW 42.17A.135)
<b>June 2019</b>	<b>Can I Seek Office?:</b> Updated <i>Felony Convictions</i> (RCW 29A.08.520)
<b>March 2019</b>	<p><b>Election Schedules:</b> Updated <i>The Primary Election, Special Filing Periods, Absentee Ballots, Write-In Candidates, and Election Dates and Results</i></p> <p><b>Filing for Office:</b> Updated <i>Filing Fees, What if No One Files, and What Happens if There Is Only One Person Who Has Filed</i></p> <p><b>Disqualification:</b> Updated outcome of a disqualification hearing</p> <p><b>Leaving Office:</b> Updated fixing date for recall election (RCW 29A.56.210)</p> <p><b>Salaries:</b> Updated salary calculation by Financial Management Office for special district commissioners. Effective July 1, 2018</p>
<b>May 2018</b>	<p>The Election Campaign – Financial Disclosure – Mini campaign reporting eligibility dollar amount revisions.</p> <p>The Election Campaign – Use of Government Office or Facilities for a Campaign – Civil penalty for violation of RCW 42.17A.555 changes effective June 7, 2018.</p>

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# Introduction

How does one “get into office”? Simple, you open the door to the county courthouse, district office or the city hall and just walk in. But, of course, it really isn’t that simple. In addition to having the desire to serve others, the abilities to do so, and the time necessary to accomplish all of the responsibilities of the office, actually getting there involves a variety of legal steps or procedures that begin months, if not years, before being sworn in.

An initial concern has to be whether a person is even qualified to seek or assume office. If a person is a 15 year-old, foreign born and not naturalized, convicted of a felony, and new to the jurisdiction, running for or being appointed into office is not a possibility, regardless of the community’s desire to have that person serve. Holding another office or having a continuing contractual relationship with the jurisdiction, while maybe not disqualifying a candidate, may require the person, if elected, to take curative action before being able to be sworn into office. Qualification, though, is just the initial hurdle to assuming office.

If a person seeks office through election, he or she may have to campaign in both a primary and general election. The person will need to file for office and, likely, pay a filing fee. It sounds simple enough, but a range of issues may arise at this early

stage. What happens if no one else files for office, or, for that matter, if no one files at all? What happens if a successful candidate moves or dies after the primary or general election, or during the term of office? Can a person’s candidacy be challenged after he or she files for office, and how? What are the reporting requirements for candidates?

Even after the election itself is over, there can be problems. What happens if there is a tie, or the vote is very close? What are the rules for recounts? When does a successful candidate assume office?

At the end of the “assuming office” spectrum, there are more issues and rules that must be considered. How does an office become vacant? How does one resign from office? What happens if a recall is sought? And how are vacancies filled outside the election process?

As one can see, there are many questions or issues that require attention. This publication will address the above questions, as well as others, and provide general guidance on how a person gets into office. Once elected, the successful candidate will have many other issues and problems to contend with; many of those issues are dealt with in other Municipal Research and Services Center (MRSC) publications and the MRSC website ([www.mrsc.org](http://www.mrsc.org)). ***For now, though, let’s get started and get into office!***

# Can I Seek Office?

## GENERAL QUALIFICATIONS FOR OFFICE

While there may not be many, there are certain qualifications that must be met before a person can seek either election or appointment to elective office. There are similarities in the requirements, but one must carefully review and meet the requirements of each jurisdiction before filing for or obtaining appointment to office. A candidate must be eligible to hold the office at the time he or she files a declaration in order to participate in the election process.<sup>1</sup>

## CITIES AND TOWNS<sup>2</sup>

In addition to any specific qualifications that might be set by statute for a particular type of municipality, no person is eligible for elective office unless he or she is a citizen of the United States, the state of Washington and an elector<sup>3</sup> of such county, district, precinct, or municipality in which the office sought is located.<sup>4</sup> Most of the “other” qualifications for office set out by statute are consistent with the general requirement and are similar among the different government classifications.

<sup>1</sup>*Defilipis v. Russell*, 52 Wn.2d 745, 746 (1958).

<sup>2</sup>This publication reviews the qualifications for office in second class cities, towns, and noncharter code cities. There are ten first class cities (Aberdeen, Bellingham, Bremerton, Everett, Richland, Seattle, Spokane, Tacoma, Vancouver, and Yakima), one charter code city (Kelso), and one unclassified city that operates under its territorial charter (Waitsburg). Reference should be made to the charters of each of these cities to determine whether there are additional qualifications set by the charter for elective office.

<sup>3</sup>An elector must be a United States citizen, 18 years of age or older, and a resident in the state, county, and precinct at least 30 days immediately preceding the election. Washington State Constitution Article VI, Section 1. A qualified elector need not be registered to vote, whereas a qualified voter must be actually registered. AGLO 1974 No. 55.

<sup>4</sup>RCW 42.04.020.

## Towns

No person shall be eligible to hold an elective office in a town unless he or she is a resident and registered voter in the town.<sup>5</sup>

## Second Class Cities

No person is eligible to hold an elective office in a second class city unless the person is a resident and registered voter in the city.<sup>6</sup>

## Code Cities

No person is eligible to hold elective office under either the mayor-council or council-manager plans unless the person is a registered voter of the city at the time of filing his or her declaration of candidacy and has been a resident of the city for a period of at least one year preceding his or her election.<sup>7</sup> MRSC takes the position that the one-year period ends on Election Day and begins one year prior to that date.<sup>8</sup>

## Counties

For the most part, there are no special requirements that candidates must meet to seek a county office, other than the general statutory and state constitutional requirements they must be a citizen of the United States and the state of Washington, and an elector of the county in which they live.<sup>9</sup> Several county offices, however, do

<sup>5</sup>RCW 35.27.080.

<sup>6</sup>RCW 35.23.031.

<sup>7</sup>RCW 34A.12.030 and RCW 35A.13.020. Residence and voting within the limits of any territory that has been included in, annexed to, or consolidated into the city is construed to have been residence within the city.

<sup>8</sup>See, generally, *In re Contested Election of Schoessler*, 140 Wn.2d 368 (2000).

<sup>9</sup>A recent Supreme Court decision, *Parker v. Wyman*, 176 Wn.2d 212 (2012) holds that candidates for superior court judge need only

have special requirements. The county prosecuting attorney must be admitted as an attorney in the state of Washington.<sup>10</sup> A candidate for county sheriff is not required to meet any special qualifications to be elected; however, he or she must have a certificate of completion of a basic law enforcement training program within twelve months of assuming office.<sup>11</sup>

## SPECIAL DISTRICTS

There are many special districts and, for most, there are no special qualifications for office. A person is qualified to hold or seek office if he or she is a citizen and a registered voter who lives within the district.<sup>12</sup> For Irrigation Districts, there is an additional requirement of land ownership.<sup>13</sup>

## RUNNING FOR MORE THAN ONE OFFICE AND DUAL OFFICE-HOLDING

Even if a person satisfies all of the requirements for filing for office, there still may be a problem if he or she already is an officer and is elected into a second office.

The first problem may confront a candidate when he or she seeks to file for office. RCW 29A.36.201 provides in part that, except for the office of precinct committee officer or a temporary-elected position,<sup>14</sup> a candidate's name shall not appear more than once upon a ballot for a position regularly nominated or elected at the same election.

be admitted to the state bar association; they need not be county residents.

<sup>10</sup>RCW 36.27.010.

<sup>11</sup>RCW 36.28.025.

<sup>12</sup>See, e.g., RCW 52.14.010 (Fire), RCW 53.12.010 (Port), and RCW 70.44.040 (Hospital). For some districts, such as Water-Sewer and Park and Recreation, no qualifications are set out by statute; however, those seeking office in these districts must be a United States citizen and an elector of the district. RCW 42.04.020.

<sup>13</sup>See RCW 87.03.045-.051.

<sup>14</sup>Such as a charter review board member or freeholder.

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In addition to the statutory prohibitions against a person holding two offices at the same time, there are common law (court-made) prohibitions as well.

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While a current officer, elected or appointed, may be able to file for another office (such as when a city councilmember, not currently up for re-election, files for the office of county commissioner or mayor), there may be statutory prohibitions against the person actually assuming the second office, if he or she wins election. For example, RCW 35A.12.030 and 35A.13.020 prohibit a mayor or councilmember in a code city from holding any other public office or employment within the city's government "except as permitted under the provisions of chapter 42.23 RCW," which deals with contractual conflicts of interest. If such a situation were to arise, the officer would need to resign from the first office in order to assume the second.

In addition to the statutory prohibitions against a person holding two offices at the same time, there are common law (court-made) prohibitions as well. Under the doctrine of incompatible offices, the same person may not simultaneously hold two or more public offices if those offices are

considered incompatible with one another. This, of course, would not prohibit a current officeholder from seeking another office; there would be a problem, however, if he or she were elected or appointed to the other office, if it is incompatible with the first.

Although the Washington State Supreme Court has never had the occasion to apply the doctrine in a situation actually involving two “offices,” the court in one case cited the doctrine approvingly and applied it in a different context. **Kennett v. Levine**, 50 Wn.2d 212, 216-217 (1957). As the court explained in its opinion:

Offices are incompatible when the nature and duties of the offices are such as to render it improper, from considerations of public policy, for one person to retain both. The question . . . is . . . whether the functions of the two are inherently inconsistent or repugnant, or whether the occupancy of both offices is detrimental to the public interest.

(Citations omitted.) Other authorities point out that the question is not simply whether there is a physical impossibility of discharging the duties of both offices at the same time, but whether or not the functions of the two offices are inconsistent, as where one is subordinate to the other, or where a contrariety and antagonism would result in the attempt by one person to faithfully and impartially discharge the duties of both. Incompatibility may arise where the holder cannot in every instance discharge the duties of both offices. McQuillin, **Municipal Corporations**, § 12.67 (2006).

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## The state constitution prevents individuals from holding public office in the event they are convicted of any felony.

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Applying those tests, the Washington State Attorney General’s Office has found various offices to be incompatible with one another, such as mayor and county commissioner (AGO 57-58 No. 91), county engineer and city engineer (letter to the Prosecuting Attorney of Douglas County, July 16, 1938), port commissioner and public utility district commissioner (letter to Prosecuting Attorney of Jefferson County, June 25, 1942), and others. Courts in other jurisdictions have held incompatible the positions of mayor and councilmember, mayor and city manager, city marshal and councilmember, to mention only a few. McQuillin, **Municipal Corporations**, § 12.67.05 (2006). As was true for the statutory prohibitions, the incompatible offices problem is cured by the officer resigning from the other incompatible office.

### CONFLICTS OF INTEREST

While state statutes and the doctrine of incompatible offices may either prohibit a person from running for office or from holding certain offices simultaneously, any problem that may exist can be cured by the person resigning from one of the offices before filing for office or, if elected or appointed, before taking the

oath of office. Conflicts of interest may pose an impediment to serving in office as well. Although a conflict of interest will not disqualify a person from running for or assuming office, if a candidate has a conflict or potential conflict, he or she should carefully consider the impact of the conflict before seeking office, as the conflict could result in a forfeiture of office.

RCW 42.23.030 prohibits officers from having an interest in any contract that may be made

by, through, or under the supervision<sup>15</sup> of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein.

This prohibition does have certain exceptions (see RCW 42.23.030(1)-(12)),<sup>16</sup> and some interests are deemed “remote,” allowing the conflict to exist, provided the officeholder discloses the interest in the contract and limits his or her role in its award.<sup>17</sup> Some officers may be little

affected by the statutory prohibition, as they have little contracting authority. On the other hand, members of a county or city council, members of a board of county commissioners and special district commissioners have broad contracting authority and thus are potentially covered by the statute’s limitations.

The reason for concern regarding the state conflict laws is the potential penalty for violations. A violation may result in a civil penalty of \$500, the voiding of the contract, and possible forfeiture of office.<sup>18</sup> It is not possible to avoid the prohibition and its penalties by just not voting. If a conflict is present, and the conflict is neither excepted nor qualifies as being a remote interest, there is a violation, regardless whether the officer is present and voting or is away coaching a softball team. The only way to avoid the prohibition is to resign from office and proceed with the contract on a private basis or to forgo the contract and remain in office.

Some local governments have adopted their own ethics codes.<sup>19</sup> Candidates for office should familiarize themselves with such codes, if they have been adopted, as a violation could result in the imposition of a penalty or affect their ability to remain in office.

<sup>15</sup> The “supervision” here is that involved in the making of the contract, not in the supervision of the implementation of the contract. *Seattle v. State*, 100 Wn.2d 232, 245-47 (1983).

<sup>16</sup> Perhaps the most applied exemption and the one providing the greatest potential risk is RCW 42.23.030(6). The statute allows “other contracts” where the amount received by the officer does not exceed \$1,500 in a calendar month, except for sales or leases by the municipality as seller or lessor. However, if the jurisdiction is a city with a population of less than 10,000 or a county with a population of less than 125,000, the total amount received may exceed the \$1,500 monthly limit, so long as the annual total does not exceed \$18,000 during a calendar year. It is important to note that in cities of 10,000 or more and counties with a population of 125,000 or more, the allowed interest in a contract is zero.

<sup>17</sup> RCW 42.23.040. An officer has a remote interest if his or her interest is that of a non-salaried officer of a nonprofit corporation; he or she is an employee or agent of a contracting party, where the compensation of such employee or agent consists entirely of fixed wages or salaries; he or she is a landlord or tenant of a contracting party

(e.g., a county commissioner who rents an apartment from a contractor who bids on a county contract); or the officer is a holder of less than one percent of the shares of a corporation or cooperative that is a contracting party. If the officer’s interest qualifies as a remote interest, he or she must fully disclose the nature and extent of the interest, and it must be noted in the official minutes or similar records before the contract is made; the contract must be authorized, approved, or ratified after that disclosure and recording; the authorization, approval, or ratification must be made in good faith; where the votes of a certain number of officers, e.g., councilmembers or commissioners, are required to transact business, that number must be met without counting the vote of the member who has a remote interest; and the officer having the remote interest must not influence or attempt to influence any other officer to enter into the contract.

<sup>18</sup> RCW 42.23.050.

<sup>19</sup> See, e.g., Marysville Municipal Code Ch. 2.80 and Whatcom County Code Ch. 2.104.



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### FELONY CONVICTIONS

The state constitution prevents individuals from holding public office in the event they are convicted of any felony.<sup>20</sup> Article 6, section 3 of the state constitution states:

All . . . persons convicted of infamous crime, unless restored to their civil rights, are excluded from the elective franchise.

An infamous crime is defined in RCW 29A.04.079 to mean “a crime punishable by death in the state penitentiary or imprisonment in a state correctional facility.” Since an individual must be a registered voter at the time of filing a declaration of candidacy, it clearly would be impossible for a person who has lost the right to vote to hold elective office. However, if a person is no longer under the supervision of the state Department of Corrections, his or her right to vote is automatically restored, so long as the person is not incarcerated.<sup>21</sup> Once restored, an individual is once again eligible to run for and hold elective office.

<sup>20</sup>As discussed later, a person elected to office will forfeit it upon conviction of a felony. RCW 42.12.010(5).

<sup>21</sup>RCW 29A.08.520.

# Election Schedules

Elections for city, town and most special district offices are held in odd-numbered years.<sup>22</sup> Elections for county offices are generally held in even-numbered years.<sup>23</sup> However, elections to fill vacancies in partisan county elective offices may be held in odd-numbered years, as may elections for county offices as provided in a county charter.<sup>24</sup>

This chapter briefly discusses some of the dates that candidates for election should be aware of. There are other dates that may apply to a person seeking a partisan office; for these dates, candidates are encouraged to contact their political party and the Secretary of State's office. In addition, the Secretary of State maintains an election calendar web page that shows when important election dates occur during the current year, along with the statutory references for those dates. See **sos.wa.gov/elections/calendar.aspx**

## THE PRIMARY ELECTION

### Filing for Candidacy

The very first step that needs to be taken when seeking election to local office is for the candidate to **complete and file a declaration of candidacy** with the filing officer, who typically, for local elections, is the county auditor or the head of the county elections' office. The declaration form, which can also be filed electronically<sup>25</sup> or

by mail,<sup>26</sup> requires the candidate to provide, among other things, a declaration that he or she is a registered voter within the jurisdiction of the office for which he or she is filing; the name of the position sought; his or her party designation, if the position sought is partisan; the filing fee accompanying the declaration (or that a nominating petition is being provided in lieu of the fee); a signature verifying that the information provided on the form is true; and a sworn or affirmed statement that the person will support the constitution and laws of the United States and the constitution and laws of the state of Washington.<sup>27</sup> The filing period **"begins the Monday two weeks before Memorial Day and ends the following Friday in the year in which the office is scheduled to be voted upon."**<sup>28</sup>

A person who has filed for office may **withdraw** his or her candidacy **"before the close of business on the Monday following the last day for candidates to file."**<sup>29</sup>

To withdraw, the candidate simply files a signed request that his or her name not be printed on the ballot.<sup>30</sup> There is no refund of the filing fee, however, if a candidate withdraws.

### Special Filing Periods

There may be instances when there is a "void in candidacy" for a particular office. (A void in candidacy for a nonpartisan office occurs when an election for that of-

<sup>22</sup>RCW 29A.04.330. Election of officers for public utility districts, conservation districts, and districts requiring ownership of property to vote are not covered by this statute; instead their elections are held according to their own statutes.

<sup>23</sup>RCW 29A.04.321.

<sup>24</sup>*Id.*

<sup>25</sup>RCW 29A.24.040.

<sup>26</sup>RCW 29A.24.081.

<sup>27</sup>RCW 29A.24.031.

<sup>28</sup>RCW 29A.24.050.

<sup>29</sup>RCW 29A.24.131.

<sup>30</sup>*Id.*

fice, except for the short term,<sup>31</sup> has been scheduled and either no valid declaration of candidacy has been filed for the position or all persons filing valid declarations of candidacy have died or been disqualified.)<sup>32</sup> In such instances, a special three-day filing period is set.<sup>33</sup> The last day when a void in candidacy or a vacancy in a nonpartisan office will cause filings to be reopened for a three-day filing period is the **11th Tuesday prior to a primary**.<sup>34</sup> The names of candidates added during the three-day period will appear on the **primary ballot**.

If a **vacancy in an office occurs for a position not scheduled to appear on the ballot before the first day of the regular filing period** for the primary election, filings will be accepted during the regular filing period.<sup>35</sup> The filing officer will give notice of the vacancy to newspapers, radio, television, and online.

If, a vacancy occurs on or after the filing period, the election of a successor occurs at the next succeeding general election that the office is allowed by law to have an election.<sup>36</sup>

### Absentee Ballots

The county auditor or elections officer is required to make **ballots available** for absentee voters **at least 18 days ahead of the primary, general, or special election date**. Ballots for service or overseas voters

must be mailed 30 days prior to a special election and 45 days before each primary or general election.<sup>37</sup>

### Write-In Candidates

Voters are allowed to **write in the names of candidates for office**, even if the person written in has not filed for the office. However, for write-in votes to be counted, the person whose name is written in must have either **declared his or her candidacy** and paid any required filing fees by **no later than 8pm on the day of the primary or general election**<sup>38</sup>

### Election Date and Results

The **primary election** is held on the **first Tuesday of August** preceding the general election.<sup>39</sup>

**Results of the primary election are to be certified** by the county canvassing board **14 days after the election**.<sup>40</sup> The **following day**, the Secretary of State must **certify to the county auditor the names of all persons nominated for office at the primary**.<sup>41</sup>

For nonpartisan elected offices, it is possible to have a **“lapsed election.”** A lapsed election takes place when there is either a void in candidacy (no candidate files or the only candidate dies or is disqualified) or a vacancy in office occurs **after the filing period, Tuesday prior to a general election**.<sup>42</sup> No election is held and the incumbent continues in office until a successor is

<sup>31</sup>A “short term,” which occurs only the election is to fill a position held by a person appointed to a vacant position, is the period between the certification of an election and the start of the full term that begins in January.

<sup>32</sup>RCW 29A.24.141.

<sup>33</sup>RCW 29A.24.171.

<sup>34</sup>RCW 29A.24.181

<sup>35</sup>RCW 29A.24.171

<sup>36</sup>RCW 29A.24.181.

<sup>37</sup>RCW 29A.40.070.

<sup>38</sup>RCW 29A.24.311.

<sup>39</sup>RCW 29A.04.311. A primary is not required for a Metropolitan Park District (RCW 35.61.050) or a Hospital District. RCW 70.44.040.

<sup>40</sup>RCW 29A.60.190(1).

<sup>41</sup>RCW 29A.52.321.

<sup>42</sup>RCW 29A.24.191.

elected at the next election when officers are elected to full terms.<sup>43</sup> If the incumbent does not want to continue in office, he or she may, of course, resign, in which case a person would be appointed by the council or board to fill the vacant position.

## THE GENERAL ELECTION

The **general election** is held on the **first Tuesday** after **the first Monday of November**.<sup>44</sup> **Results** are to be certified by county canvassing board **within 21 days of the general election**<sup>45</sup> and by the Secretary of State **no later than 30 days following the election**.<sup>46</sup>

<sup>43</sup>RCW 29A.24.201.

<sup>44</sup>RCW 29A.04.321.

<sup>45</sup>RCW 29A.60.190(1).

<sup>46</sup>RCW 29A.60.250.

# Filing for Office

## DECLARATION OF CANDIDACY

Election to office starts by filing a declaration of candidacy with the filing officer, which is usually the county auditor or elections office. The declaration form may be filed in person, electronically,<sup>47</sup> or by mail.<sup>48</sup> The form requires the candidate to provide: a declaration that he or she is a registered voter within the jurisdiction of the office for which he or she is filing; the name of the position sought; his or her party designation, if the position sought is partisan; the filing fee accompanying the declaration (or that a nominating petition is being provided in lieu of the fee); a signature verifying that the information provided on the form is true; and a sworn or affirmed statement that the person will support the Constitution and laws of the United States and the state of Washington.<sup>49</sup> It is suggested (not required) that candidate submit a photo which could be used in a voters pamphlet when they file. The regular filing period “begins the Monday two weeks before Memorial Day and ends the following Friday in the year in which the office is scheduled to be voted upon.”

## FILING FEES

The certificate of candidacy includes a place for the candidate to indicate either the amount of the filing fee that accompanies the declaration or the indication that he or she is filing a nominating petition in lieu of paying the fee.<sup>50</sup> Candidates for of-

fices that do not have a fixed annual salary pay no filing fee, nor do those who declare candidacy as a write-in candidate after the close of filing and more than 18 days prior to a primary or election. A \$25 filing fee is charged for a write-in candidate for an office with a fixed annual salary less than \$1000 or more, if filed 18 days or less prior to the primary or election. If the annual salary for the position is more than \$1000 the filing fee is one percent of the annual salary. Candidates for any office with an annual salary of \$1,000 or less pay a filing fee of \$10; for all other offices, the fee equals one percent of the annual salary for the office.<sup>51</sup> For example, if a councilmember is paid \$50 per month (or \$600 per year), he or she would pay a filing fee of \$10, since the annual salary is less than \$1,000. If the mayor is paid \$100 per month (\$1,200 per year), the filing fee would be \$12. And, if a county commissioner’s annual salary is \$42,500, the filing fee would be \$425.00.

## FILING A PETITION INSTEAD OF PAYING A FILING FEE

Candidates who do not have sufficient assets or income to pay the filing fee may instead turn in a filing fee petition with their declaration of candidacy. The petition must be signed by registered voters from the jurisdiction in which the office sought is located. The number of signatures submitted must be at least equal to the number of dollars of the filing fee for the office (e.g., if the filing fee is \$10, the petition must be signed by 10 registered voters from the jurisdiction).<sup>52</sup> A petition may be rejected if

<sup>47</sup>RCW 29A.24.040.

<sup>48</sup>RCW 29A.24.081.

<sup>49</sup>RCW 29A.24.031.

<sup>50</sup>RCW 29A.24.031 and RCW 29A.24.091; candidates for Irrigation District Commissioner file with the secretary of the district. RCW 87.03.075.

<sup>51</sup>RCW 29A.24.091.

<sup>52</sup>*Id.* The form of the petition must substantially meet the requirements of RCW 29A.24.101. See RCW 87.03.075, relating to

it: is not in the proper form; clearly bears insufficient signatures; is not accompanied by a declaration of candidacy; or the time within which the petition and the declaration of candidacy could have been filed has expired.<sup>53</sup>

## ISSUES RELATED TO FILING

### May a Person File for Two Offices?

RCW 29A.36.201 provides that, except for the office of precinct committee officer or a temporary-elected position, such as a charter review board member or freeholder, a candidate's name may not appear more than once upon the ballot at the same election.

### What If No One Files?

If after the regular filing period (the Monday two weeks before Memorial Day through the following Friday) and the deadline to withdraw but prior to the day of the primary, no one has filed, there is a "void in candidacy" for the office.<sup>54</sup> When such a void occurs, after notice has been given to the press, radio and television, an additional filing period is opened by the election officer for a period of three normal business days.<sup>55</sup> If the void occurs following the regular filing period and the deadline to withdraw, the candidate receiving a plurality of the votes cast for that office in the general election is deemed elected.<sup>56</sup>

### What If After the Additional Filing Period No One Still Has Filed?

If after the additional filing period no one still has filed for a nonpartisan office, the election for the position is considered

"lapsed."<sup>57</sup> The office is stricken from the ballot and no write-in votes are counted. The incumbent officeholder remains in office and continues to serve until the next election when the position is normally voted upon.<sup>58</sup> If there is an incumbent office holder in the position and he or she no longer desires to serve, that officer would need to resign from office in order to create a vacancy.

### What Happens If There Is Only One Person Who Has Filed?

If after the last day allowed for candidates to withdraw their candidacy (before the close of business on the Monday following the last day for candidates to file), there are no more than two candidates filed for a nonpartisan office, there will be no primary election for that office.<sup>59</sup> After notification of the candidates, their names will be listed as nominees on the general election ballot.<sup>60</sup>

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Election to office starts by filing a declaration of candidacy with the filing officer, which is usually the county auditor or elections office.

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Irrigation Districts. Candidates for Director file petitions for nomination or declaration of candidacy.

<sup>53</sup>RCW 29A.24.111.

<sup>54</sup>RCW 29A.24.141. See, also, RCW 57.12.035 as to Water-Sewer Districts.

<sup>55</sup>RCW 29A.24.171.

<sup>56</sup>RCW 29A.24.181.

<sup>57</sup>RCW 29A.24.191 and RCW 29A.24.201.

<sup>58</sup>RCW 29A.24.201.

<sup>59</sup>RCW 29A.52.220.

<sup>60</sup>*Id.*

### **What If a Candidate Dies or Is Disqualified after Filing for Office?**

The death or disqualification of a candidate will result in the removal of that candidate's name from the ballot.<sup>61</sup> The death or disqualification of a candidate may result in a void in candidacy, if that candidate is the only person filed for a particular office. Depending upon when a void in candidacy occurs, there may be a reopening of filing for the office for a special three-day period. If death or disqualification occurs following the regular filing period and the deadline to withdraw, but prior to the day of the primary, a special filing period is called and candidates filing for the office during the period will appear on the primary ballot.<sup>62</sup> There is a special three-day filing period and those candidates filing will appear on the general election ballot. Whoever receives a plurality of the votes cast will be deemed elected.<sup>63</sup> If the void in candidacy occurs following the special three-day filing period, no votes are counted, and the incumbent remains in office to serve until a successor is elected at the next election when such positions are voted upon.<sup>64</sup>

special three-day filing period.<sup>66</sup> The filing fee is not refunded to a candidate who withdraws.<sup>67</sup>

The withdrawal of a candidacy may create a void in candidacy, if there are no other candidates for the office, and potentially a lapse in election.

### **May a Person Who Has Filed for Office Withdraw His or Her Candidacy?**

A candidate may withdraw his or her candidacy at any time before the close of business on the Monday following the last day for filing by filing a signed request that his or her name not be printed on the ballot.<sup>65</sup> There is no withdrawal period for candidates who file during the reopened

<sup>61</sup>RCW 29A.24.075.

<sup>62</sup>RCW 29A.24.181

<sup>63</sup>*Id.*

<sup>64</sup>RCW 29A.24.201.

<sup>65</sup>RCW 29A.24.131.

<sup>66</sup>*Id.*

<sup>67</sup>*Id.*



# Disqualification

While one would hope every candidate who files for office, survives a primary, receives the most votes at the general election, or is sworn into office possesses the qualifications for the office sought or won, that conclusion may not always be true. What can a citizen or a government official do if he or she believes a candidate or person elected is not legally qualified for the position?

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The courts, and only the courts, have the power and authority to determine who may be a candidate for public office.

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A challenge to the placement of a person's name on a ballot, either prior to the primary or general election, may be initiated by an elector<sup>68</sup> filing an affidavit with the state supreme court, court of appeals, or superior court, alleging that a candidate does not possess the qualifications for the office sought<sup>69</sup>. An affidavit relating to the primary election ballot must be filed by no later than two days following the closing of the filing period for nominations

for the office. An affidavit relating to the general election ballot must be filed no later than three days following the official certification of the primary election returns. Failure to file within the designated time deprives the court of jurisdiction to consider the contest.<sup>70</sup> However, if the facts that cause the alleged disqualification are of a continuing nature, such as when a candidate is a nonresident, a challenge to the person's candidacy need not be brought before the primary; it can be brought at a later date.<sup>71</sup> Once an affidavit is filed, it must be heard and finally disposed of by the court within five days.<sup>72</sup> The courts, and only the courts, have the power and authority to determine who may be a candidate for public office.<sup>73</sup>

The statutes do not direct how the court is to consider an affidavit filed prior to a candidate's election. Presumably the process would be similar to the process used for contesting a candidate's election, but within a more abbreviated timeframe: notice of court hearing date; the ability to subpoena witnesses; a hearing; and a judgment by the court.<sup>74</sup>

The obvious outcome of a disqualification hearing, if the allegations justifying the disqualification are proved, is that the disqualified candidate may not have his or her name placed on the ballot.

<sup>68</sup>An elector is a United States citizen, 18 years of age or older, and a resident in the state, county, and precinct at least 30 days immediately preceding an election. Washington State Constitution, Article VI, Section 1.

<sup>69</sup>See also footnote 67. RCW 29A.68.011

<sup>70</sup>*State ex rel. Mills v. Howell*, 93 Wash. 257, 261 (1916).

<sup>71</sup>*State ex rel. Pennick v. Hall*, 26 Wn.2d 172, 175 (1946).

<sup>72</sup>RCW 29A.68.011.

<sup>73</sup>*State ex rel. Anderson v. Chapman*, 86 Wn. 2d 189, 193 (1975).

<sup>74</sup>See RCW 29A.68.040-.050.



There is also the potential that a criminal action can be filed against the disqualified candidate. A person who knowingly provides false information on a declaration of candidacy or a petition for nomination is guilty of a class C felony.<sup>75</sup>

A discussion of the disqualification process after the general election has been held, and either before or after a certificate of election has been issued, is discussed in *The Election Campaign*.

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<sup>75</sup>RCW 29A.84.311. If convicted, the person could face a jail sentence of up to five years, or a fine up to ten thousand dollars, or by both a jail sentence and a fine. RCW 9A.20.021(1)(c).

# The Election Campaign

## FINANCIAL DISCLOSURE

Filing for office may be only the beginning of a candidate's responsibilities; many candidates must disclose their financial affairs and report campaign contributions and expenses.

Within two weeks of filing for office, candidates, except as noted below, are to complete and file a Personal Financial Affairs Statement (Public Disclosure Commission Form F-1).<sup>76</sup> (The requirement to file a financial affairs statement also applies to persons appointed to fill a vacancy in an elective office.)<sup>77</sup> This form, which is filed with the Public Disclosure Commission, provides information regarding the candidate's occupation, employer, business address, bank or savings accounts, creditors, names of corporations and partnerships in which he or she has an ownership interest, and a list of real property in which the candidate has a financial interest, among other things.<sup>78</sup> There is one important exception, however; Personal Financial Affairs Statements are not required in political subdivisions with fewer than 2,000 registered voters as of the date of the most recent general election in the jurisdiction.<sup>79</sup> The requirement for financial disclosure likewise does not apply to persons seeking election to the position of precinct committee officer.<sup>80</sup> In addition, most candidates

must, within two weeks of filing for office, file a Candidate Registration form (Public Disclosure Commission Form C-1) with both the Public Disclosure Commission and the county auditor.<sup>81</sup> There are also exceptions to this requirement, including candidates for precinct committee officer and for the office of a political subdivision of the state that does not encompass a whole county and that contains fewer than 5,000 registered voters as of the date of the most recent general election in the subdivision.<sup>82</sup>

The requirement to file reports with the Public Disclosure Commission is not limited to the initial weeks of a candidate's campaign. Unless exempted, candidates and their political committees are required to periodically report their contributions and expenditures throughout their campaign for office, including after the election.<sup>83</sup> If a candidate does not raise or spend more than \$5,000, in addition to the filing fee, and does not accept more than \$500 from any contributor, he or she qualifies for "mini campaign reporting" and is only required to file Forms C-1 and F-1, discussed above.<sup>84</sup>

Violations of the disclosure and financing requirements can result in penalty ranging from a civil fine to the voiding of the election itself, if the violation probably affected the outcome.<sup>85</sup>

<sup>76</sup>RCW 42.17A.700(2).

<sup>77</sup>RCW 42.17A.700(2). The form must be filed with the Public Disclosure Commission within two weeks of the person's appointment.

<sup>78</sup>RCW 42.17A.710. The list of information to be reported is fairly extensive, and it contains certain exemptions or exceptions. Thus, reference should be made to the statute and to the information set out on the Form F-1 itself.

<sup>79</sup>RCW 42.17A.135(1)(a).

<sup>80</sup>RCW 42.17A.700(9).

<sup>81</sup>RCW 42.17A.210.

<sup>82</sup>RCW 42.17A.200.

<sup>83</sup>RCW 42.17A.235. Reporting is provided on form C-3 (information regarding contributions) and C-4 (report of contributions and expenditures).

<sup>84</sup>WAC 390-16-105 and RCW 42.17A.110(8).

<sup>85</sup>RCW 42.17A.750.

## USE OF GOVERNMENT OFFICE OR FACILITIES FOR A CAMPAIGN

May a mayor use her office computer to prepare a campaign speech to give at the community club? May a councilmember running for reelection use a city fax machine to send his resume to the local newspaper? May a district commissioner use an office telephone at lunchtime to schedule an up-coming campaign event? The uses of facilities or equipment suggested by these questions, one might argue, are minimal and would not likely result in any additional government expense. But, in each instance, the use suggested by the question would be a violation of state law.

An elected official may engage in political activities on his or her own time, so long as no public equipment, vehicle or facility is used.

RCW 42.17A.555 provides in part:

No elective official nor any employee of his [or her] office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but

are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency.

The statute does, however, have some exceptions, but only one might have application to a campaign for office. RCW 42.17A.555(3) permits “[a]ctivities which are part of the normal and regular conduct of the office or agency.”

An elected official may engage in political activities on his or her own time, so long as no public equipment, vehicle or facility is used. An elected official may also use the title of his or her office, provided it is made clear that the official is speaking individually and not on behalf of the city, town, or county. Officials may attend any function or event at any time during the day and voice their opinions about a candidate or ballot proposition, as long as they are not being compensated and are not using any public equipment, vehicle, or other facility.<sup>86</sup>

Additional information regarding the statute’s application is provided in a memorandum to interested persons from Nancy Krier, Assistant Attorney General:

This section of the memorandum is intended to draw together informal advice to state agencies from a variety of sources (primarily generated in response to ballot measures in previous years), and to point to

<sup>86</sup>“Guidelines for Local Government Agencies in Election Campaigns, Public Disclosure Law Re: Use of Public Facilities in Campaigns,” amended in May 2013 (PDC Interpretation 04-02).

sources available for help in answering questions which may arise. As noted, this memorandum represents only the writer's analysis based upon that information provided at the state level to agencies governed by similar statutes, and is not the official position of the office.

Given the language of the statute itself at RCW 42.17A.555, and factoring in cases and opinions interpreting the statute, it is possible to make some general statements about political activities. I think the following activities are **clearly prohibited** by RCW 42.17A.555(3):

1. Using work hours to solicit signatures for ballot propositions, to raise funds for or against such propositions, or to organize campaigns for or against such propositions.
2. Using public property to campaign for or against a ballot proposition, except that "neutral forum" public property available on a nondiscriminatory, equal access basis and otherwise open to public use may be used for campaigning also.
3. Using public facilities-office space, electronic mail and data processing equipment, word processing and copying facilities, paper, supplies, and any other publicly owned property-for campaigns for or against a ballot proposition, whether during or after work hours.
4. Displaying political material in or on publicly owned vehicles.
5. Displaying or distributing campaign material on publicly owned or

operated premises (other than "neutral open forum" property or "personal space" property . . . ).

6. Using public supplies, equipment, or facilities to print, mail, or otherwise produce or distribute materials supporting or opposing any candidate or ballot proposition.
7. Using publicly owned facilities to instruct or urge public employees to campaign for or against a candidate or ballot proposition on their own time, or stating or implying that their job performance might be judged according to their willingness to use their own time on a campaign.
8. Using public time and/or facilities to draft or pass a resolution by an appointed committee, board, or commission taking an official position for or against a pending ballot proposition.

Turning to the other side, the following **appear to be conduct that is not prohibited** by RCW 42.17A.555:

1. An elected legislative body may collectively endorse or oppose a ballot measure if it meets the procedural requirements of RCW 42.17A.555.
2. An elected official may make a statement in support of, or in opposition to, a ballot proposition at an open press conference or in response to a specific inquiry or may make incidental remarks concerning a ballot proposition in an official communication, so long as there is no actual, measurable expenditure of public funds. Again, note that

this exception is limited to elected officials and does not, by its terms, extend to such “support” activity as using staff time or public facilities to prepare or distribute such a statement, at least if any “measurable expenditure” of public funds is involved.

3. Unless it is inconsistent with some other applicable law or regulation, a public employee is not prohibited from campaigning for or against a ballot proposition on the employee’s personal time. It should be clear that the activity is the individual’s personal choice and is not tied to job performance in any way.
4. Public employees may contact fellow employees, away from the office, to circulate petitions or to solicit one another for funds, volunteers, and other activity for and against a ballot proposition, but only under circumstances which strictly avoid the use of office time and public property. Officers and employees would be wise to avoid soliciting subordinate employees because, under those circumstances, the subordinate employees may feel (no matter how carefully the campaign is conducted or the inquiry is phrased) that the superior is using improper influence.
5. Where public space is available on a nonrestricted basis to post signs, petitions, and advertisements, or to make speeches and hold meetings, public employees may use these “neutral public forum” spaces to express their own views, including their views on pending ballot

propositions, assuming they are not otherwise violating RCW 42.17A.555. However, it might well be a violation of the statute for public employees to use their positions to gain special advantage in the use of such “public forum” spaces, such as by signing up all the time for the use of a public auditorium before non-employees have had an equal opportunity to seek use of the same space, or by using their access to a public bulletin board to occupy the entire space with favored campaign material and leaving no space available for opposing material (or material relating to other matters).

6. Public agencies may conduct research into the likely results of the passage of a ballot proposition. Indeed, where the passage of the proposition would directly affect the agency’s duties, an agency might be remiss for not conducting such research activity. However, it must be clear that the research is being conducted with the purpose of gathering the facts, is directly related to the ordinary conduct of the agency’s business (is “normal and regular” for the agency), and is not designed to support or oppose a candidate or ballot measure. I recommend that agencies avoid conducting research or assembling statistical data which they expect to be requested for use in connection with a campaign, unless they are satisfied that they would have undertaken the same research or statistical efforts for independent reasons, such as planning for contingencies.

7. Public agencies and public employees may supply public records in response to requests made by the supporters or opponents of candidates or ballot propositions. An agency should treat all campaigns fairly and equitably in responding to requests for public records.
8. Where two or more measures relate to the same subject, agencies may publish factual information showing the comparative effects of the measures, just as they could publish factual information showing the expected effect of a single measure. However, the agency may not use public facilities or property to favor one proposition over the other, any more than it could urge passage or defeat of both measures.<sup>87</sup> (Footnotes omitted; emphasis in original)

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## Campaign signs are a form of political expression, protected by the First Amendment of the U.S. Constitution.

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The consequences of a violation of RCW 42.17A.555 can be severe; there is the potential for a civil penalty of up to \$10,000 per violation and, if it can be shown that the violation probably affected an election's outcome, the election can be

<sup>87</sup>Memorandum dated September 13, 2001 to Interested Persons from Nancy Krier, Assistant Attorney General regarding Statutory Limits On The Use of Public Funds/Facilities To Assist or Oppose Campaigns, Particularly Campaigns Involving Ballot Measures or Initiatives.

voided.<sup>88</sup> A serious, unwritten consequence of a violation may be the erosion of the public's confidence in government. Thus, prudence would suggest that, if the legal authority to use a public facility is not clear, the decision be in favor of nonuse.

If there is a doubt about a particular use, it is suggested that the city or town attorney, county prosecutor, a Municipal Research and Services Center legal consultant, or the Public Disclosure Commission<sup>89</sup> be contacted for advice.

### CAMPAIGN SIGNS

The use of campaign signs often becomes an issue during a campaign for political office. Candidates may feel that their use is essential to getting elected. Others may believe that their use detracts from the beauty of the community or poses a safety hazard to drivers and pedestrians. The basic issue is what limitations may be placed on the use of campaign signs. Where can they be placed? Can the duration of yard sign display be limited? How big can a yard sign be? If a person doesn't like them, can he or she just tear them down?

Campaign signs are a form of political expression, protected by the First Amendment of the U.S. Constitution and by article 1, section 5 of the Washington State Constitution.<sup>90</sup> Although susceptible to some regulation, political signs will be permitted within the public right-of-way, especially if the area has served as a traditional public forum (for example, in an area where "For Sale" signs, notices of lost animals, and advertising signs have been allowed).

<sup>88</sup>RCW 42.17A.750.

<sup>89</sup>The Public Disclosure Commission staff (360-753-1111) will provide informal opinions on whether a proposed activity is in violation of RCW 42.17A.555.

<sup>90</sup>See, e.g., *Collier v. City of Tacoma*, 121 Wn.2d 737 (1993).

Though, if that right-of-way is the parking strip abutting private property, the property owner's permission is necessary before a political sign may be placed there.

The courts will presumably uphold reasonable political sign regulations, if the regulations are time, place, and manner restrictions that are viewpoint neutral, albeit subject-matter based, so long as the regulations are narrowly tailored to serve a compelling state interest and leave open ample alternative channels of communication.<sup>91</sup> The state supreme court invalidated a Tacoma regulation limiting the use of temporary political signs to the 60-day period before an election, finding that the city's justification, based in part on aesthetics, was not sufficiently compelling.<sup>92</sup> The court, however, did uphold a requirement that the signs be removed within seven days following the election. Other reasonable restrictions, such as the limitation of the size of a permitted signs or its placement in or near an intersection site triangle, might be equally defensible, provided the restriction would have equal application to other temporary signs.

If a sign has been legally placed, no person may remove or deface the sign without authorization to do so.<sup>93</sup> Improper removal or defacement is a misdemeanor.<sup>94</sup>

<sup>91</sup>*Id.*

<sup>92</sup>*Collier*, 121 Wn.2d at 756.

<sup>93</sup>RCW 29A.84.040.

<sup>94</sup>*Id.*



# The Election is Over

The ballots have been cast and the votes counted; that's pretty much it, isn't it? Not quite.

## COUNTING THE VOTES AND THEN MAYBE RECOUNTING THEM

The ballots cast at the general election are to be counted and the election results certified by the county canvassing board within 21 days of the election (14 days after a primary).<sup>95</sup> If the results are close, a recount may be required or one could be requested.

A recount is required if the person who has apparently been nominated or elected leads by less than 2,000 votes and also by less than one-half of one percent of the total number of votes cast for both candidates.<sup>96</sup> If the difference is less than 150 votes and also is less than one-fourth of one percent of the total number of votes cast for both candidates, the votes are to be recounted manually.<sup>97</sup> If the recount is mandatory, there is no cost to either candidate.<sup>98</sup>

If the election is close, but does not qualify for a mandatory recount, a recount may be requested by application to the county auditor or elections office by an officer of a political party, a person for whom votes were cast, or by five or more registered voters.<sup>99</sup> The application must be made

within two business days after the county canvassing board has declared the election results. The application must specify whether the recount will be done manually or by the vote tally system.<sup>100</sup>

If a manual recount is requested, the application for the recount must include a deposit with the county canvassing board equal to 25 cents for each ballot cast as security; if the application is for a machine recount, the deposit must be equal to 15 cents for each ballot.<sup>101</sup>

The recount occurs after the county auditor has given notice of the time and place for the recount, including notice to the affected parties. The recount process is public, and interested persons may attend and witness the process.<sup>102</sup> When the recount is complete, the canvassing board prepares and certifies an amended abstract.<sup>103</sup> The cost of the recount is then determined, and that amount is deducted from the deposit submitted by the applicant. If the cost is less than the deposit, the county issues a refund; if the cost is greater than the deposit, the applicant pays the difference. If the election results were changed as result of the recount, no charge is made.<sup>104</sup>

## WHAT IF THERE IS A TIE?

If the candidates have an equal number of votes – a tie – each candidate is given notice and, at the designated time and place, a winner is determined “by lot,” such as by

<sup>95</sup>RCW 29A.60.190(1).

<sup>96</sup>RCW 29A.64.021(1).

<sup>97</sup>RCW 29A.64.021(1)(b)(ii).

<sup>98</sup>RCW 29A.64.021(2). The apparent winner and the closest opponent may select an alternative method of conducting the recount. RCW 29A.64.021(3).

<sup>99</sup>RCW 29A.64.011.

<sup>100</sup>*Id.*

<sup>101</sup>RCW 29A.64.030.

<sup>102</sup>RCW 29A.64.030 and RCW 29A.64.041.

<sup>103</sup>RCW 29A.64.061.

<sup>104</sup>RCW 29A.64.081.



a coin flip, administered by the canvassing board.<sup>105</sup>

## CERTIFICATION AND THE ISSUANCE OF A CERTIFICATE OF ELECTION

Once the official results of the election are determined, the county auditor or elections office makes an “abstract” of the vote, showing the number of registered voters in each precinct and the number of votes cast for each candidate.<sup>106</sup> The abstract, along with a certification report, is provided to the secretary of state,<sup>107</sup> and the auditor notifies the winning candidate of the election results and issues him or her a certificate of election.<sup>108</sup>

Once a certificate of election is given to the winning candidates, it would seem that the election process is over. Typically that would be the case, but there still exists the possibility of an election contest.

## ELECTION CONTESTS

Any judge, whether from the superior court, court of appeals, or supreme court, is authorized to correct an election error, prevent a “wrongful act” with respect to an election, or require the performance of an election-related duty, if an affidavit<sup>109</sup> is filed by an elector.<sup>110</sup> Among the errors a judge may address are errors involving the printing of the name of a candidate on the official ballots; wrongful acts or neglect by an election officer; or errors or omissions in the issuance of a certificate of election.<sup>111</sup> While there are different deadlines for filing

an affidavit, depending upon the nature of the error alleged, the deadline for challenging the issuance of a certificate of election following a primary or general election is 10 days after certification or, if there has been a recount, 10 days after the amended certification has been issued.<sup>112</sup>

Any registered voter may contest the right of any person to be issued a certificate of election for any of the following reasons:

- (1) Misconduct by any election officer;
- (2) The person was not, at the time elected, eligible for that office;
- (3) The person was convicted of a felony, and the conviction has not been reversed and the person’s civil rights have not been restored;
- (4) The person gave or offered a bribe or reward to a voter or to an election inspector or judge of election for the purpose of procuring the election;
- (5) Because of illegal votes.<sup>113</sup>

Once an affidavit has been filed with the court, a hearing date is set for not less than 10 or more than 20 days from the date of notice.<sup>114</sup> After receiving testimony and evidence at the hearing, the judge either may dismiss the proceedings or may nullify the election or, if another person has the most legal votes, declare that person to be elected.<sup>115</sup>

<sup>105</sup>RCW 29A.60.221.

<sup>106</sup>RCW 29A.60.230.

<sup>107</sup>RCW 29A.60.230 and RCW 29A.60.235.

<sup>108</sup>RCW 29A.52.360.

<sup>109</sup>See RCW 29A.68.030 for content of affidavit.

<sup>110</sup>RCW 29A.68.011.

<sup>111</sup>RCW 29A.68.011.

<sup>112</sup>RCW 29A.68.011.

<sup>113</sup>RCW 29A.68.020.

<sup>114</sup>RCW 29A.68.040.

<sup>115</sup>RCW 29A.68.050.

# Assuming Office

To do list: File for office – check. Campaign – check. Get the most votes – check. Survive any challenges – check. So, what's next? Qualifying and assuming office.

## “QUALIFIED”

Before assuming office, the winning candidate must be “qualified” to assume office.<sup>116</sup> For purposes of the election statutes, the term “qualified” means:

- (1) The election results have been certified;
- (2) An election certificate has been issued;
- (3) Any required bond has been posted; and
- (4) The winner has taken the oath of office.<sup>117</sup>

## A BOND HAS BEEN POSTED

Official bonds, conditioned upon the faithful performance of the duties of office, may be required for some elective offices.<sup>118</sup> Failure to execute a bond if required, prevents the person elected from assuming office and results in the incumbent officer “holding over” (continuing in office until a successor is qualified).<sup>119</sup>

<sup>116</sup>See, e.g., RCW 35A.12.040. Incumbent councilmembers in code cities serve terms of four years and “until their successors are elected and qualified and assume office” according to RCW 29A.60.280. See also, RCW 35.23.051, RCW 35.27.090, and RCW 36.16.020.

<sup>117</sup>RCW 29A.04.133.

<sup>118</sup>See RCW 35.23.081; RCW 35.27.120; RCW 35A.12.080; RCW 29A.04.133; and RCW 35A.13.160; RCW 36.16.050. Bond requirements are set out in chapter 42.08 RCW. The amount of the required bond is either specified by statute (see, e.g., RCW 36.16.050) or by ordinance passed by the legislative body. See RCW 35.23.081, RCW 35.27.120, RCW 35A.12.080, and RCW 35A.13.160.

<sup>119</sup>AGLO 1980 No. 2.

## OATH OF OFFICE

The last step in qualifying is the taking of an oath.<sup>120</sup>

### When Is the Oath of Office Given?

A newly elected official will typically begin his or her term on the first day of January following an election; the oath may be given up to 10 days prior to the date of assuming office or at the last regular meeting held before the person elected is to assume office.<sup>121</sup>

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Failure to execute a bond prevents the person elected from assuming office.

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If an elective nonpartisan office has been filled by appointment to fill a vacancy, the incumbent remains in office only until his or her successor is elected at the next election at which a member of the governing body normally would be elected, if that election occurs 28 or more days after the occurrence of the vacancy. The person elected at that election serves during the “short term,” the period that starts when the election is certified and ends at the start of the full term in January.<sup>122</sup> **When a person is elected to a short term, he or**

<sup>120</sup>RCW 29A.60.280; see also, RCW 29A.04.133(4); RCW 35.23.181; RCW 35.27.120; RCW 35A.12.080; and RCW 35A.13.160.

<sup>121</sup>RCW 29A.60.280.

<sup>122</sup>RCW 29A.04.169; Irrigation District directors assume office on the first Tuesday in January. RCW 87.03.080.

***she takes the oath and assumes office immediately after becoming qualified.***<sup>123</sup>

The person will need to take an oath again for the full term which, as indicated above, can be given either up to 10 days prior to the date of assuming office or at the last regular meeting held before the person elected is to assume office for the full term. The same is true for partisan county officers; the person appointed continues to serve until the vote is certified;<sup>124</sup> accordingly, the person appointed will need to take an oath before assuming office, and the person elected would wait until end of the year to take an oath.

### **Who May Give the Oath of Office?**

An oath may be given by any notary public<sup>125</sup> or other officer authorized to administer oaths,<sup>126</sup> which would include:

Court commissioner – RCW 2.24.040(10)

Every judicial officer (as defined in RCW 2.28.030) – RCW 2.28.060(4)

Every judge and court clerk<sup>127</sup> – RCW 5.28.010

County auditor or deputy auditor – RCW 36.22.030

County commissioner or councilmember – RCW 36.32.120(9)

Mayor of a code city – RCW 35A.21.030

Mayor and mayor pro tem of a second class city – RCW 35.23.191

Mayor of a town – RCW 35.27.160

Clerk of a code city – RCW 35A.21.030

Clerk of a town and deputy clerk – RCW 35.27.220

### **What Oath Should Be Given?**

Unless there is a specific oath for the office, a general oath can be used or the person assuming office may take an oath or affirmation that he or she will faithfully and impartially discharge the duties of the office to the best of his or her ability.<sup>128</sup> Here are three examples of oaths of office:

***I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Washington, and all local ordinances, and that I will faithfully and impartially perform and discharge the duties of the office of \_\_\_\_\_, according to law and the best of my ability.***

***I, \_\_\_\_\_, do solemnly swear (or affirm) that I will faithfully and impartially and to the best of my ability, perform the duties of the office of the \_\_\_\_\_, in accordance with the laws of the State of Washington, and all other applicable legal enactments of the \_\_\_\_\_, Washington.***

<sup>123</sup>RCW 42.12.070(6). For partisan county offices, the person appointed to fill the vacancy remains in office until elected to fill a vacancy serves for the remainder of the term. RCW 42.12.040.

<sup>124</sup>Article 2, section 15 of the Washington State Constitution.

<sup>125</sup>RCW 5.28.010; RCW 42.45.020(1); and RCW 42.45.080

<sup>126</sup>RCW 29A.04.133(4).

<sup>127</sup>See also RCW 3.54.020(4) and RCW 35.20.210.

<sup>128</sup>RCW 29A.04.133(3).

***I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Washington, that I will, in all respects, observe the provisions of the charter and ordinances of \_\_\_\_\_, and will faithfully discharge the duties of the office of \_\_\_\_\_.***

Once the oath has been given and signed, it must be filed with the county auditor.<sup>129</sup>

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<sup>129</sup>RCW 36.16.060; RCW 35.23.081; RCW 35.27.120; RCW 35A.12.080; and RCW 35A.13.160.

# Leaving Office

Elected offices have terms, and, at the end of a term, the person serving in the office will leave, unless he or she has been re-elected. At some point, though, circumstances may dictate that a current officeholder ceases to be an officer, and a vacancy occurs. What acts will cause a vacancy? And how is a vacancy filled?

## WHAT CAUSES A VACANCY?

### Causes of a Vacancy

By statute<sup>130</sup> an office becomes vacant:

1. Upon the death of the officeholder;
2. When the officeholder resigns, with the vacancy occurring upon the date of the resignation;
3. When the officer is removed from office, such as by recall;
4. Except for certain municipal court judges, when the officeholder ceases to be a registered voter of the jurisdiction or district in which he or she was elected or appointed;
5. If the officeholder is convicted of a felony, or any offense involving a violation of his or her official oath;
6. When the person refuses or otherwise fails to take the oath of office or to give or renew the official bond or to timely file the oath or bond;
7. When a competent tribunal declares the election or appointment void; or

8. When a judgment is obtained against the officer for breach of the condition of his or her official bond.

### Resignation

Once it was thought that a resignation had to be accepted to be effective. Acceptance is no longer required. In the case ***State ex rel. Munroe v. City of Poulsbo***,<sup>131</sup> the state court of appeals concluded that a resignation occurs upon its effective date. So, if one states “I resign,” the resignation is effective and a vacancy occurs. If, however, the officeholder indicates “I will resign effective January 1,” the resignation is not effective until that later date. (There is no particular form that is required for a resignation; it can be given orally or in writing.) Once the resignation is effective, it cannot be withdrawn. (Of course, if the resignation is effective, and there is a vacancy, the legislative body could reappoint the person, if it chose to do so.)

### Change of Residence

One of the potential causes for a vacancy is an official’s change of residence. If an official moves out of the jurisdiction or district from which he or she was elected, a vacancy occurs. However, a **temporary** move will not necessarily cause a vacancy. For example, if a fire or natural disaster destroys an elected official’s home, forcing the official to temporarily move while the house is repaired or a new home (within the jurisdiction or district) is acquired, residency likely is not lost. Conversely, a person might lose his or her residency as soon as he or she moves, if the person

<sup>130</sup>RCW 42.12.010.

<sup>131</sup>109 Wn.App. 672 (2002).

has the intent to make a new location his or her new home. Residency requires a person's bodily presence in a place and his or her intention to make that place home. Residence is made up of fact and intention, the fact of abode and the intention of remaining; it is a combination of acts and intention.<sup>132</sup>

### Missed Meetings

For city and town councilmembers, a vacancy occurs if the councilmember misses three consecutive regular meeting and those absences are not excused by the council.<sup>133</sup> A public Hospital District Commissioners' office becomes vacant for non-attendance at meetings for 60 days, unless excused, RCW 70.44.045; see, also, RCW 57.12.020 for Water-Sewer Districts (vacancy if three consecutive meetings missed without permission). Obviously, if one of the missed meetings is a special meeting, or if one or more of the absences is/are excused, or if the meetings missed are not consecutive, there is no vacancy.

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Residency requires a  
person's bodily presence  
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place home.

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<sup>132</sup>See 77 *Corpus Juris Secundum* "Residence" at p. 295. See, also, *In re Lassin's Estate*, 33 Wn.2d 163, 165-166, 204 P2d 1071 (1949) (residence in fact coupled with purpose to make the place a residence).

<sup>133</sup>RCW 35.23.101; RCW 35.27.140; RCW 35A.12.060.

### The Recall

Under the state constitution, every elected public officer, except a judge of a court of record, is subject to recall.<sup>134</sup> Accordingly, elective officers of a county, city, town, and special purpose district are subject to recall. The recall procedure is as follows:

1. Any legal voter of the jurisdiction who desires the recall of any elective public officer, must prepare a typewritten charge, naming the officer and his or her title, and charging that he or she has committed an act or acts of malfeasance or misfeasance while in office or has violated his or her oath of office, or has been found guilty of two or more of the acts specified in the state constitution as grounds for recall.<sup>135</sup> The terms are defined as follows:
  - "Misfeasance" or malfeasance" in office means any wrongful conduct that affects, interrupts, or interferes with the performance of official duty;
    - Additionally, "misfeasance" in office means the performance of a duty in an improper manner; and
    - Additionally, "malfeasance" in office means the commission or an unlawful act;
  - "Violation of the oath of office" means the willful neglect or failure by an elective public officer to perform faithfully a duty imposed by law.<sup>136</sup>

The charge must be stated "in concise language" that gives a detailed descrip-

<sup>134</sup>Wash. Const., Art. I, Sections 33-34, amended by Amend. 8; RCW 29A.56.110.

<sup>135</sup>RCW 29A.56.110.

<sup>136</sup>RCW 29A.56.110.

tion of the act or acts alleged, including the approximate date, location, and nature of each act. The person or persons making the charge must sign the petition, give their address, and verify under oath that he, she or they believe the charge(s) to be true and that they have knowledge of the alleged facts upon which the stated grounds for recall are based.<sup>137</sup>

2. The petition is filed with the county auditor,<sup>138</sup> who must promptly serve a copy of the petition upon the officer whose recall is being demanded and must certify and transmit the charge to the county prosecuting attorney, who prepares the ballot synopsis for recall efforts involving city or county elected officials.<sup>139</sup>
3. The prosecuting attorney must formulate a ballot synopsis of the charge within 15 days after receipt of the petition. The synopsis must be less than 200 words and include the name of the person charged, the title of his or her office, along with a concise statement of the elements of the charge. The prosecuting attorney then must certify and transmit the synopsis to the person(s) filing the charge, the officer subject to the recall, and the superior court of the county in which the officer resides. The superior court then is petitioned to approve the synopsis and to determine the sufficiency of the charge(s).<sup>140</sup>

<sup>137</sup>RCW 29A.56.110.

<sup>138</sup>RCW 29A.56.120. (The county auditor is the elections officer for declarations of candidacy for city and county offices.)

<sup>139</sup>RCW 29A.56.130. If the recall effort is against the prosecuting attorney, the attorney general prepares the ballot synopsis.

<sup>140</sup>RCW 29A.56.130. When the recall is demanded of an officer whose jurisdiction encompasses more than one county, the attorney general shall prepare the ballot synopsis.

4. Within 15 days after receiving the petition, the superior court must conduct a hearing to determine: (a) whether or not the acts stated in the charge satisfy the criteria for recall, and (b) the adequacy of the ballot synopsis. The court does not determine the truth of the charges. The person subject to the recall and the person demanding recall may appear at the hearing with legal counsel. The court's decision as to the sufficiency of the charges may be directly appealed to the state supreme court;<sup>141</sup> the decision of the superior court regarding the ballot synopsis is final. The superior court must certify and transmit the ballot synopsis to the officer subject to recall, the person demanding the recall, and the county auditor.<sup>142</sup>
5. After the ballot synopsis has been issued by the court, the sponsors of the recall may obtain and file supporting signatures within specified time limits and in a specified format, as provided by state law.<sup>143</sup> Signature requirements are as follows:
  - For the recall of a state officer, an officer of a first class city, a member of a school board in a first class city, an officer of a county with a population of 40,000 or more, signatures of legal voters equal to 25 percent of the total number of votes cast for all candidates for the office to which the officer in question was elected at the preceding election.

<sup>141</sup>See RCW 29A.56.140 and 29A.56.270.

<sup>142</sup>RCW 29A.56.120.

<sup>143</sup>RCW 29A.56.150 - .160.



- For the recall of an officer of any other city, town, special district or county, signatures of legal voters equal to 35 percent of the total number of votes cast for all candidates for the office to which the officer in question was elected at the preceding election.<sup>144</sup>
6. The county auditor determines the authenticity and sufficiency of the petition signatures. If the petition is found to have the required number of signatures, the auditor certifies the petitions and fixes a date for a special election on the recall. The special election must be held between 45 and 90 days from the date of certification.<sup>145</sup>
  7. The officer charged may submit to the auditor a response to the charge set out in the ballot synopsis, not to exceed 250 words, before the seventh day after service of the election notice. A copy of the response is to be sent by the county auditor to the person who filed the petition.<sup>146</sup>
  8. The special recall election is conducted in the same manner as other elections. The ballot form must be as provided by statute and must contain a copy of the ballot synopsis and the officer's response to the charge, if one has been filed. If a majority vote in favor of recall, the officer is discharged from office and the office becomes vacant.<sup>147</sup>

<sup>144</sup>RCW 29A.56.180.

<sup>145</sup>RCW 29A.56.210.

<sup>146</sup>RCW 29A.56.220.

<sup>147</sup>RCW 29A.56.260.



# Holding Over and Filling Vacancies

## HOLDING OVER

While, typically, a person elected to a county, city or town office will serve for a term of four years, it is possible, under some circumstances, that the officeholder will serve for a longer period. For example, the language applicable to mayors and councilmembers in a code city provides: <sup>148</sup>

The mayor and the councilmembers shall be elected for four-year terms of office and ***until their successors are elected and qualified and assume office in accordance with [RCW 29A.60.280].*** (My emphasis)

Similar language is found in the special district statutes.<sup>149</sup>

If a newly-elected official were not to take the oath of office until sometime after the start of the new term, the person previously elected or appointed into the position would continue to serve. If the newly-elected officeholder is unable to provide a required bond, the incumbent continues in office.<sup>150</sup>

In the event that no one files for office after the regular and special filing periods, or if the only candidate either dies or no longer is eligible for office (such as might occur if he or she were to move from the jurisdiction) there is a “lapse” in the election and the current officeholder remains in office

<sup>148</sup> RCW 35A.12.040. Similar language applies to county (RCW 36.16.020), second class city (RCW 35.23.051), and town officials (RCW 35.27.090).

<sup>149</sup> See, e.g., RCW 36.69.090 (Park and Recreation Districts); RCW 70.44.040 (Hospital Districts); and RCW 57.12.030 (Water-Sewer Districts).

<sup>150</sup> AGLO 1980 No. 2.

until the next election at which the position is voted upon occurs.<sup>151</sup>

If an officer holds over, there is no vacancy. However, if the holdover officer resigns (or dies or moves outside the jurisdiction), a vacancy would be created and would need to be filled by appointment.

## FILLING VACANCIES

Invariably there are vacancies in elected positions. Officeholders will sometimes die or become incapacitated, their work assignments will require that they move outside the jurisdiction, or they may just decide to retire. Each of these events, as well as others, will cause a vacancy to occur, one that must be filled by appointment.<sup>152</sup> (In cities and towns operating under the mayor-council form of government, if the office of mayor becomes vacant, the mayor pro tem may fill in for a short period of time.<sup>153</sup> Because the mayor pro tem fills in as mayor on a ***temporary*** basis, there still is a vacancy in the office that must be filled.)

<sup>151</sup> RCW 29A.24.201.

<sup>152</sup> RCW 42.12.010, 42.12.040, and 42.12.070.

<sup>153</sup> See RCW 35.23.191; RCW 35.27.160; and RCW 35A.12.065. The mayor pro tem serves during the temporary absence or disability of the mayor. If the mayor resigns, dies, or is otherwise removed from office, his or her absence is not “temporary.”

## Partisan elective offices, which all occur in county government, are filled by appointment by the county legislative authority.

Except as is discussed below, there is no particular process that must be followed to fill a vacancy. There is no requirement, for example, that the vacancy be advertised, or that resumes or applications be solicited, or that interviews be conducted. However, if interviews are conducted, they must be conducted in public at an open meeting.<sup>154</sup> The governing body may review qualifications in a closed, executive session, but the appointment itself must be made during an open meeting.<sup>155</sup>

### Nonpartisan Offices

City, town, and special district elected officials are nonpartisan, that is, they have no political party designation. When an elected, nonpartisan position becomes vacant, the remaining members of the governing body make an appointment of a qualified person to fill the position.<sup>156</sup> If there are two or more vacancies and two or more councilmembers or commissioners remain in office, the remaining councilmembers appoint someone to fill the first vacancy, then

the remaining councilmembers plus the newly-appointed person fill the next, and so on until all of the vacancies have been filled.<sup>157</sup> If fewer than two councilmembers (i.e., one or zero) remain, the county legislative authority appoints one or more qualified person(s) to fill the vacancy or vacancies until the council has two members, and, once there are two members, those members can fill the remaining vacancies as outlined above.<sup>158</sup>

The city or town council or special district board has 90 days from the date the vacancy occurred to fill the vacancy or vacancies. If they fail to do so, the county commissioners or council make the appointment or appointments.<sup>159</sup> The county has 90 days (180 days from the date of the vacancy's occurrence) to make an appointment; if it fails to do so, either the county, city, town, or special district may petition the governor to make the appointment.<sup>160</sup>

The person appointed may continue to serve through the remainder of the unexpired term, if the vacancy occurred on or after the first day of the regular filing period, if the position was not scheduled for that year's general election ballot. If, however, the position became vacant prior to the regular filing period, filings occur during the regular filing period and the position will be on that year's general election ballot.<sup>161</sup>

The person appointed to fill a vacancy must take on an oath of office and post a bond, just as these who have been elected into a position.

<sup>154</sup>RCW 42.30.110(1)(h).

<sup>155</sup>RCW 42.30.110(1)(h).

<sup>156</sup>RCW 42.12.070. Different or special rules may apply in first class cities and in charter code cities; reference should be made to the charter in such cities to determine how vacancies are filled.

<sup>157</sup>RCW 42.12.070(2).

<sup>158</sup>RCW 42.12.070(3).

<sup>159</sup>RCW 42.12.070(4).

<sup>160</sup>RCW 42.12.070(5).

<sup>161</sup>RCW 29A.24.171.

## Partisan Offices

Partisan elective offices, which all occur in county government, are filled by appointment by the county legislative authority.<sup>162</sup> The person appointed must be from the same commissioner or council district, if any, and also be from the same political party as the person who has vacated the office.<sup>163</sup> Once a vacancy occurs, the county central committee of the political party from which the departed officer was elected nominates three candidates, from which the commissioners or councilmembers select one person for appointment.<sup>164</sup> The commissioners or councilmembers have 60 days to make an appointment; if they fail to reach an agreement, the appointment is made by the governor within the following 30 days from the list developed by the central committee.<sup>165</sup>

The person appointed serves until the next election at which the office appears on the ballot.<sup>166</sup>

<sup>162</sup>If a vacancy occurs in any partisan county elective office (except in a charter county whose charter is inconsistent) before the eleventh Tuesday prior to the primary for the next general election following the vacancy, a successor must be elected at that general election. During the last year of the term of office, however, if a vacancy occurs on or after the eleventh Tuesday prior to the primary for that general election, the election of the successor occurs at the next succeeding general election. The elected successor holds office for the remainder of the unexpired term. RCW 42.12.040(1).

<sup>163</sup>Article II, section 15 of the Washington State Constitution.

<sup>164</sup>*Id.*

<sup>165</sup>Article II, section 15 of the Washington State Constitution.

<sup>166</sup>*Id.* If the vacancy occurs after the general election in a year that the office appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified and continues through the term for which he or she was elected. See also, RCW 42.12.040(2).

# Salaries

While not technically an election issue, questions are often raised over the salaries that are paid to elected officials. If you are running for office, how much should you expect to be paid, if you are successful?

The salaries of elected officials are set by the city and town councils and the county commissioners or councils (or, as discussed below, by a salary commission). They vary significantly: in some smaller cities and towns, the salary may be minimal, such as \$5, \$10, or \$25 per month or per meeting (and in a few communities, there is no pay at all). In larger cities, where municipal finances may be better and elected officials are expected to attend more or longer meetings and perform additional tasks, the salary can be significant. In Seattle, for example, the mayor and councilmembers are full-time and are paid a salary in excess of \$100,000 per year. In most cities, though, a councilmember might be paid \$50, \$100, or \$500 a month, and a mayor is paid a salary of a few hundred to several thousand dollars a month. An official's salary may be calculated on an annual or monthly basis, or dependent upon the number of meetings the person attends.

County officials are typically paid more than city and town officials, in recognition that county elected officials are more likely to work full-time or significantly more hours than their city counterparts. The state statutes set **minimum** salaries for county elected officials,<sup>167</sup> but most officials are paid higher amounts. In King County, for example, the county executive and county councilmembers are paid more than \$100,000 per year; in Garfield County,

<sup>167</sup>RCW 36.17.020.

county commissioners are paid less than \$20,000 per year. (On average, the monthly salary of a county commissioner exceeds \$5,000.)

The salary to be paid a special district commissioner is set by statute, adjusted to reflect inflation. For example, a Water-Sewer Board Member is to be paid, according to statute, \$90 per day spent in actual attendance at official meetings, not to exceed \$8,640 per year.<sup>168</sup> However, every five years the state Office of Financial Management increases the compensation according to changes in the Consumer Price Index. The last calculation, effective July 1, 2018, provides for a daily payment of \$128, not to exceed \$12,288 per year.<sup>169</sup> Similar provision is made for Metropolitan Park Commissioners, Fire District Board members, Port District Commissioners, and Public Hospital District Commissioners, among others.<sup>170</sup> Some special district officials receive no salary; for example, Park and Recreation District Commissioners receive no salary, but they may receive "necessary expenses" for attending meetings and other district business.<sup>171</sup>

Regardless what the current salary for an elected is, when and how can the salary be increased? Can the salary of an elected official be decreased?

<sup>168</sup>RCW 57.12.010.

<sup>169</sup>WSR 08-11-088, filed May 18, 2018. A new calculation should be made in 2023, which will remain in effect until 2028.

<sup>170</sup>*Id.* Each receives the same compensation as does a Water-Sewer District Commissioner, as noted in the text (\$128/day when a official meeting is attended, not to exceed \$12,288 per year).

<sup>171</sup>RCW 36.69.110; see also RCW 27.12.190 for library trustees.

Article 11, section 8 of the state constitution provides that the salaries of local elected officials “shall not be increased . . . or diminished after his election, or during his term of office.” This prohibition, however, was limited by a 1968 amendment to the constitution. Article 30 provides that the compensation of all elective and appointive state, county, and municipal officers “who do not fix their own compensation” may be increased during their terms of office in accordance with the law in effect at the time their services are rendered. A further limitation on the prohibition was statutorily added in 2001, when the legislature provided for local salary commissions.

The salaries and compensation of city and town officials are set by the city or town council, and by the county commissioners or councilmembers in counties.<sup>172</sup> Thus, under the constitution, any officers **other than** councilmembers or county commissioners may have their salaries or compensation **increased** after their election or during their term of office, since they do not set their own salaries.<sup>173</sup> A mayor’s salary in a mayor-council city or town cannot be increased after his or her election or during the term of office, however, if the mayor breaks a tie vote on the increase;<sup>174</sup> otherwise, the mayor’s salary may be increased during his or her term of office.

<sup>172</sup>See RCW 35.23.091 (second class cities), RCW 35.27.130 (towns); RCW 35A.12.070 and RCW 35A.23.040 (code cities); and RCW 36.17.020 (counties).

<sup>173</sup>In council-manager cities and towns, the mayor is a member of the council, so the prohibition applies to that office. However, the salary for the mayor’s position in such cities and towns may be increased after the councilmembers are elected but before one is chosen by the council to be the mayor.

<sup>174</sup>See, e.g., RCW 35A.12.070.

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## The salaries and compensation of city and town officials are set by the city or town council, and by the county commissioners or councilmembers in counties.

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The rules relating to salary changes were further changed in 2001 when legislation was adopted authorizing the determination of elected officials’ salaries by a local salary commission.<sup>175</sup> If a jurisdiction chooses to create a salary commission, the elected officials are paid the salaries established by the commission, although those salaries are subject to referendum. If no referendum is filed within 30 days, the new salaries can be effective immediately, except for salaries that represent a decrease, which cannot be effective for incumbent councilmembers.

Often a governing body will increase the salary for its members, but, based upon the constitution’s prohibition, any incumbent member cannot take the new, higher salary until he or she is re-elected (or, when a new member is elected, that person will immediately take the new, higher salary). What happens if there is a vacancy and someone is appointed to fill the position? What salary is that person paid? The constitutional

<sup>175</sup>RCW 35.21.015 and RCW 36.16.024.

prohibition applies to the term of office rather than to the individual who is holding the office.<sup>176</sup> Consequently, if a person is appointed to fill an unexpired term, that individual must receive the same compensation as his or her predecessor until he or she begins to serve a new term of office.

While there are various ways that an elected official's salary can be increased during his or her term of office, the constitution prohibits any decrease in salary or compensation.<sup>177</sup>

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<sup>176</sup>*State ex rel Wyrick v. City of Ritzville*, 16 Wn.2d 36 (1942); AGO 1999 No. 1.

<sup>177</sup>Article 11, section 8 of the Washington State Constitution.

# Elective Qualities and Expectations

If you are old enough, a citizen, registered to vote, and live within the jurisdiction, you can seek election (or appointment) to office. There's more to it than that, though, isn't there? What qualities or attributes help a person be elected and succeed in office? And what are the expectations of an officeholder? Does he or she only need to show up? Is there homework? What meetings must the person attend? This article explores some of those questions. There are no magic answers, though. What a person brings into office and what that person should expect once he or she gets there depends, to a large degree, upon that person.

## QUALITIES HELPFUL TO BEING AN ELECTED OFFICIAL

A person can't win a game of Bingo unless he or she has a marker in each square on a line that is diagonal, horizontal, or vertical. It is not like that, though, for elective offices. There are certain attributes or qualities and skills that may help a person get elected and assist that person in the performance of his or her job. But, failing to have such qualities does not necessarily doom a person's political career nor does possession of them assure he or she will succeed.

### Time

If a person is elected into a full-time position, he or she likely will have some time during the normal business day to perform assigned and necessary tasks. (This is not to say, though, that there won't be more demands outside the "normal" work day. Elected officials are asked to perform their

duties regardless of the amount of time it takes. In addition to the normal work day, there are often evening meetings, breakfast meetings, work on weekends, and meetings with constituents in the grocery store or over the back fence.) Most elected positions in this state, though, are part-time. A city councilmember, for example, may have only two regular meetings a month that he or she must attend. There are likely **other** meetings that must be attended, though, such as study sessions, public hearings, and meetings with officials from other jurisdictions. In addition, there will be hours of preparation, meetings with staff, field trips, speeches to community groups, and general training. If a person seeks an elected office, he or she needs time, lots of it.

### Communication Skills

A person may have many ideas – great ideas – on how his or her community should be run but, if he or she cannot communicate those ideas to others, the ability to transform those ideas into action may be difficult to achieve. A person needs to be able to communicate ideas clearly, to other officers, to staff members, to specialists, and to the public. On the opposite end of the communication spectrum, an elected official will need to be able to listen and understand. An elected official must be an active listener and know what questions to ask. He or she may need to communicate on different levels with different people who have varied communication skills. Of course, the ability to communicate is not limited to the spoken word. The official will also need to be able to express himself or herself in writing, being able to prepare,



among other things, letters, reports, proposals, rules, memoranda, and e-mails. Communication is not everything, but without good communication skills, the office becomes much more difficult.

### **The Ability to Read**

Whatever position a person is elected to, he or she will need to read. Elected officials are expected to read a lot – letters from constituents, reports, journals, magazines, newspapers, contracts, ordinances, statutes, regulations, rules, articles, and minutes. Being able to read well is critical, as it allows the official to know the law and better understand what fellow officials, staff members, and constituents want and need, and allows him or her to be more effective in providing an appropriate, timely, and effective response to those wants and needs.

### **Good Observation Skills**

Talking to constituents, reading their letters and e-mails, and reading the local newspaper should give a person good information about what his or her community wants or expects from its elected officials. However, the information a person gains through such traditional sources may not be enough. The official will need to be a good observer. By honing observation skills, he or she can formulate his or her own ideas about what needs to be done, and can better anticipate problems or opportunities before they arise or demand attention. Good observation supplements all of the information that will be given to an official, and it will better enable him or her to reach personal conclusions about that information.

### **Have an Open Mind and the Ability to Be Fair**

Elected officials are certainly entitled to their own opinions; often those opinions

serve as the basis for their election.

But, once elected, an official serves all members of the public, making it desirable, if not necessary, that he or she be able to respectfully listen to and consider the opinions of others. In some settings, such as during a land use hearing, it is essential that the officials involved in the hearing consider all of the testimony and evidence that is provided; having an open mind allows this to happen and helps assure that good decisions are made, decisions that may not please everyone but are more likely to be accepted. An official also needs to be fair. Being fair will help earn the respect of those whom the official deals with, even though there may be disagreements.

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If a person seeks an  
elected office, he or she  
needs time, lots of it.

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### **Understand Process**

It probably is not necessary or possible for a newly-elected official to know everything about his or her new office on the first day on the job. Nevertheless, the more a person knows about the processes associated with the position and its functions, the better able he or she is to influence outcomes and policy. Before a person takes office, or even before he or she runs for office, it is a good idea to learn about how meetings are conducted, motions are made, votes taken, when and how citizen input is allowed, what and when certain required tasks need to be completed, and how the office sought interacts with other officials and jurisdictions.



## **The Ability to Be Humble and to Admit Mistakes**

Elected officials command respect, and deservedly so. But, the public will probably grant even more respect, if they feel that the office has not gone to the officeholder's head. Remember how it felt to be on the outside, looking in? Relatedly, the ability to admit mistakes will often serve an official well. People make mistakes; it's a given. Thus, elected officials are apt to make mistakes as well. The ability to admit them, and learn from them, and avoid similar mistakes in the future, will make an official more human and more likely to be forgiven.

## **Leadership**

Elected officials should be prepared to lead. They should have the ability to see what needs to be done, and then be able to use their knowledge, initiative, ability to inspire, commitment, skills, powers of persuasion, time and effort to see that what needs to be done is done. While being an official does not require that the person always assumes a leadership role, he or she should be prepared to do so, when a situation demands it.

## **Boy or Girl Scout Attributes**

The public, one could argue or surmise, wants its officials to be role models, trustworthy, diplomatic, honest, hard working, patriotic, prepared, moral, respectful, cooperative, and friendly.

## **Thick-Skinned**

The public sets high standards for their officials. They expect them to be successful. Thus, when there is success, there may not be any praise or thanks given. If there is a problem or mistake, though, criticism will likely follow. Mistakes will

happen and, even if they don't, it just is not possible to meet everyone's expectations. To survive, an elected official may need to be thick-skinned and gracious.

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## **An elected official must be an active listener.**

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## **EXPECTATIONS**

Being an elected official can be an exhilarating experience. It also can be deflating. A council meeting might only last 30 minutes, but it also could last six hours. An official might not get any letters or reports for a week, or he or she may need to read and be ready to report on a hundred-page budget over the weekend. An elected official may revel in the success of an initiative, but he or she may also feel like running for cover when required to make an unpopular decision. Elected officials are given the opportunity to meet and work with fascinating people, but they may also need to deal with people who are irrational and mean-spirited. One probably cannot generalize about what it means to be an elected official; there are good days and bad days. But what likely is true is that as one, through use of skills and hard work, a person can make the days better and more enjoyable, both for himself or herself and for those who are served.

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# Perspective Council Candidate Workshop

March 30, 2023

Council Chambers & Zoom



Item 11.



# AGENDA

- Welcome & Introductions
- Candidate Resources
- Council-Manager Form of Government
- Councilmember Commitment
- Councilmember Role & Responsibilities
- Wrap-up

Item 11.

# WELCOME



Thank you for  
joining us!

# Candidate Resources

- Council-Manager Form of Government
  - [Chapter 3.02 MICC - City Manager](#)
  - [Chapter 35A.13 RCW - Council-Manager Plan of Government](#)
- Councilmember Commitment
  - [Compensation](#)
  - [King County 2023 Candidate Manual – Filing for Office](#)
  - [PDC Personal Financial Affidair Statement – Public Disclosure Commission](#)





# Candidate Resources

- Information & Additional Resources
  - [City Council Rules of Procedure](#)
  - [Running for Office](#) - King County Elections
  - [Serving on the City Council 2023](#)
  - [Chapter 2.02 MICC Noncharter Code City](#)
  - [So you want to be an elected official](#) - Association of Washington Cities (AWC)
  - [Getting Into Office](#) - Municipal Research & Services Center (MRSC)



# Candidate Resources



## Important Dates

- Prospective Council Candidate Workshop Thursday, March 30, 2023 | 5:00-6:00 pm
- City Council Mid Year Planning Session April 25, 2023 | 1:00 pm
- Candidate Filing May 15-19, 2023
- Deadline to Withdraw Monday, May 22, 2023 | 4:30 pm
- Council Candidate Orientation Thursday, June 8, 2023 | 5:00 pm
- Primary Election Tuesday, August 1, 2023
- General Election Tuesday, November 7, 2023
- Councilmember-Elect Orientation December 2023
- First City Council Meeting Tuesday, January 2, 2024 | 5:00 pm



# Candidate Resources

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Information and resources about serving  
on City Council are available at  
[www.mercerisland.gov/councilcandidate](http://www.mercerisland.gov/councilcandidate)

# Council-Manager Form of Government



City Manager  
is only  
Appointed  
Official

International  
City/County  
Management  
Association  
(ICMA) Code of  
Ethics

City of Mercer  
Island  
Code of Ethics



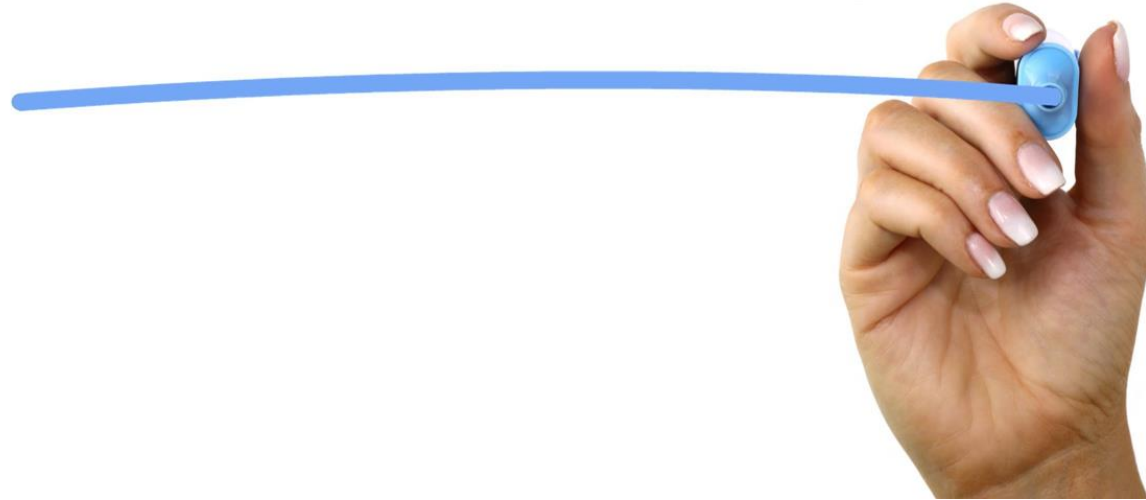
# Councilmember Role & Responsibilities



- Meeting Commitment
- Councilmember Workload
- City Organization
  - Council
  - Mayor
  - City Manger

# Wrap-up

# QUESTIONS





An aerial photograph of a coastal town, likely Mercer Island, showing a large body of water, a bridge, and a dense residential area with many houses and trees.

# Contact Information

Item 11.

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For more information and resources, visit  
[www.mercerisland.gov/councilcandidate](http://www.mercerisland.gov/councilcandidate)