



Prospective Council Candidate Workshop

Please Note: Meeting will be recorded

April 15, 2021 | 5:00 – 6:30 pm

Join Zoom Meeting

<https://us02web.zoom.us/j/85639488071?pwd=NDFURXhvb1o2aThVcVZiUHliV1o2Zz09>

Meeting ID: 856 3948 8071; Passcode: 090198

One tap mobile - (253) 215-8782

AGENDA

Welcome, Introductions, Agenda Review (Jessi Bon, City Manager)

Candidate Resources (Deb Estrada, City Clerk)

- www.mercerisland.gov/citycouncil/page/serving-city-council
- www.kingcounty.gov/depts/elections/for-candidates.aspx
- www.pdc.wa.gov/learn/new-candidates

Council-Manager Form of Government (Jessi Bon, City Manager)

- 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 (Deb Estrada, City Clerk)

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

Councilmember Role & Responsibilities (Benson Wong, Mayor)

- Meeting Commitment
- Councilmember Workload

Wrap-up

- Q&A
- Information Resources:
 - Council Candidate Orientation – June 3, 2021 from 5:00 pm to 6:30 pm
 - Council-Elect Orientation – December 2021, date to be determined
 - City Website – <https://www.mercerisland.gov/>
 - Staff:
 - Jessi Bon, City Manager (jessi.bon@mercerisland.gov)
 - Deb Estrada, City Clerk (deb.estrada@mercerisland.gov)

Chapter 3.02

CITY MANAGER

Sections:

- 3.02.010 Powers and duties.**
- 3.02.020 Office full-time job – Oath.**
- 3.02.030 Provision for professional services.**

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).

The Mercer Island City Code is current through Ordinance 21C-01, passed January 19, 2021.

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Chapter 3.04

INDEMNIFICATION OF CITY EMPLOYEES, OFFICIALS AND VOLUNTEERS

Sections:

- 3.04.010 Purpose.**
- 3.04.020 Definitions.**
- 3.04.030 Legal representation.**
- 3.04.040 Exclusions.**
- 3.04.050 Determination of exclusion.**
- 3.04.060 Representation and payment of claims – Conditions.**
- 3.04.070 Effect of compliance with conditions.**
- 3.04.080 Failure to comply with conditions.**
- 3.04.090 Reimbursement of incurred expenses.**
- 3.04.100 Conflict with provisions of insurance policies or self-insurance plan.**
- 3.04.110 Pending claims.**

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:

E

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

O

“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.

V

“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 Chapter [26.16](#) RCW, 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).

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Chapter 3.42 INDEPENDENT SALARY COMMISSION

Sections:

- 3.42.010** **Established.**
- 3.42.020** **Purpose – Function.**
- 3.42.030** **Membership.**
- 3.42.040** **Qualifications.**
- 3.42.050** **Operation.**
- 3.42.060** **Responsibilities.**
- 3.42.070** **Effective date – Salaries.**

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 Chapter [42.30](#) RCW.
- 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).

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COUNCIL-MANAGER PLAN OF GOVERNMENT**Chapter Listing****Sections**

35A.13.010	City officers—Size of council.
35A.13.020	Election of councilmembers—Eligibility—Terms—Vacancies—Forfeiture of office—Council chair.
35A.13.030	Mayor—Election—Chair to be mayor—Duties.
35A.13.033	Election on proposition to designate person elected to position one as chair—Subsequent holders of position one to be chair.
35A.13.035	Mayor pro tempore or deputy mayor.
35A.13.040	Compensation of councilmembers—Expenses.
35A.13.050	City manager—Qualifications.
35A.13.060	City manager may serve two or more cities.
35A.13.070	City manager—Bond and oath.
35A.13.080	City manager—Powers and duties.
35A.13.090	Creation of departments, offices, and employment—Compensation.
35A.13.100	City manager—Department heads—Authority.
35A.13.110	City manager—Appointment of subordinates—Qualifications—Terms.
35A.13.120	City manager—Interference by councilmembers.
35A.13.130	City manager—Removal—Resolution and notice.
35A.13.140	City manager—Removal—Reply and hearing.
35A.13.150	City manager—Substitute.
35A.13.160	Oath and bond of officers.
35A.13.170	Council meetings—Quorum—Rules—Voting.
35A.13.180	Adoption of codes by reference.
35A.13.190	Ordinances—Style—Requisites—Veto.
35A.13.200	Authentication, recording and publication of ordinances.
35A.13.210	Audit and allowance of demands against city.
35A.13.220	Optional division of city into wards.
35A.13.230	Powers of council.

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.

[**2011 c 14 § 2; 2009 c 549 § 3016; 1994 c 223 § 35; 1994 c 81 § 72; 1987 c 3 § 16; 1985 c 106 § 2; 1983 c 128 § 2; 1979 ex.s. c 18 § 24; 1979 c 151 § 34; 1967 ex.s. c 119 § 35A.13.010.**]

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.*

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.**]

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.**]

35A.13.033**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.**]

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.**]

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**.

35A.13.050**City manager—Qualifications.**

The city manager need not be a resident at the time of his or her appointment, but shall reside in the code city after his or her appointment unless such residence is waived 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.

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

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.]

35A.13.070**City manager—Bond and oath.**

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.]

35A.13.080**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.

NOTES:

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

35A.13.090

Creation of departments, offices, and employment—Compensation.

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.]

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.]

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.]

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.]

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.]

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.]

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.]

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.]

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.

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.]

35A.13.190

Ordinances—Style—Requisites—Veto.

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.]

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.]

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.]

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.]

35A.13.230

Powers of council.

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

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

Sections:

- 2.60.010 Policy.**
- 2.60.020 Definitions.**
- 2.60.030 Prohibited conduct.**
- 2.60.040 Code of ethics statement.**
- 2.60.050 Ethics Officer.**
- 2.60.060 Advisory opinions.**
- 2.60.070 Complaints, investigations, hearings and enforcement.**
- 2.60.080 Limitations.**

2.60.010 Policy.

- A. *Purpose.* The purpose of the city of Mercer Island code of ethics is to strengthen the quality of government through ethical principles which shall govern the conduct of members of the city council, the city's boards and commissions, and council-appointed task groups or committees.
- B. *Intent.* The residents and businesses of Mercer Island are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. In keeping with the city of Mercer Island's commitment to excellence, the effective functioning of democratic government therefore requires that:
1. Officials comply with the laws and policies affecting the operations of government;
 2. Officials be independent, impartial and fair in their judgment and actions;
 3. Public office be used for the public good, not for personal gain; and
 4. Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.
- C. *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. (Ord. 19C-20 § 1; Ord. 18C-15 § 1).

2.60.020 Definitions.

For the purpose of this chapter:

“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. (Ord. 19C-20 § 1).

2.60.030 Prohibited conduct.

In addition to the code of ethics set forth in Chapter [42.23](#) RCW, 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 not participate in government decisions where they have a conflict of interest. A conflict of interest exists when any of the following has a financial interest that relates 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 subsection is an individual who owns one percent or more of the entity. Officials shall abstain from participating in deliberations and decision-making where conflicts of interest exist. Financial interests broadly held by Mercer Island residents shall not be deemed to be conflicts. A financial interest shall be deemed to exist when the individual or entity stands to incur material financial gain or loss as a result of a decision under consideration by the city.

B. *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.

C. *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.

D. *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 anything 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. They shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by subsection [\(D\)\(2\)](#) of this section.

2. 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; and
- 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.

3. The presumption in subsection [\(D\)\(2\)](#) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

E. *Confidential Information.* Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose. "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. (Ord. 19C-20 § 1).

2.60.040 Code of ethics statement.

- A. The city council shall adopt a code of ethics statement regarding conduct for officials. The statement shall be set by resolution by the city council, from time to time, and shall be on file with the city clerk.
- B. All officials, upon taking office or being appointed, shall sign the code of ethics statement acknowledging having read and understood the contents thereof. (Ord. 19C-20 § 1; Ord. 18C-15 § 1. Formerly 2.60.030).

2.60.050 Ethics Officer.

- A. The city council creates the position of ethics officer. The city manager will 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 necessary.

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. 19C-20 § 1).

2.60.060 Advisory opinions.

An official may request an informal opinion from the city attorney concerning the applicability of MICC [2.60.030](#), including Chapter [42.23](#) RCW, to hypothetical circumstances and/or situations solely related to the official making the request. The city attorney may, instead of providing an informal opinion, refer the official to the ethics officer for an advisory opinion as follows:

- A. The ethics officer shall render written advisory opinions concerning the applicability of MICC [2.60.030](#), including Chapter [42.23](#) RCW, to hypothetical circumstances and/or situations solely related to the official making the request. The ethics officer will 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, etc.
- B. The ethics officer will endeavor to respond to requests for advisory opinions within 45 days of submission of the request, or 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. 19C-20 § 1).

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. It must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter [9A.72](#) RCW.
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 the

allegations, if established, would violate MICC [2.60.030](#), including Chapter [42.23](#) RCW. The ethics officer's determination is final, and no reconsideration or appeal is available through the ethics officer or the city.

3. *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.

4. *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. A finding of insufficiency or dismissal of a complaint by the ethics officer is final, and no reconsideration or appeal 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. A finding of sufficiency of a complaint by the ethics officer is final and no reconsideration or appeal 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. The official complained against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

5. *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.*

1. 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 hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the hearing examiner shall issue subpoenas and subpoenas duces tecum. 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.

2. Within 30 days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, issue a final decision with findings of fact, conclusions of law, and recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the person who made the complaint and to the official complained against. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the ethics officer and city council.

C. *City Council Action.* Final city council action to decide upon the recommended stipulation from the ethics officer or findings, conclusions, and recommendations from the hearing examiner shall be by majority vote in a public meeting. However, deliberations by the city 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 will not attend or participate in any executive session and shall not vote on any matter involving themselves.

D. *Disposition.* The city council may take any of the following actions in disposition of the complaint based on the recommended stipulation from the ethics officer or findings, conclusions, and recommendations from the hearing examiner, as appropriate. The action of the city council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in subsection [E](#) of this section.

1. *Dismissal.* Dismissal of the complaint without 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 nonpublic 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, 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.

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 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. Any monetary penalty assessed civilly shall be placed in the city's general fund.

E. *Review of Civil Penalty Amount.* If the city council orders an official to pay a civil penalty, the official may seek a reconsideration from the city council of the amount assessed within 30 days of the city council's order.

F. *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.

G. *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: City shall reimburse reasonable legal fees incurred by the official, up to \$5,000, relating to or arising out of the defense of an ethics complaint that results in a dismissal of the complaint by the city council without penalties subsequent to a hearing by the hearing examiner. (Ord. 19C-20 § 1).

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 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. 19C-20 § 1).

The Mercer Island City Code is current through Ordinance 21C-01, passed January 19, 2021.

Disclaimer: The City Clerk's Office has the official version of the Mercer Island City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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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 1st. 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

Chapter 3.42

INDEPENDENT SALARY COMMISSION

Sections:

- 3.42.010** **Established.**
- 3.42.020** **Purpose – Function.**
- 3.42.030** **Membership.**
- 3.42.040** **Qualifications.**
- 3.42.050** **Operation.**
- 3.42.060** **Responsibilities.**
- 3.42.070** **Effective date – Salaries.**

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 Chapter [42.30](#) RCW.
- 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).

The Mercer Island City Code is current through Ordinance 21C-01, passed January 19, 2021.

Disclaimer: The City Clerk's Office has the official version of the Mercer Island City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.mercergov.org](http://www.mercergov.org)

City Telephone: (206) 275-7600

[Code Publishing Company](#)

2021 Candidate Manual



A letter from the Director

Dear candidate or campaign manager,

Congratulations on your decision to seek public office or help a candidate with their campaign! I know first-hand how challenging it can be to put yourself out there in service to your community. Know that our government, our institutions, and our democracy all benefit when people like you step-up to run.

While there will be many challenges in running for office, the technical processes shouldn't be one of them and here at King County Elections we are here to help! Whether you are an experienced candidate or campaign manager or entirely new to this process, I encourage you to review this manual thoroughly. It provides an updated summary about filing for office in King County, including changes in election laws and requirements.

We also want to make sure you have confidence in the integrity of our election process. Please don't hesitate to reach out anytime if you have questions about any aspect of our work, from filing for office to voter registration to tabulating ballots. You can visit our website (kingcounty.gov/elections) or contact us anytime (election.services@kingcounty.gov or 206-296-1565).

Best of luck!

A handwritten signature in cursive script that reads "Julie Wise".

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 election.services@kingcounty.gov

online kingcounty.gov/elections

2021 Election Calendar

Important election dates and deadlines for candidates.

chapter

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Candidate filing dates

The key filing dates for 2021 are:

- In-person: Monday, May 17 at 8:30 a.m. through Friday, May 21 at 4:30 p.m.
To help slow the spread of COVID-19, in-person filing may be available by appointment only. Please check our website for updates after April 15.
- Online: Monday, May 17 at 9 a.m. through Friday, May 21 at 4 p.m.

The withdrawal deadline for 2021 is:

- Monday, May 24 at 4:30 p.m.

Primary and general election dates

The primary and general election dates for 2021 are:

- Primary election: August 3
- General election: November 2

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

Primary and general election calendar (continued)

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

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

Primary and general election calendar (continued)

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

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

Primary and general election calendar (continued)

Item 5.

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

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

Filing to be a Candidate

How to file for office.

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, 30, 31, 32 and 39
- State Supreme Court



Filing deadlines

Mail

May 3 - May 21, 4:30 p.m., regardless of postmark

In-person (*contact office for appointment*)

May 17, 8:30 a.m. - May 21, 4:30 p.m.

Online

May 17, 9 a.m. - May 21, 4 p.m.



Office of the Secretary of State
Elections Division

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

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

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

- State Senator and Representative for Legislative Districts 5, 11, 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 files with Pierce County, Snoqualmie Pass Fire Protection District No. 51 and Snoqualmie Pass Utility District file with Kittitas County)

To help slow the spread of COVID-19, Declarations of Candidacy for offices filed with King County may be accepted in person only as necessary on a case-by-case basis. Contact the Elections office for more information about filing in person.

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

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. The responsibility for filing for the correct office is yours. 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 17, 2021, at 9 a.m. and is available 24 hours a day until Friday, May 21, 2021, at 4 p.m.

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

King County Elections will provide a training tutorial video that will guide you through the steps to file for office online. The video tutorial can be accessed after April 15 by clicking on the image above, which will link you directly to the video.

To help slow the spread of COVID-19, Declarations of Candidacy for offices filed with King County may be accepted in person only as necessary on a case-by-case basis. Contact the Elections office for more information about filing in person.

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 3, 2021. Filings submitted by mail must be received by 4:30 p.m. on May 21, 2021, regardless of postmark. Filings received by mail prior to May 3, 2021, 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.



Item 5.



Clicking on the image above after April 15 will link to a brief tutorial on how to file for office online.

Filing deadlines

- Mail
May 3 - May 21, 4:30 p.m., regardless of postmark
- In-person (*contact office for appointment*)
May 17, 8:30 a.m. - May 21, 4:30 p.m.
- Online
May 17, 9 a.m. - May 21, 4 p.m.

Deadline to withdraw candidacy
May 24, 2021, at 4:30 p.m.

No double filings

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

Residency Requirements

All candidates must be resident electors of their district. A resident elector is a citizen residing at their voter registration address.

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)
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)

Office	Requirements
Supreme, superior, district 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 3.34, 35.20)
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.

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, 30, 31, 32 and 39
- 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 3, 2021, at 8 p.m.

- Deadline to file without paying a filing fee: July 15, 2021, at 4:30 p.m.

General Election: November 2, 2021, at 8 p.m.

- Deadline to file without paying a filing fee: October 14, 2021, at 4:30 p.m.

 **Office of the Secretary of State
Elections Division**
360-902-4180
elections@sos.wa.gov
vote.wa.gov

The following offices must file with King County Elections:

- State Senator and Representative for Legislative Districts 5, 11, 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 files 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 5.

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 after April 15, 2021. 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 28, 2021, 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 19, 2021. Your voters' pamphlet submission for the general election must be received by our office no later than Friday, August 6, 2021, 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 28, 2021, at 4:30 p.m.

General Election: August 6, 2021, at 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 bullets 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: five 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:

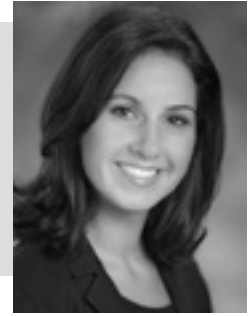
- Treat this as a resume and edit carefully.
- Give your vision for the future. Be positive.

Sample statement in the printed voters’ pamphlet.

Item 5.

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 including Executive, Prosecuting Attorney, Assessor, Director of Elections, port district commissioners and jurisdictions having over 150,000 registered voters

200 words: County Councilmembers, 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 after April 15, 2021. 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. 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 14, 2021, at 4:30 p.m. and until September 7, 2021, 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.

To help slow the spread of COVID-19, voters’ pamphlet submissions for all offices should be filed online. Contact the Elections office for more information about filing your voters’ pamphlet submission in person.

King County Elections will provide an online training tutorial that will guide you through



Clicking on the image above after April 15, 2021 will link to a brief tutorial on how to file your voters’ pamphlet information.



Deadline to file voters’ pamphlet information

Primary Election: May 28, 2021, at 4:30 p.m.

General Election: August 6, 2021, at 4:30 p.m.



We ask that you 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.

how to file your voters' pamphlet information online. The video will be made available through our Running for Office webpage by April 15, 2021.

For the primary election, online voters' pamphlet filing opens on Monday, May 17, 2021, at 9 a.m. and is available 24 hours a day until Friday, May 28, 2021, 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 19, 2021, at 9 a.m. and is available 24 hours a day until Friday, August 6, 2021, 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 28, 2021, at 4:30 p.m.
 General Election: August 6, 2021, at 4:30 p.m.

 **Voters' pamphlet review deadlines**
 Primary Election: June 14, 2021, at 4:30 p.m.
 General Election: September 7, 2021, at 4:30 p.m.

Campaign Contributions

Where to file campaign contribution information.

chapter 05 Item 5.

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



Ethics Program
King County Office of Civil Rights & Open Government

206-263-7821
board.ethics@kingcounty.gov
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
 - 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
 - Community Municipal Corporations

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.

Historical turnout information

King County Elections historical turnout information for primary and general elections since 2000 can be found on the King County Elections website.

General data request information

All voter data requests are processed by Voter Services. Contact information for Voter Services can be found on the next page. 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 and is over 34 sheets/ more than \$5.00 (\$0.15 per sheet x 34 is \$5.10).

Data is provided by email or on a CD, both containing a comma-delimited text file. If an alternate format is needed, contact King County Elections Voter 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 - Voter
Services

206-296-1608
elections@kingcounty.gov
kingcounty.gov/elections

Voter Registration Guidelines

General information about voter registration drives.

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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 pre-register to vote, but their registration will not be effective until they turn 18 years old.

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

206-296-1608
elections@kingcounty.gov
kingcounty.gov/elections



Office of the Secretary of State
Elections Division

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

Campaign Sign Regulations

General information about campaign sign regulations.

chapter

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Item 5.

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:

- 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.

Take a self-guided tour of Elections

At this time, King County Elections has suspended in-person tours due to the continued COVID-19 crisis in our community. In an effort to keep both staff and voters safe and healthy, we are asking that those interested utilize virtual options to watch us at work.

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](#), which are available on our website.

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

Primary election live web cam dates: July 19 - August 17

General election live web cam dates: October 18 - November 23

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





- HOME ▾
- PUBLIC RESOURCES ▾
- FILER RESOURCES ▾**
- SEARCH THE DATABASE ▾
- VIEW REPORTS
(ALL PAPER AND E-FILED) ▾
- ONLINE FILING

Basic Filing Requirements for Elected & Appointed Officials

According to the disclosure law, elected officials currently in office, elected officials who left office during the preceding calendar year, state appointed officials, officials appointed to fill vacancy in an elective or state appointive office, and some professional staff are required to file an F-1 report.

Please review, [Executive State Officers List & Professional Staff](#)
For assistance call toll free at: 1-877-601-2828.

F-1'S ARE DUE APRIL 15:

Who files?

- State & county elected officials
- Elected officials in local jurisdictions with 1,000 or more registered voters
- Select state agency officials [list](#)

A complete **F1** must be filed once every four consecutive years. Businesses interests are disclosed on the **F-1 Supplement** when the full F-1 is filled. The **F1-A** may be filed in the other three years.;

Only one F-1 is required to be filed each year.

[Personal Financial Affairs Statement - Instruction Manual](#)

Are You Required To File a Personal Financial Affairs Statement?

Are you an appointed or elected official?

1. for a federal office;
2. in a town or jurisdiction that had fewer than 1,000 registered voters as of the last general election;
3. for precinct committee officer; or for an office in a district where voters must own property or have other special qualifications (e.g., irrigation, diking, or flood control)?

YES >

No F-1 required.

NO
v

Are you?

1. an elected or appointed official for a state office;
2. an elected or appointed official in a town or taxing district that had 1,000 or more registered voters as of the last general election (check with the PDC);
3. an appointed official to one of the agencies linked [here](#)?

NO >

No F-1 required.

YES
v

File a financial affairs statement (Form F1).

*Elected officials must file between **January 1 and April 15** during the year they hold office.

Appointees must file within **two weeks** of being appointed.



Refer to instruction manual for detailed assistance and examples.

Deadlines: Incumbent elected and appointed officials -- by April 15.
 Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position.

SEND REPORT TO PUBLIC DISCLOSURE COMMISSION

DOLLAR CODE	AMOUNT
A	\$1 to \$4,499
B	\$4,500 to \$23,999
C	\$24,000 to \$47,999
D	\$48,000 to \$119,999
E	\$120,000 or more

Last Name	First	Middle Initial
Mailing Address (Use PO Box or Work Address) *		
City	County	Zip + 4

Names of immediate family members, including registered domestic partner. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse or registered domestic partner. See F-1 manual for details.

Filing Status (Check only one box.)

An elected or state appointed official filing annual report

Final report as an elected official. Term expired: _____

Candidate running in an election: month _____ year _____

Newly appointed to an elective office

Newly appointed to a state appointive office

Professional staff of the Governor's Office and the Legislature

Office Held or Sought

Office title: _____

County, city, district or agency of the office, name and number: _____

Position number: _____

Term begins: _____ ends: _____

1 INCOME List each employer, or other source of income (pension, social security, legal judgment, etc.) from which you or a family member, including registered domestic partner, received \$2,400 or more during the period. Include stock options received during the reporting period that had a value of \$2,400 or more. (Report interest and dividends in Item 3.)

Show Self (S) Spouse (SP/DP) Dependent (D)	Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount: (Use Code)

Check Here if continued on attached sheet

2 REAL ESTATE List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$12,000 in which you or a family member, including registered domestic partner, held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)

Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received		
Property Purchased or Interest Acquired	Assessed Value (Use Code)	Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount - (Use Code) Original Current
All Other Property Entirely or Partially Owned	Assessed Value (Use Code)	Creditor's Name/Address	Payment Terms	Security Given	Mortgage Amount - (Use Code) Original Current

Check Here if continued on attached sheet

3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS

List bank and savings accounts, insurance policies, stock, bonds intangible property (including but not limited to stock options) held reporting period.

Item 6.

A. Name and address of each bank or financial institution in which you, a family member, including registered domestic partner, had an account over \$24,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
B. Name and address of each insurance company where you, a family member, including registered domestic partner, had a policy with a cash or loan value over \$24,000 during the period.			
C. Name and address of each company, association, government agency, etc. in which you, a family member, including registered domestic partner, owned or had a financial interest worth over \$2,400. Include stocks, bonds, ownership, retirement plan, IRA, notes, stock options, and other intangible property. If you, your spouse, registered domestic partner and/or dependents had decision making authority regarding individual assets/investments list each asset or investment, the value and any income amount. EXAMPLE: If you self-directed an investment account identify each stock or other asset in that account.			

Check here if continued on attached sheet.

4 CREDITORS	List each creditor you or a family member, including registered domestic partner, owed \$2,400 or more any time during the period. Don't include retail charge accounts, credit cards, or mortgages or real estate reported in Item 2.		AMOUNT (USE CODE)	
Creditor's Name and Address	Terms of Payment	Security Given	Original	Present
Check here <input type="checkbox"/> if continued on attached sheet.				

5 All filers answer questions A thru D below. If the answer is YES to any of these questions, the F-1 Supplement must also be completed as part of this report. If all answers are NO and you are a candidate for state or local office, an appointee to a vacant elective office, or a state executive officer filing your initial report, no F-1 Supplement is required.

Incumbent elected officials and state executive officers filing an annual financial affairs report also must answer question E. An F-1 Supplement is required of these officeholders unless all answers to questions A thru E are NO.

A. At any time during the reporting period were you, your spouse, registered domestic partner or dependents (1) an officer, director, general partner or trustee of any corporation, company, union, association, joint venture or other entity or (2) a partner or member of any limited partnership, limited liability partnership, limited liability company or similar entity including but not limited to a professional limited liability company? ____ If yes, complete Supplement, Part A.

B. Did you, your spouse, registered domestic partner or dependents have an ownership of 10% or more in any company, corporation, partnership, joint venture or other business at any time during the reporting period? ____ If yes, complete Supplement, Part A.

C. Did you, your spouse, registered domestic partner or dependents own a business at any time during the reporting period? ____ If yes, complete Supplement, Part A.

D. Did you, your spouse, registered domestic partner or dependents prepare, promote or oppose state legislation, rules, rates or standards for compensation or deferred compensation (other than pay for a currently-held public office) at any time during the reporting period? ____ If yes, complete Supplement, Part B.

E. **Only for Persons Filing Annual Report.** Regarding the receipt of items not provided or paid for by your governmental agency during the previous calendar year: 1) Did you, your spouse, registered domestic partner or dependents (or any combination thereof) accept a gift of food or beverages costing over \$50 per occasion? ____ or 2) Did any source other than your governmental agency provide or pay in whole or in part for you, your spouse, registered domestic partner and/or dependents to travel or to attend a seminar or other training? ____ If yes to either or both questions, complete Supplement, Part C.

ALL FILERS EXCEPT CANDIDATES. Check the appropriate box.

I hold a state elected office, am an executive state officer or professional staff. I have read and am familiar with RCW 42.52.180 regarding the use of public resources in campaigns.

I hold a local elected office. I have read and am familiar with RCW 42.17A.555 regarding the use of public facilities in campaigns.

***CANDIDATES:** Do not use public agency addresses or telephone numbers for contact information.

CERTIFICATION: I certify under penalty of perjury that the information contained in this report is true and correct to the best of my knowledge.

Signature _____ Date _____

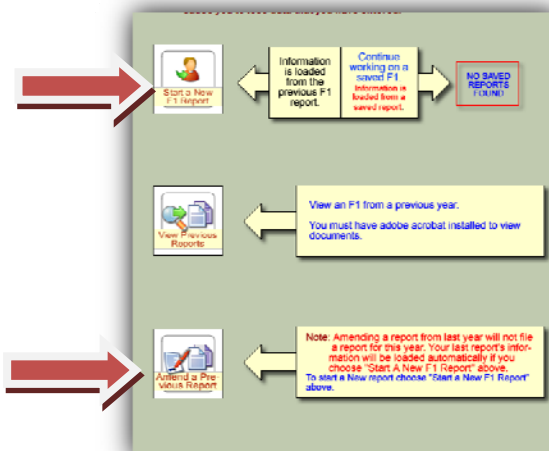
Contact Telephone: () *

Email: _____ (work) *

Email: _____ (Home) Optional

When filling out your annual Personal Financial Affairs Statement (F-1)...

Start a new f1 report to file your annual report



Only **amend** when you need to **correct** a earlier report you have already filed.

It is **NOT** necessary to include dependents that have **NO** reportable information.

DO identify your spouse or registered domestic partner. List dependent children and dependents living in your household who have reportable information.

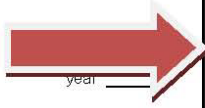
PUBLIC DISCLOSURE COMMISSION 711 CAPITOL WAY RM 206 PO BOX 40908 OLYMPIA WA 98504-0908 (360) 753-1111 TOLL FREE 1-877-601-2828		PDC FORM F-1 (1/12)	PERSONAL FINANCIAL AFFAIRS STATEMENT	P M PDC OFFICE USE O A S R T K	
Refer to instruction manual for detailed assistance and examples. Deadlines: Incumbent elected and appointed officials – by April 15. Candidates and others – within two weeks of becoming a candidate or being newly appointed to a position. SEND REPORT TO PUBLIC DISCLOSURE COMMISSION		DOLLAR CODE AMOUNT A \$1 to \$3,999 B \$4,000 to \$19,999 C \$20,000 to \$39,999 D \$40,000 to \$99,999 E \$100,000 or more	R E C E I V E D		
Last Name First Middle Initial		Names of immediate family members, including registered domestic partner. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse or registered domestic partner. See F-1 manual for details.			
Mailing Address (Use PO Box or Work Address) *					
City County Zip + 4					
Filina Status (Check only one box.)		Office Held or Sought			

Do **NOT** include account numbers or social security numbers on your F-1 or any attachments you might include. Redact this information before submitting your F-1 to the PDC.

3 ASSETS / INVESTMENTS - INTEREST / DIVIDENDS	List bank and savings accounts, insurance policies, stock, bonds and other intangible property (including but not limited to stock options) held during the reporting period.		
A. Name and address of each bank or financial institution in which you, a family member, including registered domestic partner, had an account over \$20,000 any time during the report period.	Type of Account or Description of Asset	Asset Value (Use Code)	Income Amount (Use Code)
B. Name and address of each insurance company where you, a family member, including registered domestic partner, had a policy with a cash or loan value over \$20,000 during the period.	No account #'s or Social Security Numbers		

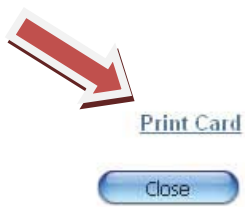
Make sure to identify the office sought county and jurisdiction number.

Filing Status (Check only one box.) <input type="checkbox"/> An elected or state appointed official filing annual report <input type="checkbox"/> Final report as an elected official. Term expired: _____ <input type="checkbox"/> Candidate running in an election: month _____ year _____ <input type="checkbox"/> Newly appointed to an elective office <input type="checkbox"/> Newly appointed to a state appointive office <input type="checkbox"/> Professional staff of the Governor's Office and the Legislature	Office Held or Sought Office title: _____ County, city, district or agency of the office, name and number: _____ Position number: _____ Term begins: _____ ends: _____
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



Remember to **PRINT, SIGN** and **SEND**

1st time E-filers will need to print and sign the signature authorization and password identification card and mail the **original** to the PDC.



SIGNATURE AUTHORIZATION AND PASSWORD IDENTIFICATION FOR ELECTRONIC FILING PERSONAL FINANCIAL AFFAIRS

4/9/2014

Please Mail in this Signature Card!

This document serves as an official signature authorization form and identification of electronic filing for the purpose of filing electronic reports for Joe Filer.

ADDRESS: 211 Filling Today Way Olympia, WA 98513
You may contact me at "iamafil@xxx.com" / "360-XXX-XXXX".

The filer's name is: "Joe Filer"

I certify that I have the authority to sign PDC reports for the above-named entity, and further certify that the information contained in the reports are true, complete and correct to the best of my knowledge. I acknowledge and agree that by signing this document, I have read WAC 390-19-010 through 050, and the Electronic Filing Instructions.

See the [2014 F-1 Personal Financial Affairs Statement instruction manual](#) for details and answers or contact one of the PDC Filer Specialists:

Chip Beatty chip.beatty@pdc.wa.gov (360) 586-0616
Jennifer Hansen Jennifer.hansen@pdc.wa.gov (360) 586-4560

All F-1 reports are public records.

F-1 Report Due Dates	
(Date by which report must be mailed or hand-carried to PDC)	
Elected officials currently in office (annual report) (Report is due even if official filed an F-1 last year as a candidate.)	Between Jan. 1 – April 15
Elected officials who left office during preceding calendar year (final report).....	Between Jan. 1 – April 15
State appointed officials (annual report).....	Between Jan. 1 – April 15
Officials appointed to fill vacancy in elected or state appointive office.....	Within two weeks of appointment
Candidates (non-incumbents).....	Within two weeks of becoming a candidate

All reports filed with the Commission are **public records**. Copies are available at cost:

Paper copies of scanned records: 15 cents per page
CD: \$1 each plus scanning fee as set out in the PDC's fee schedule.

See the PDC's fee schedule for other available formats and associated costs.

Most reports filed by candidates, political committees, and lobbyists are available for free on the Commission's website [www.pdc.wa.gov].

Send your suggestions for improving these instructions to:

Public Disclosure Commission
711 Capitol Way, Suite 206
P O Box 40908
Olympia, WA 98504-0908

Telephone: (360) 753-1111
1-877-601-2828 toll-free in Washington State

Fax: (360) 753-1112 (F-1s CANNOT be filed by fax)

E-mail: pdc@pdc.wa.gov (F-1s CANNOT be filed by e-mail)

F1 reports are public records. Do not include account numbers, date of birth, social security numbers, etc...

Instructions in this booklet are provided to assist in the preparation of reports required by chapter 42.17A RCW. Care has been taken to make these instructions accurate and concise. However, these instructions cannot be substituted for the applicable provisions of RCW 42.17A and WAC 390. The law and rules are controlling in the event of any conflict with or omission in the instructions. Copies of the law and rules are available on request.

Call the PDC office or visit our web site at www.pdc.wa.gov for additional information and blank forms.

Key Points About Reporting Your Personal Financial Affairs Statement

Forms

The Personal Financial Affairs Statement can be electronically filed over the Internet. Once in office, you may use agency equipment to file the annual F-1, since filing is a requirement for officeholders and not campaign-related.

Blank forms are available under Filer Resources >> Forms at www.pdc.wa.gov.

Postmark Date

The postmark date is considered the date filed. Therefore, persons filing their annual report may mail the properly completed and signed statement on or before April 15 and be in compliance. (Persons filing as candidate or new appointees may likewise mail their reports within two weeks of the date that triggers filing and be on time.)

Send Reports to PDC

File your personal financial affairs statement with the PDC. If you hold county or city elected office (or are a candidate for a county or city office), check with your county auditor or city clerk to see if you must file a copy of the report locally.

Reporting is an Annual Event

Persons holding state or local elected office (and “executive state officers”) must file personal financial affairs statements every year by April 15, even if they filed last year as a candidate for office, as an official holding office, or as a person who was newly appointed to office. For more details, see “When to Report” beginning on page 3.

Reports cover a Specific Period of Time

Persons newly appointed to office or filing as candidates disclose sources of income and other financial information for the previous 12 months. Persons filing their annual report (due no later than April 15) disclose financial activity for the entire preceding calendar year. See “Time Period Covered by Report – Reporting Period” beginning on page 4.

Keep a Copy for Yourself

Be sure to keep a personal copy of your report so you have it to refer to next year.

CITY ORGANIZATION

The City of Mercer Island is a non-charter, code city which operates under the Council-Manager form of government as provided in Title 35A RCW. The seven-member Council is elected by the citizens on a non-partisan basis. The Council is responsible for the adoption of policies necessary for the operation and growth of the City. The 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. He/she presides at all Council meetings and votes as a Councilmember on business before the Council. In the name of and on behalf of the City, he/she signs all legal instruments and documents to which the City is a party, unless otherwise provided. He/she has 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. He/she is appointed by, and responsible to the Council for proper administration of City affairs for an indefinite term. The Manager serves at the discretion of the Council. The appointment and removal of department managers is one of the powers given to the Manager. He/she exercises general supervision and control over all officers and employees of the City. Another important duty is the preparation of the City budget, which he/she recommends 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.

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 7:00¹ pm at the City Hall Council Chambers. 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.

¹ [Ordinance No. 20C-27](#) Amending MICC 2.06.010 to extend the temporary change to the start time of Regular Meetings of the City Council to 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

Office	Current office holder
Council Position No. 2	Salim Nice
Council Position No. 4	Lisa Anderl
Council Position No. 6	Benson Wong

Important Dates

Prospective Council Candidate Workshop	Thursday, April 15, 2021 5:00-6:30pm Zoom
Candidate Filing	Monday, May 17 through Friday, May 21
Deadline to Withdraw	Monday, May 24, 2021 at 4:30 pm
Council Candidate Orientation	Thursday, June 3 5:30-7:00 pm Zoom
Primary Election	Tuesday, August 3, 2021
General Election	Tuesday, November 2, 2021
Councilmember-Elect Orientation	December 2021
First City Council Meeting	Tuesday, January 8, 2021

Chapter 2.02

NONCHARTER CODE CITY

Sections:

2.02.010 City classification.

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 Chapter [35A.13](#) RCW, 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).

The Mercer Island City Code is current through Ordinance 21C-01, passed January 19, 2021.

Disclaimer: The City Clerk's Office has the official version of the Mercer Island City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Note: This site does not support Internet Explorer. To view this site, Code Publishing Company recommends using one of the following browsers: Google Chrome, Firefox, or Safari.

[City Website: www.mercergov.org](http://www.mercergov.org)

City Telephone: (206) 275-7600

[Code Publishing Company](#)

Chapter 2.04

CITY COUNCIL – OFFICERS

Sections:

- 2.04.010** City council positions.
- 2.04.020** *Repealed.*
- 2.04.030** Eligibility to hold elective office.

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 Chapter [35A.29](#) RCW. 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 Chapter [35A.29](#) RCW. (Ord. 442 § 3, 1978).

2.04.020 Salaries designated¹.

Repealed by [Ord. 04C-09](#).

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 Chapter [42.23](#) RCW. (Added during 1980 codification).

¹ MICC [2.04.020](#) 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](#) MICC.

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Chapter 2.06

CITY COUNCIL – MEETINGS

Sections:

2.06.010 Regular meetings – Date and time.

2.06.020 Meeting place.

2.06.030 Open public meetings.

2.06.040 Presiding member.

2.06.050 Quorum – Rules – Voting.

2.06.060 Robert’s Rules of Order.

2.06.070 Powers of council.

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 pm; except that the regular meeting start time between June 15, 2020, and December 31, 2021, shall be 5:00 pm. 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).

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 Chapter [35A.11](#) RCW, except insofar as such power and authority is vested in the city manager. (Added during 1980 codification).

The Mercer Island City Code is current through Ordinance 21C-01, passed January 19, 2021.

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[Code Publishing Company](#)

Chapter 2.08

CITY OFFICE HOURS

Sections:

- 2.08.010** **Location of City Hall.**
- 2.08.020** **Hours of business and holidays.**

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 am to 5 pm with the exception of the following legal holidays:

1. New Years' Day;
2. Martin Luther King, Jr.'s Birthday;
3. Presidents' Day;
4. Memorial Day;
5. Independence Day;
6. Labor Day;
7. Veterans' Day;
8. Thanksgiving Day;
9. Day after Thanksgiving Day;
10. Christmas Day;
11. 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. A-43 § 1, 1985; Ord. 190 § 2, 1968).

The Mercer Island City Code is current through Ordinance 21C-01, passed January 19, 2021.

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[Code Publishing Company](#)

Chapter 2.10

OFFICIAL CITY NEWSPAPER

Sections:

2.10.010 Official city newspaper.

2.10.010 Official city newspaper.

The *Mercer Island Reporter* shall be the official city newspaper. (Ord. 80 § 1, 1963).

The Mercer Island City Code is current through Ordinance 21C-01, passed January 19, 2021.

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[Code Publishing Company](#)

Chapter 2.60

CODE OF ETHICS

Sections:

- 2.60.010 Policy.**
- 2.60.020 Definitions.**
- 2.60.030 Prohibited conduct.**
- 2.60.040 Code of ethics statement.**
- 2.60.050 Ethics Officer.**
- 2.60.060 Advisory opinions.**
- 2.60.070 Complaints, investigations, hearings and enforcement.**
- 2.60.080 Limitations.**

2.60.010 Policy.

- A. *Purpose.* The purpose of the city of Mercer Island code of ethics is to strengthen the quality of government through ethical principles which shall govern the conduct of members of the city council, the city's boards and commissions, and council-appointed task groups or committees.
- B. *Intent.* The residents and businesses of Mercer Island are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. In keeping with the city of Mercer Island's commitment to excellence, the effective functioning of democratic government therefore requires that:
1. Officials comply with the laws and policies affecting the operations of government;
 2. Officials be independent, impartial and fair in their judgment and actions;
 3. Public office be used for the public good, not for personal gain; and
 4. Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.
- C. *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. (Ord. 19C-20 § 1; Ord. 18C-15 § 1).

2.60.020 Definitions.

For the purpose of this chapter:

“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. (Ord. 19C-20 § 1).

2.60.030 Prohibited conduct.

In addition to the code of ethics set forth in Chapter [42.23](#) RCW, 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 not participate in government decisions where they have a conflict of interest. A conflict of interest exists when any of the following has a financial interest that relates 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 subsection is an individual who owns one percent or more of the entity. Officials shall abstain from participating in deliberations and decision-making where conflicts of interest exist. Financial interests broadly held by Mercer Island residents shall not be deemed to be conflicts. A financial interest shall be deemed to exist when the individual or entity stands to incur material financial gain or loss as a result of a decision under consideration by the city.

B. *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.

C. *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.

D. *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 anything 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. They shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by subsection [\(D\)\(2\)](#) of this section.

2. 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; and
- 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.

3. The presumption in subsection [\(D\)\(2\)](#) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

E. *Confidential Information.* Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose. "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. (Ord. 19C-20 § 1).

2.60.040 Code of ethics statement.

- A. The city council shall adopt a code of ethics statement regarding conduct for officials. The statement shall be set by resolution by the city council, from time to time, and shall be on file with the city clerk.
- B. All officials, upon taking office or being appointed, shall sign the code of ethics statement acknowledging having read and understood the contents thereof. (Ord. 19C-20 § 1; Ord. 18C-15 § 1. Formerly 2.60.030).

2.60.050 Ethics Officer.

- A. The city council creates the position of ethics officer. The city manager will 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 necessary.

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. 19C-20 § 1).

2.60.060 Advisory opinions.

An official may request an informal opinion from the city attorney concerning the applicability of MICC [2.60.030](#), including Chapter [42.23](#) RCW, to hypothetical circumstances and/or situations solely related to the official making the request. The city attorney may, instead of providing an informal opinion, refer the official to the ethics officer for an advisory opinion as follows:

- A. The ethics officer shall render written advisory opinions concerning the applicability of MICC [2.60.030](#), including Chapter [42.23](#) RCW, to hypothetical circumstances and/or situations solely related to the official making the request. The ethics officer will 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, etc.
- B. The ethics officer will endeavor to respond to requests for advisory opinions within 45 days of submission of the request, or 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. 19C-20 § 1).

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. It must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter [9A.72](#) RCW.
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 the

allegations, if established, would violate MICC [2.60.030](#), including Chapter [42.23](#) RCW. The ethics officer's determination is final, and no reconsideration or appeal is available through the ethics officer or the city.

3. *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.

4. *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. A finding of insufficiency or dismissal of a complaint by the ethics officer is final, and no reconsideration or appeal 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. A finding of sufficiency of a complaint by the ethics officer is final and no reconsideration or appeal 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. The official complained against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

5. *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.*

1. 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 hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the hearing examiner shall issue subpoenas and subpoenas duces tecum. 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.

2. Within 30 days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, issue a final decision with findings of fact, conclusions of law, and recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the person who made the complaint and to the official complained against. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the ethics officer and city council.

C. *City Council Action.* Final city council action to decide upon the recommended stipulation from the ethics officer or findings, conclusions, and recommendations from the hearing examiner shall be by majority vote in a public meeting. However, deliberations by the city 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 will not attend or participate in any executive session and shall not vote on any matter involving themselves.

D. *Disposition.* The city council may take any of the following actions in disposition of the complaint based on the recommended stipulation from the ethics officer or findings, conclusions, and recommendations from the hearing examiner, as appropriate. The action of the city council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in subsection [E](#) of this section.

1. *Dismissal.* Dismissal of the complaint without 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 nonpublic 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, 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.

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 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. Any monetary penalty assessed civilly shall be placed in the city's general fund.

E. *Review of Civil Penalty Amount.* If the city council orders an official to pay a civil penalty, the official may seek a reconsideration from the city council of the amount assessed within 30 days of the city council's order.

F. *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.

G. *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: City shall reimburse reasonable legal fees incurred by the official, up to \$5,000, relating to or arising out of the defense of an ethics complaint that results in a dismissal of the complaint by the city council without penalties subsequent to a hearing by the hearing examiner. (Ord. 19C-20 § 1).

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 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. 19C-20 § 1).

The Mercer Island City Code is current through Ordinance 21C-01, passed January 19, 2021.

Disclaimer: The City Clerk's Office has the official version of the Mercer Island City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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[City Website: www.mercergov.org](http://www.mercergov.org)

City Telephone: (206) 275-7600

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So you want to be an elected official...

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



Item 10.

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.

Item 10.

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.

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
Total	227	54	281

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

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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

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DISCLAIMER

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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2601 4th Avenue, Suite 800
Seattle, WA 98121-1280
(206) 625-1300
(800) 933-6772
www.MRSC.org

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.

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

CITIES AND TOWNS²

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 elector³ of such county, district, precinct, or municipality in which the office sought is located.⁴ 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.

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

²This 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.

³An 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.

⁴RCW 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.⁵

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.⁶

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.⁷ MRSC takes the position that the one-year period ends on Election Day and begins one year prior to that date.⁸

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.⁹ Several county offices, however, do

⁵RCW 35.27.080.

⁶RCW 35.23.031.

⁷RCW 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.

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

⁹A 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.¹⁰ 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.¹¹

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.¹² For Irrigation Districts, there is an additional requirement of land ownership.¹³

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,¹⁴ 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.

¹⁰RCW 36.27.010.

¹¹RCW 36.28.025.

¹²See, 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.

¹³See RCW 87.03.045-.051.

¹⁴Such as a charter review board member or freeholder.

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.

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).

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

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 supervision¹⁵ 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)),¹⁶ 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.¹⁷ Some officers may be little

¹⁵ 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).

¹⁶ 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.

¹⁷ 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

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.¹⁸ 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.¹⁹ 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.

(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.

¹⁸ RCW 42.23.050.

¹⁹ See, e.g., Marysville Municipal Code Ch. 2.80 and Whatcom County Code Ch. 2.104.

The reason for concern regarding the state conflict laws is the potential penalty for violations.

FELONY CONVICTIONS

The state constitution prevents individuals from holding public office in the event they are convicted of any felony.²⁰ 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.²¹ Once restored, an individual is once again eligible to run for and hold elective office.

²⁰As discussed later, a person elected to office will forfeit it upon conviction of a felony. RCW 42.12.010(5).

²¹RCW 29A.08.520.

Election Schedules

Elections for city, town and most special district offices are held in odd-numbered years.²² Elections for county offices are generally held in even-numbered years.²³ 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.²⁴

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 filer, 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 electronically²⁵ or

by mail,²⁶ 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.²⁷ 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.”**²⁸

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.”**²⁹

To withdraw, the candidate simply files a signed request that his or her name not be printed on the ballot.³⁰ 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-

²²RCW 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.

²³RCW 29A.04.321.

²⁴*Id.*

²⁵RCW 29A.24.040.

²⁶RCW 29A.24.081.

²⁷RCW 29A.24.031.

²⁸RCW 29A.24.050.

²⁹RCW 29A.24.131.

³⁰*Id.*

office, except for the short term,³¹ 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.)³² In such instances, a special three-day filing period is set.³³ 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**.³⁴ 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.³⁵ 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.³⁶

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.³⁷

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**³⁸

Election Date and Results

The **primary election** is held on the **first Tuesday of August** preceding the general election.³⁹

Results of the primary election are to be certified by the county canvassing board **14 days after the election**.⁴⁰ The **following day**, the Secretary of State must **certify to the county auditor the names of all persons nominated for office at the primary**.⁴¹

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**.⁴² No election is held and the incumbent continues in office until a successor is

³¹A “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.

³²RCW 29A.24.141.

³³RCW 29A.24.171.

³⁴RCW 29A.24.181

³⁵RCW 29A.24.171

³⁶RCW 29A.24.181.

³⁷RCW 29A.40.070.

³⁸RCW 29A.24.311.

³⁹RCW 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.

⁴⁰RCW 29A.60.190(1).

⁴¹RCW 29A.52.321.

⁴²RCW 29A.24.191.

elected at the next election when officers are elected to full terms.⁴³ 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**.⁴⁴ **Results** are to be certified by county canvassing board **within 21 days of the general election**⁴⁵ and by the Secretary of State **no later than 30 days following the election**.⁴⁶

⁴³RCW 29A.24.201.

⁴⁴RCW 29A.04.321.

⁴⁵RCW 29A.60.190(1).

⁴⁶RCW 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,⁴⁷ or by mail.⁴⁸ 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.⁴⁹ 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.⁵⁰ 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.⁵¹ 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).⁵² A petition may be rejected if

⁴⁷RCW 29A.24.040.

⁴⁸RCW 29A.24.081.

⁴⁹RCW 29A.24.031.

⁵⁰RCW 29A.24.031 and RCW 29A.24.091; candidates for Irrigation District Commissioner file with the secretary of the district. RCW 87.03.075.

⁵¹RCW 29A.24.091.

⁵²*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.⁵³

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.⁵⁴ 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.⁵⁵ 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.⁵⁶

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."⁵⁷ 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.⁵⁸ 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.⁵⁹ After notification of the candidates, their names will be listed as nominees on the general election ballot.⁶⁰

Election to office starts by filing a declaration of candidacy with the filing officer, which is usually the county auditor or elections office.

Irrigation Districts. Candidates for Director file petitions for nomination or declaration of candidacy.

⁵³RCW 29A.24.111.

⁵⁴RCW 29A.24.141. See, also, RCW 57.12.035 as to Water-Sewer Districts.

⁵⁵RCW 29A.24.171.

⁵⁶RCW 29A.24.181.

⁵⁷RCW 29A.24.191 and RCW 29A.24.201.

⁵⁸RCW 29A.24.201.

⁵⁹RCW 29A.52.220.

⁶⁰*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.⁶¹ 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.⁶² 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.⁶³ 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.⁶⁴

special three-day filing period.⁶⁶ The filing fee is not refunded to a candidate who withdraws.⁶⁷

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.⁶⁵ There is no withdrawal period for candidates who file during the reopened

⁶¹RCW 29A.24.075.

⁶²RCW 29A.24.181

⁶³Id.

⁶⁴RCW 29A.24.201.

⁶⁵RCW 29A.24.131.

⁶⁶Id.

⁶⁷Id.

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?

The courts, and only the courts, have the power and authority to determine who may be a candidate for public office.

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 elector⁶⁸ 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 sought⁶⁹. 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

⁶⁸An 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.

⁶⁹See also footnote 67. RCW 29A.68.011

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.⁷⁰ 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.⁷¹ Once an affidavit is filed, it must be heard and finally disposed of by the court within five days.⁷² The courts, and only the courts, have the power and authority to determine who may be a candidate for public office.⁷³

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.⁷⁴

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.

⁷⁰*State ex rel. Mills v. Howell*, 93 Wash. 257, 261 (1916).

⁷¹*State ex rel. Pennick v. Hall*, 26 Wn.2d 172, 175 (1946).

⁷²RCW 29A.68.011.

⁷³*State ex rel. Anderson v. Chapman*, 86 Wn. 2d 189, 193 (1975).

⁷⁴See 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.⁷⁵

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*.

⁷⁵RCW 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).⁷⁶ (The requirement to file a financial affairs statement also applies to persons appointed to fill a vacancy in an elective office.)⁷⁷ 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.⁷⁸ 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.⁷⁹ The requirement for financial disclosure likewise does not apply to persons seeking election to the position of precinct committee officer.⁸⁰ 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.⁸¹ 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.⁸²

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.⁸³ 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.⁸⁴

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.⁸⁵

⁷⁶RCW 42.17A.700(2).

⁷⁷RCW 42.17A.700(2). The form must be filed with the Public Disclosure Commission within two weeks of the person's appointment.

⁷⁸RCW 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.

⁷⁹RCW 42.17A.135(1)(a).

⁸⁰RCW 42.17A.700(9).

⁸¹RCW 42.17A.210.

⁸²RCW 42.17A.200.

⁸³RCW 42.17A.235. Reporting is provided on form C-3 (information regarding contributions) and C-4 (report of contributions and expenditures).

⁸⁴WAC 390-16-105 and RCW 42.17A.110(8).

⁸⁵RCW 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.

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.⁸⁶

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

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

⁸⁶“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.⁸⁷ (Footnotes omitted; emphasis in original)

Campaign signs are a form of political expression, protected by the First Amendment of the U.S. Constitution.

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

⁸⁷Memorandum 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.⁸⁸ 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 Commission⁸⁹ 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.⁹⁰ 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).

⁸⁸RCW 42.17A.750.

⁸⁹The Public Disclosure Commission staff (360-753-1111) will provide informal opinions on whether a proposed activity is in violation of RCW 42.17A.555.

⁹⁰See, 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.⁹¹ 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.⁹² 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.⁹³ Improper removal or defacement is a misdemeanor.⁹⁴

⁹¹*Id.*

⁹²*Collier*, 121 Wn.2d at 756.

⁹³RCW 29A.84.040.

⁹⁴*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).⁹⁵ 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.⁹⁶ 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.⁹⁷ If the recount is mandatory, there is no cost to either candidate.⁹⁸

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.⁹⁹ 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.¹⁰⁰

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.¹⁰¹

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.¹⁰² When the recount is complete, the canvassing board prepares and certifies an amended abstract.¹⁰³ 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.¹⁰⁴

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

⁹⁵RCW 29A.60.190(1).

⁹⁶RCW 29A.64.021(1).

⁹⁷RCW 29A.64.021(1)(b)(ii).

⁹⁸RCW 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).

⁹⁹RCW 29A.64.011.

¹⁰⁰*Id.*

¹⁰¹RCW 29A.64.030.

¹⁰²RCW 29A.64.030 and RCW 29A.64.041.

¹⁰³RCW 29A.64.061.

¹⁰⁴RCW 29A.64.081.

a coin flip, administered by the canvassing board.¹⁰⁵

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.¹⁰⁶ The abstract, along with a certification report, is provided to the secretary of state,¹⁰⁷ and the auditor notifies the winning candidate of the election results and issues him or her a certificate of election.¹⁰⁸

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 affidavit¹⁰⁹ is filed by an elector.¹¹⁰ 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.¹¹¹ 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.¹¹²

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.¹¹³

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.¹¹⁴ 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.¹¹⁵

¹⁰⁵RCW 29A.60.221.

¹⁰⁶RCW 29A.60.230.

¹⁰⁷RCW 29A.60.230 and RCW 29A.60.235.

¹⁰⁸RCW 29A.52.360.

¹⁰⁹See RCW 29A.68.030 for content of affidavit.

¹¹⁰RCW 29A.68.011.

¹¹¹RCW 29A.68.011.

¹¹²RCW 29A.68.011.

¹¹³RCW 29A.68.020.

¹¹⁴RCW 29A.68.040.

¹¹⁵RCW 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.¹¹⁶ 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.¹¹⁷

A BOND HAS BEEN POSTED

Official bonds, conditioned upon the faithful performance of the duties of office, may be required for some elective offices.¹¹⁸ 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).¹¹⁹

¹¹⁶See, 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.

¹¹⁷RCW 29A.04.133.

¹¹⁸See 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.

¹¹⁹AGLO 1980 No. 2.

OATH OF OFFICE

The last step in qualifying is the taking of an oath.¹²⁰

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.¹²¹

Failure to execute a bond
prevents the person
elected from assuming
office.

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.¹²² **When a person is elected to a short term, he or**

¹²⁰RCW 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.

¹²¹RCW 29A.60.280.

¹²²RCW 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.¹²³

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;¹²⁴ 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 public¹²⁵ or other officer authorized to administer oaths,¹²⁶ 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 clerk¹²⁷ – 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.¹²⁸ 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.

¹²³RCW 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.

¹²⁴Article 2, section 15 of the Washington State Constitution.

¹²⁵RCW 5.28.010; RCW 42.45.020(1); and RCW 42.45.080

¹²⁶RCW 29A.04.133(4).

¹²⁷See also RCW 3.54.020(4) and RCW 35.20.210.

¹²⁸RCW 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.¹²⁹

¹²⁹RCW 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 statute¹³⁰ 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***,¹³¹ 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

¹³⁰RCW 42.12.010.

¹³¹109 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.¹³²

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.¹³³ 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.

Residency requires a
person's bodily presence
in a place and his or her
intention to make that
place home.

¹³²See 77 *Corpus Juris Secundum* "Residence" at p. 295. See, also, *In re Lassin's Estate*, 33 Wn.2d 163, 165-166, 204 P.2d 1071 (1949) (residence in fact coupled with purpose to make the place a residence).

¹³³RCW 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.¹³⁴ 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.¹³⁵ 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.¹³⁶

The charge must be stated "in concise language" that gives a detailed descrip-

¹³⁴Wash. Const., Art. I, Sections 33-34, amended by Amend. 8; RCW 29A.56.110.

¹³⁵RCW 29A.56.110.

¹³⁶RCW 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.¹³⁷

2. The petition is filed with the county auditor,¹³⁸ 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.¹³⁹
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).¹⁴⁰

¹³⁷RCW 29A.56.110.

¹³⁸RCW 29A.56.120. (The county auditor is the elections officer for declarations of candidacy for city and county offices.)

¹³⁹RCW 29A.56.130. If the recall effort is against the prosecuting attorney, the attorney general prepares the ballot synopsis.

¹⁴⁰RCW 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;¹⁴¹ 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.¹⁴²
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.¹⁴³ 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.

¹⁴¹See RCW 29A.56.140 and 29A.56.270.

¹⁴²RCW 29A.56.120.

¹⁴³RCW 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.¹⁴⁴
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.¹⁴⁵
 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.¹⁴⁶
 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.¹⁴⁷

¹⁴⁴RCW 29A.56.180.

¹⁴⁵RCW 29A.56.210.

¹⁴⁶RCW 29A.56.220.

¹⁴⁷RCW 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:¹⁴⁸

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.¹⁴⁹

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.¹⁵⁰

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

¹⁴⁸ 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).

¹⁴⁹ 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).

¹⁵⁰ AGLO 1980 No. 2.

until the next election at which the position is voted upon occurs.¹⁵¹

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.¹⁵² (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.¹⁵³ 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.)

¹⁵¹ RCW 29A.24.201.

¹⁵² RCW 42.12.010, 42.12.040, and 42.12.070.

¹⁵³ 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.¹⁵⁴ The governing body may review qualifications in a closed, executive session, but the appointment itself must be made during an open meeting.¹⁵⁵

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.¹⁵⁶ 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.¹⁵⁷ 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.¹⁵⁸

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.¹⁵⁹ 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.¹⁶⁰

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.¹⁶¹

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.

¹⁵⁴RCW 42.30.110(1)(h).

¹⁵⁵RCW 42.30.110(1)(h).

¹⁵⁶RCW 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.

¹⁵⁷RCW 42.12.070(2).

¹⁵⁸RCW 42.12.070(3).

¹⁵⁹RCW 42.12.070(4).

¹⁶⁰RCW 42.12.070(5).

¹⁶¹RCW 29A.24.171.

Partisan Offices

Partisan elective offices, which all occur in county government, are filled by appointment by the county legislative authority.¹⁶² 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.¹⁶³ 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.¹⁶⁴ 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.¹⁶⁵

The person appointed serves until the next election at which the office appears on the ballot.¹⁶⁶

¹⁶²If 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).

¹⁶³Article II, section 15 of the Washington State Constitution.

¹⁶⁴*Id.*

¹⁶⁵Article II, section 15 of the Washington State Constitution.

¹⁶⁶*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,¹⁶⁷ 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,

¹⁶⁷RCW 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.¹⁶⁸ 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.¹⁶⁹ Similar provision is made for Metropolitan Park Commissioners, Fire District Board members, Port District Commissioners, and Public Hospital District Commissioners, among others.¹⁷⁰ 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.¹⁷¹

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?

¹⁶⁸RCW 57.12.010.

¹⁶⁹WSR 08-11-088, filed May 18, 2018. A new calculation should be made in 2023, which will remain in effect until 2028.

¹⁷⁰*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).

¹⁷¹RCW 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.¹⁷² 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.¹⁷³ 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;¹⁷⁴ otherwise, the mayor’s salary may be increased during his or her term of office.

¹⁷²See 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).

¹⁷³In 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.

¹⁷⁴See, e.g., RCW 35A.12.070.

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.

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.¹⁷⁵ 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

¹⁷⁵RCW 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.¹⁷⁶ 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.¹⁷⁷

¹⁷⁶*State ex rel Wyrick v. City of Ritzville*, 16 Wn.2d 36 (1942); AGO 1999 No. 1.

¹⁷⁷Article 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.

If a person seeks an
elected office, he or she
needs time, lots of it.

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.

An elected official must be an active listener.

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.

-  1.800.933.6772
-  MRSC@MRSC.org
-  MRSC.org
-  facebook.com/MRSCWA
-  @MRSC_WA
-  2601 Fourth Avenue, Suite 800
Seattle, WA 98121-1280

