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KRISTON CHAPMAN
COUNTY CLERK
COLUMBIA CO. WA

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF COLUMBIA

NEIGHBORS UNITED FOR PROGRESS, a
Washington political committee; ELISE
SEVERE, an Individual; GERALD KAISER,
an Individual;

Plaintiffs,

v.

JESSICA RUFFCORN, an Individual;
COLUMBIA COUNTY, WASHINGTON;
COLUMBIA COUNTY AUDITOR'S
OFFICE; COLUMBIA COUNTY AUDITOR,
WILL HUTCHENS, an Individual in his
Official Capacity; COLUMBIA COUNTY
DIRECTOR OF ELECTIONS, CATHY
ABEL, an Individual in her Official Capacity;

Defendants.

23 2 00034 7

CAUSE NO. 23-__-_____-7

COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF

***"If you're afraid that books might change someone's thinking, you're not afraid of books,
you're afraid of thinking."***

This suit is based in fundamental legal principles: *The Constitution is the supreme law of
the land. There is no taxation without representation. And the court cannot countenance fraud.*

The Court will disclaim each of these tenets unless it enjoins Defendants from placing a
proposition dissolving Columbia County's Rural Library District—Proposition 2—on the
November 2023 ballot. Proposition 2 is invalid because it disenfranchises constitutionally
qualified electors, exceeds the Unincorporated County's initiative power, and is plagued by fraud.

COMPLAINT

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Comes now the Plaintiffs, and by way of complaint, allege as follows:

I. NATURE OF ACTION

1.1 Plaintiffs Neighbors United for Progress (“Neighbors United”) and its individual members, Elise Severe and Gerald Kaiser, (Neighbors United and individual plaintiffs collectively referred to herein as the “Neighbors”) bring this action for declaratory and injunctive relief against Defendants Jessica Ruffcorn, an Individual; Columbia County; the Columbia County Auditor’s Office; Columbia County Auditor, Mr. Will Hutchens, in his official capacity; and Columbia County Director of Elections, Ms. Cathy Abel, in her official capacity (collectively “Defendants”).

1.2 Neighbors allege that Columbia County ballot Proposition 2—a measure dissolving the Columbia County Rural Library District (the “District”), in the upcoming November 7, 2023, election (“Proposition 2”) is constitutionally infirm; plagued by procedural failures that render it unlawful and invalid; and was put on the ballot through fraud, which the Court cannot abide.

1.3 Neighbors seek declaratory judgment that Proposition 2 is:

1.3.1 Outside the scope of Unincorporated Columbia County’s initiative power;

1.3.2 Invalid because it conflicts with the State and Federal Constitutions;

1.3.3 Unconstitutional because the statutory procedure, as applied, disenfranchises constitutionally qualified voters; and

1.3.4 Invalid because its sponsors induced petition signatures through fraud.

1.4 Neighbors also seek an injunctive order prohibiting the measure from appearing on the November 2023 ballot. And Neighbors move the Court to order an award of fees under the Court’s equitable and legal authority under the Uniform Declaratory Judgments Act (“UDJA”) RCW 7.24.100 for the costs associated with stopping this unconstitutional and fraudulent initiative.

II. JURISDICTION AND VENUE

2.1 The Superior Court of Washington, Columbia County has jurisdiction over Plaintiffs’ claims pursuant to RCW 2.08.010, RCW 7.24.010, and RCW 7.24.100.

2.2 Venue in Columbia County is appropriate pursuant to RCW 4.12.020.

1 2.3 This Court has jurisdiction over this controversy pursuant to RCW 7.24.010
2 because Plaintiffs seek a declaratory judgment that Proposition 2 is invalid under the laws of the
3 State of Washington, the State Constitution, and the Federal Constitution. This Court also has
4 authority under RCW 7.24.190 and RCW 7.24.010 to issue a prohibitory injunction preventing
5 Proposition 2 from appearing on the November 2023 ballot. And this Court has authority under
6 RCW 7.24.100 to award costs.

7 **III. PARTIES**

8 3.1 Neighbors United is a Washington political committee whose primary address is in
9 Columbia County, Washington and whose mission is to serve the Columbia County community.
10 Neighbor United's membership includes taxpaying voters in the City of Dayton, Washington (the
11 "City" and "Dayton") and in the unincorporated areas of Columbia County (the "Unincorporated
12 County"). Neighbors is a community of citizens from across the political spectrum united to move
13 Columbia County forward with responsible tax and spending decisions, good governance, well-
14 maintained essential and social services, and improved education. Neighbors' interests and the
15 interests of the community it serves will be adversely affected by placing Proposition 2 on the
16 ballot, by allowing it to be voted upon, and by the resultant District dissolution.

17 3.2 Validation of the initiative and inclusion on the ballot will unconstitutionally
18 disenfranchise Dayton city resident members who were not petitioned before placing the initiative
19 on the ballot; unconstitutionally disenfranchise Dayton residents who will not be allowed to vote
20 on the Proposition despite being constitutionally qualified voters; unconstitutionally disenfranchise
21 Unincorporated County residents by placing the proposition on the ballot without following proper
22 statutory procedures; harm the City by improperly permitting a ballot initiative that conflicts with
23 the use and enjoyment of continuing library services; and disenfranchise all voters through fraud
24 in violation of Washington law. Moreover, if Proposition 2 passes, the measure would appropriate
25 member tax dollars and transfer the library's collection, and other assets, to the State. Most
26 importantly, it would remove a critical taxpayer-funded service in the County without a vote by all
27 County taxpayers.

1 3.3 Jessica Ruffcorn is a city of Dayton (*not* Unincorporated County) resident, who has
2 campaigned to dissolve the District, close the only public library in Columbia County, and harass
3 the Library Director into leaving his job. Defendant Ruffcorn, on information and belief, plans to
4 close this vital resource, squander millions in County tax dollars, censor the community, and then
5 move with her family to Texas.

6 3.4 Mr. Will Hutchens is the Columbia County Auditor (the “Auditor”). The Auditor is
7 an Office of Columbia County’s government responsible for administering accurate, fair,
8 transparent, and impartial elections. The Auditor is the ex-officio supervisor of elections in
9 Columbia County serving all of the County’s 2,738 registered voters. Neighbors name the Auditor
10 as Defendant because an injunction preventing the unlawful proposition on the ballot will require
11 the Auditor’s action. Neighbors name Defendant Hutchens in his official capacity only.

12 3.5 Ms. Cathy Abel is the Auditor’s Chief Operations Deputy and the County’s
13 Elections Supervisor. Neighbors name Defendant Abel in her official capacity only. Neighbors
14 name the Elections Supervisor as Defendant because an injunction preventing the unlawful
15 proposition/initiative on the ballot will require the Supervisor’s action.

16 3.6 The District is a Rural Library District established pursuant to RCW 27.12, which
17 is governed by a District Board of five Board members (the “Library Board”). The Unincorporated
18 County established the Library District by a vote at the general election of 2005. In 2009, also by
19 ballot initiative under RCW 27.12, the boundaries of the District changed to include Dayton. This
20 annexation was a condition precedent to a contract between the City and the District, which
21 transferred ownership of the Dayton Memorial Library building and other assets to the District.
22 Before adoption, the board of trustees of the District were permitted to decide the issue of City
23 annexation by vote of the Library Board, and the Board concurred with the request for the City to
24 annex into the District; thus expanding the District’s boundaries.

25 3.7 Mr. Gerald Kaiser is a Neighbors United Committee Member, and a resident of the
26 City, whose right to vote on Proposition 2 is being denied because the measure will not be
27 included on City resident ballots, whose political speech is unconstitutionally limited through
28 nonparticipation in this Proposition, and whose tax dollars would be misappropriated through

1 closure of the Library and disbursement of the majority of its collection to the State Librarian. Mr.
2 Kaiser is named as an individual Plaintiff to comply with standing requirements and effectively
3 enforce City resident rights.

4 3.8 Ms. Elise Severe is Neighbors United's Committee Chair, and a resident of the
5 Unincorporated County, whose interests would be harmed if the Measure were included without
6 following proper procedures, if the District is dissolved contrary to the operative Annexation
7 Agreement (contract) between the City and the District, and if signatures were elicited through
8 fraud. Ms. Severe is named as an individual Plaintiff to comply with standing requirements and
9 effectively enforce Unincorporated County resident rights.

10 IV. FACTUAL ALLEGATIONS

11 4.1 A Rural Library District might conjure images of a makeshift space in the
12 countryside with scant resources and a tiny collection. A quaint convenience, but something so
13 insignificant that it would almost not be missed. This District's Library is so much more; and it sits
14 at the center of this vibrant community.

15 4.2 The Library occupies a two-story historic building brimming with books. Located
16 at 111 South 3rd Street, in the center of town just off Main Stret, it has an attached meeting space
17 for community organizations and events. The Library regularly hosts children's story times, make-
18 and-take crafting sessions, reading garden picnics, and free produce through its community
19 garden. All of this, of course, is in addition to the invaluable educational, job, religious, and life
20 resources of a public library. It is the only public library in Columbia County.

21 4.3 On any given afternoon you can see children lined up at the main circulation desk,
22 beaming with pride, waiting to report their reading accomplishments to the librarian and to cash in
23 their reading "Bingo" cards for candy and prizes. The Library fosters a love for books and learning
24 in Columbia County. For many long-time Dayton residents, the Library was the key reason they
25 were able to get a college education, because it was the only place with application materials,
26 financial resource information, or computers. It is the only place where disadvantaged kids can
27 possibly keep up with their classmates.

1 4.4 The Library houses a relatively large collection of books, other media, and digital
2 resources on two floors of the historic Dayton Memorial Library building.

3 4.5 Throughout 2022 and 2023, a local group raised objections to at least 11 books.
4 They claimed these books were shelved in the Children's Section of the Library.

5 4.6 **But this was never true.**

6 4.7 Many of the books were, instead, shelved in a young adult non-fiction section
7 alongside the parenting section of the library. They were merely on the same floor—although the
8 opposite end—as the Children's Section. The books were included among books for first-time
9 parents, explainers on the Free Application for Federal Student Aid (FAFSA), and guides to
10 securing your first home mortgage. Young children were about as likely to stray from the
11 cartoonish displays of the Children's Section to the other side of the library to read *What's the T?*
12 or *This Book is Anti-Racist* as they were to brush up on locking in a favorable mortgage rate.

13 4.8 In fact, the closest any of these controversial books ever came to the Children's
14 Section was when a member of the Columbia County Conservatives (the "CCC") moved a book to
15 a table near the Children's Section for a photo to post on social media.

16 4.9 But the truth never mattered to Defendant Ruffcorn and her collaborators.

17 4.10 For instance, in an August 18, 2022, public Facebook post to the group Dayton
18 Washington Speak Freely, Paula Murdock—who on information and belief is the wife of CCC
19 President Seth Murdock—posted a misleading photo claiming the books were in the "children's
20 library," but this was not the case. Clearly visible in the photo is a library employee working on a
21 computer. And there are no computers in the children's section.

22 4.11 Jessica Ruffcorn, and the CCC who support her, seek to join an inglorious history
23 of book bans and library closures not because they are afraid of books, but because they cannot
24 stomach independent thought.

25 4.12 Ms. Ruffcorn styles herself in the image of Moms for Liberty—members of which
26 have been indicted for terrorism-related charges and regularly spread disinformation about school
27
28

1 shooting tragedies, like Uvalde. The group is listed by the Southern Poverty Law Center as an
2 extremist group.¹

3 4.13 Backed by the CCC, Ms. Ruffcorn has been the “local” face of the Library
4 dissolution effort, but her tactics and talking points are unoriginal. Defendant Ruffcorn seeks to
5 dissolve the Rural Library District simply because the only public library in this region does not
6 align with her extreme views. On information and belief (and even more hypocritical) Ms.
7 Ruffcorn seeks to dissolve this critical resource just before she and her family decamp for Texas,
8 leaving Columbia County to pick up the pieces, and leaving County children without a vital
9 resource.

10 4.14 But it’s useful here to back up and start from the beginning of the Library and the
11 instant controversy.

12 4.15 The Dayton Memorial Library opened in 1937 under City ownership, and the City
13 was the exclusive funder until 2009.

14 4.16 In 2005, the “Columbia County Rural Library District” became the newest library
15 district in Washington in 2005 when it was formed under the Unincorporated County pursuant to
16 RCW 27.12. At the time, the City maintained its own separate library in the historic Dayton
17 Memorial Library building. City residents sought to consolidate and share resources, including tax
18 dollars to provide a singular, robust public library for the entire county.

19 4.17 In 2009, City voters roundly supported a measure on annexation. After the vote,
20 the Library Board decided whether or not to expand the District to include the City. They did. And
21 this vote meant that the historic building passed to District ownership, the city’s collection was
22 shared, and that—going forward—City resident tax dollars would support the District and
23 purchase its books. The Library, as it exists today, would simply not exist without the City.

24 4.18 The 2009 annexation followed a provisional annexation agreement between the
25 City and the District, signed on February 9, 2009 (the “Annexation Agreement”). That agreement
26
27

28 ¹ <https://www.splcenter.org/fighting-hate/extremist-files/group/moms-liberty>

1 is attached as *Exhibit 1*, and fully incorporated by reference here. The Annexation Agreement
2 became effective when the annexation vote passed in the special election of August 2009.

3 4.19 The Annexation Agreement defines its purpose and terms as follows:

- 4 1. *Purpose. The purpose of this agreement is to ensure the continued operation of*
5 *a library facility and Delany Building in the City of Dayton for the benefit of*
6 *residents of Columbia County and the City of Dayton.*
7 2. *Terms. The issue of whether the City shall annex to the District will be put to a*
8 *vote on the 18th day of August, 2009, pursuant to RCW 27.12.370. If the*
9 *annexation is approved, then this Agreement shall become effective on the date*
10 *Columbia County election officials certify the election and grant taxing*
11 *authority to the District for the City and shall continue thereafter until such*
12 *annexation is withdrawn, if ever, by the City's withdrawal from the District*
13 *pursuant to RCW 27.12.380.*

14 (emphasis added).

15 4.20 The Annexation Agreement also notes that the City and the District entered into an
16 Interlocal Agreement for the management and operation of the Dayton Memorial Library on May
17 29, 2007 to provide continuing library services to the residents of the City of Dayton. And the
18 agreement notes that the City manages trust funds created for the purpose of supporting public
19 Library Services in the City.

20 4.21 Moreover, the Annexation Agreement transferred all of the City's right, title and
21 interest to the Dayton Memorial Library, Delany Building, and real property on which the
22 buildings stand, along with the collection, furnishings, fixtures and equipment to the District solely
23 for the purposes of providing library services to City and Unincorporated County residents.

24 4.22 Section 2.2.2 of the Annexation Agreement requires the District to indemnify the
25 City for reasonable costs and attorneys fees in the performance of all activities pursuant to the
26 Annexation Agreement, "no matter how, or to whom, such loss may occur."

27 4.23 Section 2.2.3 requires the District to maintain liability insurance coverage for its
28 activities under this Annexation Agreement in an amount not less than one million dollars.

4.24 The original February 9, 2009, agreement also included a provision for the City to
manage and invest the principles of the Trusts that benefited the City library. The City would turn

1 the interest income over every year to the District. But the process was a hassle and drag on
2 Library operations.

3 4.25 An Amended Agreement of Annexation was signed on September 12, 2018,
4 between the City and the District. The amended agreement is incorporated by reference here and
5 attached as *Exhibit 2*. This Amended Agreement modified terms of the annexation to permit the
6 District to manage the principle of trust funds benefiting the Dayton Memorial Library so that the
7 District could receive the funds directly.

8 4.26 Once it is annexed into the library district, a city surrenders an amount of its levy
9 capacity equal to that imposed by the district for library services. RCW 27.12.390. Thus, once
10 annexed to a library district, a city's levy capacity is diminished in the amount necessary to
11 establish and maintain a library.

12 4.27 Today, approximately one-quarter of the Library's funds come from City tax
13 dollars. Additionally, millions in City resources have supported the Library over time, including
14 the real property and the trusts, which pay directly to the District.

15 4.28 The library falls under the State Librarian and, if the library is dissolved under
16 RCW 27.12.320, the statute indicates that "...the books and other printed matter belonging to it
17 shall go to the state library." Furthermore, the statute calls for "[a]ll other property [to] be disposed
18 of as the legislative body of the governmental unit shall direct."

19 4.29 The Annexation Agreement, at paragraph 2.4, provides that if the District dissolves
20 pursuant to RCW 27.12.320, the Dayton Memorial Library building and the real property the
21 building is on; the pre-annexation collection, all fixtures, and all equipment, as well as all future
22 Hedwig Davis, Peabody Endowment, and Delany Trust income would return to the City at no
23 cost, so the City could resume providing Library Services to City residents.

24 4.30 Moving to the present controversy.

25 4.31 In June 2022, the Library's theme was "Pride Month," in keeping with the 1999
26 federal declaration recognizing the anniversary of Stonewall, with a gay and lesbian pride month;
27 President Trump's recognition of the holiday in May 2019; and President Biden's proclamation
28 continuing Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Pride Month.

1 4.32 By August 2022, a group of online miscreants, including Defendant Ruffcorn and
2 CCC members began an online misinformation campaign mostly on Facebook.

3 4.33 The group posted pictures of books they claimed included “sexually explicit
4 content and images,” including What’s the T? and This Book is Gay, along with nine other titles.

5 4.34 Defendant Ruffcorn and her group claimed the books were shelved in the Library’s
6 children section in their ostensible campaign to “protect [their] children’s innocence.”

7 4.35 Again, this was never the case. It’s worth emphasizing that this foundational claim,
8 about needing to move the books from the children’s section, was a false flag. The books were
9 categorized according to a traditional library numbering scheme which parses genre and category.
10 They were included in a young adult non-fiction section alongside self-help titles for parents and
11 college students. They were targeted at young adults from 18-35 years of age. The books were
12 merely on the same floor of the library as children’s titles.

13 4.36 In a similar timeframe, Defendants Ruffcorn and the CCC circulated lists on
14 Facebook with 100+ titles that should be banned; but, not only were there never official requests to
15 do so, it’s not clear that those 100+ books were in the library collection in the first place. Again,
16 Defendant Ruffcorn and the CCC were merely parroting a Florida-based extremist group, not
17 raising personal objections.

18 4.37 CCC founder, Chuck Amerein, and CCC donor and Dayton City Councilmember,
19 Laura Aukerman, demanded a number of books be removed from the library collection in an
20 August 2022 public meeting, according to contemporaneous press reports.

21 4.38 In September 2022, 11 books were officially challenged through the Library Board
22 process. All the books dealt with either LGBTQ issues, consent, or anti-racism themes. The
23 Library Board repeatedly rejected these challenges, and the Library Director, Todd Vandembark,
24 refused to move the titles.

25 4.39 Throughout the period, Defendants Ruffcorn and the CCC began an online
26 campaign to cow the Library Board and its Director. They maliciously pursued a slanderous
27 campaign to discredit Mr. Vandembark and spread misinformation about the Library and its board.
28

1 4.40 They made multiple *per se* defamatory statements online. The tortious statements
2 included referring to Mr. Vandembark as a “pedophile” and accusing the Library of “grooming”
3 (manipulating, training and exploiting children for sexual abuse). There is no evidence to suggest
4 that Mr. Vandembark nor any of the Library Board members was ever more than a dedicated
5 public servant trying to keep this vital library resource alive and relevant.

6 4.41 For instance, Jessica Ruffcorn stated in a public Facebook post to Karen Paolino,
7 “I got laid into by someone saying ‘Jessica calling a library professional a pedophile is insulting to
8 their profession’...3 opportunities to protect our childrens [sic] youth and innocence and he
9 messed up. He is a pedophile. No other word for it. And any person that tries to defend this should
10 never be round children.” Not only is this claim false, without evidence, and *per se* defamation for
11 which Ms. Ruffcorn should be responsible for extensive compensatory and punitive damages, but
12 it demonstrates that Defendant Ruffcorn has never been concerned with facts. She simply wants to
13 foist her beliefs on others.

14 4.42 In another example, on September 4, 2022, CCC Treasurer, Melissa Bryan—Port
15 Commissioner and CCC member, Seth Bryan’s wife—wrote a comment to the Columbia County
16 Rural Library District page stating, “And SEXUAL GROOMING is what your staff choose to
17 supply to our beloved children! Let’s not forget that!”

18 4.43 For his part, Port Commissioner Bryan suggested in a public Facebook post that
19 supporters of the District and its Director needed to be assaulted to get their attention: “Jessica
20 Ruffcorn maybe we should smack them in the back of the head with a book. That should get their
21 attention. I can think of a couple books to use.”

22 4.44 In the Dayton Speak freely public group on Facebook, with 733 Members drawn
23 almost exclusively from the local community, Craig Reinland said, “I would not let any child
24 participate in this library that is perverted allowing child porn.”

25 4.45 Paula Murdock, in the same FB group stated that “Todd [Vandembark] the director
26 has been posting on his library page about book banning... Why is Todd trying so hard to keep
27 porn for kids in the library.” Likewise, Paula Murdock stated “...well if you feel porn for kids is
28

1 appropriate that's totally on you! Like Morgan said before we now know who our kids are safe
2 around and not."

3 4.46 By October 2022, the Library Board concluded their review of all 11 challenged
4 books and voted to keep the books on the library shelves.

5 4.47 In late February or early March 2023, Defendant Ruffcorn publicly announced her
6 "Petition to Dissolve the Columbia County Rural Library District" (the "Petition").

7 4.48 The Petition is virtually identical to a recent pool petition written by CCC donor
8 and Library Board member, Chuck Beleney. And Ms. Ruffcorn admits that she had help with
9 drafting the Petition. The petition is attached as *Exhibit 3* and incorporated by reference here.

10 4.49 The petition short title reads: *Petition to Dissolve the Columbia County Rural*
11 *Library District*.

12 4.50 The resolution reads:

13 *We, the undersigned citizens of Columbia County, ask the Board of County*
14 *Commissioners of Columbia County for inclusion on the ballot in the next general election*
15 *a proposal to dissolve the Columbia County Rural Library District in accordance with*
16 *RCW 27.12.320. Wherein, pursuant to a majority vote of all of the qualified electors*
17 *residing outside of incorporated cities and towns voting upon a proposition for its*
18 *dissolution, at a general election, which proposition may be placed upon the ballot at any*
19 *such election whenever a petition by ten percent or more qualified voters residing outside*
20 *of incorporated cities or towns within a rural county library district, requesting such*
21 *dissolution shall be filed with the board of trustees of such district not less than ninety days*
22 *prior to the holding of any such election.*

23 4.51 The petition warning reads:

24 *WARNING Every person who signs this petition with any other than his or her true*
25 *name, or who knowingly signs more than one of these petitions, or signs a petition seeking*
26 *an election when he or she is not a legal voter, or signs a petition when he or she is*
27 *otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of*
28 *a misdemeanor.*

4.52 A group of canvassers collected signatures throughout Columbia County between
February 28, 2023—the date when Defendant Ruffcorn and her husband, City residents, signed
the petition—and June 15, 2023, when the last signature was collected.

1 4.53 To get these signatures, many Columbia County residents were approached in
2 public and told false statements about the Petition's substance and its effect. If they refused to
3 sign, they were insulted.

4 4.54 In fact, multiple witnesses can testify that they were defrauded into signing the
5 petition. One witness was told that the petition was to "remove the [objectionable] books from the
6 library."

7 4.55 Another reports that she was approached during an annual public celebration, by a
8 woman later identified and as Peggy James, a CCC member/donor and signatory of the petition.
9 Ms. James first complimented her children and then asked if she'd "sign a petition to move the
10 books in the library." Ms. James further claimed that the Petition was "...only trying to protect
11 your children!" (emphasis added). Witnesses attest that they were lied to in order to get signatures.

12 4.56 Another witness claimed that she was approached by a woman in her driveway.
13 She approached the car window and asked the witness to sign a petition "to get the dirty books out
14 of the children's are of the library." The canvasser further claimed that the petition was to ensure
15 that children could not access sensitive materials unless their parents check the books out for them.
16 Nothing was ever said to this signatory about the Proposition's effect of closing the library.
17 Indeed, the witness confirms that she never would have signed the petition because it is such a
18 critical resource for her and her family for both personal reading and school research, as well as a
19 community resource for communications and information. This witness later learned on social
20 media that the petition was actually intended to dissolve the District and close the Library, but her
21 name could not be removed despite her desire to do so.

22 4.57 Similarly, Unincorporated County resident, Mr. John Steinbrecher, submitted a
23 letter to the County Auditor's office on or about July 24, 2023. In his letter, Mr. Steinbrecher
24 sought to withdrawal his signature because he felt misled by the sponsors who sought to do more
25 than just move books or change library funding, as the canvassers had explained. A picture of that
26 statement is attached as *Exhibit 4* and incorporated by reference here.

27 4.58 We anticipate the filing of this lawsuit will encourage additional residents to come
28 forward with testimonial information. Many County residents fear reprisals after the CCC

1 campaign to defame Mr. Vandembark; their ongoing campaign to oust Library Board Chairman,
2 Jay Ball; and threats made in the community. Thus, a protective order, to file evidence under seal,
3 may be appropriate under the circumstances.

4 4.59 Of the 282 signatures that Defendant Ruffcorn delivered to the Columbia County
5 Auditor's Office on June 21, 2023, only 101 appeared valid and were certified by the Auditor's
6 Office. The Petition required at least 107 valid signatures to be included on the November ballot.
7 Most of the signatures were City residents. Many were not even Columbia County residents. At
8 least nine did not match the signatures on record and appeared fraudulent.

9 4.60 The first two invalidated signatures were Defendant Ruffcorn and her husband,
10 Derek Ruffcorn.

11 4.61 The petition failed to meet the threshold of ten percent of Unincorporated County
12 registered voters, and the Auditor found the dissolution petition insufficient on June 28.

13 4.62 This left just two days to collect all the signatures gathered over four months and at
14 least six new signatures to meet the threshold and the deadline for the Auditor to validate
15 signatures for the November 2023 ballot.

16 4.63 Defendant Ruffcorn and the CCC scrambled to get a new Petition signed by
17 Unincorporated County residents. While it defies belief, within 48 hours, Defendant Ruffcorn
18 submitted a petition with 186 signatures.

19 4.64 On July 24, Auditor Hutchens certified 163 signatures and found that the petition
20 should be forwarded to the Library Board for a special meeting to advance a resolution for the
21 November Ballot.

22 4.65 At the same time, by mid-June 2023, the online campaign, threats, and tortious
23 attacks became too much for the library director, living in this small community. Mr. Vandembark
24 announced his resignation, and officially resigned as of July 13, 2023.

25 4.66 The Library Board appointed a new interim-director who acquiesced and
26 announced she would have the controversial books moved upstairs.

27 4.67 But that was not enough for Defendant Ruffcorn. On or about July 17th, Ruffcorn
28 announced a new list of demands to further exert control over the County's library.

1 4.68 On August 2nd, the Library Board met and approved the resolution for inclusion on
2 the November 2023 ballot.

3 4.69 The draft Proposition reads:

4 *Proposition No. 2 Dissolving the Columbia County Rural Library District*
5 *Pursuant to a petition of voters per RCW 27.12.320, the Board of Trustees of the Columbia*
6 *County Rural Library District have adopted a resolution to dissolve the District. Library*
7 *services provided by the District would cease, all books and other printed material would*
8 *be sent to the State Library, and all other property would be disposed of at the direction of*
9 *the Board of Trustees. Should the Columbia County Rural Library District be so*
10 *dissolved?*

11 4.70 Upon information and belief, Columbia County Auditor will be preparing, printing,
12 and mailing voter ballots and voter pamphlets in the very near future. The Auditor will need to
13 have the ballot ready to be sent out for printing no later than September 13, 2023. However, the
14 printing of ballots may occur before this date.

15 4.71 Also upon information and belief, the Auditor will have ballots ready for printing
16 during the first week in September.

17 4.72 The official publication date is September 22, 2023.

18 4.73 Various issues exist with Proposition 2 that render it unlawful and invalid.

19 4.74 Initiatives and referenda that are unlawful or otherwise invalid should not be
20 placed on the ballot. Absent action from this Court, Proposition 2 will unlawfully appear on the
21 November 2023 ballot.

22 4.75 Neighbors have standing to bring this case because placement of Proposition 2 on
23 the November 2023 ballot and any resulting passage of Proposition 2 will cause injury in fact to
24 Neighbors, the City, and Unincorporated County residents and voters it serves. Its individual
25 members have standing to sue individually. The interests Neighbors United seeks to protect are
26 germane to the organization's purposes of responsible tax and spending, good governance,
27 maintenance of essential services, and education. And neither the claim asserted nor the relief
28 requires the participation of individual members in the lawsuit. However, individual members
have elected to participate to resolve any potential standing requirements.

1
2 **V. FIRST CAUSE OF ACTION – Conflict with State and Federal Law: Declaratory**
3 **Judgment That Proposition 2 Is Invalid Because It Exceeds the Scope of the**
4 **Unincorporated County’s Initiative Power Because It Conflicts with State Law.**

5 5.1 Plaintiff incorporates the previous allegations as if fully set forth herein.

6 5.2 Pursuant to the Washington Uniform Declaratory Judgments Act, Ch. 7.24 *et seq.*
7 RCW, this Court may declare the validity of a proposed initiative.

8 5.3 This matter is ripe for declaratory relief because a dispute exists as to the validity
9 of the Proposition.

10 5.4 **Proposition 2 conflicts with State law and exceeds the scope of initiative power**
11 **because it violates the “free and equal” elections clause of Article I, § 19 of the State**
12 **Constitution, and the Federal Constitution, by disenfranchising “constitutionally qualified”**
13 **voters.**

14 5.5 Ballot initiatives that exceed the scope of the people’s Article II powers, by
15 violating the Constitution, are an invalid exercise of initiative power. The right of all
16 constitutionally qualified citizens to vote is fundamental to our representative form of government
17 and is protected under both the State and Federal constitutions. *Foster v. Sunnyside Valley Irr.*
18 *Dist.*, 102 Wn.2d 395, 687 P.2d 841 (1984). Unlike the U.S. Constitution, the Washington
19 Constitution specifically confers upon its citizens the right to “free and equal” elections. Art. I, §
20 19 requires that “All Elections shall be free and equal, and no power...shall at any time interfere to
21 prevent the free exercise of the right of suffrage.”

22 5.6 Art. I, § 19 demands that “constitutionally qualified” electors who are
23 significantly affected by decisions be given an opportunity to vote. Electors who are
24 significantly affected by decisions or whose property rights are affected in more than an incidental
25 way may not be denied the right to vote because they are “constitutionally qualified” voters.
26 *Cartstens v. Public Utility Dist. No. 1*, 8 Wn.2d 136, 111 P.2d 583, Cert. denied, 314 U.S. 667, 62
27 S.Ct. 128, 86 L.Ed. 533 (1941). Furthermore, landowners directly and significantly affected by a
28 district’s operations, who are denied a right to vote, are denied their rights in violation of Art. I,

1 § 19; as such, they must be permitted the right to vote and be repaid monies assessed on their
2 property for the period during which they are denied this right. *Id.*

3 5.7 Courts will review the substance of local initiatives pre-election for two types of
4 issues: that the subject matter of the initiative is beyond the scope of the people's initiative
5 power, and that the initiative does not meet the procedural requirements on the ballot. *See*
6 *Spokane Entrepreneurial Ctr. V. Spokane Moves to Amend Constitution*, 185 Wn.2d 97, 100,
7 104, 369 P.3d 140 (2016) (citing *City of Port Angeles v. Our Water-Our Choice!*, 170 Wn.2d 1,
8 7, 239 P.3d 589 (2010)). Courts will review these issues as long as litigants satisfy traditional
9 standing requirements. *Id.* at 105.

10 5.8 Specifically, there are three limits on local initiative powers: (1) administrative
11 matters are not subject to initiative or referendum; (2) local initiatives can be found to go
12 beyond the scope of the initiative power if the initiative involves the exercise of power granted
13 by the legislature to another governing body, rather than the local authority itself; and (3) local
14 districts may not enact legislation that conflict with state or federal law. *Port of Tacoma v. Save*
15 *Tacoma Water*, 4 Wn. App. 2d 562, 422 P.3d 917 (2018) (citing *Spokane Moves*, 185 Wn.2d at
16 108, 110, 369 P.3d 140; *our Water-Our Choice!*, 170 Wn.2d at 8; *City of Sequim v. Malkasian*,
17 157 Wn.2d 251, 261, 138 P.3d 943 (2006)).

18 5.9 Preelection challenges to initiatives based on substantive invalidity are generally
19 not allowed. *Coppernoll*, 155 Wn.2d at 297-98, 119 P.3d 318 (2005). However, the court does
20 consider claims that the subject matter is not proper for direct legislation, usually in the context
21 of the more limited initiative powers under a city or county charter, or other enabling
22 legislation. *Port of Tacoma v. Save Tacoma Water*, 4 Wn. App. 2d at 574 (citing *Coppernoll*,
23 155 Wn.2d at 299). Put plainly, inhabitants of a municipality or local district may not enact
24 legislation which conflicts with state law. *Spokane Moves*, 185 Wn.2d at 108.

25 5.10 RCW 27.12.320 requires that "[i]f a rural county library district is dissolved, the
26 books and other printed matter belonging to it shall go to the state library. All other library
27 property shall be disposed of as the legislative body of the governmental unit shall direct." The
28

1 “governmental unit” is the District, and its “legislative body” is the District’s Board of
2 Trustees. RCW 27.12.010.

3 5.11 Neighbor United’s membership includes constitutionally qualified electors, like
4 Gerald Kaiser, living in the City who have been disenfranchised because Proposition 2 will not
5 appear on their ballots. These City residents and landowners have paid significant tax dollars,
6 through property taxes, supporting the library in an amount greater than one million dollars since
7 annexation. And they have provided millions in other resources including the land and building,
8 which house the Library today. These personal and real property rights will be affected by
9 Proposition 2, because RCW 27.12.320 requires that this personal and real property be given to the
10 state library or distributed according to the legislative body, if the proposition passes.
11 Consequently, City residents’ significant property rights are affected without a right to vote. They
12 must be permitted the right to vote and repaid monies assessed on their property for the period in
13 which they were denied this right. Plaintiffs are entitled to a declaratory judgment that Proposition
14 2 is invalid on this basis.

15 5.12 **Proposition 2 also conflicts with state law and exceeds initiative power**
16 **because it violates the “privileges and immunities” clause of art. I, § 12, of the State**
17 **Constitution and § 1 of the 14th Amendment to the U.S. Constitution.** Article I, § 12 provides
18 that “[n]o law shall be passed granting to any citizen, [or] class of citizens...privileges or
19 immunities which upon the same terms shall not equally belong to all citizens...” The County’s
20 inclusion of Proposition 2 on the Unincorporated County ballots grants Unincorporated County
21 residents the privilege to vote but denies the same to City residents despite the fact that they are
22 “part of” the library district per RCW 27.12.380. For the privilege and immunities clause to apply,
23 it must first be determined that a “privilege” (*i.e.*, a fundamental right) is at stake. If so, a violation
24 of the clause occurs only if the privilege is conferred to a specific class of citizens and not to
25 others, because the “privileges and immunities” clause is fundamentally concerned with favoritism
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27
28

1 to an identifiable class.² The right to vote is a fundamental right implicated by the privileges and
2 immunities clause.

3 5.13 City residents and Unincorporated County residents are two classes of citizens in
4 Columbia County whose property taxes identically support the Library, who are both “part of” the
5 library district by statute, but who are given an unequal privilege to vote on the continued
6 operation of the Library. Plaintiff is entitled to a declaratory judgment that Proposition 2 is invalid
7 on the basis that it also conflicts with State and Federal “privileges and immunities” clauses of
8 law.

9 **VI. SECOND CAUSE OF ACTION – The Dissolution Statute is Unconstitutional as**
10 **Applied and Internally Inconsistent.**

11 6.1 Plaintiff incorporates the previous allegations as if fully set forth herein.

12 6.2 Pursuant to Washington’s UDJA, this Court may declare the validity of a proposed
13 initiative or its inclusion on the election ballot.

14 6.3 This matter is ripe for declaratory relief because a dispute exists as to the validity
15 of the Proposition and the process by which it was placed on the ballot.

16 6.4 **Proposition 2 was placed on the ballot pursuant to a proposed dissolution of**
17 **the County’s rural library district under RCW 27.12.310. The statute is unconstitutional as**
18 **applied because it disenfranchises constitutionally qualified voters living within the**
19 **Columbia County Rural Library District and renders the city annexation section, RCW**
20 **27.12.370—making an annexed city “part of such library district”—superfluous because the**
21 **sections are internally inconsistent with one another.** Because the library district now
22 encompasses the City and Unincorporated County, all residents significantly affected by a vote on
23 Proposition 2 are “constitutionally qualified” electors who must be given an opportunity to vote.
24 Thus, the procedures set forth in RCW 27.12.310 (dissolution) are unconstitutional and
25 inconsistent with RCW 27.12.370 (city annexation into the district).

26
27
28 ² See *Grant Cnty.*, 150 Wn.2d at 808-09.

1 6.5 Ballot initiatives that violate the constitution are an invalid exercise of initiative
2 power. The right of all constitutionally qualified citizens to vote is protected under both the State
3 and Federal constitutions. *Foster*, 102 Wn.2d 395. The Washington Constitution confers greater
4 rights upon its citizens by guaranteeing the right to “free and equal” elections. Art. I, § 19 That is,
5 “[a]ll Elections shall be free and equal, and no power...shall at any time interfere to prevent the
6 free exercise of the right of suffrage.”

7 6.6 Art. I, § 19 dictates that prospective electors, who are significantly affected by
8 decisions, are “constitutionally qualified” and must be given an opportunity to vote. *Foster*, 102
9 Wn.2d at 410. Electors who are significantly affected by decisions or whose property rights are
10 affected in more than an incidental way may not be denied the right to vote because they are
11 “constitutionally qualified” voters. *Cartstens v. Public Utility Dist. No. 1*, 8 Wn.2d 136, 111 P.2d
12 583, Cert. denied, 314 U.S. 667, 62 S.Ct. 128, 86 L.Ed. 533 (1941). Furthermore, landowners
13 directly and significantly affected by a district’s operations, who are denied a right to vote, are
14 denied their rights in violation of Art. I, § 19; as such, they must be permitted the right to vote.

15 6.7 Any legislative act which qualifies this right must, under federal law, be based
16 upon a compelling state interest and the state must demonstrate that no less restrictive measures
17 are available to achieve this interest. *Foster*, 102 Wn.2d at 407-08 (citing *Reynolds v. Sims*, 377
18 U.S. 533, 196 P.7 (1921). The right to vote may be confined only in certain limited situations
19 where the electorate consists of persons directly affected by the issue or representative body.
20 *State v. Wilson*, 137 Wn. 125, 241 P.970 (1925).

21 6.8 Furthermore, Article I, § 12 provides that “[n]o law shall be passed granting to any
22 citizen, [or] class of citizens...privileges or immunities which upon the same terms shall not
23 equally belong to all citizens...” The County’s inclusion of Proposition 2 on the Unincorporated
24 County ballots grants Unincorporated County residents the privilege to vote but denies the same to
25 City residents. For the privilege and immunities clause to apply, it must first be determined that a
26 “privilege” (*i.e.*, a fundamental right) is at stake. If so, a violation of the clause occurs only if the
27 privilege is conferred to a specific class of citizens and not to others, because the “privileges and
28

1 immunities” clause is fundamentally concerned with favoritism to an identifiable class. The right
2 to vote is a fundamental right implicated by the privileges and immunities clause.

3 6.9 The language of the Constitution requires liberal construction of election laws to
4 the end that the constitutional rights of electors may be facilitated and not hampered by either
5 technical statutory provisions, or technical construction, further than is necessary to fairly guard
6 against fraud and mistake in the exercise by the people of this constitutional right. *See State v.*
7 *Superior Court of Thurston County*, 81 Wn. 623, 632, 143 P. 461, (1914).

8 6.10 RCW 27.12.360 governs annexation of a city into a rural county library district.
9 Dayton followed these procedures and held a special election in 2009 to annex the city into the
10 Rural Library District, and the District Board concurred in the annexation. Under the special
11 election procedures for city annexation, “[i]f a majority of the persons voting on the proposition
12 shall vote in favor thereof, the city or town shall thereupon be annexed and shall be a part of
13 such library district” (emphasis added). Once a part of the library district, electors from the City
14 and Unincorporated County are identical in their interest and rights. Each elector has one vote
15 in County initiatives, each pays property tax supporting the library, and each may use the
16 library services and benefit from the considerable City assets which transferred to the district in
17 2009 and continue flowing annually.

18 6.11 Despite these identical interests, Proposition 2’s sponsors and the County
19 Auditor followed a narrow interpretation of RCW 27.12.320 to pursue dissolution. Section 320
20 suggests that a rural library district may be dissolved by a “majority vote of all of the qualified
21 electors residing outside of incorporated cities and towns voting upon a proposition for its
22 dissolution, at a general election, which proposition may be placed upon the ballot at any such
23 election whenever a petition by the percent or more qualified voters residing outside of
24 incorporated cities or towns within a rural county library district....requesting such dissolution
25 shall be filed with the board of trustees of such district not less than ninety days prior to the
26 holding of any such election.

1 6.12 Section 320 further dictates that, if dissolved, the District's books and other
2 printed matter shall go to the state library and all other library property shall be disposed of as
3 the Library Board shall direct.

4 6.13 Columbia County's Prosecuting Attorney questioned the constitutionality of the
5 statutes as applied, and the Washington Attorney General's Office declined to provide an
6 opinion. Those letters are incorporated by reference here and attached as *Exhibits 5 and 6*.
7 There is more than a colorable argument the placing a dissolution proposition on the ballot
8 through a process and vote that excludes annexed city residents, is unconstitutional, and this
9 court has the authority to decide the issue.

10 6.14 Notwithstanding the Annexation Agreement which controls the Unincorporated
11 County's ability to unilaterally withdraw from the District and provision of continuing library
12 services, this process is also unconstitutional.

13 6.15 At the time the Board concurs in the annexation, the District expands to
14 encompass the City. The electors in both the City and Unincorporated County are a class
15 indistinguishable from one another and entitled to the same rights, both to petition and to vote
16 on any proposition dissolving the District in which they all live, and which they all support.

17 6.16 But the proponents of Proposition 2 followed this procedure, and the Auditor
18 validated signatures only for Unincorporated County voters. Even the Propositions main
19 sponsors, including Defendant Ruffcorn, thought that City residents should have a say in
20 dissolution. After all, what other explanation could there be for Defendant Ruffcorn and her
21 husband, both City residents, to be the first two signatories on the first petition submitted to the
22 Auditor's Office?

23 6.17 Insofar as the annexed City is a part of the Rural Library District, the District's
24 boundaries expanded by approval of the District Board, and all County electors have been
25 identically situated residents, taxpayers, and voters in the District since 2009, no favoritism can
26 be shown to the Unincorporated County residents. Such a practice contravenes the "privileges
27 and immunities" clause. Likewise, City Residents interests—property, voting rights and
28 otherwise—are so deeply and inextricably implicated by a vote on District dissolution that their

1 exclusion offends Washington's guarantee of "free and equal" elections. Moreover, even if the
2 court finds that sections 320 and 360 are internally inconsistent, and that section 320 as applied
3 renders section 380 City annexation procedures superfluous, then judicial construction should
4 favor a constitutional outcome.

5 6.18 Proposition 2 should, therefore, be enjoined from appearing on the November
6 2023 ballot, and its proponents can canvas all District residents to try and put the measure on a
7 future ballot.

8
9 **VII. FOURTH CAUSE OF ACTION – Fraud: Declaratory Judgment That Proposition**
10 **2 is Invalid Because the Process Used to Gather Petition Signatures was Fraudulent.**

11 7.1 Plaintiffs incorporate the previous allegations as if fully set forth herein.

12 7.2 Pursuant to the Washington Declaratory Judgment Act, Ch. 7.24 *et seq.* RCW, this
13 Court may declare the validity of a proposed initiatives.

14 7.3 **Proposition 2's sponsors induced petition signatures through fraud, which**
15 **vitiates the validity and sufficiency of these signatures.**

16 7.4 The language of the Constitution requires liberal construction of election laws to
17 the end that the constitutional rights of electors may be facilitated and not hampered by either
18 technical statutory provisions, or technical construction, further than is necessary to fairly guard
19 against fraud and mistake in the exercise by the people of this constitutional right. *See State v.*
20 *Superior Court of Thurston County*, 81 Wn. 623, 632, 143 P. 461, (1914). When fraud is alleged
21 as to the representations made to voters to sign a petition and the verification of genuine
22 signatures, a court should hear evidence and direct the party asserting fraud to proceed to act and
23 investigate the necessary preliminary facts. *See Hindman v. Boyd*, 42 Wn. 17, 33-34, 84 P. 609
24 (1906).

25 7.5 This is because fraud unravels everything.

26 7.6 Indeed, as the storied case goes, "No court in this land will allow a person to keep
27 an advantage which [s]he has obtained by fraud. No judgment of a court, no order of a Minister,
28 can be allowed to stand if it has been obtained by fraud. Fraud unravels everything. The court is

1 careful not to find fraud unless it is distinctly plead and proved; but once it is proved, it vitiates
2 judgments, contracts and all transactions whatsoever...”³

3 7.7 Washington has a number of statutory regimes to guard against fraud, which stem
4 from the constitutional requirements for “free and equal” elections. Among them, myriad statutes
5 govern procedures for the conduct of elections and criminal statutes policing the same.

6 7.8 For instance, a person is guilty of a class C felony if she obtains a signature on a
7 written instrument by deception and with the intent to defraud. RCW 9A.60.030.

8 7.9 Likewise, Title 29A RCW, § 84 is a statutory regime designed to protect the
9 integrity of elections in Washington against fraud and abuse. The section covers fraud, false
10 information, purposeful disenfranchisement, and coercion because those were among the
11 Legislature’s principal concerns in protecting voting rights.

12 7.10 Official conduct is also regimented. RCW 29A.84.010 requires a county auditor
13 who suspects irregularities in voting to transmit his or her suspicions without delay to the
14 canvassing board and refer persistent concerns to the county prosecuting attorney. Indeed, the
15 Legislature was so concerned with fraud and irregularities that if the auditor refuses to perform
16 these duties, he may be guilty of a gross misdemeanor. RCW 29A.84.110. An election officer or a
17 person who intentionally disenfranchises an eligible citizen is also guilty of a misdemeanor. RCW
18 29A.84.120.

19 7.11 Likewise, a person who knowingly provides false declarations as to her eligibility
20 as a voter is guilty of a class C felony. RCW 29A.84.130. Every person who knowingly signs an
21 initiative petition knowing that she is not a legal voter or who makes a false statement as to her
22 residence on any petition is guilty of a gross misdemeanor. RCW 29A.84.230. And “[e]very
23 person is guilty of a gross misdemeanor who:.... (2) receives consideration for soliciting or
24 procuring signatures on an initiative petition...if any part of the consideration is based upon the
25 number of signatures solicited or procured....(4) [i]nterferes with or attempts to interfere with the
26 right of any voter to sign or not sign an initiative or referendum petition or with the right to vote
27

28 ³ Excerpt from Lord Denning’s famous observations in *Lazarus Estates Ltd v. Beasley*, 1 Q.B. 702 (1956).

1 for or against an initiative or referendum measure by threats, intimidation, or any other corrupt
2 means or practices..." RCW 29A.84.250.

3 7.12 Neither the courts nor the legislature can abide fraudulent election processes.
4 Signatures obtained by fraud are invalid, and a petition process plagued with fraud must be
5 enjoined to permit time for further investigation or vitiated *ab initio* because of these concerns.

6 7.13 It is axiomatic that initiative petitions put before citizens should be comprised
7 solely of truthful and impartial content. *See Faipeas v. Municipality of Anchorage*, 860 P.2d 1214,
8 1218-1221 (Alaska, 1993); *In re Initiative Petition No. 344, State Question No. 630*, 1990 OK 75,
9 797 P.2d 326, 330 (Okla. 1990); cf. RCW 29A.72.050 (requiring ballot titles to contain "true and
10 impartial" descriptions). This is because "[t]he signature-gathering requirement of the... process
11 serves an important purpose... If a petition were to mischaracterize an ordinance [being discussed
12 within] in a manner designed to bring about general opposition to the ordinance, the signature
13 requirement could be too readily overcome." *Faipeas*, 860 P.2d at 1219-1220. In addition, such
14 petitions are formal notices which are part of the lawmaking process. "They should be a source of
15 accurate information for all citizens concerning what is being proposed." *Id.* Here, non-objective
16 content and misleading statements about the effect of a measure, in fact, induced signatures
17 contrary to voter intent. Such fraud in the inducement cannot be tolerated.

18 7.14 This is especially true because "the right of initiative is nearly as old as our
19 constitution itself, deeply ingrained in our state's history, and widely revered as a powerful check
20 and balance on the other branches of government." *Coppernoll*, 155 Wn.2d at 296-07. It is for that
21 reason that the legal framework surrounding the exercise of this right must be strictly construed in
22 order to make sure it serves the function for which it is intended. The solicitation of signatures
23 proposing Proposition 2, was fraught with misleading and fraudulent representations upon which
24 voters reasonably relied. As the witness statements of both City and Unincorporated County
25 residents attest, canvassers for the Petition suggested that the measure would merely "move the
26 books in the library," or change how sensitive materials could be checked out. But that is not what
27 Proposition 2 does. Moving the books would merely be incidental. The Proposition seeks to
28 ensure the Library ceases to exist.

1 7.15 The false representations supporting the canvas for Petition signatures denied
2 voters the right to make reasoned decisions regarding whether or not to sign. This is a casebook
3 example of why the language of the various statutory regimes must be read in tandem with one
4 another. The statutory scheme preventing fraud in elections, requiring official performance of
5 election responsibilities, the “true and impartial” title and description requirements of RCW
6 29A.71—especially 29A.71.050, and the principle that initiative petitions may *not* properly
7 contain inflammatory extraneous material under RCW 356.21.005, all evince a legislative intent to
8 guard against the exact type of fraud perpetrated in this case.

9 7.16 We anticipate the filing of this lawsuit will encourage additional residents to come
10 forward with additional testimonial information. Likewise, the deposition of ballot sponsors will
11 evince an effort to fraudulently induce signatures. Consequently, Proposition 2 failed to comply
12 with local and state law governing ballot measure petitions, and the signatures obtained through
13 the petition process are invalid. Thus, the initiative does not meet the procedural requirements for
14 placement on the ballot. *See, e.g., Coppernoll*, 155 Wn.2d at 298-99.

15 7.17 The Court should declare Proposition 2 invalid because the procedure placing the
16 measure on the ballot was plagued by fraud, and the County Auditor should be enjoined from
17 putting the measure on the November 2023 ballot.

18 **VIII. FIFTH CAUSE OF ACTION – Injunctive Relief**

19 8.1 Plaintiff incorporates the previous allegations as if fully set forth herein.

20 8.2 Pursuant to RCW 7.24 and RCW 7.40 *et seq.* the Court has the power to grant
21 injunctive relief. The Court may grant an injunction at the time the action is commenced or at any
22 time afterward.

23 8.3 **A prohibitory injunction preventing Proposition 2 from being placed on the**
24 **ballot for the November 2023 election is the only adequate remedy for this invalid initiative.**

25 **IX. REQUEST FOR RELIEF**

26 WHEREFORE, Plaintiffs request that this Court grant the following relief:

27 9.1 A declaratory judgment that Proposition 2 is procedurally invalid;

28 9.2 A declaratory judgment that signatures were obtained by fraud and are invalid;

1 9.3 A declaratory judgment that RCW 27.12.320, as applied, is unconstitutional;


2 9.4 Enjoin the Columbia County Auditor from including Proposition 2 on the
3 November 2023 ballot;

4 9.5 An award of attorneys' fees and costs for enforcement of these rights;

5 9.6 Reimbursement for all financial losses, including misappropriated City tax dollars,
6 trust funds, and other revenue, in an amount to be proven at a hearing, based upon the Annexation
7 Agreement between the City and the District; and

8 9.7 Such other and further relief as the Court deems just and proper.

9
10 Respectfully submitted and signed at Dayton, Washington this 29th day of August 2023.
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12

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EXHIBIT 1

COPY

AGREEMENT UPON ANNEXATION BETWEEN THE CITY OF DAYTON AND
THE COLUMBIA COUNTY RURAL LIBRARY DISTRICT

THIS AGREEMENT (the "Annexation Agreement") is made this 7 day of February, 2009 by and between the City of Dayton, Washington, a municipal corporation of the State of Washington, herein after referred to as the "City," and the Columbia County Rural Library District, a municipal corporation duly organized and existing under and by virtue of the laws of the state of Washington and authorized to provide library services, herein after referred to as the "District."

RECITALS

WHEREAS, the District was created as a result of an election held November 8, 2005, and the City and the District are both located in Columbia County and have contiguous boundaries and borders; and

WHEREAS, the City has stated by Ordinance No. 1736 of the City Council, on the 22nd day of November 2005, its intention to annex to the District, finding that the public interest will be served thereby, pursuant to RCW 27.12.360 and RCW 27.12.370; and

WHEREAS, the Board of Trustees of the District (the "Board") did, on the 8th day of January 2009, by Resolution, concur with the City's proposal for annexation, subject to the following Annexation Agreement (hereinafter "Agreement") being entered into between the City and the District; and

WHEREAS, the City is authorized by Chapter 27.12 RCW to cause an election to be held in order for voters of the City to decide whether the City should annex to the District; and

WHEREAS, the City owns real and personal property used for many years by the City for the purpose of operating a public library known as the Dayton Memorial Library located at 111 South 3rd Street, Dayton, Washington 99328; and

WHEREAS, the City owns real and personal property used for a community meeting center known as the Delany Building located at 111 South 3rd Street, Dayton, Washington 99328

WHEREAS, the City and the District entered into an Interlocal Agreement for the Management and Operation of the Dayton Memorial Library on May 29th, 2007, and the District has provided Library Services to the residents of the City of Dayton since that time; and

WHEREAS, the City manages trust funds created for the purpose of supporting public Library Services in the City of Dayton; and

WHEREAS, the City and the District desire to outline the terms and conditions of annexation of the City to the District if the proposition is approved by the voters in the special election; and

NOW THEREFORE, in consideration of mutual promises and covenants herein contained, it is hereby agreed as follows:

AGREEMENT

1. **Purpose.** The purpose of this Agreement is to ensure the continued operation of a library facility and Delany Building in the City of Dayton for the benefit of residents of Columbia County and the City of Dayton.

2. **Terms.** The issue of whether the City shall annex to the District will be put to a vote on the 18th day of August, 2009, pursuant to RCW 27.12.370. If the annexation is approved, then this Agreement shall become effective on the date Columbia County election officials certify the election and grant taxing authority to the District for the City and shall continue thereafter until such annexation is withdrawn, if ever, by the City's withdrawal from the District pursuant to RCW 27.12.380.

2.1 **Obligations of the City.** Effective January 1, 2010, the City, as authorized by RCW 39.33.010 and RCW 39.33.020, shall transfer all of the City's right, title and interest, to the entire Dayton Memorial Library building, including the Delany Building, and the real property on which the entire building stands; including the entire library collection; and all furnishings, fixtures, and equipment, to the District, without cost, solely for the purposes of providing Library Services to the residents of the City of Dayton and the surrounding unincorporated area of Columbia County, Washington.

2.1.1 **Endowments.** The trust funds managed by the City of Dayton that provide for their interest to be used exclusively for the provision of Library Services to the residents of the City of Dayton and for the maintenance of the Delany Building shall be managed as follows after annexation:

2.1.1(a) **Hedwig Endowment.** The City shall retain control of the Hedwig Davis Endowment trust fund with all future interest earned by this endowment going to the District exclusively for the provision of Library Services as provided in the trust documents. The City shall transfer all interest income from the Hedwig Davis Endowment to the District at least once each calendar year.

2.1.1(b) **Peabody Endowment.** The City shall retain control of the Peabody Endowment trust fund with all future interest earned by this endowment going to the District exclusively for the provision of Library Services as provided in the trust documents. The City shall transfer all interest income from the Peabody Endowment to the District at least once each calendar year.

2.1.1(c) **Delany Trust.** All of the interest income received by the City each year from the Delany Trust shall be distributed to the District, within thirty (30) days of receipt by the City, for use by the District exclusively for the purpose of maintaining the Delany Building in accordance with the requirements of the Delany Will documents.

2.1.2 **Advisory Position.** To represent the City's interests, the Mayor of the City of Dayton may appoint, subject to the confirmation of the City council, an individual to an advisory/non-voting position as liaison to the District's Board of Trustees.

2.2 Obligations of the District.

2.2.1 General. Effective January 1, 2010, and thereafter until such annexation is withdrawn, if ever, according to the laws of the state of Washington, the District shall accept title to the entire Dayton Memorial Library building, including the Delany Building, and the real property on which the entire building stands; the entire library collection; and all furnishings and equipment. The District shall then bear all costs and responsibilities associated with providing Library Services to the City of Dayton. The District shall continue to provide Library Services to the residents of the City of Dayton pursuant to the applicable provisions of Chapter 27.12 RCW and in accordance with the applicable policy or policies of its Board of Trustees until such time, if ever, that said annexation is withdrawn. The District shall operate, manage and maintain the Delany Building in a manner consistent with the District's past practices and the past practices of the City. Such management shall be in accordance with the terms and conditions of the Delany Trust.

2.2.2 Indemnification. District, for itself and its officers, officials, agents, employees, shall defend, indemnify, and hold City, its successors, assigns, officers, employees and elected officials harmless from and against any and all claims actions, suits, liability, loss, expenses, damages and judgments, of any kind whatsoever, including reasonable costs and attorneys fees in defense thereof, for: (i) damage to or loss of the property of any person (including, but not limited to District, its agents, officers, employees, successors and assigns and the City, its agents, officers and employees, and third parties); and/or (ii) death, bodily injury, illness, disease, worker's compensation, loss of services, or loss of income or wages to any person (including but not limited to the agents, officers and employees of District, the City, and third parties), arising out of, incident to, concerning, or resulting solely from the negligence, willful misconduct or strict liability of District, its officials, officers, agents, and employees, in the performance of all activities pursuant to this Agreement, no matter how, or to whom, such loss may occur. Provided that, District's obligation hereunder shall not extend to injury, sickness, death or damage caused by or arising solely from the negligence of the City, its officers, officials, employees or agents.

2.2.3 Insurance. District shall maintain liability insurance coverage for its activities under this Agreement under such terms and with such limits as are reasonably acceptable to each party but not less than one million dollars (\$1,000,000.00) per occurrence. Such insurance shall include "tail" or other appropriate continuous coverage for all respective acts of District during the term of this Agreement regardless of when a claim is made. District shall provide evidence of such insurance upon the written request of City.

2.3 Conditions on the City. If the City, pursuant to RCW 27.12.380, withdraws from annexation to the District and the City agrees to resume providing Library Services to the residents of the City of Dayton, then the Dayton Memorial Library building and the real property the building is on; the remains of the pre-annexation collection, all fixtures, and all equipment that is a part of the building and all future Hedwig Davis, Peabody and Delany Trust income would return to the City at no cost. All purchases made by the District while the Library Services agreement and/or the annexation were in effect, however, shall remain the property of the District as provided by law.

2.4 Conditions on the District. If the District dissolves pursuant to RCW 27.12.320, the Dayton Memorial Library building and the real property the building is on; the pre-annexation collection, all fixtures, and all equipment that is a part of the building, and all future Hedwig Davis, Peabody Endowment, and Delany Trust income would return to the City at no cost, so that the City could resume providing Library Services to residents of the City of Dayton.

3. General Conditions

3.1 **Entire Agreement.** This Agreement constitutes the entire agreement between the two parties and both parties acknowledge that all prior Agreements, written or oral, in conflict herewith, are null and void. If any part of this Agreement is proved to be invalid, the rest of the Agreement shall remain binding.

3.2 **Assignability.** No party shall assign nor transfer any interest in this Agreement (by assignment or novation) without prior written consent of the other party, formally adopted and approved by their appropriate officials.

3.3 **Amendments.** The parties hereby further agree that this Agreement cannot be modified, or extended without the written concurrence of all parties, formally adopted and approved by their appropriate officials.

3.4 **Notices.** Any notices required to be given by the parties shall be in writing and delivered to the parties at the following addresses:

Columbia County Rural Library
District
PO Box 74
Dayton, WA 99328

City of Dayton
111 South 1st Street
Dayton, WA 99328

3.5 **Disputes.** The laws of Washington State shall govern this Agreement. Venue for any action under this Agreement shall be in Columbia County, Washington. In the event of any dispute or litigation involving this Agreement, the substantially prevailing party shall be entitled to recover all costs of suit, including reasonable attorney's fees.

3.6 **Wavier.** The failure of any party to insist upon strict performance of any of the covenants or conditions of this Agreement in anyone or more instances shall not be construed as a waiver of relinquishment for the future of any such covenants or conditions, but the same shall be and remain in full force and effect.

3.7 **Partial Invalidity.** Should any provision of this Agreement be held by a court of competent jurisdiction to be either invalid, void, or unenforceable, the remaining provisions of this Agreement shall remain in full force and effect unimpaired by the holding.

DATED this 9th day of February 2009.

Columbia County Rural Library District
Board of Trustees

By: [Signature]

Tanya Patton, Chair

City of Dayton Washington

By: [Signature]

Mayor

Attest:

By: [Signature]

City Clerk

Approved as to Form:

By: [Signature]

City Attorney's Office

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EXHIBIT 2

RESOLUTION NO. 1351

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN AMENDED AGREEMENT OF ANNEXATION BETWEEN THE CITY OF DAYTON AND COLUMBIA COUNTY RURAL LIBRARY DISTRICT

WHEREAS, Columbia County Rural Library District ("District") was created as a result of an election held November 8, 2005, and the City of Dayton ("City") and the District are both located in Columbia County and have contiguous boundaries and borders; and

WHEREAS, the City and the District entered into an annexation agreement on February 9, 2009, which was approved by special election on August 18, 2009; and

WHEREAS, the City has managed Trust funds created for the purpose of supporting public Library Services in the City of Dayton; and

WHEREAS, the City and the District desire to amend the terms and conditions of annexation of the City to the District to allow the District to manage the principle of trust funds existing for the benefit of the Dayton Memorial Library currently managed by the City and receive the proceeds of other such funds directly, without first being sent to the City; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, HEREBY RESOLVES as follows:

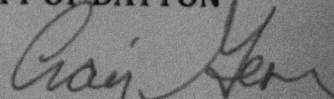
Section 1. That the Mayor is hereby authorized to execute on behalf of the City of Dayton an amended agreement of annexation between the City of Dayton and Columbia County Rural Library District in the form attached hereto as Exhibit "A."

Section 2. That the Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. That this resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and signed this 12TH day of SEPTEMBER, 2018.

CITY OF DAYTON



Craig George, Mayor

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EXHIBIT 3

Petition to Dissolve the Columbia County Rural Library District

We, the undersigned citizens of Columbia County, ask the Board of County Commissioners of Columbia County for inclusion on the ballot in the next general election a proposal to dissolve the Columbia County Rural Library District in accordance with RCW 27.12.320. Wherein, pursuant to a majority vote of all of the qualified electors residing outside of incorporated cities and towns voting upon a proposition for its dissolution, at a general election, which proposition may be placed upon the ballot at any such election whenever a petition by ten percent or more qualified voters residing outside of incorporated cities or towns within a rural county library district, requesting such dissolution shall be filed with the board of trustees of such district not less than ninety days prior to the holding of any such election.

WARNING

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No.	Signature	Name (Printed)	Address	Phone Number	Date
1		Jessica Rufforn	403 N 2nd St Dayton WA 99325	509-624-2357	2-28-2023
2		Derek Rufforn	403 N 2nd St Dayton WA 99325	629-3346	02-28-2023
3		Carol Foley	113 main Rd Dayton WA 99328	509-520-7404	03/06/2023
4		Danna R Foley	113 main Rd Dayton WA 99328	509-520-7404	03/06/2023
5		Andrea Nyant	1123 S. 4th St Dayton WA 99328	509-629-1337	03/07/2023
6		Jeremy Nichols	102 Hogeys Hollow Dayton WA 99328	509-629-1337	08/07/2023
7		Lucy Nichols	102 Hogeys Hollow Dayton WA 99328	509-629-1337	3/7/23
8		Paula Murack	239 Smith Hollow Rd Dayton WA 99328	208-308-5025	3/7/23
9		Torie Costello	224 W. Richmond Dayton WA 99328	(509) 730-0916	3-7-23
10		Grace Pearson	110 Pettijohn Grade Rd Dayton WA 99328	509-951-6215	3/9/23
11		Brennan Moore	716 E Main Dayton WA 99328	509-499-7801	3/20/23
12		Leisa Moore	716 E Main Dayton WA 99328	509-531-6023	3/20/23
13		Whitney Mead	729 Mead Ln Dayton WA 99328	509-382-2201	4/5/23
14		Michelle Macell	506 South 1st St Dayton WA 99328	509-520-2008	4/15/23
15		Sheila McIlroy	113 Front St. Starbuck WA 99328	509-399-2259	4-28-23
16		Katherine Stacker	514 W 2nd St Dayton WA 99328	509-359-2360	4-28-23
17		FPA Stacker	116 Front St Dayton WA 99328	509-399-2355	4-28-23
18		Michael Stacker	521 Hwy 261 Dayton WA 99328	509-540-4406	4-28-23
19		Diane Desclaux	511 Hwy 261 Dayton WA 99328	907-534-7888	4-28-23
20		James Grady	121 Cemetery Hill Rd Dayton WA 99328	509-492-1444	4-28-23

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No.	Signature	Name (Printed)	Address	Phone Number	Date
1		LARRY Coaly	404 E Tremont St., Dayton, WA	805.248.2535	3/9/2023
2		Rebecca Coaly	404 E Tremont St. Dayton	805.990-2396	3/9/2023
3		Dan Bly	907 S 3rd St	509.628.0182	3-9-23
4		Kristen Bly	907 S 3rd St.	509.386.2737	3-9-23
5		Robert Gallo	1023 S 3rd St		3-9-23
6		Derek Rutherford	1023 S 3rd St Dayton WA	(509)531-7544	3-9-23
7		Paula Rutherford	1023 S. 3rd St	(509)531-7594	3-9-23
8		Roger Barker	306 E. Pacific Ave	509.520-7108	3-10-23
9		James Warner	637 Harlem Rd	509-876-6085	3-10-23
10		CJ Taylor	36113 US 12 W	907-201-3380	3/10/23
11		Mark Hutchins	312 Johnson Hoken	509-386-2139	3-10-23
12		Luke White	210 East Oak St.	509-386-2675	3-10-23
13		Christopher Coaly	1109 S 4th St.	509.540.5132	3-10-23
14		Harvey Fletcher III	301 E Dayton Ave	509-629-0818	3-10-23
15		Zachary Zink III	611 E HANNAN	509.382.4693	3-10-23
16		Jim BLY	910 S. 5th St	509.520.7470	3/10/23
17		Wallace McQuay	907 S 6th	509-382-2623	3/10/23
18		Maria McQuay	907 S. 6th	509.382.2623	3/10/23
19		Seth Bryan	812 E Clay St	509-240-6770	3/10/23
20		Melissa Bryan	812 E Clay St	509.629.0943	3/10/23

Petition to Dissolve the Columbia County Rural Library District

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No.	Signature	Name (Printed)	Address	Phone Number	Date
1		Tony Sykes	207 W Columbia	509-942-4409	4/19/23
2		Doreen Fairley	2035 2nd St	509-624-1454	4/19/23
3		Ron Howe	601 E Vanuys St	509-520-9485	4/19/23
4		Sam Kersland	110 W Whitman Ave	509-288-2097	4/19/2023
5		Paul Hendrickson	628 Strom Road	509-382-4880	4/19/2023
6		Marcene Hendrickson	628 Strom Road	509-382-4800	4-19-23
7		ALFRED SUFFIELD	506 N 2nd	509-382-4227	4-19-23
8		Tim Westergaard	613 Strom Rd	509-629-2277	4/19/23
9		Judy Turner	544 Turner Rd, Dayton	509-246-3860	4/19/23
10		Andee Thurston	105 Grapart Rd Dayton	509-330-0528	4/26/23
11		Connie Clark	417 W Clay Dayton WA	509-386-4223	4/26/23
12		Tyler Cooper	1332 N Touchet Rd	N/A	4/27/23
13		David McIlroy	113 Front St Starbuck	509-399-2259	4.27.23
14		Bryce Davidson	105 W. Hill St Starbuck	509-571-5213	4-29-23
15		Judy Jackson	825 Highway 261 Starbuck	509-399-2022	5-15-23
16		Lisa Jackson	825 Highway 261 Starbuck	509-629-2359	5-15-23
17		SETH Liott	802 Touchet Ave Dayton	206-474-8602	5-18-23
18		Kathy Clemens	236 S. Touchet Rd	509-392-2828	5/19/23
19		Lindsey Anderson	142 Kellogg Hollow Rd.	509-629-0916	5-19-2023
20		Robert Clemens	236 S. Touchet Rd	509-629-1519	5-19-23

Petition to Dissolve the Columbia County Rural Library District

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No.	Signature	Name (Printed)	Address	Phone Number	Date
1	Joann Patras	Joann Patras	711 S. 3 rd Street, Dayton	320-266-1452	3/1/23
2	Bryette M. Walker	Bryette M. Walker	305 W. Main St (H) Dayton	509-730-3604	3/1/23
3	Sylvia Demaris	Sylvia Demaris	400 S. 4 th Dayton, WA	509-540-6442	3/1/2023
4	Lydia C. Baretter	Lydia C. Baretter	312 N. 1 st St. Dayton	509-540-1812	3/1/2023
5	Lauri McKinley	Lauri McKinley	113 EAGER AD DAYTON	509-382-2848	3-1-2023
6	Jacqueline Bremer	Jacqueline Bremer	219 E Brit. Dayton	509-386-0932	3-1-2023
7	Teresa Schlachter	Teresa Schlachter	1415 S 4th Dayton	509-540-9792	3-1-2023
8	Robert Patras	Robert Patras	711 S. 3rd St. Dayton	763-266-2660	3-2-2023
9	Down Radebaugh	Down Radebaugh	622 East J St.	360-581-5856	3-2-2023
10	Jeri Fullbright	Jeri Fullbright	100 Thora Hollow Dayton WA	509-540-9177	3-2-2023
11	Steve Radebaugh	Steve Radebaugh	622 E. J St Dayton WA	360 581 7942	3/3/2023
12	Margaret L. James	Margaret L. James	202 S 3rd St, Dayton WA	509-382-4218	3/3/2023
13	Charles M. James	Charles M. James	202 S 3 rd St Dayton WA	509-382-4218	3/3/2023
14	Catherine Smith	Catherine Smith	202 S. 3 rd St, Dayton WA	509-382-4218	3-3-2023
15	Dianna Wilson	Dianna Wilson	1231 S 5th Street Dayton WA	509-382-4878	3-5-2023
16	Jerry Wilson	Jerry Wilson	1231 S 5th Street Dayton WA	509-382-4878	3-5-2023
17	Zella Powers	ZELLA POWERS	612 S. 2ND DAYTON	509-382-2225	3/5/23
18	Carolyn J Horlacher	Carolyn J Horlacher	447 Weller Canyon Rd	509-337-6717	3/5/23
19	Kraig Horlacher	KRAIG HORLACHER	447 Weller Canyon Rd	509-337-6717	3/5/23
20	Terry Herrin	TERRY HERRIN	309 DAYTON AVE, Dayton	509-540-9440	3/5/23

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No.	Signature	Name (Printed)	Address	Phone Number	Date
1	<i>Jennie Fletcher</i>	Jennie Fletcher			
2	<i>Jennie Fletcher</i>	JENNIE FLETCHER	104 Shanty Rd Dayton	509-540-0120	3-4-2023
3	<i>Sheri Fletcher</i>	Sheri Fletcher	100 W. Bannysburg Ln	509-520-1539	3-8-23
4	<i>Wilbur Fletcher</i>	Wilbur Fletcher	104 Shanty Rd. Dayton	509-991-9551	3-8-23
5	<i>Isaac Jenkins</i>	Isaac Jenkins	217 E. Patit Ave. Dayton	509-676-7144	3-22-23
6	<i>Brian Riddle</i>	Brian Riddle	917 S 4th Dayton	509-386-9429	3-23-23
7	<i>Valerie Banks</i>	VALERIE BANKS	201 W. Patit Ave. Dayton	509-876-1878	3-23-23
8	<i>Robert Buehner</i>	Robert Buehner	312 N. 1st St. Dayton	509-540-1861	3-26-23
9	<i>Roger Gibbons</i>	Roger Gibbons	464 Wolf Fort Rd Dayton	509-540-9082	3-26-23
10	<i>Cindy Gibbons</i>	Cindy Gibbons	409 Wolf Fort Rd Dayton	509-732-0346	3-26-23
11	<i>Randy Gabaldon</i>	Randy Gabaldon	100 6th St Starbuck WA	509-521-1891	4-10-23
12	<i>Tim Trapp</i>	Tim Trapp	230 Kellogg Hollow Dayton	509-878-7217	4/10/23
13	<i>Terri Hesser</i>	Terri Hesser	408 E. Clay	509-629-1573	4/10/23
14	<i>Walter Hessler</i>	WALTER HESSLER	408 E. CLAY	509-520-5680	4/10/23
15	<i>Patty Kirkwood</i>	PATTY KIRKWOOD	1214 S. 2nd	509-386-8545	4-10/23
16	<i>Douglas B. Green</i>	Douglas Green	1223 S. 3rd	509-382-2687	4-10/23
17	<i>Ellen Blewies</i>	Ellen Blewies	803 S. 3rd	509-382-4818	4/11/23
18	<i>William Ware</i>	William Ware	705 S. 3rd St. Dayton	509-382-4287	4/11/23
19	<i>Annie Mitchell</i>	Annie Mitchell	614 S. 4th St. Dayton	509-870-8307	4/11/23
20	<i>Jackie Mitchell</i>	Jackie Mitchell	614 S. 4th St Dayton	509-520-6608	4-11-23

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No.	Signature	Name (Printed)	Address	Phone Number	Date
1		Karen Paulino	105 East Richmond	509-382-9202	03-01-2023
2		Peter Paulino	1028 N Tech St Dayton	509-884-5474	03-01-23
3		Peter Paulino	105 E. RICHMOND AVE	509-386-0582	03-01-23
4		William BECKMEYER	116 MAIN RD DAYTON, WA	509-337-6706	03-05-23
5		Cara Watts	118 Main Rd Dayton, Wa	361-520-1703	March 5, 2023
6		Johnny Watts	118 Main Rd Dayton Wa	509-629-2439	March 5, 2023
7		Nicky Beckmeyer	116 Main Rd Dayton WA	509-337-6706	3-5-23
8		GRETHER MURTHACK	1936 TUCANNON RD Pomeroy	907-617-9896	5-2-23
9		Andrea Murtack	1936 Tucannon Rd, Pomeroy	907-617-9891	5-2-2023
10		Olivia Murtack	1936 Tucannon Rd, Pomeroy	907-617-9021	5-2-2023
11		Tyler Dien	702 N 1st, Dayton wa	509-540-8528	5-16-2023
12		James Weyant Jr	1307 S. 4th Dayton	909-253627	6-7-23
13		James Weyant Jr	1307 S. 4th St Dayton	909-253627	6-7-23
14		James Weyant Jr			
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No.	Signature	Name (Printed)	Address	Phone Number	Date
1	<i>Joeie Aukerman</i>	Joeie Aukerman	309 S 1st Dayton WA	541-805-9584	03/05/2023
2	<i>Laura Aukerman</i>	Laura Aukerman	300 S 1st Dayton WA	509-803-522	03/05/23
3	<i>Tony Aukerman</i>	Tony Aukerman	300 S 1st Dayton WA	509-744-0427	3/5/23
4	<i>Pat Hume</i>	Pat Hume	604 N 1st Dayton WA	509-540-9991	3/5/23
5	<i>Janice Hume</i>	Janice Hume	601 E Hannan ^{Dayton}	509-539-7374	"
6	<i>Ron Hume</i>	Ron Hume	"	509-520-8489	"
7	<i>Gregory F. Abramson</i>	Gregory F. Abramson	209 E. Clay Dayton WA	509-826-7048	3/5/23
8	<i>Kathryn K. Abramson</i>	Kathryn K. Abramson	209 E. Clay St Dayton WA	509-876-7201	3/5/23
9	<i>Darlene Lambert</i>	Darlene Lambert	124 U. PATIT RD	509-382-4490	3/9/23
10	<i>Tim Hoskins</i>	TIM Hoskins	124 U. PATIT RD	509-382-4490	3/9/23
11	<i>Shirley Marvill</i>	SHIRLEY MARVILL	1001 Patit Rd DAYTON	509-382-4496	3/9/23
12	<i>Lina Cunningham</i>	Lina Cunningham	211 E JACKSON #112	509-382-2121	3/9/23
13	<i>Julie Stroud</i>	JULIE STROUD	703 S. Touchet	509-382-3444	3/8/23
14	<i>Bret Stroud</i>	Bret Stroud	703 S. Touchet	509-382-3444	3/9/23
15	<i>Orin Johnson</i>	Orin Johnson	1401 S. 1st St	509-540-0554	3/9/23
16	<i>Tim Gunde</i>	Tim Gunde	239 Patit	509-386-8939	3/9-23
17	<i>Patricia Harmon</i>	PATRICIA HARMON	405 McKay Alto Rd.	509-337-6025	3-9-23
18	<i>Charles Ameron</i>	CHARLES AMERON	405 McKay Alto Rd	509-337-6025	3-9-23
19	<i>Dan A. Belenay</i>	Dan A. Belenay	112 Horse Show Ln Dayton	360-5564940	3-9-23
20	<i>Randy Schator</i>	Randy Schator	115 W Brooklyn Ave	509-629-9444	3/9/23

Petition to Dissolve the Columbia County Rural Library District

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No.	Signature	Name (Printed)	Address	Phone Number	Date
1	<i>Catherine Orr</i>	Catherine Orr	723 E. Dayton Ave #14	509-629-0193	4-13-23
2	<i>Bea Bell</i>	Bea Bell	1515 S. 5th St	509-382-4401	4-14-23
3	<i>Susan Bell</i>	SUSAN BELL	124 S. Touchet Rd	903-216-7574	4-14-23
4	<i>Dennis Kirtman</i>	Dennis Kirtman	36935 16th St	509-674-3011	4/14/23
5	<i>Vickie Thompson</i>	Vickie Thompson	110 S Pine Dayton WA	509-382-1784	4-14-23
6	<i>Rennie Peterson</i>	Rennie Peterson	203 S 1st St Dayton WA	509-730-1328	4/14/23
7	<i>Crystal Peterson</i>	Crystal Peterson	203 S 1st St Dayton WA	509-730-1100	4/14/23
8	<i>Ron Stevens</i>	Ron Stevens	700 55th St	509-679-9574	4/14/23
9	<i>Charles McDaniel</i>	Charles McDaniel	215 S 2nd St	509-730-3300	4/14/23
10	<i>Juniper Kerr</i>	Juniper Kerr	215 S 2nd St	509-210-4411	4/14/23
11	<i>Ellen Atteberry</i>	Ellen Atteberry	215 S 2nd St	509-540-4867	4-14-23
12	<i>Alan Jakobsen</i>	Alan Jakobsen	311 E Clay St	509-540-7586	4-15-23
13	<i>Andrea Thompson</i>	ANDREA THOMPSON	407 W. Lily	509-386-2006	4-16-23
14	<i>James Wyant</i>	James Wyant	1123 S. 4th St. Dayton	509-730-9923	4-18-23
15	<i>Glenda Flint</i>	Glenda Flint	209 W. Patison Dayton	509-382-2901	4-20-23
16	<i>Margaret Bayan</i>	Margaret Bayan	313 N Front St	509-956-8528	4-20-23
17	<i>Dale Walling</i>	Dale Walling	227 N. Cherry St. Dayton	206-779-2774	5/26/23
18	<i>Mary Ann Walling</i>	Mary Ann Walling	227 N. Cherry St. Dayton	509-632-3257	5/26/23
19	<i>James A Westergren</i>	JAMES A WESTERGRAN	619 S. 1st Rd Dayton	360-913-3338	6/15/23
20	<i>Curt A Westergren</i>	Curt A Westergren	619 S. 1st Rd Dayton	360-913-3338	6/15/23

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No.	Signature	Name (Printed)	Address	Phone Number	Date
1		Tim Dougherty	212 North 3 rd St	540-5826	4-6-2023
2		Kira Park	Hillside Gw	356-6571	4-8-23
3		Virginia Bond	643 Harlem Rd Dayton	509 575 0102	4-7-2023
4		Michael's Bond	643 Harlem Rd Dayton	509-578-8533	4-7-23
5		Robert Thompson	506 54 th	509-540-2578	4-8-23
6		KELLY UNDERWOOD	422 E Oak	509-382-3106	4-8-23
7		David L. Ashby	805 S. 4 th Dayton, OR	509-382-2935	4-8-23
8		Charles Ashby	805 S. 4 th Dayton, OR 97203	509 540 1753	4-8-23
9		Mary McFarland	811 S. 4 th Dayton	509-629-0628	4-8-23
10		Savannah Vance	301 W. Commercial	509-520-9738	4-8-23
11		Stacey Wagner	811 S. 4 th	509-676-8120	4-8-23
12		Bernard B. White	215 Rose Gulch RD	509-582-1955	4-8-23
13		Bob Hampen	306 W. Dayton ME	509 629 0361	4-8-23
14		GLEN HERBST	300 E. DAYTON AV	509-386-4221	4-8-23
15		TIFFANI EMEISER	215 S 3 rd St Dayton	509-520-5159	4/8/23
16		BODIE BROWN	124 BAILLYS BURG RD. DAYTON	509 629 3432	4/8/23
17		Rene Brown	" " " "	509-629-3433	4/8/23
18		Dylan Smith	418 Sogham Hollow Rd	509-386-2491	4-9-23
19		Emily Wolf	" "	509-295-1725	4/9/23
20		Kellya Dobbs	416 E Washington		4/9/23

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No.	Signature	Name (Printed)	Address	Phone Number	Date
1	<i>Morgan Poche</i>	Morgan Poche	603 N Cottonwood St.	509-386-4166	3/9/23
2	<i>Aaron Poche</i>	Aaron Poche	603 N. Cottonwood St.	509-386-0807	3/9/23
3	<i>Mary Martin</i>	MARY MARTIN	551 S Touchet Rd	509-382-3086	3/9/23
4	<i>Seth Murdock</i>	SETH MURDOCK	239 SMITH HOLLOW RD	509-520-2654	3/9/23
5	<i>Kristine Krayon</i>	Kristine Krayon	326 Weller Canyon RD	509-913-3176	3-10-23
6	<i>Carole Rust</i>	CAROLE RUST	701 S TOUCHET RD	509-788-2341	3/10/23
7	<i>Tam Burnett</i>	Tam Burnett	649 S 50 S 4th Street	619-908-2999	3-10-23
8	<i>Donette Burnett</i>	Donette Burnett	510 S 4th street	619-993-7452	3/10/23
9	<i>Michael H. Breck</i>	Michael H. Breck	309 PATIT Rd	509-222-0158	3/12/23
10	<i>Friedhilde A. Breck</i>	Friedhilde A. Breck	" "	509-222-0720	3/12/23
11	<i>Celia B McElroy</i>	CELIA B MCELROY	615 N COTTONWOOD St	509-540-0857	3/12/23
12	<i>Molly Ramirez</i>	Molly Ramirez	710 Oak ST	509-382-2631	3/12/23
13	<i>D. Jeannie Lynam</i>	D. Jeannie Lynam	744 S 5th Dayton	509-382-2312	3-12-23
14	<i>Christina Cillum</i>	Christina Cillum	522 W. Cameron CT #13	509-676-7880	3/16/23
15	<i>Gregory C. Petersen</i>	Gregory C. Petersen	614 S 7th St, Dayton, WA	509-386-8187	3/28/23
16	<i>Cassidy Monture</i>	Cassidy Monture	727 S 4th St Dayton	509-513-9424	4/2/23
17	<i>Katharine E Rouven</i>	Katharine E Rouven	114 East Dayton Ave	509-382-1181	4/6/23
18	<i>Con F</i>	Con F	114 E Dayton Ave	509-382-1181	4-6-23
19	<i>Morgan Knapp</i>	Morgan Knapp	623 E Patit Ave	509-540-9601	4/8/23
20	<i>Katharine Rouven</i>	Katharine Rouven	623 E Patit Ave	509-629-1151	04/08/23

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No.	Signature	Name (Printed)	Address	Phone Number	Date
1	<i>Jason Gemmell</i>	Jason Gemmell	615 E LEE ST	509-629-1224	4/14/23
2	<i>Nicki Lewis</i>	Nicki Lewis	408 E Main St	509-382-4182	5/29/23
3	<i>Mari Lynn Groom</i>	Mari Lynn Groom	306 Payne Hall Rd	509-382-4006	5/29/23
4	<i>Michael Gatlin</i>	Michael Gatlin	512 E Vine St	509-730-6923	5-29-23
5	<i>Douglas R. Groom</i>	Douglas R Groom	1277 S. 3rd	509-382-2687	5-29-23
6	<i>Carri A Richter</i>	Carri A Richter	904 S. 3rd, Dayton	509-382-4024	5-29-23
7	<i>Dwight E. Richter</i>	Dwight E. Richter	904 S. 3rd Dayton	509-382-4124	5-29-23
8	<i>Tamara Scott</i>	TAMARA SCOTT	425 E. Richmond Ave	509-240-2945	5-29-23
9	<i>Shelli Davis</i>	Shelli Davis	106 Baileyburg Dayton	509-520-5190	5/27-21
10	<i>Dave Shepherd</i>	Dave Shepherd	106 N Touchet Rd	509-778-2519	5/27-23
11	<i>Judith J Shepherd</i>	Judith J Shepherd	106 N Touchet Rd	509-222-1727	5/27-23
12	<i>Stacy Frank</i>	Stacy Frank	805 S Touchet Rd	509-727-3104	5/27/23
13	<i>Ronald Frank</i>	Ronald Frank	805 S Touchet Rd	509-727-3104	5/27/23
14	<i>Johnny Watts</i>	Johnny Watts	118 Main Rd Dayton Wn	509-629-1457	5-27-23
15	<i>Mary Warren</i>	Mary Warren	112 Chandler Rd Dayton	509-336-3538	5/28-23
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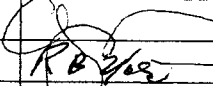
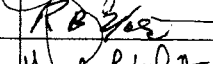
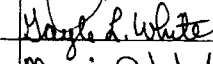
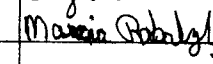
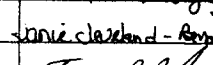
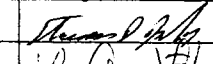
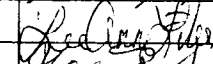
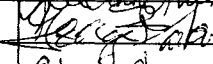
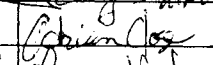
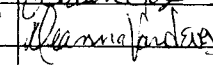
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Petition to Dissolve the Columbia County Rural Library District

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No.	Signature	Name (Printed)	Address	Phone Number	Date
1		CHRISTINA GUZE	44 S 4th St Dayton WA	503 572 81	3/9-2023
2		R B YOST	292 W Commercial Dayton WA	509 302 464	3/9 2023
3		Gayle L. White	215 Rose Gable Rd Dayton WA	509. 382.1955	3-9-23
4		Marcia Rohrbach	110 Barney Ln. WA Dayton	509 382-8945	3-9-23
5		Annie Cleveland - Remudas	1015 S 5th Dayton WA	509-5118	3-9-23
6		Thomas J John	1401 S 6th Dayton WA	509-993-8596	3-9-23
7		LEE Ann Lital	149 Smith Hall (in)	509-386443	5/27/23
8		George Patten	149 Smith Hall (in)	509 396 449	5/27/23
9		Adrian Jose	Washington HO	509 826-655	6/11/23
10		Deanna Vanderen	Cinema Court	509-520-1173	6/21/23
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1		Derrick Price	1012 S 4th Street Dufur	509-586-5165	3-10-23
2		Zandra Price	1017 South 4th St Dufur	509-386-4797	3-10-23
3		Shaun Harb	10615 Harting Grade	509-382-8865	3-11-23
4		Bret Harting	104 Harting Grade	509-382-402	3-11-23
5		Shari Harting	104 Harting Grade	509-382-4602	3/11/23
6		GARY RENWICK	731 S 4th	509-386-4300	3/11/23
7		Dave Peterson	735 S 5th	(509) 678-1016	3/12/23
8		Eric Davis	106 Daileysburg Rd	509-510-4321	3/12/23
9		Don Magill	119 Magill Ln.	509-629-2733	3/12/23
10		JR Magill	119 Magill Ln	540-419-567	3/12/23
11		FRANK TRIMARCHE	415 N Front St	509-582-2685	3/13/23
12		Rose Trimarche	415 N Front St	509-240-0216	3/13/23
13		Judy Belter	1204 South 5th St	504-676-7560	3/14/23
14		TIMOTHY S BREEN	1402 S 2nd St	509-386-8521	3-14-23
15		Loretha Hatfield	304 W. Commerce Ave	509-386-5749	3-14-23
16		Chris Hooe	605 Hartman Rd	509-540-1570	3-14-23
17		Joanna Hooe	605 Hartman Rd	529-529-6846	3-14-23
18		TONY WOODRIDER	808 Hwy 261 Ste 100 W. Haydon	509-554-2242	3-17-23
19		Kelly O Gallaher	105 Gallaher Rd W. Haydon	509-540-0376	3-20-23
20		Jonathan Lambert	101 Parady Ln Dayton W. Haydon	529-386-1728	3-20-23

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1	<i>Amber Lawler</i>	Amber Lawler	101 Beverly Ln	509-386-4317	3-20-23
2	<i>James D. Melick</i>	James D. Melick	101 Beverly Ln	509-629-2772	3-20-23
3	<i>James R. Eslick</i>	JAMES R. ESICK	111 ESICK LN.	509-520-2209	3-20-23
4	<i>Christine Eslick</i>	Christine Eslick	111 Eslick Ln	520-3272	3/20/23
5	<i>James Ogden</i>	James Ogden	122 Ward Rd	(509) 386-4409	3-20-23
6	<i>Stephanie Ogden</i>	Stephanie Ogden	122 Ward Road	509-540-5716	3/20/23
7	<i>Brayden Bramley</i>	Brayden Bramley	104 Ogden Lane	509-860-1809	3/20/23
8	<i>Jurnee Griffin</i>	Jurnee Griffin	104 Ogden Ln	208-503-5105	3/20/23
9	<i>Marleigh McLane</i>	Marleigh McLane	104 Ogden Ln	509-521-4912	03/20/23
10	<i>Steve Riggan</i>	Steve Riggan	36543 Hwy 12	509-386-7183	03/20/23
11	<i>Pat Barker</i>	PAT BARKER	36406 Hwy 12	509-386-4004	03/21/23
12	<i>Anton Phinney</i>	Anton Phinney	312 E. Hancock	509-629-3333	03/21/23
13	<i>Steve Walker</i>	Steve Walker	1415 S. 2nd St	509-629-7127	03-21-23
14	<i>Ed Eastman</i>	Ed EASTMAN	401 E. MCCALL	360 370 5809	3/21/23
15	<i>Kathy E. Eastman</i>	KATHY E.	SAME	360-376898	3/21/23
16	<i>Hannah Coulston</i>	Hannah Coulston	36406 Hwy 12 Dayton	509-540-5913	3/21/23
17	<i>Calvin Coulston</i>	Calvin Coulston	36406 Hwy 12 Dayton	509-540-5812	3/21/23
18	<i>Rhonda Barker</i>	Rhonda Barker	333 Fayne Hollow Rd Dayton	509-520-7409	3-21-23
19	<i>Chase Cox</i>	Chase Cox	1300 So 6th	504 676 9803	3-23-23
20	<i>Betty Alexander</i>	Betty Alexander	1103 S. 4th Dayton WA	509 301-2460	3-28-23

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1		George H. Hansen	100 Lower Hoge Rd	509-520-3679	3/27/23
2		Chase Reed	102 Bandy Hollow	509-592-5592	3/29/23
3		JASON ESICK	102 PIE PLANT	509-677-7777	3/29/23
4		Gary Brownell	1218 S. 3rd	509-240-6617	3/29/23
5		Rodney Brady	225 E McCALL ST	509-440-0559	3-29-23
6		Keith Pittman	735 Pittman Rd	509-386-2777	3/29/23
7		Kristine King	1316 S. 2nd Dayton	509-382-2717	3/29/23
8		Linda Brady	225 E McCALL ST	509-440-0559	3/29/23
9		Luke McNeil	103 Fullerton Rd	509-520-9142	4/1/2023
10		Taylor McNeil	103 Fullerton Rd	509-629-2692	4/1/2023
11		Ben Turner	532 Turner Rd	509-386-5523	4-1-23
12		Rory Donahue	P.O. Box 98 Dayton	504-526-7695	4-1-23
13		Leah Turner	532 Turner Rd	509-382-4033	4-1-23
14		Richard Turner	540 Turner Rd Dayton	509-382-2019	4-1-2023
15		Valerie Turner	540 Turner Dayton	509-382-2019	4-1-2023
16		Bonnie Jackson	540 Turner Dayton	509-382-2019	4-1-23
17		Courtney McNeil	626 Turner Rd	509-382-2341	
18		Anna Withers	214 N Patit Ave Dayton	509-520-3663	4-3-2023
19		Clarice Bowen	364 34 Hwy 12 - Dayton	509-382-2000	4-4-2023
20		Dan Hall	655 E Ross St	509-791-7870	4-4-23

Petition to Dissolve the Columbia County Rural Library District

We, the undersigned citizens of Columbia County, ask the Board of County Commissioners of Columbia County for inclusion on the ballot in the next general election a proposal to dissolve the Columbia County Rural Library District in accordance with RCW 27.12.320. Wherein, pursuant to a majority vote of all of the qualified electors residing outside of incorporated cities and towns voting upon a proposition for its dissolution, at a general election, which proposition may be placed upon the ballot at any such election whenever a petition by ten percent or more qualified voters residing outside of incorporated cities or towns within a rural county library district, requesting such dissolution shall be filed with the board of trustees of such district not less than ninety days prior to the holding of any such election.

WARNING

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

No.	Signature	Name (Printed)	Address	Phone Number	Date
1	<i>Charles S. Meade</i>	Charles S. Meade	229 Mead Lane Dayton, Va.	509 362 2201	5/30/2023
2	<i>Kathleen Anderson</i>	Kathleen Anderson	209 S. 7th St. Dayton, WA	509-781-1189	6/1/2023
3	<i>Thomas Anderson</i>	Thomas Anderson	209 S. 7th St. Dayton, WA	509-832-0810	6/1/23
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EXHIBIT 4

COMPLAINT

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JACOBS LAW, PLLC
Richard A. Jacobs
P.O. Box 2877
Walla Walla, Washington 99362
(509) 761-4441

July 24, 2023

COUNTY AUDITOR, COLUMBIA COUNTY
RECENTLY I SIGNED A PETITION TO
DEFUND THE COLUMBIA COUNTY RURAL
DISTRICT LIBRARY. IT WAS EXPLAINED
TO ME THAT BOOKS WERE AVAILABLE
TO YOUNGSTERS THAT WERE NOT APPROPRIATE
AND LOCATED IN AREAS THAT WERE
EASILY ACCESSIBLE. THIS PROBLEM
HAS BEEN SOLVED BY THE INTERIM
DIRECTOR ELLEN BRIGHAM. I UNDERSTAND
FROM "THE TIMES" NEWSPAPER, THAT THE
GOAL POSTS HAVE BEEN CHANGED. THERE
ARE A LOT MORE DEMANDS. IN MY VIEW,
THESE DEMANDS ARE NOT JUSTIFIED AND
WERE NOT EXPLAINED TO ME AT THE
TIME I SIGNED. THEREFORE I
WOULD LIKE MY NAME REMOVED
FROM THE PETITION

THANK YOU

Jim Steneker
306 PATIE RD
DAYTON, WA,

99323

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EXHIBIT 5



OFFICE OF THE PROSECUTING ATTORNEY
COLUMBIA COUNTY, WASHINGTON
215 E. CLAY ST.
DAYTON, WA 99328

(509) 382-1197 – TEL. • (509) 382-1190 – FAX

C. DALE SLACK
PROSECUTING ATTORNEY

JENNINE CHRISTENSEN
CHIEF DEPUTY PROSECUTING ATTORNEY

KENT H. BIGLER
DEPUTY PROSECUTING ATTORNEY

BRITNI MCCAULEY
LEGAL ADMINISTRATOR

REBECCA COALY
VICTIM ADVOCATE

March 17, 2023

Hon. Robert Ferguson
Attorney General of the State of Washington
PO Box 40100
Olympia, WA 98504-0100

Re: Request for Informal Opinion Regarding Applicability and Interpretation of RCW 27.12.320 when a Rural Library District Includes by Annexation an Incorporated City

Dear Attorney General Ferguson:

I am submitting this request for an informal opinion based upon the circulation of a petition in this county for a measure to appear on the ballot at the general election in this County dissolving the Columbia County Rural Library District. As time is of the essence in answering this question, I am requesting an informal opinion, though if you feel it is of sufficient general interest, I defer to your choice to issue a formal opinion—I only ask that you bear in mind that we will need an answer before the deadline to place this measure on the ballot.

Background and Legal Basis

The Columbia County Rural Library District (CCRLD) is composed of both the unincorporated areas of Columbia County, Washington (the County), and the City of Dayton, Washington (the City). The City chose to be annexed into the CCRLD by a vote as provided for in RCW 27.12.360 after formation of the CCRLD. A group of citizens have circulated a petition to dissolve the CCRLD. The plain wording of RCW 27.12.320 seems problematic in that it may disenfranchise voters, and there does not appear to be any analogous caselaw to aid in determining how a rural library district may be dissolved under these circumstances.

RCW 27.12.320 states that the proposition for dissolution may be placed on the ballot pursuant to a petition signed by “ten percent or more qualified voters residing outside of incorporated cities or towns within a rural county library district... requesting such dissolution....”

RCW 27.12.320 further states that a Rural Library District may be dissolved by a “majority vote of all of the qualified electors residing outside of incorporated cities and towns voting upon a proposition for its dissolution, at a general election....”

The Washington State Constitution, Article I, Section 19, guarantees that all elections be “free and equal,” which has been interpreted by the Courts of the State as requiring that qualified voters who are “significantly affected by the results of an election be given an opportunity to

vote in that election.” *Seattle v. State*, 103 Wn.2d 663, 673, 694 P.2d 641 (1985), citing, *Foster v. Sunnyside Vly. Irrig. Dist.*, 102 Wn.2d 395, 403-11, 687 P.2d 841 (1984).

Questions Presented

Q1. When a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, must the petition be signed by 10% of the voters in both the unincorporated county and the city or town annexed, or merely by 10% of the voters residing in the unincorporated areas of the County?

Q2. When a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, may the measure to dissolve as to the voters of the city or town be placed on the ballot by petition, or must the city or town legislative authority propose the measure in the same way as annexation pursuant to RCW 27.12.360?

Q3. Assuming that the answer to Q1 is “both” and the dissolution measure may be placed on the ballot by petition, when a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, is one petition sufficient to place a proposition for dissolution on the ballot, or must there be a separate petition for each of the unincorporated county and for the annexed city or town?

Q4. Assuming that the answer to Q1 is “both” and the dissolution measure may be placed on the ballot by petition, when a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, what proportion of the signatures on the petition must be from each of (a) the unincorporated county; and (b) the annexed city or town?

Q5. When a rural county library district has annexed a qualifying city or town, and when dissolution of the district is voted upon by a proposition, must the proposition be approved merely by a majority of the voters in the unincorporated county, or by a majority of both the unincorporated county and the annexed city? If both, must the proposition be approved by a majority of both the unincorporated county and a majority of the annexed city, or a majority of the total voters of both?

Q6. Assuming that a petition for a measure to dissolve a rural library district which has annexed a city need only be approved by 10% of the qualifying voters within the unincorporated areas of the county, and that a measure to dissolve that same district need only be approved by a majority of the qualifying voters within the unincorporated areas of the county, is RCW 27.12.320 unconstitutional as applied in the above-described case as disenfranchising the voters of the incorporated, annexed city who are significantly affected by the results of the election?

//

Additional Considerations

In addition to the questions directly posed here, it would be helpful if you point out any other legal or constitutional considerations missed in my analysis of RCW 27.12.320 which may affect the legitimacy of an election on this issue.

Yours very truly,

A handwritten signature in black ink, appearing to read "C. Dale Slack", with a long, sweeping horizontal line extending to the right.

C. Dale Slack
Prosecuting Attorney
Columbia County

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EXHIBIT 6



Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

June 12, 2023

The Honorable C. Dale Slack
Columbia County Prosecuting Attorney
215 E Clay Street
Dayton, WA 99328

Dear Prosecutor Slack:

By letter previously acknowledged, you have requested an opinion on the following questions:

1. When a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, must the petition be signed by 10 percent of the voters in both the unincorporated county and the city or town annexed, or merely by 10 percent of the voters residing in the unincorporated areas of the county?
2. When a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, may the measure to dissolve as to the voters of the city or town be placed on the ballot by petition, or must the city or town legislative authority propose the measure in the same way as annexation pursuant to RCW 27.12.360?
3. Assuming that the answer to Question 1 is "both" and the dissolution measure may be placed on the ballot by petition, when a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, is one petition sufficient to place a proposition for dissolution on the ballot, or must there be a separate petition for each of the unincorporated county and for the annexed city or town?
4. Assuming that the answer to Question 1 is "both" and the dissolution measure may be placed on the ballot by petition, when a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the

ATTORNEY GENERAL OF WASHINGTON

The Honorable C. Dale Slack
June 12, 2023
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district, what proportion of the signatures on the petition must be from each of (a) the unincorporated county and (b) the annexed city or town?

- 5. When a rural county library district has annexed a qualifying city or town, and when dissolution of the district is voted upon by a proposition, must the proposition be approved merely by a majority of the voters in the unincorporated county, or by a majority of both the unincorporated county and the annexed city? If both, must the proposition be approved by a majority of both the unincorporated county and a majority of the annexed city, or a majority of the total voters of both?**
- 6. Assuming that a petition for a measure to dissolve a rural county library district which has annexed a city need only be approved by 10 percent of the qualifying voters within the unincorporated areas of the county, and that a measure to dissolve that same district need only be approved by a majority of the qualifying voters within the unincorporated areas of the county, is RCW 27.12.320 unconstitutional as applied in the above-described case as disenfranchising the voters of the incorporated, annexed city who are significantly affected by the results of the election?**

BRIEF ANSWERS

1. To dissolve a rural county library district, RCW 27.12.320 requires a petition requesting such dissolution by only ten percent or more of the qualified voters residing outside of incorporated cities or towns within the rural county library district, even when the rural county library district has annexed a city or town to the district.
2. Neither. When the dissolution of a rural county library district is sought by valid petition, RCW 27.12.320 requires the proposition of dissolution to be placed on the ballot at a general election only for all qualified electors residing outside of incorporated cities or towns, even if the rural county library district has annexed a city or town to the district.
3. Given the answer to your first question, this question is not necessary to answer.
4. Given the answer to your first question, this question is not necessary to answer.
5. RCW 27.12.320 provides that a rural county library district may be dissolved when a majority of the qualified electors residing outside of incorporated cities and towns vote for such dissolution at a general election, even if the rural county library district has annexed a city or town to the district.

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The Honorable C. Dale Slack
June 12, 2023
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6. The Attorney General's Office is unable to respond to your sixth question because, by long practice, our office declines to provide opinions as to the constitutionality of enacted statutes. This is because our office often defends the validity of statutes when challenged in court.

BACKGROUND

Your questions arise from recent events involving the City of Dayton and the Columbia County Rural Library District. While we answer your questions as a general legal analysis, the particular circumstances illustrate the context of your questions.

The City became part of the District through the annexation process described in RCW 27.12.360 and RCW 27.12.370. Now, a group of citizens have circulated a petition to dissolve the District under RCW 27.12.320. Thus, your questions relate to RCW 27.12.320's requirements for the dissolution of a rural county library district.

ANALYSIS

1. **When a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, must the petition be signed by 10 percent of the voters in both the unincorporated county and the city or town annexed, or merely by 10 percent of the voters residing in the unincorporated areas of the county?**

Your first question asks for an interpretation of a particular requirement within RCW 27.12.320 for dissolving a rural county library district. When interpreting a statute, the goal "is to ascertain and carry out the Legislature's intent[.]" *Dep't of Ecology v. Campbell & Gwinn, L.L.C.*, 146 Wn.2d 1, 9, 43 P.3d 4 (2002). To achieve that goal, Washington courts first look to the plain language of the statute, "considering the text of the provision, the context of the statute, related provisions, amendments to the provision, and the statutory scheme as a whole." *First Student, Inc. v. Dep't of Revenue*, 194 Wn.2d 707, 710, 451 P.3d 1094 (2019).

RCW 27.12.320 is part of a broader statutory scheme governing public libraries, including rural county library districts and city libraries. RCW 27.12. In creating this statutory scheme, the legislature declared it "to be the policy of the state, as a part of its provision for public education, to promote the establishment and development of public library service throughout its various subdivisions." RCW 27.12.020. Thus, RCW 27.12 establishes a variety of methods by which public libraries are created, operated, and governed.

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The Honorable C. Dale Slack

June 12, 2023

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One such method is through a “rural county library district,” which is defined as “a library serving all the area of a county not included within the area of incorporated cities and towns: PROVIDED, That any city or town meeting the population requirements of RCW 27.12.360 may be included therein as provided in RCW 27.12.360 through 27.12.390[.]” RCW 27.12.010(7). Accordingly, a rural county library district includes unincorporated parts of the county, as well as any city or town that becomes part of the district through the annexation process described in RCW 27.12.360 and .370. That is the case with the Columbia County Rural Library District. It includes the unincorporated parts of Columbia County, along with the City of Dayton.

Once established, a rural county library district is considered a public corporation with any powers necessary to carry out the functioning of the library, including the power of taxation vested in municipal corporations. RCW 27.12.060. As part of these powers, the rural county library district may impose a tax levy throughout the district, including within any city that has been annexed to it. RCW 27.12.050, .390. The city annexed to the rural county library district thus surrenders an amount of its levy capacity equal to that imposed by the district for library services. RCW 27.12.390.

The specific statute you have raised questions about is RCW 27.12.320, which establishes a process for dissolving a rural county library district. That statute provides in relevant part:

After a rural county library district, an island library district, or an intercounty rural library district has been in operation for three or more years, it may be dissolved pursuant to a majority vote of all of the qualified electors residing outside of incorporated cities and towns voting upon a proposition for its dissolution, at a general election, *which proposition may be placed upon the ballot at any such election whenever a petition by ten percent or more qualified voters residing outside of incorporated cities or towns within a rural county library district*, an island library district, or an intercounty rural library district requesting such dissolution shall be filed with the board of trustees of such district not less than ninety days prior to the holding of any such election. An island library district may also be dissolved pursuant to RCW 27.12.450.

RCW 27.12.320 (emphasis added). Thus, the first step in the dissolution process is the filing of “a petition by ten percent or more qualified voters residing outside of incorporated cities or towns within a rural county library district,” to be filed with the district’s board of trustees. RCW 27.12.320. The statute’s language is plain: the petition must come from qualified voters residing *outside* of incorporated cities or towns within the district. In other words, the required petition comes from a designated amount of qualified voters in the unincorporated parts of the county within the district, not an annexed city or town within the district.

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The Honorable C. Dale Slack

June 12, 2023

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This conclusion does not change when a rural county library district annexes a city or town to the district. RCW 27.12.320 itself does not indicate any changes in the petition process when a city or town is annexed to the district, nor does any other statute within RCW 27.12. Instead, the statutory scheme as a whole shows that the legislature intended to provide public library services for the state's various subdivisions, when each particular subdivision desires such services. For example, a city can establish a library through its own legislative body or by petition of 100 taxpayers of the city for a vote on the question of whether to create a library. RCW 27.12.030. Separately, certain registered voters in counties outside of incorporated cities and towns can establish a rural county library district. RCW 27.12.040.

To promote public library services, the statutory scheme also shows that the legislature intended to encourage cooperation between governmental units, but still made such cooperation dependent upon the desires of those involved. *See, e.g.*, RCW 27.12.025 (any governmental unit has the power to establish and maintain a library, by itself or in cooperation with other governmental units); RCW 27.12.100 (setting forth procedure for joint action by two or more counties to establish intercountry rural library district); RCW 27.12.180 (allowing governmental unit and existing library to enter into contract to receive and provide library services). The procedure for annexing a city or town to a rural county library district demonstrates this intent as well. It requires that the board of trustees for the rural county library district concur in the annexation, and that certain registered voters in the city or town vote in favor of annexation. RCW 27.12.360, .370.

Similarly, the statutory scheme makes clear that the desire for continued cooperation between governmental units must be mutual. Thus, in the context of annexation, the voters of the city or town annexed to the rural county library district can vote on whether to withdraw from such a district. RCW 27.12.380. Notably, however, there is no such similar withdrawal process for voters residing outside of incorporated cities or towns within the district. Instead, RCW 27.12.355 allows for the withdrawal of a county area from within the rural county library district only when the library board of trustees adopts a resolution requesting the withdrawal, the board finds a specific condition relating to the district's tax levy rate is met, and the county legislative authority adopts a resolution approving the withdrawal. This generally leaves voters who reside outside of incorporated cities or towns and no longer wish to be part of the rural county library district with one option: following the procedure for dissolving the entire district under RCW 27.12.320. While RCW 27.12.320 does not permit voters of a city or town annexed to the rural county library district to participate in this dissolution procedure, the limitation makes sense given the legislature's goal of cooperation between governmental units that is mutual. If a city or town is annexed to a rural county library district that is later dissolved, the city or town is not without recourse if it still desires public library services. Indeed, the city or town can establish its own library or contract with another existing library for library services. RCW 27.12.030, .180.

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June 12, 2023
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RCW 27.12.320 limits the ability to petition for dissolution of a rural county library district to a certain percentage of qualified voters residing outside of incorporated cities or towns within the district. This is true even when the rural county library district has annexed a city or town to its district. RCW 27.12.320's plain language, related provisions, and the statutory scheme as a whole support this reading of the statute.

2. **When a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, may the measure to dissolve as to the voters of the city or town be placed on the ballot by petition, or must the city or town legislative authority propose the measure in the same way as annexation pursuant to RCW 27.12.360?**

Your second question essentially asks what the next step is in the dissolution process for residents of a city or town annexed to a rural county library district after a valid petition for dissolution is filed. Once the petition step happens, the proposition to dissolve a rural county library district may be placed on the ballot during a general election before "qualified electors residing outside of incorporated cities and towns" within the district. RCW 27.12.320. Thus, following the required petition, RCW 27.12.320 contemplates a vote on whether to dissolve the rural county library district before "the qualified electors residing outside of incorporated cities and towns" within the district.

Nothing in RCW 27.12.320 or the rest of the statutory scheme indicates that the legislature intended a different process when a rural county library district has annexed a city or town to the district. There is no provision in RCW 27.12 permitting the question of dissolving a rural county library district to be placed on a ballot before qualified electors of cities or towns when such a city or town has been annexed to the district. Instead, RCW 27.12.320 shows that the legislature established a distinct process for dissolving rural county library districts, and did not change that process, even after it began allowing the annexation of certain cities or towns to a rural county library district. Laws of 1977, 1st Ex. Sess., ch. 353, §§ 1-4 (adding annexation provisions to RCW 27.12, but making no corresponding changes to the dissolution provisions).

Accordingly, RCW 27.12.320's plain language and amendments, as well as the overall statutory scheme, show that the legislature intended a proposition to dissolve a rural county library district to be placed on a ballot only before those qualified voters residing outside of incorporated cities and towns, but within the district. This process remains the same even when a rural county library district includes an annexed city or town.

3. **Assuming that the answer to Question 1 is "both" and the dissolution measure may be placed on the ballot by petition, when a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition**

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The Honorable C. Dale Slack

June 12, 2023

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of the voters of the district, is one petition sufficient to place a proposition for dissolution on the ballot, or must there be a separate petition for each of the unincorporated county and for the annexed city or town?

It is not necessary to answer this question because RCW 27.12.320 requires a petition requesting dissolution of a rural county library district by only qualified voters residing outside of incorporated cities or towns within the district, even when the rural county library district has annexed a city or town to the district.

- 4. Assuming that the answer to Question 1 is “both” and the dissolution measure may be placed on the ballot by petition, when a rural county library district has annexed a qualifying city or town, and when dissolution of the district is sought by a petition of the voters of the district, what proportion of the signatures on the petition must be from each of (a) the unincorporated county and (b) the annexed city or town?**

It is not necessary to answer this question because RCW 27.12.320 requires a petition requesting dissolution of a rural county library district by only qualified voters residing outside of incorporated cities or towns within the district, even when the rural county library district has annexed a city or town to the district.

- 5. When a rural county library district has annexed a qualifying city or town, and when dissolution of the district is voted upon by a proposition, must the proposition be approved merely by a majority of the voters in the unincorporated county, or by a majority of both the unincorporated county and the annexed city? If both, must the proposition be approved by a majority of both the unincorporated county and a majority of the annexed city, or a majority of the total voters of both?**

Your fifth question asks which voters are able to approve the dissolution of a rural county library district when the district includes an annexed city or town. As described above, RCW 27.12.320 sets forth the process for the dissolution of a rural county library district, including how to petition and place a proposition for dissolution on a ballot. Once on the ballot, the statute further describes the vote necessary for a rural county library district to be dissolved. Specifically, RCW 27.12.320 provides that a rural county library district “may be dissolved pursuant to a majority vote of all of the qualified electors residing outside of incorporated cities and towns voting upon a proposition for its dissolution.” Nowhere does RCW 27.12.320 or other parts of the statutory scheme set forth different voting requirements if a rural county library district has annexed a city or town to the district. Thus, under the plain language of the statute, a rural county library district may be dissolved by a majority vote of qualified electors residing outside of incorporated cities or towns, but within the district, even if the rural county library district includes an annexed city or town. The voters of an annexed city or town do not participate.

ATTORNEY GENERAL OF WASHINGTON

The Honorable C. Dale Slack
June 12, 2023
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6. **Assuming that a petition for a measure to dissolve a rural county library district which has annexed a city need only be approved by 10 percent of the qualifying voters within the unincorporated areas of the county, and that a measure to dissolve that same district need only be approved by a majority of the qualifying voters within the unincorporated areas of the county, is RCW 27.12.320 unconstitutional as applied in the above-described case as disenfranchising the voters of the incorporated, annexed city who are significantly affected by the results of the election?**

Your last question focuses on article I, section 19 of the Washington Constitution. That provision declares: "All elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage." Based on this provision, you specifically ask whether RCW 27.12.320 is unconstitutional as applied because it does not allow voters within an incorporated city or town that has been annexed to a rural county library district to petition for dissolution of the rural county library district, or to vote on a proposition to dissolve a rural county library district. Instead, as described above, the statute permits only qualified electors outside of incorporated cities or towns within a rural county library district to petition or vote for dissolution of the district.

The Attorney General's Office is unable to respond to your sixth question because, by long practice, our office declines to provide opinions as to the constitutionality of enacted statutes. This is because our office often defends the validity of statutes when challenged in court.

I hope the foregoing information will prove useful. This is an informal opinion and will not be published as an official Attorney General Opinion.

Sincerely,

Kelly Owings

KELLY OWINGS

Assistant Attorney General
360-753-5529

WTO