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FILED
JUN 08 2017

YAKIMA COUNTY CLERK

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

IN THE MATTER OF:

THE RECALL OF JANELLE RIDDLE,
YAKIMA COUNTY CLERK.

) NO. **1720201139**
)
) PETITION TO DETERMINE
) SUFFICIENCY OF RECALL
) CHARGES AND FOR APPROVAL
) OF BALLOT SYNOPSIS
)

COME NOW, JOSEPH A. BRUSIC, Yakima County Prosecuting Attorney, and DON
L. ANDERSON, Chief Civil Deputy Prosecuting Attorney, and petition the court pursuant to
RCW 29A.56.130 for a determination of the sufficiency of recall charges and for approval of
the attached ballot synopsis. This petition is based on the relevant provisions of RCW
29A.56, which set forth the procedure for recall of elected officers.

Under RCW 29A.56.130, the Prosecuting Attorney is required to summarize the
charges filed in support of a recall as a "ballot synopsis of two hundred words or less and
petition the superior court to approve the synopsis and determine the sufficiency of the
charges. In preparing the ballot synopsis and filing the petition, the Prosecuting Attorney does
not authenticate, substantiate, validate, or endorse any legal or factual allegations charged in
support of recall. Rather, the Prosecuting Attorney is merely the statutorily designated conduit

PETITION TO DETERMINE SUFFICIENCY
OF RECALL CHARGES AND FOR
APPROVAL OF BALLOT SYNOPSIS - 1

Yakima County Prosecuting Attorney
Corporate Counsel Division
Room 211, Yakima County Courthouse
Yakima, Washington 98901
(509) 574 1200; Fax: (509) 574-1201

1 for placing this matter before the court for hearing. This petition is filed pursuant to that
2 statutory procedure.

3
4 PETITION

5 On May 25, 2017, Rickey C. Kimbrough, Robert Young, Bruce Smith and Richard
6 Johnson filed a statement of charges with the Yakima County Auditor, requesting the recall of
7 Janelle Riddle as Yakima County Clerk. The Yakima County Auditor is the proper officer
8 with whom to file such charges pursuant to RCW 29A.56.120. The charge alleges Yakima
9 County Clerk Riddle has committed an act or acts of malfeasance, or an act or acts of
10 misfeasance while in office, or has violated the oath of office as grounds for recall.
11

12 Upon receipt of the statement of charges, the Yakima County Auditor's duties were:
13 (a) to serve a copy of the statement upon the officer subject to recall; and (b) to certify and
14 transmit the charges to the preparer of the ballot synopsis. RCW 29A.56.120. The Yakima
15 County Clerk is an elected public officer whose political jurisdiction lies wholly in one
16 county, and thus the Yakima County Prosecuting Attorney is the preparer of the ballot
17 synopsis for this petition. See RCW 29A.56.130(1)(b); 29A.24.070(3).
18

19 The Yakima County Auditor transmitted the statement of charges to the Office of the
20 Yakima County Prosecuting Attorney, where the statement arrived on May 25, 2017. A true
21 and correct copy of the statement of charges is attached as Exhibit A to this petition. After
22 receiving the charge, the statute directs the Prosecuting Attorney to prepare a synopsis that is
23 eventually to appear on the ballot if the recall matter qualifies for the ballot. RCW
24 29A.56.130(2). The ballot synopsis prepared by the Yakima County Prosecuting Attorney is
25 attached to this petition as Exhibit B, and is transmitted to Rickey C. Kimbrough, Robert
26 Young, Bruce Smith, Richard Johnson and Janelle Riddle with service of this petition.
27
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29 PETITION TO DETERMINE SUFFICIENCY
OF RECALL CHARGES AND FOR
APPROVAL OF BALLOT SYNOPSIS - 2

Yakima County Prosecuting Attorney
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1 By statute, the Yakima County Prosecuting Attorney "shall additionally certify and
2 transmit the charges and the ballot synopsis to the superior court of the county in which the
3 officer subject to recall resides and shall petition the superior court to approve the synopsis
4 and to determine the sufficiency of the charges." RCW 29A.56.130(2). This petition is filed,
5 together with its attachments, pursuant to that statutory directive.
6

7 This court has jurisdiction over this action and the proper venue lies in Yakima County
8 because Janelle Riddle is a resident of Yakima County. RCW 29A.56.130(2).
9

10 THEREFORE, state law directs the court to conduct a hearing to determine the
11 following within fifteen days after receiving this petition:
12

13 1. Whether the statement of charges filed by Rickey C. Kimbrough, Robert Young,
14 Bruce Smith and Richard Johnson, and attached as Exhibit A, is or is not factually and legally
15 sufficient to support the recall of Janelle Riddle as Yakima County Clerk;
16

17 2. Whether the ballot synopsis attached to this petition as Exhibit B is adequate, and to
18 correct that synopsis if the court finds it inadequate; and
19

20 3. Such other and further relief as the court deems just and appropriate.
21

22 DATED this 8th day of June, 2017.

23 YAKIMA COUNTY PROSECUTING ATTORNEY

24 
25 JOSEPH A. BRUSIC, WSBA #18488
26 Yakima County Prosecuting Attorney

27 
28 DON L. ANDERSON, WSBA #12445
29 Chief Civil Deputy Prosecuting Attorney