



**Charles R. Ross**  
**Yakima County Auditor**

**Elections Division**

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Dear Mr. Gartrell:

Please understand we are not able to provide any legal advice regarding the protocol for initiating recall proceedings against elected officials. The requirements are set forth in RCW 29A.56.110:

Whenever any legal voter of the state or of any political subdivision thereof, either individually or on behalf of an organization, desires to demand the recall and discharge of any elective public officer of the state or of such political subdivision, as the case may be, under the provisions of [sections 33](#) and [34 of Article 1 of the Constitution](#), the voter shall prepare a typewritten charge, reciting that such officer, naming him or her and giving the title of the office, has committed an act or acts of malfeasance, or an act or acts of misfeasance while in office, or has violated the oath of office, or has been guilty of any two or more of the acts specified in the Constitution as grounds for recall. The charge shall state the act or acts complained of in concise language, give a detailed description including the approximate date, location, and nature of each act complained of, be signed by the person or persons making the charge, give their respective post office addresses, and be verified under oath that the person or persons believe the charge or charges to be true and have knowledge of the alleged facts upon which the stated grounds for recall are based.

For the purposes of this chapter:

- (1) "Misfeasance" or "malfeasance" in office means any wrongful conduct that affects, interrupts, or interferes with the performance of official duty;
  - (a) Additionally, "misfeasance" in office means the performance of a duty in an improper manner; and
  - (b) Additionally, "malfeasance" in office means the commission of an unlawful act;
- (2) "Violation of the oath of office" means the neglect or knowing failure by an elective public officer to perform faithfully a duty imposed by law.

We have forwarded a copy of the materials you submitted to this office to the Yakima County Prosecutor's Office.

They reviewed them and have concluded that the charges as submitted are factually and legally deficient and can only be cured by refiling them in compliance with RCW 29A.56.110. In particular, they noted that much of the factual basis for your claim appears in newspaper articles. According to the Prosecutor's Office, nothing under Washington law has established that media articles, categorically, may form a sufficient basis for the personal knowledge of facts required by law.

Any questions concerning the content of this letter should be directed to the Yakima County Prosecutor, Joe Brusic.