

## recall overview

Charges shall be filed with the elections officer whose duty it is to receive and file a declaration of candidacy for the office of which the recall is to be demanded.

### submitting charges

#### step 1

Typewritten charges are submitted to Auditor by group/individual. Individual must be a registered voter in the same jurisdiction as the officeholder whose recall is demanded. Charges must state act(s) complained of in concise language, give detailed description including approximate date, location, and nature of each act complained of. Must be signed by person(s) making the charge, include their respective post office addresses, and be verified under oath that the person(s) believe the charge(s) to be true and have knowledge of the alleged facts. RCW 29A.56.110

The Auditor shall promptly serve a copy of the charge upon the individual whose recall is demanded. RCW 29A.56.120

The Auditor shall promptly transmit a copy of the charges to the prosecuting attorney for preparation of the ballot synopsis. RCW 29A.56.120

### the ballot synopsis

The Prosecuting attorney shall formulate a ballot synopsis (not more than 200 words) within 15 days after receiving the charges. RCW 29A.56.130

After ballot synopsis is formulated, the prosecuting attorney will certify and transmit the ballot synopsis to the person(s) filing the charge and the officer subject to recall. The PA will also certify and transmit the charges and the ballot synopsis to the superior court and shall petition the court to approve the synopsis and to determine the sufficiency of the charges. RCW 29A.56.130

Within 15 days of receiving the synopsis, the superior court shall have conducted a hearing and shall have determined (without cost to any party) (1) whether or not the act(s) stated in the charges satisfy the criteria for which a recall petition may be filed and (2) the adequacy of the ballot synopsis.

The clerk of the court shall notify the person subject to recall and the person(s) demanding recall of the hearing date. Both persons may appear with counsel. The court may hear arguments as to the sufficiency of the charges and the adequacy of the ballot synopsis. The court shall not consider the truth of the charges, but only their sufficiency. RCW 29A.56.140

### the petition

The sponsor(s) of a recall shall have a maximum of 180 days in which to obtain and file supporting signatures AFTER the issuance of a ballot synopsis by the superior court. The 180 day period begins on the 16<sup>th</sup> day following the decision of the superior court. RCW 29A.56.150

No petition may be circulated or signed prior to the first day of the 180 day period. RCW 29A.56.160

Circulation of the petition shall stop and be filed not less than 6 months before the next general election in which the officer whose recall is demanded is subject to reelection. RCW 29A.56.150

## signatures

RCW 29A.56.180  
Washington State  
Constitution Article  
1 Section 33

The percentage of signatures required is to be computed from the total number of votes cast for all candidates for the said office to which the office holder was elected at the preceding election.

office	petition signatures needed
State officer County officer (of county with population 40,000+) City officer of a first class city (Yakima) School board member of district in a first class city (SD 7)	<b>25%</b> of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.
State Senator State Representative City / Town officer not of a first class city Precinct officer School board member not in a district in a first class city Any other officer not specified	<b>35%</b> of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

example of calculation from 2009:

### Yakima City Council Dist. 3

	votes cast	
Ronald J. Bonlender - NP	7,816	
Rick Ensey - NP	8,794	
Greg Bohn (W)	17	
<b>total votes cast for candidates</b>	<b>16,627</b>	$16,627 \times 25\% = 4,157$ signatures needed

Signors of the petition must be legal voters of the political subdivision and may only sign once. RCW 29A.56.240

The petition form and size must meet the requirements set out in RCW 29A.56.160 and RCW 29A.56.170

Upon receipt of petition, the County Auditor will notify the person(s) filing the charges and the officer whose recall is demanded of the date when the petition will be canvassed. The date must not be less than 5 or more than 10 days from the date of its filing. RCW 29A.56.190

## the recall ballot and election

If the petition for recall bears the required number of signatures of legal voters, the officer with whom the petition is filed (County Auditor) will certify the petitions as sufficient and fix a date for the special election to be held. The election shall be held not less than 45 days nor more than 90 days from the certification and, whenever possible, on one of the dates provided in RCW 29A.04.330.

No recall election may be held between the primary and general election. RCW 29A.56.210

The certifying officer shall serve a notice of the date of the election and the ballot synopsis to the officer whose recall is demanded and the person(s) demanding recall. The officer whose recall is demanded may submit to the certifying officer a response to the charge contained in the ballot synopsis, not to exceed 250 words. The response must be submitted by the 7<sup>th</sup> consecutive day after service of the notice of the date of election. The response will be forwarded to the person(s) who filed the recall charges. RCW 29A.56.220

The ballot at a recall election shall contain a full, true, and correct copy of the ballot synopsis of the charge AND the officer's response to the charge if one has been filed. RCW 29A.56.250

If a majority of all votes cast at the recall election is for the recall of the officer charged, the officer is thus recalled and discharged from the office and the office will be vacant. RCW 29A.56.260

## **Chapter 29A.56 RCW** **SPECIAL CIRCUMSTANCES ELECTIONS**

### **29A.56.110** **Initiating proceedings — Statement — Contents — Verification — Definitions.**

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.

[2003 c 111 § 1407; 1984 c 170 § 1; 1975-'76 2nd ex.s. c 47 § 1; 1965 c 9 § [29.82.010](#). Prior: 1913 c 146 § 1; RRS § 5350. Former part of section: 1913 c 146 § 2; RRS § 5351, now codified in RCW [29.82.015](#). Formerly RCW [29.82.010](#).]

#### **Notes:**

**Severability -- 1975-'76 2nd ex.s. c 47:** "If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 47 § 3.]

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### **29A.56.120** **Petition — Where filed.**

Any person making a charge shall file it with the elections officer whose duty it is to receive and file a declaration of candidacy for the office concerning the incumbent of which the recall is to be demanded. The officer with whom the charge is filed shall promptly (1) serve a copy of the charge upon the officer whose recall is demanded, and (2) certify and transmit the charge to the preparer of the ballot synopsis provided in RCW [29A.56.130](#). The manner of service shall be the same as for the commencement of a civil action in superior court.

[2003 c 111 § 1408. Prior: 1984 c 170 § 2; 1975-'76 2nd ex.s. c 47 § 2; 1965 c 9 § [29.82.015](#); prior: 1913 c 146 § 2; RRS § 5351. Formerly RCW [29.82.010](#), part. Formerly RCW [29.82.015](#).]

#### **Notes:**

**Severability -- 1975-'76 2nd ex.s. c 47:** See note following RCW [29A.56.110](#).

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**29A.56.130**  
**Ballot synopsis.**

(1) Within fifteen days after receiving a charge, the officer specified below shall formulate a ballot synopsis of the charge of not more than two hundred words.

(a) Except as provided in (b) of this subsection, if the recall is demanded of an elected public officer whose political jurisdiction encompasses an area in more than one county, the attorney general shall be the preparer, except if the recall is demanded of the attorney general, the chief justice of the supreme court shall be the preparer.

(b) If the recall is demanded of an elected public officer whose political jurisdiction lies wholly in one county, or if the recall is demanded of an elected public officer of a district whose jurisdiction encompasses more than one county but whose declaration of candidacy is filed with a county auditor in one of the counties, the prosecuting attorney of that county shall be the preparer, except that if the prosecuting attorney is the officer whose recall is demanded, the attorney general shall be the preparer.

(2) The synopsis shall set forth the name of the person charged, the title of the office, and a concise statement of the elements of the charge. Upon completion of the ballot synopsis, the preparer shall certify and transmit the exact language of the ballot synopsis to the persons filing the charge and the officer subject to recall. The preparer shall additionally certify and transmit the charges and the ballot synopsis to the superior court of the county in which the officer subject to recall resides and shall petition the superior court to approve the synopsis and to determine the sufficiency of the charges.

[2003 c 111 § 1409; 1984 c 170 § 3. Formerly RCW [29.82.021](#).]

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**29A.56.140**  
**Determination by superior court — Correction of ballot synopsis.**

Within fifteen days after receiving the petition, the superior court shall have conducted a hearing on and shall have determined, without cost to any party, (1) whether or not the acts stated in the charge satisfy the criteria for which a recall petition may be filed, and (2) the adequacy of the ballot synopsis. The clerk of the superior court shall notify the person subject to recall and the person demanding recall of the hearing date. Both persons may appear with counsel. The court may hear arguments as to the sufficiency of the charges and the adequacy of the ballot synopsis. The court shall not consider the truth of the charges, but only their sufficiency. An appeal of a sufficiency decision shall be filed in the supreme court as specified by RCW [29A.56.270](#). The superior court shall correct any ballot synopsis it deems inadequate. Any decision regarding the ballot synopsis by the superior court is final. The court shall certify and transmit the ballot synopsis to the officer subject to recall, the person demanding the recall, and either the secretary of state or the county auditor, as appropriate.

[2003 c 111 § 1410. Prior: 1984 c 170 § 4. Formerly RCW [29.82.023](#).]

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**29A.56.150**  
**Filing supporting signatures — Time limitations.**

(1) The sponsors of a recall demanded of any public officer shall stop circulation of and file all petitions with the appropriate elections officer not less than six months before the next general election in which the officer whose recall is demanded is subject to reelection.

(2) The sponsors of a recall demanded of an officer elected to a statewide position shall have a maximum of two hundred seventy days, and the sponsors of a recall demanded of any other officer shall have a maximum of one hundred eighty days, in which to obtain and file supporting signatures after the issuance of a ballot synopsis by the superior court. If the decision of the superior court regarding the sufficiency of the charges is not appealed, the one hundred eighty or two hundred seventy day period for the circulation of signatures begins on the sixteenth day following the decision of the superior court. If the decision of the superior court regarding the sufficiency of the charges is appealed, the one hundred eighty or two hundred seventy day period for the circulation of signatures begins on the day following the issuance of the decision by the supreme court.

[2003 c 111 § 1411; 1984 c 170 § 5; 1971 ex.s. c 205 § 2. Formerly RCW [29.82.025](#).]

**Notes:**

**Severability -- 1971 ex.s. c 205:** "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 205 § 6.]

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**29A.56.160**

**Petition — Form.**

Recall petitions must be printed on single sheets of paper of good writing quality (including but not limited to newsprint) not less than eleven inches in width and not less than fourteen inches in length. No petition may be circulated or signed prior to the first day of the one hundred eighty or two hundred seventy day period established by RCW [29A.56.150](#) for that recall petition. The petitions must be substantially in the following form:

The warning prescribed by RCW [29A.72.140](#); followed by:

Petition for the recall of (here insert the name of the office and of the person whose recall is petitioned for) to the Honorable (here insert the name and title of the officer with whom the charge is filed).

We, the undersigned citizens and legal voters of (the state of Washington or the political subdivision in which the recall is to be held), respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged and the office which he or she holds) be recalled and discharged from his or her office, for and on account of (his or her having committed the act or acts of malfeasance or misfeasance while in office, or having violated his or her oath of office, as the case may be), in the following particulars: (here insert the synopsis of the charge); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington in the precinct and city (or town) and county written after my name, and my residence address is correctly stated, and to my knowledge, have signed this petition only once.

The petition must include a place for each petitioner to sign and print his or her name, and the address, city, and county at which he or she is registered to vote.

[2003 c 111 § 1412; 1984 c 170 § 6; 1971 ex.s. c 205 § 4; 1965 c 9 § [29.82.030](#). Prior: 1913 c 146 § 4; RRS § 5353. Formerly RCW [29.82.030](#).]

**Notes:**

**Severability -- 1971 ex.s. c 205:** See note following RCW [29A.56.150](#).

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**29A.56.170**

**Petition — Size.**

Each recall petition at the time of circulating, signing, and filing with the officer with whom it is to be filed, must consist of not more than five sheets with numbered lines for not more than twenty signatures on each sheet, with the prescribed warning, title, and form of petition on each sheet, and a full, true, and correct copy of the original statement of the charges against the officer referred to therein, printed on sheets of paper of like size and quality as the petition, firmly fastened together.

[2003 c 111 § 1413; 1965 c 9 § [29.82.040](#). Prior: 1913 c 146 § 6; RRS § 5355. Formerly RCW [29.82.040](#).]

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## **29A.56.180**

### **Number of signatures required.**

When the person, committee, or organization demanding the recall of a public officer has secured sufficient signatures upon the recall petition the person, committee, or organization may submit the same to the officer with whom the charge was filed for filing in his or her office. The number of signatures required shall be as follows:

(1) In the case of a state officer, an officer of a city of the first class, a member of a school board in a city of the first class, or a county officer of a county with a population of forty thousand or more -- signatures of legal voters equal to twenty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

(2) In the case of an officer of any political subdivision, city, town, township, precinct, or school district other than those mentioned in subsection (1) of this section, and in the case of a state senator or representative -- signatures of legal voters equal to thirty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

[2003 c 111 § 1414. Prior: 1991 c 363 § 36; 1965 c 9 § [29.82.060](#); prior: 1913 c 146 § 8, part; RRS § 5357, part. Formerly RCW [29.82.060](#).]

#### **Notes:**

**Purpose -- Captions not law -- 1991 c 363:** See notes following RCW [2.32.180](#).

Recall of elective officers -- Percentages required: State Constitution Art. 1 § 34 (Amendment 8).

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## **29A.56.190**

### **Canvassing signatures — Time of — Notice.**

Upon the filing of a recall petition, the officer with whom the charge was filed shall stamp on each petition the date of filing, and shall notify the persons filing them and the officer whose recall is demanded of the date when the petitions will be canvassed, which date must be not less than five or more than ten days from the date of its filing.

[2003 c 111 § 1415; 1965 c 9 § [29.82.080](#) . Prior: 1913 c 146 § 9, part; RRS § 5358, part. Formerly RCW [29.82.080](#).]

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## **29A.56.200**

### **Verification and canvass of signatures — Procedure — Statistical sampling.**

(1) Upon the filing of a recall petition, the elections officer shall proceed to verify and canvass the names of legal voters on the petition.

(2) The verification and canvass of signatures on the petition may be observed by persons representing the advocates and opponents of the proposed recall so long as they make no record of the names, addresses, or other information on the petitions or related records during the verification process except upon the order of the superior court. The elections officer may limit the number of observers to not fewer than two on each side, if in his or her opinion a greater number would cause undue delay or disruption of the verification process. Any such limitation shall apply equally to both sides. If the elections officer finds the same name signed to more than one petition, he or she shall reject all but the first such valid signature.

(3) Where the recall of a statewide elected official is sought, the secretary of state may use any statistical sampling techniques for verification and canvassing which have been adopted by rule for canvassing initiative petitions under RCW [29A.72.230](#). No petition will be rejected on the basis of any statistical method employed. No petition will be accepted on the basis of any statistical method employed if such method indicates that the petition contains less than the number of signatures of legal voters required by Article I, section 33 (Amendment 8) of the state Constitution.

[2003 c 111 § 1416. Prior: 1984 c 170 § 7; 1977 ex.s. c 361 § 107; 1965 c 9 § [29.82.090](#); prior: 1913 c 146 § 9, part; RRS § 5358, part. Formerly RCW [29.82.090](#).]

**Notes:**

**Effective date -- Severability -- 1977 ex.s. c 361:** See notes following RCW [29A.16.040](#).

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**29A.56.210**

**Fixing date for recall election — Notice.**

If, at the conclusion of the verification and canvass, it is found that a petition for recall bears the required number of signatures of certified legal voters, the officer with whom the petition is filed shall promptly certify the petitions as sufficient and fix a date for the special election to determine whether or not the officer charged shall be recalled and discharged from office. The special election shall be held not less than forty-five nor more than ninety days from the certification and, whenever possible, on one of the dates provided in RCW [29A.04.330](#), but no recall election may be held between the date of the primary and the date of the general election in any calendar year. Notice shall be given in the manner as required by law for special elections in the state or in the political subdivision, as the case may be.

[2013 c 11 § 55; 2003 c 111 § 1417. Prior: 1984 c 170 § 8; 1977 ex.s. c 361 § 108; 1971 ex.s. c 205 § 5; 1965 c 9 § [29.82.100](#); prior: 1913 c 146 § 9, part; RRS § 5358, part. Formerly RCW [29.82.100](#).]

**Notes:**

**Effective date -- Severability -- 1977 ex.s. c 361:** See notes following RCW [29A.16.040](#).

**Severability -- 1971 ex.s. c 205:** See note following RCW [29A.56.150](#).

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**29A.56.220**

**Response to petition charges.**

When a date for a special recall election is set the certifying officer shall serve a notice of the date of the election to the officer whose recall is demanded and the person demanding recall. The manner of service shall be the same as for the commencement of a civil action in superior court. After having been served a notice of the date of the election and the ballot synopsis, the officer whose recall is demanded may submit to the certifying officer a response, not to exceed two hundred fifty words in length, to the charge contained in the ballot synopsis. Such response shall be submitted by the seventh consecutive day after service of the notice. The certifying officer shall promptly send a copy of the response to the person who filed the petition.

[2003 c 111 § 1418. Prior: 1984 c 170 § 9; 1980 c 42 § 1. Formerly RCW [29.82.105](#).]

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**29A.56.230**

**Destruction of insufficient recall petition.**

If it is found that the recall petition does not contain the requisite number of signatures of certified legal voters, the officer shall so notify the persons filing the petition, and at the expiration of thirty days from the conclusion of the count the officer shall destroy the petitions unless prevented therefrom by the injunction or mandate of a court.

[2003 c 111 § 1419; 1965 c 9 § [29.82.110](#). Prior: 1913 c 146 § 9, part; RRS § 5358, part. Formerly RCW [29.82.110](#).]

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**29A.56.240****Fraudulent names — Record of.**

The officer making the canvass of a recall petition shall keep a record of all names appearing on it that are not certified to be legal voters of the state or of the political subdivision, as the case may be, and of all names appearing more than once, and shall report the same to the prosecuting attorneys of the respective counties where the names appear to have been signed, to the end that prosecutions may be had for the violation of this chapter.

[2003 c 111 § 1420; 1965 c 9 § [29.82.120](#). Prior: 1913 c 146 § 10; RRS § 5359. Formerly RCW [29.82.120](#).]

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**29A.56.250****Conduct of election — Contents of ballot.**

The special election for the recall of an officer shall be conducted in the same manner as a special election for that jurisdiction. The county auditor shall conduct the recall election. The ballots at any recall election shall contain a full, true, and correct copy of the ballot synopsis of the charge and the officer's response to the charge if one has been filed.

[2003 c 111 § 1421. Prior: 1990 c 59 § 71; 1980 c 42 § 2; 1965 c 9 § [29.82.130](#); prior: 1913 c 146 § 11; RRS § 5360. See also RCW [29.48.040](#). Formerly RCW [29.82.130](#).]

**Notes:**

**Intent -- Effective date -- 1990 c 59:** See notes following RCW [29A.04.013](#).

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**29A.56.260****Ascertaining the result — When recall effective.**

The votes on a recall election must be counted, canvassed, and the results certified in the manner provided by law for counting, canvassing, and certifying the results of an election for the office from which the officer is being recalled. However, if the officer whose recall is demanded is the officer to whom, under the law, returns of elections are made, the returns must be made to the officer with whom the charge is filed, and who called the special election. In the case of an election for the recall of a state officer, the county canvassing boards of the various counties shall canvass and return the result of the election to the officer calling the special election. If a majority of all votes cast at the recall election is for the recall of the officer charged, the officer is thereupon recalled and discharged from the office, and the office thereupon is vacant.

[2003 c 111 § 1422; 1977 ex.s. c 361 § 109; 1965 c 9 § [29.82.140](#). Prior: 1913 c 146 § 12; RRS § 5361. Formerly RCW [29.82.140](#).]

**Notes:**

**Effective date -- Severability -- 1977 ex.s. c 361:** See notes following RCW [29A.16.040](#).

Canvassing the returns: Chapter [29A.60](#) RCW.

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**29A.56.270****Enforcement provisions — Mandamus — Appellate review.**

The superior court of the county in which the officer subject to recall resides has original jurisdiction to compel the performance of any act required of any public officer or to prevent the performance by any such officer of any act in relation to the recall not in compliance with law.

The supreme court has like original jurisdiction in relation to state officers and revisory jurisdiction over the decisions of the superior courts. Any proceeding to compel or prevent the performance of any such act shall be begun within ten days from the time the cause of complaint arises, and shall be considered an emergency matter of public concern and take precedence over other cases, and be speedily heard and determined. Appellate review of a decision of any superior court shall be begun and perfected within fifteen days after its decision in a recall election case and shall be considered an emergency matter of public concern by the supreme court, and heard and determined within thirty days after the decision of the superior court.

[2003 c 111 § 1423. Prior: 1988 c 202 § 30; 1984 c 170 § 10; 1965 c 9 § [29.82.160](#); prior: 1913 c 146 § 14; RRS § 5363. Formerly RCW [29.82.160](#).]

**Notes:**

**Rules of court:** Writ procedure superseded by RAP 2.1(b), 16.2, 18.22.

**Severability -- 1988 c 202:** See note following RCW [2.24.050](#).

**Washington State Constitution****ARTICLE I****DECLARATION OF RIGHTS**

**SECTION 33 RECALL OF ELECTIVE OFFICERS.** Every elective public officer of the state of Washington expect [except] judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified electors thereof, hereinafter provided, the percentage required to be computed from the total number of votes cast for all candidates for his said office to which he was elected at the preceding election, is filed with the officer with whom a petition for nomination, or certificate for nomination, to such office must be filed under the laws of this state, and the same officer shall call a special election as provided by the general election laws of this state, and the result determined as therein provided. [**AMENDMENT 8**, 1911 p 504 Section 1. Approved November, 1912.]

**SECTION 34 SAME.** The legislature shall pass the necessary laws to carry out the provisions of section thirty-three (33) of this article, and to facilitate its operation and effect without delay: *Provided*, That the authority hereby conferred upon the legislature shall not be construed to grant to the legislature any exclusive power of lawmaking nor in any way limit the initiative and referendum powers reserved by the people. The percentages required shall be, state officers, other than judges, senators and representatives, city officers of cities of the first class, school district boards in cities of the first class; county officers of counties of the first, second and third classes, twenty-five per cent. Officers of all other political subdivisions, cities, towns, townships, precincts and school districts not herein mentioned, and state senators and representatives, thirty-five per cent. [**AMENDMENT 8**, 1911 p 504 Section 1. Approved November, 1912.]