

# FINAL BILL REPORT

## SB 5131

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Synopsis as Enacted

**Brief Description:** Concerning county clerks duties related to recall petitions.

**Sponsors:** Senator Holy.

**Senate Committee on State Government & Elections**  
**House Committee on State Government & Tribal Relations**

**Background:** Recall of Elected Officers. The Washington State constitution provides for the recall of elected officials for malfeasance, misfeasance, or violation of the oath of office. Malfeasance in office is defined as the commission of an unlawful act interfering with the performance of an official duty; misfeasance in office means the performance of an official duty in an improper manner. Any registered voter may file a petition under oath demanding a recall of an elected official with a detailed description of each act constituting grounds for recall with the elections officer who accepts declarations of candidacy for the office. For statewide officials or officials whose jurisdictions are in multiple counties, the officer is the Secretary of State; for all other officials, the proper elections officer is the county auditor.

Ministerial Duties Related to Recalls. Within 15 days after receiving a recall petition, the county prosecutor, or Attorney General if the county prosecutor is the subject of the recall, or the subject of the recall's jurisdiction lies within multiple counties, must prepare a ballot synopsis of the recall charges. The ballot synopsis may not exceed 200 words, and must contain a concise statement of the elements of the charge. Once complete, the ballot synopsis must be transmitted to the superior court of the county in which the officer is subject to recall to approve the synopsis and determine the factual and legal sufficiency of the charges.

Within 15 days of receiving the ballot synopsis, the superior court must hold a hearing and determine whether the charges in the recall petition are factually and legally sufficient and whether the ballot synopsis is adequate. The court does not determine the truth of the charges. Instead, it assesses whether the charges allow identification the official being

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charged and the acts alleged, and whether, if true, the acts constitute a basis for recall. The superior court clerk notifies the petitioner and the official subject to recall of the hearing date. The superior court certifies and transmits the ballot synopsis to the recall petitioner, the official subject to recall, and the relevant elections officer.

**Summary:** The superior court, rather than the court clerk, notifies the recall petitioner and official subject to recall of the hearing date.

The court clerk, rather than the superior court, certifies and transmits the recall ballot synopsis.

**Votes on Final Passage:**

Senate	48	0
House	98	0

**Effective:** July 25, 2021