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The Honorable Jim Rogers

SUPERIOR COURT OF THE STATE OF WASHINGTON
KING COUNTY

IN RE THE MATTER OF RECALL
CHARGES AGAINST CITY OF SEATTLE
COUNCILMEMBER KSHAMA SAWANT

No. 20-2-13314-1 SEA

**BRIEF OF PETITIONER IN
SUPPORT OF RECALL
CHARGES AGAINST CITY OF
SEATTLE COUNCILMEMBER
KSHAMA SAWANT**

Ernest H. Lou and the Recall City of Seattle Councilmember Kshama Sawant Committee submit this brief in support of a petition to recall Seattle City Councilmember Kshama Sawant for misfeasance, malfeasance, and violation of her oath of office.

The Statement of Charges submitted by Mr. Lou and the Ballot Synopsis prepared by King County Prosecuting Attorney Dan Satterberg detail several acts by Councilmember Sawant that violated the Seattle City Code and state laws, endangered City of Seattle residents and City employees, misdirected City property and resources to private political aims, and left a private political organization in charge of employment decisions concerning City employees. The question before the Court is not whether these charges justify Councilmember Sawant being removed from office, it is simply whether the charges are sufficient to be placed before Seattle voters, so they might make that choice for themselves. Councilmember Sawant, by her own

1 actions, has demonstrated a disdain for the law, the safety of government officials and the health
2 and safety of elements of the public she claims to represent. The Court should find sufficient
3 grounds to allow the gathering of signatures placing her recall before the voters.

4 **I. STATEMENT OF FACTS**

5 Councilmember Kshama Sawant is a member of the Seattle City Council from District 3.
6 She was first elected to the City Council in 2014, and was most recently elected to her third term
7 in 2020.

8 Ernest “Ernie” Lou is a Seattle native and a registered voter in the state of Washington,
9 King County, and the City of Seattle in City Council District 3. On August 18, 2020, Mr. Lou
10 filed a Statement of Charges Supporting the Recall Election of City of Seattle City
11 Councilmember Kshama Sawant (“Statement of Charges”) with the King County Elections
12 Department.

13 The Elections Department then transmitted the statement of charges to the King County
14 Prosecuting Attorney’s Office, and pursuant to RCW 29A.56.130, the Prosecutor’s Office
15 prepared a ballot synopsis. On September 1, 2020, the Prosecutor’s Office filed a Petition to
16 Determine Sufficiency of Recall Charges and Adequacy of Ballot Synopsis. That same day,
17 pursuant to RCW 29A.56.140, the Court issued an Order Setting Briefing Deadline and Setting
18 Hearing.

19 **II. LEGAL STANDARD**

20 “Recall is the electoral process by which an elected officer is removed before the
21 expiration of the term of office.” *In re Recall of Brunham*, 194 Wn.2d 68, 75 (2019) (citing
22 *Chandler v. Otto*, 103 Wash.2d 268, 270, 693 P.2d 71 (1984)). “In Washington, voters have a
23 constitutional right to recall a nonjudicial elected official who has committed some act or acts of
24 malfeasance or misfeasance while in office, or who has violated his [or her] oath of office.” *Id.*
25 (citing Wash. Const. art. I, § 33). “Every elective public officer in the state of Washington expect
26 [except] judges of courts of record is subject to recall and discharge by the legal voters.” Wash.
27 Const. art. I, § 33.

1 The Constitution guarantees voters the right to recall public officials, but left it to the
2 legislature to “pass the necessary laws to carry out the provisions” of the Constitution. The
3 legislature has done so at Chapter 29A.56 of the Revised Code of Washington, which lays out
4 the procedure for a recall petition to become effective. First, a voter must create and file a charge
5 with “the elections officer whose duty it is to receive and file a declaration of candidacy for the
6 office concerning the incumbent of which the recall is to be demanded.” RCW 29A.56.110;
7 RCW 29A.56.120.

8 The elections officer provides notice of the charge to the incumbent whose recall is being
9 sought and transmits the ballot to a second officer to prepare “a ballot synopsis of the charge of
10 not more than two hundred words.” RCW 29A.56.130. The identity of the second officer
11 depends on the political jurisdiction of the public officer whose recall is demanded, but in this
12 case is the King County Prosecutor’s Office. *See id.* The synopsis must “set forth the name of the
13 person charged, the title of the office, and a concise statement of the elements of the charge.” *Id.*

14 The officer responsible for preparing the synopsis must then “certify and transmit the
15 exact language of the ballot synopsis to the persons filing the charge and the officer subject to
16 recall.” and “to the superior court of the county in which the officer subject to recall resides.” *Id.*

17 The officer must also “petition the superior court to approve the synopsis and to
18 determine the sufficiency of the charges.” *Id.* Within fifteen days of receiving the petition, the
19 superior court must hold a hearing to determine whether “whether or not the acts stated in the
20 charge satisfy the criteria for which a recall petition may be filed, and . . . the adequacy of the
21 ballot synopsis.” RCW 29A.56.130.

22 If the court determines the petition is sufficient, it must “certify and transmit the ballot
23 synopsis to the officer subject to recall, the person demanding the recall, and either the secretary
24 of state or the county auditor, as appropriate.” RCW 29A.56.140. At that point, sponsors of the
25 recall must obtain sufficient signatures supporting the recall. RCW 29A.56.150; RCW
26 29A.56.150. If they succeed, it passes to the people of Washington to decide whether to remove
27 the incumbent, through a special election. RCW 29A.56.210; RCW 29A.56.260.

1 As the foregoing makes clear, “[t]he role of the courts in the recall process is highly
2 limited.” *In re Recall of Kast*, 144 Wn.2d 807, 813 (2001) (*en banc*). The courts “function as a
3 gatekeeper” to ensure the minimal legal and factual sufficiency of recall petitions to protect
4 public officials from harassment through “frivolous or unsubstantiated charges.” *Id.* at 813. The
5 Court’s does not decide “whether the alleged facts are true or not” because “it is the voters, not
6 the courts, who will ultimately act as the fact finders.” *Id.* The Court’s role is simply to
7 determine “whether, accepting the allegations as true, the charges on their face support the
8 conclusion that the officer abused his or her position.” *In re Recall of Wasson*, 149 Wn.2d 787,
9 792 (2003).

10 At the hearing stage, “[t]he court shall not consider the truth of the charges, but only their
11 sufficiency.” RCW 29A.56.140. “Sufficiency” refers to two distinct concepts: factual sufficiency
12 and legal sufficiency. *Burnham*, 194 Wn.2d at 75. A charge is factually sufficiency when it
13 provides a detailed description of events, which, if accepted as true, would constitute a prima
14 facie showing of misfeasance, malfeasance, or a violation of the oath of office. *Id.* A charge is
15 legally sufficient if it specifies substantial conduct that clearly amounts to misfeasance,
16 malfeasance, or violation of a public official’s oath of office. *Id.*

17 The Court must certify the petition if it states legally and factually sufficient allegations
18 that the official engaged in misfeasance, malfeasance, or a violation of the official’s oath office.
19 RCW 29A.56.110(1).

20 **A. Factual Sufficiency**

21 The test of “factual sufficiency” simply refers to whether the charge complies with the
22 statutory requirement to “state the act or acts complained of in concise language, give a detailed
23 description including the approximate date, location, and nature of each act complained of, . . .
24 and be verified under oath that [the petitioners] believe the charge or charges to be true and have
25 knowledge of the alleged facts upon which the stated grounds for recall are based.”
26 RCW 29A.56.110; *see In re Recall of Burnham*, 194 Wash. 2d 68, 76 (2019).

1 “[A]lthough the charges may contain some conclusions,” taken as a whole, they must
2 “state sufficient facts to identify to the electors and to the official being recalled acts or failure to
3 act which without justification would constitute a prima facie showing of misfeasance,
4 malfeasance, or a violation of the oath of office.” *Chandler*, 103 Wash. at 274. And “[a]lthough a
5 court may not determine whether charges are true, it may go outside the petition to determine
6 whether there is a factual basis for the charges.” *Recall of Sandhaus*, 134 Wn.2d 662, 669 (1998)
7 (*en banc*) (citing *In re Anderson*, 131 Wn.2d 92, 95 (1997)).

8 When “the petition charges the official with violating the law, the petitioners must at least
9 have knowledge of facts which indicate an intent to commit an unlawful act.” *Matter of Recall of*
10 *Wade*, 115 Wash.2d 544, 549 (1990). Documents published by media which directly evidence
11 the official’s misconduct, such as newspaper publications of transcripts of a public official
12 conversations that are the subject of misfeasance or malfeasance, are sufficient to establish a
13 petitioner’s personal knowledge. *See In re Recall of West*, 155 Wn.2d 659 (2005); *In re Recall of*
14 *Davis*, 164 Wn.2d at 368-69.

15 **B. Legal Sufficiency**

16 “Legally sufficient means that an elected official cannot be recalled for appropriately
17 exercising the discretion granted him or her by law. To be legally sufficient, the petition must
18 state with specificity substantial conduct clearly amounting to misfeasance, malfeasance or
19 violation of the oath of office.” *Chandler*, 103 Wash.2d at 274.

20 “‘Misfeasance’ or ‘malfeasance’ in office means any wrongful conduct that affects,
21 interrupts, or interferes with the performance of official duty.” RCW 29A.56.110(1).

22 “Misfeasance” is “the performance of a duty in an improper manner,” while “malfeasance”
23 means “the commission of an unlawful act.” *Id.* “‘Violation of the oath of office’ means the
24 neglect or knowing failure by an elective public officer to perform faithfully a duty imposed by
25 law.” RCW 29.82.110(2). “These definitions, as well as the rest of the recall statute, are to be
26 construed in favor of the voter, not the elected official.” *In re Recall of Pearsall-Stipek*, 141
27 Wash. 2d 756, 765 (2000).

1 The requirement of legal sufficiency prevents an elected official from being “recalled for
2 appropriately exercising the discretion granted him or her by law.” *Burnham*, 194 Wn.2d at 76
3 (citing *Chandler* 103 Wash.2d at 274). “[O]fficials cannot be recalled for exercising their
4 discretionary powers unless that discretion was exercised in a manifestly unreasonable manner.”
5 *Wade*, 115 Wash.2d at 549 (citing *Greco v. Parson*, 105 Wn.2d 669, 672 (1986)). Nor may an
6 official be recalled “if the conduct is insubstantial or if the elected official acted with a legal
7 justification.” *Kast*, 144 Wash.2d at 815.

8 But when a petition identifies “a standard, law, or rule that makes the elected official’s
9 conduct unlawful,” and alleges facts that, if true, make out a violation of that standard, law, or
10 rule, the petition is sufficient to go to the voters to decide whether to recall the official. *See*
11 *Burnham*, 194 Wash.2d at 76.

12 III. ARGUMENT

13 The Statement of Charges sought to initiate recall proceedings for Councilmember
14 Sawant for six different acts. As succinctly summarized in the Petition prepared by the King
15 County Prosecuting Attorney, the Statement of Charges recited that Councilmember Sawant:

- 16 (1) Delegated city employment decisions to a political organization
17 outside city government.
- 18 (2) Used city resources to support a ballot initiative and failed to
19 comply with public disclosure requirements related such support.
- 20 (3) Disregarded state orders related to COVID-19 and endangered
21 the safety of city workers and other individuals by admitting
22 hundreds of people into city hall on June 9, 2020, when it was
23 closed to the public.
- 24 (4) Used her official position to encourage attendees at a June 28,
25 2020 rally to illegally occupy the Seattle Police Department East
26 Precinct when the city was trying to de-escalate violence in the area.
- 27 (5) Led a protest march to Mayor Jenny Durkan’s private residence,
the location of which Sawant knows is protected under state
confidentiality laws.
- (6) Encouraged protestors to occupy the Seattle Police Department
East Precinct and helped create the Capitol Hill Occupation Protest
(CHOP) Zone which turned into a violent criminal environment that
negatively impacted local businesses and residents.

1 Pet. to Determine Sufficiency of Recall Charges, at 2.

2 After further review of the Statement of Charges and Ballot Synopsis, Petitioners have
3 determined not to argue as to the sufficiency of charges (4) and (6).

4 Each of the acts listed in Charges (1), (2), (3), and (5), if true, constitute misfeasance,
5 malfeasance, or violation of Councilmember Sawant's oath of office. With respect to each, the
6 Statement of Charges gives "a detailed description including the approximate date, location, and
7 nature of each act complained of." The charges are factually and legally sufficient to move
8 forward in the recall process and to the voters.

9 1. **Councilmember Sawant Disregarded State Orders Related to
10 COVID-19 and Endangered the Safety of City Workers by Admitting
11 Hundreds of People into City Hall When it Was Closed to the Public.**

12 The Statement of Charges alleged that Councilmember Sawant used her position as a
13 councilmember to allow hundreds of people to illegally enter City Hall afterhours, constituting
14 malfeasance and a violation of her oath of office. Specifically, the Statement alleges that on the
15 evening of June 9, 2020, outside of regular opening hours and when City Hall "was closed to the
16 public because of COVID-19," Councilmember Sawant used her official position to allow
17 hundreds of people to enter City Hall. Statement of Charges at 3. The Statement further alleges
18 that City employees complained of Councilmember Sawant's actions due to concerns for their
19 safety. *Id.*

20 Contemporaneous news coverage detailed the events, which occurred during widespread
21 protests against police brutality and systemic racism in Seattle and around the country. *See, e.g.,*
22 [Sawant Marches Through City Hall with Demonstrators Demanding Mayor Durkan's...; Times
23 Article on City Hall Protest]. Additionally, Councilmember Sawant has effectively admitted to
24 these actions by uncritically "retweeting" media coverage of the event stating that the
25 councilmember used her "key" to City Hall to admit protesters. *See* Decl. of Lou, Ex. A
26 ("Councilmember Sawant has a key to City Hall, allowing protesters to enter and chant for the
27 mayor's removal"); *see also id.*, Ex. B ("Councilmember Sawant used her key to let protesters in
to Seattle City Hall tonight.").

1 Councilmember Sawant also retweeted a June 9, 2020, tweet stating “Seattle City
2 Councilmember Kshama Sawant led protesters to occupy City Hall for about an hour this
3 evening.” *Id.*, Ex. C. In a video and image embedded in that Tweet, Councilmember Sawant was
4 asked why she “brought the group into City Hall” and responded “it was essential that the power
5 and uprising evident in the streets be seen in the halls of power in Seattle.” *See id.*

6 Taken as true, these facts allege that Councilmember Sawant knowingly violated orders
7 from Governor Jay Inslee and the Washington Secretary of Health, and violated the Seattle City
8 Code she was sworn to uphold. In response to the global coronavirus pandemic, Governor Inslee
9 issued several orders intended to combat the spread of coronavirus in Washington. *See id.*, Ex. D
10 (Governor’s Proclamation 20-25, *as extended and amended*). Proclamation 20-25, which was in
11 effect on June 9, 2020, prohibited “all people in Washington State from leaving their homes or
12 participating in social, spiritual and recreational gatherings of any kind regardless of the number
13 of participants.” Governor’s Proclamation 20-25, 2 (*extended by* Proclamation 20-25.4).
14 Councilmember Sawant facilitated a large gathering of hundreds of people within City Hall, in
15 direct violation of the Governor’s Proclamation and in a way that posed a direct threat to the
16 health and safety of City employees.

17 Councilmember Sawant’s actions further violated the Seattle Municipal Code, which
18 prohibits a public official from using City property “for other than a City purpose.” SMC
19 4.16.070(B)(2); *see also* SMC 2.04.300 (barring use of city facilities to promote or oppose
20 candidates and ballot measures).

21 The Statement of Charges alleges that Councilmember Sawant knowingly used her
22 special access to City Hall—which she possessed by virtue of her position as a councilmember—
23 to open the building to the public afterhours to host an unauthorized gathering without regard to
24 the risk it posed to City employees or the public. Councilmember Sawant’s actions violated
25 Governor Inslee’s proclamations prohibiting such gatherings and risked City employees’ health
26 and safety, and further violated the Seattle City Code. Using her key to the building and allowing
27 a potentially violent crowd into City Hall after the building was closed and following acts of

1 violence on the streets was both unreasonable and dangerous. Voters should have the right to
2 determine whether this malfeasance and violation of her oath to uphold the law warrants her
3 removal from office.

4 Councilmember Sawant's violations of the Governor's orders are "unlawful act[s]"
5 constituting malfeasance. *See* RCW 29.82.110(1)(b). Councilmember Sawant's knowing failure
6 to comply with these laws further constitutes a violation of her oath of office. *See*
7 RCW 29.82.110(2).

8 **2. Councilmember Sawant Led a Protestors to Mayor Jenny Durkan's**
9 **Private Residence**

10 The Statement of Charges alleges that Councilmember Sawant lead a protest march to the
11 home of Mayor Durkan, the location of which is confidential, constituting malfeasance and a
12 violation of her oath of office.

13 Specifically, the Statement of Charges alleges that on June 3, 2020, Councilmember
14 Sawant led a protest march to Mayor Durkan's home, and that the address of Mayor Durkan's
15 home was protected by confidentiality laws due to her prior role as the United States Attorney
16 for the Western District of Washington. Statement of Charges at 5. The Statement of Charges
17 further alleges that protesters Councilmember Sawant led to Mayor Durkan's home vandalized
18 the property by spray-painting obscenities on the fence surrounding it. *Id.*

19 The protest was widely covered by the media. *See* Decl. of Lou, Ex. E (photo of Sawant
20 purportedly in front of Mayor Durkan's home); *see also id.* at Ex. F.

21 Taken as true, these facts make a *prima facie* showing that Councilmember Sawant
22 knowingly violated state and federal confidentiality laws and her oath of office. The Seattle
23 Municipal Code prohibits a public official from disclosure or use of any confidential information
24 gained by reason of her official position for other than a City purpose. SMC 4.16.070(D). The
25 address of Mayor Durkan's home constitutes "confidential information," and to the extent that
26 Councilmember Sawant was privy to that information by virtue of her office, she violated SMC
27 4.16.070(D) by revealing Mayor Durkan's home address to protesters at the June 3 rally.

1 3. **Councilmember Sawant Delegated City Employment Decisions to a**
2 **Political Organization Outside City Government**

3 The Statement of Charges details Councilmember Sawant’s delegation of hiring decisions
4 for City of Seattle employees to an outside political organization, which constitutes malfeasance
5 and a violation of Councilmember Sawant’s oath of office.

6 Specifically, the Statement of Charges alleges that in December 2017, Councilmember
7 Sawant “delegated decisions regarding the hiring and termination of City of Seattle employees to
8 an outside political organization.” Statement of Charges at 2. Specifically, the Statement of
9 Charges alleges that Councilmember Sawant gave “authority over staffing decisions for her City
10 of Seattle Council Office” to the National Executive Committee and the Seattle Executive
11 Committee of the Socialist Alternative Party. *Id.* The Statement of Charges further alleges that
12 “[a]t least one employee was allegedly fired as a result of a decision of the Executive Committee
13 of this political organization, and that the employee protested that the firing was the result of
14 retaliation.” *Id.*

15 The Statement of Charges also references media coverage of these events, which
16 document Councilmember Sawant’s delegation of staffing decisions to a private organization,
17 including internal documents showing Councilmember Sawant’s subservience to the private
18 organization’s directives. For example, in an October 28, 2017, letter from Councilmember
19 Sawant to the Seattle Executive Committee of the Socialist Alternative Party, Councilmember
20 Sawant acknowledged that she was accountable to the Party, and rejected the contention that her
21 Council Office was “failing – in any way – to communicate to the [Seattle Executive
22 Committee], or to be accountable to” the organization. Decl. of Lou, Ex. G.

23 In December 2017, the Socialist Alternative Party adopted a resolution stating that “the
24 IEC [International Executive Committee] agrees that the running and staffing of KS’s
25 [Councilmember Kshama Sawant’s] office in Seattle be agreed by the national EC [Executive
26 Committee] of the organization in consultation with KS.” Decl. of Lou, Ex. H.
27

1 The Seattle Executive Committee later wrote an undated letter stating that the Social
2 Alternative Party's National Committee "is responsible for making decisions about council staff
3 in consultation with Kshama" and in fact had recently fired a City Council employee working in
4 Councilmember Sawant's office. *Id.*, Ex. I. In a January 24, 2018 letter, the Seattle Executive
5 Committee wrote that they, not Councilmember Sawant, were the ones "who took the decision to
6 terminate Whitney's work in the Council office, and the decision to end his employment with SA
7 as well." *Id.*, Ex. J.

8 Taken as true, these facts make a *prima facie* showing that Councilmember Sawant
9 violated of SMC 4.04.070, the code of ethics, and her oath of office. SMC 4.04.070 affords City
10 employees certain rights, among them the right to "engage in political activities." Yet,
11 Councilmember Sawant allowed the Social Alternative Party to terminate a City employee for
12 that employee's political opinions. *See id.* at Ex. K (stating that members of the Social
13 Alternative Party believed the termination of Whitney Kahn was made in political retaliation).
14 The Seattle Municipal Charter's Code of Ethics requires that:

15 City officers and employees will demonstrate the values of integrity in the performance
16 of the City's business, accountability to the law and to the people we serve, stewardship
17 of the City's resources, and independence in the performance of our jobs. City employees
18 should recognize that public service is a sacred trust, and should strive to live up to the
19 highest ethical standards.

20 SMC 4.16.010 (emphasis added). By delegating City employee hiring and firing decisions to an
21 outside entity, Councilmember Sawant did not independently perform her job as city
22 councilmember and violated the Code of Ethics and the public's sacred trust.

23 Upon taking her seat on the Seattle City Council, and each time after being re-elected to
24 that seat, Councilmember Sawant swore an oath to "support the Constitution of the United
25 States, and of the State of Washington, and the Charter and ordinances of The City of Seattle;
26 and that he or she will faithfully conduct himself or herself in office." Charter of the City of
27

1 Seattle, § 4. Councilmember Sawant violated this oath by violating the rights of City employees
2 and improperly delegating her official duties to an outside entity.

3 4. **Councilmember Sawant Used City Resources to Support a Ballot**
4 **Initiative and Failed to Comply with Public Disclosure Requirements**
5 **Related to Such Support.**

5 The Statement of Charges alleged that between January and February, 2020
6 “Councilmember Sawant had used her official office equipment to promote and raise money for
7 a ballot initiative (or other electioneering)” and failed “to comply with public disclosure of all
8 funds raised and spent in those activities,” which constitute malfeasance and a violation of
9 Councilmember Sawant’s oath of office. Statement of Charges at 3. The Statement of Charges
10 further alleges that the Seattle Election and Ethics Commission (“SEEC”) and the Washington
11 State Public Disclosure Commission (“PDC”) “continue to investigate these violations. *Id.*

12 In fact, on 10 February, 2020, SEEC concluded there was reasonable cause to believe
13 Councilmember Sawant had committed material violations of the Seattle Ethics and Elections
14 Codes. Decl. of Lou, Ex. L (Charging Document – Case No. 20-0116-1). Councilmember
15 Sawant is required to certify annually that she has “read and [is] familiar with SMC 2.04.300
16 regarding the use of public facilities in campaigns.” *Id.* at Ex. M (Councilmember Sawant’s 2020
17 F1 Form); *see also id.* at Ex. N (discussing Seattle Election and Ethics Commission
18 investigations into Councilmember Sawant’s activities). Although SMC 2.04.300 prohibits
19 elected officials from “us[ing] or authoriz[ing] the use of any of the facilities of a public office or
20 agency, directly or indirectly . . . for the promotion of or opposition to any ballot proposition,”
21 SEEC filed charges that Councilmember Sawant had used her office to host events and office
22 resources to publish information in support of a ballot initiative to tax local companies. SMC
23 2.04.300.

24 In addition, the PDC determined that Councilmember Sawant violated RCW 42.17A.235
25 for failure to file timely C-3 and C-4 reports regarding her Tax Amazon 2020 campaign. Decl. of
26 Lou, Ex. O. PDC staff formally warned the Tax Amazon 2020 committee for its failure to
27 register and timely file the statutory contributions and expenditure reports. *Id.*

1 Taken as true, these facts adequately allege that Councilmember Sawant violated city
2 code provisions and state laws prohibiting the use of public facilities in support of ballot
3 initiatives and state laws requiring public disclosure of campaign funds. *See*
4 RCW 42.17A.635(4) (prohibiting elected officials from using “any of the facilities of a public
5 office or agency, directly or indirectly, in any effort to support or oppose an initiative to the
6 legislature.”); SMC 2.04.300 (prohibiting elected officials from the using “any facilities of a
7 public office, directly or indirectly, for the purpose of assisting a campaign for election of any
8 person to any office or for the promotion of or opposition to any ballot proposition.”); RCW
9 42.17A.235 (requiring “each candidate or political committee” to file a report with the
10 commission that complies with RCW 42.17A.240); *see also* WAC 390-16-205 (requiring
11 reporting of certain expenditures made on behalf of a candidate or political committee).
12 Councilmember Sawant’s violations of the city code and state law are “unlawful act[s]”
13 constituting malfeasance. *See* RCW 29.82.110(1)(b). Councilmember Sawant’s knowing failure
14 to comply with these laws further constitutes a violation of her oath of office. *See*
15 RCW 29.82.110(2).

16 IV. CONCLUSION

17 Because the charges against Councilmember Sawant are factually and legally sufficient
18 and the Ballot Synopsis adequate, Petitioners ask the Court to certify and transmit the ballot
19 synopsis to the county auditor, so that the petition might move forward in the process.

20 DATED this 11th day of September, 2020.

21 Davis Wright Tremaine LLP

22 By s/ John McKay

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CERTIFICATE OF SERVICE

I hereby certify that on the date noted below I caused the foregoing BRIEF to be filed with the Clerk of the King County Superior Court via the King County eFiling Application, and true and correct copies of the same to be delivered to the individuals noted below as follows:

Jennifer Atchison
Daniel T. Satterberg
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- Hand delivery
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- Hand delivery
- Facsimile transmission
- Overnight delivery
- First class mail
- Electronic mail

Executed this 11th day of September, 2020, at Seattle, Washington.



Tammy Miller