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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

IN RE THE MATTER OF RECALL CHARGES AGAINST CITY OF SEATTLE COUNCILMEMBER KSHAMA SAWANT	) ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) ) )	No.  PETITION TO DETERMINE SUFFICIENCY OF RECALL CHARGES AND ADEQUACY OF BALLOT SYNOPSIS
	)	

COMES NOW Daniel T. Satterberg, King County Prosecuting Attorney, by and through his deputies, Jennifer Atchison and Janine Joly, and petitions the Court pursuant to Chapter 29A.56 RCW to determine the sufficiency of recall charges against City of Seattle Councilmember Kshama Sawant and to determine the adequacy of the ballot synopsis formulated from those charges.

## PROCEDURAL FACTS

On August 18, Ernest H. Lou filed a statement of charges with the King County Elections Department seeking the recall of Councilmember Sawant. The Elections Department transmitted a copy of the statement of charges to the King County Prosecuting Attorney's Office for preparation of the ballot synopsis and proceeded to serve Councilmember Sawant with a copy of the statement of charges pursuant to the requirements of RCW 29A.56.120. *See* Elsheikh Declaration at ¶2, Exhibit A.

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

Daniel T. Satterberg, Prosecuting Attorney CIVIL DIVISION, Contracts Section 900 King County Administration Building 500 Fourth Avenue Seattle, Washington 98104 (206) 296-8820 Fax (206) 296-0415

The Elections Department determined that the petitioner is a registered voter in the City of Seattle. See Elsheikh Declaration at ¶3.

Pursuant to RCW 29A.56.130(1)(b), the Prosecutor's Office formulated the ballot synopsis based on the statement of charges filed against Councilmember Sawant. The ballot synopsis as prepared by the Prosecutor's Office reads as follows:

Shall City of Seattle Councilmember Kshama Sawant be recalled from office for misfeasance, malfeasance, and violation of the oath of office based on charges that she violated the city charter, city code and state law when she:

- (1) Delegated city employment decisions to a political organization outside city government.
- (2) Used city resources to support a ballot initiative and failed to comply with public disclosure requirements related such support.
- (3) Disregarded state orders related to COVID-19 and endangered the safety of city workers and other individuals by admitting hundreds of people into city hall on June 9, 2020, when it was closed to the public.
- (4) Used her official position to encourage attendees at a June 28, 2020 rally to illegally occupy the Seattle Police Department East Precinct when the city was trying to de-escalate violence in the area.
- (5) Led a protest march to Mayor Jenny Durkan's private residence, the location of which Sawant knows is protected under state confidentiality laws.
- 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.

(A copy of the ballot synopsis is also appended to this petition.)

Pursuant to RCW 29A.56.130(2), the exact language of each ballot synopsis and this petition will be transmitted to the petitioner and to Councilmember Sawant.

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## CERTIFICATION AND PETITION FOR HEARING

Pursuant to RCW 29A.56.130(2), the Prosecuting Attorney, by and through his deputies, hereby certifies and transmits the recall charges and the ballot synopsis to the Superior Court of King County.

Pursuant to RCW 29A.56.130(2), the King County Prosecuting Attorney, by and through his deputies, petitions the Court to conduct a hearing to determine the sufficiency of the recall charges and the adequacy of the ballot synopsis. Pursuant to RCW 29A.56.140, the hearing to determine the sufficiency of the recall charges and the adequacy of the ballot synopses shall be held without cost to any party.

DATED this 1st day of September, 2020.

DANIEL T. SATTERBERG King County Prosecuting Attorney

By: JUME FILE JENNIFER ATCHISON, WSBA #3326:

JANINE JOLY, WSBA #27314

Senior Deputy Prosecuting Attorneys

## BALLOT SYNOPSIS OF RECALL CHARGES AGAINST KSHAMA SAWANT CITY OF SEATTLE COUNCILMEMBER

Shall City of Seattle Councilmember Kshama Sawant be recalled from office for misfeasance, malfeasance, and violation of the oath of office based on charges that she violated the city charter, city code and state law when she:

- (1) Delegated city employment decisions to a political organization outside city government.
- (2) Used city resources to support a ballot initiative and failed to comply with public disclosure requirements related such support.
- (3) Disregarded state orders related to COVID-19 and endangered the safety of city workers and other individuals by admitting hundreds of people into city hall on June 9, 2020, when it was closed to the public.
- (4) Used her official position to encourage attendees at a June 28, 2020 rally to illegally occupy the Seattle Police Department East Precinct when the city was trying to de-escalate violence in the area.
- (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.