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PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY [Signature] DEPUTY

**SUPERIOR COURT OF WASHINGTON
COUNTY OF PIERCE**

In re the election for the City of Tacoma
City Council, District 3 of August 21, 2007

NO.

07 2 12104 3

ELECTOR'S REQUEST FOR
SUBPOENAS A COPIES OF
APPLICABLE LAW

The elector, Donald N. Powell, requests the following subpoenas in this matter:

Ms. Rachel R. Bennett, 3567 South Gunnison, Tacoma, Washington, who has knowledge about Mr. Warren's residency during the applicable time period to date


Mr. Tommie Frazier, 8318 South Fawcett, Tacoma, Washington, who has knowledge about Mr. Warren's residency during the applicable time period to date

Qwest, Inc. c/o CT Corporation System, 1801 West Bay Drive NW, Suite 206, Olympia, Washington 98502, for information about the physical location of Mr. Ronnie Warren's phone connection for the phone number 253.798.5262 which is listed on his official declaration of candidacy as his residence phone number

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I also intend to inquire with the Postmaster for the zip code 98411, where Mr. Warren holds his post office box, to determine the physical address he used to obtain the post office box to aide in service of the citation and for evidence of his residence at the relevant times.

Attached hereto and by this reference incorporated herein are copies of Revised Code of Washington Chapter 29A.68 and House Bill 2152 Chapter 374 of Laws of 2007 which made some amendments to said chapter in the Revised Code, and copies of Article 2.2 and parts of 5.4 and all of 5.5, 5.6 and 5.7 of the City Charter of the City of Tacoma.

 9/13/07
Donald N. Powell, Elector, WSBA #12055

Chapter 29A.68 RCW Contesting an election

Chapter Listing

RCW Sections

- [29A.68.011](#) Prevention and correction of election frauds and errors.
- [29A.68.020](#) Commencement by registered voter -- Causes for.
- [29A.68.030](#) Affidavit of error or omission -- Time for filing -- Contents -- Witnesses.
- [29A.68.040](#) Hearing date -- Issuance of citation -- Service.
- [29A.68.050](#) Witnesses to attend -- Hearing of contest -- Judgment.
- [29A.68.060](#) Costs, how awarded.
- [29A.68.070](#) Misconduct of board -- Irregularity material to result.
- [29A.68.080](#) Misconduct of board -- Number of votes affected -- Enough to change result.
- [29A.68.090](#) Illegal votes -- Allegation of.
- [29A.68.100](#) Illegal votes -- List required for testimony.
- [29A.68.110](#) Illegal votes -- Number of votes affected -- Enough to change result.
- [29A.68.120](#) Election set aside -- Appeal period.

29A.68.011

Prevention and correction of election frauds and errors.

*** CHANGE IN 2007 *** (SEE 2152.SL) ***

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

- (1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or
- (2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or
- (3) The name of any person has been or is about to be wrongfully placed upon the ballots; or
- (4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or
- (5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or
- (6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) of this section when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the official certification of the election as provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after the official certification of the amended abstract as provided in RCW 29A.64.061.

[2005 c 243 § 22; 2004 c 271 § 182.]

29A.68.020**Commencement by registered voter — Causes for.******* CHANGE IN 2007 *** (SEE 2152.SL) *****

Any registered voter may contest the right of any person declared elected to an office to be issued a certificate of election for any of the following causes:

- (1) For misconduct on the part of any member of any precinct election board involved therein;
- (2) Because the person whose right is being contested was not at the time the person was declared elected eligible to that office;
- (3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction, the conviction not having been reversed nor the person's civil rights restored after the conviction;
- (4) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector or judge of election for the purpose of procuring the election, or offered to do so;
- (5) On account of illegal votes.
 - (a) Illegal votes include but are not limited to the following:
 - (i) More than one vote cast by a single voter;
 - (ii) A vote cast by a person disqualified under Article VI, section 3 of the state Constitution.
 - (b) Illegal votes do not include votes cast by improperly registered voters who were not properly challenged under RCW 29A.08.810 and 29A.08.820.

All election contests must proceed under *RCW 29A.68.010.

[2003 c 111 § 1702; 1983 1st ex.s. c 30 § 6; 1977 ex.s. c 361 § 101; 1965 c 9 § 29.65.010. Prior: 1959 c 329 § 26; prior: (i) Code 1881 § 3105; 1865 p 42 § 1; RRS § 5366. (ii) Code 1881 § 3109; 1865 p 43 § 5; RRS § 5370. Formerly RCW 29.65.010.]

Notes:

*Reviser's note: RCW 29A.68.010 was repealed by 2004 c 271 § 193. Later enactment, see RCW 29A.68.011.

Effective date -- Severability -- 1977 ex.s. c 361: See notes following RCW 29A.16.040.

Civil rights

loss of: State Constitution Art. 6 § 3, RCW 29A.08.520.

restoration of: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.

29A.68.030**Affidavit of error or omission — Time for filing — Contents — Witnesses.******* CHANGE IN 2007 *** (SEE 2152.SL) *****

An affidavit of an elector with respect to *RCW 29A.68.010(6) must be filed with the appropriate court no later than ten days following the issuance of a certificate of election and must set forth specifically:

- (1) The name of the contestant and that he or she is a registered voter in the county, district or precinct, as the case may be, in which the office is to be exercised;
- (2) The name of the person whose right is being contested;
- (3) The office;

(4) The particular causes of the contest.

No statement of contest may be dismissed for want of form if the particular causes of contest are alleged with sufficient certainty. The person charged with the error or omission must be given the opportunity to call any witness, including the candidate to whom he or she has issued or intends to issue the certificate of election.

[2003 c 111 § 1703; 1977 ex.s. c 361 § 102; 1965 c 9 § 29.65.020. Prior: (i) Code 1881 § 3110; 1865 p 43 § 6; RRS § 5371. (ii) Code 1881 § 3112; 1865 p 44 § 8; RRS § 5373. Formerly RCW 29.65.020.]

Notes:

*Reviser's note: RCW 29A.68.010 was repealed by 2004 c 271 § 193. Later enactment, see RCW 29A.68.011.

Effective date -- Severability -- 1977 ex.s. c 361: See notes following RCW 29A.16.040.

29A.68.040**Hearing date — Issuance of citation — Service.**

Upon such affidavit being filed, the clerk shall inform the judge of the appropriate court, who may give notice, and order a session of the court to be held at the usual place of holding the court, on some day to be named by the judge, not less than ten nor more than twenty days from the date of the notice, to hear and determine such contested election. If no session is called for the purpose, the contest must be determined at the first regular session of court after the statement is filed.

The clerk of the court shall also at the time issue a citation for the person charged with the error or omission, to appear at the time and place specified in the notice. The citation must be delivered to the sheriff and be served upon the party in person; or if the person cannot be found, by leaving a copy thereof at the house where the person last resided.

[2003 c 111 § 1704; 1977 ex.s. c 361 § 103; 1965 c 9 § 29.65.040. Prior: (i) Code 1881 § 3113; 1865 p 44 § 9; RRS § 5374. (ii) Code 1881 § 3114; 1865 p 45 § 10; RRS § 5375. Formerly RCW 29.65.040.]

Notes:

Effective date -- Severability -- 1977 ex.s. c 361: See notes following RCW 29A.16.040.

29A.68.050**Witnesses to attend — Hearing of contest — Judgment.**

The clerk shall issue subpoenas for witnesses in such contested election at the request of either party, which shall be served by the sheriff or constable, as other subpoenas, and the superior court shall have full power to issue attachments to compel the attendance of witnesses who shall have been duly subpoenaed to attend if they fail to do so.

The court shall meet at the time and place designated to determine such contested election by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable, and may dismiss the proceedings if the statement of the cause or causes of contest is insufficient, or for want of prosecution. After hearing the proofs and allegations of the parties, the court shall pronounce judgment in the premises, either confirming or annulling and setting aside such election, according to the law and right of the case.

If in any such case it shall appear that another person than the one returned has the highest number of legal votes, said court shall declare such person duly elected.

[2003 c 111 § 1705. Prior: 1965 c 9 § 29.65.050; prior: (i) Code 1881 § 3115; 1865 p 45 § 11; RRS § 5376. (ii) Code 1881 § 3116; 1865 p 45 § 12; RRS § 5377. (iii) Code 1881 § 3117; 1865 p 45 § 13; RRS § 5378. FORMER PARTS OF SECTION: (i) Code 1881 § 3119; 1865 p 45 § 15; RRS § 5379, now codified in RCW 29.65.055. (ii) Code 1881 § 3120; 1865 p 45 § 16; RRS § 5380, now codified in RCW 29.65.055. Formerly RCW 29.65.050.]

29A.68.060**Costs, how awarded.**

If the proceedings are dismissed for insufficiency, want of prosecution, or the election is by the court confirmed, judgment shall be rendered against the party contesting such election for costs, in favor of the party charged with error or omission.

If such election is annulled and set aside, judgment for costs shall be rendered against the party charged with the error or omission and in favor of the party alleging the same.

[2003 c 111 § 1706. Prior: 1977 ex.s. c 361 § 104; 1965 c 9 §29.65.055 ; prior: (i) Code 1881 § 3119; 1865 p 45 § 15; RRS § 5379; formerly RCW 29.65.050, part. (ii) Code 1881 § 3120; 1865 p 45 § 16; RRS § 5380, formerly RCW 29.65.050, part. Formerly RCW 29.65.055.]

Notes:

Effective date -- Severability -- 1977 ex.s. c 361: See notes following RCW 29A.16.040.

29A.68.070

Misconduct of board — Irregularity material to result.

No irregularity or improper conduct in the proceedings of any election board or any member of the board amounts to such malconduct as to annul or set aside any election unless the irregularity or improper conduct was such as to procure the person whose right to the office may be contested, to be declared duly elected although the person did not receive the highest number of legal votes.

[2003 c 111 § 1707; 1965 c 9 §29.65.060 . Prior: Code 1881 § 3106; 1865 p 43 § 2; RRS § 5367. Formerly RCW 29.65.060.]

29A.68.080

Misconduct of board — Number of votes affected — Enough to change result.

When any election for an office exercised in and for a county is contested on account of any malconduct on the part of any election board, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such precinct or precincts will change the result as to such office in the remaining vote of the county.

[2003 c 111 § 1708. Prior: 1965 c 9 § 29.65.070; prior: Code 1881 § 3107; 1865 p 43 § 3; RRS § 5368. Formerly RCW 29.65.070.]

29A.68.090

Illegal votes — Allegation of.

When the reception of illegal votes is alleged as a cause of contest, it is sufficient to state generally that illegal votes were cast, that, if given to the person whose election is contested in the specified precinct or precincts, will, if taken from that person, reduce the number of the person's legal votes below the number of legal votes given to some other person for the same office.

[2003 c 111 § 1709; 1965 c 9 § 29.65.080. Prior: Code 1881 § 3111, part; 1865 p 44 § 7, part; RRS § 5372, part. Formerly RCW 29.65.080.]

29A.68.100

Illegal votes — List required for testimony.

No testimony may be received as to any illegal votes unless the party contesting the election delivers to the opposite party, at least three days before trial, a written list of the number of illegal votes and by whom given, that the contesting party intends to prove at the trial. No testimony may be received as to any illegal votes, except as to such as are specified in the list.

[2003 c 111 § 1710; 1965 c 9 § 29.65.090. Prior: Code 1881 § 3111, part; 1865 p 44 § 7, part; RRS § 5372, part. Formerly RCW 29.65.090.]

29A.68.110**Illegal votes — Number of votes affected — Enough to change result.**

No election may be set aside on account of illegal votes, unless it appears that an amount of illegal votes has been given to the person whose right is being contested, that, if taken from that person, would reduce the number of the person's legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes that may be shown to have been given to the other person.

[2003 c 111 § 1711; 1965 c 9 § 29.65.100. Prior: Code 1881 § 3108; 1865 p 43 § 4; RRS § 5369. Formerly RCW 29.65.100.]

29A.68.120**Election set aside — Appeal period.**

*** CHANGE IN 2007 *** (SEE 2152.SL) ***

If an election is set aside by the judgment of the superior court and if no appeal is taken therefrom within ten days, the certificate issued shall be thereby rendered void.

[2003 c 111 § 1712; 1965 c 9 § 29.65.120. Prior: Code 1881 § 3123, part; 1865 p 46 § 19, part; RRS § 5382, part. Formerly RCW 29.65.120.]

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2152

Chapter 374, Laws of 2007

60th Legislature
2007 Regular Session

ELECTION CERTIFICATION DATES

EFFECTIVE DATE: 07/22/07

Passed by the House March 12, 2007
Yeas 97 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 11, 2007
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved May 8, 2007, 4:13 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is HOUSE BILL 2152 as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 10, 2007

Secretary of State
State of Washington

HOUSE BILL 2152

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Representatives Appleton, Sequist, Rolfes, Haigh, Eickmeyer,
Lantz and Ormsby

Read first time 02/12/2007. Referred to Committee on State
Government & Tribal Affairs.

1 AN ACT Relating to election certification dates; and amending RCW
2 29A.04.133, 29A.52.360, 29A.68.011, 29A.68.020, 29A.68.030, and
3 29A.68.120.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 Sec. 1. RCW 29A.04.133 and 2003 c 111 s 123 are each amended to
6 read as follows:

7 "Qualified" when pertaining to a winner of an election means that
8 for such election:

9 (1) The results have been certified;

10 (2) ~~((A certificate has been issued;~~

11 ~~(3))) Any required bond has been posted; and~~

12 ~~((4))) (3) The winner has taken and subscribed an oath or~~
13 affirmation in compliance with the appropriate statute, or if none is
14 specified, that he or she will faithfully and impartially discharge the
15 duties of the office to the best of his or her ability. This oath or
16 affirmation shall be administered and certified by any officer or
17 notary public authorized to administer oaths, without charge therefor.

1 Sec. 2. RCW 29A.52.360 and 2003 c 111 s 1314 are each amended to
2 read as follows:

3 Immediately after the ascertainment of the result of an election
4 for an office to be filled by the voters of a single county, or of a
5 precinct, or of a constituency within a county for which the county
6 auditor serves as supervisor of elections, the county auditor shall
7 notify the person elected, and issue to the person a ceremonial
8 certificate of election.

9 Sec. 3. RCW 29A.68.011 and 2005 c 243 s 22 are each amended to
10 read as follows:

11 Any justice of the supreme court, judge of the court of appeals, or
12 judge of the superior court in the proper county shall, by order,
13 require any person charged with error, wrongful act, or neglect to
14 forthwith correct the error, desist from the wrongful act, or perform
15 the duty and to do as the court orders or to show cause forthwith why
16 the error should not be corrected, the wrongful act desisted from, or
17 the duty or order not performed, whenever it is made to appear to such
18 justice or judge by affidavit of an elector that:

19 (1) An error or omission has occurred or is about to occur in
20 printing the name of any candidate on official ballots; or

21 (2) An error other than as provided in subsections (1) and (3) of
22 this section has been committed or is about to be committed in printing
23 the ballots; or

24 (3) The name of any person has been or is about to be wrongfully
25 placed upon the ballots; or

26 (4) A wrongful act other than as provided for in subsections (1)
27 and (3) of this section has been performed or is about to be performed
28 by any election officer; or

29 (5) Any neglect of duty on the part of an election officer other
30 than as provided for in subsections (1) and (3) of this section has
31 occurred or is about to occur; or

32 (6) An error or omission has occurred or is about to occur in the
33 (~~issuance of a certificate~~) official certification of the election.

34 An affidavit of an elector under subsections (1) and (3) of this
35 section when relating to a primary election must be filed with the
36 appropriate court no later than the second Friday following the closing
37 of the filing period for nominations for such office and shall be heard

1 and finally disposed of by the court not later than five days after the
 2 filing thereof. An affidavit of an elector under subsections (1) and
 3 (3) of this section when relating to a general election must be filed
 4 with the appropriate court no later than three days following the
 5 official certification of the primary election returns and shall be
 6 heard and finally disposed of by the court not later than five days
 7 after the filing thereof. An affidavit of an elector under subsection
 8 (6) of this section shall be filed with the appropriate court no later
 9 than ten days following the official certification of the election as
 10 provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case
 11 of a recount, ten days after the official certification of the amended
 12 abstract as provided in RCW 29A.64.061.

13 Sec. 4. RCW 29A.68.020 and 2003 c 111 s 1702 are each amended to
 14 read as follows:

15 Any (~~registered voter may contest the right of any person declared~~
 16 ~~elected to an office to be issued a certificate of election for any of~~
 17 ~~the following causes~~) of the following causes may be asserted by a
 18 registered voter to challenge the right to assume office of a candidate
 19 declared elected to that office:

20 (1) For misconduct on the part of any member of any precinct
 21 election board involved therein;

22 (2) Because the person whose right is being contested was not at
 23 the time the person was declared elected eligible to that office;

24 (3) Because the person whose right is being contested was previous
 25 to the election convicted of a felony by a court of competent
 26 jurisdiction, the conviction not having been reversed nor the person's
 27 civil rights restored after the conviction;

28 (4) Because the person whose right is being contested gave a bribe
 29 or reward to a voter or to an inspector or judge of election for the
 30 purpose of procuring the election, or offered to do so;

31 (5) On account of illegal votes.

32 (a) Illegal votes include but are not limited to the following:

33 (i) More than one vote cast by a single voter;

34 (ii) A vote cast by a person disqualified under Article VI, section
 35 3 of the state Constitution.

36 (b) Illegal votes do not include votes cast by improperly

1 registered voters who were not properly challenged under RCW 29A.08.810
2 and 29A.08.820.

3 All election contests must proceed under RCW ((29A.68.010))
4 29A.68.011.

5 Sec. 5. RCW 29A.68.030 and 2003 c 111 s 1703 are each amended to
6 read as follows:

7 An affidavit of an elector (~~(with respect to RCW 29A.68.010(6) must~~
8 ~~be filed with the appropriate court no later than ten days following~~
9 ~~the issuance of a certificate of election and~~) filed pursuant to RCW
10 29A.68.011(6) must set forth specifically:

- 11 (1) The name of the contestant and that he or she is a registered
12 voter in the county, district or precinct, as the case may be, in which
13 the office is to be exercised;
14 (2) The name of the person whose right is being contested;
15 (3) The office;
16 (4) The particular causes of the contest.

17 No statement of contest may be dismissed for want of form if the
18 particular causes of contest are alleged with sufficient certainty.
19 The person charged with the error or omission must be given the
20 opportunity to call any witness, including the candidate (~~(to whom he~~
21 ~~or she has issued or intends to issue the certificate of election))~~).

22 Sec. 6. RCW 29A.68.120 and 2003 c 111 s 1712 are each amended to
23 read as follows:

24 If an election is set aside by the judgment of the superior court
25 and if no appeal is taken therefrom within ten days, (~~(the certificate~~
26 ~~issued)) the election of the person challenged shall be thereby
27 rendered void.~~

Passed by the House March 12, 2007.

Passed by the Senate April 11, 2007.

Approved by the Governor May 8, 2007.

Filed in Office of Secretary of State May 10, 2007.

CHARTER OF THE CITY OF TACOMA

Preamble

We, the people of the City of Tacoma, a city of the first class of the State of Washington, pursuant to the authority granted by the Constitution and Laws of the State of Washington, and in order to avail ourselves of all powers granted such cities and to obtain the benefits of local self-government, do hereby enact this charter.

Article I

INCORPORATION AND GENERAL POWERS

Incorporation and Boundaries¹

Section 1.1 – The municipal corporation now existing and known as the “City of Tacoma” shall continue to be a body politic and corporate under the same name, with the boundaries as now established or as may hereafter be legally changed, and by such name shall have perpetual succession. The City may have and use a common seal and sue and defend in all matters and proceedings.

General Powers of the City²

Section 1.2 – The city shall have all powers now or hereafter granted to like cities by the constitution and laws of the state, and all powers implied thereby, and shall have and exercise all municipal rights, powers, function, privileges and immunities except as prohibited by law or by this charter. The City may acquire property within or without its corporate limits for any city purpose by purchase, condemnation, lease, gift, and devise and may hold or dispose of such property as the interests of the city may require. No enumeration of particular powers by this charter shall be deemed to be exclusive.

Article II

THE LEGISLATIVE BRANCH

Creation and Composition of City Council

Section 2.1 – The Council shall be composed of the Mayor and eight (8) councilmen nominated and elected, as provided hereinafter. At the next general municipal election to be held in the year 1975 on the

date prescribed by state law, there shall be elected eight (8) councilmen for terms beginning on the second Monday in January 1976, as set out hereinafter in Section 5.4. Biennially thereafter, on the date prescribed by state law for general municipal elections, four (4) councilmen shall be elected for like terms of four years. Councilmen shall continue *in office until their successors* are elected and qualified. The Council shall constitute the legislative and governing body of the City and shall have authority, except as otherwise provided in this Charter, to exercise all powers of the City. (Amendment approved by vote of the people September 18, 1973).

Qualifications and Compensation of Councilmen³

Section 2.2 – Councilmen shall be qualified electors and shall be residents of the City for two years immediately preceding the time of filing as a candidate and, if running for a district position, shall be residents of their districts for one year immediately preceding the time of filing as candidate or, if appointed to fill a vacancy, the time of appointment. No person shall be eligible for the office of councilman while holding any other elective public office. (Amendment approved by vote of the people September 18, 1973).

Section 2.3 – Each councilman shall be paid the sum of twenty-five dollars for each day’s attendance at council meetings, but not to exceed twelve hundred dollars per year.⁴

Section 2.35 – No person shall be allowed to serve on the Council for more than ten (10) consecutive years, either as a Councilman, Mayor, or combination thereof. (Approved by vote of the people September 18, 1973).

The Mayor

Section 2.4 – On the date prescribed by state law for the general municipal elections, commencing in the year 1973, the Mayor shall be elected for a term of four (4) years. The Mayor shall, by virtue of his/her election, become a member and presiding officer of the City Council with the right to speak and vote as any other council member. The Mayor shall be the

³ See RCW 35.22.205 - Providing that the compensation and time devoted to the performance of the duties of the Mayor and elected officials of all cities of the first class shall be as fixed by ordinance of said city, irrespective of any Charter provisions.

⁴ The salaries of the Mayor and City Council members are set forth in Sections 1.18.040 and 1.19.010 of the City Code.

¹ See Chapter 1.02 - City Limits and Annexations.

² Authority to frame charter - State constitution Art. XI § 10 and RCW 35.22.030. General Powers - RCW 35.21.010 and RCW chapter 35.22.

Tacoma City Charter

The City Clerk shall designate, by consecutive numbers commencing with number one and ending with number five, all positions on the Council to be nominated by district and shall further designate, by consecutive numbers commencing with number six and ending with number eight, all positions on the Council to be elected at large, and all of such designations shall thereafter be permanent and the positions so designated shall thereafter be considered as separate offices for election purposes.

The qualified electors of each election district, and they only, shall nominate from among their number candidates for the office of council member of such election district to be voted for at the following general election.

The qualified electors of the city shall nominate from among their number candidates for the office of council member at large to be voted for at the following general election.

The two candidates having the highest vote totals for each Council position shall be certified as having been nominated and shall run for that position in the general election. Council members nominated by district shall be elected by all of the qualified voters of the district, and the person receiving the highest number of votes for the office of council member for the position for which he/she is a candidate shall be declared duly elected.

Council members nominated at large shall be elected by all of the qualified voters of the City. The person receiving the highest number of votes for the office of council member for the position for which he/she is a candidate shall be declared duly elected. On expiration of the present term of office, council positions nominated by council district shall be elected by the qualified voters in that district.

In the event any council member nominated from a district shall, after election, move or reside outside the district from which he/she was nominated, he/she shall, by virtue thereof, be deemed to have forfeited his/her office, and his/her seat shall become vacant and shall be filled in the manner provided herein for the filling of vacancies. (Amendment approved by vote of the people November 3, 1992.)

Election Contests

Section 5.5 – Certificates of election shall be prima facie evidence of the facts therein stated, but the Council shall decide all questions as to the qualifications and elections of its own members, and

in all cases of contested election for any office, the contest shall be decided by the Council according, as nearly as may be, to the laws of the state regulating proceedings in case of contested elections for county offices.

Candidates' Statements of Qualifications

Section 5.6 – At the time of filing as a candidate for the office of council member, each candidate may file with the City Clerk on a form prescribed by the City Clerk, a verified statement of his/her name, the office for which he/she is a candidate, his/her residence, place of birth, present occupation, public offices he/she has held, a summary of his/her experience and qualifications for office, and a recent photograph. Said statement shall not exceed two hundred words in length and shall be signed by ten residents of the city of Tacoma sponsoring said candidate. At the time of filing said statement, each candidate shall also pay to the City Clerk a printing fee which, until otherwise provided by ordinance, shall be the sum of fifty dollars. The City Clerk shall cause said candidates' statements to be printed in some convenient form and mailed to each individual place of residence in the city at least ten days prior to the date set for the primary municipal election. (Amendment approved by vote of the people November 3, 1992.)

Other Provisions

Section 5.7 – All matters pertaining to elections and not provided for in the charter or by law shall be as provided by ordinance. No informalities in conducting municipal elections shall invalidate the same if they have been conducted fairly and in substantial conformity with the requirements of this charter.