

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LEWIS COUNTY, WASHINGTON**

**CLARIFYING THE FILING
PROCEDURE FOR INDIGENT
CANDIDATES FOR FREEHOLDER**

) **RESOLUTION NO. 18-136**
)

Whereas a petition has been filed to elect freeholders to draft a county charter, which petition will be effective if it receives a majority vote at the general election; and

Whereas Article XI, section 4 of the Washington Constitution requires the county legislative authority to set the nomination procedure for freeholders; and

Whereas this Board adopted such a procedure on April 2, 2018 in Resolution 18-119; and

Whereas the adopted procedure requires a candidate filing fee of \$50; and

Whereas no write-in candidacy or other procedure to appear on the ballot is specified; and

Whereas the procedure is silent as to what should happen if a candidate for freeholder is indigent and unable to pay the filing fee; and

Whereas federal constitutional law provides that a mechanism must exist for an indigent candidate to file even if he or she cannot pay the filing fee; and

Whereas a Washington State Attorney General's opinion suggests that one such mechanism can be to accept a candidate's filing upon an under-oath statement that the candidate is unable to pay the full fee;

Now therefore, be it resolved:

1. If a candidate for the office of freeholder is indigent and unable to pay the full filing fee for the office, the candidate's filing may nevertheless be accepted and his or her name placed upon the ballot if all of the following occur within the period allowed for candidate filing:
 - a. The candidate shall file for candidacy in person at the Auditor's Office. (The electronic filing system provides no way to carry out the indigency procedure herein.)
 - b. The candidate shall pay such lesser amount than \$50, if any, as he or she is able to pay.
 - c. The candidate shall submit a statement in substantially the following form to the Lewis County Auditor's Office:

"I, [candidate's full name], declare under penalty of perjury under the laws of the State of Washington that I am without sufficient assets or income to pay the \$50 filing fee required of candidates for freeholder. I therefore request that my Affidavit and Declaration of Candidacy, attached, be accepted and filed and that my name be printed on the ballot."

The candidate shall sign his or her name to the statement and list the date and place within Washington in which he or she signed. The candidate shall attach his or her Affidavit and Declaration of Candidacy to the statement, or may submit the statement with the Affidavit and Declaration of Candidacy and ask the Auditor's Office staff to attach them.


and


- d. The candidate shall comply with the nomination procedure in all respects other than those specified herein.
2. This resolution is meant to be a clarification and explanation of further procedures not specified in Resolution 18-119 so as to maintain its constitutionality. It is not meant in any respect to overrule or otherwise suggest that Resolution 18-119 lacks force. The freeholder nomination procedure adopted in Resolution 18-119 remains adopted and controlling.

PASSED IN REGULAR SESSION THIS 16th **day of** April, **2018**, after a public hearing was held.


APPROVED AS TO FORM:
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
LEWIS COUNTY, WASHINGTON


By: Civil Deputy Prosecuting Attorney


Edna J. Fund, Chair

ATTEST:


Robert C. Jackson, Vice Chair


Rieva Lester, Clerk of the Board


Gary Stamper, Commissioner



BOCC AGENDA ITEM SUMMARY

Resolution:

BOCC Meeting Date: Apr 16, 2018

Suggested Wording for Agenda Item:

Agenda Type: Consent

Clarifying the filing procedure for indigent candidates for freeholder.

Contact Rieva Lester

Phone: 360-740-1120

Department: Board of County Commissioners

Action Needed: Approve Resolution

Description

Clarifying the filing procedure for indigent candidates for freeholder.

Approvals:

User	Group	Status
Eisenberg, Eric	Prosecutor	Pending

Additional Copies

Larry Grove, Tom Stanton and Heather Boyer of the Auditor's Office