

WALLA WALLA COUNTY AUDITOR  
ELECTIONS DEPARTMENT  
310 W POPLAR  
WALLA WALLA, WA 99362

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**CANVASSING BOARD MEETING MINUTES**  
**Primary Election August 4, 2015**

The Canvassing Board meeting was called to order by Karen Martin, Auditor, on Tuesday, August 25, 2015 at 2:01pm. Present were: Auditor Karen Martin, County Commissioner Perry Dozier, and Prosecuting Attorney Jim Nagle. Also in attendance were Elections Supervisor David Valiant, Voter Registration Coordinator Amelia Odeen, and citizen observer Lucy Henderson.

**Eligibility of Candidate in College Place School District:** Auditor Martin stated that since the last Canvassing Board meeting Samuel Ramos, the candidate whose eligibility was brought into question, spoke with Auditor Martin and admitted he did not live within the College Place School District. On Friday, August 21, Mr. Ramos submitted to the County Clerk an Affidavit of Withdrawal for the College Place School District Position No. 5. Prosecutor Jim Nagle submitted a brief to the Superior Court on the facts concerning Mr. Ramos' candidacy, to which the Judge issued Court Order No. 152005422 ordering the Canvassing Board for the August 4, 2015 primary to reconvene with directions to remove Mr. Ramos' name from the ballot for the November 3, 2015 election and move the third place candidate, Leah Hale, to the ballot in his place.

Prosecutor Nagle moved to remove Samuel Ramos from the November 3, 2015 ballot and place Leah Hale on the ballot in accordance with the court order. Commissioner Perry Dozier seconded. The motion was unanimously accepted.

There being no further business before the Board, Prosecutor Jim Nagle moved to adjourn the meeting at 2:03pm. The motion was unanimously accepted to adjourn the meeting.

FILED  
NATHY MARTIN  
COUNTY CLERK

2015 AUG 21 P 1:08

WALLA WALLA COUNTY  
WASHINGTON

*Kathy Martin*

SUPERIOR COURT OF WASHINGTON – COUNTY OF WALLA WALLA

In Re the Candidacy of  
SAMUEL RAMOS

NO. 15 2 00542 2

ORDER

**Hearing.** This matter came before the court pursuant to an affidavit filed by Samuel Ramos, a candidate for election to the Board of Directors of the College Place School District, requesting that his name be removed from the ballot for Position Number 5.

**Finding.** Based on the affidavit of Samuel Ramos and the memorandum of authority with records of the county auditor attached thereto, the court finds that:

1. Samuel Ramos is not a registered voter of either the College Place School District or any director district of the College Place School District as required by RCW 28A.343.340 and is therefore not eligible to hold the office of school director;

2. Samuel Ramos was certified by the Canvassing Board of Walla Walla County on August 18, 2015 as the candidate with the second most number of votes in the primary election of August 4, 2015 out of three candidates for Position Number 5;

3. An error or omission has occurred or is about to occur in the official certification of

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2  
3 the election for Position Number 5 to the Board of Directors of the College Place School  
4 District if Samuel Ramos' name is placed on the official ballot for the November 3, 2015  
5 election.

6 **Order.** Based on the foregoing findings, Now, Therefore,

7  
8 **IT IS HEREBY ORDERED** that the Auditor for Walla Walla County shall reconvene  
9 the Canvassing Board for the August 4, 2015 primary with directions to remove Samuel Ramos'  
10 name from the ballot for the November 3, 2015 election and place the candidate on said ballot  
11 that the Canvassing Board certifies in his place as having had the third most number of votes in  
12 the Primary Election of August 4, 2015 for Position Number 5 to the Board of Directors of the  
13 College Place School District.  
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15  
16 DATED this 21<sup>st</sup> day of August, 2015.

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19 \_\_\_\_\_  
Judge of the Superior Court

20 Presented by:

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23 James L. Nagle, WSBA\$9637  
Prosecuting Attorney  
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FILED  
NATHY MARTIN  
COUNTY CLERK

2015 AUG 21 P 1:08

WALLA WALLA COUNTY  
WASHINGTON

BY           *mal*          

SUPERIOR COURT OF WASHINGTON – COUNTY OF WALLA WALLA

In Re the Candidacy of  
SAMUEL RAMOS

NO. 15 2 00542 2

MEMORANDUM OF  
AUTHORITIES

**COMES NOW** the Prosecuting Attorney of Walla Walla County on behalf of the Walla Walla County Auditor and relates the following in response to the Affidavit of Withdrawal filed herein by Samuel Ramos.

**Facts.** Samuel Ramos filed a declaration candidacy for Position Number 5 to the Board of Directors of the College Place School District. Mr. Ramos garnered the second most votes of three candidates in the August 4, 2015 primary election. The County Auditor was advised that Mr. Ramos was not a registered voter in either the College Place School District or any director district of the College Place School District as required by RCW 28A.343.340 and was therefore not eligible to hold the office of school director. The County Auditor advised Mr. Ramos of this fact. The canvassing board certified the primary election results on August 18, 2015. Mr. Ramos then notified the Public Disclosure Commission and the County Auditor that he was terminating his campaign, and subsequently filed his affidavit in this action. Unless a court orders otherwise, the Auditor is required to place Mr. Ramos' name on the ballot for the

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3 general election. The documentation in support of these facts is attached hereto and  
4 incorporated by reference herein.

5 **Law.** In order to be a director on a school board, the person must be an voter that  
6 resides in the district. This is required by RCW 28A.343.340:  
7

8 **RCW 28A.343.340 When elected — Eligibility.**

9 Directors of school districts shall be elected at regular school elections. No person shall  
10 be eligible to the office of school director who is not a citizen of the United States and  
11 the state of Washington and a registered voter of either the school district or director  
12 district, as the case may be.

12 Furthermore, the legislature has made it clear that unless such a requirement is met that  
13 person's name shall not appear on a ballot.

14 **RCW 29A.24.075 Qualifications for filing, appearance on ballot.**

15 (1) A person filing a declaration of candidacy for an office shall, *at the time of filing*, be  
16 a registered voter and possess the qualifications specified by law for persons who may  
17 be elected to the office.

18 ...  
19 (3) The name of a candidate for an office shall not appear on a ballot for that office  
20 unless, except for judge of the superior court and as provided in RCW 3.50.057, the  
21 candidate is, *at the time the candidate's declaration of candidacy is filed, properly  
22 registered to vote in the geographic area represented by the office....*

23 (Emphasis added).

24 RCW 29A.68.011 provides the court with the authority to correct errors or omissions in  
25 the certification of election results:

26 **RCW 29A.68.011 - Prevention and correction of election frauds and errors.**

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

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

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

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

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

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

13 (6) *An error or omission has occurred or is about to occur in the official  
14 certification of the election.*

15 An affidavit of an elector under subsections (1) and (3) of this section when relating  
16 to a primary election must be filed with the appropriate court no later than two days  
17 following the closing of the filing period for such office and shall be heard and finally  
18 disposed of by the court not later than five days after the filing thereof. An affidavit of  
19 an elector under subsections (1) and (3) of this section when relating to a general  
20 election must be filed with the appropriate court no later than three days following the  
21 official certification of the primary election returns, or official certification of candidates  
22 qualified to appear on the general election ballot, whichever is later, and shall be heard  
23 and finally disposed of by the court not later than five days after the filing thereof. An  
24 affidavit of an elector under subsection (6) of this section shall be filed with the  
25 appropriate court no later than ten days following the official certification of the election  
26 as provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case of a  
27 recount, ten days after the official certification of the amended abstract as provided in  
28 RCW 29A.64.061.

29 (Emphasis added).

30 Mr. Ramos has filed his affidavit as an attempt to correct this error pursuant to RCW  
31 29A.68.030:

32 **RCW 29A.68.030 Affidavit of error or omission — Contents — Witnesses.**

An affidavit of an elector filed pursuant to RCW 29A.68.011(6) 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.

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3 **Conclusion.** Based on the affidavit filed by Samuel Ramos and the records of the  
4 County Auditor attached hereto, it is undisputed that:

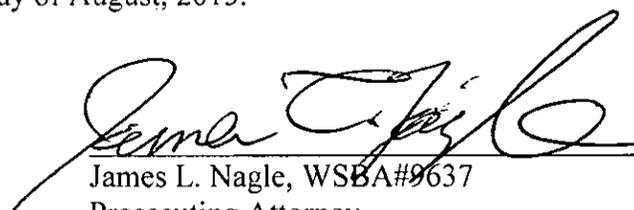
5 1. Samuel Ramos is not a registered voter of either the College Place School District or  
6 any director district of the College Place School District as required by RCW 28A.343.340 and  
7 is therefore not eligible to hold the office of school director;  
8

9 2. Samuel Ramos was certified by the Canvassing Board of Walla Walla County on  
10 August 18, 2015 as the candidate with the second most number of votes in the primary election  
11 of August 4, 2015 out of three candidates for Position Number 5;

12 3. An error or omission has occurred or is about to occur in the official certification of  
13 the election for Position Number 5 to the Board of Directors of the College Place School  
14 District if Samuel Ramos' name is placed on the official ballot for the November 3, 2015  
15 election.  
16

17 It is therefore recommended that the court enter an order requiring the Auditor for Walla  
18 Walla County reconvene the Canvassing Board for the August 4, 2015 primary with directions  
19 to remove Samuel Ramos' name from the ballot for the November 3, 2015 election and place  
20 the candidate on said ballot that the Canvassing Board certifies in his place as having had the  
21 third most number of votes in the Primary Election of August 4, 2015 for Position Number 5 to  
22 the Board of Directors of the College Place School District.  
23

24 DATED this 21<sup>st</sup> day of August, 2015.

25  
26  
27   
28 James L. Nagle, WSBA#9637  
29 Prosecuting Attorney  
30



## WALLA WALLA COUNTY AUDITOR

KAREN MARTIN, AUDITOR  
315 WEST MAIN  
P.O. BOX 1856  
WALLA WALLA, WA 99362-0356

August 13, 2015

Samuel Ramos  
2784 Morning Glory Ln  
Walla Walla, Wa 99362

COPY

Re: Eligibility of Candidacy

Dear Mr. Ramos:

The County Auditor's Office has recently been questioned about your eligibility to serve as a School Board member of the College Place School District. The allegation is that you are not a resident of College Place School District, was not at the time you filed for office, and therefore may not be eligible to serve on that school board.

During the process of filing for the School Director Position 5 for College Place School District the online filing system attempted to warn you that your residence was not inside the College Place District.

Qualifications for school district elected officials require that they reside inside the district. These qualifications are spelled out in RCW 28A.343.340 and RCW 29A.24.075.

The Auditor's Office is currently pursuing the best course of action to take in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Karen Martin".

Karen Martin  
Walla Walla County Auditor

cc: Tim Payne  
Superintendent College Place School District



## WALLA WALLA COUNTY AUDITOR

KAREN MARTIN, AUDITOR  
315 WEST MAIN  
P.O. BOX 1856  
WALLA WALLA, WA 99362-0356

August 13, 2015

Samuel Ramos  
1087 Crestlane Dr  
College Place, Wa 99324

Re: Eligibility of Candidacy

Dear Mr. Ramos:

COPY

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The Auditor's Office is currently pursuing the best course of action to take in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Karen Martin".

Karen Martin  
Walla Walla County Auditor

cc: Tim Payne  
Superintendent College Place School District

Statement of Termination of Campaign

COPY

Name: SAM RAMOS

Office Sought: COLLEGE PLACE SCHOOL DIST. BOARD POS. #5

Jurisdiction:

1. I have terminated my campaign. I understand that this statement is not an official withdrawal from the campaign, which can only be done with the appropriate elections office, and not with the Public Disclosure Commission (PDC).
2. I will not campaign for my election. I will not solicit or accept campaign contributions, monetary or in-kind. I will not make campaign expenditures, including from personal funds.
3. If elected, I will not accept the office.
4. I understand that if I terminate my campaign; do not campaign for my election; do not solicit or accept campaign contributions, monetary or in-kind; do not make campaign expenditures, including from personal funds; and if elected, do not accept the office, the PDC will not conduct enforcement for my failure to file the reports required by RCW 42.17A.
5. I understand that if I win and accept the office, the PDC will conduct enforcement for failure to file reports required by RCW 42.17A.

Typed Name or Signature:



Date Submitted or Signed:

8.18.15

PUBLIC DISCLOSURE COMMISSION  
PO BOX 40908  
OLYMPIA WA 98504-0908

Email: [jacob.berkey@pdc.wa.gov](mailto:jacob.berkey@pdc.wa.gov)