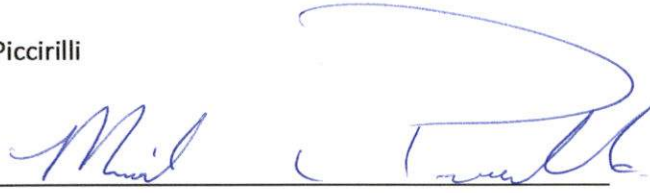


Response to Declaration and Washington State Voter registration challenge addendum to.

I, Michael Piccirilli hereby declare that I am at least eighteen years of age and am competent to make this response to the declaration and Washington State voter registration challenge that has been submitted against me. I swear under penalty of perjury that my response is true and correct to the best of my knowledge and is as follows: See attached Addendum (4 pages)

Michael Piccirilli

Singed, 

02 / 05 / 2024

RECEIVED
FEB 05 2024
PEND OREILLE COUNTY
AUDITOR'S OFFICE



Empowering local governments

Contact Us

Partners

Rosters & E-Bidding

Search... GO

SECTIONS

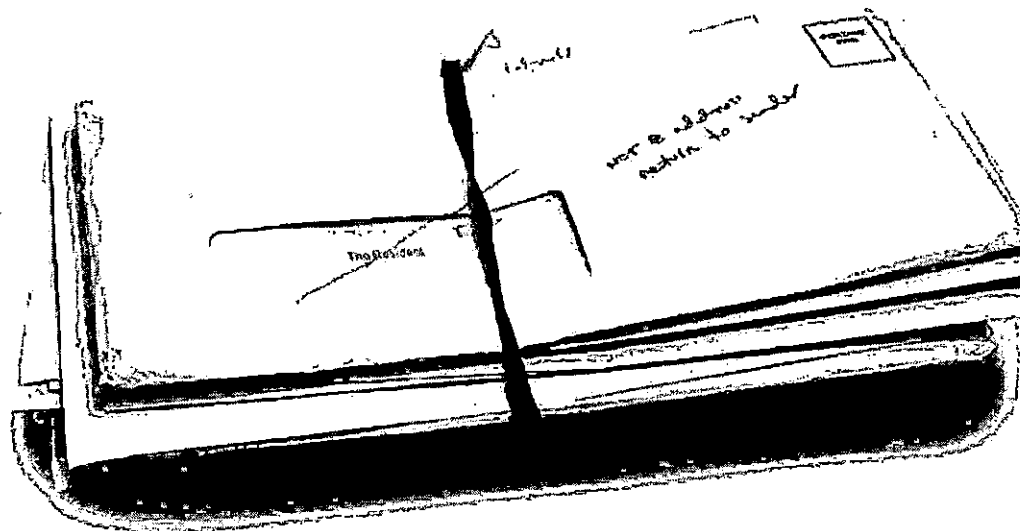
Ask MRSC

Home > Stay Informed > MRSC Insight Blog > January 2024 > Residency Requirements for Local Government Officials and Appointees

more

Residency Requirements for Local Government Officials and Appointees

January 29, 2024 by Flannary Collins
Category: Administrative and Elected Officials,
Administrative and Elected Officials-County



Must an elected official or a voluntary board member reside in the municipality they serve? What about the appointed city manager or county administrator – do they need to live in the jurisdiction for which they work?

Back to top

This blog will look at these questions and touch on how to fill the position if an elected official moves out of the municipality, causing a vacancy.

Elected Officials

City and town councilmembers, county commissioners, and special purpose district commissioners must be residents and legally registered voters of the city, town, county or district they serve. See MRSC's publication *Getting Into Office* for more information.

To be a legally registered voter, the elected official must maintain a permanent residence in the precinct in which they are registered. See RCW 29A.08.010(2). "Residence" in this context means "a person's permanent address where they physically reside and maintain their abode." See RCW 29A.04.151.

An elective office becomes vacant when an elected official ceases to be a legally registered voter of the municipality (or, for those jurisdictions with districts or wards, when they are no longer a legally registered voter of the district/ward they represent). See RCW 42.12.010(4).

Therefore, once an individual moves out of the jurisdictional boundaries of the municipality they serve, unless that move is truly temporary, they are no longer qualified to serve on the governing body of that municipality.

Is the Move Temporary or Permanent?

The issue of residency is a factual one, and the primary question is whether an individual intended to abandon an old residence and establish a new permanent residence elsewhere. An individual may only have one permanent residence at any one time (an individual's voter registration may only be assigned to one permanent residence). So, while each factual scenario would have to be reviewed independently, as a general matter, unless the individual establishes residency outside of the municipality and registers to vote at that new residence (which clearly shows an intent to abandon their old residence), they would still be eligible to hold their position.

For a good discussion of what constitutes legal residency see *In Re Contested Election of Schoessler*. This case involved a challenge that the code city mayor of Wenatchee did not meet the requirement of having been a resident of the city for at least one year preceding the mayoral election, which is required by RCW 35A.12.030. The court held that the mayor did not meet the residency requirement because his utility bills, driver's

license, voter registration, tax form, insurance forms and other similar records all showed a Malaga address. The court also found that, although the mayor was seen emerging from the computer file server room at his Wenatchee-based office on several mornings during the time in question (implying that he was somehow living in the room), this was not sufficient to meet the residency requirement.

Quiz Time!

Would any of the following four scenarios cause the elected official to lose their residency?

1. A councilmember has permanently moved to a house just outside the city limits.

Answer

2. A county commissioner's house is being remodeled and they have rented a home in a neighboring county for six months, while the remodel takes place.

Answer

3. A city councilmember is employed by a company with offices all over the world and she has been temporarily assigned to work on a project in Europe for the next three years. She will be moving to Europe for three years but is keeping her home in the city where she serves as councilmember and is not planning to change her voter registration. During the three years she is in Europe, she will attend city council meetings remotely. City policy allows a councilmember to attend meetings remotely, without limit.

Answer

4. A water-sewer district commissioner owns two homes: one within the district boundaries and one outside of the boundaries. He won't disclose which residence he considers to be his permanent residence, but he spends more than half his time at the home which lies outside of district boundaries.

Answer

Is Removal Automatic?

Removal from an elected position due to no longer meeting the residency requirement is not automatic. If the elected official concurs that they are no longer a resident of the municipality, a vacancy occurs, and the municipality fills the position accordingly.

[Back to top](#)

If the elected official denies they have moved and refuses to give up their position, then a court would need to decide the matter. The court would evaluate similar evidence as was reviewed in the *In Re Contested Election of Schoessler* case — such as the address the official used for voter registration, utility bills, and similar documents — and then it would make a determination as to residency.

Advisory Boards, Commissions, and Committees

While state law sets forth some *membership* requirements for advisory boards, commissions, and committees, it is usually silent on residency requirements. (With some important exceptions, including civil service commission members who must be electors of the county in which they reside.)

In most cases, cities and counties are free to adopt local policies addressing residency for their advisory boards, commissions, and committees. Given that these boards are advising the governing body on local policy matters affecting individual cities and counties, requiring residency in the city or county may make sense. For example, Mercer Island requires that all members of boards and commissions be current city residents (except for certain design commission members). Similarly, only county residents may serve on a Kittitas County board or commission (unless waived by the Board of County Commissioners).

City/County Managers and Administrators and Special Purpose District Directors

State law does not require that city managers be residents of the city (see RCW 35A.13.050, RCW 35.18.040), but cities can require residency through their own local codes (RCW 35.21.200).

Residency requirements for county managers and administrators are set forth in county charters and county codes; state law has no residency requirement for that position.

Similarly, residency requirements for appointed special purpose administrators will be driven by local policy, not state law.

Conclusion

In today's remote work environment, anyone elected or appointed to a city, county, or special purpose district position needs to know whether their position requires they remain a resident of the municipality during their term

[Back to top](#)