

SENATE RESOLUTION
8601

By Senator Kastama

WHEREAS, A primary election for Washington State Senator for the thirty-eighth legislative district was held on August 17, 2010; and

WHEREAS, Senator Jean Berkey was not among the "top two" candidates who received the highest number of votes and advanced to the general election; and

WHEREAS, The difference between Senator Berkey's total number of votes and the next candidate who did advance to the general election was only 122 votes—a total under which a difference of only 62 votes would have changed the result; and

WHEREAS, A complaint was filed with the Public Disclosure Commission (PDC Case No: 11-015) concerning campaign finance and reporting violations by an entity known as Moxie Media; and

WHEREAS, The Public Disclosure Commission referred the case to the Attorney General for prosecution; and

WHEREAS, Senator Jean Berkey is seeking to intervene in the Attorney General's case or file her own lawsuit challenging the election results for state senator in the thirty-eighth legislative district on the basis of Moxie Media's wrongdoing; and

WHEREAS, The Washington State Senate is gravely concerned with the wrongdoing perpetrated by Moxie Media and believes that these misdeeds have undermined the public's faith in the election process, and have compromised the integrity of the election itself, affecting the election of state senator for the thirty-eighth legislative district; and

WHEREAS, The Washington State Senate has no reason to believe that any of the candidates for senator in the thirty-eighth legislative district were involved in any wrongdoing, and has only the highest respect for all of these candidates, but wishes to allow the Public Disclosure Commission, the Attorney General, and the courts sufficient time to investigate, litigate, and resolve all claims pending with respect to Moxie Media's misdeeds, possibly directing a new election to take place on the contested Senate race;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acts pursuant to its own rules, procedures, and traditions; Joint Rule 28; Article II, Section 7 of the Washington Constitution; and other legal, procedural, and parliamentary authorities in refusing to recognize the election results reported for the election of Washington State Senator for the thirty-eighth legislative district; and

BE IT FURTHER RESOLVED, That the Washington State Senate accordingly defers swearing in or seating any Senator elected to the thirty-eighth legislative district pursuant to the 2010 general election until such time as a court ruling, order, or judgment on the election contest pending on the election for Senator for the thirty-eighth legislative district is entered, and hereby declares the thirty-eighth legislative district state senator position open and vacant.