

Write-in Candidates Ask State Supreme Court to Correct ?Unopposed? Label in Skagit County Voter Pamphlet

July 31, 2026

MOUNT VERNON, WA - July 31, 2026 -

Emergency motion docketed days before the August 4 primary; petitioners say the county?s own records show four county races are contested

Two Skagit County electors have asked the Washington Supreme Court to order the county auditor to correct official election materials that label four county races ?Unopposed? ? even though certified write-in candidates for those offices are on file with, and were accepted by, the auditor?s own office.

The case, Cody Hart and Derrill J. Fussell v. Sandra Perkins, Skagit County Auditor, No. 105619-2, was brought under RCW 29A.68.013, which lets a judge order an election officer to correct an error. Court records show the petitioners? brief and an emergency motion to accelerate review were docketed July 30, 2026. Hart is a certified write-in candidate for Skagit County Sheriff, Fussell for Coroner; both are registered county voters representing themselves.

What the petition says happened: Certified declarations of write-in candidacy were filed and accepted for four offices on the August 4 primary ballot, the petition states: Sheriff (Cody Hart), Clerk (Amanda Toscano), Coroner (Derrill J. Fussell), and Treasurer (Timothy Garrison).

The county?s official 2026 Primary Local Voters? Pamphlet, mailed to every household the week of July 13, labels the Clerk, Coroner, and Treasurer races ?Unopposed?; a version later posted online extended the label to a fourth race, Sheriff, after the auditor had been notified. Yet the county?s own sample ballot provides a write-in line for each race ? so the same contests are called ?unopposed? in the pamphlet while remaining open to write-in votes on the ballot.

The auditor?s response: The petitioners say they sought a correction on July 13 and July 16. The auditor declined by email on July 21, calling the label an exercise of discretion ? ?I have exercised my discretion to

indicate that certain elected office candidates are unopposed? ? while acknowledging that the pamphlet statutes ?are silent on whether such information is allowed or prohibited.? The petitioners supplied contrary authority on July 27 and filed suit days later.

Why the timing matters: Three Washington statutes make the deadline unforgiving, the petitioners argue: having filed as write-ins at the primary, they cannot run for the same offices in November; write-in votes go untallied unless they exceed one percent of an office?s total; and reaching the general election requires one percent and a top-two finish. An official ?no choice? label, they contend, bears directly on those thresholds while ballots are being voted ? and no order after August 4 can undo it.

What the petitioners are ? and are not ? asking: The filings ask the Court to bar the ?Unopposed? label on any race with a certified write-in declaration on file and to require a corrective notice by the fastest means available ? the electronic pamphlet, the elections website, and notices at drop boxes and voting centers. In the alternative, they ask that write-in votes for the four offices be recorded and reported with the canvass.

They stress what they are not seeking: no change to how a voter may vote, no altered ballot, no extended deadline, and no order delaying or setting aside the primary.

A statewide question: The issue reaches beyond Skagit County, the petitioners say. The auditor defended the practice by citing ?16 counties? that similarly mark races unopposed, yet none of the pamphlets the petitioners reviewed ? Clark, Kitsap, and Chelan ? uses the label. With no statute, rule, or state guidance on the question, they argue, the Court should settle it.

?Voters are entitled to accurate information from their own county about what is on their ballot,? said Cody Hart, certified write-in candidate for Skagit County Sheriff. ?We are not asking any court to stop an election or move a deadline ? only that a county publication not tell voters the opposite of what the county?s own files show.?

?I filed my declaration of candidacy in May, and the county accepted it,? said Derrill J. Fussell, certified write-in candidate for Skagit County Coroner. ?Every household then got a pamphlet saying the race I am running in has no one in it. We asked politely, twice, before going to court.? <http://skagitresidents.com>

Case status: The case is pending as No. 105619-2; the Court has not ruled, and the auditor has not responded. The characterizations here are sworn allegations by the petitioners, not adjudicated findings.

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Notice of correction: In the prior press release, the publisher incorrectly identified Cody Harf as a Congressman. Cody Hart is a candidate for Skagit County Sheriff not a Congressman.

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