

**RCW 36.16.110 Vacancies in office.** (1) The county legislative authority in each county shall, at its next regular or special meeting after being appraised of any vacancy in any county, township, precinct, or road district office of the county, fill the vacancy by the appointment of some person qualified to hold such office, and the officers thus appointed shall hold office until the next general election, and until their successors are elected and qualified.

(2) If a vacancy occurs in a partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW 29A.04.133 and shall continue through the term for which he or she was elected.

(3) If a vacancy occurs in a nonpartisan county board of commissioners elective office or nonpartisan county council elective office, the person appointed to fill the vacancy must be from the same legislative district, county, or county commissioner or council district as the county elective officer whose office was vacated, and must be one of three persons who must be nominated by the nonpartisan executive or nonpartisan chair of the board of commissioners for the county. In case a majority of the members of the county legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for in this section, appoint someone to fill the vacancy.

(4) If a vacancy occurs in a nonpartisan county board of commissioners elective office or nonpartisan county council elective office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor may commence once he or she has qualified as defined in RCW 29A.04.133 and shall continue through the term for which he or she was elected. [2010 c 207 s 2; 2003 c 238 s 1; 1963 c 4 s 36.16.110. Prior: 1927 c 163 s 1; RRS s 4059; prior: Code 1881 s 2689; 1867 p 57 s 28.]

**Findings—Intent—2010 c 207:** "The legislature finds that a number of counties have moved to designate certain countywide elective offices as nonpartisan. Because the creation of these nonpartisan offices is a relatively new occurrence, there is not a mechanism in the state Constitution or statutory laws to fill vacancies in these offices. The legislature also finds that many local governments have not created a mechanism for expediently filling the vacancies. The legislature further finds the following: Political representation is an important and fundamental aspect of elective government; vacancies in elective office effectively disenfranchise portions of the state's citizenry; vacancies in elective office can hamper or completely stall the efficient administration of all aspects of governance, including the appointment of inferior officeholders responsible for the administration of health, public safety, and a myriad of social services; and that all of these governing functions represent public policy considerations of broad concern. Therefore, it is the responsibility and intent of the legislature to provide a mechanism for filling vacancies in these offices that is in keeping with the state Constitution and current statute." [2010 c 207 s 1.]

**Contingent effective date—2003 c 238:** "This act takes effect January 1, 2004, if the proposed amendment to Article II, section 15 of the state Constitution (HJR 4206) is validly submitted to and is approved and ratified by the voters at a general election held in November 2003. If the proposed amendment is not approved and ratified, this act is void in its entirety." [2003 c 238 s 5.] House Joint Resolution No. 4206 was approved by the voters on November 4, 2003.