
HOUSE BILL 2233

State of Washington 52nd Legislature 1991 1st Special Session

By Representatives H. Myers, Cooper, Ferguson, R. Meyers, Haugen, Franklin, Wynne and Paris.

Read first time June 21, 1991. Referred to Committee on Local Government.

1 AN ACT Relating to rotation of names on the ballot for public
2 utility district elections; and amending RCW 29.18.022, 29.30.025,
3 29.21.010, 29.30.040, 54.08.010, 54.08.070, and 54.08.080.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 29.18.022 and 1987 c 110 s 1 are each amended to read
6 as follows:

7 The names of all candidates for partisan office, for the office of
8 superintendent of public instruction, for public utility district
9 office, and for all judicial offices shall be rotated in each precinct
10 in the manner specified by RCW 29.30.040, 29.30.340, and 29.30.440.
11 The order of names of candidates for such offices on sample ballots and
12 on absentee ballots in primaries shall be determined in the following
13 manner:

14 (1) After the close of business on the last day for candidates to
15 file for office, the officer with whom declarations of candidacy are

1 filed shall, from among those filings made in person and by mail in
2 accordance with RCW 29.18.045(2), determine by lot the order in which
3 the names of those candidates shall appear on the sample and absentee
4 ballots under the appropriate office heading. The determination shall
5 be done publicly, and may be witnessed by the media and by any
6 candidate desiring to do so.

7 (2) For the purposes of this section and RCW 29.18.045, "filing
8 officer" means the officer with whom declarations of candidacy for an
9 office must be filed.

10 **Sec. 2.** RCW 29.30.025 and 1990 c 59 s 80 are each amended to read
11 as follows:

12 After the close of business on the last day for candidates to file
13 for office, the filing officer shall, from among those filings made in
14 person and by mail, determine by lot the order in which the names of
15 those candidates will appear on all sample and absentee ballots. In
16 the case of candidates for city, town, and district office, except for
17 public utility district office, this procedure shall also determine the
18 order for candidate names on the official primary ballot used at the
19 polling place. The determination shall be done publicly and may be
20 witnessed by the media and by any candidate. If no primary is required
21 for any nonpartisan office under RCW 29.15.150 or 29.21.015, the names
22 shall appear on the general election ballot in the order determined by
23 lot.

24 **Sec. 3.** RCW 29.21.010 and 1977 c 53 s 3 are each amended to read
25 as follows:

26 All cities and towns shall hold primary elections irrespective of
27 type or form of government which shall be nonpartisan and held as
28 provided in RCW 29.13.070, as now or hereafter amended. All districts,

1 except those districts which require ownership of property within
2 ((said)) the districts as a prerequisite to voting, shall hold primary
3 elections which shall be nonpartisan and held as provided in RCW
4 29.13.070 as now or hereafter amended.

5 All names of candidates to be voted upon at city, town, and such
6 district primary elections, except for public utility district primary
7 elections, shall be printed upon the official primary ballot
8 alphabetically in groups under the designation of the respective titles
9 of the offices for which they are candidates. The name of the person
10 who receives the greatest number of votes and of the person who
11 receives the next greatest number of votes for each position, shall
12 appear in that order on the city, town, or district general election
13 ballot concerned under the designation for each respective office. In
14 the event there are two or more offices to be filled for the same
15 position, then names of candidates receiving the highest number of
16 votes equal in number to twice the offices to be filled shall appear on
17 the city, town, or district general election ballot so that the voter
18 shall have a choice of two candidates for each position: PROVIDED,
19 That no name of any candidate shall appear on the city, town, or
20 district general election ballot unless said candidate shall receive at
21 least five percent of the total votes cast for that office. The
22 sequence of names of candidates printed on the city, town, or district
23 general election ballot shall be in relation to the number of votes
24 each candidate received at the primary. Names of candidates printed
25 upon the city, town, or district primary and general election ballot
26 need not be rotated.

27 The purpose of this section is to establish the holding of a
28 primary election, subject to the exemptions as contained in RCW
29 29.21.015 as now or hereafter amended, as a uniform procedural
30 requirement to the holding of city, town, and district elections and

1 such provisions shall supersede any and all other statutes, whether
2 general or special in nature, having different election requirements.

3 **Sec. 4.** RCW 29.30.040 and 1990 c 59 s 94 are each amended to read
4 as follows:

5 At primaries, the names of candidates for federal, state, and
6 county partisan offices, for the office of superintendent of public
7 instruction, for public utility district office, and for judicial
8 offices shall, for each office or position, be arranged initially in
9 the order determined under RCW 29.30.025. Additional sets of ballots
10 shall be prepared in which the positions of the names of all candidates
11 for each office or position shall be changed as many times as there are
12 candidates in the office or position in which there are the greatest
13 number of names. As nearly as possible an equal number of ballots
14 shall be prepared after each change. In making the changes of position
15 between each set of ballots, the candidates for each such office in the
16 first position under the office heading shall be moved to the last
17 position under that office heading, and each other name shall be moved
18 up to the position immediately above its previous position under that
19 office heading. The effect of this rotation of the order of the names
20 shall be that the name of each candidate for an office or position
21 shall appear first, second, and so forth for that office or position on
22 the ballots of a nearly equal number of registered voters in that
23 jurisdiction. In a precinct using voting devices, the names of the
24 candidates for each office shall appear in only one sequence in that
25 precinct. The names of candidates for city, town, and district office
26 on the ballot at the primary shall not be rotated.

27 **Sec. 5.** RCW 54.08.010 and 1985 c 469 s 55 are each amended to read
28 as follows:

1 At any general election held in an even-numbered year, the county
2 legislative authority of any county in this state may, or, on petition
3 of ten percent of the (~~qualified electors~~) registered voters of the
4 county based on the total vote cast in the last general county election
5 held in an even-numbered year, shall, by resolution, submit to the
6 voters of the county the proposition of creating a public utility
7 district which shall be coextensive with the limits of the county as
8 now or hereafter established. A form of petition for the creation of
9 a public utility district shall be submitted to the county auditor
10 within ten months prior to the election at which the proposition is to
11 be submitted to the voters. Petitions shall be filed with the county
12 auditor not less than four months before the election and the county
13 auditor shall within thirty days examine the signatures thereof and
14 certify to the sufficiency or insufficiency thereof. If the petition
15 be found to be insufficient, it shall be returned to the persons filing
16 the same, who may amend or add names thereto for ten days, when the
17 same shall be returned to the county auditor, who shall have an
18 additional fifteen days to examine the same and attach his or her
19 certificate thereto. No person having signed the petition shall be
20 allowed to withdraw his or her name therefrom after the filing of the
21 same with the county auditor: PROVIDED, That each signature shall be
22 dated and that no signature dated prior to the date on which the form
23 of petition was submitted to the county auditor shall be valid.
24 Whenever the petition shall be certified to as sufficient, the county
25 auditor shall forthwith transmit the same, together with his or her
26 certificate of sufficiency attached thereto, to the county legislative
27 authority which shall submit the proposition to the voters of the
28 county at the next general election in an even-numbered year occurring
29 forty-five days after submission of the proposition to the legislative
30 authority. The notice of the election shall state the boundaries of

1 the proposed public utility district and the object of such election,
2 and shall in other respects conform to the requirements of the general
3 laws of the state of Washington, governing the time and manner of
4 holding elections. In submitting the question to the voters for their
5 approval or rejection, the proposition shall be expressed on the ballot
6 substantially in the following terms:

7 Public Utility District No. YES ()

8 Public Utility District No. NO ()

9 Any petition for the formation of a public utility district may
10 describe a less area than the entire county in which the petition is
11 filed, the boundaries of which shall follow the then existing precinct
12 boundaries and not divide any voting precinct; and in the event that
13 such a petition is filed the county legislative authority shall fix a
14 date for a hearing on such petition, and shall publish the petition,
15 without the signatures thereto appended, for two weeks prior to the
16 date of the hearing, together with a notice stating the time of the
17 meeting when the petition will be heard. The publication, and all
18 other publications required by this act, shall be in a newspaper of
19 general circulation in the county in which the district is situated.
20 The hearing on the petition may be adjourned from time to time, not
21 exceeding four weeks in all. If upon the final hearing the county
22 legislative authority shall find that any lands have been unjustly or
23 improperly included within the proposed public utility district and
24 will not be benefited by inclusion therein, it shall change and fix the
25 boundary lines in such manner as it shall deem reasonable and just and
26 conducive to the public welfare and convenience, and make and enter an
27 order establishing and defining the boundary lines of the proposed
28 public utility district: PROVIDED, That no lands shall be included

1 within the boundaries so fixed lying outside the boundaries described
2 in the petition, except upon the written request of the owners of those
3 lands. Thereafter the same procedure shall be followed as prescribed
4 in this chapter for the formation of a public utility district
5 including an entire county, except that the petition and election shall
6 be confined solely to the lesser public utility district.

7 No public utility district created after September 1, 1979, shall
8 include any other public utility district within its boundaries:
9 PROVIDED, That this paragraph shall not alter, amend, or modify
10 provisions of chapter 54.32 RCW.

11 **Sec. 6.** RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended to
12 read as follows:

13 Any district which does not own or operate electric facilities for
14 the generation, transmission or distribution of electric power on March
15 25, 1969, or any district which hereafter does not construct or acquire
16 such electric facilities within ten years of its creation, shall not
17 construct or acquire any such electric facilities without the approval
18 of such proposal by the voters of such district: PROVIDED, That a
19 district shall have the power to construct or acquire electric
20 facilities within ten years following its creation by action of its
21 commission without voter approval of such action.

22 At any general election held in an even-numbered year, the proposal
23 to construct or acquire electric facilities may be submitted to the
24 voters of the district by resolution of the public utility district
25 commission or shall be submitted to the voters of the district by the
26 county legislative authority on petition of ten percent of the
27 (~~qualified electors~~) registered voters of (~~such~~) the district,
28 based on the total vote cast in the last general county election held
29 in an even-numbered year. A form of petition for the construction or

1 acquisition of electric facilities by the public utility district shall
2 be submitted to the county auditor within ten months prior to the
3 election at which such proposition is to be submitted to the voters.
4 Petitions shall be filed with the county auditor not less than four
5 months before such election and the county auditor shall within thirty
6 days examine the signatures thereof and certify to the sufficiency or
7 insufficiency thereof. If such petition is found to be insufficient,
8 it shall be returned to the persons filing the same, who may amend and
9 add names thereto for ten days, when the same shall be returned to the
10 county auditor, who shall have an additional fifteen days to examine
11 the same and attach his or her certificate thereto. No person having
12 signed such petition shall be allowed to withdraw his or her name
13 therefrom after the filing of the same with the county auditor:
14 PROVIDED, That each signature shall be dated and that no signature
15 dated prior to the date on which the form of petition was submitted to
16 the county auditor shall be valid. Whenever such petition shall be
17 certified to as sufficient, the county auditor shall forthwith transmit
18 the same, together with his or her certificate of sufficiency attached
19 thereto, to the county legislative authority which shall submit such
20 proposition to the voters of ((said)) the district at the next general
21 election in an even-numbered year occurring forty-five days after
22 submission of the proposition to ((said)) the legislative authority.
23 The notice of the election shall state the object of such election, and
24 shall in other respects conform to the requirements of the general laws
25 of Washington, governing the time and manner of holding elections.
26 The proposal submitted to the voters for their approval or
27 rejection, shall be expressed on the ballot substantially in the
28 following terms:

1 or if such district at the time of the submission of such proposition
2 is actually engaged in the operation of any utility properties.

3 If a majority of the (~~votes cast~~) registered voters voting on the
4 dissolution at the election favor dissolution, the commission of the
5 district shall petition, without any filing fee, the superior court of
6 the county in which such district is located for an order authorizing
7 the payment of all indebtedness of the district and directing the
8 transfer of any surplus funds or property to the general fund of the
9 county in which such district is organized.