

SENATE BILL REPORT

ESHB 1464

AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS, APRIL 2, 1993

**Brief Description:** Making laws relating to local government office vacancies more uniform.

**SPONSORS:** House Committee on Local Government (originally sponsored by Representatives Horn, H. Myers, Edmondson, Rayburn, Bray, R. Fisher, Zellinsky and Springer)

**HOUSE COMMITTEE ON LOCAL GOVERNMENT**

**SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

**Majority Report:** Do pass as amended.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

**Staff:** Rod McAulay (786-7754)

**Hearing Dates:** April 1, 1993; April 2, 1993

**BACKGROUND:**

Over 65 different types of special districts may be created in this state. Separate statutes exist for most of these different special districts. Many special districts are governed by a governing body composed of nonpartisan elected officials, while the members of some governing bodies consist of appointed officials.

Seven different types of cities and towns may be created in this state, each governed by separate statutes. Cities and towns are governed by elected councils or commissions. Some cities and towns have mayors with executive authorities who are not part of the council. Other cities or towns have a council or commission member who is nominally referred to as a mayor, but the mayor has no executive authority. All city and town elected officials are elected at nonpartisan elections.

General election law exists for elections in special districts where property ownership is not a qualification of voting and for elections in cities and towns. However, certain provisions of city, town, or special district laws provide for election matters differing from general election law.

**SUMMARY:**

Many of the specific provisions of law relating to the election procedures for cities, towns, and special districts where the franchise is not limited to property owners are amended to conform with the practices of general election law.

Filling vacancies. A common procedure is established to fill vacancies on the governing bodies of cities and towns, as well as the elected governing bodies of special districts where the franchise is not limited to property owners.

When a vacancy occurs, the remaining members of the governing body appoint someone to fill the vacancy. If the appointment is not made within 90 days of the vacancy, the authority to make the appointment reverts to the county legislative authority of the county in which all or the largest geographic portion of the local government is located. If the county legislative authority fails to make the appointment within 180 days of the vacancy, the county or remaining members of the local governmental governing body may request the Governor to make the appointment.

Where less than two members of the governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the government is located appoints either one or two persons to bring the governing body up to two persons.

Occurrence of a vacancy. General provisions of law detailing when a vacancy occurs in an elected office are cited in the specific laws for cities, towns, and special districts where the franchise is not limited to property owners.

Wards or commissioner districts. The use of wards, council districts, or commissioner districts is standardized for nonpartisan local governments, other than school districts, that are permitted to use wards, council districts, or commissioner districts.

Wards, council districts, or commissioner districts may be used for: (1) Residency purposes, where a candidate for a position would have to reside in the ward or district; and (2) nomination purposes, where only voters residing in a ward or district vote at a primary election to nominate candidates for a position.

Wards, council districts, or commissioner districts are not used at the general election and each member of the governing body is elected at-large at the general election. However, a city may continue using wards to limit voters who elect councilmembers at general elections if these restrictions existed prior to January 1, 1993.

Filing requirements. The fee to file for an office that has a fixed annual salary of \$1,000 or less is raised from \$10 to \$20.

The requirement that the filing fees for a city or town elected office are transferred by the county auditor to the city or town is deleted.

The requirements that filings for the office of PUD commissioner, airport district commissioner, the initial sewer district commissioners, and the initial water district

commissioners be accompanied by a petition signed by a certain number of district voters are eliminated.

Ferry districts. Statutes relating to ferry districts are repealed.

Fireworks permits. The authority of fire protection districts to issue fireworks permits is eliminated. Towns are authorized to issue fireworks permits.

**SUMMARY OF PROPOSED SENATE AMENDMENT:**

A provision is added permitting noncharter code cities with councilmembers elected from wards to adjust terms to enable the staggering of terms for councilmembers elected from the same ward.

A provision is added extending the candidate filing period for one week where only one or no person has filed for a nonjudicial nonpartisan office.

A provision is also added deleting unconstitutional powers for local governments issuing pollution abatement revenue bonds (recommended by the Law Revision Commission).

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

Brings order and consistency to the process of filling vacancies in nonpartisan offices.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Representative Horn, prime sponsor; Stan Finklestein, AWC (pro)