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HOUSE BILL 2278

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State of Washington                      53rd Legislature                      1994 Regular Session

By Representatives Horn, H. Myers, Edmondson and Springer

Read first time 01/12/94. Referred to Committee on Local Government.

1            AN ACT Relating to local government election practices; amending  
2 RCW 42.12.010, 43.06.010, 14.08.304, 28A.315.520, 29.15.050, 29.15.120,  
3 29.15.200, 35.17.020, 35.17.400, 35.18.020, 35.18.270, 35.23.050,  
4 35.23.240, 35.23.530, 35.24.050, 35.24.060, 35.24.100, 35.24.290,  
5 35.27.100, 35.27.140, 35.61.050, 35A.01.070, 35A.02.050, 35A.02.130,  
6 35A.06.020, 35A.06.030, 35A.06.050, 35A.12.010, 35A.12.040, 35A.12.050,  
7 35A.12.060, 35A.12.180, 35A.13.010, 35A.13.020, 35A.14.060, 35A.14.070,  
8 35A.15.040, 35A.16.030, 36.69.020, 36.69.070, 36.69.080, 36.69.090,  
9 36.69.100, 36.69.440, 52.14.010, 52.14.015, 52.14.030, 52.14.050,  
10 52.14.060, 53.12.140, 54.08.060, 54.12.010, 54.40.070, 56.12.020,  
11 56.12.030, 57.02.050, 57.12.020, 57.12.030, 57.12.039, 57.32.022,  
12 57.32.023, 68.52.100, 68.52.140, 68.52.160, 68.52.220, 70.44.040,  
13 70.44.045, and 70.44.053; adding a new section to chapter 42.12 RCW;  
14 adding a new section to chapter 29.15 RCW; adding a new section to  
15 chapter 35.02 RCW; adding a new section to chapter 35A.29 RCW; adding  
16 a new section to chapter 56.12 RCW; adding a new section to chapter  
17 68.52 RCW; repealing RCW 35.23.070, 35.24.070, 35.27.110, 35.61.060,  
18 35.61.070, 35.61.080, 35A.02.001, 35A.02.100, 35A.02.110, 35A.14.060,  
19 35A.15.030, 35A.16.020, 35A.29.010, 35A.29.020, 35A.29.030, 35A.29.040,  
20 35A.29.050, 35A.29.060, 35A.29.070, 35A.29.080, 35A.29.090, 35A.29.100,  
21 35A.29.105, 35A.29.110, 35A.29.140, 35A.29.150, 36.54.080, 36.54.090,

1 36.54.100, 36.69.060, 44.70.010, 53.12.047, 53.12.150, 57.02.060,  
2 68.52.240, 70.44.051, 70.44.055, and 70.44.057; and providing effective  
3 dates.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.12 RCW  
6 to read as follows:

7 A vacancy on an elected nonpartisan governing body of a special  
8 purpose district where property ownership is not a qualification to  
9 vote, a town, or a city other than a first class city or a charter code  
10 city, shall be filled as follows unless the provisions of law relating  
11 to the special district, town, or city provide otherwise:

12 (1) Where one position is vacant, the remaining members of the  
13 governing body shall appoint a qualified person to fill the vacant  
14 position.

15 (2) Where two or more positions are vacant and two or more members  
16 of the governing body remain in office, the remaining members of the  
17 governing body shall appoint a qualified person to fill one of the  
18 vacant positions, the remaining members of the governing body and the  
19 newly appointed person shall appoint another qualified person to fill  
20 another vacant position, and so on until each of the vacant positions  
21 is filled with each of the new appointees participating in each  
22 appointment that is made after his or her appointment.

23 (3) If less than two members of a governing body remain in office,  
24 the county legislative authority of the county in which all or the  
25 largest geographic portion of the city, town, or special district is  
26 located shall appoint a qualified person or persons to the governing  
27 body until the governing body has two members.

28 (4) If a governing body fails to appoint a qualified person to fill  
29 a vacancy within ninety days of the occurrence of the vacancy, the  
30 authority of the governing body to fill the vacancy shall cease and the  
31 county legislative authority of the county in which all or the largest  
32 geographic portion of the city, town, or special district is located  
33 shall appoint a qualified person to fill the vacancy.

34 (5) If the county legislative authority of the county fails to  
35 appoint a qualified person within one hundred eighty days of the  
36 occurrence of the vacancy, the county legislative authority or the  
37 remaining members of the governing body of the city, town, or special

1 district may petition the governor to appoint a qualified person to  
2 fill the vacancy. The governor may appoint a qualified person to fill  
3 the vacancy after being petitioned if at the time the governor fills  
4 the vacancy the county legislative authority has not appointed a  
5 qualified person to fill the vacancy.

6 (6) As provided in RCW 29.15.190 and 29.21.410, each person who is  
7 appointed shall serve until a qualified person is elected at the next  
8 election at which a member of the governing body normally would be  
9 elected that occurs twenty-eight or more days after the occurrence of  
10 the vacancy. If needed, special filing periods shall be authorized as  
11 provided in RCW 29.15.170 and 29.15.180 for qualified persons to file  
12 for the vacant office. A primary shall be held to nominate candidates  
13 if sufficient time exists to hold a primary and more than two  
14 candidates file for the vacant office. Otherwise, a primary shall not  
15 be held and the person receiving the greatest number of votes shall be  
16 elected. The person elected shall take office immediately and serve  
17 the remainder of the unexpired term.

18 If an election for the position that became vacant would otherwise  
19 have been held at this general election date, only one election to fill  
20 the position shall be held and the person elected to fill the  
21 succeeding term for that position shall take office immediately when  
22 qualified as defined in RCW 29.01.135 and shall service both the  
23 remainder of the unexpired term and the succeeding term.

24 **Sec. 2.** RCW 42.12.010 and 1993 c 317 s 9 are each amended to read  
25 as follows:

26 Every elective office shall become vacant on the happening of any  
27 of the following events:

28 (1) The death of the incumbent;

29 (2) His or her resignation. A vacancy caused by resignation shall  
30 be deemed to occur upon the effective date of the resignation;

31 (3) His or her removal;

32 (4) Except as provided in RCW 3.46.067 and 3.50.057, his or her  
33 ceasing to be a legally (~~qualified elector~~) registered voter of the  
34 district, county, city, town, or other municipal or quasi municipal  
35 corporation from which he or she shall have been elected or appointed,  
36 including where applicable the council district, commissioner district,  
37 or ward from which he or she shall have been elected or appointed;

1 (5) His or her conviction of a felony, or of any offense involving  
2 a violation of his or her official oath;

3 (6) His or her refusal or neglect to take his or her oath of  
4 office, or to give or renew his or her official bond, or to deposit  
5 such oath or bond within the time prescribed by law;

6 (7) The decision of a competent tribunal declaring void his or her  
7 election or appointment; or

8 (8) Whenever a judgment shall be obtained against that incumbent  
9 for breach of the condition of his or her official bond.

10 **Sec. 3.** RCW 43.06.010 and 1993 c 142 s 5 are each amended to read  
11 as follows:

12 In addition to those prescribed by the Constitution, the governor  
13 may exercise the powers and perform the duties prescribed in this and  
14 the following sections:

15 (1) The governor shall supervise the conduct of all executive and  
16 ministerial offices;

17 (2) The governor shall see that all offices are filled, including  
18 as provided in section 1 of this act, and the duties thereof performed,  
19 or in default thereof, apply such remedy as the law allows; and if the  
20 remedy is imperfect, acquaint the legislature therewith at its next  
21 session;

22 (3) The governor shall make the appointments and supply the  
23 vacancies mentioned in this title;

24 (4) The governor is the sole official organ of communication  
25 between the government of this state and the government of any other  
26 state or territory, or of the United States;

27 (5) Whenever any suit or legal proceeding is pending against this  
28 state, or which may affect the title of this state to any property, or  
29 which may result in any claim against the state, the governor may  
30 direct the attorney general to appear on behalf of the state, and  
31 report the same to the governor, or to any grand jury designated by the  
32 governor, or to the legislature when next in session;

33 (6) The governor may require the attorney general or any  
34 prosecuting attorney to inquire into the affairs or management of any  
35 corporation existing under the laws of this state, or doing business in  
36 this state, and report the same to the governor, or to any grand jury  
37 designated by the governor, or to the legislature when next in session;

1 (7) The governor may require the attorney general to aid any  
2 prosecuting attorney in the discharge of (~~his~~) the prosecutor's  
3 duties;

4 (8) The governor may offer rewards, not exceeding one thousand  
5 dollars in each case, payable out of the state treasury, for  
6 information leading to the apprehension of any person convicted of a  
7 felony who has escaped from a state correctional institution or for  
8 information leading to the arrest of any person who has committed or is  
9 charged with the commission of a felony;

10 (9) The governor shall perform such duties respecting fugitives  
11 from justice as are prescribed by law;

12 (10) The governor shall issue and transmit election proclamations  
13 as prescribed by law;

14 (11) The governor may require any officer or board to make, upon  
15 demand, special reports to the governor, in writing;

16 (12) The governor may, after finding that a public disorder,  
17 disaster, energy emergency, or riot exists within this state or any  
18 part thereof which affects life, health, property, or the public peace,  
19 proclaim a state of emergency in the area affected, and the powers  
20 granted the governor during a state of emergency shall be effective  
21 only within the area described in the proclamation;

22 (13) The governor may, after finding that there exists within this  
23 state an imminent danger of infestation of plant pests as defined in  
24 RCW 17.24.007 or plant diseases which seriously endangers the  
25 agricultural or horticultural industries of the state of Washington, or  
26 which seriously threatens life, health, or economic well-being, order  
27 emergency measures to prevent or abate the infestation or disease  
28 situation, which measures, after thorough evaluation of all other  
29 alternatives, may include the aerial application of pesticides;

30 (14) On all compacts forwarded to the governor pursuant to RCW  
31 9.46.360(6), the governor is authorized and empowered to execute on  
32 behalf of the state compacts with federally recognized Indian tribes in  
33 the state of Washington pursuant to the federal Indian Gaming  
34 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III  
35 gaming, as defined in the Act, on Indian lands.

36 **Sec. 4.** RCW 14.08.304 and 1979 ex.s. c 126 s 3 are each amended to  
37 read as follows:

1 The board of airport district commissioners shall consist of three  
2 members(~~(, who shall each be a registered voter and actually a resident~~  
3 ~~of the district)~~). The first commissioners shall be appointed by the  
4 county legislative authority. At the next general district election,  
5 held as provided in RCW 29.13.020, three airport district commissioners  
6 shall be elected. The terms of office of airport district  
7 commissioners shall be two years, or until their successors are elected  
8 and qualified and have assumed office in accordance with RCW 29.04.170.  
9 Members of the board of airport district commissioners shall be elected  
10 at each regular district general election on a nonpartisan basis in  
11 accordance with the general election law. (~~(They shall be nominated by~~  
12 ~~petition of ten registered voters of the district.)~~) Vacancies on the  
13 board of airport district commissioners shall occur and shall be filled  
14 (~~(by appointment by the remaining commissioners)~~) as provided in  
15 chapter 42.12 RCW. Members of the board of airport district  
16 commissioners shall receive no compensation for their services, but  
17 shall be reimbursed for actual necessary traveling and sustenance  
18 expenses incurred while engaged on official business.

19 **Sec. 5.** RCW 28A.315.520 and 1971 c 53 s 4 are each amended to read  
20 as follows:

21 A majority of all members of the board of directors shall  
22 constitute a quorum. Absence of any board member from four consecutive  
23 regular meetings of the board, unless on account of sickness or  
24 authorized by resolution of the board, shall be sufficient cause for  
25 the remaining members of the board to declare by resolution that such  
26 board member position is vacated. In addition, vacancies shall occur  
27 as provided in RCW 42.12.010.

28 **Sec. 6.** RCW 29.15.050 and 1990 c 59 s 85 are each amended to read  
29 as follows:

30 A filing fee of one dollar shall accompany each declaration of  
31 candidacy for precinct committee officer; a filing fee of (~~(ten)~~)  
32 twenty dollars shall accompany the declaration of candidacy for any  
33 office with a fixed annual salary of one thousand dollars or less; a  
34 filing fee equal to one percent of the annual salary of the office at  
35 the time of filing shall accompany the declaration of candidacy for any  
36 office with a fixed annual salary of more than one thousand dollars per  
37 annum. No filing fee need accompany a declaration of candidacy for any

1 office for which compensation is on a per diem or per meeting attended  
2 basis, nor for the filing of any declaration of candidacy by a write-in  
3 candidate.

4 A candidate who lacks sufficient assets or income at the time of  
5 filing to pay the filing fee required by this section shall submit with  
6 his or her declaration of candidacy a nominating petition. The  
7 petition shall contain not less than a number of signatures of  
8 registered voters equal to the number of dollars of the filing fee.  
9 The signatures shall be of voters registered to vote within the  
10 jurisdiction of the office for which the candidate is filing.

11 When the candidacy is for(~~+~~  
12 ~~(1)~~) a legislative or judicial office that includes territory from  
13 more than one county, the fee shall be paid to the secretary of state  
14 for equal division between the treasuries of the counties comprising  
15 the district.

16 ~~((2) A city or town office, the fee shall be paid to the county  
17 auditor who shall transmit it to the city or town clerk for deposit in  
18 the city or town treasury.))~~

19 **Sec. 7.** RCW 29.15.120 and 1990 c 59 s 86 are each amended to read  
20 as follows:

21 A candidate may withdraw his or her declaration of candidacy at any  
22 time before the close of business on the Thursday following the last  
23 day for candidates to file under RCW 29.15.020 by filing, with the  
24 officer with whom the declaration of candidacy was filed, a signed  
25 request that his or her name not be printed on the ballot. There shall  
26 be no withdrawal period for declarations of candidacy filed during  
27 special filing periods held under this title. The filing officer may  
28 permit the withdrawal of a filing for the office of precinct committee  
29 officer at the request of the candidate at any time if no absentee  
30 ballots have been issued for that office and the general election  
31 ballots for that precinct have not been printed. The filing officer  
32 may permit the withdrawal of a filing for any elected office of a city,  
33 town, or special district at the request of the candidate at any time  
34 before a primary if the primary ballots for that city, town, or special  
35 district have not been ordered. No filing fee may be refunded to any  
36 candidate who withdraws under this section. Notice of the deadline for  
37 withdrawal of candidacy and that the filing fee is not refundable shall  
38 be given to each candidate at the time he or she files.

1        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 29.15 RCW  
2 to read as follows:

3        Each person who files a declaration of candidacy for an elected  
4 office of a city, town, or special district shall be given written  
5 notice of the date by which a candidate may withdraw his or her  
6 candidacy under RCW 29.15.120.

7        **Sec. 9.**    RCW 29.15.200 and 1975-'76 2nd ex.s. c 120 s 13 are each  
8 amended to read as follows:

9        If after both the normal filing period and special three day filing  
10 period as provided by RCW 29.15.170 and 29.15.180(~~(, as now or~~  
11 ~~hereafter amended,~~)) have passed (~~(and still)~~), no candidate has filed  
12 for any single city, town, or district position to be filled, the  
13 election for such position shall be deemed lapsed, the office deemed  
14 stricken from the ballot and no write-in votes counted.    In such  
15 instance, the incumbent occupying such position shall remain in office  
16 and continue to serve until (~~(his)~~) a successor is elected at the next  
17 election when such positions are voted upon (~~(as provided by RCW~~  
18 ~~29.21.410, as now or hereafter amended)~~)).

19        NEW SECTION.    **Sec. 10.**    A new section is added to chapter 35.02 RCW  
20 to read as follows:

21        An election shall be held to elect city or town elected officials  
22 at the next municipal general election occurring more than twelve  
23 months after the date of the first election of councilmembers or  
24 commissioners. Candidates shall run for specific council or commission  
25 positions. The staggering of terms of members of the city or town  
26 council shall be established at this election, where the simple  
27 majority of the persons elected as councilmembers receiving the  
28 greatest numbers of votes shall be elected to four-year terms of office  
29 and the remainder of the persons elected as councilmembers shall be  
30 elected to two-year terms of office. Newly elected councilmembers or  
31 newly elected commissioners shall serve until their successors are  
32 elected and qualified.    The terms of office of newly elected  
33 commissioners shall not be staggered, as provided in chapter 35.17 RCW.  
34 All councilmembers and commissioners who are elected subsequently shall  
35 be elected to four-year terms of office and shall serve until their  
36 successors are elected and qualified and assume office in accordance  
37 with RCW 29.04.170.

1       **Sec. 11.** RCW 35.17.020 and 1979 ex.s. c 126 s 17 are each amended  
2 to read as follows:

3       All regular elections in cities organized under the statutory  
4 commission form of government shall be held quadrennially in the odd-  
5 numbered years on the dates provided in RCW 29.13.020. The  
6 commissioners shall be nominated and elected at large. Their terms  
7 shall be for four years and until their successors are elected and  
8 qualified and assume office in accordance with RCW 29.04.170. ~~((If a  
9 vacancy occurs in the commission the remaining members shall appoint a  
10 person to fill it for the unexpired term.))~~ Vacancies on a commission  
11 shall occur and shall be filled as provided in chapter 42.12 RCW,  
12 except that in every instance a person shall be elected to fill the  
13 remainder of the unexpired term at the next general municipal election  
14 that occurs twenty-eight or more days after the occurrence of the  
15 vacancy.

16       **Sec. 12.** RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended  
17 to read as follows:

18       The first election of commissioners shall be held ~~((within))~~ at the  
19 next special election that occurs at least sixty days after the  
20 ~~((adoption of))~~ election results are certified where the proposition to  
21 organize under the commission form was approved by city voters, and the  
22 commission first elected shall commence to serve as soon as they have  
23 been elected and have qualified and shall continue to serve until their  
24 successors have been elected and qualified and have assumed office in  
25 accordance with RCW 29.04.170. The date of the second election for  
26 commissioners shall be in accordance with RCW 29.13.020 such that the  
27 term of the first commissioners will be as near as possible to, but not  
28 in excess of, four years calculated from the first day in January in  
29 the year after the year in which the first commissioners were elected.

30       **Sec. 13.** RCW 35.18.020 and 1981 c 260 s 7 are each amended to read  
31 as follows:

32       (1) The number of ~~((councilmen))~~ councilmembers in a city or town  
33 operating with a council-manager plan of government shall be ((in  
34 proportion to the population of the city or town indicated in its  
35 petition for incorporation and thereafter shall be in proportion to its  
36 population as last)) based upon the latest population of the city or

1 town that is determined by the office of financial management as  
2 follows:

3 (a) A city or town having not more than two thousand inhabitants,  
4 five (~~councilmen~~) councilmembers; and

5 (b) A city or town having more than two thousand, seven  
6 (~~councilmen~~) councilmembers.

7 (2) (~~All councilmen shall be elected at large or from such wards~~  
8 ~~or districts as may be established by ordinance, and shall serve for a~~  
9 ~~term of four years and until their successors are elected and qualified~~  
10 ~~and assume office in accordance with RCW 29.04.170: PROVIDED, HOWEVER,~~  
11 ~~That at the first general municipal election held in the city in~~  
12 ~~accordance with RCW 29.13.020, after the election approving the~~  
13 ~~council manager plan, the following shall apply:~~

14 (a) ~~One councilman shall be nominated and elected from each ward or~~  
15 ~~such other existing district of said city as may have been established~~  
16 ~~for the election of members of the legislative body of the city and the~~  
17 ~~remaining councilmen shall be elected at large; but if there are no~~  
18 ~~such wards or districts in the city, or at an initial election for the~~  
19 ~~incorporation of a community, the councilmen shall be elected at large.~~

20 (b) ~~In cities electing five councilmen, the candidates having the~~  
21 ~~three highest number of votes shall be elected for a four year term and~~  
22 ~~the other two for a two year term commencing immediately when qualified~~  
23 ~~in accordance with RCW 29.01.135 and continuing until their successors~~  
24 ~~are elected and qualified and have assumed office in accordance with~~  
25 ~~RCW 29.04.170.~~

26 (c) ~~In cities electing seven councilmen, the candidates having the~~  
27 ~~four highest number of votes shall be elected for a four year term and~~  
28 ~~the other three for a two year term commencing immediately when~~  
29 ~~qualified in accordance with RCW 29.01.135 and continuing until their~~  
30 ~~successors are elected and qualified and have assumed office in~~  
31 ~~accordance with RCW 29.04.170.~~

32 (d) ~~In determining the candidates receiving the highest number of~~  
33 ~~votes, only the candidate receiving the highest number of votes in each~~  
34 ~~ward, as well as the councilman at large or councilmen at large, are to~~  
35 ~~be considered)) Except for the initial staggering of terms,~~  
36 councilmembers shall serve for four-year terms of office. All  
37 councilmembers shall serve until their successors are elected and  
38 qualified and assume office in accordance with RCW 29.04.170.  
39 Councilmembers may be elected on a city-wide or town-wide basis, or

1 from wards or districts, or any combination of these alternatives.  
2 Candidates shall run for specific positions. Wards or districts shall  
3 be redrawn as provided in chapter 29.70 RCW. Wards or districts shall  
4 be used as follows: (a) Only a resident of the ward or district may be  
5 a candidate for, or hold office as, a councilmember of the ward or  
6 district; and (b) only voters of the ward or district may vote at a  
7 primary to nominate candidates for a councilmember of the ward or  
8 district. Voters of the entire city or town may vote at the general  
9 election to elect a councilmember of a ward or district, unless the  
10 city or town had prior to January 1, 1994, limited the voting in the  
11 general election for any or all council positions to only voters  
12 residing within the ward or district associated with the council  
13 positions. If a city or town had so limited the voting in the general  
14 election to only voters residing within the ward or district, then the  
15 city or town shall be authorized to continue to do so.

16 (3) When a ~~((municipality))~~ city or town has qualified for an  
17 increase in the number of ~~((councilmen))~~ councilmembers from five to  
18 seven by virtue of the next succeeding population determination made by  
19 the office of financial management ~~((after the majority of the voters~~  
20 ~~thereof have approved operation under the council manager plan))~~, two  
21 additional council positions shall be filled at the ((first)) next  
22 municipal general election ((when two additional councilmen are to be  
23 elected, one of the two additional councilmen receiving)) with the  
24 person elected to one of the new council positions receiving the  
25 ((highest)) greatest number of votes ((shall be)) being elected for a  
26 four-year term of office and the person elected to the other additional  
27 ((councilman shall be)) council position being elected for a two-year  
28 term of office. The ((terms of the)) two additional ((councilmen))  
29 councilmembers shall ((commence)) assume office immediately when  
30 qualified in accordance with RCW 29.01.135, but the term of office  
31 shall be computed from the first day of January after the year in which  
32 they are elected. Their successors shall be elected to four-year terms  
33 of office.

34 ~~((4))~~ In the event such population determination as provided in  
35 subsection (3) of this section requires an increase in the number of  
36 councilmen)) Prior to the election of the two new councilmembers, the  
37 city or town council shall fill the additional ((councilmanic))  
38 positions by appointment not later than ((thirty)) forty-five days  
39 following the release of ((said)) the population determination, and

1 ((the)) each appointee shall hold office only until ((the next regular  
2 city or town election at which a person shall be elected to serve for  
3 the remainder of the unexpired term. In the event such population  
4 determination results in a decrease in the number of councilmen, said  
5 decrease shall not take effect until the next regular city or town  
6 election: ~~PROVIDED, That~~) the new position is filled by election.

7 (4) When a city or town has qualified for a decrease in the number  
8 of councilmembers from seven to five by virtue of the next succeeding  
9 population determination made by the office of financial management,  
10 two council positions shall be eliminated at the next municipal general  
11 election if four council positions normally would be filled at that  
12 election, or one council position shall be eliminated at each of the  
13 next two succeeding municipal general elections if three council  
14 positions normally would be filled at the first municipal general  
15 election after the population determination. The council shall by  
16 ordinance indicate which, if any, of the remaining positions shall be  
17 elected at-large or from wards or districts.

18 (5) ~~((If a vacancy in the council occurs, the remaining members~~  
19 ~~shall appoint a person to fill such office only until the next regular~~  
20 ~~general municipal election at which a person shall be elected to serve~~  
21 ~~for the remainder of the unexpired term)) Vacancies on a council shall  
22 occur and shall be filled as provided in chapter 42.12 RCW.~~

23 **Sec. 14.** RCW 35.18.270 and 1979 ex.s. c 126 s 20 are each amended  
24 to read as follows:

25 If the majority of the votes cast at a special election for  
26 organization on the council-manager plan favor the plan, the city or  
27 town ~~((at its next regular election))~~ shall elect the council required  
28 under the council-manager plan in number according to ~~((the))~~ its  
29 population ~~((of the municipality: PROVIDED, That if the date of the~~  
30 ~~next municipal general election is more than one year from the date of~~  
31 ~~the election approving the council manager plan, a special election~~  
32 ~~shall be held to elect the councilmen; the newly elected councilmen~~  
33 ~~shall assume office immediately when they are qualified in accordance~~  
34 ~~with RCW 29.01.135 following the canvass of votes as certified and~~  
35 ~~shall remain in office until their successors are elected at the next~~  
36 ~~general municipal election: PROVIDED, That such successor shall hold~~  
37 ~~office for staggered terms as provided in RCW 35.18.020 as now or~~  
38 ~~hereafter amended. Councilmen shall take office at the time provided~~

1 by general law. Declarations of candidacy for city or town elective  
2 positions under the council-manager plan for cities and towns shall be  
3 filed with the county auditor as the case may be not more than forty-  
4 five nor less than thirty days prior to said special election to elect  
5 the members of the city council. Any candidate may file a written  
6 declaration of withdrawal at any time within five days after the last  
7 day for filing a declaration of candidacy. All names of candidates to  
8 be voted upon shall be printed upon the ballot alphabetically in group  
9 under the designation of the title of the offices for which they are  
10 candidates. There shall be no rotation of names)) at the next  
11 municipal general election. However, special elections shall be held  
12 to nominate and elect the new city councilmembers at the next primary  
13 and general election held in an even-numbered year if the next  
14 municipal general election is more than one year after the date of the  
15 election at which the voters approved the council-manager plan. The  
16 staggering of terms of office shall occur at the election when the new  
17 councilmembers are elected, where the simple majority of the persons  
18 elected as councilmembers receiving the greatest numbers of votes shall  
19 be elected to four-year terms of office if the election is held in an  
20 odd-numbered year, or three-year terms of office if the election is  
21 held in an even-numbered year, and the remainder of the persons elected  
22 as councilmembers shall be elected to two-year terms of office if the  
23 election is held in an odd-numbered year, or one-year terms of office  
24 if the election is held in an even-numbered year. The initial  
25 councilmembers shall take office immediately when they are elected and  
26 qualified, but the lengths of their terms of office shall be calculated  
27 from the first day in January in the year following the election.

28 **Sec. 15.** RCW 35.23.050 and 1965 c 7 s 35.23.050 are each amended  
29 to read as follows:

30 All municipal elections held under the provisions of this chapter  
31 shall be conducted according to the general election laws of this  
32 state(~~(, as far as practicable: PROVIDED, That any qualified voter of~~  
33 ~~such city, duly registered for the general county or state election~~  
34 ~~next preceding any municipal election, general or special, shall be~~  
35 ~~qualified to vote at such municipal election. No person shall be~~  
36 ~~qualified to vote at such election unless he is a qualified elector of~~  
37 ~~the county and has resided in such city for at least thirty days next~~  
38 ~~preceding such election))).~~

1       **Sec. 16.** RCW 35.23.240 and 1965 c 7 s 35.23.240 are each amended  
2 to read as follows:

3       The city council may declare an office vacant: (1) If anyone  
4 either elected or appointed to that office fails for ten days to  
5 qualify as required by law or fails to enter upon ~~((his))~~ the duties of  
6 that office at the time fixed by law or the orders of the city council,  
7 ~~((his))~~ the office shall become vacant; or (2) if such an officer  
8 ~~((absents himself))~~ who serves for compensation is absent from the city  
9 without the consent of the city council for three consecutive weeks or  
10 openly neglects or refuses to discharge ~~((his))~~ the duties~~((, the~~  
11 ~~council may declare his office vacant: PROVIDED, That this penalty for~~  
12 ~~absence from the city shall not apply to such officers as serve without~~  
13 ~~compensation.~~

14       ~~If a vacancy occurs by reason of death, resignation, or otherwise~~  
15 ~~in the office of mayor or councilman, the city council shall fill the~~  
16 ~~vacancy until the next general municipal election))~~ of that office. In  
17 addition, a vacancy in an elective office shall occur and shall be  
18 filled as provided in chapter 42.12 RCW.

19       ~~If a vacancy occurs ((by reason of death, resignation, or~~  
20 ~~otherwise)) in any other office it shall be filled by appointment of~~  
21 ~~the mayor and confirmed by the council in the same manner as other~~  
22 ~~appointments are made.~~

23       **Sec. 17.** RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended  
24 to read as follows:

25       At any time not within three months previous to an annual election  
26 the city council of a second class city may divide the city into wards,  
27 not exceeding six in all, or change the boundaries of existing wards.  
28 No change in the boundaries of wards shall affect the term of any  
29 ~~((councilman, but he))~~ councilmember, and councilmembers shall serve  
30 out ~~((his))~~ their terms in the wards of ~~((his))~~ their residences at the  
31 time of ~~((his election: PROVIDED, That if this results))~~ their  
32 elections. However, if these boundary changes result in one ward being  
33 represented by more ((councilmen)) councilmembers than the number to  
34 which it is entitled, those having the shortest unexpired terms shall  
35 be assigned by the council to wards where there is a vacancy, and the  
36 councilmembers so assigned shall be deemed to be residents of the wards  
37 to which they are assigned for purposes of determining whether those  
38 positions are vacant.

1 The representation of each ward in the city council shall be in  
2 proportion to the population as nearly as is practicable.

3 ~~((No person shall be eligible to the office of councilman unless he  
4 resides in the ward for which he is elected on the date of his election  
5 and removal of his residence from the ward for which he was elected  
6 renders his office vacant.))~~

7 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards  
8 shall be used as follows: (1) Only a resident of the ward may be a  
9 candidate for, or hold office as, a councilmember of the ward; and (2)  
10 only voters of the ward may vote at a primary to nominate candidates  
11 for a councilmember of the ward. Voters of the entire city may vote at  
12 the general election to elect a councilmember of a ward, unless the  
13 city had prior to January 1, 1994, limited the voting in the general  
14 election for any or all council positions to only voters residing  
15 within the ward associated with the council positions. If a city had  
16 so limited the voting in the general election to only voters residing  
17 within the ward, then the city shall be authorized to continue to do  
18 so. The elections for the remaining council position or council  
19 positions that are not associated with a ward shall be conducted as if  
20 the wards did not exist.

21 **Sec. 18.** RCW 35.24.050 and 1979 ex.s. c 126 s 22 are each amended  
22 to read as follows:

23 General municipal elections in third class cities not operating  
24 under the commission form of government shall be held biennially in the  
25 odd-numbered years ~~((as provided in RCW 29.13.020))~~ and shall be  
26 subject to general election law.

27 The terms of office of the mayor, city attorney, clerk, and  
28 treasurer shall be four years and until their successors are elected  
29 and qualified and assume office in accordance with RCW 29.04.170:  
30 PROVIDED, That if the offices of city attorney, clerk, and treasurer  
31 are made appointive, the city attorney, clerk, and treasurer shall not  
32 be appointed for a definite term: PROVIDED FURTHER, That the term of  
33 the elected treasurer shall not commence in the same biennium in which  
34 the term of the mayor commences, nor in which the terms of the city  
35 attorney and clerk commence if they are elected.

36 ~~((A councilman at large shall be elected biennially for a two year  
37 term and until his or her successor is elected and qualified and  
38 assumes office in accordance with RCW 29.04.170. Of the other six~~

1 councilmen, three shall be elected in each biennial general municipal  
2 election for terms of four years and until their successors are elected  
3 and qualified and assume)) Council positions shall be numbered in each  
4 third class city so that council position seven has a two-year term of  
5 office and council positions one through six shall each have four-year  
6 terms of office. Each councilmember shall remain in office until a  
7 successor is elected and qualified and assumes office in accordance  
8 with RCW 29.04.170.

9 In its discretion the council of a third class city may divide the  
10 city by ordinance into a convenient number of wards, not exceeding six,  
11 fix the boundaries of the wards, and change the ward boundaries from  
12 time to time and as provided in RCW 29.70.100. No change in the  
13 boundaries of any ward shall be made within one hundred twenty days  
14 next before the date of a general municipal election, nor within twenty  
15 months after the wards have been established or altered. However, if  
16 a boundary change results in one ward being represented by more  
17 councilmembers than the number to which it is entitled, those having  
18 the shortest unexpired terms shall be assigned by the council to wards  
19 where there is a vacancy, and the councilmembers so assigned shall be  
20 deemed to be residents of the wards to which they are assigned for  
21 purposes of determining whether those positions are vacant. Whenever  
22 such city is so divided into wards, the city council shall designate by  
23 ordinance the number of councilmembers to be elected from each ward,  
24 apportioning the same in proportion to the population of the wards.  
25 Council position seven shall not be associated with a ward and the  
26 person elected to that position may reside anywhere in the city and  
27 voters throughout the city may vote at a primary to nominate candidates  
28 for position seven, when a primary is necessary, and at a general  
29 election to elect the person to council position seven. When  
30 additional territory is added to the city it may by act of the council,  
31 be annexed to contiguous wards without affecting the right to  
32 redistrict at the expiration of twenty months after last previous  
33 division. Wards shall be redrawn as provided in chapter 29.70 RCW.  
34 Wards shall be used as follows: (1) Only a resident of the ward may be  
35 a candidate for, or hold office as, a councilmember of the ward; and  
36 (2) only voters of the ward may vote at a primary to nominate  
37 candidates for a councilmember of the ward. Voters of the entire city  
38 may vote at the general election to elect a councilmember of a ward,  
39 unless the city had prior to January 1, 1994, limited the voting in the

1 general election for any or all council positions to only voters  
2 residing within the ward associated with the council positions. If a  
3 city had so limited the voting in the general election to only voters  
4 residing within the ward, then the city shall be authorized to continue  
5 to do so. The elections for the remaining council position or council  
6 positions that are not associated with a ward shall be conducted as if  
7 the wards did not exist.

8 **Sec. 19.** RCW 35.24.060 and 1965 c 7 s 35.24.060 are each amended  
9 to read as follows:

10 All elections shall be held in accordance with the general election  
11 laws of the state (~~((insofar as the same are applicable and no person~~  
12 ~~shall be entitled to vote at any election unless he shall be a~~  
13 ~~qualified elector of the county and shall have resided in such city for~~  
14 ~~at least thirty days next preceding such election))~~).

15 **Sec. 20.** RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended  
16 to read as follows:

17 (~~((In cities of))~~) The council of a third class city may declare a  
18 council position vacant if ((a member of the city council absents  
19 himself)) that councilmember is absent for three consecutive regular  
20 meetings ((thereof, unless by)) without the permission of the  
21 council((, his office may be declared vacant by the council.

22 ~~Vacancies in the city council or in the office of mayor shall be~~  
23 ~~filled by majority vote of the council)).~~ In addition, a vacancy in an  
24 elective office shall occur and shall be filled as provided in chapter  
25 42.12 RCW.

26 Vacancies in offices other than that of mayor or city  
27 (~~(councilman))~~ councilmember shall be filled by appointment of the  
28 mayor.

29 (~~((If a vacancy occurs in an elective office the appointee shall~~  
30 ~~hold office only until the next regular election at which a person~~  
31 ~~shall be elected to serve for the remainder of the unexpired term.))~~)

32 If there is a temporary vacancy in an appointive office due to  
33 illness, absence from the city or other temporary inability to act, the  
34 mayor may appoint a temporary appointee to exercise the duties of the  
35 office until the temporary disability of the incumbent is removed.

1       **Sec. 21.** RCW 35.24.290 and 1993 c 83 s 6 are each amended to read  
2 as follows:

3       The city council of each third class city shall have power:

4       (1) To pass ordinances not in conflict with the Constitution and  
5 laws of this state or of the United States;

6       (2) To prevent and regulate the running at large of any or all  
7 domestic animals within the city limits or any part thereof and to  
8 cause the impounding and sale of any such animals;

9       (3) To establish, build and repair bridges, to establish, lay out,  
10 alter, keep open, open, widen, vacate, improve and repair streets,  
11 sidewalks, alleys, squares and other public highways and places within  
12 the city, and to drain, sprinkle and light the same; to remove all  
13 obstructions therefrom; to establish and reestablish the grades  
14 thereof; to grade, plank, pave, macadamize, gravel and curb the same,  
15 in whole or in part; to construct gutters, culverts, sidewalks and  
16 crosswalks therein or upon any part thereof; to cultivate and maintain  
17 parking strips therein, and generally to manage and control all such  
18 highways and places; to provide by local assessment for the leveling up  
19 and surfacing and oiling or otherwise treating for the laying of dust,  
20 all streets within the city limits;

21       (4) To establish, construct and maintain drains and sewers, and  
22 shall have power to compel all property owners on streets and alleys or  
23 within two hundred feet thereof along which sewers shall have been  
24 constructed to make proper connections therewith and to use the same  
25 for proper purposes, and in case the owners of the property on such  
26 streets and alleys or within two hundred feet thereof fail to make such  
27 connections within the time fixed by such council, it may cause such  
28 connections to be made and assess against the property served thereby  
29 the costs and expenses thereof;

30       (5) To provide fire engines and all other necessary or proper  
31 apparatus for the prevention and extinguishment of fires;

32       (6) To impose and collect an annual license on every dog within the  
33 limits of the city, to prohibit dogs running at large and to provide  
34 for the killing of all dogs not duly licensed found at large;

35       (7) To license, for the purposes of regulation and revenue, all and  
36 every kind of business authorized by law, and transacted and carried on  
37 in such city, and all shows, exhibitions and lawful games carried on  
38 therein and within one mile of the corporate limits thereof, to fix the

1 rate of license tax upon the same, and to provide for the collection of  
2 the same by suit or otherwise;

3 (8) To improve rivers and streams flowing through such city, or  
4 adjoining the same; to widen, straighten and deepen the channel  
5 thereof, and remove obstructions therefrom; to improve the water-front  
6 of the city, and to construct and maintain embankments and other works  
7 to protect such city from overflow; to prevent the filling of the water  
8 of any bay, except such filling over tide or shorelands as may be  
9 provided for by order of the city council; to purify and prevent the  
10 pollution of streams of water, lakes or other sources of supply, and  
11 for this purpose shall have jurisdiction over all streams, lakes or  
12 other sources of supply, both within and without the city limits. Such  
13 city shall have power to provide by ordinance and to enforce such  
14 punishment or penalty as the city council may deem proper for the  
15 offense of polluting or in any manner obstructing or interfering with  
16 the water supply of such city or source thereof;

17 (9) To erect and maintain buildings for municipal purposes;

18 (10) To permit, under such restrictions as it may deem proper, and  
19 to grant franchises for, the laying of railroad tracks, and the running  
20 of cars propelled by electric, steam or other power thereon, and the  
21 laying of gas and water pipes and steam mains and conduits for  
22 underground wires, and to permit the construction of tunnels or subways  
23 in the public streets, and to construct and maintain and to permit the  
24 construction and maintenance of telegraph, telephone and electric lines  
25 therein;

26 ~~(11) ((In its discretion to divide the city by ordinance, into a  
27 convenient number of wards, not exceeding six, to fix the boundaries  
28 thereof, and to change the same from time to time: PROVIDED, That no  
29 change in the boundaries of any ward shall be made within sixty days  
30 next before the date of a general municipal election, nor within twenty  
31 months after the wards have been established or altered. Whenever such  
32 city is so divided into wards, the city council shall designate by  
33 ordinance the number of councilmen to be elected from each ward,  
34 apportioning the same in proportion to the population of the wards.  
35 Thereafter the councilmen so designated shall be elected by the  
36 qualified electors resident in such ward, or by general vote of the  
37 whole city as may be designated in such ordinance. When additional  
38 territory is added to the city it may by act of the council, be annexed  
39 to contiguous wards without affecting the right to redistrict at the~~

1 expiration of twenty months after last previous division. The removal  
2 of a councilman from the ward for which he was elected shall create a  
3 vacancy in such office;

4 ~~((12))~~ To impose fines, penalties and forfeitures for any and all  
5 violations of ordinances, and for any breach or violation of any  
6 ordinance to fix the penalty by fine or imprisonment, or both, but no  
7 such fine shall exceed five thousand dollars nor the term of such  
8 imprisonment exceed the term of one year, except that the punishment  
9 for any criminal ordinance shall be the same as the punishment provided  
10 in state law for the same crime; or to provide that violations of  
11 ordinances constitute a civil violation subject to monetary penalty,  
12 but no act that is a state crime may be made a civil violation;

13 ~~((13))~~ (12) To establish fire limits, with proper regulations;

14 ~~((14))~~ (13) To establish and maintain a free public library;

15 ~~((15))~~ (14) To establish and regulate public markets and market  
16 places;

17 ~~((16))~~ (15) To punish the keepers and inmates and lessors of  
18 houses of ill fame, gamblers and keepers of gambling tables, patrons  
19 thereof or those found loitering about such houses and places;

20 ~~((17))~~ (16) To make all such ordinances, bylaws, rules,  
21 regulations and resolutions, not inconsistent with the Constitution and  
22 laws of the state of Washington, as may be deemed expedient to maintain  
23 the peace, good government and welfare of the corporation and its  
24 trade, commerce and manufactures, and to do and perform any and all  
25 other acts and things necessary or proper to carry out the provisions  
26 of this chapter, and to enact and enforce within the limits of such  
27 city all other local, police, sanitary and other regulations as do not  
28 conflict with general laws;

29 ~~((18))~~ (17) To license steamers, boats and vessels used in any  
30 bay or other watercourse in the city and to fix and collect such  
31 license; to provide for the regulation of berths, landings, and  
32 stations, and for the removing of steamboats, sail boats, sail vessels,  
33 rafts, barges and other watercraft; to provide for the removal of  
34 obstructions to navigation and of structures dangerous to navigation or  
35 to other property, in or adjoining the waterfront, except in  
36 municipalities in counties in which there is a city of the first class.

37 **Sec. 22.** RCW 35.27.100 and 1965 c 7 s 35.27.100 are each amended  
38 to read as follows:

1 All elections in towns shall be held in accordance with the general  
2 election laws of the state(~~(, so far as the same may be applicable; and~~  
3 ~~no person shall be entitled to vote at such election, unless he is a~~  
4 ~~qualified elector of the county, and has resided in the town for at~~  
5 ~~least thirty days next preceding the election))).~~

6 **Sec. 23.** RCW 35.27.140 and 1965 c 7 s 35.27.140 are each amended  
7 to read as follows:

8 (~~(If a member of))~~ The council of a town may declare a council  
9 position vacant if that councilmember is absent from the town for three  
10 consecutive council meetings ((unless by)) without the permission of  
11 the council ((his office shall be declared vacant by the council. A  
12 vacancy in the office of mayor and vacancies in the council shall be  
13 filled by a majority vote of the council))). In addition, a vacancy in  
14 an elective office shall occur and shall be filled as provided in  
15 chapter 42.12 RCW.

16 A vacancy in any other office shall be filled by appointment by the  
17 mayor. (~~(An appointee filling the vacancy in an elective office shall~~  
18 ~~hold office only until the next general election at which time a person~~  
19 ~~shall be elected to serve for the remainder of the unexpired term~~  
20 ~~except that the person appointed to fill a vacancy in the office of~~  
21 ~~mayor shall serve for the unexpired term.))~~

22 **Sec. 24.** RCW 35.61.050 and 1979 ex.s. c 126 s 24 are each amended  
23 to read as follows:

24 At the same election at which the proposition is submitted to the  
25 voters as to whether a metropolitan park district is to be formed, five  
26 park commissioners shall be elected (~~(to hold office respectively for~~  
27 ~~the following terms: Where the election is held in an odd numbered~~  
28 ~~year, one commissioner shall be elected to hold office for two years,~~  
29 ~~two shall be elected to hold office for four years, and two shall be~~  
30 ~~elected to hold office for six years. Where the election is held in an~~  
31 ~~even numbered year, one commissioner shall hold office for three years,~~  
32 ~~two shall hold office for five years, and two shall hold office for~~  
33 ~~seven years)). The election of park commissioners shall be null and  
34 void if the metropolitan park district is not created. Candidates  
35 shall run for specific commission positions. No primary shall be held  
36 to nominate candidates. The person receiving the greatest number of  
37 votes for each position shall be elected as a commissioner. The~~

1 staggering of the terms of office shall occur as follows: (1) The two  
2 persons who are elected receiving the two greatest numbers of votes  
3 shall be elected to six-year terms of office if the election is held in  
4 an odd-numbered year or five-year terms of office if the election is  
5 held in an even-numbered year; (2) the two persons who are elected  
6 receiving the next two greatest numbers of votes shall be elected to  
7 four-year terms of office if the election is held in an odd-numbered  
8 year or three-year terms of office if the election is held in an even-  
9 numbered year; and (3) the other person who is elected shall be elected  
10 to a two-year term of office if the election is held in an odd-numbered  
11 year or a one-year term of office if the election is held in an even-  
12 numbered year. The initial commissioners shall take office immediately  
13 when they are elected and qualified, and for purposes of computing  
14 their terms of office the terms shall be assumed to commence on the  
15 first day of January ((of)) in the year after they are elected. ((The  
16 term of each nominee for park commissioner shall be expressed on the  
17 ballot.)) Thereafter, all commissioners shall ((serve)) be elected to  
18 six-year terms of office ((and)). All commissioners shall serve until  
19 their respective successors are elected and qualified and assume office  
20 in accordance with RCW 29.04.170. Vacancies shall occur and shall be  
21 filled ((by majority action of the remaining commissioners appointing  
22 a voter to fill the remainder of the term of the vacant commissioner  
23 position)) as provided in chapter 42.12 RCW.

24 **Sec. 25.** RCW 35A.01.070 and 1979 ex.s. c 18 s 1 are each amended  
25 to read as follows:

26 Where used in this title with reference to procedures established  
27 by this title in regard to a change of plan or classification of  
28 government, unless a different meaning is plainly required by the  
29 context:

30 (1) "Classify" means a change from a city of the first, second, or  
31 third class, or a town, to a code city.

32 (2) "Classification" means either that portion of the general law  
33 under which a city or a town operates under Title 35 RCW as a first,  
34 second, or third class city, unclassified city, or town, or otherwise  
35 as a code city.

36 (3) "Organize" means to provide for officers after becoming a code  
37 city, under the same general plan of government under which the city  
38 operated prior to becoming a code city, pursuant to RCW 35A.02.055.

1 (4) "Organization" means the general plan of government under which  
2 a city operates.

3 (5) "Plan of government" means (~~either the~~) a mayor-council form  
4 of government under chapter 35A.12 RCW, council-manager form of  
5 government under chapter 35A.13 RCW, or a mayor-council, council-  
6 manager, or commission form of government in general that is retained  
7 by a noncharter code city as provided in RCW 35A.02.130, without regard  
8 to variations in the number of elective offices or whether officers are  
9 elective or appointive.

10 (6) "Reclassify" means changing from a code city to the  
11 classification, if any, held by such a city immediately prior to  
12 becoming a code city.

13 (7) "Reclassification" means changing from city or town operating  
14 under Title 35 RCW to a city operating under Title 35A RCW, or vice  
15 versa; a change in classification.

16 (8) "Reorganize" means changing the plan of government under which  
17 a city or town operates to a different general plan of government, for  
18 which an election of new officers under RCW 35A.02.050 is required. A  
19 city or town shall not be deemed to have reorganized simply by  
20 increasing or decreasing the number of members of its legislative body.

21 (9) "Reorganization" means a change in general plan of government  
22 where an election of all new officers is required in order to  
23 accomplish this change, but an increase or decrease in the number of  
24 members of its legislative body shall not be deemed to constitute a  
25 reorganization.

26 **Sec. 26.** RCW 35A.02.050 and 1979 ex.s. c 18 s 7 are each amended  
27 to read as follows:

28 The first election of officers where required for reorganization  
29 under a different general plan of government newly adopted in a manner  
30 provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or 35A.06.060, as  
31 now or hereafter amended, shall be at the next general municipal  
32 election if one is to be held more than ninety days but not more than  
33 one hundred and eighty days after certification of a reorganization  
34 ordinance or resolution, or otherwise at a special election to be held  
35 for that purpose in accordance with RCW 29.13.020. In the event that  
36 the first election of officers (~~as herein provided~~) is to be held at  
37 a general municipal election, such election shall be preceded by a  
38 primary election pursuant to RCW 29.21.010 and 29.13.070. In the event

1 that the first election of all officers (~~(as herein provided)~~) is to be  
2 held at a special election rather than at a general election, and  
3 notwithstanding any provisions of any other law to the contrary, such  
4 special election shall be preceded by a primary election to be held on  
5 a date authorized by RCW 29.13.010, and the persons nominated at that  
6 primary election shall be voted upon at the next succeeding special  
7 election that is authorized by RCW 29.13.010: PROVIDED, That in the  
8 event the ordinances calling for reclassification or reclassification  
9 and reorganization under the provisions of Title 35A RCW have been  
10 filed with the secretary of state pursuant to RCW 35A.02.040 in an  
11 even-numbered year at least ninety days prior to a state general  
12 election then the election of new officers shall be concurrent with the  
13 state primary and general election and shall be conducted as set forth  
14 in (~~chapter 35A.29 RCW~~) general election law.

15 Upon reorganization, candidates for all offices shall file or be  
16 nominated for and successful candidates shall be elected to specific  
17 council positions(~~(, and an)~~). The initial terms (~~(or)~~) of office for  
18 those elected at a first election of all officers (~~(to positions one~~  
19 ~~and two for a five member council, or positions one through three for~~  
20 ~~a seven member council, shall if the election occurs at a general~~  
21 ~~municipal election be only until the second Monday in January first~~  
22 ~~following the next general municipal election two years hence and if~~  
23 ~~the election occurs at a special election, the duration of these~~  
24 ~~initial terms shall be until the second Monday in January in the first~~  
25 ~~even-numbered year that follows the next general municipal election.~~  
26 ~~The duration of the initial term attaching to the remaining~~  
27 ~~councilmanic positions shall be until the second Monday in January two~~  
28 ~~years next thereafter, so that staggered regular four year terms will~~  
29 ~~ultimately result. Any declarations of candidacy for any primary or~~  
30 ~~other election held pursuant to this section shall be filed as provided~~  
31 ~~in RCW 35A.29.110 as now or hereafter amended)~~) shall be as follows:  
32 (1) A simple majority of the persons who are elected as councilmembers  
33 receiving the greatest numbers of votes and the mayor in a city with a  
34 mayor-council plan of government shall be elected to four-year terms of  
35 office, if the election is held in an odd-numbered year, or three-year  
36 terms of office, if the election is held in an even-numbered year; and  
37 (2) the other persons who are elected as councilmembers shall be  
38 elected to two-year terms of office, if the election is held in an odd-  
39 numbered year, or one-year terms of office, if the election is held in

1 an even-numbered year. The newly elected officials shall take office  
2 immediately when they are elected and qualified, but the length of  
3 their terms of office shall be calculated from the first day of January  
4 in the year following the election. Thereafter, each person elected as  
5 a councilmember or mayor in a city with a mayor-council plan of  
6 government shall be elected to a four-year term of office. Each  
7 councilmember and mayor in a city with a mayor-council plan of  
8 government shall serve until a successor is elected and qualified and  
9 assumes office as provided in RCW 29.04.170.

10 The former officers shall, upon the election and qualification of  
11 new officers, deliver to the proper officers of the reorganized  
12 noncharter code city all books of record, documents and papers in their  
13 possession belonging to such municipal corporation before the  
14 reorganization thereof. (~~Officers elected at the first election of~~  
15 ~~officers held pursuant to this amendatory act shall assume office as~~  
16 ~~soon as the election returns have been certified.))~~

17 **Sec. 27.** RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130 are each  
18 amended to read as follows:

19 Any incorporated city or town governed under a plan of government  
20 authorized prior to the time this title takes effect may become a  
21 noncharter code city without changing such plan of government by the  
22 use of the petition-for-election or resolution-for-election procedures  
23 provided in RCW 35A.02.060 and 35A.02.070 to submit to the voters a  
24 proposal that such municipality adopt the classification of noncharter  
25 code city while retaining its existing plan of government, and upon a  
26 favorable vote on the proposal, such municipality shall be classified  
27 as a noncharter code city and retain its old plan of government, such  
28 reclassification to be effective upon the filing of the record of such  
29 election with the office of the secretary of state. Insofar as the  
30 provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an  
31 election on such a reclassification proposal they shall apply to such  
32 election.

33 **Sec. 28.** RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each  
34 amended to read as follows:

35 The classifications of municipalities which existed prior to the  
36 time this title goes into effect--first class city, second class city,  
37 third class (~~and fourth class~~) city, town, and unclassified city--and

1 the restrictions, limitations, duties, and obligations specifically  
2 imposed by law upon such classes of cities and towns, shall have no  
3 application to noncharter code cities, but every noncharter code city,  
4 by adopting such classification, has elected to be governed by the  
5 provisions of this title, with the powers granted hereby. However, any  
6 code city that retains its old plan of government is subject to the  
7 laws applicable to that old plan of government until the city changes  
8 its plan of government to the provisions of either chapter 35A.12 or  
9 35A.13 RCW.

10 **Sec. 29.** RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended  
11 to read as follows:

12 By use of the resolution for election or petition for election  
13 methods described in RCW 35A.06.040, any noncharter code city which has  
14 operated for more than six consecutive years under one of the optional  
15 plans of government authorized by this title, or for more than a  
16 combined total of six consecutive years under a particular plan of  
17 government both as a code city and under the same general plan under  
18 Title 35 RCW immediately prior to becoming a code city, may abandon  
19 such organization and may reorganize and adopt another plan of  
20 government authorized for noncharter code cities, but only after having  
21 been a noncharter code city for more than one year or a city after  
22 operating for more than six consecutive years under a particular plan  
23 of government as a noncharter code city (~~or may reclassify and adopt~~  
24 ~~a plan of government authorized by the general law for municipalities~~  
25 ~~of the highest class for which the population of such city qualifies~~  
26 ~~it, or authorized for the class to which such city belonged immediately~~  
27 ~~prior to becoming a noncharter code city, if any)): PROVIDED, That  
28 these limitations shall not apply to a city seeking to adopt a charter.~~

29 In reorganization under a different general plan of government as  
30 a noncharter code city, officers shall all be elected as provided in  
31 RCW 35A.02.050. When a noncharter code city adopts a plan of  
32 government other than those authorized under Title 35A RCW, such city  
33 ceases to be governed under this optional municipal code and shall be  
34 classified as a city or town of the class selected in the proceeding  
35 for adoption of such new plan, with the powers granted to such class  
36 under the general law.

1       **Sec. 30.** RCW 35A.06.050 and 1979 ex.s. c 18 s 15 are each amended  
2 to read as follows:

3       The proposal for abandonment of a plan of government as authorized  
4 in RCW 35A.06.030 and for adoption of the plan named in the resolution  
5 or petition shall be voted upon at the next general municipal election  
6 if one is to be held within one hundred and eighty days or otherwise at  
7 a special election called for that purpose in accordance with RCW  
8 29.13.020. The ballot title and statement of the proposition shall be  
9 prepared by the city attorney as provided in RCW 29.27.060 and  
10 35A.29.120(~~(, as now or hereafter amended. If the plan proposed in the~~  
11 ~~petition is not a plan authorized for noncharter code cities by this~~  
12 ~~title, the ballot statement shall clearly set forth that adoption of~~  
13 ~~such plan by the voters would require abandonment of the classification~~  
14 ~~of noncharter code city and that government would be under the general~~  
15 ~~law relating to cities of the class specified in the resolution or~~  
16 ~~petition. If the plan proposed in the petition is a plan authorized~~  
17 ~~for noncharter code cities the ballot statement shall clearly set forth~~  
18 ~~that adoption of such plan by the voters would not affect the~~  
19 ~~eligibility of the noncharter code city to be governed under this~~  
20 ~~optional municipal code))).~~

21       **Sec. 31.** RCW 35A.12.010 and 1985 c 106 s 1 are each amended to  
22 read as follows:

23       The government of any noncharter code city or charter code city  
24 electing to adopt the mayor-council plan of government authorized by  
25 this chapter shall be vested in an elected mayor and an elected  
26 council. The council of a noncharter code city having less than  
27 twenty-five hundred inhabitants shall consist of five members; when  
28 there are twenty-five hundred or more inhabitants, the council shall  
29 consist of seven members: PROVIDED, That if the population of a city  
30 after having become a code city decreases from twenty-five hundred or  
31 more to less than twenty-five hundred, it shall continue to have a  
32 seven member council. If, after a city has become a mayor-council code  
33 city, its population increases to twenty-five hundred or more  
34 inhabitants, the number of councilmanic offices in such city may  
35 increase from five to seven members upon the affirmative vote of a  
36 majority of the existing council to increase the number of councilmanic  
37 offices in the city. When the population of a mayor-council code city  
38 having five councilmanic offices increases to five thousand or more

1 inhabitants, the number of councilmanic offices in the city shall  
2 increase from five to seven members. In the event of an increase in  
3 the number of councilmanic offices, the city council shall, by majority  
4 vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these  
5 offices until the next municipal general election, at which election  
6 one person shall be elected for a two-year term and one person shall be  
7 elected for a four-year term. The number of inhabitants shall be  
8 determined by the most recent official state or federal census or  
9 determination by the state office of financial management. A charter  
10 adopted under the provisions of this title, incorporating the mayor-  
11 council plan of government set forth in this chapter, may provide for  
12 an uneven number of (~~councilmen~~) councilmembers not exceeding eleven.

13 A noncharter code city of less than five thousand inhabitants which  
14 has elected the mayor-council plan of government and which has seven  
15 councilmanic offices may establish a five-member council in accordance  
16 with the following procedure. At least six months prior to a municipal  
17 general election, the city council shall adopt an ordinance providing  
18 for reduction in the number of councilmanic offices to five. The  
19 ordinance shall specify which two councilmanic offices, the terms of  
20 which expire at the next general election, are to be terminated. The  
21 ordinance shall provide for the renumbering of council positions and  
22 shall also provide for a two-year extension of the term of office of a  
23 retained councilmanic office, if necessary, in order to comply with RCW  
24 35A.12.040.

25 However, a noncharter code city that has retained its old mayor-  
26 council plan of government, as provided in RCW 35A.02.130, is subject  
27 to the laws applicable to that old plan of government.

28 **Sec. 32.** RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended  
29 to read as follows:

30 Officers shall be elected at biennial municipal elections to be  
31 conducted as provided in chapter 35A.29 RCW. The mayor and the  
32 (~~councilmen~~) councilmembers shall be elected for four-year terms of  
33 office and until their successors are elected and qualified(~~(i—except~~  
34 ~~that at any first election three councilmen in cities having seven~~  
35 ~~councilmen, and two councilmen in cities having five councilmen, shall~~  
36 ~~be elected for two year terms and the remaining councilmen shall be~~  
37 ~~elected for four year terms)) and assume office in accordance with RCW  
38 29.04.170. At any first election upon reorganization, councilmembers~~

1 shall be elected as provided in RCW 35A.02.050. Thereafter the  
2 requisite number of (~~councilmen~~) councilmembers shall be elected  
3 biennially as the terms of their predecessors expire and shall serve  
4 for terms of four years. The positions to be filled on the city  
5 council shall be designated by consecutive numbers and shall be dealt  
6 with as separate offices for all election purposes(~~(, as provided in~~  
7 ~~RCW 35A.29.105. In any city which holds its first election under this~~  
8 ~~title in the calendar year 1970, candidates elected for two year terms~~  
9 ~~shall hold office until their successors are elected and qualified at~~  
10 ~~the general municipal election to be held in November, 1973 and~~  
11 ~~candidates elected for four year terms shall hold office until their~~  
12 ~~successors are elected and qualified at the general municipal election~~  
13 ~~to be held in November, 1975)). Election to positions on the council~~  
14 shall be by majority vote from the city at large, unless provision is  
15 made by charter or ordinance for election by wards. (~~The city council~~  
16 ~~shall be the judge of the qualifications of its members and determine~~  
17 ~~contested elections of city officers, subject to review by certiorari~~  
18 ~~as provided by law.)) The mayor and (~~councilmen~~) councilmembers  
19 shall qualify by taking an oath or affirmation of office and as may be  
20 provided by law, charter, or ordinance.~~

21 **Sec. 33.** RCW 35A.12.050 and 1967 ex.s. c 119 s 35A.12.050 are each  
22 amended to read as follows:

23 The office of a mayor or (~~councilman~~) councilmember shall become  
24 vacant if (~~he~~) the person who is elected or appointed to that  
25 position fails to qualify as provided by law (~~or~~), fails to enter  
26 upon (~~his~~) the duties of that office at the time fixed by law without  
27 a justifiable reason, (~~upon his death, resignation, removal from~~  
28 ~~office by recall as provided by law, or when his office is forfeited)~~  
29 or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office  
30 of mayor or in the council shall be filled (~~for the remainder of the~~  
31 ~~unexpired term, if any, at the next regular municipal election but the~~  
32 ~~council, or the remaining members thereof, by majority vote shall~~  
33 ~~appoint a qualified person to fill the vacancy until the person elected~~  
34 ~~to serve the remainder of the unexpired term takes office. If at any~~  
35 ~~time the membership of the council is reduced below the number required~~  
36 ~~for a quorum, the remaining members, nevertheless, by majority action~~  
37 ~~may appoint additional members to fill the vacancies until persons are~~  
38 ~~elected to serve the remainder of the unexpired terms. If, after~~

1 ~~thirty days have passed since the occurrence of a vacancy, the council~~  
2 ~~are unable to agree upon a person to be appointed to fill a vacancy in~~  
3 ~~the council, the mayor may make the appointment from among the persons~~  
4 ~~nominated by members of the council))~~ as provided in chapter 42.12 RCW.

5 **Sec. 34.** RCW 35A.12.060 and 1967 ex.s. c 119 s 35A.12.060 are each  
6 amended to read as follows:

7 ~~((A mayor or councilman shall forfeit his office, creating a~~  
8 ~~vacancy, if he ceases to have the qualifications prescribed for such~~  
9 ~~office by law, charter, or ordinance, or if he is convicted of a crime~~  
10 ~~involving moral turpitude or an offense involving a violation of his~~  
11 ~~oath of office. A councilman also shall forfeit his office if he))~~ In  
12 addition a council position shall become vacant if the councilmember  
13 fails to attend three consecutive regular meetings of the council  
14 without being excused by the council.

15 **Sec. 35.** RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each  
16 amended to read as follows:

17 At any time not within three months previous to a municipal general  
18 election the council of a noncharter code city organized under this  
19 chapter may divide the city into wards or change the boundaries of  
20 existing wards. No change in the boundaries of wards shall affect the  
21 term of any ~~((councilman, but he))~~ councilmember, and councilmembers  
22 shall serve out ((his)) their terms in the wards of ((his)) their  
23 residences at the time of ((his)) their elections: PROVIDED, That if  
24 this results in one ward being represented by more ((councilmen))  
25 councilmembers than the number to which it is entitled those having the  
26 shortest unexpired terms shall be assigned by the council to wards  
27 where there is a vacancy, and the councilmembers so assigned shall be  
28 deemed to be residents of the wards to which they are assigned for  
29 purposes of those positions being vacant. The representation of each  
30 ward in the city council shall be in proportion to the population as  
31 nearly as is practicable. ((When the city has been divided into wards  
32 no person shall be eligible to the office of councilman unless he  
33 resides in the ward for which he is elected on the date of his  
34 election, and removal of his residence from the ward for which he was  
35 elected renders his office vacant.))

36 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards  
37 shall be used as follows: (1) Only a resident of the ward may be a

1 candidate for, or hold office as, a councilmember of the ward; and (2)  
2 only voters of the ward may vote at a primary to nominate candidates  
3 for a councilmember of the ward. Voters of the entire city may vote at  
4 the general election to elect a councilmember of a ward, unless the  
5 city had prior to January 1, 1994, limited the voting in the general  
6 election for any or all council positions to only voters residing  
7 within the ward associated with the council positions. If a city had  
8 so limited the voting in the general election to only voters residing  
9 within the ward, then the city shall be authorized to continue to do  
10 so.

11 **Sec. 36.** RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read  
12 as follows:

13 The ((councilmen)) councilmembers shall be the only elective  
14 officers of a code city electing to adopt the council-manager plan of  
15 government authorized by this chapter, except where statutes provide  
16 for an elective municipal judge. The council shall appoint an officer  
17 whose title shall be "city manager" who shall be the chief executive  
18 officer and head of the administrative branch of the city government.  
19 The city manager shall be responsible to the council for the proper  
20 administration of all affairs of the code city. The council of a  
21 noncharter code city having less than twenty-five hundred inhabitants  
22 shall consist of five members; when there are twenty-five hundred or  
23 more inhabitants the council shall consist of seven members: PROVIDED,  
24 That if the population of a city after having become a code city  
25 decreases from twenty-five hundred or more to less than twenty-five  
26 hundred, it shall continue to have a seven member council. If, after  
27 a city has become a council-manager code city its population increases  
28 to twenty-five hundred or more inhabitants, the number of councilmanic  
29 offices in such city may increase from five to seven members upon the  
30 affirmative vote of a majority of the existing council to increase the  
31 number of councilmanic offices in the city. When the population of a  
32 council-manager code city having five councilmanic offices increases to  
33 five thousand or more inhabitants, the number of councilmanic offices  
34 in the city shall increase from five to seven members. In the event of  
35 an increase in the number of councilmanic offices, the city council  
36 shall, by majority vote, pursuant to RCW 35A.13.020, appoint two  
37 persons to serve in these offices until the next municipal general  
38 election, at which election one person shall be elected for a two-year

1 term and one person shall be elected for a four-year term. The number  
2 of inhabitants shall be determined by the most recent official state or  
3 federal census or determination by the state office of financial  
4 management. A charter adopted under the provisions of this title,  
5 incorporating the council-manager plan of government set forth in this  
6 chapter may provide for an uneven number of ~~((councilmen))~~  
7 councilmembers not exceeding eleven.

8 A noncharter code city of less than five thousand inhabitants which  
9 has elected the council-manager plan of government and which has seven  
10 councilmanic offices may establish a five-member council in accordance  
11 with the following procedure. At least six months prior to a municipal  
12 general election, the city council shall adopt an ordinance providing  
13 for reduction in the number of councilmanic offices to five. The  
14 ordinance shall specify which two councilmanic offices, the terms of  
15 which expire at the next general election, are to be terminated. The  
16 ordinance shall provide for the renumbering of council positions and  
17 shall also provide for a two-year extension of the term of office of a  
18 retained councilmanic office, if necessary, in order to comply with RCW  
19 35A.12.040.

20 However, a noncharter code city that has retained its old council-  
21 manager plan of government, as provided in RCW 35A.02.130, is subject  
22 to the laws applicable to that old plan of government.

23 **Sec. 37.** RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each  
24 amended to read as follows:

25 In council-manager code cities, eligibility for election to the  
26 council, the manner of electing councilmen, the numbering of council  
27 positions, the terms of councilmen, the occurrence and the filling of  
28 vacancies, the grounds for forfeiture of office, and appointment of a  
29 mayor pro tempore or deputy mayor or councilman pro tempore shall be  
30 governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040,  
31 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a  
32 code city organized under the mayor-council plan(~~((:—PROVIDED, That))~~),  
33 except that in council-manager cities where all council positions are  
34 at-large positions, the city council may, pursuant to RCW 35A.13.033,  
35 provide that the person elected to council position one (~~((on or after~~  
36 ~~September 8, 1975,))~~) shall be the council chairman and shall carry out  
37 the duties prescribed by RCW 35A.13.030(~~((, as now or hereafter~~  
38 ~~amended))~~).

1       **Sec. 38.** RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060 are each  
2 amended to read as follows:

3       An annexation election shall be held in accordance with (~~chapter~~  
4 ~~35A.29 RCW of this title~~) general election law and only registered  
5 voters who have resided in the area proposed to be annexed for ninety  
6 days immediately preceding the election shall be allowed to vote  
7 therein.

8       **Sec. 39.** RCW 35A.14.070 and 1979 ex.s. c 124 s 4 are each amended  
9 to read as follows:

10       Notice of an annexation election shall particularly describe the  
11 boundaries of the area proposed to be annexed, as the same may have  
12 been modified by the boundary review board or the county annexation  
13 review board, state the objects of the election as prayed in the  
14 petition or as stated in the resolution, and require the voters to cast  
15 ballots which shall contain the words "For Annexation" or "Against  
16 Annexation" or words equivalent thereto, or contain the words "For  
17 Annexation and Adoption of Proposed Zoning Regulation", and "Against  
18 Annexation and Adoption of Proposed Zoning Regulation", or words  
19 equivalent thereto in case the simultaneous adoption of a proposed  
20 zoning regulation is proposed, and in case the assumption of all or a  
21 portion of indebtedness is proposed, shall contain an appropriate,  
22 separate proposition for or against the portion of indebtedness that  
23 the city requires to be assumed. The notice shall be posted for at  
24 least two weeks prior to the date of election in four public places  
25 within the area proposed to be annexed and published at least once a  
26 week for two weeks prior to the date of election in a newspaper of  
27 general circulation within the limits of the territory proposed to be  
28 annexed. Such notice shall be in addition to the notice required by  
29 (~~RCW 35A.29.140~~) general election law.

30       **Sec. 40.** RCW 35A.15.040 and 1967 ex.s. c 119 s 35A.15.040 are each  
31 amended to read as follows:

32       (~~The election shall be conducted and the returns canvassed as~~  
33 ~~provided in chapter 35A.29 RCW.~~) Ballot titles shall be prepared by  
34 the city as provided in RCW 35A.29.120 and shall contain the words "For  
35 Dissolution" and "Against Dissolution", and shall contain on separate  
36 lines, alphabetically, the names of candidates for receiver. If a  
37 majority of the votes cast on the proposition are for dissolution, the

1 municipal corporation shall be dissolved upon certification of the  
2 election results to the office of the secretary of state.

3 **Sec. 41.** RCW 35A.16.030 and 1967 ex.s. c 119 s 35A.16.030 are each  
4 amended to read as follows:

5 ~~((The election returns shall be canvassed as provided in RCW  
6 35A.29.070 and))~~ If three-fifths of the votes cast on the proposition  
7 favor the reduction of the corporate limits, the ~~((legislative body, by  
8 an order entered on its minutes, shall direct the clerk to))~~ county  
9 auditor shall make and transmit to the office of the secretary of state  
10 a certified abstract of the vote.

11 NEW SECTION. **Sec. 42.** A new section is added to chapter 35A.29  
12 RCW to read as follows:

13 Elections for code cities shall comply with general election law.

14 **Sec. 43.** RCW 36.69.020 and 1969 c 26 s 2 are each amended to read  
15 as follows:

16 The formation of a park and recreation district shall be initiated  
17 by a petition designating the boundaries thereof by metes and bounds,  
18 or by describing the land to be included therein by townships, ranges  
19 and legal subdivisions. Such petition shall set forth the object of  
20 the district and state that it will be conducive to the public welfare  
21 and convenience, and that it will be a benefit to the area therein.  
22 Such petition shall be signed by not less than fifteen percent of the  
23 registered voters residing within the area so described. ~~((No person  
24 signing the petition may withdraw his name therefrom after filing.))~~  
25 The name of a person who has signed the petition may not be withdrawn  
26 from the petition after the petition has been filed.

27 The petition shall be filed with the auditor of the county within  
28 which the proposed district is located, accompanied by an obligation  
29 signed by two or more petitioners, agreeing to pay the cost of the  
30 publication of the notice provided for in RCW 36.69.040. The county  
31 auditor shall, within thirty days from the date of filing the petition,  
32 examine the signatures and certify to the sufficiency or insufficiency  
33 thereof ~~((; and for that purpose shall have access to all registration  
34 books or records in the possession of the registration officers of the  
35 election precincts included, in whole or in part, within the proposed~~

1 ~~district. Such books and records shall be prima facie evidence of the~~  
2 ~~truth of the certificate)).~~

3 If the petition is found to contain a sufficient number of  
4 signatures of qualified persons, the auditor shall transmit it,  
5 together with ~~((his))~~ a certificate of sufficiency attached thereto, to  
6 the county ~~((commissioners who))~~ legislative authority, which shall by  
7 resolution entered upon ~~((their))~~ its minutes~~((,))~~ receive it and fix  
8 a day and hour when ~~((they))~~ the legislative authority will publicly  
9 hear the petition, as provided in RCW 36.69.040.

10 **Sec. 44.** RCW 36.69.070 and 1979 ex.s. c 126 s 28 are each amended  
11 to read as follows:

12 ~~((All elections pursuant to this chapter shall be conducted in~~  
13 ~~accordance with the provisions of chapter 29.13 RCW for district~~  
14 ~~elections.))~~ A ballot proposition authorizing the formation of the  
15 proposed park and recreation district shall be submitted to the voters  
16 of the proposed district for their approval or rejection at the next  
17 general state election occurring sixty or more days after the county  
18 legislative authority fixes the boundaries of the proposed district.  
19 Notices of the election for the formation of the park and recreation  
20 district shall state generally and briefly the purpose thereof and  
21 shall give the boundaries of the proposed district~~((, define the~~  
22 ~~election precincts, designate the polling place of each, give the names~~  
23 ~~of the five nominated park and recreation commissioner candidates of~~  
24 ~~the proposed district,))~~ and name the day of the election and the hours  
25 during which the polls will be open. The proposition to be submitted  
26 to the voters shall be stated in such manner that the voters may  
27 indicate yes or no upon the proposition of forming the proposed park  
28 and recreation district. ~~((The ballot shall be so arranged that voters~~  
29 ~~may vote for the five nominated candidates or may write in the names of~~  
30 ~~other candidates.))~~

31 The initial park and recreation commissioners shall be elected at  
32 the same election, but this election shall be null and void if the  
33 district is not authorized to be formed. No primary shall be held to  
34 nominate candidates for the initial commissioner positions. Candidates  
35 shall run for specific commission positions. A special filing period  
36 shall be opened as provided in RCW 29.15.170 and 29.15.180. The person  
37 who receives the greatest number of votes for each commission position  
38 shall be elected to that position. The three persons who are elected

1 receiving the greatest number of votes shall be elected to four-year  
2 terms of office if the election is held in an odd-numbered year or  
3 three-year terms of office if the election is held in an even-numbered  
4 year. The other two persons who are elected shall be elected to two-  
5 year terms of office if the election is held in an odd-numbered year or  
6 one-year terms of office if the election is held in an even-numbered  
7 year. The initial commissioners shall take office immediately upon  
8 being elected and qualified, but the length of such terms shall be  
9 computed from the first day of January in the year following this  
10 election.

11 **Sec. 45.** RCW 36.69.080 and 1979 ex.s. c 126 s 29 are each amended  
12 to read as follows:

13 If a majority of all votes cast upon the proposition favors the  
14 formation of the district, ~~((the))~~ the county legislative authority  
15 shall~~((,+))~~  by resolution, declare the territory organized as a park  
16 and recreation district under the designated name ~~((theretofore~~  
17 ~~designated, and shall declare the candidate from each subdivision~~  
18 ~~receiving the highest number of votes for park and recreation~~  
19 ~~commissioner the duly elected first park and recreation commissioner of~~  
20 ~~the subdivision of the district. These initial park and recreation~~  
21 ~~commissioners shall take office immediately upon their election and~~  
22 ~~qualification and hold office until their successors are elected and~~  
23 ~~qualified and assume office as provided in RCW 36.69.090 as now or~~  
24 ~~hereafter amended))~~ )).

25 **Sec. 46.** RCW 36.69.090 and 1987 c 53 s 1 are each amended to read  
26 as follows:

27 A park and recreation district shall be governed by a board of five  
28 commissioners. Except for the initial commissioners, all commissioners  
29 shall be elected to staggered four-year terms of office and shall serve  
30 until their successors are elected and qualified and assume office in  
31 accordance with RCW 29.04.170. Candidates shall run for specific  
32 commissioner positions.

33 Elections for park and recreation district commissioners shall be  
34 held biennially in conjunction with the general election in each odd-  
35 numbered year. ~~((Residence anywhere within the district shall qualify~~  
36 ~~an elector for any position on the commission after the initial~~  
37 ~~election.))~~ Elections shall be held in accordance with the provisions

1 of Title 29 RCW dealing with general elections. (~~All commissioners  
2 shall serve until their successors are elected and qualified and assume  
3 office in accordance with RCW 29.04.170. At the first election  
4 following the formation of the district, the two candidates receiving  
5 the highest number of votes shall serve for terms of four years, and  
6 the three candidates receiving the next highest number of votes shall  
7 serve for two years. Thereafter all commissioners shall be elected for  
8 four year terms: PROVIDED, That if there would otherwise be two  
9 commissioners elected at the November 1987 general election, the  
10 candidate receiving the highest number of votes shall serve a four year  
11 term, and the commissioner receiving the second highest number of votes  
12 shall serve a two year term.))~~)

13 **Sec. 47.** RCW 36.69.100 and 1963 c 4 s 36.69.100 are each amended  
14 to read as follows:

15 Vacancies on the board of park and recreation commissioners shall  
16 occur and shall be filled ((by a majority vote of the remaining  
17 commissioners)) as provided in chapter 42.12 RCW.

18 **Sec. 48.** RCW 36.69.440 and 1979 ex.s. c 11 s 3 are each amended to  
19 read as follows:

20 (1) If the petition filed under RCW 36.69.430 is found to contain  
21 a sufficient number of signatures, the legislative authority of each  
22 county shall set a time for a hearing on the petition for the formation  
23 of a park and recreation district as prescribed in RCW 36.69.040.

24 (2) At the public hearing the legislative authority (~~for each  
25 authority~~) for each county shall fix the boundaries for that portion  
26 of the proposed park and recreation district that lies within the  
27 county as provided in RCW 36.69.050. Each county shall notify the  
28 other county or counties of the determination of the boundaries within  
29 ten days.

30 (3) If the territories created by the county legislative  
31 authorities are not contiguous, a joint park and recreation district  
32 shall not be formed. If the territories are contiguous, the county  
33 containing the portion of the proposed joint district having the larger  
34 population shall determine the name of the proposed joint district.

35 (4) (~~If the proposed district encompasses portions of two  
36 counties, the county containing the portion of the district having the  
37 larger population shall divide the territory into three subdivisions~~)

1 ~~and shall name three resident electors as prescribed by RCW 36.69.060.~~  
2 ~~The county containing the territory having the smaller population shall~~  
3 ~~divide that territory into two subdivisions and name two resident~~  
4 ~~electors.~~

5 ~~(5) If the proposed district encompasses portions of more than two~~  
6 ~~counties, the district shall be divided into five subdivisions and~~  
7 ~~resident electors shall be named as follows:~~

8 ~~The number of subdivisions and resident electors to be established~~  
9 ~~by each county shall reflect the proportion of population within each~~  
10 ~~county portion of the proposed district in relation to the total~~  
11 ~~population of the proposed district, provided that each county shall~~  
12 ~~designate one subdivision and one resident elector.~~

13 ~~(6)) The proposition for the formation of the proposed joint park~~  
14 ~~and recreation district shall be submitted to the voters of the~~  
15 ~~district at the next general election, which election shall be~~  
16 ~~conducted as required by RCW 36.69.070 and 36.69.080.~~

17 **Sec. 49.** RCW 52.14.010 and 1985 c 330 s 2 are each amended to read  
18 as follows:

19 The affairs of the district shall be managed by a board of fire  
20 commissioners composed of three ~~((resident electors of))~~ registered  
21 voters residing in the district except as provided in RCW 52.14.015 and  
22 52.14.020. Each member shall each receive fifty dollars per day or  
23 portion thereof, not to exceed four thousand eight hundred dollars per  
24 year, for attendance at board meetings and for performance of other  
25 services in behalf of the district.

26 In addition, they shall receive necessary expenses incurred in  
27 attending meetings of the board or when otherwise engaged in district  
28 business, and shall be entitled to receive the same insurance available  
29 to all ~~((firemen))~~ fire fighters of the district: PROVIDED, That the  
30 premiums for such insurance, except liability insurance, shall be paid  
31 by the individual commissioners who elect to receive it.

32 Any commissioner may waive all or any portion of his or her  
33 compensation payable under this section as to any month or months  
34 during his or her term of office, by a written waiver filed with the  
35 secretary as provided in this section. The waiver, to be effective,  
36 must be filed any time after the commissioner's election and prior to  
37 the date on which ~~((said))~~ the compensation would otherwise be paid.

1 The waiver shall specify the month or period of months for which it is  
2 made.

3 The board shall fix the compensation to be paid the secretary and  
4 all other agents and employees of the district. The board may, by  
5 resolution adopted by unanimous vote, authorize any of its members to  
6 serve as volunteer (~~((firemen))~~) fire fighters without compensation. A  
7 commissioner actually serving as a volunteer (~~((fireman))~~) fire fighter  
8 may enjoy the rights and benefits of a volunteer (~~((fireman))~~) fire  
9 fighter. (~~((The first commissioners shall take office immediately when~~  
10 ~~qualified in accordance with RCW 29.01.135 and shall serve until after~~  
11 ~~the next general election for the selection of commissioners and until~~  
12 ~~their successors have been elected and have qualified and have assumed~~  
13 ~~office in accordance with RCW 29.04.170.))~~)

14 **Sec. 50.** RCW 52.14.015 and 1990 c 259 s 14 are each amended to  
15 read as follows:

16 In the event a three member board of commissioners of any fire  
17 protection district determines by resolution (~~((and approves by~~  
18 ~~unanimous vote of the board))~~) that it would be in the best interest of  
19 the district to increase the number of commissioners from three to  
20 five, or in the event the board is presented with a petition signed by  
21 ten percent of the registered voters resident within the district who  
22 voted in the last general municipal election calling for such an  
23 increase in the number of commissioners of the district, the board  
24 shall submit a resolution to the county legislative authority or  
25 authorities of the county or counties in which the district is located  
26 requesting that an election be held. Upon receipt of the resolution,  
27 the legislative authority or authorities of the county or counties  
28 shall call a special election to be held within the fire protection  
29 district at which election the following proposition shall be submitted  
30 to the voters substantially as follows:

31 Shall the board of commissioners of . . . . county fire  
32 protection district no. . . . . be increased from three members to  
33 five members?

34 Yes . . . . .

35 No . . . . .

1 If the fire protection district is located in more than a single  
2 county, this proposition shall indicate the name of the district.

3 If the proposition receives a majority approval at the election,  
4 the board of commissioners of the fire protection district shall be  
5 increased to five members. The two additional members shall be  
6 appointed in the same manner as provided in RCW 52.14.020.

7 **Sec. 51.** RCW 52.14.030 and 1984 c 230 s 31 are each amended to  
8 read as follows:

9 ~~((The polling places for district elections shall be those of the  
10 county voting precincts which include any of the territory within the  
11 fire protection districts. District elections))~~ The polling places for  
12 a fire protection district election may be located inside or outside  
13 the boundaries of the district ((and)), as determined by the auditor of  
14 the county in which the fire protection district is located, and the  
15 elections of the fire protection district shall not be held to be  
16 irregular or void on that account.

17 **Sec. 52.** RCW 52.14.050 and 1989 c 63 s 21 are each amended to read  
18 as follows:

19 ~~((In the event of a vacancy occurring in the office of fire  
20 commissioner, the vacancy shall, within sixty days, be filled by  
21 appointment of a resident elector of the district by a vote of the  
22 remaining fire commissioners. If the board of commissioners fails to  
23 fill the vacancy within the sixty day period, the county legislative  
24 authority of the county in which all, or the largest portion, of the  
25 district is located shall make the appointment. If the number of  
26 vacancies is such that there is not a majority of the full number of  
27 commissioners in office as fixed by law, the county legislative  
28 authority of the county in which all, or the largest portion, of the  
29 district is located shall appoint someone to fill each vacancy, within  
30 thirty days of each vacancy, that is sufficient to create a majority as  
31 prescribed by law.~~

32 ~~An appointee shall serve ad interim until a successor has been  
33 elected and qualified at the next general election as provided in  
34 chapter 29.21 RCW. A person who is so elected shall take office  
35 immediately after he or she is qualified and shall serve for the  
36 remainder of the unexpired term.))~~

1 Vacancies on a board of fire commissioners shall occur as provided  
2 in chapter 42.12 RCW. In addition, if a fire commissioner is absent  
3 from the district for three consecutive regularly scheduled meetings  
4 unless by permission of the board, the office shall be declared vacant  
5 by the board of commissioners ((and the vacancy shall be filled as  
6 provided for in this section)). However, such an action shall not be  
7 taken unless the commissioner is notified by mail after two consecutive  
8 unexcused absences that the position will be declared vacant if the  
9 commissioner is absent without being excused from the next regularly  
10 scheduled meeting. Vacancies ((additionally shall occur)) on a board  
11 of fire commissioners shall be filled as provided in chapter 42.12 RCW.

12 **Sec. 53.** RCW 52.14.060 and 1989 c 63 s 22 are each amended to read  
13 as follows:

14 The initial three members of the board of fire commissioners shall  
15 be elected at the same election as when the ballot proposition is  
16 submitted to the voters authorizing the creation of the fire protection  
17 district. If the district is not authorized to be created, the  
18 election of the initial fire commissioners shall be null and void. If  
19 the district is authorized to be created, the initial fire  
20 commissioners shall take office immediately when qualified. Candidates  
21 shall file for each of the three separate fire commissioner positions.  
22 Elections shall be held as provided in chapter 29.21 RCW, with the  
23 county auditor opening up a special filing period as provided in RCW  
24 ((29.21.360 and 29.21.370)) 29.15.170 and 29.15.180, as if there were  
25 a vacancy. The ((candidate for each position)) person who receives the  
26 greatest number of votes for each position shall be elected to that  
27 position. ((If the election is held in an odd-numbered year, the  
28 winning candidate receiving the highest number of votes shall hold  
29 office for a term of six years, the winning candidate receiving the  
30 next highest number of votes shall hold office for a term of four  
31 years, and the candidate receiving the next highest number of votes  
32 shall serve for a term of two years. If the election were held in an  
33 even-numbered year, the winning candidate receiving the greatest number  
34 of votes shall hold office for a term of five years, the winning  
35 candidate receiving the next highest number of votes shall hold office  
36 for a term of three years, and the winning candidate receiving the next  
37 highest number of votes shall hold office for a term of one year.)) The  
38 terms of office of the initial fire commissioners shall be staggered as

1 follows: (1) The person who is elected receiving the greatest number  
2 of votes shall be elected to a six-year term of office if the election  
3 is held in an odd-numbered year or a five-year term of office if the  
4 election is held in an even-numbered year; (2) the person who is  
5 elected receiving the next greatest number of votes shall be elected to  
6 a four-year term of office if the election is held in an odd-numbered  
7 year or a three-year term of office if the election is held in an even-  
8 numbered year; and (3) the other person who is elected shall be elected  
9 to a two-year term of office if the election is held in an odd-numbered  
10 year or a one-year term of office if the election is held in an even-  
11 numbered year. The initial commissioners shall take office immediately  
12 when elected and qualified and their terms of office ((of the initially  
13 elected fire commissioners)) shall be calculated from the first day of  
14 January in the year following their election.

15 The term of office of each subsequent commissioner shall be six  
16 years. Each commissioner shall serve until a successor is elected and  
17 qualified and assumes office in accordance with RCW 29.04.170.

18 **Sec. 54.** RCW 53.12.140 and 1959 c 17 s 9 are each amended to read  
19 as follows:

20 A vacancy in the office of port commissioner shall occur ((~~by~~  
21 ~~death, resignation, removal, conviction of a felony,~~)) as provided in  
22 chapter 42.12 RCW or by nonattendance at meetings of the port  
23 commission for a period of sixty days unless excused by the port  
24 commission((~~, by any statutory disqualification, or by any permanent~~  
25 disability preventing the proper discharge of his duty)). A vacancy on  
26 a port commission shall be filled as provided in chapter 42.12 RCW.

27 **Sec. 55.** RCW 54.08.060 and 1979 ex.s. c 126 s 36 are each amended  
28 to read as follows:

29 Whenever a proposition for the formation of a public utility  
30 district is to be submitted to voters in any county, the county  
31 legislative authority may by resolution call a special election, and at  
32 the request of petitioners for the formation of such district contained  
33 in the petition shall do so and shall provide for holding the same at  
34 the earliest practicable time. If the boundaries of the proposed  
35 district embrace an area less than the entire county, such election  
36 shall be confined to the area so included. The notice of such election  
37 shall state the boundaries of the proposed district and the object of

1 such election; in other respects, such election shall be held and  
2 called in the same manner as provided by law for the holding and  
3 calling of general elections: PROVIDED, That notice thereof shall be  
4 given for not less than ten days nor more than thirty days prior to  
5 such special election. In submitting the (~~said~~) proposition to the  
6 voters for their approval or rejection, such proposition shall be  
7 expressed on the ballots in substantially the following terms:

8       Public Utility District No. .... YES  
9       Public Utility District No. .... NO

10       At the same special election on the proposition to form a public  
11 utility district, there shall also be an election for three public  
12 utility district commissioners(~~(:—PROVIDED, That)~~). However, the  
13 election of such commissioners shall be null and void if the  
14 proposition to form the public utility district does not receive  
15 approval by a majority of the voters voting on the proposition.  
16 ~~((Nomination for and election of public utility district commissioners~~  
17 ~~shall conform with the provisions of RCW 54.12.010 as now or hereafter~~  
18 ~~amended, except for the day of such election and the term of office of~~  
19 ~~the original commissioners.)) No primary shall be held. A special  
20 filing period shall be opened as provided in RCW 29.15.170 and  
21 29.15.180. The person receiving the greatest number of votes for the  
22 commissioner of each commissioner district shall be elected as the  
23 commissioner of that district. Commissioner districts shall be  
24 established as provided in RCW 54.12.010. The terms of the initial  
25 commissioners shall be staggered as follows: (1) The person who is  
26 elected receiving the greatest number of votes shall be elected to a  
27 six-year term of office if the election is held in an even-numbered  
28 year or a five-year term if the election is held in an odd-numbered  
29 year; (2) the person who is elected receiving the next greatest number  
30 of votes shall be elected to a four-year term of office if the election  
31 is held in an even-numbered year or a three-year term of office if the  
32 election is held in an odd-numbered year; and (3) the other person who  
33 is elected shall be elected to a two-year term of office if the  
34 election is held in an even-numbered year or a one-year term of office  
35 if the election is held in an odd-numbered year. The commissioners  
36 first to be elected at such special election shall (~~hold office from~~  
37 the first day of the month following the commissioners' election for~~

1 the terms as specified in this section which terms shall be computed  
2 from the first day in January next following the election. If such  
3 special election was held in an even numbered year, the commissioners  
4 residing in commissioner district number one shall hold office for the  
5 term of six years, the commissioner residing in commissioner district  
6 number two shall hold office for the term of four years, and the  
7 commissioner residing in commissioner district number three shall hold  
8 office for the term of two years. If such special election was held in  
9 an odd numbered year, the commissioner residing in commissioner  
10 district number one shall hold office for the term of five years, the  
11 commissioner residing in commissioner district number two shall hold  
12 office for the term of three years, and the commissioner residing in  
13 commissioner district number three shall hold office for the term of  
14 one year)) assume office immediately when they are elected and  
15 qualified, but the length of their terms of office shall be calculated  
16 from the first day in January in the year following their elections.

17 The term "general election" as used herein means biennial general  
18 elections at which state and county officers in a noncharter county are  
19 elected.

20 **Sec. 56.** RCW 54.12.010 and 1990 c 59 s 109 are each amended to  
21 read as follows:

22 ((Within ten days after such election, the county canvassing board  
23 shall canvass the returns, and if at such election a majority of the  
24 voters voting upon such proposition shall vote in favor of the  
25 formation of such district, the canvassing board shall so declare in  
26 its canvass of the returns of such election, and such public utility  
27 district shall then be and become)) A public utility district that is  
28 created as provided in RCW 54.08.010 shall be a municipal corporation  
29 of the state of Washington, and the name of such public utility  
30 district shall be Public Utility District No. . . . . of . . . . .  
31 County.

32 The powers of the public utility district shall be exercised  
33 through a commission consisting of three members in three commissioner  
34 districts, and five members in five commissioner districts.

35 When the public utility district is ((coextensive with the limits  
36 of such county)) county-wide and the county has three county  
37 legislative authority districts, then, at the first election of  
38 commissioners and until any change shall have been made in the

1 boundaries of public utility district commissioner districts, one  
2 public utility district commissioner shall be chosen from each of the  
3 three county (~~commissioner~~) legislative authority districts (~~of the~~  
4 ~~county in which the public utility district is located if the county is~~  
5 ~~not operating under a "Home Rule" charter~~). When the public utility  
6 district comprises only a portion of the county, with boundaries  
7 established in accordance with chapter 54.08 RCW, or when the public  
8 utility district is (~~located in a county operating under a "Home Rule"~~  
9 ~~charter~~) county-wide and the county does not have three county  
10 legislative authority districts, three public utility district  
11 commissioner districts, numbered consecutively, (~~having~~) each with  
12 approximately equal population and (~~boundaries,~~) following (~~ward~~  
13 ~~and~~) precinct lines, as far as practicable, shall be described in the  
14 petition for the formation of the public utility district, which shall  
15 be subject to appropriate change by the county legislative authority if  
16 and when (~~they~~) it changes the boundaries of the proposed public  
17 utility district, and one commissioner shall be elected (~~from each of~~  
18 ~~said~~) as a commissioner of each of the public utility district  
19 commissioner districts. (~~In all five commissioner districts an~~  
20 ~~additional commissioner at large shall be chosen from each of the two~~  
21 ~~at large districts. No person shall be eligible to be elected to the~~  
22 ~~office of public utility district commissioner for a particular~~  
23 ~~district commissioner district unless he is a registered voter of the~~  
24 ~~public utility district commissioner district or at large district from~~  
25 ~~which he is elected.~~) Commissioner districts shall be used as follows:  
26 (1) Only a registered voter who resides in a commissioner district may  
27 be a candidate for, or hold office as, a commissioner of the  
28 commissioner district; and (2) only voters of a commissioner district  
29 may vote at a primary to nominate candidates for a commissioner of the  
30 commissioner district. Voters of the entire public utility district  
31 may vote at a general election to elect a person as a commissioner of  
32 the commissioner district.

33 (~~Except as otherwise provided,~~) The term of office of each public  
34 utility district commissioner other than the commissioners at large  
35 shall be six years, and the term of each commissioner at large shall be  
36 four years. Each term shall be computed in accordance with RCW  
37 29.04.170 following the commissioner's election. (~~One commissioner at~~  
38 large and one commissioner from a commissioner district shall be  
39 elected at each general election held in an even-numbered year for the

1 term of four years and six years respectively. All candidates shall be  
2 voted upon by the entire public utility district.

3 When a public utility district is formed, three public utility  
4 district commissioners shall be elected at the same election at which  
5 the proposition is submitted to the voters as to whether such public  
6 utility district shall be formed. If the general election adopting the  
7 proposition to create the public utility district was held in an even-  
8 numbered year, the commissioner residing in commissioner district  
9 number one shall hold office for the term of six years; the  
10 commissioner residing in commissioner district number two shall hold  
11 office for the term of four years; and the commissioner residing in  
12 commissioner district number three shall hold office for the term of  
13 two years. If the general election adopting the proposition to create  
14 the public utility district was held in an odd-numbered year, the  
15 commissioner residing in commissioner district number one shall hold  
16 office for the term of five years, the commissioner in district two  
17 shall hold office for the term of three years, and the commissioner in  
18 district three shall hold office for the term of one year. The  
19 commissioners first to be elected as above provided shall hold office  
20 from the first day of the month following the commissioners' election  
21 and their respective terms of office shall be computed from the first  
22 day of January next following the election.))

23 All public utility district commissioners shall hold office until  
24 their successors shall have been elected and have qualified and assume  
25 office in accordance with RCW 29.04.170. ((A filing for nomination for  
26 public utility district commissioner shall be accompanied by a petition  
27 signed by one hundred registered voters of the public utility district  
28 which shall be certified by the county auditor to contain the required  
29 number of registered voters, and shall otherwise be filed in accord  
30 with the requirements of Title 29 RCW. At the time of filing such  
31 nominating petition, the person so nominated shall execute and file a  
32 declaration of candidacy subject to the provisions of Title 29 RCW, as  
33 now or hereafter amended. The petition and each page of the petition  
34 shall state whether the nomination is for a commissioner from a  
35 particular commissioner district or for a commissioner at large and  
36 shall state the districts; otherwise it shall be void.))

37 A vacancy in the office of public utility district commissioner  
38 shall occur as provided in chapter 42.12 RCW or by ((death,  
39 resignation, removal, conviction of a felony,)) nonattendance at

1 meetings of the public utility district commission for a period of  
2 sixty days unless excused by the public utility district commission(  
3 by any statutory disqualification, or by any permanent disability  
4 preventing the proper discharge of his duty. In the event of a vacancy  
5 in said office, such vacancy shall be filled at the next general  
6 election held in an even numbered year, the vacancy in the interim to  
7 be filled by appointment by the remaining commissioners. If more than  
8 one vacancy exists at the same time in a three commissioner district,  
9 or more than two in a five commissioner district, a special election  
10 shall be called by the county canvassing board upon the request of the  
11 remainder, or, that failing, by the county election board, such  
12 election to be held not more than forty days after the occurring of  
13 such vacancies.

14 A majority of the persons holding the office of public utility  
15 district commissioner at any time shall constitute a quorum of the  
16 commission for the transaction of business, and the concurrence of a  
17 majority of the persons holding such office at the time shall be  
18 necessary and shall be sufficient for the passage of any resolution,  
19 but no business shall be transacted, except in usual and ordinary  
20 course, unless there are in office at least a majority of the full  
21 number of commissioners fixed by law)). Vacancies on a board of public  
22 utility district commissioners shall be filled as provided in chapter  
23 42.12 RCW.

24 The boundaries of the public utility district ((commissioners<sup>4</sup>))  
25 commissioner districts may be changed only by the public utility  
26 district commission, and shall be examined every ten years to determine  
27 substantial equality of population in accordance with chapter 29.70  
28 RCW, but ((said)) the boundaries shall not be changed oftener than once  
29 in four years, and only when all members of the commission are present.  
30 Whenever territory is added to a public utility district under RCW  
31 54.04.035, the boundaries of the public utility ((commissioners<sup>4</sup>))  
32 commissioner districts shall be changed to include such additional  
33 territory. The proposed change of the boundaries of the public utility  
34 district ((commissioners<sup>4</sup>)) commissioner district must be made by  
35 resolution and after public hearing. Notice of the time of a public  
36 hearing thereon shall be published for two weeks prior thereto. Upon  
37 a referendum petition signed by ten percent of the qualified voters of  
38 the public utility district being filed with the county auditor, the  
39 county legislative authority shall submit such proposed change of

1 boundaries to the voters of the public utility district for their  
2 approval or rejection. Such petition must be filed within ninety days  
3 after the adoption of resolution of the proposed action. The validity  
4 of ~~((said))~~ the petition shall be governed by the provisions of chapter  
5 54.08 RCW.

6 **Sec. 57.** RCW 54.40.070 and 1977 ex.s. c 36 s 7 are each amended to  
7 read as follows:

8 Within thirty days after the public utility district commission  
9 shall divide the district into two at large districts, the county  
10 legislative authority shall call a special election, to be held at the  
11 next scheduled special election called pursuant to RCW 29.13.010, or  
12 not more than ninety days after such call, at which time the initial  
13 commissioners to such at large districts shall be elected~~((7))~~. No  
14 primary shall be held and a special filing period shall be opened as  
15 provided in RCW 29.15.170 and 29.15.180. The person receiving the  
16 greatest number of votes for each position shall be elected.

17 The person who is elected receiving the ~~((largest))~~ greatest number  
18 of votes ~~((to serve for four years))~~ shall be elected to a four-year  
19 term of office, and the other person ~~((receiving the next largest~~  
20 number of votes to serve an initial term of two years)) who is elected  
21 shall be elected to a two-year term of office, if the election is held  
22 in an even-numbered year, or the person who is elected receiving the  
23 greatest number of votes shall be elected to a three-year term of  
24 office, and the other person who is elected shall be elected to a one-  
25 year term of office, if the election is held in an odd-numbered year.  
26 The length of these terms of office shall be calculated from the first  
27 day in January in the year following their elections.

28 The newly elected commissioners shall assume office immediately  
29 after being elected and qualified and shall serve until their  
30 successors are elected and qualified and assume office in accordance  
31 with RCW 29.04.170. Each successor shall be elected to a four-year  
32 term of office.

33 **Sec. 58.** RCW 56.12.020 and 1979 ex.s. c 126 s 38 are each amended  
34 to read as follows:

35 At the election held to form or reorganize a sewer district,  
36 ~~((there shall be elected three commissioners who shall assume office~~  
37 ~~immediately when qualified in accordance with RCW 29.01.135 to hold~~

1 office for terms of two, four, and six years respectively, and until  
2 their successors are elected and qualified and assume office in  
3 accordance with RCW 29.04.170.

4 The term of each nominee shall be expressed on the ballot and shall  
5 be computed from the first day of January next following if the initial  
6 election of the sewer district commissioners was in a general district  
7 election as provided in RCW 29.13.020, or from the first day of January  
8 following the first general election for sewer districts after its  
9 creation if the initial election was on a date other than a general  
10 district election. Thereafter, every two years there shall be elected  
11 a commissioner for a term of six years and until his or her successor  
12 is elected and qualified, at the general election held in the odd-  
13 numbered years, as provided in RCW 29.13.020, and conducted by the  
14 county auditor and the returns shall be canvassed by the county  
15 canvassing board of election returns: PROVIDED, That each such  
16 commissioner shall assume office in accordance with RCW 29.04.170))  
17 three sewer district commissioners shall be elected. The election of  
18 sewer district commissioners shall be null and void if the ballot  
19 proposition to form or reorganize the sewer district is not approved.  
20 Candidates shall run for one of three separate commissioner positions.  
21 A special filing period shall be opened as provided in RCW 29.15.170  
22 and 29.15.180. The person receiving the greatest number of votes for  
23 each position shall be elected to that position.

24 The newly elected sewer district commissioners shall assume office  
25 immediately when they are elected and qualified. Staggering of the  
26 terms of office for the new sewer district commissioners shall be  
27 accomplished as follows: (1) The person who is elected receiving the  
28 greatest number of votes shall be elected to a six-year term of office  
29 if the election is held in an odd-numbered year or a five-year term of  
30 office if the election is held in an even-numbered year; (2) the person  
31 who is elected receiving the next greatest number of votes shall be  
32 elected to a four-year term of office if the election is held in an  
33 odd-numbered year or a three-year term of office if the election is  
34 held in an even-numbered year; and (3) the other person who is elected  
35 shall be elected to a two-year term of office if the election is held  
36 in an odd-numbered year or a one-year term of office if the election is  
37 held in an even-numbered year. The terms of office shall be calculated  
38 from the first day of January in the year following the election.

1 Thereafter commissioners shall be elected to six-year terms of  
2 office. Commissioners shall serve until their successors are elected  
3 and qualified and assume office in accordance with RCW 29.04.170.

4 **Sec. 59.** RCW 56.12.030 and 1990 c 259 s 24 are each amended to  
5 read as follows:

6 ~~((1) Nominations for the first board of commissioners to be~~  
7 ~~elected at the election for the formation of the sewer district shall~~  
8 ~~be by petition of fifty registered voters or ten percent of the~~  
9 ~~registered voters of the district who voted in the last general~~  
10 ~~municipal election, whichever is the smaller. The petition shall be~~  
11 ~~filed in the auditor's office of the county in which the district is~~  
12 ~~located at least forty five days before the election. Thereafter~~  
13 ~~candidates for the office of sewer commissioner shall file declarations~~  
14 ~~of candidacy and their election shall be conducted as provided by the~~  
15 ~~general elections laws. A vacancy or vacancies shall be filled by~~  
16 ~~appointment by the remaining commissioner or commissioners until the~~  
17 ~~next regular election for commissioners: PROVIDED, That if there are~~  
18 ~~two vacancies on the board, one vacancy shall be filled by appointment~~  
19 ~~by the remaining commissioner and the one remaining vacancy shall be~~  
20 ~~filled by appointment by the then two commissioners and the appointed~~  
21 ~~commissioners shall serve until the next regular election for~~  
22 ~~commissioners. If the vacancy or vacancies remain unfilled within six~~  
23 ~~months of its or their occurrence, the county legislative authority in~~  
24 ~~which the district is located shall make the necessary appointment or~~  
25 ~~appointments. If there is a vacancy of the entire board a new board~~  
26 ~~may be appointed by the county legislative authority. Any person~~  
27 ~~residing in the district who is at the time of election a registered~~  
28 ~~voter may vote at any election held in the sewer district.~~

29 ~~(2) Subsection (1) of this section notwithstanding,))~~ The board of  
30 commissioners of any sewer district may ((provide by majority vote that  
31 subsequent commissioners be elected from commissioner districts)) adopt  
32 a resolution providing that each subsequent commissioner be elected as  
33 a commissioner of a commissioner district within the district. If the  
34 board exercises this option, it shall divide the district into  
35 ((three)) a number of commissioner districts ((of)) equal in number to  
36 the number of commissioners on the board, each with approximately equal  
37 population following current precinct and district boundaries as far as  
38 practicable. ((Thereafter, candidates shall be nominated and one

1 candidate shall be elected from each commissioner district by the  
2 registered voters of the commissioner district.

3 (3) All expense of elections for the formation or reorganization of  
4 a sewer district shall be paid by the county in which the election is  
5 held and the expenditure is hereby declared to be for a county purpose,  
6 and the money paid for that purpose shall be repaid to the county by  
7 the district if formed or reorganized.) Commissioner districts shall  
8 be used as follows: (1) Only a registered voter who resides in a  
9 commissioner district may be a candidate for, or serve as, a  
10 commissioner of the commissioner district; and (2) only voters of a  
11 commissioner district may vote at a primary to nominate candidates for  
12 a commissioner of the commissioner district. Voters of the entire  
13 sewer district may vote at a general election to elect a person as a  
14 commissioner of the commissioner district. Commissioner districts  
15 shall be redrawn as provided in chapter 29.70 RCW.

16 NEW SECTION. Sec. 60. A new section is added to chapter 56.12 RCW  
17 to read as follows:

18 Sewer district elections shall conform with general election laws.

19 Vacancies on a board of sewer commissioners shall occur and shall  
20 be filled as provided in chapter 42.12 RCW.

21 **Sec. 61.** RCW 57.02.050 and 1982 1st ex.s. c 17 s 5 are each  
22 amended to read as follows:

23 Whenever the boundaries or proposed boundaries of a water district  
24 include or are proposed to include by means of formation, annexation,  
25 consolidation, or merger (including merger with a sewer district)  
26 territory in more than one county, all duties delegated by Title 57 RCW  
27 to officers of the county in which the district is located shall be  
28 delegated to the officers of the county in which the largest land area  
29 of the district is located, except that elections shall be conducted  
30 pursuant to ((RCW 57.02.060, as now existing or hereafter amended))  
31 general election law, actions subject to review and approval under RCW  
32 57.02.040 and 56.02.070 shall be reviewed and approved only by the  
33 officers or boards in the county in which such actions are proposed to  
34 occur, verification of electors' signatures shall be conducted by the  
35 county election officer of the county in which such signators reside,  
36 and comprehensive plan review and approval or rejection by the

1 respective county legislative authorities under RCW 57.16.010 shall be  
2 limited to that part of such plans within the respective counties.

3 **Sec. 62.** RCW 57.12.020 and 1990 c 259 s 30 are each amended to  
4 read as follows:

5 ~~((Nominations for the first board of commissioners to be elected at  
6 the election for the formation of the water district shall be by  
7 petition of at least ten percent of the registered voters of the  
8 district who voted in the last general municipal election, filed in the  
9 auditor's office of the county in which the district is located, at  
10 least forty five days prior to the election. Thereafter, candidates  
11 for the office of water commissioners shall file declarations of  
12 candidacy and their election shall be conducted as provided by the  
13 general election laws.))~~

14 A vacancy ~~((or vacancies))~~ on the board shall occur and shall be  
15 filled ~~((by appointment by the remaining commissioner or commissioners  
16 until the next regular election for commissioners: PROVIDED, That if  
17 there are two vacancies on the board, one vacancy shall be filled by  
18 appointment by the remaining commissioner and the one remaining vacancy  
19 shall be filled by appointment by the then two commissioners and the  
20 appointed commissioners shall serve until the next regular election for  
21 commissioners. If the vacancy or vacancies remain unfilled within six  
22 months of its or their occurrence, the county legislative authority in  
23 which the district is located shall make the necessary appointment or  
24 appointments. If there is a vacancy of the entire board a new board  
25 may be appointed by the county legislative authority.~~

26 Any person residing in the district who is a registered voter under  
27 the laws of the state may vote at any district election)) as provided  
28 in chapter 42.12 RCW.

29 **Sec. 63.** RCW 57.12.030 and 1982 1st ex.s. c 17 s 14 are each  
30 amended to read as follows:

31 ~~((The general laws of the state of Washington governing the  
32 registration of voters for a general or a special city election shall  
33 govern the registration of voters for elections held under this  
34 chapter. The manner of holding any general or special election for  
35 said)) Water district elections shall be held in accordance with the  
36 general election laws of this state. ~~((All elections in a water  
37 district shall be conducted under RCW 57.02.060. All expenses of~~~~

1 elections for a water district shall be paid for out of the funds of  
2 the water district: PROVIDED, That if the voters fail to approve the  
3 formation of a water district, the expenses of the formation election  
4 shall be paid by each county in which the proposed district is located,  
5 in proportion to the number of registered voters in the proposed  
6 district residing in each county.))

7 Except as in this section otherwise provided, the term of office of  
8 each water district commissioner shall be six years, such term to be  
9 computed from the first day of January following the election, and  
10 ((one commissioner shall be elected at each biennial general election,  
11 as provided in RCW 29.13.020, for the term of six years and until his  
12 or her successor is)) commissioners shall serve until their successors  
13 are elected and qualified and assume((s)) office in accordance with RCW  
14 29.04.170. ((All candidates shall be voted upon by the entire water  
15 district.))

16 Three water district commissioners shall be elected at the same  
17 election at which the proposition is submitted to the voters as to  
18 whether such water district shall be formed. ((The commissioner  
19 elected in commissioner position number one shall hold office for the  
20 term of six years; the commissioner elected in commissioner position  
21 number two shall hold office for the term of four years; and the  
22 commissioner elected in commissioner position number three shall hold  
23 office for the term of two years: PROVIDED, That the members of the  
24 first commission shall take office immediately upon their election and  
25 qualification. The terms of all commissioners first to be elected  
26 shall also include the time intervening between the date that the  
27 results of their election are declared in the canvass of returns  
28 thereof and the first day of January following the next general  
29 district election as provided in RCW 29.13.020.)) The election of  
30 water district commissioners shall be null and void if the ballot  
31 proposition to form the water district is approved. Each candidate  
32 shall run for one of three separate commissioner positions. A special  
33 filing period shall be opened as provided in RCW 29.15.170 and  
34 29.15.180. The person receiving the greatest number of votes for each  
35 position shall be elected to that position.

36 The newly elected water district commissioners shall assume office  
37 immediately when they are elected and qualified. Staggering of the  
38 terms of office for the new water district commissioners shall be  
39 accomplished as follows: (1) The person who is elected receiving the

1 greatest number of votes shall be elected to a six-year term of office  
2 if the election is held in an odd-numbered year or a five-year term of  
3 office if the election is held in an even-numbered year; (2) the person  
4 who is elected receiving the next greatest number of votes shall be  
5 elected to a four-year term of office if the election is held in an  
6 odd-numbered year or a three-year term of office if the election is  
7 held in an even-numbered year; and (3) the other person who is elected  
8 shall be elected to a two-year term of office if the election is held  
9 in an odd-numbered year or a one-year term of office if the election is  
10 held in an even-numbered year. The terms of office shall be calculated  
11 from the first day of January after the election.

12 Thereafter, commissioners shall be elected to six-year terms of  
13 office. Commissioners shall serve until their successors are elected  
14 and qualified and assume office in accordance with RCW 29.04.170.

15 **Sec. 64.** RCW 57.12.039 and 1986 c 41 s 2 are each amended to read  
16 as follows:

17 Notwithstanding RCW 57.12.020 and 57.12.030, the board of  
18 commissioners may provide by majority vote that subsequent  
19 commissioners be elected from commissioner districts within the  
20 district. If the board exercises this option, it shall divide the  
21 district into three commissioner districts of approximately equal  
22 population following current precinct and district boundaries.  
23 ~~((Thereafter, candidates shall be nominated and one candidate shall be~~  
24 ~~elected from each commissioner district by the electors of the~~  
25 ~~commissioner district.))~~

26 Commissioner districts shall be used as follows: (1) Only a  
27 registered voter who resides in a commissioner district may be a  
28 candidate for, or serve as, a commissioner of the commissioner  
29 district; and (2) only voters of a commissioner district may vote at a  
30 primary to nominate candidates for a commissioner of the commissioner  
31 district. Voters of the entire water district may vote at a general  
32 election to elect a person as a commissioner of the commissioner  
33 district. Commissioner districts shall be redrawn as provided in  
34 chapter 29.70 RCW.

35 **Sec. 65.** RCW 57.32.022 and 1982 1st ex.s. c 17 s 31 are each  
36 amended to read as follows:

1 The respective boards of water commissioners of the consolidating  
2 districts shall certify the agreement to the county election officer of  
3 each county in which the districts are located. A special election  
4 shall be called by the county election officer (~~(under RCW 57.02.060)~~)  
5 for the purpose of submitting to the voters of each of the  
6 consolidating districts the proposition of whether or not the several  
7 districts shall be consolidated into one water district. The  
8 proposition shall give the title of the proposed consolidated district.  
9 Notice of the election shall be given and the election conducted in  
10 accordance with the general election laws.

11 **Sec. 66.** RCW 57.32.023 and 1982 1st ex.s. c 17 s 32 are each  
12 amended to read as follows:

13 If at the election a majority of the voters in each of the  
14 consolidating districts vote in favor of the consolidation, the county  
15 canvassing board shall so declare in its canvass (~~(under RCW~~  
16 ~~57.02.060)~~) and the return of such election shall be made within ten  
17 days after the date thereof. Upon the return the consolidation shall  
18 be effective and the consolidating districts shall cease to exist and  
19 shall then be and become a new water district and municipal corporation  
20 of the state of Washington. The name of such new water district shall  
21 be "Water District No. . . . .", which shall be the name appearing on the  
22 ballot. The district shall have all and every power, right, and  
23 privilege possessed by other water districts of the state of  
24 Washington. The district may issue revenue bonds to pay for the  
25 construction of any additions and betterments set forth in the  
26 comprehensive plan of water supply contained in the agreement for  
27 consolidation and any future additions and betterments to the  
28 comprehensive plan of water supply, as its board of water commissioners  
29 shall by resolution adopt, without submitting a proposition therefor to  
30 the voters of the district.

31 NEW SECTION. **Sec. 67.** A new section is added to chapter 68.52 RCW  
32 to read as follows:

33 Cemetery district elections shall conform with general election  
34 laws.

35 A vacancy on a board of cemetery district commissioners shall occur  
36 and shall be filled as provided in chapter 42.12 RCW.

1       **Sec. 68.** RCW 68.52.100 and 1947 c 6 s 2 are each amended to read  
2 as follows:

3       For the purpose of forming a cemetery district, a petition  
4 designating the boundaries of the proposed district by metes and bounds  
5 or describing the lands to be included in the proposed district by  
6 government townships, ranges and legal subdivisions, signed by not less  
7 than fifteen percent of the ~~((qualified))~~ registered ~~((electors, who  
8 are property owners or are purchasing property under contract and who  
9 are resident))~~ voters who reside within the boundaries of the proposed  
10 district, setting forth the object of the formation of such district  
11 and stating that the establishment thereof will be conducive to the  
12 public welfare and convenience, shall be filed with the county auditor  
13 of the county within which the proposed district is located,  
14 accompanied by an obligation signed by two or more petitioners agreeing  
15 to pay the cost of publishing the notice hereinafter provided for. The  
16 county auditor shall, within thirty days from the date of filing of  
17 such petition, examine the signatures and certify to the sufficiency or  
18 insufficiency thereof ~~((and for such purpose shall have access to  
19 registration books and records in possession of the registration  
20 officers of the election precincts included in whole or in part within  
21 the boundaries of the proposed district and to the tax rolls and other  
22 records in the offices of the county assessor and county treasurer. No  
23 person having))~~. The name of any person who signed a petition shall  
24 not be ~~((allowed to withdraw his name therefrom))~~ withdrawn from the  
25 petition after it has been filed with the county auditor. If the  
26 petition is found to contain a sufficient number of valid signatures  
27 ~~((of qualified persons))~~, the county auditor shall transmit it, with  
28 ~~((his))~~ a certificate of sufficiency attached, to the ~~((board of))~~  
29 county ~~((commissioners))~~ legislative authority, which shall thereupon,  
30 by resolution entered upon its minutes, receive the same and fix a day  
31 and hour when it will publicly hear ~~((said))~~ the petition.

32       **Sec. 69.** RCW 68.52.140 and 1982 c 60 s 2 are each amended to read  
33 as follows:

34       The ~~((board of))~~ county ~~((commissioners))~~ legislative authority  
35 shall have full authority to hear and determine the petition, and if it  
36 finds that the formation of the district will be conducive to the  
37 public welfare and convenience, it shall by resolution so declare,  
38 otherwise it shall deny the petition. If the ~~((board))~~ county

1 legislative authority finds in favor of the formation of the district,  
2 it shall designate the name and number of the district, fix the  
3 boundaries thereof, and cause an election to be held therein for the  
4 purpose of determining whether or not the district shall be organized  
5 under the provisions of this chapter, and for the purpose of electing  
6 its first cemetery district commissioners. ((The board shall, prior to  
7 calling the said election, name three registered resident electors who  
8 are property owners or are purchasing property under contract within  
9 the boundaries of the district as candidates for election as cemetery  
10 district commissioners. These electors are exempt from the  
11 requirements of chapter 42.17 RCW.)) At the same election three  
12 cemetery district commissioners shall be elected, but the election of  
13 the commissioners shall be null and void if the district is not  
14 created. No primary shall be held. A special filing period shall be  
15 opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall  
16 run for specific commissioner positions. The person receiving the  
17 greatest number of votes for each commissioner position shall be  
18 elected to that commissioner position. The terms of office of the  
19 initial commissioners shall be as provided in RCW 68.52.220.

20 **Sec. 70.** RCW 68.52.160 and 1947 c 6 s 8 are each amended to read  
21 as follows:

22 The ballot for ((said)) the election shall be in such form as may  
23 be convenient but shall present the propositions substantially as  
24 follows:

25 ".....(insert county name)..... cemetery district No. ....(insert  
26 number).....

27 .....Yes.....

28 .....(insert county name)..... cemetery district No. ....(insert  
29 number).....

30 .....No....."

31 ~~((and shall specify the names of the candidates nominated for election~~  
32 ~~as the first cemetery district commissioners with appropriate space to~~  
33 ~~vote for the same.))~~

34 **Sec. 71.** RCW 68.52.220 and 1990 c 259 s 33 are each amended to  
35 read as follows:

1 The affairs of the district shall be managed by a board of cemetery  
2 district commissioners composed of three (~~qualified registered voters~~  
3 ~~of the district~~) members. Members of the board shall receive no  
4 compensation for their services, but shall receive expenses necessarily  
5 incurred in attending meetings of the board or when otherwise engaged  
6 in district business. The board shall fix the compensation to be paid  
7 the secretary and other employees of the district. (~~The first three~~  
8 ~~cemetery district commissioners shall serve only until the first day in~~  
9 ~~January following the next general election, provided such election~~  
10 ~~occurs thirty or more days after the formation of the district, and~~  
11 ~~until their successors have been elected and qualified and have assumed~~  
12 ~~office in accordance with RCW 29.04.170. At the next general district~~  
13 ~~election, as provided in RCW 29.13.020, provided it occurs thirty or~~  
14 ~~more days after the formation of the district, three members of the~~  
15 ~~board of cemetery commissioners shall be chosen. They and all~~  
16 ~~subsequently elected cemetery commissioners shall have the same~~  
17 ~~qualifications as required of the first three cemetery commissioners~~  
18 ~~and~~) Cemetery district commissioners and candidates for cemetery  
19 district commissioner are exempt from the requirements of chapter 42.17  
20 RCW. (~~The candidate receiving the highest number of votes shall serve~~  
21 ~~for a term of six years beginning on the first day in January~~  
22 ~~following; the candidate receiving the next higher number of votes~~  
23 ~~shall serve for a term of four years from the date; and the candidate~~  
24 ~~receiving the next higher number of votes shall serve for a term of two~~  
25 ~~years from the date. Upon the expiration of their respective terms,~~  
26 ~~all cemetery commissioners shall be elected for terms of six years to~~  
27 ~~begin on the first day in January next succeeding the day of election~~  
28 ~~and shall serve until their successors have been elected and qualified~~  
29 ~~and assume office in accordance with RCW 29.04.170. Elections shall be~~  
30 ~~called, noticed, conducted and canvassed and in the same manner and by~~  
31 ~~the same officials as provided for general county elections.))~~

32 The initial cemetery district commissioners shall assume office  
33 immediately upon their election and qualification. Staggering of terms  
34 of office shall be accomplished as follows: (1) The person elected  
35 receiving the greatest number of votes shall be elected to a six-year  
36 term of office if the election is held in an odd-numbered year or a  
37 five-year term of office if the election is held in an even-numbered  
38 year; (2) the person who is elected receiving the next greatest number  
39 of votes shall be elected to a four-year term of office if the election

1 is held in an odd-numbered year or a three-year term of office if the  
2 election is held in an even-numbered year; and (3) the other person who  
3 is elected shall be elected to a two-year term of office if the  
4 election is held in an odd-numbered year or a one-year term of office  
5 if the election is held in an even-numbered year. The initial  
6 commissioners shall assume office immediately after they are elected  
7 and qualified but their terms of office shall be calculated from the  
8 first day of January after the election.

9 Thereafter, commissioners shall be elected to six-year terms of  
10 office. Commissioners shall serve until their successors are elected  
11 and qualified and assume office as provided in RCW 29.04.170.

12 The polling places for a cemetery district election ((shall be  
13 those of the county voting precincts which include any of the territory  
14 within the cemetery district, and)) may be located inside or outside  
15 the boundaries of the district, as determined by the auditor of the  
16 county in which the cemetery district is located, and no such election  
17 shall be held irregular or void on that account.

18 **Sec. 72.** RCW 70.44.040 and 1990 c 259 s 39 are each amended to  
19 read as follows:

20 (1) The provisions of Title 29 RCW relating to elections shall  
21 govern public hospital districts, except ((that:—(1))) as provided in  
22 this chapter.

23 A public hospital district shall be created when the ballot  
24 proposition authorizing the creation of the district is approved by a  
25 simple majority vote of the voters of the proposed district voting on  
26 the proposition and the total vote cast upon the proposition ((to form  
27 a hospital district shall)) exceeds forty percent of the total number  
28 of votes cast in the ((precincts comprising the)) proposed district at  
29 the preceding state general ((and county)) election((; and (2) hospital  
30 district commissioners shall hold office for the term of six years and  
31 until their successors are elected and qualified, each term to commence  
32 on the first day in January following the election)).

33 At the election at which the proposition is submitted to the voters  
34 as to whether a district shall be formed, three commissioners shall be  
35 elected ((to hold office, respectively, for the terms of two, four, and  
36 six years. All candidates shall be voted upon by the entire district,  
37 and the candidate residing in commissioner district No. 1 receiving the  
38 highest number of votes in the hospital district shall hold office for

1 the term of six years; the candidate residing in commissioner district  
2 No. 2 receiving the highest number of votes in the hospital district  
3 shall hold office for the term of four years; and the candidate  
4 residing in commissioner district No. 3 receiving the highest number of  
5 votes in the hospital district shall hold office for the term of two  
6 years.— The first commissioners to be elected shall take office  
7 immediately when qualified in accordance with RCW 29.01.135. Each term  
8 of the initial commissioners shall date from the time above specified  
9 following the organizational election, but shall also include the  
10 period intervening between the organizational election and the first  
11 day of January following the next district general election: PROVIDED,  
12 That in public hospital districts encompassing portions of more than  
13 one county, the total vote cast upon the proposition to form the  
14 district shall exceed forty percent of the total number of votes cast  
15 in each portion of each county lying within the proposed district at  
16 the next preceding general county election.— The portion of the  
17 proposed district located within each county shall constitute a  
18 separate commissioner district.— There shall be three district  
19 commissioners whose terms shall be six years. Each district shall be  
20 designated by the name of the county in which it is located.— All  
21 candidates for commissioners shall be voted upon by the entire  
22 district.— Not more than one commissioner shall reside in any one  
23 district: PROVIDED FURTHER, That in the event there are only two  
24 districts then two commissioners may reside in one district.— The term  
25 of each commissioner shall commence on the first day in January in each  
26 year following his election.— At the election at which the proposition  
27 is submitted to the voters as to whether a district shall be formed,  
28 three commissioners shall be elected to hold office, respectively, for  
29 the terms of two, four, and six years.— The candidate receiving the  
30 highest number of votes within the district, as constituted by the  
31 election, shall serve a term of six years; the candidate receiving the  
32 next highest number of votes shall hold office for a term of four  
33 years; and the candidate receiving the next highest number of votes  
34 shall hold office for a term of two years: PROVIDED FURTHER, That the  
35 holding of each such term of office shall be subject to the residential  
36 requirements for district commissioners hereinbefore set forth in this  
37 section)). The election of the initial commissioners shall be null and  
38 void if the district is not authorized to be created.

1       No primary shall be held. A special filing period shall be opened  
2 as provided in RCW 29.15.170 and 29.15.180. The person receiving the  
3 greatest number of votes for the commissioner of each commissioner  
4 district shall be elected as the commissioner of that district. The  
5 terms of office of the initial public hospital district commissioners  
6 shall be staggered as follows: (a) The person who is elected receiving  
7 the greatest number of votes shall be elected to a six-year term of  
8 office if the election is held in an odd-numbered year or a five-year  
9 term of office if the election is held in an even-numbered year; (b)  
10 the person who is elected receiving the next greatest number of votes  
11 shall be elected to a four-year term of office if the election is held  
12 in an odd-numbered year or a three-year term of office if the election  
13 is held in an even-numbered year; and (c) the other person who is  
14 elected shall be elected to a two-year term of office if the election  
15 is held in an odd-numbered year or a one-year term of office if the  
16 election is held in an even-numbered year. The initial commissioners  
17 shall take office immediately when they are elected and qualified, but  
18 the length of such terms shall be computed from the first day of  
19 January in the year following this election. The term of office of  
20 each successor shall be six years. Each commissioner shall serve until  
21 a successor is elected and qualified and assumes office in accordance  
22 with RCW 29.04.170.

23       (2) Commissioner districts shall be used as follows: (a) Only a  
24 registered voter who resides in a commissioner district may be a  
25 candidate for, or hold office as, a commissioner of the commissioner  
26 district; and (b) only voters of a commissioner district may vote at a  
27 primary to nominate candidates for a commissioner of the commissioner  
28 district. Voters of the entire public hospital district may vote at a  
29 general election to elect a person as a commissioner of the  
30 commissioner district.

31       If the proposed public hospital district is county-wide, and the  
32 county has three county legislative authority districts, the county  
33 legislative authority districts shall be used as public hospital  
34 district commissioner districts. In all other instances the county  
35 auditor of the county in which all or the largest portion of the  
36 proposed public hospital district is located shall draw the initial  
37 three public hospital district commissioner districts, each of which  
38 shall constitute as nearly as possible one-third of the total  
39 population of the proposed public hospital district and number the

1 districts one, two, and three. Each of the three commissioner  
2 positions shall be numbered one through three and associated with the  
3 district of the same number.

4 The public hospital district commissioners may redraw commissioner  
5 districts, if the public hospital district has boundaries that are not  
6 coterminous with the boundaries of a county with three county  
7 legislative authority districts, so that each district comprises as  
8 nearly as possible one-third of the total population of the public  
9 hospital district. The commissioners of a public hospital district  
10 that is not coterminous with the boundaries of a county that has three  
11 county legislative authority districts shall redraw hospital district  
12 commissioner boundaries as provided in chapter 29.70 RCW.

13 **Sec. 73.** RCW 70.44.045 and 1982 c 84 s 13 are each amended to read  
14 as follows:

15 A vacancy in the office of commissioner shall occur as provided in  
16 chapter 42.12 RCW or by ((death, resignation, removal, conviction of  
17 felony,)) nonattendance at meetings of the commission for sixty days,  
18 unless excused by the commission((, by any statutory disqualification,  
19 by any permanent disability preventing the proper discharge of his  
20 duty, or by creation of positions pursuant to RCW 70.44.051, et seq)).  
21 A vacancy ((or vacancies on the board)) shall be filled ((by  
22 appointment by the remaining commissioner or commissioners until the  
23 next regular election for commissioners as provided by RCW 70.44.040:  
24 PROVIDED, That if there is only one remaining commissioner, one vacancy  
25 shall be filled by appointment by the remaining commissioner and the  
26 remaining vacancy or vacancies shall be filled by appointment by the  
27 then two commissioners and the appointed commissioners shall serve  
28 until the next regular election for commissioners: PROVIDED FURTHER,  
29 That if there is a vacancy of the entire board, a new board may be  
30 appointed by the board of county commissioners or county council)) as  
31 provided in chapter 42.12 RCW.

32 **Sec. 74.** RCW 70.44.053 and 1967 c 77 s 2 are each amended to read  
33 as follows:

34 At any general or special election which may be called for that  
35 purpose the board of public hospital district commissioners may, or on  
36 petition of ten percent of the ((electors)) voters based on the total  
37 vote cast in the last district general election in the public hospital

1 district shall, by resolution, submit to the voters of the district the  
2 proposition increasing the number of commissioners to (~~any number~~  
3 ~~authorized in RCW 70.44.051~~) either five or seven members. The  
4 petition or resolution shall specify whether it is proposed to increase  
5 the number of commissioners to either five or seven members.

6 If the voters of the district approve the ballot proposition  
7 authorizing the increase in the number of commissioners to either five  
8 or seven members, the board of commissioners shall redistrict the  
9 public hospital district into the appropriate number of commissioner  
10 districts. The additional commissioners shall be elected from  
11 commissioner districts in which no existing commissioner resides at the  
12 next state general election occurring one hundred twenty days or more  
13 after the date of the election at which the voters of the district  
14 approved the ballot proposition authorizing the increase in the number  
15 of commissioners. If needed, special filing periods shall be  
16 authorized as provided in RCW 29.15.170 and 29.15.180 for qualified  
17 persons to file for the vacant office. A primary shall be held to  
18 nominate candidates if sufficient time exists to hold a primary and  
19 more than two candidates file for the vacant office. Otherwise, a  
20 primary shall not be held and the candidate receiving the greatest  
21 number of votes for each position shall be elected. Except for the  
22 initial terms of office, persons elected to each of these additional  
23 commissioner positions shall be elected to a six-year term.

24 Where the number of commissioners is increased from three to five,  
25 the initial terms of the two new commissioners shall be staggered so  
26 that the person who is elected receiving the greatest number of votes  
27 shall be elected to a six-year term of office if the election is held  
28 in an odd-numbered year or a five-year term if the election is held in  
29 an even-numbered year, and the other person elected shall be elected to  
30 a four-year term of office if the election is held in an odd-numbered  
31 year or a three-year term if the election is held in an even-numbered  
32 year. The newly elected commissioners shall assume office as provided  
33 in RCW 29.04.170.

34 Where the number of commissioners is increased from three or five  
35 to seven, the county auditor of the county in which all or the largest  
36 portion of the hospital district is located shall cause the initial  
37 terms of office of the additional commissioners to be staggered over  
38 the next three district general elections so that two commissioners  
39 would normally be elected at the first district general election

1 following the election where the additional commissioners are elected,  
2 two commissioners are normally elected at the second district general  
3 election after the election of the additional commissioners, and three  
4 commissioners are normally elected at the third district general  
5 election following the election of the additional commissioners. The  
6 newly elected commissioners shall assume office as provided in RCW  
7 29.04.170.

8 NEW SECTION. Sec. 75. The following acts or parts of acts are  
9 each repealed:

- 10 (1) RCW 35.23.070 and 1965 c 7 s 35.23.070;
- 11 (2) RCW 35.24.070 and 1965 c 7 s 35.24.070;
- 12 (3) RCW 35.27.110 and 1965 c 7 s 35.27.110;
- 13 (4) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.069;
- 14 (5) RCW 35.61.070 and 1965 c 7 s 35.61.070;
- 15 (6) RCW 35.61.080 and 1965 c 7 s 35.61.080;
- 16 (7) RCW 35A.02.001 and 1989 c 84 s 35;
- 17 (8) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;
- 18 (9) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s  
19 35A.02.110;
- 20 (10) RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060;
- 21 (11) RCW 35A.15.030 and 1967 ex.s. c 119 s 35A.15.030;
- 22 (12) RCW 35A.16.020 and 1967 ex.s. c 119 s 35A.16.020;
- 23 (13) RCW 35A.29.010 and 1967 ex.s. c 119 s 35A.29.010;
- 24 (14) RCW 35A.29.020 and 1967 ex.s. c 119 s 35A.29.020;
- 25 (15) RCW 35A.29.030 and 1967 ex.s. c 119 s 35A.29.030;
- 26 (16) RCW 35A.29.040 and 1967 ex.s. c 119 s 35A.29.040;
- 27 (17) RCW 35A.29.050 and 1967 ex.s. c 119 s 35A.29.050;
- 28 (18) RCW 35A.29.060 and 1967 ex.s. c 119 s 35A.29.060;
- 29 (19) RCW 35A.29.070 and 1967 ex.s. c 119 s 35A.29.070;
- 30 (20) RCW 35A.29.080 and 1967 ex.s. c 119 s 35A.29.080;
- 31 (21) RCW 35A.29.090 and 1986 c 234 s 32 & 1985 c 281 s 27;
- 32 (22) RCW 35A.29.100 and 1967 ex.s. c 119 s 35A.29.100;
- 33 (23) RCW 35A.29.105 and 1990 c 59 s 106 & 1967 ex.s. c 119 s  
34 35A.29.105;
- 35 (24) RCW 35A.29.110 and 1990 c 59 s 107, 1986 c 167 s 21, 1979  
36 ex.s. c 18 s 30, 1970 ex.s. c 52 s 4, & 1967 ex.s. c 119 s 35A.29.110;
- 37 (25) RCW 35A.29.140 and 1967 ex.s. c 119 s 35A.29.140;

- 1 (26) RCW 35A.29.150 and 1970 ex.s. c 52 s 5 & 1967 ex.s. c 119 s  
2 35A.29.150;
- 3 (27) RCW 36.54.080 and 1973 1st ex.s. c 195 s 36 & 1963 c 4 s  
4 36.54.080;
- 5 (28) RCW 36.54.090 and 1963 c 4 s 36.54.090;
- 6 (29) RCW 36.54.100 and 1963 c 4 s 36.54.100;
- 7 (30) RCW 36.69.060 and 1963 c 4 s 36.69.060;
- 8 (31) RCW 44.70.010 and 1987 c 298 s 7;
- 9 (32) RCW 53.12.047 and 1992 c 146 s 6;
- 10 (33) RCW 53.12.150 and 1990 c 40 s 1, 1985 c 87 s 1, 1983 c 11 s 1,  
11 1959 c 175 s 8, & 1959 c 17 s 8;
- 12 (34) RCW 57.02.060 and 1982 1st ex.s. c 17 s 6;
- 13 (35) RCW 68.52.240 and 1947 c 6 s 16;
- 14 (36) RCW 70.44.051 and 1967 c 77 s 1;
- 15 (37) RCW 70.44.055 and 1967 c 77 s 3; and
- 16 (38) RCW 70.44.057 and 1967 c 77 s 4.

17 NEW SECTION. **Sec. 76.** (1) Section 2 of this act shall take effect  
18 January 1, 1995.

19 (2) Section 21 of this act shall take effect July 1, 1994.

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