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**SUBSTITUTE SENATE BILL 6015**

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**State of Washington****53rd Legislature****1994 Regular Session**

**By** Senate Committee on Government Operations (originally sponsored by  
Senators Haugen and Winsley)

Read first time 01/24/94.

1       AN ACT Relating to local government elections; amending RCW  
2    42.12.010, 42.12.010, 43.06.010, 14.08.304, 28A.315.520, 29.15.050,  
3    29.15.120, 29.15.200, 35.17.020, 35.17.400, 35.18.020, 35.18.270,  
4    35.23.240, 35.23.530, 35.24.050, 35.24.100, 35.24.290, 35.27.140,  
5    35.61.050, 35A.01.070, 35A.02.050, 35A.02.130, 35A.06.020, 35A.06.030,  
6    35A.06.050, 35A.12.010, 35A.12.040, 35A.12.050, 35A.12.180, 35A.13.010,  
7    35A.13.020, 35A.14.070, 35A.15.040, 35A.16.030, 36.69.020, 36.69.070,  
8    36.69.080, 36.69.090, 36.69.100, 36.69.440, 52.14.010, 52.14.015,  
9    52.14.030, 52.14.050, 52.14.060, 53.12.140, 54.08.060, 54.12.010,  
10   54.40.070, 56.12.020, 56.12.030, 57.02.050, 57.12.020, 57.12.030,  
11   57.12.039, 57.32.022, 57.32.023, 68.52.100, 68.52.140, 68.52.160,  
12   68.52.220, 70.44.040, 70.44.045, and 70.44.053; adding a new section to  
13   chapter 42.12 RCW; adding a new section to chapter 29.15 RCW; adding a  
14   new section to chapter 35.02 RCW; adding a new section to chapter 56.12  
15   RCW; adding a new section to chapter 68.52 RCW; repealing RCW  
16   35.23.050, 35.23.070, 35.24.060, 35.24.070, 35.27.100, 35.27.110,  
17   35.61.060, 35.61.070, 35.61.080, 35A.02.001, 35A.02.100, 35A.02.110,  
18   35A.12.060, 35A.14.060, 35A.15.030, 35A.16.020, 35A.29.010, 35A.29.020,  
19   35A.29.030, 35A.29.040, 35A.29.050, 35A.29.060, 35A.29.070, 35A.29.080,  
20   35A.29.090, 35A.29.100, 35A.29.105, 35A.29.110, 35A.29.140, 35A.29.150,  
21   36.54.080, 36.54.090, 36.54.100, 36.69.060, 44.70.010, 53.12.047,

1 53.12.150, 57.02.060, 68.52.240, 70.44.051, 70.44.055, and 70.44.057;  
2 providing effective dates; and providing an expiration date.

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

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

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

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

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

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

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

33       (5) If the county legislative authority fails to appoint a  
34 qualified person within one hundred eighty days of the occurrence of  
35 the vacancy, the county legislative authority or a remaining member of  
36 the governing body of the city, town, or special purpose district may  
37 petition the governor to appoint a qualified person to fill the

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

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

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

23 **Sec. 2.** RCW 42.12.010 and 1981 c 180 s 4 are each amended to read  
24 as follows:

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

27 (1) The death of the incumbent;

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

30 (3) His or her removal;

31 (4) His or her ceasing to be a legally ((qualified elector))  
32 registered voter of the district, county, city, town, or other  
33 municipal or quasi municipal corporation from which he or she shall  
34 have been elected or appointed, including where applicable the council  
35 district, commissioner district, or ward from which he or she shall  
36 have been elected or appointed;

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

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

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

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

8       **Sec. 3.** RCW 42.12.010 and 1993 c 317 s 9 are each amended to read  
9 as follows:

10       Every elective office shall become vacant on the happening of any  
11 of the following events:

12       (1) The death of the incumbent;

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

15       (3) His or her removal;

16       (4) Except as provided in RCW 3.46.067 and 3.50.057, his or her  
17 ceasing to be a legally ((qualified elector)) registered voter of the  
18 district, county, city, town, or other municipal or quasi municipal  
19 corporation from which he or she shall have been elected or appointed,  
20 including where applicable the council district, commissioner district,  
21 or ward from which he or she shall have been elected or appointed;

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

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

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

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

31       **Sec. 4.** RCW 43.06.010 and 1993 c 142 s 5 are each amended to read  
32 as follows:

33       In addition to those prescribed by the Constitution, the governor  
34 may exercise the powers and perform the duties prescribed in this and  
35 the following sections:

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

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

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

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

11       (5) Whenever any suit or legal proceeding is pending against this  
12 state, or which may affect the title of this state to any property, or  
13 which may result in any claim against the state, the governor may  
14 direct the attorney general to appear on behalf of the state, and  
15 report the same to the governor, or to any grand jury designated by the  
16 governor, or to the legislature when next in session;

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

22       (7) The governor may require the attorney general to aid any  
23 prosecuting attorney in the discharge of ((his)) the prosecutor's  
24 duties;

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

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

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

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

37       (12) The governor may, after finding that a public disorder,  
38 disaster, energy emergency, or riot exists within this state or any  
39 part thereof which affects life, health, property, or the public peace,

1 proclaim a state of emergency in the area affected, and the powers  
2 granted the governor during a state of emergency shall be effective  
3 only within the area described in the proclamation;

4       (13) The governor may, after finding that there exists within this  
5 state an imminent danger of infestation of plant pests as defined in  
6 RCW 17.24.007 or plant diseases which seriously endangers the  
7 agricultural or horticultural industries of the state of Washington, or  
8 which seriously threatens life, health, or economic well-being, order  
9 emergency measures to prevent or abate the infestation or disease  
10 situation, which measures, after thorough evaluation of all other  
11 alternatives, may include the aerial application of pesticides;

12       (14) On all compacts forwarded to the governor pursuant to RCW  
13 9.46.360(6), the governor is authorized and empowered to execute on  
14 behalf of the state compacts with federally recognized Indian tribes in  
15 the state of Washington pursuant to the federal Indian Gaming  
16 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III  
17 gaming, as defined in the Act, on Indian lands.

18       **Sec. 5.** RCW 14.08.304 and 1979 ex.s. c 126 s 3 are each amended to  
19 read as follows:

20       The board of airport district commissioners shall consist of three  
21 members((, who shall each be a registered voter and actually a resident  
22 of the district)). The first commissioners shall be appointed by the  
23 county legislative authority. At the next general district election,  
24 held as provided in RCW 29.13.020, three airport district commissioners  
25 shall be elected. The terms of office of airport district  
26 commissioners shall be two years, or until their successors are elected  
27 and qualified and have assumed office in accordance with RCW 29.04.170.  
28 Members of the board of airport district commissioners shall be elected  
29 at each regular district general election on a nonpartisan basis in  
30 accordance with the general election law. ((They shall be nominated by  
31 petition of ten registered voters of the district.)) Vacancies on the  
32 board of airport district commissioners shall occur and shall be filled  
33 ((by appointment by the remaining commissioners)) as provided in  
34 chapter 42.12 RCW. Members of the board of airport district  
35 commissioners shall receive no compensation for their services, but  
36 shall be reimbursed for actual necessary traveling and sustenance  
37 expenses incurred while engaged on official business.

1       **Sec. 6.** RCW 28A.315.520 and 1971 c 53 s 4 are each amended to read  
2 as follows:

3       A majority of all members of the board of directors shall  
4 constitute a quorum. Absence of any board member from four consecutive  
5 regular meetings of the board, unless on account of sickness or  
6 authorized by resolution of the board, shall be sufficient cause for  
7 the remaining members of the board to declare by resolution that such  
8 board member position is vacated. In addition, vacancies shall occur  
9 as provided in RCW 42.12.010.

10      **Sec. 7.** RCW 29.15.050 and 1990 c 59 s 85 are each amended to read  
11 as follows:

12      A filing fee of one dollar shall accompany each declaration of  
13 candidacy for precinct committee officer; a filing fee of ((ten))  
14 twenty dollars shall accompany the declaration of candidacy for any  
15 office with a fixed annual salary of one thousand dollars or less; a  
16 filing fee equal to one percent of the annual salary of the office at  
17 the time of filing but in no event less than twenty dollars shall  
18 accompany the declaration of candidacy for any office with a fixed  
19 annual salary of more than one thousand dollars per annum. No filing  
20 fee need accompany a declaration of candidacy for any office for which  
21 compensation is on a per diem or per meeting attended basis, nor for  
22 the filing of any declaration of candidacy by a write-in candidate.

23      A candidate who lacks sufficient assets or income at the time of  
24 filing to pay the filing fee required by this section shall submit with  
25 his or her declaration of candidacy a nominating petition. The  
26 petition shall contain not less than a number of signatures of  
27 registered voters equal to the number of dollars of the filing fee.  
28 The signatures shall be of voters registered to vote within the  
29 jurisdiction of the office for which the candidate is filing.

30      When the candidacy is for((+  
31            (+1))) a legislative or judicial office that includes territory from  
32 more than one county, the fee shall be paid to the secretary of state  
33 for equal division between the treasuries of the counties comprising  
34 the district.

35            ((+2) A city or town office, the fee shall be paid to the county  
36 auditor who shall transmit it to the city or town clerk for deposit in  
37 the city or town treasury.))

1       **Sec. 8.** RCW 29.15.120 and 1990 c 59 s 86 are each amended to read  
2 as follows:

3       A candidate may withdraw his or her declaration of candidacy at any  
4 time before the close of business on the Thursday following the last  
5 day for candidates to file under RCW 29.15.020 by filing, with the  
6 officer with whom the declaration of candidacy was filed, a signed  
7 request that his or her name not be printed on the ballot. There shall  
8 be no withdrawal period for declarations of candidacy filed during  
9 special filing periods held under this title. The filing officer may  
10 permit the withdrawal of a filing for the office of precinct committee  
11 officer at the request of the candidate at any time if no absentee  
12 ballots have been issued for that office and the general election  
13 ballots for that precinct have not been printed. The filing officer  
may permit the withdrawal of a filing for any elected office of a city,  
town, or special purpose district at the request of the candidate at  
any time before a primary if the primary ballots for that city, town,  
or special purpose district have not been ordered. No filing fee may  
18 be refunded to any candidate who withdraws under this section. Notice  
19 of the deadline for withdrawal of candidacy and that the filing fee is  
20 not refundable shall be given to each candidate at the time he or she  
21 files.

22       NEW SECTION. **Sec. 9.** A new section is added to chapter 29.15 RCW  
23 to read as follows:

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

28       **Sec. 10.** RCW 29.15.200 and 1975-'76 2nd ex.s. c 120 s 13 are each  
29 amended to read as follows:

30       If after both the normal filing period and special three day filing  
31 period as provided by RCW 29.15.170 and 29.15.180((, as now or  
32 hereafter amended,)) have passed ((and still)), no candidate has filed  
33 for any single city, town, or district position to be filled, the  
34 election for such position shall be deemed lapsed, the office deemed  
35 stricken from the ballot and no write-in votes counted. In such  
36 instance, the incumbent occupying such position shall remain in office  
37 and continue to serve until ((his)) a successor is elected at the next

1 election when such positions are voted upon ((as provided by RCW  
2 29.21.410, as now or hereafter amended)).

3       **NEW SECTION.** **Sec. 11.** A new section is added to chapter 35.02 RCW  
4 to read as follows:

5       An election shall be held to elect city or town elected officials  
6 at the next municipal general election occurring more than twelve  
7 months after the date of the first election of councilmembers or  
8 commissioners. Candidates shall run for specific council or commission  
9 positions. The staggering of terms of members of the city or town  
10 council shall be established at this election, where the simple  
11 majority of the persons elected as councilmembers receiving the  
12 greatest numbers of votes shall be elected to four-year terms of office  
13 and the remainder of the persons elected as councilmembers shall be  
14 elected to two-year terms of office. Newly elected councilmembers or  
15 newly elected commissioners shall serve until their successors are  
16 elected and qualified. The terms of office of newly elected  
17 commissioners shall not be staggered, as provided in chapter 35.17 RCW.  
18 All councilmembers and commissioners who are elected subsequently shall  
19 be elected to four-year terms of office and shall serve until their  
20 successors are elected and qualified and assume office in accordance  
21 with RCW 29.04.170.

22       **Sec. 12.** RCW 35.17.020 and 1979 ex.s. c 126 s 17 are each amended  
23 to read as follows:

24       All regular elections in cities organized under the statutory  
25 commission form of government shall be held quadrennially in the odd-  
26 numbered years on the dates provided in RCW 29.13.020. The  
27 commissioners shall be nominated and elected at large. Their terms  
28 shall be for four years and until their successors are elected and  
29 qualified and assume office in accordance with RCW 29.04.170. ((If a  
30 vacancy occurs in the commission the remaining members shall appoint a  
31 person to fill it for the unexpired term.)) Vacancies on a commission  
shall occur and shall be filled as provided in chapter 42.12 RCW,  
except that in every instance an election shall be conducted to fill  
the remainder of the unexpired term at the next general municipal  
election that occurs twenty-eight or more days after the occurrence of  
the vacancy.

1       **Sec. 13.** RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended  
2 to read as follows:

3       The first election of commissioners shall be held ((within)) at the  
4 next special election that occurs at least sixty days after the  
5 ((adoption of)) election results are certified where the proposition to  
6 organize under the commission form was approved by city voters, and the  
7 commission first elected shall commence to serve as soon as they have  
8 been elected and have qualified and shall continue to serve until their  
9 successors have been elected and qualified and have assumed office in  
10 accordance with RCW 29.04.170. The date of the second election for  
11 commissioners shall be in accordance with RCW 29.13.020 such that the  
12 term of the first commissioners will be as near as possible to, but not  
13 in excess of, four years calculated from the first day in January in  
14 the year after the year in which the first commissioners were elected.

15       **Sec. 14.** RCW 35.18.020 and 1981 c 260 s 7 are each amended to read  
16 as follows:

17       (1) The number of ((councilmen)) councilmembers in a city or town  
18 operating with a council-manager plan of government shall be ((in  
19 proportion to the population of the city or town indicated in its  
20 petition for incorporation and thereafter shall be in proportion to its  
21 population as last)) based upon the latest population of the city or  
22 town that is determined by the office of financial management as  
23 follows:

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

26       (b) A city or town having more than two thousand, seven  
27 ((councilmen)) councilmembers.

28       (2) ((All councilmen shall be elected at large or from such wards  
29 or districts as may be established by ordinance, and shall serve for a  
30 term of four years and until their successors are elected and qualified  
31 and assume office in accordance with RCW 29.04.170: PROVIDED, HOWEVER,  
32 That at the first general municipal election held in the city in  
33 accordance with RCW 29.13.020, after the election approving the  
34 council-manager plan, the following shall apply:

35       (a) One councilman shall be nominated and elected from each ward or  
36 such other existing district of said city as may have been established  
37 for the election of members of the legislative body of the city and the  
38 remaining councilmen shall be elected at large; but if there are no

1 such wards or districts in the city, or at an initial election for the  
2 incorporation of a community, the councilmen shall be elected at large.

3 (b) In cities electing five councilmen, the candidates having the  
4 three highest number of votes shall be elected for a four year term and  
5 the other two for a two year term commencing immediately when qualified  
6 in accordance with RCW 29.01.135 and continuing until their successors  
7 are elected and qualified and have assumed office in accordance with  
8 RCW 29.04.170.

9 (c) In cities electing seven councilmen, the candidates having the  
10 four highest number of votes shall be elected for a four year term and  
11 the other three for a two year term commencing immediately when  
12 qualified in accordance with RCW 29.01.135 and continuing until their  
13 successors are elected and qualified and have assumed office in  
14 accordance with RCW 29.04.170.

15 (d) In determining the candidates receiving the highest number of  
16 votes, only the candidate receiving the highest number of votes in each  
17 ward, as well as the councilman at large or councilmen at large, are to  
18 be considered)) Except for the initial staggering of terms,  
19 councilmembers shall serve for four-year terms of office. All  
20 councilmembers shall serve until their successors are elected and  
21 qualified and assume office in accordance with RCW 29.04.170.  
22 Councilmembers may be elected on a city-wide or town-wide basis, or  
23 from wards or districts, or any combination of these alternatives.  
24 Candidates shall run for specific positions. Wards or districts shall  
25 be redrawn as provided in chapter 29.70 RCW. Wards or districts shall  
26 be used as follows: (a) Only a resident of the ward or district may be  
27 a candidate for, or hold office as, a councilmember of the ward or  
28 district; and (b) only voters of the ward or district may vote at a  
29 primary to nominate candidates for a councilmember of the ward or  
30 district. Voters of the entire city or town may vote at the general  
31 election to elect a councilmember of a ward or district, unless the  
32 city or town had, prior to January 1, 1994, limited the voting in the  
33 general election for any or all council positions to only voters  
34 residing within the ward or district associated with the council  
35 positions. If a city or town had so limited the voting in the general  
36 election to only voters residing within the ward or district, then the  
37 city or town shall be authorized to continue to do so.

38 (3) When a ((municipality)) city or town has qualified for an  
39 increase in the number of ((councilmen)) councilmembers from five to

1 seven by virtue of the next succeeding population determination made by  
2 the office of financial management ((after the majority of the voters  
3 thereof have approved operation under the council manager plan)), two  
4 additional council positions shall be filled at the ((first)) next  
5 municipal general election ((when two additional councilmen are to be  
6 elected, one of the two additional councilmen receiving)) with the  
7 person elected to one of the new council positions receiving the  
8 ((highest)) greatest number of votes ((shall be)) being elected for a  
9 four-year term of office and the person elected to the other additional  
10 ((councilman shall be)) council position being elected for a two-year  
11 term of office. The ((terms of the)) two additional ((councilmen))  
12 councilmembers shall ((commence)) assume office immediately when  
13 qualified in accordance with RCW 29.01.135, but the term of office  
14 shall be computed from the first day of January after the year in which  
15 they are elected. Their successors shall be elected to four-year terms  
16 of office.

17 ((+4) In the event such population determination as provided in  
18 subsection (3) of this section requires an increase in the number of  
19 councilmen)) Prior to the election of the two new councilmembers, the  
20 city or town council shall fill the additional ((councilmanic))  
21 positions by appointment not later than ((thirty)) forty-five days  
22 following the release of ((said)) the population determination, and  
23 ((the)) each appointee shall hold office only until ((the next regular  
24 city or town election at which a person shall be elected to serve for  
25 the remainder of the unexpired term. In the event such population  
26 determination results in a decrease in the number of councilmen, said  
27 decrease shall not take effect until the next regular city or town  
28 election: PROVIDED, That)) the new position is filled by election.

29 (4) When a city or town has qualified for a decrease in the number  
30 of councilmembers from seven to five by virtue of the next succeeding  
31 population determination made by the office of financial management,  
32 two council positions shall be eliminated at the next municipal general  
33 election if four council positions normally would be filled at that  
34 election, or one council position shall be eliminated at each of the  
35 next two succeeding municipal general elections if three council  
36 positions normally would be filled at the first municipal general  
37 election after the population determination. The council shall by  
38 ordinance indicate which, if any, of the remaining positions shall be  
39 elected at-large or from wards or districts.

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

6       **Sec. 15.** RCW 35.18.270 and 1979 ex.s. c 126 s 20 are each amended  
7 to read as follows:

8       If the majority of the votes cast at a special election for  
9 organization on the council-manager plan favor the plan, the city or  
10 town ((at its next regular election)) shall elect the council required  
11 under the council-manager plan in number according to ((the)) its  
12 population ((of the municipality: PROVIDED, That if the date of the  
13 next municipal general election is more than one year from the date of  
14 the election approving the council manager plan, a special election  
15 shall be held to elect the councilmen; the newly elected councilmen  
16 shall assume office immediately when they are qualified in accordance  
17 with RCW 29.01.135 following the canvass of votes as certified and  
18 shall remain in office until their successors are elected at the next  
19 general municipal election: PROVIDED, That such successor shall hold  
20 office for staggered terms as provided in RCW 35.18.020 as now or  
21 hereafter amended. Councilmen shall take office at the time provided  
22 by general law. Declarations of candidacy for city or town elective  
23 positions under the council manager plan for cities and towns shall be  
24 filed with the county auditor as the case may be not more than forty  
25 five nor less than thirty days prior to said special election to elect  
26 the members of the city council. Any candidate may file a written  
27 declaration of withdrawal at any time within five days after the last  
28 day for filing a declaration of candidacy. All names of candidates to  
29 be voted upon shall be printed upon the ballot alphabetically in group  
30 under the designation of the title of the offices for which they are  
31 candidates. There shall be no rotation of names)) at the next  
32 municipal general election. However, special elections shall be held  
33 to nominate and elect the new city councilmembers at the next primary  
34 and general election held in an even-numbered year if the next  
35 municipal general election is more than one year after the date of the  
36 election at which the voters approved the council-manager plan. The  
37 staggering of terms of office shall occur at the election when the new  
38 councilmembers are elected, where the simple majority of the persons

1   elected as councilmembers receiving the greatest numbers of votes shall  
2   be elected to four-year terms of office if the election is held in an  
3   odd-numbered year, or three-year terms of office if the election is  
4   held in an even-numbered year, and the remainder of the persons elected  
5   as councilmembers shall be elected to two-year terms of office if the  
6   election is held in an odd-numbered year, or one-year terms of office  
7   if the election is held in an even-numbered year.   The initial  
8   councilmembers shall take office immediately when they are elected and  
9   qualified, but the lengths of their terms of office shall be calculated  
10   from the first day in January in the year following the election.

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

13       A vacancy in an elective office shall occur as provided in chapter  
14   42.12 RCW. In addition, the city council may declare an office vacant:  
15   (1) If anyone either elected or appointed to that office fails for ten  
16   days to qualify as required by law or fails to enter upon ((his)) the  
17   duties of that office at the time fixed by law or the orders of the  
18   city council, ((his)) the office shall become vacant; or (2) if such an  
19   officer ((absents himself)) who serves for compensation is absent from  
20   the city without the consent of the city council for three consecutive  
21   weeks or openly neglects or refuses to discharge ((his)) the duties((–  
22   the council may declare his office vacant: PROVIDED, That this penalty  
23   for absence from the city shall not apply to such officers as serve  
24   without compensation.

25       If a vacancy occurs by reason of death, resignation, or otherwise  
26   in the office of mayor or councilman, the city council shall fill the  
27   vacancy until the next general municipal election. If)) of that  
28   office.

29       A vacancy in an elective office shall be filled as provided in  
30   chapter 42.12 RCW and a vacancy ((occurs by reason of death,  
31   resignation, or otherwise)) in any other office ((it)) shall be filled  
32   by appointment of the mayor and confirmed by the council in the same  
33   manner as other appointments are made.

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

36       At any time not within three months previous to an annual election  
37   the city council of a second class city may divide the city into wards,

1 not exceeding six in all, or change the boundaries of existing wards.  
2 No change in the boundaries of wards shall affect the term of any  
3 ((councilman, but he)) councilmember, and councilmembers shall serve  
4 out ((his)) their terms in the wards of ((his)) their residences at the  
5 time of ((his) election: PROVIDED, That if this results)) their  
6 elections. However, if these boundary changes result in one ward being  
7 represented by more ((councilmen)) councilmembers than the number to  
8 which it is entitled, those having the shortest unexpired terms shall  
9 be assigned by the council to wards where there is a vacancy, and the  
10 councilmembers so assigned shall be deemed to be residents of the wards  
11 to which they are assigned for purposes of determining whether those  
12 positions are vacant.

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

15 ((No person shall be eligible to the office of councilman unless he  
16 resides in the ward for which he is elected on the date of his election  
17 and removal of his residence from the ward for which he was elected  
18 renders his office vacant.))

19 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards  
20 shall be used as follows: (1) Only a resident of the ward may be a  
21 candidate for, or hold office as, a councilmember of the ward; and (2)  
22 only voters of the ward may vote at a primary to nominate candidates  
23 for a councilmember of the ward. Voters of the entire city may vote at  
24 the general election to elect a councilmember of a ward, unless the  
25 city had, prior to January 1, 1994, limited the voting in the general  
26 election for any or all council positions to only voters residing  
27 within the ward associated with the council positions. If a city had  
28 so limited the voting in the general election to only voters residing  
29 within the ward, then the city shall be authorized to continue to do  
30 so. The elections for the remaining council position or council  
31 positions that are not associated with a ward shall be conducted as if  
32 the wards did not exist.

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

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

1       The terms of office of the mayor, city attorney, clerk, and  
2 treasurer shall be four years and until their successors are elected  
3 and qualified and assume office in accordance with RCW 29.04.170:  
4 PROVIDED, That if the offices of city attorney, clerk, and treasurer  
5 are made appointive, the city attorney, clerk, and treasurer shall not  
6 be appointed for a definite term: PROVIDED FURTHER, That the term of  
7 the elected treasurer shall not commence in the same biennium in which  
8 the term of the mayor commences, nor in which the terms of the city  
9 attorney and clerk commence if they are elected.

10      ~~((A councilman at large shall be elected biennially for a two year~~  
11 ~~term and until his or her successor is elected and qualified and~~  
12 ~~assumes office in accordance with RCW 29.04.170. Of the other six~~  
13 ~~councilmen, three shall be elected in each biennial general municipal~~  
14 ~~election for terms of four years and until their successors are elected~~  
15 ~~and qualified and assume)) Council positions shall be numbered in each~~  
16 ~~third class city so that council position seven has a two-year term of~~  
17 ~~office and council positions one through six shall each have four-year~~  
18 ~~terms of office. Each councilmember shall remain in office until a~~  
19 ~~successor is elected and qualified and assumes office in accordance~~  
20 ~~with RCW 29.04.170.~~

21      In its discretion the council of a third class city may divide the  
22 city into wards, not exceeding six, and change the ward boundaries from  
23 time to time and as provided in RCW 29.70.100. No change in the  
24 boundaries of any ward shall be made within one hundred twenty days  
25 before the date of a general municipal election, nor within twenty  
26 months after the wards have been established or altered. However, if  
27 a boundary change results in one ward being represented by more  
28 councilmembers than the number to which it is entitled, those having  
29 the shortest unexpired terms shall be assigned by the council to wards  
30 where there is a vacancy, and the councilmembers so assigned shall be  
31 deemed to be residents of the wards to which they are assigned for  
32 purposes of determining whether those positions are vacant. Whenever  
33 such city is so divided into wards, the city council shall designate by  
34 ordinance the number of councilmembers to be elected from each ward,  
35 apportioning the same in proportion to the population of the wards.  
36 Council position seven shall not be associated with a ward and the  
37 person elected to that position may reside anywhere in the city.  
38 Voters throughout the city may vote at a primary to nominate candidates  
39 for position seven when a primary is necessary. When additional

1 territory is added to the city it may by act of the council, be annexed  
2 to contiguous wards without affecting the right to redistrict at the  
3 expiration of twenty months after the last previous division. Wards  
4 shall be redrawn as provided in chapter 29.70 RCW. Wards shall be used  
5 as follows: (1) Only a resident of the ward may be a candidate for, or  
6 hold office as, a councilmember of the ward; and (2) only voters of the  
7 ward may vote at a primary to nominate candidates for a councilmember  
8 of the ward. Voters of the entire city may vote at the general  
9 election to elect a councilmember of a ward, unless the city had, prior  
10 to January 1, 1994, limited the voting in the general election for any  
11 or all council positions to only voters residing within the ward  
12 associated with the council positions. If a city had so limited the  
13 voting in the general election to only voters residing within the ward,  
14 then the city shall be authorized to continue to do so. The elections  
15 for the remaining council position or council positions that are not  
16 associated with a ward shall be conducted as if the wards did not  
17 exist.

18       **Sec. 19.** RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended  
19 to read as follows:

20       ((In cities of)) A vacancy in an elective office shall occur as  
21 provided in chapter 42.12 RCW. In addition, the council of a third  
22 class city may declare a council position vacant if ((a member of the  
23 city council absents himself)) that councilmember is absent for three  
24 consecutive regular meetings ((thereof, unless by)) without the  
25 permission of the council((, his office may be declared vacant by the  
26 council.

27       Vacancies in the city council or in the office of mayor shall be  
28 filled by majority vote of the council)).

29       A vacancy in an elective office shall be filled as provided in  
30 chapter 42.12 RCW and vacancies in offices other than that of mayor or  
31 city ((councilman)) councilmember shall be filled by appointment of the  
32 mayor.

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

36       If there is a temporary vacancy in an appointive office due to  
37 illness, absence from the city or other temporary inability to act, the

1 mayor may appoint a temporary appointee to exercise the duties of the  
2 office until the temporary disability of the incumbent is removed.

3       **Sec. 20.** RCW 35.24.290 and 1993 c 83 s 6 are each amended to read  
4 as follows:

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

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

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

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

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

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

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

37          (7) To license, for the purposes of regulation and revenue, all and  
38 every kind of business authorized by law, and transacted and carried on

1 in such city, and all shows, exhibitions and lawful games carried on  
2 therein and within one mile of the corporate limits thereof, to fix the  
3 rate of license tax upon the same, and to provide for the collection of  
4 the same by suit or otherwise;

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

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

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

28 (11) ((In its discretion to divide the city by ordinance, into a  
29 convenient number of wards, not exceeding six, to fix the boundaries  
30 thereof, and to change the same from time to time: PROVIDED, That no  
31 change in the boundaries of any ward shall be made within sixty days  
32 next before the date of a general municipal election, nor within twenty  
33 months after the wards have been established or altered. Whenever such  
34 city is so divided into wards, the city council shall designate by  
35 ordinance the number of councilmen to be elected from each ward,  
36 apportioning the same in proportion to the population of the wards.  
37 Thereafter the councilmen so designated shall be elected by the  
38 qualified electors resident in such ward, or by general vote of the  
39 whole city as may be designated in such ordinance. When additional

1 territory is added to the city it may by act of the council, be annexed  
2 to contiguous wards without affecting the right to redistrict at the  
3 expiration of twenty months after last previous division. The removal  
4 of a councilman from the ward for which he was elected shall create a  
5 vacancy in such office;

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

15 ((+13)) (12) To establish fire limits, with proper regulations;

16 ((+14)) (13) To establish and maintain a free public library;

17 ((+15)) (14) To establish and regulate public markets and market  
18 places;

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

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

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

1       **Sec. 21.** RCW 35.27.140 and 1965 c 7 s 35.27.140 are each amended  
2 to read as follows:

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

10      A vacancy in an elective office shall be filled as provided in  
11 chapter 42.12 RCW and a vacancy in any other office shall be filled by  
12 appointment by the mayor. ((An appointee filling the vacancy in an  
13 elective office shall hold office only until the next general election  
14 at which time a person shall be elected to serve for the remainder of  
15 the unexpired term except that the person appointed to fill a vacancy  
16 in the office of mayor shall serve for the unexpired term.))

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

19       At the same election at which the proposition is submitted to the  
20 voters as to whether a metropolitan park district is to be formed, five  
21 park commissioners shall be elected ~~((to hold office respectively for~~  
22 ~~the following terms: Where the election is held in an odd numbered~~  
23 ~~year, one commissioner shall be elected to hold office for two years,~~  
24 ~~two shall be elected to hold office for four years, and two shall be~~  
25 ~~elected to hold office for six years. Where the election is held in an~~  
26 ~~even numbered year, one commissioner shall hold office for three years,~~  
27 ~~two shall hold office for five years, and two shall hold office for~~  
28 ~~seven years)). The election of park commissioners shall be null and~~  
29 ~~void if the metropolitan park district is not created. Candidates~~  
30 ~~shall run for specific commission positions. No primary shall be held~~  
31 ~~to nominate candidates. The person receiving the greatest number of~~  
32 ~~votes for each position shall be elected as a commissioner. The~~  
33 ~~staggering of the terms of office shall occur as follows: (1) The two~~  
34 ~~persons who are elected receiving the two greatest numbers of votes~~  
35 ~~shall be elected to six-year terms of office if the election is held in~~  
36 ~~an odd-numbered year or five-year terms of office if the election is~~  
37 ~~held in an even-numbered year; (2) the two persons who are elected~~  
38 ~~receiving the next two greatest numbers of votes shall be elected to~~

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

18       **Sec. 23.** RCW 35A.01.070 and 1979 ex.s. c 18 s 1 are each amended  
19   to read as follows:

20       Where used in this title with reference to procedures established  
21   by this title in regard to a change of plan or classification of  
22   government, unless a different meaning is plainly required by the  
23   context:

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

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

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

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

35       (5) "Plan of government" means ((either the)) a mayor-council form  
36   of government under chapter 35A.12 RCW, council-manager form of  
37   government under chapter 35A.13 RCW, or a mayor-council, council-  
38   manager, or commission form of government in general that is retained

1    by a noncharter code city as provided in RCW 35A.02.130, without regard  
2    to variations in the number of elective offices or whether officers are  
3    elective or appointive.

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

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

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

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

20            **Sec. 24.** RCW 35A.02.050 and 1979 ex.s. c 18 s 7 are each amended  
21    to read as follows:

22            The first election of officers where required for reorganization  
23    under a different general plan of government newly adopted in a manner  
24    provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or 35A.06.060((, as  
25    now or hereafter amended,)) shall be at the next general municipal  
26    election if one is to be held more than ninety days but not more than  
27    one hundred and eighty days after certification of a reorganization  
28    ordinance or resolution, or otherwise at a special election to be held  
29    for that purpose in accordance with RCW 29.13.020. In the event that  
30    the first election of officers ((as herein provided)) is to be held at  
31    a general municipal election, such election shall be preceded by a  
32    primary election pursuant to RCW 29.21.010 and 29.13.070. In the event  
33    that the first election of all officers ((as herein provided)) is to be  
34    held at a special election rather than at a general election, and  
35    notwithstanding any provisions of any other law to the contrary, such  
36    special election shall be preceded by a primary election to be held on  
37    a date authorized by RCW 29.13.010, and the persons nominated at that  
38    primary election shall be voted upon at the next succeeding special

1 election that is authorized by RCW 29.13.010: PROVIDED, That in the  
2 event the ordinances calling for reclassification or reclassification  
3 and reorganization under the provisions of Title 35A RCW have been  
4 filed with the secretary of state pursuant to RCW 35A.02.040 in an  
5 even-numbered year at least ninety days prior to a state general  
6 election then the election of new officers shall be concurrent with the  
7 state primary and general election and shall be conducted as set forth  
8 in ((chapter 35A.29 RCW)) general election law.

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

1 councilmember and mayor in a city with a mayor-council plan of  
2 government shall serve until a successor is elected and qualified and  
3 assumes office as provided in RCW 29.04.170.

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

11       **Sec. 25.** RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130 are each  
12 amended to read as follows:

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

27       **Sec. 26.** RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each  
28 amended to read as follows:

29       The classifications of municipalities which existed prior to the  
30 time this title goes into effect--first class city, second class city,  
31 third class ((and fourth class)) city, town, and unclassified city--and  
32 the restrictions, limitations, duties, and obligations specifically  
33 imposed by law upon such classes of cities and towns, shall have no  
34 application to noncharter code cities, but every noncharter code city,  
35 by adopting such classification, has elected to be governed by the  
36 provisions of this title, with the powers granted hereby. However, any  
37 code city that retains its old plan of government is subject to the

1   laws applicable to that old plan of government until the city changes  
2   its plan of government to the provisions of either chapter 35A.12 or  
3   35A.13 RCW.

4       **Sec. 27.** RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended  
5   to read as follows:

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

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

31       **Sec. 28.** RCW 35A.06.050 and 1979 ex.s. c 18 s 15 are each amended  
32   to read as follows:

33       The proposal for abandonment of a plan of government as authorized  
34   in RCW 35A.06.030 and for adoption of the plan named in the resolution  
35   or petition shall be voted upon at the next general municipal election  
36   if one is to be held within one hundred and eighty days or otherwise at  
37   a special election called for that purpose in accordance with RCW

1 29.13.020. The ballot title and statement of the proposition shall be  
2 prepared by the city attorney as provided in RCW 29.27.060 and  
3 35A.29.120((, as now or hereafter amended. If the plan proposed in the  
4 petition is not a plan authorized for noncharter code cities by this  
5 title, the ballot statement shall clearly set forth that adoption of  
6 such plan by the voters would require abandonment of the classification  
7 of noncharter code city and that government would be under the general  
8 law relating to cities of the class specified in the resolution or  
9 petition. If the plan proposed in the petition is a plan authorized  
10 for noncharter code cities the ballot statement shall clearly set forth  
11 that adoption of such plan by the voters would not affect the  
12 eligibility of the noncharter code city to be governed under this  
13 optional municipal code)).

14       **Sec. 29.** RCW 35A.12.010 and 1985 c 106 s 1 are each amended to  
15 read as follows:

16       The government of any noncharter code city or charter code city  
17 electing to adopt the mayor-council plan of government authorized by  
18 this chapter shall be vested in an elected mayor and an elected  
19 council. The council of a noncharter code city having less than  
20 twenty-five hundred inhabitants shall consist of five members; when  
21 there are twenty-five hundred or more inhabitants, the council shall  
22 consist of seven members((: PROVIDED, That)). If the population of a  
23 city after having become a code city decreases from twenty-five hundred  
24 or more to less than twenty-five hundred, it shall continue to have a  
25 seven member council. If, after a city has become a mayor-council code  
26 city, its population increases to twenty-five hundred or more  
27 inhabitants, the number of councilmanic offices in such city may  
28 increase from five to seven members upon the affirmative vote of a  
29 majority of the existing council to increase the number of councilmanic  
30 offices in the city. When the population of a mayor-council code city  
31 having five councilmanic offices increases to five thousand or more  
32 inhabitants, the number of councilmanic offices in the city shall  
33 increase from five to seven members. In the event of an increase in  
34 the number of councilmanic offices, the city council shall, by majority  
35 vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these  
36 offices until the next municipal general election, at which election  
37 one person shall be elected for a two-year term and one person shall be  
38 elected for a four-year term. The number of inhabitants shall be

1 determined by the most recent official state or federal census or  
2 determination by the state office of financial management. A charter  
3 adopted under the provisions of this title, incorporating the mayor-  
4 council plan of government set forth in this chapter, may provide for  
5 an uneven number of ((councilmen)) councilmembers not exceeding eleven.

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

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

21 **Sec. 30.** RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended  
22 to read as follows:

23 Officers shall be elected at biennial municipal elections to be  
24 conducted as provided in chapter 35A.29 RCW. The mayor and the  
25 ((councilmen)) councilmembers shall be elected for four-year terms of  
26 office and until their successors are elected and qualified((; except  
27 that at any first election three councilmen in cities having seven  
28 councilmen, and two councilmen in cities having five councilmen, shall  
29 be elected for two year terms and the remaining councilmen shall be  
30 elected for four year terms)) and assume office in accordance with RCW  
31 29.04.170. At any first election upon reorganization, councilmembers  
32 shall be elected as provided in RCW 35A.02.050. Thereafter the  
33 requisite number of ((councilmen)) councilmembers shall be elected  
34 biennially as the terms of their predecessors expire and shall serve  
35 for terms of four years. The positions to be filled on the city  
36 council shall be designated by consecutive numbers and shall be dealt  
37 with as separate offices for all election purposes((, as provided in  
38 RCW 35A.29.105. In any city which holds its first election under this

1 title in the calendar year 1970, candidates elected for two year terms  
2 shall hold office until their successors are elected and qualified at  
3 the general municipal election to be held in November, 1973 and  
4 candidates elected for four year terms shall hold office until their  
5 successors are elected and qualified at the general municipal election  
6 to be held in November, 1975)). Election to positions on the council  
7 shall be by majority vote from the city at large, unless provision is  
8 made by charter or ordinance for election by wards. ((The city council  
9 shall be the judge of the qualifications of its members and determine  
10 contested elections of city officers, subject to review by certiorari  
11 as provided by law.)) The mayor and ((councilmen)) councilmembers  
12 shall qualify by taking an oath or affirmation of office and as may be  
13 provided by law, charter, or ordinance.

14 **Sec. 31.** RCW 35A.12.050 and 1967 ex.s. c 119 s 35A.12.050 are each  
15 amended to read as follows:

16 The office of a mayor or ((councilman)) councilmember shall become  
17 vacant (1) if ((he)) the person who is elected or appointed to that  
18 position (a) fails to qualify as provided by law ((or)), (b) fails to  
19 enter upon ((his)) the duties of that office at the time fixed by law  
20 without a justifiable reason, ((upon his death, resignation, removal  
21 from office by recall as provided by law, or when his office is  
22 forfeited)) or (c) in the case of a council position, if the  
23 councilmember fails to attend three consecutive regular meetings of the  
24 council without being excused by the council; or (2) as provided in RCW  
25 ((35A.12.060)) 42.12.010. A vacancy in the office of mayor or in the  
26 council shall be filled ((for the remainder of the unexpired term, if  
27 any, at the next regular municipal election but the council, or the  
28 remaining members thereof, by majority vote shall appoint a qualified  
29 person to fill the vacancy until the person elected to serve the  
30 remainder of the unexpired term takes office. If at any time the  
31 membership of the council is reduced below the number required for a  
32 quorum, the remaining members, nevertheless, by majority action may  
33 appoint additional members to fill the vacancies until persons are  
34 elected to serve the remainder of the unexpired terms. If, after  
35 thirty days have passed since the occurrence of a vacancy, the council  
36 are unable to agree upon a person to be appointed to fill a vacancy in  
37 the council, the mayor may make the appointment from among the persons  
38 nominated by members of the council)) as provided in chapter 42.12 RCW.

1       **Sec. 32.** RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each  
2 amended to read as follows:

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

22       Wards shall be redrawn as provided in chapter 29.70 RCW. Wards  
23 shall be used as follows: (a) Only a resident of the ward may be a  
24 candidate for, or hold office as, a councilmember of the ward; and (b)  
25 only voters of the ward may vote at a primary to nominate candidates  
26 for a councilmember of the ward. Voters of the entire city may vote at  
27 the general election to elect a councilmember of a ward, unless the  
28 city had prior to January 1, 1994, limited the voting in the general  
29 election for any or all council positions to only voters residing  
30 within the ward associated with the council positions. If a city had  
31 so limited the voting in the general election to only voters residing  
32 within the ward, then the city shall be authorized to continue to do  
33 so.

34       (2) If on the effective date of this section or thereafter, a ward  
35 represented by more than one councilmember does not have at least one  
36 councilmember elected to office at each municipal election, then the  
37 council may change the terms of or renumber councilmember positions to  
38 be filled at the next general election if necessary, so that at least  
39 one councilmember within the ward is elected to office at each

1 municipal general election, and the city complies with RCW 35A.12.040.  
2 The council shall determine by lot which councilmember positions shall  
3 be renumbered or terms changed prior to the date for filing  
4 declarations of candidacy for election to councilmember positions.

5       **Sec. 33.** RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read  
6 as follows:

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

1 chapter may provide for an uneven number of ((councilmen))  
2 councilmembers not exceeding eleven.

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

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

18 **Sec. 34.** RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each  
19 amended to read as follows:

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

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

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

21       **Sec. 36.** RCW 35A.15.040 and 1967 ex.s. c 119 s 35A.15.040 are each  
22 amended to read as follows:

23       ((The election shall be conducted and the returns canvassed as  
24 provided in chapter 35A.29 RCW.)) Ballot titles shall be prepared by  
25 the city as provided in RCW 35A.29.120 and shall contain the words "For  
26 Dissolution" and "Against Dissolution", and shall contain on separate  
27 lines, alphabetically, the names of candidates for receiver. If a  
28 majority of the votes cast on the proposition are for dissolution, the  
29 municipal corporation shall be dissolved upon certification of the  
30 election results to the office of the secretary of state.

31       **Sec. 37.** RCW 35A.16.030 and 1967 ex.s. c 119 s 35A.16.030 are each  
32 amended to read as follows:

33       ((The election returns shall be canvassed as provided in RCW  
34 35A.29.070 and)) If three-fifths of the votes cast on the proposition  
35 favor the reduction of the corporate limits, the ((legislative body, by  
36 an order entered on its minutes, shall direct the clerk to)) county

1    auditor shall make and transmit to the office of the secretary of state  
2    a certified abstract of the vote.

3        **Sec. 38.** RCW 36.69.020 and 1969 c 26 s 2 are each amended to read  
4    as follows:

5        The formation of a park and recreation district shall be initiated  
6    by a petition designating the boundaries thereof by metes and bounds,  
7    or by describing the land to be included therein by townships, ranges  
8    and legal subdivisions. Such petition shall set forth the object of  
9    the district and state that it will be conducive to the public welfare  
10   and convenience, and that it will be a benefit to the area therein.  
11   Such petition shall be signed by not less than fifteen percent of the  
12   registered voters residing within the area so described. ((No person  
13   signing the petition may withdraw his name therefrom after filing.))  
14   The name of a person who has signed the petition may not be withdrawn  
15   from the petition after the petition has been filed.

16       The petition shall be filed with the auditor of the county within  
17   which the proposed district is located, accompanied by an obligation  
18   signed by two or more petitioners, agreeing to pay the cost of the  
19   publication of the notice provided for in RCW 36.69.040. The county  
20   auditor shall, within thirty days from the date of filing the petition,  
21   examine the signatures and certify to the sufficiency or insufficiency  
22   thereof((; and for that purpose shall have access to all registration  
23   books or records in the possession of the registration officers of the  
24   election precincts included, in whole or in part, within the proposed  
25   district. Such books and records shall be prima facie evidence of the  
26   truth of the certificate)).

27       If the petition is found to contain a sufficient number of  
28   signatures of qualified persons, the auditor shall transmit it,  
29   together with ((his)) a certificate of sufficiency attached thereto, to  
30   the county ((commissioners who)) legislative authority, which shall by  
31   resolution entered upon ((their)) its minutes(=) receive it and fix  
32   a day and hour when ((they)) the legislative authority will publicly  
33   hear the petition, as provided in RCW 36.69.040.

34       **Sec. 39.** RCW 36.69.070 and 1979 ex.s. c 126 s 28 are each amended  
35   to read as follows:

36       ((All elections pursuant to this chapter shall be conducted in  
37   accordance with the provisions of chapter 29.13 RCW for district

1    elections.)) A ballot proposition authorizing the formation of the  
2    proposed park and recreation district shall be submitted to the voters  
3    of the proposed district for their approval or rejection at the next  
4    general state election occurring sixty or more days after the county  
5    legislative authority fixes the boundaries of the proposed district.  
6    Notices of the election for the formation of the park and recreation  
7    district shall state generally and briefly the purpose thereof and  
8    shall give the boundaries of the proposed district((, define the  
9    election precincts, designate the polling place of each, give the names  
10   ~~of the five nominated park and recreation commissioner candidates of~~  
11   ~~the proposed district,))~~ and name the day of the election and the hours  
12   during which the polls will be open. The proposition to be submitted  
13   to the voters shall be stated in such manner that the voters may  
14   indicate yes or no upon the proposition of forming the proposed park  
15   and recreation district. ((The ballot shall be so arranged that voters  
16   may vote for the five nominated candidates or may write in the names of  
17   other candidates.))

18       The initial park and recreation commissioners shall be elected at  
19   the same election, but this election shall be null and void if the  
20   district is not authorized to be formed. No primary shall be held to  
21   nominate candidates for the initial commissioner positions. Candidates  
22   shall run for specific commission positions. A special filing period  
23   shall be opened as provided in RCW 29.15.170 and 29.15.180. The person  
24   who receives the greatest number of votes for each commission position  
25   shall be elected to that position. The three persons who are elected  
26   receiving the greatest number of votes shall be elected to four-year  
27   terms of office if the election is held in an odd-numbered year or  
28   three-year terms of office if the election is held in an even-numbered  
29   year. The other two persons who are elected shall be elected to two-  
30   year terms of office if the election is held in an odd-numbered year or  
31   one-year terms of office if the election is held in an even-numbered  
32   year. The initial commissioners shall take office immediately upon  
33   being elected and qualified, but the length of such terms shall be  
34   computed from the first day of January in the year following this  
35   election.

36       **Sec. 40.** RCW 36.69.080 and 1979 ex.s. c 126 s 29 are each amended  
37   to read as follows:

1       If a majority of all votes cast upon the proposition favors the  
2 formation of the district, (({the})) the county legislative authority  
3 shall(([,])), by resolution, declare the territory organized as a park  
4 and recreation district under the designated name ((theretofore  
5 designated, and shall declare the candidate from each subdivision  
6 receiving the highest number of votes for park and recreation  
7 commissioner the duly elected first park and recreation commissioner of  
8 the subdivision of the district. These initial park and recreation  
9 commissioners shall take office immediately upon their election and  
10 qualification and hold office until their successors are elected and  
11 qualified and assume office as provided in RCW 36.69.090 as now or  
12 hereafter amended)).

13       **Sec. 41.** RCW 36.69.090 and 1987 c 53 s 1 are each amended to read  
14 as follows:

15       A park and recreation district shall be governed by a board of five  
16 commissioners. Except for the initial commissioners, all commissioners  
17 shall be elected to staggered four-year terms of office and shall serve  
18 until their successors are elected and qualified and assume office in  
19 accordance with RCW 29.04.170. Candidates shall run for specific  
20 commissioner positions.

21       Elections for park and recreation district commissioners shall be  
22 held biennially in conjunction with the general election in each odd-  
23 numbered year. ((Residence anywhere within the district shall qualify  
24 an elector for any position on the commission after the initial  
25 election.)) Elections shall be held in accordance with the provisions  
26 of Title 29 RCW dealing with general elections. ((All commissioners  
27 shall serve until their successors are elected and qualified and assume  
28 office in accordance with RCW 29.04.170. At the first election  
29 following the formation of the district, the two candidates receiving  
30 the highest number of votes shall serve for terms of four years, and  
31 the three candidates receiving the next highest number of votes shall  
32 serve for two years. Thereafter all commissioners shall be elected for  
33 four year terms: PROVIDED, That if there would otherwise be two  
34 commissioners elected at the November 1987 general election, the  
35 candidate receiving the highest number of votes shall serve a four year  
36 term, and the commissioner receiving the second highest number of votes  
37 shall serve a two year term.))

1       **Sec. 42.** RCW 36.69.100 and 1963 c 4 s 36.69.100 are each amended  
2 to read as follows:

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

6       **Sec. 43.** RCW 36.69.440 and 1979 ex.s. c 11 s 3 are each amended to  
7 read as follows:

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

12         (2) At the public hearing the legislative authority ((for each  
13 authority)) for each county shall fix the boundaries for that portion  
14 of the proposed park and recreation district that lies within the  
15 county as provided in RCW 36.69.050. Each county shall notify the  
16 other county or counties of the determination of the boundaries within  
17 ten days.

18         (3) If the territories created by the county legislative  
19 authorities are not contiguous, a joint park and recreation district  
20 shall not be formed. If the territories are contiguous, the county  
21 containing the portion of the proposed joint district having the larger  
22 population shall determine the name of the proposed joint district.

23         ((If the proposed district encompasses portions of two  
24 counties, the county containing the portion of the district having the  
25 larger population shall divide the territory into three subdivisions  
26 and shall name three resident electors as prescribed by RCW 36.69.060.  
27 The county containing the territory having the smaller population shall  
28 divide that territory into two subdivisions and name two resident  
29 electors.

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

33         The number of subdivisions and resident electors to be established  
34 by each county shall reflect the proportion of population within each  
35 county portion of the proposed district in relation to the total  
36 population of the proposed district, provided that each county shall  
37 designate one subdivision and one resident elector.

1       (6))) The proposition for the formation of the proposed joint park  
2 and recreation district shall be submitted to the voters of the  
3 district at the next general election, which election shall be  
4 conducted as required by RCW 36.69.070 and 36.69.080.

5       **Sec. 44.** RCW 52.14.010 and 1985 c 330 s 2 are each amended to read  
6 as follows:

7       The affairs of the district shall be managed by a board of fire  
8 commissioners composed of three ((resident electors of)) registered  
9 voters residing in the district except as provided in RCW 52.14.015 and  
10 52.14.020. Each member shall each receive fifty dollars per day or  
11 portion thereof, not to exceed four thousand eight hundred dollars per  
12 year, for attendance at board meetings and for performance of other  
13 services in behalf of the district.

14      In addition, they shall receive necessary expenses incurred in  
15 attending meetings of the board or when otherwise engaged in district  
16 business, and shall be entitled to receive the same insurance available  
17 to all ((firemen)) fire fighters of the district: PROVIDED, That the  
18 premiums for such insurance, except liability insurance, shall be paid  
19 by the individual commissioners who elect to receive it.

20      Any commissioner may waive all or any portion of his or her  
21 compensation payable under this section as to any month or months  
22 during his or her term of office, by a written waiver filed with the  
23 secretary as provided in this section. The waiver, to be effective,  
24 must be filed any time after the commissioner's election and prior to  
25 the date on which ((said)) the compensation would otherwise be paid.  
26 The waiver shall specify the month or period of months for which it is  
27 made.

28      The board shall fix the compensation to be paid the secretary and  
29 all other agents and employees of the district. The board may, by  
30 resolution adopted by unanimous vote, authorize any of its members to  
31 serve as volunteer ((firemen)) fire fighters without compensation. A  
32 commissioner actually serving as a volunteer ((fireman)) fire fighter  
33 may enjoy the rights and benefits of a volunteer ((fireman)) fire  
34 fighter. ((The first commissioners shall take office immediately when  
35 qualified in accordance with RCW 29.01.135 and shall serve until after  
36 the next general election for the selection of commissioners and until  
37 their successors have been elected and have qualified and have assumed  
38 office in accordance with RCW 29.04.170.))

1       **Sec. 45.** RCW 52.14.015 and 1990 c 259 s 14 are each amended to  
2 read as follows:

3       In the event a three member board of commissioners of any fire  
4 protection district determines by resolution ((and approves by  
5 unanimous vote of the board)) that it would be in the best interest of  
6 the district to increase the number of commissioners from three to  
7 five, or in the event the board is presented with a petition signed by  
8 ten percent of the registered voters resident within the district who  
9 voted in the last general municipal election calling for such an  
10 increase in the number of commissioners of the district, the board  
11 shall submit a resolution to the county legislative authority or  
12 authorities of the county or counties in which the district is located  
13 requesting that an election be held. Upon receipt of the resolution,  
14 the legislative authority or authorities of the county or counties  
15 shall call a special election to be held within the fire protection  
16 district at which election the following proposition shall be submitted  
17 to the voters substantially as follows:

18       Shall the board of commissioners of . . . . . county fire  
19 protection district no. . . . . be increased from three members to  
20 five members?

21                                                                                          Yes . . . . .  
22                                                                                                  No . . . . .

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

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

29       **Sec. 46.** RCW 52.14.030 and 1984 c 230 s 31 are each amended to  
30 read as follows:

31       ((The polling places for district elections shall be those of the  
32 county voting precincts which include any of the territory within the  
33 fire protection districts. District elections)) The polling places for  
34 a fire protection district election may be located inside or outside  
35 the boundaries of the district ((and)), as determined by the auditor of

1   the county in which the fire protection district is located, and the  
2   elections of the fire protection district shall not be held to be  
3   irregular or void on that account.

4       **Sec. 47.** RCW 52.14.050 and 1989 c 63 s 21 are each amended to read  
5   as follows:

6       ((In the event of a vacancy occurring in the office of fire  
7   commissioner, the vacancy shall, within sixty days, be filled by  
8   appointment of a resident elector of the district by a vote of the  
9   remaining fire commissioners. If the board of commissioners fails to  
10   fill the vacancy within the sixty day period, the county legislative  
11   authority of the county in which all, or the largest portion, of the  
12   district is located shall make the appointment. If the number of  
13   vacancies is such that there is not a majority of the full number of  
14   commissioners in office as fixed by law, the county legislative  
15   authority of the county in which all, or the largest portion, of the  
16   district is located shall appoint someone to fill each vacancy, within  
17   thirty days of each vacancy, that is sufficient to create a majority as  
18   prescribed by law.)

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

24       Vacancies on a board of fire commissioners shall occur as provided  
25   in chapter 42.12 RCW. In addition, if a fire commissioner is absent  
26   from the district for three consecutive regularly scheduled meetings  
27   unless by permission of the board, the office shall be declared vacant  
28   by the board of commissioners ((and the vacancy shall be filled as  
29   provided for in this section)). However, such an action shall not be  
30   taken unless the commissioner is notified by mail after two consecutive  
31   unexcused absences that the position will be declared vacant if the  
32   commissioner is absent without being excused from the next regularly  
33   scheduled meeting. Vacancies ((additionally shall occur)) on a board  
34   of fire commissioners shall be filled as provided in chapter 42.12 RCW.

35       **Sec. 48.** RCW 52.14.060 and 1989 c 63 s 22 are each amended to read  
36   as follows:

1       The initial three members of the board of fire commissioners shall  
2 be elected at the same election as when the ballot proposition is  
3 submitted to the voters authorizing the creation of the fire protection  
4 district. If the district is not authorized to be created, the  
5 election of the initial fire commissioners shall be null and void. If  
6 the district is authorized to be created, the initial fire  
7 commissioners shall take office immediately when qualified. Candidates  
8 shall file for each of the three separate fire commissioner positions.  
9 Elections shall be held as provided in chapter 29.21 RCW, with the  
10 county auditor opening up a special filing period as provided in RCW  
11 ((29.21.360 and 29.21.370)) 29.15.170 and 29.15.180, as if there were  
12 a vacancy. The ((candidate for each position)) person who receives the  
13 greatest number of votes for each position shall be elected to that  
14 position. ((If the election is held in an odd numbered year, the  
15 winning candidate receiving the highest number of votes shall hold  
16 office for a term of six years, the winning candidate receiving the  
17 next highest number of votes shall hold office for a term of four  
18 years, and the candidate receiving the next highest number of votes  
19 shall serve for a term of two years. If the election were held in an  
20 even numbered year, the winning candidate receiving the greatest number  
21 of votes shall hold office for a term of five years, the winning  
22 candidate receiving the next highest number of votes shall hold office  
23 for a term of three years, and the winning candidate receiving the next  
24 highest number of votes shall hold office for a term of one year.)) The  
25 terms of office of the initial fire commissioners shall be staggered as  
26 follows: (1) The person who is elected receiving the greatest number  
27 of votes shall be elected to a six-year term of office if the election  
28 is held in an odd-numbered year or a five-year term of office if the  
29 election is held in an even-numbered year; (2) the person who is  
30 elected receiving the next greatest number of votes shall be elected to  
31 a four-year term of office if the election is held in an odd-numbered  
32 year or a three-year term of office if the election is held in an even-  
33 numbered year; and (3) the other person who is elected shall be elected  
34 to a two-year term of office if the election is held in an odd-numbered  
35 year or a one-year term of office if the election is held in an even-  
36 numbered year. The initial commissioners shall take office immediately  
37 when elected and qualified and their terms of office ((of the initially  
38 elected fire commissioners)) shall be calculated from the first day of  
39 January in the year following their election.

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

4       **Sec. 49.** RCW 53.12.140 and 1959 c 17 s 9 are each amended to read  
5       as follows:

6       A vacancy in the office of port commissioner shall occur ((by  
7       death, resignation, removal, conviction of a felony,) as provided in  
8       chapter 42.12 RCW or by nonattendance at meetings of the port  
9       commission for a period of sixty days unless excused by the port  
10      commission(, by any statutory disqualification, or by any permanent  
11      disability preventing the proper discharge of his duty)). A vacancy on  
12      a port commission shall be filled as provided in chapter 42.12 RCW.

13      **Sec. 50.** RCW 54.08.060 and 1979 ex.s. c 126 s 36 are each amended  
14      to read as follows:

15       Whenever a proposition for the formation of a public utility  
16       district is to be submitted to voters in any county, the county  
17       legislative authority may by resolution call a special election, and at  
18       the request of petitioners for the formation of such district contained  
19       in the petition shall do so and shall provide for holding the same at  
20       the earliest practicable time. If the boundaries of the proposed  
21       district embrace an area less than the entire county, such election  
22       shall be confined to the area so included. The notice of such election  
23       shall state the boundaries of the proposed district and the object of  
24       such election; in other respects, such election shall be held and  
25       called in the same manner as provided by law for the holding and  
26       calling of general elections: PROVIDED, That notice thereof shall be  
27       given for not less than ten days nor more than thirty days prior to  
28       such special election. In submitting the ((said)) proposition to the  
29       voters for their approval or rejection, such proposition shall be  
30       expressed on the ballots in substantially the following terms:

31       Public Utility District No. ..... YES  
32       Public Utility District No. ..... NO

33       At the same special election on the proposition to form a public  
34       utility district, there shall also be an election for three public  
35       utility district commissioners((: PROVIDED, That)). However, the

1 election of such commissioners shall be null and void if the  
2 proposition to form the public utility district does not receive  
3 approval by a majority of the voters voting on the proposition.  
4 ((Nomination for and election of public utility district commissioners  
5 shall conform with the provisions of RCW 54.12.010 as now or hereafter  
6 amended, except for the day of such election and the term of office of  
7 the original commissioners.)) No primary shall be held. A special  
8 filing period shall be opened as provided in RCW 29.15.170 and  
9 29.15.180. The person receiving the greatest number of votes for the  
10 commissioner of each commissioner district shall be elected as the  
11 commissioner of that district. Commissioner districts shall be  
12 established as provided in RCW 54.12.010. The terms of the initial  
13 commissioners shall be staggered as follows: (1) The person who is  
14 elected receiving the greatest number of votes shall be elected to a  
15 six-year term of office if the election is held in an even-numbered  
16 year or a five-year term if the election is held in an odd-numbered  
17 year; (2) the person who is elected receiving the next greatest number  
18 of votes shall be elected to a four-year term of office if the election  
19 is held in an even-numbered year or a three-year term of office if the  
20 election is held in an odd-numbered year; and (3) the other person who  
21 is elected shall be elected to a two-year term of office if the  
22 election is held in an even-numbered year or a one-year term of office  
23 if the election is held in an odd-numbered year. The commissioners  
24 first to be elected at such special election shall ((hold office from  
25 the first day of the month following the commissioners' election for  
26 the terms as specified in this section which terms shall be computed  
27 from the first day in January next following the election. If such  
28 special election was held in an even numbered year, the commissioners  
29 residing in commissioner district number one shall hold office for the  
30 term of six years, the commissioner residing in commissioner district  
31 number two shall hold office for the term of four years, and the  
32 commissioner residing in commissioner district number three shall hold  
33 office for the term of two years. If such special election was held in  
34 an odd numbered year, the commissioner residing in commissioner  
35 district number one shall hold office for the term of five years, the  
36 commissioner residing in commissioner district number two shall hold  
37 office for the term of three years, and the commissioner residing in  
38 commissioner district number three shall hold office for the term of  
39 one year)) assume office immediately when they are elected and

1 qualified, but the length of their terms of office shall be calculated  
2 from the first day in January in the year following their elections.

3 The term "general election" as used herein means biennial general  
4 elections at which state and county officers in a noncharter county are  
5 elected.

6 **Sec. 51.** RCW 54.12.010 and 1990 c 59 s 109 are each amended to  
7 read as follows:

8 ((Within ten days after such election, the county canvassing board  
9 shall canvass the returns, and if at such election a majority of the  
10 voters voting upon such proposition shall vote in favor of the  
11 formation of such district, the canvassing board shall so declare in  
12 its canvass of the returns of such election, and such public utility  
13 district shall then be and become)) A public utility district that is  
14 created as provided in RCW 54.08.010 shall be a municipal corporation  
15 of the state of Washington, and the name of such public utility  
16 district shall be Public Utility District No. . . . . of . . . . .  
17 County.

18 The powers of the public utility district shall be exercised  
19 through a commission consisting of three members in three commissioner  
20 districts, and five members in five commissioner districts.

21 When the public utility district is ((extensive with the limits  
22 of such county)) county-wide and the county has three county  
23 legislative authority districts, then, at the first election of  
24 commissioners and until any change shall have been made in the  
25 boundaries of public utility district commissioner districts, one  
26 public utility district commissioner shall be chosen from each of the  
27 three county ((commissioner)) legislative authority districts ((of the  
28 county in which the public utility district is located if the county is  
29 not operating under a "Home Rule" charter)). When the public utility  
30 district comprises only a portion of the county, with boundaries  
31 established in accordance with chapter 54.08 RCW, or when the public  
32 utility district is ((located in a county operating under a "Home Rule"  
33 charter)) county-wide and the county does not have three county  
34 legislative authority districts, three public utility district  
35 commissioner districts, numbered consecutively, ((having)) each with  
36 approximately equal population and ((boundaries,)) following ((ward  
37 and)) precinct lines, as far as practicable, shall be described in the  
38 petition for the formation of the public utility district, which shall

1 be subject to appropriate change by the county legislative authority if  
2 and when ((they)) it changes the boundaries of the proposed public  
3 utility district, and one commissioner shall be elected ((from each of  
4 said)) as a commissioner of each of the public utility district  
5 commissioner districts. ((In all five commissioner districts an  
6 additional commissioner at large shall be chosen from each of the two  
7 at large districts. No person shall be eligible to be elected to the  
8 office of public utility district commissioner for a particular  
9 district commissioner district unless he is a registered voter of the  
10 public utility district commissioner district or at large district from  
11 which he is elected.)) Commissioner districts shall be used as follows:  
12 (1) Only a registered voter who resides in a commissioner district may  
13 be a candidate for, or hold office as, a commissioner of the  
14 commissioner district; and (2) only voters of a commissioner district  
15 may vote at a primary to nominate candidates for a commissioner of the  
16 commissioner district. Voters of the entire public utility district  
17 may vote at a general election to elect a person as a commissioner of  
18 the commissioner district.

19 ((Except as otherwise provided,)) The term of office of each public  
20 utility district commissioner other than the commissioners at large  
21 shall be six years, and the term of each commissioner at large shall be  
22 four years. Each term shall be computed in accordance with RCW  
23 29.04.170 following the commissioner's election. ((One commissioner at  
24 large and one commissioner from a commissioner district shall be  
25 elected at each general election held in an even numbered year for the  
26 term of four years and six years respectively. All candidates shall be  
27 voted upon by the entire public utility district.

28 When a public utility district is formed, three public utility  
29 district commissioners shall be elected at the same election at which  
30 the proposition is submitted to the voters as to whether such public  
31 utility district shall be formed. If the general election adopting the  
32 proposition to create the public utility district was held in an even-  
33 numbered year, the commissioner residing in commissioner district  
34 number one shall hold office for the term of six years; the  
35 commissioner residing in commissioner district number two shall hold  
36 office for the term of four years; and the commissioner residing in  
37 commissioner district number three shall hold office for the term of  
38 two years. If the general election adopting the proposition to create  
39 the public utility district was held in an odd numbered year, the

1 commissioner residing in commissioner district number one shall hold  
2 office for the term of five years, the commissioner in district two  
3 shall hold office for the term of three years, and the commissioner in  
4 district three shall hold office for the term of one year. The  
5 commissioners first to be elected as above provided shall hold office  
6 from the first day of the month following the commissioners' election  
7 and their respective terms of office shall be computed from the first  
8 day of January next following the election.))

9 All public utility district commissioners shall hold office until  
10 their successors shall have been elected and have qualified and assume  
11 office in accordance with RCW 29.04.170. ((A filing for nomination for  
12 public utility district commissioner shall be accompanied by a petition  
13 signed by one hundred registered voters of the public utility district  
14 which shall be certified by the county auditor to contain the required  
15 number of registered voters, and shall otherwise be filed in accord  
16 with the requirements of Title 29 RCW. At the time of filing such  
17 nominating petition, the person so nominated shall execute and file a  
18 declaration of candidacy subject to the provisions of Title 29 RCW, as  
19 now or hereafter amended. The petition and each page of the petition  
20 shall state whether the nomination is for a commissioner from a  
21 particular commissioner district or for a commissioner at large and  
22 shall state the districts; otherwise it shall be void.))

23 A vacancy in the office of public utility district commissioner  
24 shall occur as provided in chapter 42.12 RCW or by ((death,  
25 resignation, removal, conviction of a felony,)) nonattendance at  
26 meetings of the public utility district commission for a period of  
27 sixty days unless excused by the public utility district commission((,-  
28 by any statutory disqualification, or by any permanent disability  
29 preventing the proper discharge of his duty. In the event of a vacancy  
30 in said office, such vacancy shall be filled at the next general  
31 election held in an even numbered year, the vacancy in the interim to  
32 be filled by appointment by the remaining commissioners. If more than  
33 one vacancy exists at the same time in a three commissioner district,  
34 or more than two in a five commissioner district, a special election  
35 shall be called by the county canvassing board upon the request of the  
36 remainder, or, that failing, by the county election board, such  
37 election to be held not more than forty days after the occurring of  
38 such vacancies.

1       A majority of the persons holding the office of public utility  
2 district commissioner at any time shall constitute a quorum of the  
3 commission for the transaction of business, and the concurrence of a  
4 majority of the persons holding such office at the time shall be  
5 necessary and shall be sufficient for the passage of any resolution,  
6 but no business shall be transacted, except in usual and ordinary  
7 course, unless there are in office at least a majority of the full  
8 number of commissioners fixed by law)). Vacancies on a board of public  
9 utility district commissioners shall be filled as provided in chapter  
10 42.12 RCW.

11       The boundaries of the public utility district ((commissioners'))  
12 commissioner districts may be changed only by the public utility  
13 district commission, and shall be examined every ten years to determine  
14 substantial equality of population in accordance with chapter 29.70  
15 RCW, but ((said)) the boundaries shall not be changed oftener than once  
16 in four years, and only when all members of the commission are present.  
17 Whenever territory is added to a public utility district under RCW  
18 54.04.035, the boundaries of the public utility ((commissioners'))  
19 commissioner districts shall be changed to include such additional  
20 territory. The proposed change of the boundaries of the public utility  
21 district ((commissioners')) commissioner district must be made by  
22 resolution and after public hearing. Notice of the time of a public  
23 hearing thereon shall be published for two weeks prior thereto. Upon  
24 a referendum petition signed by ten percent of the qualified voters of  
25 the public utility district being filed with the county auditor, the  
26 county legislative authority shall submit such proposed change of  
27 boundaries to the voters of the public utility district for their  
28 approval or rejection. Such petition must be filed within ninety days  
29 after the adoption of resolution of the proposed action. The validity  
30 of ((said)) the petition shall be governed by the provisions of chapter  
31 54.08 RCW.

32       **Sec. 52.** RCW 54.40.070 and 1977 ex.s. c 36 s 7 are each amended to  
33 read as follows:

34       Within thirty days after the public utility district commission  
35 shall divide the district into two at large districts, the county  
36 legislative authority shall call a special election, to be held at the  
37 next scheduled special election called pursuant to RCW 29.13.010, or  
38 not more than ninety days after such call, at which time the initial

1 commissioners to such at large districts shall be elected((-,)). No  
2 primary shall be held and a special filing period shall be opened as  
3 provided in RCW 29.15.170 and 29.15.180. The person receiving the  
4 greatest number of votes for each position shall be elected.

5       The person who is elected receiving the ((largest)) greatest number  
6 of votes ((to serve for four years)) shall be elected to a four-year  
7 term of office, and the other person ((receiving the next largest  
8 number of votes to serve an initial term of two years)) who is elected  
9 shall be elected to a two-year term of office, if the election is held  
10 in an even-numbered year, or the person who is elected receiving the  
11 greatest number of votes shall be elected to a three-year term of  
12 office, and the other person who is elected shall be elected to a one-  
13 year term of office, if the election is held in an odd-numbered year.  
14 The length of these terms of office shall be calculated from the first  
15 day in January in the year following their elections.

16       The newly elected commissioners shall assume office immediately  
17 after being elected and qualified and shall serve until their  
18 successors are elected and qualified and assume office in accordance  
19 with RCW 29.04.170. Each successor shall be elected to a four-year  
20 term of office.

21       **Sec. 53.** RCW 56.12.020 and 1979 ex.s. c 126 s 38 are each amended  
22 to read as follows:

23       At the election held to form or reorganize a sewer district,  
24 ((there shall be elected three commissioners who shall assume office  
25 immediately when qualified in accordance with RCW 29.01.135 to hold  
26 office for terms of two, four, and six years respectively, and until  
27 their successors are elected and qualified and assume office in  
28 accordance with RCW 29.04.170.

29       The term of each nominee shall be expressed on the ballot and shall  
30 be computed from the first day of January next following if the initial  
31 election of the sewer district commissioners was in a general district  
32 election as provided in RCW 29.13.020, or from the first day of January  
33 following the first general election for sewer districts after its  
34 creation if the initial election was on a date other than a general  
35 district election. Thereafter, every two years there shall be elected  
36 a commissioner for a term of six years and until his or her successor  
37 is elected and qualified, at the general election held in the odd-  
38 numbered years, as provided in RCW 29.13.020, and conducted by the

1 county auditor and the returns shall be canvassed by the county  
2 canvassing board of election returns: PROVIDED, That each such  
3 commissioner shall assume office in accordance with RCW 29.04.170))  
4 three sewer district commissioners shall be elected. The election of  
5 sewer district commissioners shall be null and void if the ballot  
6 proposition to form or reorganize the sewer district is not approved.  
7 Candidates shall run for one of three separate commissioner positions.  
8 A special filing period shall be opened as provided in RCW 29.15.170  
9 and 29.15.180. The person receiving the greatest number of votes for  
10 each position shall be elected to that position.

11 The newly elected sewer district commissioners shall assume office  
12 immediately when they are elected and qualified. Staggering of the  
13 terms of office for the new sewer district commissioners shall be  
14 accomplished as follows: (1) The person who is elected receiving the  
15 greatest number of votes shall be elected to a six-year term of office  
16 if the election is held in an odd-numbered year or a five-year term of  
17 office if the election is held in an even-numbered year; (2) the person  
18 who is elected receiving the next greatest number of votes shall be  
19 elected to a four-year term of office if the election is held in an  
20 odd-numbered year or a three-year term of office if the election is  
21 held in an even-numbered year; and (3) the other person who is elected  
22 shall be elected to a two-year term of office if the election is held  
23 in an odd-numbered year or a one-year term of office if the election is  
24 held in an even-numbered year. The terms of office shall be calculated  
25 from the first day of January in the year following the election.

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

29 **Sec. 54.** RCW 56.12.030 and 1990 c 259 s 24 are each amended to  
30 read as follows:

31 ((1) Nominations for the first board of commissioners to be  
32 elected at the election for the formation of the sewer district shall  
33 be by petition of fifty registered voters or ten percent of the  
34 registered voters of the district who voted in the last general  
35 municipal election, whichever is the smaller. The petition shall be  
36 filed in the auditor's office of the county in which the district is  
37 located at least forty five days before the election. Thereafter  
38 candidates for the office of sewer commissioner shall file declarations

1 of candidacy and their election shall be conducted as provided by the  
2 general elections laws. A vacancy or vacancies shall be filled by  
3 appointment by the remaining commissioner or commissioners until the  
4 next regular election for commissioners: PROVIDED, That if there are  
5 two vacancies on the board, one vacancy shall be filled by appointment  
6 by the remaining commissioner and the one remaining vacancy shall be  
7 filled by appointment by the then two commissioners and the appointed  
8 commissioners shall serve until the next regular election for  
9 commissioners. If the vacancy or vacancies remain unfilled within six  
10 months of its or their occurrence, the county legislative authority in  
11 which the district is located shall make the necessary appointment or  
12 appointments. If there is a vacancy of the entire board a new board  
13 may be appointed by the county legislative authority. Any person  
14 residing in the district who is at the time of election a registered  
15 voter may vote at any election held in the sewer district.

16 (2) Subsection (1) of this section notwithstanding,)) The board of  
17 commissioners of any sewer district may ((provide by majority vote that  
18 subsequent commissioners be elected from commissioner districts)) adopt  
19 a resolution providing that each subsequent commissioner be elected as  
20 a commissioner of a commissioner district within the district. If the  
21 board exercises this option, it shall divide the district into  
22 ((three)) a number of commissioner districts ((of)) equal in number to  
23 the number of commissioners on the board, each with approximately equal  
24 population following current precinct and district boundaries as far as  
25 practicable. ((Thereafter, candidates shall be nominated and one  
26 candidate shall be elected from each commissioner district by the  
27 registered voters of the commissioner district.

28 (3) All expense of elections for the formation or reorganization of  
29 a sewer district shall be paid by the county in which the election is  
30 held and the expenditure is hereby declared to be for a county purpose,  
31 and the money paid for that purpose shall be repaid to the county by  
32 the district if formed or reorganized.)) Commissioner districts shall  
33 be used as follows: (1) Only a registered voter who resides in a  
34 commissioner district may be a candidate for, or serve as, a  
35 commissioner of the commissioner district; and (2) only voters of a  
36 commissioner district may vote at a primary to nominate candidates for  
37 a commissioner of the commissioner district. Voters of the entire  
38 sewer district may vote at a general election to elect a person as a

1    commissioner of the commissioner district. Commissioner districts  
2    shall be redrawn as provided in chapter 29.70 RCW.

3        NEW SECTION. **Sec. 55.** A new section is added to chapter 56.12 RCW  
4 to read as follows:

5            Sewer district elections shall conform with general election laws.

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

8        **Sec. 56.** RCW 57.02.050 and 1982 1st ex.s. c 17 s 5 are each  
9 amended to read as follows:

10          Whenever the boundaries or proposed boundaries of a water district  
11 include or are proposed to include by means of formation, annexation,  
12 consolidation, or merger (including merger with a sewer district)  
13 territory in more than one county, all duties delegated by Title 57 RCW  
14 to officers of the county in which the district is located shall be  
15 delegated to the officers of the county in which the largest land area  
16 of the district is located, except that elections shall be conducted  
17 pursuant to ((RCW 57.02.060, as now existing or hereafter amended))  
18 general election law, actions subject to review and approval under RCW  
19 57.02.040 and 56.02.070 shall be reviewed and approved only by the  
20 officers or boards in the county in which such actions are proposed to  
21 occur, verification of electors' signatures shall be conducted by the  
22 county election officer of the county in which such signators reside,  
23 and comprehensive plan review and approval or rejection by the  
24 respective county legislative authorities under RCW 57.16.010 shall be  
25 limited to that part of such plans within the respective counties.

26        **Sec. 57.** RCW 57.12.020 and 1990 c 259 s 30 are each amended to  
27 read as follows:

28          ((Nominations for the first board of commissioners to be elected at  
29 the election for the formation of the water district shall be by  
30 petition of at least ten percent of the registered voters of the  
31 district who voted in the last general municipal election, filed in the  
32 auditor's office of the county in which the district is located, at  
33 least forty five days prior to the election. Thereafter, candidates  
34 for the office of water commissioners shall file declarations of  
35 candidacy and their election shall be conducted as provided by the  
36 general election laws.))

1       A vacancy ((or vacancies)) on the board shall occur and shall be  
2 filled ((by appointment by the remaining commissioner or commissioners  
3 until the next regular election for commissioners: PROVIDED, That if  
4 there are two vacancies on the board, one vacancy shall be filled by  
5 appointment by the remaining commissioner and the one remaining vacancy  
6 shall be filled by appointment by the then two commissioners and the  
7 appointed commissioners shall serve until the next regular election for  
8 commissioners. If the vacancy or vacancies remain unfilled within six  
9 months of its or their occurrence, the county legislative authority in  
10 which the district is located shall make the necessary appointment or  
11 appointments. If there is a vacancy of the entire board a new board  
12 may be appointed by the county legislative authority.

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

16       **Sec. 58.**   RCW 57.12.030 and 1982 1st ex.s. c 17 s 14 are each  
17 amended to read as follows:

18       ((The general laws of the state of Washington governing the  
19 registration of voters for a general or a special city election shall  
20 govern the registration of voters for elections held under this  
21 chapter. The manner of holding any general or special election for  
22 said)) Water district elections shall be held in accordance with the  
23 general election laws of this state. ((All elections in a water  
24 district shall be conducted under RCW 57.02.060. All expenses of  
25 elections for a water district shall be paid for out of the funds of  
26 the water district: PROVIDED, That if the voters fail to approve the  
27 formation of a water district, the expenses of the formation election  
28 shall be paid by each county in which the proposed district is located,  
29 in proportion to the number of registered voters in the proposed  
30 district residing in each county.))

31       Except as in this section otherwise provided, the term of office of  
32 each water district commissioner shall be six years, such term to be  
33 computed from the first day of January following the election, and  
34 ((one commissioner shall be elected at each biennial general election,  
35 as provided in RCW 29.13.020, for the term of six years and until his  
36 or her successor is)) commissioners shall serve until their successors  
37 are elected and qualified and assume((s)) office in accordance with RCW

1 29.04.170. ((All candidates shall be voted upon by the entire water  
2 district.))

3 Three water district commissioners shall be elected at the same  
4 election at which the proposition is submitted to the voters as to  
5 whether such water district shall be formed. ((The commissioner  
6 elected in commissioner position number one shall hold office for the  
7 term of six years; the commissioner elected in commissioner position  
8 number two shall hold office for the term of four years; and the  
9 commissioner elected in commissioner position number three shall hold  
10 office for the term of two years: PROVIDED, That the members of the  
11 first commission shall take office immediately upon their election and  
12 qualification. The terms of all commissioners first to be elected  
13 shall also include the time intervening between the date that the  
14 results of their election are declared in the canvass of returns  
15 thereof and the first day of January following the next general  
16 district election as provided in RCW 29.13.020.)) The election of  
17 water district commissioners shall be null and void if the ballot  
18 proposition to form the water district is not approved. Each candidate  
19 shall run for one of three separate commissioner positions. 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 each  
22 position shall be elected to that position.

23 The newly elected water district commissioners shall assume office  
24 immediately when they are elected and qualified. Staggering of the  
25 terms of office for the new water district commissioners shall be  
26 accomplished as follows: (1) The person who is elected receiving the  
27 greatest number of votes shall be elected to a six-year term of office  
28 if the election is held in an odd-numbered year or a five-year term of  
29 office if the election is held in an even-numbered year; (2) the person  
30 who is elected receiving the next greatest number of votes shall be  
31 elected to a four-year term of office if the election is held in an  
32 odd-numbered year or a three-year term of office if the election is  
33 held in an even-numbered year; and (3) the other person who is elected  
34 shall be elected to a two-year term of office if the election is held  
35 in an odd-numbered year or a one-year term of office if the election is  
36 held in an even-numbered year. The terms of office shall be calculated  
37 from the first day of January after 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 57.12.039 and 1986 c 41 s 2 are each amended to read  
5       as follows:

6       Notwithstanding RCW 57.12.020 and 57.12.030, the board of  
7       commissioners may provide by majority vote that subsequent  
8       commissioners be elected from commissioner districts within the  
9       district. If the board exercises this option, it shall divide the  
10      district into three commissioner districts of approximately equal  
11      population following current precinct and district boundaries.  
12      ((Thereafter, candidates shall be nominated and one candidate shall be  
13      elected from each commissioner district by the electors of the  
14      commissioner district.))

15      Commissioner districts shall be used as follows: (1) Only a  
16      registered voter who resides in a commissioner district may be a  
17      candidate for, or serve as, a commissioner of the commissioner  
18      district; and (2) only voters of a commissioner district may vote at a  
19      primary to nominate candidates for a commissioner of the commissioner  
20      district. Voters of the entire water district may vote at a general  
21      election to elect a person as a commissioner of the commissioner  
22      district. Commissioner districts shall be redrawn as provided in  
23      chapter 29.70 RCW.

24       **Sec. 60.** RCW 57.32.022 and 1982 1st ex.s. c 17 s 31 are each  
25       amended to read as follows:

26       The respective boards of water commissioners of the consolidating  
27       districts shall certify the agreement to the county election officer of  
28       each county in which the districts are located. A special election  
29       shall be called by the county election officer ((under RCW 57.02.060))  
30       for the purpose of submitting to the voters of each of the  
31       consolidating districts the proposition of whether or not the several  
32       districts shall be consolidated into one water district. The  
33       proposition shall give the title of the proposed consolidated district.  
34       Notice of the election shall be given and the election conducted in  
35       accordance with the general election laws.

1       **Sec. 61.**   RCW 57.32.023 and 1982 1st ex.s. c 17 s 32 are each  
2 amended to read as follows:

3       If at the election a majority of the voters in each of the  
4 consolidating districts vote in favor of the consolidation, the county  
5 canvassing board shall so declare in its canvass ((under RCW  
6 57.02.060)) and the return of such election shall be made within ten  
7 days after the date thereof. Upon the return the consolidation shall  
8 be effective and the consolidating districts shall cease to exist and  
9 shall then be and become a new water district and municipal corporation  
10 of the state of Washington. The name of such new water district shall  
11 be "Water District No. ....", which shall be the name appearing on the  
12 ballot. The district shall have all and every power, right, and  
13 privilege possessed by other water districts of the state of  
14 Washington. The district may issue revenue bonds to pay for the  
15 construction of any additions and betterments set forth in the  
16 comprehensive plan of water supply contained in the agreement for  
17 consolidation and any future additions and betterments to the  
18 comprehensive plan of water supply, as its board of water commissioners  
19 shall by resolution adopt, without submitting a proposition therefor to  
20 the voters of the district.

21       NEW SECTION.   **Sec. 62.**   A new section is added to chapter 68.52 RCW  
22 to read as follows:

23       Cemetery district elections shall conform with general election  
24 laws.

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

27       **Sec. 63.**   RCW 68.52.100 and 1947 c 6 s 2 are each amended to read  
28 as follows:

29       For the purpose of forming a cemetery district, a petition  
30 designating the boundaries of the proposed district by metes and bounds  
31 or describing the lands to be included in the proposed district by  
32 government townships, ranges and legal subdivisions, signed by not less  
33 than fifteen percent of the ((qualified)) registered ((electors, who  
34 are property owners or are purchasing property under contract and who  
35 are resident)) voters who reside within the boundaries of the proposed  
36 district, setting forth the object of the formation of such district  
37 and stating that the establishment thereof will be conducive to the

1 public welfare and convenience, shall be filed with the county auditor  
2 of the county within which the proposed district is located,  
3 accompanied by an obligation signed by two or more petitioners agreeing  
4 to pay the cost of publishing the notice hereinafter provided for. The  
5 county auditor shall, within thirty days from the date of filing of  
6 such petition, examine the signatures and certify to the sufficiency or  
7 insufficiency thereof ((and for such purpose shall have access to  
8 registration books and records in possession of the registration  
9 officers of the election precincts included in whole or in part within  
10 the boundaries of the proposed district and to the tax rolls and other  
11 records in the offices of the county assessor and county treasurer. No  
12 person having)). The name of any person who signed a petition shall  
13 not be ((allowed to withdraw his name therefrom)) withdrawn from the  
14 petition after it has been filed with the county auditor. If the  
15 petition is found to contain a sufficient number of valid signatures  
16 ((of qualified persons)), the county auditor shall transmit it, with  
17 ((his)) a certificate of sufficiency attached, to the ((board of))  
18 county ((commissioners)) legislative authority, which shall thereupon,  
19 by resolution entered upon its minutes, receive the same and fix a day  
20 and hour when it will publicly hear ((said)) the petition.

21       **Sec. 64.** RCW 68.52.140 and 1982 c 60 s 2 are each amended to read  
22 as follows:

23       The ((board of)) county ((commissioners)) legislative authority  
24 shall have full authority to hear and determine the petition, and if it  
25 finds that the formation of the district will be conducive to the  
26 public welfare and convenience, it shall by resolution so declare,  
27 otherwise it shall deny the petition. If the ((board)) county  
28 legislative authority finds in favor of the formation of the district,  
29 it shall designate the name and number of the district, fix the  
30 boundaries thereof, and cause an election to be held therein for the  
31 purpose of determining whether or not the district shall be organized  
32 under the provisions of this chapter, and for the purpose of electing  
33 its first cemetery district commissioners. ((The board shall, prior to  
34 calling the said election, name three registered resident electors who  
35 are property owners or are purchasing property under contract within  
36 the boundaries of the district as candidates for election as cemetery  
37 district commissioners. These electors are exempt from the  
38 requirements of chapter 42.17 RCW.)) At the same election three

1 cemetery district commissioners shall be elected, but the election of  
2 the commissioners shall be null and void if the district is not  
3 created. No primary shall be held. A special filing period shall be  
4 opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall  
5 run for specific commissioner positions. The person receiving the  
6 greatest number of votes for each commissioner position shall be  
7 elected to that commissioner position. The terms of office of the  
8 initial commissioners shall be as provided in RCW 68.52.220.

9       **Sec. 65.** RCW 68.52.160 and 1947 c 6 s 8 are each amended to read  
10 as follows:

11       The ballot for ((said)) the election shall be in such form as may  
12 be convenient but shall present the propositions substantially as  
13 follows:

14 ".....(insert county name)..... cemetery district No. ....(insert  
15 number).....

16                         .....Yes.....

17 .....(insert county name)..... cemetery district No. ....(insert  
18 number).....

19                         .....No....."

20 ((and shall specify the names of the candidates nominated for election  
21 as the first cemetery district commissioners with appropriate space to  
22 vote for the same.))

23       **Sec. 66.** RCW 68.52.220 and 1990 c 259 s 33 are each amended to  
24 read as follows:

25       The affairs of the district shall be managed by a board of cemetery  
26 district commissioners composed of three ((qualified registered voters  
27 of the district)) members. Members of the board shall receive no  
28 compensation for their services, but shall receive expenses necessarily  
29 incurred in attending meetings of the board or when otherwise engaged  
30 in district business. The board shall fix the compensation to be paid  
31 the secretary and other employees of the district. ((The first three  
32 cemetery district commissioners shall serve only until the first day in  
33 January following the next general election, provided such election  
34 occurs thirty or more days after the formation of the district, and  
35 until their successors have been elected and qualified and have assumed

1 office in accordance with RCW 29.04.170. At the next general district  
2 election, as provided in RCW 29.13.020, provided it occurs thirty or  
3 more days after the formation of the district, three members of the  
4 board of cemetery commissioners shall be chosen. They and all  
5 subsequently elected cemetery commissioners shall have the same  
6 qualifications as required of the first three cemetery commissioners  
7 and)) Cemetery district commissioners and candidates for cemetery  
8 district commissioner are exempt from the requirements of chapter 42.17  
9 RCW. ((The candidate receiving the highest number of votes shall serve  
10 for a term of six years beginning on the first day in January  
11 following; the candidate receiving the next higher number of votes  
12 shall serve for a term of four years from the date; and the candidate  
13 receiving the next higher number of votes shall serve for a term of two  
14 years from the date. Upon the expiration of their respective terms,  
15 all cemetery commissioners shall be elected for terms of six years to  
16 begin on the first day in January next succeeding the day of election  
17 and shall serve until their successors have been elected and qualified  
18 and assume office in accordance with RCW 29.04.170. Elections shall be  
19 called, noticed, conducted and canvassed and in the same manner and by  
20 the same officials as provided for general county elections.))

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

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

1       The polling places for a cemetery district election ((shall be  
2 those of the county voting precincts which include any of the territory  
3 within the cemetery district, and)) may be located inside or outside  
4 the boundaries of the district, as determined by the auditor of the  
5 county in which the cemetery district is located, and no such election  
6 shall be held irregular or void on that account.

7       **Sec. 67.**   RCW 70.44.040 and 1990 c 259 s 39 are each amended to  
8 read as follows:

9       (1) The provisions of Title 29 RCW relating to elections shall  
10 govern public hospital districts, except ((that: (1))) as provided in  
11 this chapter.

12       A public hospital district shall be created when the ballot  
13 proposition authorizing the creation of the district is approved by a  
14 simple majority vote of the voters of the proposed district voting on  
15 the proposition and the total vote cast upon the proposition ((to form  
16 a hospital district shall)) exceeds forty percent of the total number  
17 of votes cast in the ((precincts comprising the)) proposed district at  
18 the preceding state general ((and county)) election((; and (2) hospital  
19 district commissioners shall hold office for the term of six years and  
20 until their successors are elected and qualified, each term to commence  
21 on the first day in January following the election)).

22       At the election at which the proposition is submitted to the voters  
23 as to whether a district shall be formed, three commissioners shall be  
24 elected ((to hold office, respectively, for the terms of two, four, and  
25 six years. All candidates shall be voted upon by the entire district,  
26 and the candidate residing in commissioner district No. 1 receiving the  
27 highest number of votes in the hospital district shall hold office for  
28 the term of six years; the candidate residing in commissioner district  
29 No. 2 receiving the highest number of votes in the hospital district  
30 shall hold office for the term of four years; and the candidate  
31 residing in commissioner district No. 3 receiving the highest number of  
32 votes in the hospital district shall hold office for the term of two  
33 years. The first commissioners to be elected shall take office  
34 immediately when qualified in accordance with RCW 29.01.135. Each term  
35 of the initial commissioners shall date from the time above specified  
36 following the organizational election, but shall also include the  
37 period intervening between the organizational election and the first  
38 day of January following the next district general election: PROVIDED,

1 That in public hospital districts encompassing portions of more than  
2 one county, the total vote cast upon the proposition to form the  
3 district shall exceed forty percent of the total number of votes cast  
4 in each portion of each county lying within the proposed district at  
5 the next preceding general county election. The portion of the  
6 proposed district located within each county shall constitute a  
7 separate commissioner district. There shall be three district  
8 commissioners whose terms shall be six years. Each district shall be  
9 designated by the name of the county in which it is located. All  
10 candidates for commissioners shall be voted upon by the entire  
11 district. Not more than one commissioner shall reside in any one  
12 district: PROVIDED FURTHER, That in the event there are only two  
13 districts then two commissioners may reside in one district. The term  
14 of each commissioner shall commence on the first day in January in each  
15 year following his election. At the election at which the proposition  
16 is submitted to the voters as to whether a district shall be formed,  
17 three commissioners shall be elected to hold office, respectively, for  
18 the terms of two, four, and six years. The candidate receiving the  
19 highest number of votes within the district, as constituted by the  
20 election, shall serve a term of six years; the candidate receiving the  
21 next highest number of votes shall hold office for a term of four  
22 years; and the candidate receiving the next highest number of votes  
23 shall hold office for a term of two years: PROVIDED FURTHER, That the  
24 holding of each such term of office shall be subject to the residential  
25 requirements for district commissioners hereinbefore set forth in this  
26 section)). The election of the initial commissioners shall be null and  
void if the district is not authorized to be created.

27       No primary shall be held. A special filing period shall be opened  
28 as provided in RCW 29.15.170 and 29.15.180. The person receiving the  
29 greatest number of votes for the commissioner of each commissioner  
30 district shall be elected as the commissioner of that district. The  
31 terms of office of the initial public hospital district commissioners  
32 shall be staggered as follows: (a) The person who is elected receiving  
33 the greatest number of votes shall be elected to a six-year term of  
34 office if the election is held in an odd-numbered year or a five-year  
35 term of office if the election is held in an even-numbered year; (b)  
36 the person who is elected receiving the next greatest number of votes  
37 shall be elected to a four-year term of office if the election is held  
38 in an odd-numbered year or a three-year term of office if the election  
39 in an odd-numbered year or a three-year term of office if the election

1   is held in an even-numbered year; and (c) the other person who is  
2   elected shall be elected to a two-year term of office if the election  
3   is held in an odd-numbered year or a one-year term of office if the  
4   election is held in an even-numbered year. The initial commissioners  
5   shall take office immediately when they are elected and qualified, but  
6   the length of such terms shall be computed from the first day of  
7   January in the year following this election. The term of office of  
8   each successor shall be six years. Each commissioner shall serve until  
9   a successor is elected and qualified and assumes office in accordance  
10   with RCW 29.04.170.

11       (2) Commissioner districts shall be used as follows: (a) Only a  
12   registered voter who resides in a commissioner district may be a  
13   candidate for, or hold office as, a commissioner of the commissioner  
14   district; and (b) only voters of a commissioner district may vote at a  
15   primary to nominate candidates for a commissioner of the commissioner  
16   district. Voters of the entire public hospital district may vote at a  
17   general election to elect a person as a commissioner of the  
18   commissioner district.

19       If the proposed public hospital district is county-wide, and the  
20   county has three county legislative authority districts, the county  
21   legislative authority districts shall be used as public hospital  
22   district commissioner districts. In all other instances the county  
23   auditor of the county in which all or the largest portion of the  
24   proposed public hospital district is located shall draw the initial  
25   three public hospital district commissioner districts, each of which  
26   shall constitute as nearly as possible one-third of the total  
27   population of the proposed public hospital district and number the  
28   districts one, two, and three. Each of the three commissioner  
29   positions shall be numbered one through three and associated with the  
30   district of the same number.

31       The public hospital district commissioners may redraw commissioner  
32   districts, if the public hospital district has boundaries that are not  
33   coterminous with the boundaries of a county with three county  
34   legislative authority districts, so that each district comprises as  
35   nearly as possible one-third of the total population of the public  
36   hospital district. The commissioners of a public hospital district  
37   that is not coterminous with the boundaries of a county that has three  
38   county legislative authority districts shall redraw hospital district  
39   commissioner boundaries as provided in chapter 29.70 RCW.

1       **Sec. 68.** RCW 70.44.045 and 1982 c 84 s 13 are each amended to read  
2 as follows:

3       A vacancy in the office of commissioner shall occur as provided in  
4 chapter 42.12 RCW or by ((death, resignation, removal, conviction of  
5 felony,)) nonattendance at meetings of the commission for sixty days,  
6 unless excused by the commission((, by any statutory disqualification,  
7 by any permanent disability preventing the proper discharge of his  
8 duty, or by creation of positions pursuant to RCW 70.44.051, et seq)).  
9       A vacancy ((or vacancies on the board)) shall be filled ((by  
10 appointment by the remaining commissioner or commissioners until the  
11 next regular election for commissioners as provided by RCW 70.44.040:  
12 PROVIDED, That if there is only one remaining commissioner, one vacancy  
13 shall be filled by appointment by the remaining commissioner and the  
14 remaining vacancy or vacancies shall be filled by appointment by the  
15 then two commissioners and the appointed commissioners shall serve  
16 until the next regular election for commissioners: PROVIDED FURTHER,  
17 That if there is a vacancy of the entire board, a new board may be  
18 appointed by the board of county commissioners or county council)) as  
19 provided in chapter 42.12 RCW.

20       **Sec. 69.** RCW 70.44.053 and 1967 c 77 s 2 are each amended to read  
21 as follows:

22       At any general or special election which may be called for that  
23 purpose the board of public hospital district commissioners may, or on  
24 petition of ten percent of the ((electors)) voters based on the total  
25 vote cast in the last district general election in the public hospital  
26 district shall, by resolution, submit to the voters of the district the  
27 proposition increasing the number of commissioners to ((any number  
28 authorized in RCW 70.44.051)) either five or seven members. The  
29 petition or resolution shall specify whether it is proposed to increase  
30 the number of commissioners to either five or seven members.

31       If the voters of the district approve the ballot proposition  
32 authorizing the increase in the number of commissioners to either five  
33 or seven members, the board of commissioners shall redistrict the  
34 public hospital district into the appropriate number of commissioner  
35 districts. The additional commissioners shall be elected from  
36 commissioner districts in which no existing commissioner resides at the  
37 next state general election occurring one hundred twenty days or more  
38 after the date of the election at which the voters of the district

1   approved the ballot proposition authorizing the increase in the number  
2   of commissioners. If needed, special filing periods shall be  
3   authorized as provided in RCW 29.15.170 and 29.15.180 for qualified  
4   persons to file for the vacant office. A primary shall be held to  
5   nominate candidates if sufficient time exists to hold a primary and  
6   more than two candidates file for the vacant office. Otherwise, a  
7   primary shall not be held and the candidate receiving the greatest  
8   number of votes for each position shall be elected. Except for the  
9   initial terms of office, persons elected to each of these additional  
10   commissioner positions shall be elected to a six-year term.

11   Where the number of commissioners is increased from three to five,  
12   the initial terms of the two new commissioners shall be staggered so  
13   that the person who is elected receiving the greatest number of votes  
14   shall be elected to a six-year term of office if the election is held  
15   in an odd-numbered year or a five-year term if the election is held in  
16   an even-numbered year, and the other person elected shall be elected to  
17   a four-year term of office if the election is held in an odd-numbered  
18   year or a three-year term if the election is held in an even-numbered  
19   year. The newly elected commissioners shall assume office as provided  
20   in RCW 29.04.170.

21   Where the number of commissioners is increased from three or five  
22   to seven, the county auditor of the county in which all or the largest  
23   portion of the hospital district is located shall cause the initial  
24   terms of office of the additional commissioners to be staggered over  
25   the next three district general elections so that two commissioners  
26   would normally be elected at the first district general election  
27   following the election where the additional commissioners are elected,  
28   two commissioners are normally elected at the second district general  
29   election after the election of the additional commissioners, and three  
30   commissioners are normally elected at the third district general  
31   election following the election of the additional commissioners. The  
32   newly elected commissioners shall assume office as provided in RCW  
33   29.04.170.

34    **NEW SECTION.**   **Sec. 70.**   The following acts or parts of acts are  
35   each repealed:

- 36       (1) RCW 35.23.050 and 1965 c 7 s 35.23.050;  
37       (2) RCW 35.23.070 and 1965 c 7 s 35.23.070;  
38       (3) RCW 35.24.060 and 1965 c 7 s 35.24.060;

1           (4) RCW 35.24.070 and 1965 c 7 s 35.24.070;  
2           (5) RCW 35.27.100 and 1965 c 7 s 35.27.100;  
3           (6) RCW 35.27.110 and 1965 c 7 s 35.27.110;  
4           (7) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.069;  
5           (8) RCW 35.61.070 and 1965 c 7 s 35.61.070;  
6           (9) RCW 35.61.080 and 1965 c 7 s 35.61.080;  
7           (10) RCW 35A.02.001 and 1989 c 84 s 35;  
8           (11) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;  
9           (12) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s  
10 35A.02.110;  
11           (13) RCW 35A.12.060 and 1967 ex.s. c 119 s 35A.12.060;  
12           (14) RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060;  
13           (15) RCW 35A.15.030 and 1967 ex.s. c 119 s 35A.15.030;  
14           (16) RCW 35A.16.020 and 1967 ex.s. c 119 s 35A.16.020;  
15           (17) RCW 35A.29.010 and 1967 ex.s. c 119 s 35A.29.010;  
16           (18) RCW 35A.29.020 and 1967 ex.s. c 119 s 35A.29.020;  
17           (19) RCW 35A.29.030 and 1967 ex.s. c 119 s 35A.29.030;  
18           (20) RCW 35A.29.040 and 1967 ex.s. c 119 s 35A.29.040;  
19           (21) RCW 35A.29.050 and 1967 ex.s. c 119 s 35A.29.050;  
20           (22) RCW 35A.29.060 and 1967 ex.s. c 119 s 35A.29.060;  
21           (23) RCW 35A.29.070 and 1967 ex.s. c 119 s 35A.29.070;  
22           (24) RCW 35A.29.080 and 1967 ex.s. c 119 s 35A.29.080;  
23           (25) RCW 35A.29.090 and 1986 c 234 s 32 & 1985 c 281 s 27;  
24           (26) RCW 35A.29.100 and 1967 ex.s. c 119 s 35A.29.100;  
25           (27) RCW 35A.29.105 and 1990 c 59 s 106 & 1967 ex.s. c 119 s  
26 35A.29.105;  
27           (28) RCW 35A.29.110 and 1990 c 59 s 107, 1986 c 167 s 21, 1979  
28 ex.s. c 18 s 30, 1970 ex.s. c 52 s 4, & 1967 ex.s. c 119 s 35A.29.110;  
29           (29) RCW 35A.29.140 and 1967 ex.s. c 119 s 35A.29.140;  
30           (30) RCW 35A.29.150 and 1970 ex.s. c 52 s 5 & 1967 ex.s. c 119 s  
31 35A.29.150;  
32           (31) RCW 36.54.080 and 1973 1st ex.s. c 195 s 36 & 1963 c 4 s  
33 36.54.080;  
34           (32) RCW 36.54.090 and 1963 c 4 s 36.54.090;  
35           (33) RCW 36.54.100 and 1963 c 4 s 36.54.100;  
36           (34) RCW 36.69.060 and 1963 c 4 s 36.69.060;  
37           (35) RCW 44.70.010 and 1987 c 298 s 7;  
38           (36) RCW 53.12.047 and 1992 c 146 s 6;

1       (37) RCW 53.12.150 and 1990 c 40 s 1, 1985 c 87 s 1, 1983 c 11 s 1,  
2 1959 c 175 s 8, & 1959 c 17 s 8;  
3       (38) RCW 57.02.060 and 1982 1st ex.s. c 17 s 6;  
4       (39) RCW 68.52.240 and 1947 c 6 s 16;  
5       (40) RCW 70.44.051 and 1967 c 77 s 1;  
6       (41) RCW 70.44.055 and 1967 c 77 s 3; and  
7       (42) RCW 70.44.057 and 1967 c 77 s 4.

8       NEW SECTION.    **Sec. 71.**   (1) Section 3 of this act shall expire  
9 January 1, 1995.

10      (2)(a) Section 4 of this act shall take effect January 1, 1995.  
11      (b) Section 20 of this act shall take effect July 1, 1994.

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