

# SENATE BILL REPORT

## SSB 6688

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As Amended by House, March 9, 2010

**Title:** An act relating to filling vacancies in nonpartisan local elective office.

**Brief Description:** Concerning filling vacancies in nonpartisan elective office.

**Sponsors:** Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley and Shin).

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/01/10, 2/02/10 [DPS, w/oRec].

Passed Senate: 2/10/10, 37-12; 3/09/10, 36-11.

Passed House: 2/28/10, 56-40.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 6688 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; McDermott, Pridemore and Swecker.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Benton.

**Staff:** Edward Redmond (786-7471)

**Background:** Current law provides that if a partisan county office is vacated, the county legislative body must appoint a qualified person to serve until the successor is elected at the next general election. If the office is vacated after the general election in the year that the position appears on the ballot and before the start of the next term, the successor may take office immediately after the election results are certified.

A number of counties have recently reclassified certain countywide elective offices as nonpartisan. No mechanism presently exists, however, in the State Constitution, or in statutes to fill a vacancy that may occur in a nonpartisan office.

**Summary of Substitute Bill:** New requirements for filling a vacancy in a nonpartisan county board of commissioners elective office and nonpartisan county council elective office.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A nonpartisan executive or nonpartisan chair of the board of commissioners for the county must nominate three candidates to fill a vacancy in a nonpartisan county elective office. The candidate appointed to fill such vacancy must be from the same legislative district, county, or county commissioner or council district as the county elective officer whose office was vacated. A majority of the county legislative authority members must agree upon the appointment of the candidate within 30 days from the date the vacancy occurred. If an agreement has not been reached within the 30-day limit, the Governor must appoint a candidate to fill the vacancy within 15 days, selecting from the provided list of nominees.

If a vacancy occurs in a nonpartisan county board of commissioner elective office or nonpartisan county council elective office after the general election, but before the new term begins, the successor's term will commence once the successor has statutorily qualified. The duration of office will be the term in which the successor was elected.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** OTHER: Washington Association of County Officials has concerns mostly with the language in the bill, not the policy. The use of nonpartisan before executive and chair are particularly concerning. The executive and chair in Snohomish County, for example, are partisan, but some of the county officials are nonpartisan. As it reads currently, the bill lacks a mechanism to appoint officials in this circumstance. Currently, vacant judicial positions are filled with a pro tem. The 30-day limit may not be practical for King County. In King County, judges ask the bar association to do a judicial review, which usually takes a few months to complete.

**Persons Testifying:** OTHER: Melanie Stewart, District and Municipal Court Judges Association; James McMahan, Washington Association of County Officials.

**House Amendment(s):** The House amendment changes the time limits permitted to fill the vacancy of a nonpartisan office to replicate constitutional limits applied to partisan offices. The county legislative authority's time limit to fill a vacancy is increased from 30 to 60 days, and the Governor's time limit is increased from 15 to 30 days.