
HOUSE BILL 2278

State of Washington 53rd Legislature 1994 Regular Session

By Representatives Horn, H. Myers, Edmondson and Springer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (1) The death of the incumbent;

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

31 (3) His or her removal;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 Yes

35 No

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 The boundaries of the public utility district ((commissioners⁴))
25 commissioner districts may be changed only by the public utility
26 district commission, and shall be examined every ten years to determine
27 substantial equality of population in accordance with chapter 29.70
28 RCW, but ((said)) the boundaries shall not be changed oftener than once
29 in four years, and only when all members of the commission are present.
30 Whenever territory is added to a public utility district under RCW
31 54.04.035, the boundaries of the public utility ((commissioners⁴))
32 commissioner districts shall be changed to include such additional
33 territory. The proposed change of the boundaries of the public utility
34 district ((commissioners⁴)) commissioner district must be made by
35 resolution and after public hearing. Notice of the time of a public
36 hearing thereon shall be published for two weeks prior thereto. Upon
37 a referendum petition signed by ten percent of the qualified voters of
38 the public utility district being filed with the county auditor, the
39 county legislative authority shall submit such proposed change of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 Sewer district elections shall conform with general election laws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27Yes.....

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

30No....."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

--- END ---