

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2278

Chapter 223, Laws of 1994

(partial veto)

53rd Legislature
1994 Regular Session

LOCAL GOVERNMENT ELECTIONS

EFFECTIVE DATE: 6/9/94 - Except Section 2 which takes effect 1/1/95
and Section 20 which takes effect 7/1/94

Passed by the House March 7, 1994
Yeas 91 Nays 0

BRIAN EBERSOLE

**Speaker of the
House of Representatives**

Passed by the Senate March 4, 1994
Yeas 48 Nays 0

JOEL PRITCHARD

President of the Senate

Approved April 1, 1994, with the
exception of sections 14, 15, 18, 20,
and 37, which are vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of
the House of Representatives of the
State of Washington, do hereby certify
that the attached is **SUBSTITUTE HOUSE
BILL 2278** as passed by the House of
Representatives and the Senate on the
dates hereon set forth.

MARILYN SHOWALTER

Chief Clerk

FILED

April 1, 1994 - 10:18 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2278

AS AMENDED BY THE SENATE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Horn, H. Myers, Edmondson and Springer)

Read first time 02/04/94.

1 AN ACT Relating to local government election practices; amending
2 RCW 42.12.010, 43.06.010, 14.08.304, 28A.315.520, 29.15.120, 29.15.200,
3 35.17.020, 35.17.400, 35.18.020, 35.18.270, 35.23.050, 35.23.240,
4 35.23.530, 35.24.050, 35.24.060, 35.24.100, 35.24.290, 35.27.100,
5 35.27.140, 35.61.050, 35A.01.070, 35A.02.050, 35A.02.130, 35A.06.020,
6 35A.06.030, 35A.06.050, 35A.12.010, 35A.12.040, 35A.12.050, 35A.12.060,
7 35A.12.180, 35A.13.010, 35A.13.020, 35A.14.060, 35A.14.070, 35A.15.040,
8 35A.16.030, 36.69.020, 36.69.070, 36.69.080, 36.69.090, 36.69.100,
9 36.69.440, 52.14.010, 52.14.013, 52.14.015, 52.14.030, 52.14.050,
10 52.14.060, 53.12.140, 54.08.060, 54.12.010, 54.40.010, 54.40.040,
11 54.40.050, 54.40.060, 54.40.070, 56.12.015, 56.12.020, 56.12.030,
12 57.02.050, 57.12.015, 57.12.020, 57.12.030, 57.12.039, 57.32.022,
13 57.32.023, 68.52.100, 68.52.140, 68.52.160, 68.52.220, 70.44.040,
14 70.44.045, 70.44.053, 53.12.010, 53.04.023, 53.12.115, 53.12.120,
15 53.12.130, 53.12.175, 53.16.015, and 29.45.050; amending 1992 c 146 s
16 14 (uncodified); reenacting and amending RCW 53.12.172; adding a new
17 section to chapter 42.12 RCW; adding a new section to chapter 29.15
18 RCW; adding a new section to chapter 35.02 RCW; adding a new section to
19 chapter 35A.29 RCW; adding a new section to chapter 56.12 RCW; adding
20 a new section to chapter 68.52 RCW; adding a new section to chapter
21 53.12 RCW; adding a new section to chapter 53.04 RCW; repealing RCW

1 35.23.070, 35.24.070, 35.27.110, 35.61.060, 35.61.070, 35.61.080,
2 35A.02.001, 35A.02.100, 35A.02.110, 35A.14.060, 35A.15.030, 35A.16.020,
3 35A.29.010, 35A.29.020, 35A.29.030, 35A.29.040, 35A.29.050, 35A.29.060,
4 35A.29.070, 35A.29.080, 35A.29.090, 35A.29.100, 35A.29.105, 35A.29.110,
5 35A.29.140, 35A.29.150, 36.54.080, 36.54.090, 36.54.100, 36.69.060,
6 44.70.010, 53.12.047, 53.12.150, 57.02.060, 68.52.240, 70.44.051,
7 70.44.055, and 70.44.057; and providing effective dates.

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

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

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

16 (1) Where one position is vacant, the remaining members of the
17 governing body shall appoint a qualified person to fill the vacant
18 position.

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

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

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

1 (5) If the county legislative authority of the county fails to
2 appoint a qualified person within one hundred eighty days of the
3 occurrence of the vacancy, the county legislative authority or the
4 remaining members of the governing body of the city, town, or special
5 district may petition the governor to appoint a qualified person to
6 fill the vacancy. The governor may appoint a qualified person to fill
7 the vacancy after being petitioned if at the time the governor fills
8 the vacancy the county legislative authority has not appointed a
9 qualified person to fill the vacancy.

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

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

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

30 Every elective office shall become vacant on the happening of any
31 of the following events:

32 (1) The death of the incumbent;

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

35 (3) His or her removal;

36 (4) Except as provided in RCW 3.46.067 and 3.50.057, his or her
37 ceasing to be a legally ((qualified elector)) registered voter of the
38 district, county, city, town, or other municipal or quasi municipal

1 corporation from which he or she shall have been elected or appointed,
2 including where applicable the council district, commissioner district,
3 or ward from which he or she shall have been elected or appointed;

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

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

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

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

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

15 In addition to those prescribed by the Constitution, the governor
16 may exercise the powers and perform the duties prescribed in this and
17 the following sections:

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

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

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

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

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

36 (6) The governor may require the attorney general or any
37 prosecuting attorney to inquire into the affairs or management of any
38 corporation existing under the laws of this state, or doing business in

1 this state, and report the same to the governor, or to any grand jury
2 designated by the governor, or to the legislature when next in session;

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

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

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

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

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

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

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

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

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

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

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

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

30 **Sec. 6.** RCW 29.15.120 and 1990 c 59 s 86 are each amended to read
31 as follows:

32 A candidate may withdraw his or her declaration of candidacy at any
33 time before the close of business on the Thursday following the last
34 day for candidates to file under RCW 29.15.020 by filing, with the
35 officer with whom the declaration of candidacy was filed, a signed
36 request that his or her name not be printed on the ballot. There shall
37 be no withdrawal period for declarations of candidacy filed during

1 special filing periods held under this title. The filing officer may
2 permit the withdrawal of a filing for the office of precinct committee
3 officer at the request of the candidate at any time if no absentee
4 ballots have been issued for that office and the general election
5 ballots for that precinct have not been printed. The filing officer
6 may permit the withdrawal of a filing for any elected office of a city,
7 town, or special district at the request of the candidate at any time
8 before a primary if the primary ballots for that city, town, or special
9 district have not been ordered. No filing fee may be refunded to any
10 candidate who withdraws under this section. Notice of the deadline for
11 withdrawal of candidacy and that the filing fee is not refundable shall
12 be given to each candidate at the time he or she files.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 29.15 RCW
14 to read as follows:

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

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

21 If after both the normal filing period and special three day filing
22 period as provided by RCW 29.15.170 and 29.15.180(~~(, as now or~~
23 ~~hereafter amended,)~~) have passed (~~(and still)~~), no candidate has filed
24 for any single city, town, or district position to be filled, the
25 election for such position shall be deemed lapsed, the office deemed
26 stricken from the ballot and no write-in votes counted. In such
27 instance, the incumbent occupying such position shall remain in office
28 and continue to serve until (~~(his)~~) a successor is elected at the next
29 election when such positions are voted upon (~~(as provided by RCW~~
30 ~~29.21.410, as now or hereafter amended)~~).

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 35.02 RCW
32 to read as follows:

33 An election shall be held to elect city or town elected officials
34 at the next municipal general election occurring more than twelve
35 months after the date of the first election of councilmembers or
36 commissioners. Candidates shall run for specific council or commission

1 positions. The staggering of terms of members of the city or town
2 council shall be established at this election, where the simple
3 majority of the persons elected as councilmembers receiving the
4 greatest numbers of votes shall be elected to four-year terms of office
5 and the remainder of the persons elected as councilmembers shall be
6 elected to two-year terms of office. Newly elected councilmembers or
7 newly elected commissioners shall serve until their successors are
8 elected and qualified. The terms of office of newly elected
9 commissioners shall not be staggered, as provided in chapter 35.17 RCW.
10 All councilmembers and commissioners who are elected subsequently shall
11 be elected to four-year terms of office and shall serve until their
12 successors are elected and qualified and assume office in accordance
13 with RCW 29.04.170.

14 **Sec. 10.** RCW 35.17.020 and 1979 ex.s. c 126 s 17 are each amended
15 to read as follows:

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

29 **Sec. 11.** RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended
30 to read as follows:

31 The first election of commissioners shall be held (~~within~~) at the
32 next special election that occurs at least sixty days after the
33 (~~adoption of~~) election results are certified where the proposition to
34 organize under the commission form was approved by city voters, and the
35 commission first elected shall commence to serve as soon as they have
36 been elected and have qualified and shall continue to serve until their
37 successors have been elected and qualified and have assumed office in

1 accordance with RCW 29.04.170. The date of the second election for
2 commissioners shall be in accordance with RCW 29.13.020 such that the
3 term of the first commissioners will be as near as possible to, but not
4 in excess of, four years calculated from the first day in January in
5 the year after the year in which the first commissioners were elected.

6 **Sec. 12.** RCW 35.18.020 and 1981 c 260 s 7 are each amended to read
7 as follows:

8 (1) The number of ~~((councilmen))~~ councilmembers in a city or town
9 operating with a council-manager plan of government shall be ((in
10 proportion to the population of the city or town indicated in its
11 petition for incorporation and thereafter shall be in proportion to its
12 population as last)) based upon the latest population of the city or
13 town that is determined by the office of financial management as
14 follows:

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

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

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

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

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

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

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

30 (3) When a ~~((municipality))~~ city or town has qualified for an
31 increase in the number of ~~((councilmen))~~ councilmembers from five to
32 seven by virtue of the next succeeding population determination made by
33 the office of financial management ~~((after the majority of the voters~~
34 ~~thereof have approved operation under the council manager plan)),~~ two
35 additional council positions shall be filled at the ((first)) next
36 municipal general election ((when two additional councilmen are to be
37 elected, one of the two additional councilmen receiving)) with the
38 person elected to one of the new council positions receiving the
39 ((highest)) greatest number of votes ((shall be)) being elected for a

1 four-year term of office and the person elected to the other additional
2 ((councilman shall be)) council position being elected for a two-year
3 term of office. The ((terms of the)) two additional ((councilmen))
4 councilmembers shall ((commence)) assume office immediately when
5 qualified in accordance with RCW 29.01.135, but the term of office
6 shall be computed from the first day of January after the year in which
7 they are elected. Their successors shall be elected to four-year terms
8 of office.

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

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

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

37 **Sec. 13.** RCW 35.18.270 and 1979 ex.s. c 126 s 20 are each amended
38 to read as follows:

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

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

3 *Sec. 14. RCW 35.23.050 and 1965 c 7 s 35.23.050 are each amended
4 to read as follows:

5 All municipal elections held under the provisions of this chapter
6 shall be conducted according to the general election laws of this
7 state(~~(, as far as practicable: PROVIDED, That any qualified voter of~~
8 ~~such city, duly registered for the general county or state election~~
9 ~~next preceding any municipal election, general or special, shall be~~
10 ~~qualified to vote at such municipal election. No person shall be~~
11 ~~qualified to vote at such election unless he is a qualified elector of~~
12 ~~the county and has resided in such city for at least thirty days next~~
13 ~~preceding such election))).~~

14 *Sec. 14 was vetoed, see message at end of chapter.

15 *Sec. 15. RCW 35.23.240 and 1965 c 7 s 35.23.240 are each amended
16 to read as follows:

17 The city council may declare an office vacant: (1) If anyone
18 either elected or appointed to that office fails for ten days to
19 qualify as required by law or fails to enter upon ((his)) the duties of
20 that office at the time fixed by law or the orders of the city council,
21 ((his)) the office shall become vacant; or (2) if such an officer
22 ((absents himself)) who serves for compensation is absent from the city
23 without the consent of the city council for three consecutive weeks or
24 openly neglects or refuses to discharge ((his)) the duties(~~(, the~~
25 ~~council may declare his office vacant: PROVIDED, That this penalty for~~
26 ~~absence from the city shall not apply to such officers as serve without~~
27 ~~compensation.~~

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

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

37 *Sec. 15 was vetoed, see message at end of chapter.

1 **Sec. 16.** RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended
2 to read as follows:

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

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

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

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

37 **Sec. 17.** RCW 35.24.050 and 1979 ex.s. c 126 s 22 are each amended
38 to read as follows:

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

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

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

25 In its discretion the council of a third class city may divide the
26 city by ordinance into a convenient number of wards, not exceeding six,
27 fix the boundaries of the wards, and change the ward boundaries from
28 time to time and as provided in RCW 29.70.100. No change in the
29 boundaries of any ward shall be made within one hundred twenty days
30 next before the date of a general municipal election, nor within twenty
31 months after the wards have been established or altered. However, if
32 a boundary change results in one ward being represented by more
33 councilmembers than the number to which it is entitled, those having
34 the shortest unexpired terms shall be assigned by the council to wards
35 where there is a vacancy, and the councilmembers so assigned shall be
36 deemed to be residents of the wards to which they are assigned for
37 purposes of determining whether those positions are vacant. Whenever
38 such city is so divided into wards, the city council shall designate by
39 ordinance the number of councilmembers to be elected from each ward,

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

24 **Sec. 18. RCW 35.24.060 and 1965 c 7 s 35.24.060 are each amended*
25 *to read as follows:*

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

31 **Sec. 18 was vetoed, see message at end of chapter.*

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

34 *((~~In cities of~~)) The council of a third class city may declare a*
35 *council position vacant if ((~~a member of the city council absents~~*
36 *himself)) that councilmember is absent for three consecutive regular*

1 meetings (~~((thereof, unless by))~~) without the permission of the
2 council(~~(, his office may be declared vacant by the council.~~

3 ~~Vacancies in the city council or in the office of mayor shall be~~
4 ~~filled by majority vote of the council)).~~ In addition, a vacancy in an
5 elective office shall occur and shall be filled as provided in chapter
6 42.12 RCW.

7 Vacancies in offices other than that of mayor or city
8 (~~councilman~~) councilmember shall be filled by appointment of the
9 mayor.

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

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

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

19 *The city council of each third class city shall have power:*

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

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

25 *(3) To establish, build and repair bridges, to establish, lay out,*
26 *alter, keep open, open, widen, vacate, improve and repair streets,*
27 *sidewalks, alleys, squares and other public highways and places within*
28 *the city, and to drain, sprinkle and light the same; to remove all*
29 *obstructions therefrom; to establish and reestablish the grades*
30 *thereof; to grade, plank, pave, macadamize, gravel and curb the same,*
31 *in whole or in part; to construct gutters, culverts, sidewalks and*
32 *crosswalks therein or upon any part thereof; to cultivate and maintain*
33 *parking strips therein, and generally to manage and control all such*
34 *highways and places; to provide by local assessment for the leveling up*
35 *and surfacing and oiling or otherwise treating for the laying of dust,*
36 *all streets within the city limits;*

37 *(4) To establish, construct and maintain drains and sewers, and*
38 *shall have power to compel all property owners on streets and alleys or*

1 within two hundred feet thereof along which sewers shall have been
2 constructed to make proper connections therewith and to use the same
3 for proper purposes, and in case the owners of the property on such
4 streets and alleys or within two hundred feet thereof fail to make such
5 connections within the time fixed by such council, it may cause such
6 connections to be made and assess against the property served thereby
7 the costs and expenses thereof;

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

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

13 (7) To license, for the purposes of regulation and revenue, all and
14 every kind of business authorized by law, and transacted and carried on
15 in such city, and all shows, exhibitions and lawful games carried on
16 therein and within one mile of the corporate limits thereof, to fix the
17 rate of license tax upon the same, and to provide for the collection of
18 the same by suit or otherwise;

19 (8) To improve rivers and streams flowing through such city, or
20 adjoining the same; to widen, straighten and deepen the channel
21 thereof, and remove obstructions therefrom; to improve the water-front
22 of the city, and to construct and maintain embankments and other works
23 to protect such city from overflow; to prevent the filling of the water
24 of any bay, except such filling over tide or shorelands as may be
25 provided for by order of the city council; to purify and prevent the
26 pollution of streams of water, lakes or other sources of supply, and
27 for this purpose shall have jurisdiction over all streams, lakes or
28 other sources of supply, both within and without the city limits. Such
29 city shall have power to provide by ordinance and to enforce such
30 punishment or penalty as the city council may deem proper for the
31 offense of polluting or in any manner obstructing or interfering with
32 the water supply of such city or source thereof;

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

34 (10) To permit, under such restrictions as it may deem proper, and
35 to grant franchises for, the laying of railroad tracks, and the running
36 of cars propelled by electric, steam or other power thereon, and the
37 laying of gas and water pipes and steam mains and conduits for
38 underground wires, and to permit the construction of tunnels or subways
39 in the public streets, and to construct and maintain and to permit the

1 construction and maintenance of telegraph, telephone and electric lines
2 therein;

3 ~~((In its discretion to divide the city by ordinance, into a
4 convenient number of wards, not exceeding six, to fix the boundaries
5 thereof, and to change the same from time to time: PROVIDED, That no
6 change in the boundaries of any ward shall be made within sixty days
7 next before the date of a general municipal election, nor within twenty
8 months after the wards have been established or altered. Whenever such
9 city is so divided into wards, the city council shall designate by
10 ordinance the number of councilmen to be elected from each ward,
11 apportioning the same in proportion to the population of the wards.
12 Thereafter the councilmen so designated shall be elected by the
13 qualified electors resident in such ward, or by general vote of the
14 whole city as may be designated in such ordinance. When additional
15 territory is added to the city it may by act of the council, be annexed
16 to contiguous wards without affecting the right to redistrict at the
17 expiration of twenty months after last previous division. The removal
18 of a councilman from the ward for which he was elected shall create a
19 vacancy in such office;~~

20 ~~((12))) To impose fines, penalties and forfeitures for any and all
21 violations of ordinances, and for any breach or violation of any
22 ordinance to fix the penalty by fine or imprisonment, or both, but no
23 such fine shall exceed five thousand dollars nor the term of such
24 imprisonment exceed the term of one year, except that the punishment
25 for any criminal ordinance shall be the same as the punishment provided
26 in state law for the same crime; or to provide that violations of
27 ordinances constitute a civil violation subject to monetary penalty,
28 but no act that is a state crime may be made a civil violation;~~

29 ~~((13))) (12) To establish fire limits, with proper regulations;~~

30 ~~((14))) (13) To establish and maintain a free public library;~~

31 ~~((15))) (14) To establish and regulate public markets and market
32 places;~~

33 ~~((16))) (15) To punish the keepers and inmates and lessors of
34 houses of ill fame, gamblers and keepers of gambling tables, patrons
35 thereof or those found loitering about such houses and places;~~

36 ~~((17))) (16) To make all such ordinances, bylaws, rules,
37 regulations and resolutions, not inconsistent with the Constitution and
38 laws of the state of Washington, as may be deemed expedient to maintain
39 the peace, good government and welfare of the corporation and its~~

1 trade, commerce and manufactures, and to do and perform any and all
2 other acts and things necessary or proper to carry out the provisions
3 of this chapter, and to enact and enforce within the limits of such
4 city all other local, police, sanitary and other regulations as do not
5 conflict with general laws;

6 ~~((+18))~~ (17) To license steamers, boats and vessels used in any
7 bay or other watercourse in the city and to fix and collect such
8 license; to provide for the regulation of berths, landings, and
9 stations, and for the removing of steamboats, sail boats, sail vessels,
10 rafts, barges and other watercraft; to provide for the removal of
11 obstructions to navigation and of structures dangerous to navigation or
12 to other property, in or adjoining the waterfront, except in
13 municipalities in counties in which there is a city of the first class.
14 *Sec. 20 was vetoed, see message at end of chapter.

15 **Sec. 21.** RCW 35.27.100 and 1965 c 7 s 35.27.100 are each amended
16 to read as follows:

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

22 **Sec. 22.** RCW 35.27.140 and 1965 c 7 s 35.27.140 are each amended
23 to read as follows:

24 ~~((If a member of))~~ The council of a town may declare a council
25 position vacant if that councilmember is absent from the town for three
26 consecutive council meetings ~~((unless by))~~ without the permission of
27 the council ~~((his office shall be declared vacant by the council. A~~
28 ~~vacancy in the office of mayor and vacancies in the council shall be~~
29 ~~filled by a majority vote of the council))~~. In addition, a vacancy in
30 an elective office shall occur and shall be filled as provided in
31 chapter 42.12 RCW.

32 A vacancy in any other office shall be filled by appointment by the
33 mayor. ~~((An appointee filling the vacancy in an elective office shall~~
34 ~~hold office only until the next general election at which time a person~~
35 ~~shall be elected to serve for the remainder of the unexpired term~~
36 ~~except that the person appointed to fill a vacancy in the office of~~
37 ~~mayor shall serve for the unexpired term.))~~

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

3 At the same election at which the proposition is submitted to the
4 voters as to whether a metropolitan park district is to be formed, five
5 park commissioners shall be elected (~~(to hold office respectively for~~
6 ~~the following terms: Where the election is held in an odd-numbered~~
7 ~~year, one commissioner shall be elected to hold office for two years,~~
8 ~~two shall be elected to hold office for four years, and two shall be~~
9 ~~elected to hold office for six years. Where the election is held in an~~
10 ~~even-numbered year, one commissioner shall hold office for three years,~~
11 ~~two shall hold office for five years, and two shall hold office for~~
12 ~~seven years)). The election of park commissioners shall be null and
13 void if the metropolitan park district is not created. Candidates
14 shall run for specific commission positions. No primary shall be held
15 to nominate candidates. The person receiving the greatest number of
16 votes for each position shall be elected as a commissioner. The
17 staggering of the terms of office shall occur as follows: (1) The two
18 persons who are elected receiving the two greatest numbers of votes
19 shall be elected to six-year terms of office if the election is held in
20 an odd-numbered year or five-year terms of office if the election is
21 held in an even-numbered year; (2) the two persons who are elected
22 receiving the next two greatest numbers of votes shall be elected to
23 four-year terms of office if the election is held in an odd-numbered
24 year or three-year terms of office if the election is held in an even-
25 numbered year; and (3) the other person who is elected shall be elected
26 to a two-year term of office if the election is held in an odd-numbered
27 year or a one-year term of office if the election is held in an even-
28 numbered year. The initial commissioners shall take office immediately
29 when they are elected and qualified, and for purposes of computing
30 their terms of office the terms shall be assumed to commence on the
31 first day of January ((of)) in the year after they are elected. ((The
32 ~~term of each nominee for park commissioner shall be expressed on the~~
33 ~~ballot.))~~ Thereafter, all commissioners shall ((serve)) be elected to
34 six-year terms of office ((and)). All commissioners shall serve until
35 their respective successors are elected and qualified and assume office
36 in accordance with RCW 29.04.170. Vacancies shall occur and shall be
37 filled ((by majority action of the remaining commissioners appointing
38 ~~a voter to fill the remainder of the term of the vacant commissioner~~
39 ~~position)) as provided in chapter 42.12 RCW.~~~~

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

3 Where used in this title with reference to procedures established
4 by this title in regard to a change of plan or classification of
5 government, unless a different meaning is plainly required by the
6 context:

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

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

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

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

18 (5) "Plan of government" means (~~either the~~) a mayor-council form
19 of government under chapter 35A.12 RCW, council-manager form of
20 government under chapter 35A.13 RCW, or a mayor-council, council-
21 manager, or commission form of government in general that is retained
22 by a noncharter code city as provided in RCW 35A.02.130, without regard
23 to variations in the number of elective offices or whether officers are
24 elective or appointive.

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

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

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

36 (9) "Reorganization" means a change in general plan of government
37 where an election of all new officers is required in order to
38 accomplish this change, but an increase or decrease in the number of

1 members of its legislative body shall not be deemed to constitute a
2 reorganization.

3 **Sec. 25.** RCW 35A.02.050 and 1979 ex.s. c 18 s 7 are each amended
4 to read as follows:

5 The first election of officers where required for reorganization
6 under a different general plan of government newly adopted in a manner
7 provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or 35A.06.060, as
8 now or hereafter amended, shall be at the next general municipal
9 election if one is to be held more than ninety days but not more than
10 one hundred and eighty days after certification of a reorganization
11 ordinance or resolution, or otherwise at a special election to be held
12 for that purpose in accordance with RCW 29.13.020. In the event that
13 the first election of officers (~~((as herein provided))~~) is to be held at
14 a general municipal election, such election shall be preceded by a
15 primary election pursuant to RCW 29.21.010 and 29.13.070. In the event
16 that the first election of all officers (~~((as herein provided))~~) is to be
17 held at a special election rather than at a general election, and
18 notwithstanding any provisions of any other law to the contrary, such
19 special election shall be preceded by a primary election to be held on
20 a date authorized by RCW 29.13.010, and the persons nominated at that
21 primary election shall be voted upon at the next succeeding special
22 election that is authorized by RCW 29.13.010: PROVIDED, That in the
23 event the ordinances calling for reclassification or reclassification
24 and reorganization under the provisions of Title 35A RCW have been
25 filed with the secretary of state pursuant to RCW 35A.02.040 in an
26 even-numbered year at least ninety days prior to a state general
27 election then the election of new officers shall be concurrent with the
28 state primary and general election and shall be conducted as set forth
29 in (~~(chapter 35A.29 RCW)~~) general election law.

30 Upon reorganization, candidates for all offices shall file or be
31 nominated for and successful candidates shall be elected to specific
32 council positions(~~(, and an)~~). The initial terms (~~((or))~~) of office for
33 those elected at a first election of all officers (~~((to positions one~~
34 ~~and two for a five member council, or positions one through three for~~
35 ~~a seven member council, shall if the election occurs at a general~~
36 ~~municipal election be only until the second Monday in January first~~
37 ~~following the next general municipal election two years hence and if~~
38 ~~the election occurs at a special election, the duration of these~~

1 ~~initial terms shall be until the second Monday in January in the first~~
2 ~~even-numbered year that follows the next general municipal election.~~
3 ~~The duration of the initial term attaching to the remaining~~
4 ~~councilmanic positions shall be until the second Monday in January two~~
5 ~~years next thereafter, so that staggered regular four year terms will~~
6 ~~ultimately result. Any declarations of candidacy for any primary or~~
7 ~~other election held pursuant to this section shall be filed as provided~~
8 ~~in RCW 35A.29.110 as now or hereafter amended)) shall be as follows:~~
9 (1) A simple majority of the persons who are elected as councilmembers
10 receiving the greatest numbers of votes and the mayor in a city with a
11 mayor-council plan of government shall be elected to four-year terms of
12 office, if the election is held in an odd-numbered year, or three-year
13 terms of office, if the election is held in an even-numbered year; and
14 (2) the other persons who are elected as councilmembers shall be
15 elected to two-year terms of office, if the election is held in an odd-
16 numbered year, or one-year terms of office, if the election is held in
17 an even-numbered year. The newly elected officials shall take office
18 immediately when they are elected and qualified, but the length of
19 their terms of office shall be calculated from the first day of January
20 in the year following the election. Thereafter, each person elected as
21 a councilmember or mayor in a city with a mayor-council plan of
22 government shall be elected to a four-year term of office. Each
23 councilmember and mayor in a city with a mayor-council plan of
24 government shall serve until a successor is elected and qualified and
25 assumes office as provided in RCW 29.04.170.

26 The former officers shall, upon the election and qualification of
27 new officers, deliver to the proper officers of the reorganized
28 noncharter code city all books of record, documents and papers in their
29 possession belonging to such municipal corporation before the
30 reorganization thereof. (~~Officers elected at the first election of~~
31 ~~officers held pursuant to this amendatory act shall assume office as~~
32 ~~soon as the election returns have been certified.))~~

33 **Sec. 26.** RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130 are each
34 amended to read as follows:

35 Any incorporated city or town governed under a plan of government
36 authorized prior to the time this title takes effect may become a
37 noncharter code city without changing such plan of government by the
38 use of the petition-for-election or resolution-for-election procedures

1 provided in RCW 35A.02.060 and 35A.02.070 to submit to the voters a
2 proposal that such municipality adopt the classification of noncharter
3 code city while retaining its existing plan of government, and upon a
4 favorable vote on the proposal, such municipality shall be classified
5 as a noncharter code city and retain its old plan of government, such
6 reclassification to be effective upon the filing of the record of such
7 election with the office of the secretary of state. Insofar as the
8 provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an
9 election on such a reclassification proposal they shall apply to such
10 election.

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

13 The classifications of municipalities which existed prior to the
14 time this title goes into effect--first class city, second class city,
15 third class (~~(and fourth class)~~) city, town, and unclassified city--and
16 the restrictions, limitations, duties, and obligations specifically
17 imposed by law upon such classes of cities and towns, shall have no
18 application to noncharter code cities, but every noncharter code city,
19 by adopting such classification, has elected to be governed by the
20 provisions of this title, with the powers granted hereby. However, any
21 code city that retains its old plan of government is subject to the
22 laws applicable to that old plan of government until the city changes
23 its plan of government to the provisions of either chapter 35A.12 or
24 35A.13 RCW.

25 **Sec. 28.** RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended
26 to read as follows:

27 By use of the resolution for election or petition for election
28 methods described in RCW 35A.06.040, any noncharter code city which has
29 operated for more than six consecutive years under one of the optional
30 plans of government authorized by this title, or for more than a
31 combined total of six consecutive years under a particular plan of
32 government both as a code city and under the same general plan under
33 Title 35 RCW immediately prior to becoming a code city, may abandon
34 such organization and may reorganize and adopt another plan of
35 government authorized for noncharter code cities, but only after having
36 been a noncharter code city for more than one year or a city after
37 operating for more than six consecutive years under a particular plan

1 of government as a noncharter code city (~~(or may reclassify and adopt~~
2 ~~a plan of government authorized by the general law for municipalities~~
3 ~~of the highest class for which the population of such city qualifies~~
4 ~~it, or authorized for the class to which such city belonged immediately~~
5 ~~prior to becoming a noncharter code city, if any))): PROVIDED, That
6 these limitations shall not apply to a city seeking to adopt a charter.~~

7 In reorganization under a different general plan of government as
8 a noncharter code city, officers shall all be elected as provided in
9 RCW 35A.02.050. When a noncharter code city adopts a plan of
10 government other than those authorized under Title 35A RCW, such city
11 ceases to be governed under this optional municipal code and shall be
12 classified as a city or town of the class selected in the proceeding
13 for adoption of such new plan, with the powers granted to such class
14 under the general law.

15 **Sec. 29.** RCW 35A.06.050 and 1979 ex.s. c 18 s 15 are each amended
16 to read as follows:

17 The proposal for abandonment of a plan of government as authorized
18 in RCW 35A.06.030 and for adoption of the plan named in the resolution
19 or petition shall be voted upon at the next general municipal election
20 if one is to be held within one hundred and eighty days or otherwise at
21 a special election called for that purpose in accordance with RCW
22 29.13.020. The ballot title and statement of the proposition shall be
23 prepared by the city attorney as provided in RCW 29.27.060 and
24 35A.29.120(~~(, as now or hereafter amended. If the plan proposed in the~~
25 ~~petition is not a plan authorized for noncharter code cities by this~~
26 ~~title, the ballot statement shall clearly set forth that adoption of~~
27 ~~such plan by the voters would require abandonment of the classification~~
28 ~~of noncharter code city and that government would be under the general~~
29 ~~law relating to cities of the class specified in the resolution or~~
30 ~~petition. If the plan proposed in the petition is a plan authorized~~
31 ~~for noncharter code cities the ballot statement shall clearly set forth~~
32 ~~that adoption of such plan by the voters would not affect the~~
33 ~~eligibility of the noncharter code city to be governed under this~~
34 ~~optional municipal code)).~~

35 **Sec. 30.** RCW 35A.12.010 and 1985 c 106 s 1 are each amended to
36 read as follows:

1 The government of any noncharter code city or charter code city
2 electing to adopt the mayor-council plan of government authorized by
3 this chapter shall be vested in an elected mayor and an elected
4 council. The council of a noncharter code city having less than
5 twenty-five hundred inhabitants shall consist of five members; when
6 there are twenty-five hundred or more inhabitants, the council shall
7 consist of seven members: PROVIDED, That if the population of a city
8 after having become a code city decreases from twenty-five hundred or
9 more to less than twenty-five hundred, it shall continue to have a
10 seven member council. If, after a city has become a mayor-council code
11 city, its population increases to twenty-five hundred or more
12 inhabitants, the number of councilmanic offices in such city may
13 increase from five to seven members upon the affirmative vote of a
14 majority of the existing council to increase the number of councilmanic
15 offices in the city. When the population of a mayor-council code city
16 having five councilmanic offices increases to five thousand or more
17 inhabitants, the number of councilmanic offices in the city shall
18 increase from five to seven members. In the event of an increase in
19 the number of councilmanic offices, the city council shall, by majority
20 vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these
21 offices until the next municipal general election, at which election
22 one person shall be elected for a two-year term and one person shall be
23 elected for a four-year term. The number of inhabitants shall be
24 determined by the most recent official state or federal census or
25 determination by the state office of financial management. A charter
26 adopted under the provisions of this title, incorporating the mayor-
27 council plan of government set forth in this chapter, may provide for
28 an uneven number of (~~councilmen~~) councilmembers not exceeding eleven.

29 A noncharter code city of less than five thousand inhabitants which
30 has elected the mayor-council plan of government and which has seven
31 councilmanic offices may establish a five-member council in accordance
32 with the following procedure. At least six months prior to a municipal
33 general election, the city council shall adopt an ordinance providing
34 for reduction in the number of councilmanic offices to five. The
35 ordinance shall specify which two councilmanic offices, the terms of
36 which expire at the next general election, are to be terminated. The
37 ordinance shall provide for the renumbering of council positions and
38 shall also provide for a two-year extension of the term of office of a

1 retained councilmanic office, if necessary, in order to comply with RCW
2 35A.12.040.

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

6 **Sec. 31.** RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended
7 to read as follows:

8 Officers shall be elected at biennial municipal elections to be
9 conducted as provided in chapter 35A.29 RCW. The mayor and the
10 ~~((councilmen))~~ councilmembers shall be elected for four-year terms of
11 office and until their successors are elected and qualified ~~((; except~~
12 ~~that at any first election three councilmen in cities having seven~~
13 ~~councilmen, and two councilmen in cities having five councilmen, shall~~
14 ~~be elected for two year terms and the remaining councilmen shall be~~
15 ~~elected for four year terms))~~ and assume office in accordance with RCW
16 29.04.170. At any first election upon reorganization, councilmembers
17 shall be elected as provided in RCW 35A.02.050. Thereafter the
18 requisite number of ~~((councilmen))~~ councilmembers shall be elected
19 biennially as the terms of their predecessors expire and shall serve
20 for terms of four years. The positions to be filled on the city
21 council shall be designated by consecutive numbers and shall be dealt
22 with as separate offices for all election purposes ~~((, as provided in~~
23 ~~RCW 35A.29.105. In any city which holds its first election under this~~
24 ~~title in the calendar year 1970, candidates elected for two year terms~~
25 ~~shall hold office until their successors are elected and qualified at~~
26 ~~the general municipal election to be held in November, 1973 and~~
27 ~~candidates elected for four year terms shall hold office until their~~
28 ~~successors are elected and qualified at the general municipal election~~
29 ~~to be held in November, 1975)).~~ Election to positions on the council
30 shall be by majority vote from the city at large, unless provision is
31 made by charter or ordinance for election by wards. ~~((The city council~~
32 ~~shall be the judge of the qualifications of its members and determine~~
33 ~~contested elections of city officers, subject to review by certiorari~~
34 ~~as provided by law.))~~ The mayor and ~~((councilmen))~~ councilmembers
35 shall qualify by taking an oath or affirmation of office and as may be
36 provided by law, charter, or ordinance.

1 **Sec. 32.** RCW 35A.12.050 and 1967 ex.s. c 119 s 35A.12.050 are each
2 amended to read as follows:

3 The office of a mayor or ~~((councilman))~~ councilmember shall become
4 vacant if ~~((he))~~ the person who is elected or appointed to that
5 position fails to qualify as provided by law ~~((or))~~, fails to enter
6 upon ~~((his))~~ the duties of that office at the time fixed by law without
7 a justifiable reason, ~~((upon his death, resignation, removal from~~
8 ~~office by recall as provided by law, or when his office is forfeited))~~
9 or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office
10 of mayor or in the council shall be filled ~~((for the remainder of the~~
11 ~~unexpired term, if any, at the next regular municipal election but the~~
12 ~~council, or the remaining members thereof, by majority vote shall~~
13 ~~appoint a qualified person to fill the vacancy until the person elected~~
14 ~~to serve the remainder of the unexpired term takes office. If at any~~
15 ~~time the membership of the council is reduced below the number required~~
16 ~~for a quorum, the remaining members, nevertheless, by majority action~~
17 ~~may appoint additional members to fill the vacancies until persons are~~
18 ~~elected to serve the remainder of the unexpired terms. If, after~~
19 ~~thirty days have passed since the occurrence of a vacancy, the council~~
20 ~~are unable to agree upon a person to be appointed to fill a vacancy in~~
21 ~~the council, the mayor may make the appointment from among the persons~~
22 ~~nominated by members of the council))~~ as provided in chapter 42.12 RCW.

23 **Sec. 33.** RCW 35A.12.060 and 1967 ex.s. c 119 s 35A.12.060 are each
24 amended to read as follows:

25 ~~((A mayor or councilman shall forfeit his office, creating a~~
26 ~~vacancy, if he ceases to have the qualifications prescribed for such~~
27 ~~office by law, charter, or ordinance, or if he is convicted of a crime~~
28 ~~involving moral turpitude or an offense involving a violation of his~~
29 ~~oath of office. A councilman also shall forfeit his office if he))~~ In
30 addition a council position shall become vacant if the councilmember
31 fails to attend three consecutive regular meetings of the council
32 without being excused by the council.

33 **Sec. 34.** RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each
34 amended to read as follows:

35 At any time not within three months previous to a municipal general
36 election the council of a noncharter code city organized under this
37 chapter may divide the city into wards or change the boundaries of

1 existing wards. No change in the boundaries of wards shall affect the
2 term of any (~~councilman, but he~~) councilmember, and councilmembers
3 shall serve out (~~his~~) their terms in the wards of (~~his~~) their
4 residences at the time of (~~his~~) their elections: PROVIDED, That if
5 this results in one ward being represented by more (~~councilmen~~)
6 councilmembers than the number to which it is entitled those having the
7 shortest unexpired terms shall be assigned by the council to wards
8 where there is a vacancy, and the councilmembers so assigned shall be
9 deemed to be residents of the wards to which they are assigned for
10 purposes of those positions being vacant. The representation of each
11 ward in the city council shall be in proportion to the population as
12 nearly as is practicable. (~~When the city has been divided into wards~~
13 ~~no person shall be eligible to the office of councilman unless he~~
14 ~~resides in the ward for which he is elected on the date of his~~
15 ~~election, and removal of his residence from the ward for which he was~~
16 ~~elected renders his office vacant.))~~

17 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards
18 shall be used as follows: (1) Only a resident of the ward may be a
19 candidate for, or hold office as, a councilmember of the ward; and (2)
20 only voters of the ward may vote at a primary to nominate candidates
21 for a councilmember of the ward. Voters of the entire city may vote at
22 the general election to elect a councilmember of a ward, unless the
23 city had prior to January 1, 1994, limited the voting in the general
24 election for any or all council positions to only voters residing
25 within the ward associated with the council positions. If a city had
26 so limited the voting in the general election to only voters residing
27 within the ward, then the city shall be authorized to continue to do
28 so.

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

31 The (~~councilmen~~) councilmembers shall be the only elective
32 officers of a code city electing to adopt the council-manager plan of
33 government authorized by this chapter, except where statutes provide
34 for an elective municipal judge. The council shall appoint an officer
35 whose title shall be "city manager" who shall be the chief executive
36 officer and head of the administrative branch of the city government.
37 The city manager shall be responsible to the council for the proper
38 administration of all affairs of the code city. The council of a

1 noncharter code city having less than twenty-five hundred inhabitants
2 shall consist of five members; when there are twenty-five hundred or
3 more inhabitants the council shall consist of seven members: PROVIDED,
4 That if the population of a city after having become a code city
5 decreases from twenty-five hundred or more to less than twenty-five
6 hundred, it shall continue to have a seven member council. If, after
7 a city has become a council-manager code city its population increases
8 to twenty-five hundred or more inhabitants, the number of councilmanic
9 offices in such city may increase from five to seven members upon the
10 affirmative vote of a majority of the existing council to increase the
11 number of councilmanic offices in the city. When the population of a
12 council-manager code city having five councilmanic offices increases to
13 five thousand or more inhabitants, the number of councilmanic offices
14 in the city shall increase from five to seven members. In the event of
15 an increase in the number of councilmanic offices, the city council
16 shall, by majority vote, pursuant to RCW 35A.13.020, appoint two
17 persons to serve in these offices until the next municipal general
18 election, at which election one person shall be elected for a two-year
19 term and one person shall be elected for a four-year term. The number
20 of inhabitants shall be determined by the most recent official state or
21 federal census or determination by the state office of financial
22 management. A charter adopted under the provisions of this title,
23 incorporating the council-manager plan of government set forth in this
24 chapter may provide for an uneven number of (~~councilmen~~)
25 councilmembers not exceeding eleven.

26 A noncharter code city of less than five thousand inhabitants which
27 has elected the council-manager plan of government and which has seven
28 councilmanic offices may establish a five-member council in accordance
29 with the following procedure. At least six months prior to a municipal
30 general election, the city council shall adopt an ordinance providing
31 for reduction in the number of councilmanic offices to five. The
32 ordinance shall specify which two councilmanic offices, the terms of
33 which expire at the next general election, are to be terminated. The
34 ordinance shall provide for the renumbering of council positions and
35 shall also provide for a two-year extension of the term of office of a
36 retained councilmanic office, if necessary, in order to comply with RCW
37 35A.12.040.

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

4 **Sec. 36.** RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each
5 amended to read as follows:

6 In council-manager code cities, eligibility for election to the
7 council, the manner of electing councilmen, the numbering of council
8 positions, the terms of councilmen, the occurrence and the filling of
9 vacancies, the grounds for forfeiture of office, and appointment of a
10 mayor pro tempore or deputy mayor or councilman pro tempore shall be
11 governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040,
12 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a
13 code city organized under the mayor-council plan(~~(:—PROVIDED, That))~~),
14 except that in council-manager cities where all council positions are
15 at-large positions, the city council may, pursuant to RCW 35A.13.033,
16 provide that the person elected to council position one (~~(on or after~~
17 ~~September 8, 1975,)~~) shall be the council chairman and shall carry out
18 the duties prescribed by RCW 35A.13.030(~~(, as now or hereafter~~
19 ~~amended))~~).

20 ***Sec. 37.** RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060 are
21 each amended to read as follows:

22 ***An annexation election shall be held in accordance with (~~chapter~~***
23 ***~~35A.29 RCW of this title~~) general election law and only registered***
24 ***voters who have resided in the area proposed to be annexed for ninety***
25 ***days immediately preceding the election shall be allowed to vote***
26 ***therein.***

27 ***Sec. 37 was vetoed, see message at end of chapter.**

28 **Sec. 38.** RCW 35A.14.070 and 1979 ex.s. c 124 s 4 are each amended
29 to read as follows:

30 Notice of an annexation election shall particularly describe the
31 boundaries of the area proposed to be annexed, as the same may have
32 been modified by the boundary review board or the county annexation
33 review board, state the objects of the election as prayed in the
34 petition or as stated in the resolution, and require the voters to cast
35 ballots which shall contain the words "For Annexation" or "Against
36 Annexation" or words equivalent thereto, or contain the words "For

1 Annexation and Adoption of Proposed Zoning Regulation", and "Against
2 Annexation and Adoption of Proposed Zoning Regulation", or words
3 equivalent thereto in case the simultaneous adoption of a proposed
4 zoning regulation is proposed, and in case the assumption of all or a
5 portion of indebtedness is proposed, shall contain an appropriate,
6 separate proposition for or against the portion of indebtedness that
7 the city requires to be assumed. The notice shall be posted for at
8 least two weeks prior to the date of election in four public places
9 within the area proposed to be annexed and published at least once a
10 week for two weeks prior to the date of election in a newspaper of
11 general circulation within the limits of the territory proposed to be
12 annexed. Such notice shall be in addition to the notice required by
13 (~~RCW 35A.29.140~~) general election law.

14 **Sec. 39.** RCW 35A.15.040 and 1967 ex.s. c 119 s 35A.15.040 are each
15 amended to read as follows:

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

24 **Sec. 40.** RCW 35A.16.030 and 1967 ex.s. c 119 s 35A.16.030 are each
25 amended to read as follows:

26 (~~The election returns shall be canvassed as provided in RCW~~
27 ~~35A.29.070 and~~) If three-fifths of the votes cast on the proposition
28 favor the reduction of the corporate limits, the (~~legislative body, by~~
29 ~~an order entered on its minutes, shall direct the clerk to~~) county
30 auditor shall make and transmit to the office of the secretary of state
31 a certified abstract of the vote.

32 NEW SECTION. **Sec. 41.** A new section is added to chapter 35A.29
33 RCW to read as follows:

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

1 **Sec. 42.** RCW 36.69.020 and 1969 c 26 s 2 are each amended to read
2 as follows:

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

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

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

32 **Sec. 43.** RCW 36.69.070 and 1979 ex.s. c 126 s 28 are each amended
33 to read as follows:

34 ~~((All elections pursuant to this chapter shall be conducted in
35 accordance with the provisions of chapter 29.13 RCW for district
36 elections.))~~ A ballot proposition authorizing the formation of the
37 proposed park and recreation district shall be submitted to the voters
38 of the proposed district for their approval or rejection at the next

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

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

33 **Sec. 44.** RCW 36.69.080 and 1979 ex.s. c 126 s 29 are each amended
34 to read as follows:

35 If a majority of all votes cast upon the proposition favors the
36 formation of the district, (~~{the}~~) the county legislative authority
37 shall(~~{,}~~), by resolution, declare the territory organized as a park
38 and recreation district under the designated name (~~theretofore~~

1 ~~designated, and shall declare the candidate from each subdivision~~
2 ~~receiving the highest number of votes for park and recreation~~
3 ~~commissioner the duly elected first park and recreation commissioner of~~
4 ~~the subdivision of the district. These initial park and recreation~~
5 ~~commissioners shall take office immediately upon their election and~~
6 ~~qualification and hold office until their successors are elected and~~
7 ~~qualified and assume office as provided in RCW 36.69.090 as now or~~
8 ~~hereafter amended)).~~

9 **Sec. 45.** RCW 36.69.090 and 1987 c 53 s 1 are each amended to read
10 as follows:

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

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

34 **Sec. 46.** RCW 36.69.100 and 1963 c 4 s 36.69.100 are each amended
35 to read as follows:

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

4 **Sec. 47.** RCW 36.69.440 and 1979 ex.s. c 11 s 3 are each amended to
5 read as follows:

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

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

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

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

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

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

36 (6)) The proposition for the formation of the proposed joint park
37 and recreation district shall be submitted to the voters of the

1 district at the next general election, which election shall be
2 conducted as required by RCW 36.69.070 and 36.69.080.

3 **Sec. 48.** RCW 52.14.010 and 1985 c 330 s 2 are each amended to read
4 as follows:

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

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

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

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

1 **Sec. 49.** RCW 52.14.013 and 1992 c 74 s 2 are each amended to read
2 as follows:

3 The board of fire commissioners of a fire protection district may
4 adopt a resolution by unanimous vote causing a ballot proposition to be
5 submitted to voters of the district authorizing the creation of
6 commissioner districts. The board of fire commissioners shall create
7 commissioner districts if the ballot proposition authorizing the
8 creation of commissioner districts is approved by a simple majority
9 vote of the voters of the fire protection district voting on the
10 proposition. Three commissioner districts shall be created for a fire
11 protection district with three commissioners, and five commissioner
12 districts shall be created for a fire protection district with five
13 commissioners. No two commissioners may reside in the same
14 commissioner district.

15 No change in the boundaries of any commissioner district shall be
16 made within one hundred twenty days next before the date of a general
17 district election, nor within twenty months after the commissioner
18 districts have been established or altered. However, if a boundary
19 change results in one commissioner district being represented by two or
20 more commissioners, those commissioners having the shortest unexpired
21 terms shall be assigned by the commission to commissioner districts
22 where there is a vacancy, and the commissioners so assigned shall be
23 deemed to be residents of the commissioner districts to which they are
24 assigned for purposes of determining whether those positions are
25 vacant.

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

36 When a board of fire commissioners that has commissioner districts
37 has been increased to five members under RCW 52.14.015, the board of
38 fire commissioners shall divide the fire protection district into five
39 commissioner districts before it appoints the two additional fire

1 commissioners. The two additional fire commissioners who are appointed
2 shall reside in separate commissioner districts in which no other fire
3 commissioner resides.

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

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

21 Shall the board of commissioners of county fire
22 protection district no. . . . be increased from three members to
23 five members?

24 Yes

25 No

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

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

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

34 (~~The polling places for district elections shall be those of the~~
35 ~~county voting precincts which include any of the territory within the~~
36 ~~fire protection districts. District elections~~) The polling places for

1 a fire protection district election may be located inside or outside
2 the boundaries of the district ((and)), as determined by the auditor of
3 the county in which the fire protection district is located, and the
4 elections of the fire protection district shall not be held to be
5 irregular or void on that account.

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

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

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

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

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

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

1 ~~elected fire commissioners))~~ shall be calculated from the first day of
2 January in the year following their election.

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

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

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

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

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

33 Public Utility District No. YES

34 Public Utility District No. NO

35 At the same special election on the proposition to form a public
36 utility district, there shall also be an election for three public

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

1 ~~one year~~) assume office immediately when they are elected and
2 qualified, but the length of their terms of office shall be calculated
3 from the first day in January in the year following their elections.

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

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

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

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

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

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

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

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

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

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

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

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

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

32 **Sec. 57.** RCW 54.40.010 and 1977 ex.s. c 36 s 1 are each amended to
33 read as follows:

34 A five commissioner public utility district is a district ((~~which~~
35 ~~shall have~~)) that (1) either: (a) Has or had a license from the
36 federal power commission to construct a hydroelectric project of an
37 estimated cost of more than two hundred and fifty million dollars,
38 including interest during construction((~~, and which shall have received~~

1 ~~the approval of the~~); or (b) has a population of five hundred thousand
2 or more; and (2) voters of the district approved a ballot proposition
3 authorizing the district to become a five commissioner district as
4 provided ((herein)) under RCW 54.40.040. All other public utility
5 districts shall be known as three commissioner districts.

6 **Sec. 58.** RCW 54.40.040 and 1977 ex.s. c 36 s 4 are each amended to
7 read as follows:

8 A public utility district that has or had a license from the
9 federal power commission to construct a hydroelectric project of an
10 estimated cost of more than two hundred fifty million dollars,
11 including interest during construction, or has a population of five
12 hundred thousand or more, shall be classified as a five commissioner
13 district ~~((only by approval of the qualified))~~ if voters of the
14 district ~~((Such approval shall be by an election upon petition as~~
15 ~~hereinafter provided))~~ approve a ballot proposition authorizing the
16 change. In submitting the question to the voters for their approval or
17 rejection, the proposition shall be expressed on the ballot in
18 substantially the following terms:

19 Shall Public Utility District No. be
20 reclassified a Five Commissioner District for
21 the purpose of increasing the number of
22 commissioners to five YES 1
23 NO 1

24 Should a majority of the voters voting on the question approve the
25 proposition, the district shall be declared a five commissioner
26 district upon the ~~((completion of the canvass))~~ certification of the
27 election returns.

28 **Sec. 59.** RCW 54.40.050 and 1977 ex.s. c 36 s 5 are each amended to
29 read as follows:

30 The question of reclassification of a public utility district that
31 has or had a license from the federal power commission to construct a
32 hydroelectric project of an estimated cost of more than two hundred
33 fifty million dollars, including interest during construction, or has
34 a population of five hundred thousand or more, as a five commissioner
35 public utility district shall be submitted to the voters ~~((only upon~~
36 ~~filing))~~ if a petition proposing the change is filed with the county

1 auditor of the county in which (~~said~~) the district is located,
2 identifying the district by number and praying that an election be held
3 to determine whether it shall become a five commissioner district. The
4 petition must be signed by a number of (~~qualified~~) registered voters
5 of the district equal to at least ten percent of the number of
6 registered voters in the district who voted at the last general
7 election(~~(. In addition to the signature of the voter, the petition~~
8 ~~must indicate)~~) and include each signer's residence address (~~and~~
9 ~~further indicate whether he is registered in a precinct in an~~
10 ~~unincorporated area or a precinct in an incorporated area and if the~~
11 ~~latter, give the name of the city or town wherein he is registered.~~
12 ~~Said~~)).

13 The petition shall be (~~presented to~~) filed with the county
14 auditor for verification of the validity of the signatures. Within
15 thirty days after receipt of the petition, the county auditor(~~(, in~~
16 ~~conjunction with the city clerks of the incorporated areas in which any~~
17 ~~signer is registered,)~~) shall determine the sufficiency of the
18 petition. If the petition is found insufficient, the person who filed
19 the same shall be notified by mail and he shall have an additional
20 fifteen days from the date of mailing such notice within which to
21 submit additional signatures, and the county auditor shall have an
22 additional thirty days after the submission of such additional
23 signatures to determine the validity of the entire petition. No
24 signature may be withdrawn after the petition has been filed.

25 If the petition, including these additional signatures if any, is
26 found sufficient, the county auditor shall certify (~~such fact~~) its
27 sufficiency to the public utility district and if the commissioners of
28 the public utility district (~~have theretofore~~) had certified to the
29 county auditor the eligibility of the district for reclassification as
30 provided in this chapter, the county auditor shall submit to the voters
31 of the district the question of whether the district shall become a
32 five commissioner district. (~~Such~~) The election shall be held (~~on~~
33 ~~a date fixed by the county auditor which date shall be held at the next~~
34 ~~general election after the date on which he certified the sufficiency~~
35 ~~of the petition. Notice of any election on the question shall be given~~
36 ~~in the manner prescribed for notice of an election on the formation of~~
37 ~~a public utility district)~~) at the next state general election
38 occurring sixty or more days after the petition was certified as having
39 sufficient valid signatures.

1 **Sec. 60.** RCW 54.40.060 and 1977 ex.s. c 36 s 6 are each amended to
2 read as follows:

3 If the reclassification to a five commissioner district is approved
4 by the voters, the public utility district commission within ~~((ten))~~
5 sixty days after the results of said election are certified shall
6 divide the public utility district into two districts of as nearly
7 equal population ~~((and area))~~ as possible, and shall designate ~~((such))~~
8 the districts as ((At Large)) District A and ((At Large)) District B.

9 **Sec. 61.** RCW 54.40.070 and 1977 ex.s. c 36 s 7 are each amended to
10 read as follows:

11 Within thirty days after the public utility district commission
12 ~~((shall))~~ divides the district into ((two at large districts)) District
13 A and District B, the county legislative authority shall call a special
14 election, to be held at the next ~~((scheduled))~~ special election
15 ~~((called pursuant to))~~ date provided for under RCW 29.13.010((, or not
16 more than ninety days after such)) that occurs sixty or more days after
17 the call, at which time the initial commissioners ((to such at large
18 districts)) for District A and District B shall be elected((,)). No
19 primary shall be held and a special filing period shall be opened as
20 provided in RCW 29.15.170 and 29.15.180. The person receiving the
21 greatest number of votes for each position shall be elected.

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

33 The newly elected commissioners shall assume office immediately
34 after being elected and qualified and shall serve until their
35 successors are elected and qualified and assume office in accordance
36 with RCW 29.04.170. Each successor shall be elected to a four-year
37 term of office.

1 **Sec. 62.** RCW 56.12.015 and 1991 c 190 s 2 are each amended to read
2 as follows:

3 If a three-member board of commissioners of any sewer district with
4 any number of customers determines by resolution that it would be in
5 the best interest of the district to increase the number of
6 commissioners from three to five, or if the board of a sewer district
7 with any number of customers is presented with a petition signed by ten
8 percent of the registered voters resident within the district who voted
9 in the last general municipal election calling for an increase in the
10 number of commissioners of the district, the board shall submit a
11 resolution to the county auditor requesting that an election be held.
12 Upon receipt of the resolution, the county auditor shall call a special
13 election to be held within the sewer district in accordance with RCW
14 29.13.010 and 29.13.020, at which election a proposition in
15 substantially the following language shall be submitted to the voters:

16 Shall the Board of Commissioners of (Name and/or No. of
17 sewer district) be increased from three to five members?

18 Yes

19 No

20 If the proposition receives a majority approval at the election the
21 board of commissioners of the sewer district shall be increased to five
22 members. In any sewer district with more than ten thousand customers,
23 if a three-member board of commissioners determines by resolution (~~and~~
24 ~~approves by unanimous vote of the board~~) that it would be in the best
25 interest of the district to increase the number of commissioners from
26 three to five, the number of commissioners shall be so increased(~~(7)~~)
27 without an election, unless within ninety days of adoption of that
28 resolution, a petition requesting an election and signed by at least
29 ten percent of the registered voters who voted in the last general
30 municipal election is filed with the board. If such a petition is
31 received, the board shall submit the resolution and the petition to the
32 county auditor, who shall call a special election in the manner
33 described in this section and in accordance with the provisions of RCW
34 29.13.010 and 29.13.020.

35 The two positions created on boards of sewer commissioners by this
36 section shall be filled initially either as for a vacancy or by
37 nomination under RCW 56.12.030, except that the appointees or newly
38 elected commissioners shall draw lots, one appointee to serve until the

1 next general sewer district election after the appointment, at which
2 two commissioners shall be elected for six-year terms, and the other
3 appointee to serve until the second general sewer district election
4 after the appointment, at which two commissioners shall be elected for
5 six-year terms.

6 **Sec. 63.** RCW 56.12.020 and 1979 ex.s. c 126 s 38 are each amended
7 to read as follows:

8 At the election held to form or reorganize a sewer district,
9 ~~((there shall be elected three commissioners who shall assume office
10 immediately when qualified in accordance with RCW 29.01.135 to hold
11 office for terms of two, four, and six years respectively, and until
12 their successors are elected and qualified and assume office in
13 accordance with RCW 29.04.170.~~

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

34 The newly elected sewer district commissioners shall assume office
35 immediately when they are elected and qualified. Staggering of the
36 terms of office for the new sewer district commissioners shall be
37 accomplished as follows: (1) The person who is elected receiving the
38 greatest number of votes shall be elected to a six-year term of office

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

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

14 **Sec. 64.** RCW 56.12.030 and 1990 c 259 s 24 are each amended to
15 read as follows:

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

1 ~~(2) Subsection (1) of this section notwithstanding,))~~ The board of
2 commissioners of any sewer district may ~~((provide by majority vote that~~
3 ~~subsequent commissioners be elected from commissioner districts))~~ adopt
4 a resolution providing that each subsequent commissioner be elected as
5 a commissioner of a commissioner district within the district. If the
6 board exercises this option, it shall divide the district into
7 ~~((three))~~ a number of commissioner districts ((of)) equal in number to
8 the number of commissioners on the board, each with approximately equal
9 population following current precinct and district boundaries as far as
10 practicable. ~~((Thereafter, candidates shall be nominated and one~~
11 ~~candidate shall be elected from each commissioner district by the~~
12 ~~registered voters of the commissioner district.~~

13 ~~(3) All expense of elections for the formation or reorganization of~~
14 ~~a sewer district shall be paid by the county in which the election is~~
15 ~~held and the expenditure is hereby declared to be for a county purpose,~~
16 ~~and the money paid for that purpose shall be repaid to the county by~~
17 ~~the district if formed or reorganized.))~~ Commissioner districts shall
18 be used as follows: (1) Only a registered voter who resides in a
19 commissioner district may be a candidate for, or serve as, a
20 commissioner of the commissioner district; and (2) only voters of a
21 commissioner district may vote at a primary to nominate candidates for
22 a commissioner of the commissioner district. Voters of the entire
23 sewer district may vote at a general election to elect a person as a
24 commissioner of the commissioner district. Commissioner districts
25 shall be redrawn as provided in chapter 29.70 RCW.

26 NEW SECTION. Sec. 65. A new section is added to chapter 56.12 RCW
27 to read as follows:

28 Sewer district elections shall conform with general election laws.
29 Vacancies on a board of sewer commissioners shall occur and shall
30 be filled as provided in chapter 42.12 RCW.

31 Sec. 66. RCW 57.02.050 and 1982 1st ex.s. c 17 s 5 are each
32 amended to read as follows:

33 Whenever the boundaries or proposed boundaries of a water district
34 include or are proposed to include by means of formation, annexation,
35 consolidation, or merger (including merger with a sewer district)
36 territory in more than one county, all duties delegated by Title 57 RCW
37 to officers of the county in which the district is located shall be

1 delegated to the officers of the county in which the largest land area
2 of the district is located, except that elections shall be conducted
3 pursuant to ((RCW 57.02.060, as now existing or hereafter amended))
4 general election law, actions subject to review and approval under RCW
5 57.02.040 and 56.02.070 shall be reviewed and approved only by the
6 officers or boards in the county in which such actions are proposed to
7 occur, verification of electors' signatures shall be conducted by the
8 county election officer of the county in which such signators reside,
9 and comprehensive plan review and approval or rejection by the
10 respective county legislative authorities under RCW 57.16.010 shall be
11 limited to that part of such plans within the respective counties.

12 **Sec. 67.** RCW 57.12.015 and 1991 c 190 s 6 are each amended to read
13 as follows:

14 In the event a three-member board of commissioners of any water
15 district with any number of customers determines by resolution that it
16 would be in the best interest of the district to increase the number of
17 commissioners from three to five, or in the event the board of a
18 district with any number of customers is presented with a petition
19 signed by ten percent of the registered voters resident within the
20 district who voted in the last general municipal election calling for
21 an increase in the number of commissioners of the district, the board
22 shall submit a resolution to the county auditor requesting that an
23 election be held. Upon receipt of the resolution, the county auditor
24 shall call a special election to be held within the water district in
25 accordance with RCW 29.13.010 and 29.13.020, at which election a
26 proposition in substantially the following language shall be submitted
27 to the voters:

28 Shall the Board of Commissioners of (Name and/or No. of
29 water district) be increased from three to five members?

30 Yes

31 No

32 If the proposition receives a majority approval at the election the
33 board of commissioners of the water district shall be increased to five
34 members. In any water district with more than ten thousand customers,
35 if a three-member board of commissioners determines by resolution ((~~and~~
36 ~~approves by unanimous vote of the board~~)) that it would be in the best
37 interest of the district to increase the number of commissioners from

1 three to five, the number of commissioners shall be so increased((7))
2 without an election, unless within ninety days of adoption of that
3 resolution a petition requesting an election and signed by at least ten
4 percent of the registered voters who voted in the last general
5 municipal election is filed with the board. If such a petition is
6 received, the board shall submit the resolution and the petition to the
7 county auditor, who shall call a special election in the manner
8 described in this section and in accordance with the provisions of RCW
9 29.13.010 and 29.13.020.

10 The two positions created on boards of water commissioners by this
11 section shall be filled initially either as for a vacancy or by
12 nomination under RCW 57.12.039, except that the appointees or newly
13 elected commissioners shall draw lots, one appointee to serve until the
14 next general water district election after the appointment, at which
15 two commissioners shall be elected for six-year terms, and the other
16 appointee to serve until the second general water district election
17 after the appointment, at which two commissioners shall be elected for
18 six-year terms.

19 **Sec. 68.** RCW 57.12.020 and 1990 c 259 s 30 are each amended to
20 read as follows:

21 ~~((Nominations for the first board of commissioners to be elected at
22 the election for the formation of the water district shall be by
23 petition of at least ten percent of the registered voters of the
24 district who voted in the last general municipal election, filed in the
25 auditor's office of the county in which the district is located, at
26 least forty five days prior to the election. Thereafter, candidates
27 for the office of water commissioners shall file declarations of
28 candidacy and their election shall be conducted as provided by the
29 general election laws.))~~

30 A vacancy ~~((or vacancies))~~ on the board shall occur and shall be
31 filled ~~((by appointment by the remaining commissioner or commissioners
32 until the next regular election for commissioners: PROVIDED, That if
33 there are two vacancies on the board, one vacancy shall be filled by
34 appointment by the remaining commissioner and the one remaining vacancy
35 shall be filled by appointment by the then two commissioners and the
36 appointed commissioners shall serve until the next regular election for
37 commissioners. If the vacancy or vacancies remain unfilled within six
38 months of its or their occurrence, the county legislative authority in~~

1 which the district is located shall make the necessary appointment or
2 appointments. If there is a vacancy of the entire board a new board
3 may be appointed by the county legislative authority.

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

7 **Sec. 69.** RCW 57.12.030 and 1982 1st ex.s. c 17 s 14 are each
8 amended to read as follows:

9 ((The general laws of the state of Washington governing the
10 registration of voters for a general or a special city election shall
11 govern the registration of voters for elections held under this
12 chapter. The manner of holding any general or special election for
13 said)) Water district elections shall be held in accordance with the
14 general election laws of this state. ((All elections in a water
15 district shall be conducted under RCW 57.02.060. All expenses of
16 elections for a water district shall be paid for out of the funds of
17 the water district: PROVIDED, That if the voters fail to approve the
18 formation of a water district, the expenses of the formation election
19 shall be paid by each county in which the proposed district is located,
20 in proportion to the number of registered voters in the proposed
21 district residing in each county.))

22 Except as in this section otherwise provided, the term of office of
23 each water district commissioner shall be six years, such term to be
24 computed from the first day of January following the election, and
25 ((one commissioner shall be elected at each biennial general election,
26 as provided in RCW 29.13.020, for the term of six years and until his
27 or her successor is)) commissioners shall serve until their successors
28 are elected and qualified and assume((s)) office in accordance with RCW
29 29.04.170. ((All candidates shall be voted upon by the entire water
30 district.))

31 Three water district commissioners shall be elected at the same
32 election at which the proposition is submitted to the voters as to
33 whether such water district shall be formed. ((The commissioner
34 elected in commissioner position number one shall hold office for the
35 term of six years; the commissioner elected in commissioner position
36 number two shall hold office for the term of four years; and the
37 commissioner elected in commissioner position number three shall hold
38 office for the term of two years: PROVIDED, That the members of the

1 ~~first commission shall take office immediately upon their election and~~
2 ~~qualification. The terms of all commissioners first to be elected~~
3 ~~shall also include the time intervening between the date that the~~
4 ~~results of their election are declared in the canvass of returns~~
5 ~~thereof and the first day of January following the next general~~
6 ~~district election as provided in RCW 29.13.020.))~~ The election of
7 water district commissioners shall be null and void if the ballot
8 proposition to form the water district is not approved. Each candidate
9 shall run for one of three separate commissioner positions. A special
10 filing period shall be opened as provided in RCW 29.15.170 and
11 29.15.180. The person receiving the greatest number of votes for each
12 position shall be elected to that position.

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

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

31 **Sec. 70.** RCW 57.12.039 and 1986 c 41 s 2 are each amended to read
32 as follows:

33 (1) Notwithstanding RCW 57.12.020 and 57.12.030, the board of
34 commissioners may provide by majority vote that subsequent
35 commissioners be elected from commissioner districts within the
36 district. If the board exercises this option, it shall divide the
37 district into three, or five if the number of commissioners has been
38 increased under RCW 57.12.015, commissioner districts of approximately

1 equal population following current precinct and district boundaries.
2 (~~Thereafter, candidates shall be nominated and one candidate shall be~~
3 ~~elected from each commissioner district by the electors of the~~
4 ~~commissioner district.~~)

5 (2) Commissioner districts shall be used as follows: (1) Only a
6 registered voter who resides in a commissioner district may be a
7 candidate for, or serve as, a commissioner of the commissioner
8 district; and (2) only voters of a commissioner district may vote at a
9 primary to nominate candidates for a commissioner of the commissioner
10 district. Voters of the entire water district may vote at a general
11 election to elect a person as a commissioner of the commissioner
12 district. Commissioner districts shall be redrawn as provided in
13 chapter 29.70 RCW.

14 (3) In water districts in which commissioners are nominated from
15 commissioner districts, at the inception of a five-member board of
16 commissioners, the new commissioner districts shall be numbered one
17 through five and the three incumbent commissioners shall represent
18 commissioner districts one through three. If, as a result of redrawing
19 the district boundaries two or three of the incumbent commissioners
20 reside in one of the new commissioner districts, the commissioners who
21 reside in the same commissioner district shall determine by lot which
22 of the first three numbered commissioner districts they shall represent
23 for the remainder of their respective terms. A primary shall be held
24 to nominate candidates from districts four and five where necessary and
25 commissioners shall be elected at large at the general election. The
26 persons elected as commissioners from commissioner districts four and
27 five shall take office immediately after qualification as defined under
28 RCW 29.01.135.

29 **Sec. 71.** RCW 57.32.022 and 1982 1st ex.s. c 17 s 31 are each
30 amended to read as follows:

31 The respective boards of water commissioners of the consolidating
32 districts shall certify the agreement to the county election officer of
33 each county in which the districts are located. A special election
34 shall be called by the county election officer (~~under RCW 57.02.060~~)
35 for the purpose of submitting to the voters of each of the
36 consolidating districts the proposition of whether or not the several
37 districts shall be consolidated into one water district. The
38 proposition shall give the title of the proposed consolidated district.

1 Notice of the election shall be given and the election conducted in
2 accordance with the general election laws.

3 **Sec. 72.** RCW 57.32.023 and 1982 1st ex.s. c 17 s 32 are each
4 amended to read as follows:

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

23 NEW SECTION. **Sec. 73.** A new section is added to chapter 68.52 RCW
24 to read as follows:

25 Cemetery district elections shall conform with general election
26 laws.

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

29 **Sec. 74.** RCW 68.52.100 and 1947 c 6 s 2 are each amended to read
30 as follows:

31 For the purpose of forming a cemetery district, a petition
32 designating the boundaries of the proposed district by metes and bounds
33 or describing the lands to be included in the proposed district by
34 government townships, ranges and legal subdivisions, signed by not less
35 than fifteen percent of the (~~qualified~~) registered (~~electors, who~~
36 ~~are property owners or are purchasing property under contract and who~~

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

24 **Sec. 75.** RCW 68.52.140 and 1982 c 60 s 2 are each amended to read
25 as follows:

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

1 ~~the boundaries of the district as candidates for election as cemetery~~
2 ~~district commissioners. These electors are exempt from the~~
3 ~~requirements of chapter 42.17 RCW.)~~ At the same election three
4 cemetery district commissioners shall be elected, but the election of
5 the commissioners shall be null and void if the district is not
6 created. No primary shall be held. A special filing period shall be
7 opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall
8 run for specific commissioner positions. The person receiving the
9 greatest number of votes for each commissioner position shall be
10 elected to that commissioner position. The terms of office of the
11 initial commissioners shall be as provided in RCW 68.52.220.

12 **Sec. 76.** RCW 68.52.160 and 1947 c 6 s 8 are each amended to read
13 as follows:

14 The ballot for (~~said~~) the election shall be in such form as may
15 be convenient but shall present the propositions substantially as
16 follows:

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

19Yes.....

20(insert county name)..... cemetery district No.(insert
21 number).....

22No....."

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

26 **Sec. 77.** RCW 68.52.220 and 1990 c 259 s 33 are each amended to
27 read as follows:

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

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

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

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

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

10 **Sec. 78.** RCW 70.44.040 and 1990 c 259 s 39 are each amended to
11 read as follows:

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

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

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

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

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

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

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

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

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

1 that is not coterminous with the boundaries of a county that has three
2 county legislative authority districts shall redraw hospital district
3 commissioner boundaries as provided in chapter 29.70 RCW.

4 **Sec. 79.** RCW 70.44.045 and 1982 c 84 s 13 are each amended to read
5 as follows:

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

23 **Sec. 80.** RCW 70.44.053 and 1967 c 77 s 2 are each amended to read
24 as follows:

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

34 If the voters of the district approve the ballot proposition
35 authorizing the increase in the number of commissioners to either five
36 or seven members, the board of commissioners shall redistrict the
37 public hospital district into the appropriate number of commissioner

1 districts. The additional commissioners shall be elected from
2 commissioner districts in which no existing commissioner resides at the
3 next state general election occurring one hundred twenty days or more
4 after the date of the election at which the voters of the district
5 approved the ballot proposition authorizing the increase in the number
6 of commissioners. If needed, special filing periods shall be
7 authorized as provided in RCW 29.15.170 and 29.15.180 for qualified
8 persons to file for the vacant office. A primary shall be held to
9 nominate candidates if sufficient time exists to hold a primary and
10 more than two candidates file for the vacant office. Otherwise, a
11 primary shall not be held and the candidate receiving the greatest
12 number of votes for each position shall be elected. Except for the
13 initial terms of office, persons elected to each of these additional
14 commissioner positions shall be elected to a six-year term.

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

25 Where the number of commissioners is increased from three or five
26 to seven, the county auditor of the county in which all or the largest
27 portion of the hospital district is located shall cause the initial
28 terms of office of the additional commissioners to be staggered over
29 the next three district general elections so that two commissioners
30 would normally be elected at the first district general election
31 following the election where the additional commissioners are elected,
32 two commissioners are normally elected at the second district general
33 election after the election of the additional commissioners, and three
34 commissioners are normally elected at the third district general
35 election following the election of the additional commissioners. The
36 newly elected commissioners shall assume office as provided in RCW
37 29.04.170.

1 **Sec. 81.** RCW 53.12.010 and 1992 c 146 s 1 are each amended to read
2 as follows:

3 (1) The powers of the port district shall be exercised through a
4 port commission consisting of three or, when permitted by this title,
5 five members. Every port district that is not coextensive with a
6 county having a population of five hundred thousand or more shall be
7 divided into ~~((three))~~ the same number of commissioner districts as
8 there are commissioner positions, each having approximately equal
9 population, unless provided otherwise under subsection (2) of this
10 section. Where a port district with three commissioner positions is
11 coextensive with the boundaries of a county that has a population of
12 less than five hundred thousand and the county has three county
13 legislative authority districts, the port ~~((district))~~ commissioner
14 districts shall be the county legislative authority districts. In
15 other instances where a port district is divided into commissioner
16 districts, the ~~((petition proposing the formation of such a))~~ port
17 commission shall divide the port district ((shall describe three)) into
18 commissioner districts ((each having approximately the same population
19 and)) unless the commissioner districts have been described pursuant to
20 section 81 of this act. The commissioner districts shall be altered as
21 provided in chapter 53.16 RCW.

22 Commissioner districts shall be used as follows: (1) Only a
23 registered voter who resides in a commissioner district may be a
24 candidate for, or hold office as, a commissioner of the commissioner
25 district; and (2) only the voters of a commissioner district may vote
26 at a primary ~~((election))~~ to nominate candidates for a commissioner of
27 the commissioner district. Voters of the entire port district may vote
28 at a general election to elect a person as a commissioner of the
29 commissioner district.

30 ~~((In port districts having additional commissioners as authorized
31 by RCW 53.12.120, 53.12.130, and 53.12.115, the powers of the port
32 district shall be exercised through a port commission consisting of
33 five members constituted as provided therein.))~~

34 (2) In port districts with five commissioners, two of the
35 commissioner districts may include the entire port district if approved
36 by the voters of the district either at the time of formation or at a
37 subsequent port district election at which the issue is proposed
38 pursuant to a resolution adopted by the board of commissioners and
39 delivered to the county auditor.

1 NEW SECTION. **Sec. 82.** A new section is added to chapter 53.12 RCW
2 to read as follows:

3 Any less than county-wide port district that uses commissioner
4 districts may cease using commissioner districts as provided in this
5 section.

6 A ballot proposition authorizing the elimination of commissioner
7 districts shall be submitted to the voters of a less than county-wide
8 port district that is divided into commissioner districts if (1) a
9 petition is submitted to the port commission proposing that the port
10 district cease using commissioner districts, that is signed by
11 registered voters of the port district equal in number to at least ten
12 percent of the number of voters who voted at the last district general
13 election; or (2) the port commissioners adopt a resolution proposing
14 that the port district cease using commissioner districts. The port
15 commission shall transfer the petition or resolution immediately to the
16 county auditor who shall, when a petition is submitted, review the
17 signatures and certify its sufficiency. A ballot proposition
18 authorizing the elimination of commissioner districts shall be
19 submitted at the next district general election occurring sixty or more
20 days after a petition with sufficient signatures was submitted. If the
21 ballot proposition authorizing the port district to cease using
22 commissioner districts is approved by a simple majority vote, the port
23 district shall cease using commissioner districts at all subsequent
24 elections.

25 NEW SECTION. **Sec. 83.** A new section is added to chapter 53.04 RCW
26 to read as follows:

27 Three commissioner districts, each with approximately the same
28 population, shall be described in the petition proposing the creation
29 of a port district under RCW 53.04.020, if the process to create the
30 port district was initiated by voter petition, or shall be described by
31 the county legislative authority, if the process to initiate the
32 creation of the port district was by action of the county legislative
33 authority. However, commissioner districts shall not be described if
34 the commissioner districts of the proposed port district shall be the
35 same as the county legislative authority districts.

36 The initial port commissioners shall be elected as provided in RCW
37 53.12.172.

1 **Sec. 84.** RCW 53.04.023 and 1993 c 70 s 1 are each amended to read
2 as follows:

3 A less than county-wide port district with an assessed valuation of
4 at least seventy-five million dollars may be created in a county that
5 already has a less than county-wide port district located within its
6 boundaries. Except as provided in this section, such a port district
7 shall be created in accordance with the procedure to create a county-
8 wide port district.

9 The effort to create such a port district is initiated by the
10 filing of a petition with the county auditor calling for the creation
11 of such a port district, describing the boundaries of the proposed port
12 district, designating either three or five commissioner positions,
13 describing commissioner districts if the petitioners propose that the
14 commissioners represent districts, and providing a name for the
15 proposed port district. The petition must be signed by voters residing
16 within the proposed port district equal in number to at least ten
17 percent of such voters who voted at the last county general election.

18 A public hearing on creation of the proposed port district shall be
19 held by the county legislative authority if the county auditor
20 certifies that the petition contained sufficient valid signatures.
21 Notice of the public hearing must be published in the county's official
22 newspaper at least ten days prior to the date of the public hearing.
23 After taking testimony, the county legislative authority may make
24 changes in the boundaries of the proposed port district if it finds
25 that such changes are in the public interest and shall determine if the
26 creation of the port district is in the public interest. No area may
27 be added to the boundaries unless a subsequent public hearing is held
28 on the proposed port district.

29 The county legislative authority shall submit a ballot proposition
30 authorizing the creation of the proposed port district to the voters of
31 the proposed port district, at any special election date provided in
32 RCW 29.13.020, if it finds the creation of the port district to be in
33 the public interest.

34 The port district shall be created if a majority of the voters
35 voting on the ballot proposition favor the creation of the port
36 district. The initial port commissioners shall be elected at the same
37 election, from districts or at large, as provided in the petition
38 initiating the creation of the port district. The election shall be
39 otherwise conducted as provided in RCW 53.12.172, but the election of

1 commissioners shall be null and void if the port district is not
2 created. (~~Commissioner districts shall not be used in the initial~~
3 ~~election of the port commissioners.~~)

4 This section shall expire July 1, 1997.

5 **Sec. 85.** RCW 53.12.172 and 1992 c 146 s 2 are each reenacted and
6 amended to read as follows:

7 (1) In every port district the term of office of each port
8 commissioner shall be four years in each port district that is county-
9 wide with a population of one hundred thousand or more, or either six
10 or four years in all other port districts as provided in RCW 53.12.175,
11 and until a successor is elected and qualified and assumes office in
12 accordance with RCW 29.04.170.

13 (2) The initial port commissioners shall be elected at the same
14 election as when the ballot proposition is submitted to voters
15 authorizing the creation of the port district. If the port district is
16 created the persons elected at this election shall serve as the initial
17 port commission. No primary shall be held. The person receiving the
18 greatest number of votes for commissioner from each commissioner
19 district shall be elected as the commissioner of that district.

20 (3) The terms of office of the initial port commissioners shall be
21 staggered as follows in a port district that is county-wide with a
22 population of one hundred thousand or more: (~~(+1)~~) (a) The two
23 persons who are elected receiving the two greatest numbers of votes
24 shall be elected to four-year terms of office if the election is held
25 in an odd-numbered year, or three-year terms of office if the election
26 is held in an even-numbered year, and shall hold office until
27 successors are elected and qualified and assume office in accordance
28 with RCW 29.04.170; and (~~(+2)~~) (b) the other person who is elected
29 shall be elected to a two-year term of office if the election is held
30 in an odd-numbered year, or a one-year term of office if the election
31 is held in an even-numbered year, and shall hold office until a
32 successor is elected and qualified and assumes office in accordance
33 with RCW 29.04.170.

34 (4) The terms of office of the initial port commissioners in all
35 other port districts shall be staggered as follows: (a) The person who
36 is elected receiving the greatest number of votes shall be elected to
37 a six-year term of office if the election is held in an odd-numbered
38 year or to a five-year term of office if the election is held in an

1 even-numbered year, and shall hold office until a successor is elected
2 and qualified and assumes office in accordance with RCW 29.04.170; (b)
3 the person who is elected receiving the next greatest number of votes
4 shall be elected to a four-year term of office if the election is held
5 in an odd-numbered year or to a three-year term of office if the
6 election is held in an even-numbered year, and shall hold office until
7 a successor is elected and qualified and assumes office in accordance
8 with RCW 29.04.170; and (c) the other person who is elected shall be
9 elected to a two-year term of office if the election is held in an odd-
10 numbered year or a one-year term of office if the election is held in
11 an even-numbered year, and shall hold office until a successor is
12 elected and qualified and assumes office in accordance with RCW
13 29.04.170.

14 (5) The initial port commissioners shall take office immediately
15 after being elected and qualified, but the length of their terms shall
16 be calculated from the first day in January in the year following their
17 elections.

18 **Sec. 86.** RCW 53.12.115 and 1992 c 146 s 7 are each amended to read
19 as follows:

20 A ballot proposition shall be submitted to the voters of any port
21 district authorizing an increase in the number of port commissioners to
22 five whenever the port commission adopts a resolution proposing the
23 increase in number of port commissioners or a petition ((requesting))
24 proposing such an increase has been submitted to the county auditor of
25 the county in which the port district is located that has been signed
26 by voters of the port district at least equal in number to ten percent
27 of the number of voters in the port district who voted at the last
28 general election. The ballot proposition shall be submitted at the
29 next general or special election occurring sixty or more days after the
30 petition was submitted or resolution was adopted.

31 At the next general or special election following the election in
32 which an increase in the number of port commissioners was authorized,
33 candidates for the two additional port commissioner positions shall be
34 elected as provided in RCW 53.12.130, and the voters may be asked to
35 approve the nomination of commissioners from district-wide commissioner
36 districts as permitted in RCW 53.12.010(2).

1 **Sec. 87.** RCW 53.12.120 and 1992 c 146 s 8 are each amended to read
2 as follows:

3 When the population of a port district that has three commissioners
4 reaches five hundred thousand, in accordance with the latest United
5 States regular or special census or with the official state population
6 estimate, there shall be submitted to the voters of the district, at
7 the next district general election or at a special port election called
8 for that purpose, the proposition of increasing the number of
9 commissioners to five. ~~((At any general election thereafter, the same~~
10 ~~proposition may be submitted by resolution of the port commissioners,~~
11 ~~by filing a certified copy of the resolution with the county auditor at~~
12 ~~least four months prior to the general election. If the proposition is~~
13 ~~approved by the voters, the commission in that port district shall~~
14 ~~consist of five commissioners.))~~

15 At the next district general election following the election in
16 which an increase in the number of port commissioners was authorized,
17 candidates for the two additional port commissioner positions shall be
18 elected as provided in RCW 53.12.130.

19 **Sec. 88.** RCW 53.12.130 and 1992 c 146 s 9 are each amended to read
20 as follows:

21 Two additional port commissioners shall be elected at the next
22 district general election following the election at which voters
23 authorized the increase in port commissioners to five members. ~~((The~~
24 ~~two additional positions shall be numbered positions four and five.))~~

25 The port commissioners shall divide the port district into five
26 commissioner districts prior to the first day of June in the year in
27 which the two additional commissioners shall be elected, unless the
28 voters approved the nomination of the two additional commissioners from
29 district-wide commissioner districts as permitted in RCW 53.12.010(2).
30 The new commissioner districts shall be numbered one through five and
31 the three incumbent commissioners shall represent commissioner
32 districts one through three. If, as a result of redrawing the district
33 boundaries two or three of the incumbent commissioners reside in one of
34 the new commissioner districts, the commissioners who reside in the
35 same commissioner district shall determine by lot which of the first
36 three numbered commissioner districts they shall represent for the
37 remainder of their respective terms. A primary shall be held to
38 nominate candidates from districts four and five where necessary and

1 commissioners shall be elected from commissioner districts four and
2 five at the general election. The persons ~~((receiving the highest~~
3 ~~number of votes for each position shall be elected to that position~~
4 ~~and))~~ elected as commissioners from commissioner districts four and
5 five shall take office immediately after qualification as defined under
6 RCW 29.01.135.

7 In a port district where commissioners are elected to four-year
8 terms of office, the additional commissioner thus elected receiving the
9 highest number of votes shall be elected to a four-year term of office
10 and the other additional commissioner thus elected shall be elected to
11 a term of office of two years, if the election ~~((were))~~ is held in an
12 odd-numbered year, or the additional commissioner thus elected
13 receiving the highest number of votes shall be elected to a term of
14 office of three years and the other shall be elected to a term of
15 office of one year, if the election ~~((were))~~ is held in an even-
16 numbered year. In a port district where the commissioners are elected
17 to six-year terms of office, the additional commissioner thus elected
18 receiving the highest number of votes shall be elected to a six-year
19 term of office and the other additional commissioner shall be elected
20 to a four-year term of office, if the election is held in an odd-
21 numbered year, or the additional commissioner receiving the highest
22 number of votes shall be elected to a term of office of five-years and
23 the other shall be elected to a three-year term of office, if the
24 election is held in an even-numbered year. The length of terms of
25 office shall be computed from the first day of January in the year
26 following this election.

27 ~~((A successor to a commissioner holding position four or five whose~~
28 ~~term is about to expire, shall be elected at the general election next~~
29 ~~preceding such expiration, for a))~~ Successor commissioners from
30 districts four and five shall be elected to terms of either six or four
31 years, depending on the length of terms of office to which
32 commissioners of that port district are elected. ~~((Positions four and~~
33 ~~five shall not be associated with a commissioner district and the~~
34 ~~elections to both nominate candidates for those positions and elect~~
35 ~~commissioners for these positions shall be held on a port district wide~~
36 ~~basis.))~~

37 **Sec. 89.** RCW 53.12.175 and 1992 c 146 s 3 are each amended to read
38 as follows:

1 A ballot proposition to reduce the terms of office of port
2 commissioners from six years to four years shall be submitted to the
3 voters of any port district that otherwise would have commissioners
4 with six-year terms of office upon either resolution of the port
5 commissioners or petition of voters of the port district proposing the
6 reduction in terms of office, which petition has been signed by voters
7 of the port district equal in number to at least ten percent of the
8 number of voters in the port district voting at the last ~~((district))~~
9 general election. The petition shall be submitted to the county
10 auditor. If the petition was signed by sufficient valid signatures,
11 the ballot proposition shall be submitted at the next ~~((district))~~
12 general or special election that occurs sixty or more days after the
13 adoption of the resolution or submission of the petition.

14 If the ballot proposition reducing the terms of office of port
15 commissioners is approved by a simple majority vote of the voters
16 voting on the proposition, the commissioner or commissioners who are
17 elected at that election shall be elected to four-year terms of office.
18 The terms of office of the other commissioners shall not be reduced,
19 but each successor shall be elected to a four-year term of office.

20 **Sec. 90.** RCW 53.16.015 and 1992 c 146 s 10 are each amended to
21 read as follows:

22 ~~((In a port district that is not coterminous with a county that has
23 three county legislative authority districts and that has port
24 commissioner districts,))~~ The port commission of a port district that
25 uses commissioner districts may redraw the commissioner district
26 boundaries as provided in chapter 29.70 RCW at any time and submit the
27 redrawn boundaries to the county auditor if the port district is not
28 coterminous with a county that has the same number of county
29 legislative authority districts as the port has port commissioners.
30 The new commissioner districts shall be used at the next election at
31 which a port commissioner is regularly elected that occurs at least one
32 hundred eighty days after the redrawn boundaries have been submitted.
33 Each commissioner district shall encompass as nearly as possible ~~((one-
34 third of the population of the port district))~~ the same population.

35 **Sec. 91.** RCW 29.45.050 and 1973 c 102 s 2 are each amended to read
36 as follows:

1 There shall be but one set of election officers at any one time in
2 each precinct except as provided in this section.

3 In every precinct using paper ballots having two hundred or more
4 registered voters there shall be appointed, and in every precinct
5 having less than two hundred registered voters there may be appointed,
6 at a state primary or state general election, two or more sets of
7 precinct election officers as provided in RCW 29.04.020 and 29.45.010.
8 The officer in charge of the election may appoint one or more counting
9 boards at his discretion, when he decides that because of a long or
10 complicated ballot or because of the number of expected voters, there
11 is need of additional counting board or boards to improve the speed and
12 accuracy of the count.

13 In making such appointments, one or more sets of precinct election
14 officers shall be designated as the counting board or boards, the first
15 of which shall consist of an inspector, two judges, and a clerk and the
16 second set, if activated, shall consist of two judges and two clerks.
17 The duties of the counting board or boards shall be the count of
18 ballots cast and the return of the election records and supplies to the
19 officer having jurisdiction of the election.

20 One set of precinct election officers shall be designated as the
21 receiving board which shall have all other powers and duties imposed by
22 law for such elections. Nothing in this section prevents the county
23 auditor from appointing relief or replacement precinct election
24 officers at any time during election day. Relief or replacement
25 precinct election officers must be of the same political party as the
26 officer they are relieving or replacing.

27 NEW SECTION. Sec. 92. The following acts or parts of acts are
28 each repealed:

- 29 (1) RCW 35.23.070 and 1965 c 7 s 35.23.070;
- 30 (2) RCW 35.24.070 and 1965 c 7 s 35.24.070;
- 31 (3) RCW 35.27.110 and 1965 c 7 s 35.27.110;
- 32 (4) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.069;
- 33 (5) RCW 35.61.070 and 1965 c 7 s 35.61.070;
- 34 (6) RCW 35.61.080 and 1965 c 7 s 35.61.080;
- 35 (7) RCW 35A.02.001 and 1989 c 84 s 35;
- 36 (8) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;
- 37 (9) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s
38 35A.02.110;

- 1 (10) RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060;
- 2 (11) RCW 35A.15.030 and 1967 ex.s. c 119 s 35A.15.030;
- 3 (12) RCW 35A.16.020 and 1967 ex.s. c 119 s 35A.16.020;
- 4 (13) RCW 35A.29.010 and 1967 ex.s. c 119 s 35A.29.010;
- 5 (14) RCW 35A.29.020 and 1967 ex.s. c 119 s 35A.29.020;
- 6 (15) RCW 35A.29.030 and 1967 ex.s. c 119 s 35A.29.030;
- 7 (16) RCW 35A.29.040 and 1967 ex.s. c 119 s 35A.29.040;
- 8 (17) RCW 35A.29.050 and 1967 ex.s. c 119 s 35A.29.050;
- 9 (18) RCW 35A.29.060 and 1967 ex.s. c 119 s 35A.29.060;
- 10 (19) RCW 35A.29.070 and 1967 ex.s. c 119 s 35A.29.070;
- 11 (20) RCW 35A.29.080 and 1967 ex.s. c 119 s 35A.29.080;
- 12 (21) RCW 35A.29.090 and 1986 c 234 s 32 & 1985 c 281 s 27;
- 13 (22) RCW 35A.29.100 and 1967 ex.s. c 119 s 35A.29.100;
- 14 (23) RCW 35A.29.105 and 1990 c 59 s 106 & 1967 ex.s. c 119 s
- 15 35A.29.105;
- 16 (24) RCW 35A.29.110 and 1990 c 59 s 107, 1986 c 167 s 21, 1979
- 17 ex.s. c 18 s 30, 1970 ex.s. c 52 s 4, & 1967 ex.s. c 119 s 35A.29.110;
- 18 (25) RCW 35A.29.140 and 1967 ex.s. c 119 s 35A.29.140;
- 19 (26) RCW 35A.29.150 and 1970 ex.s. c 52 s 5 & 1967 ex.s. c 119 s
- 20 35A.29.150;
- 21 (27) RCW 36.54.080 and 1973 1st ex.s. c 195 s 36 & 1963 c 4 s
- 22 36.54.080;
- 23 (28) RCW 36.54.090 and 1963 c 4 s 36.54.090;
- 24 (29) RCW 36.54.100 and 1963 c 4 s 36.54.100;
- 25 (30) RCW 36.69.060 and 1963 c 4 s 36.69.060;
- 26 (31) RCW 44.70.010 and 1987 c 298 s 7;
- 27 (32) RCW 53.12.047 and 1992 c 146 s 6;
- 28 (33) RCW 53.12.150 and 1990 c 40 s 1, 1985 c 87 s 1, 1983 c 11 s 1,
- 29 1959 c 175 s 8, & 1959 c 17 s 8;
- 30 (34) RCW 57.02.060 and 1982 1st ex.s. c 17 s 6;
- 31 (35) RCW 68.52.240 and 1947 c 6 s 16;
- 32 (36) RCW 70.44.051 and 1967 c 77 s 1;
- 33 (37) RCW 70.44.055 and 1967 c 77 s 3; and
- 34 (38) RCW 70.44.057 and 1967 c 77 s 4.

35 **Sec. 93.** 1992 c 146 s 14 (uncodified) is amended to read as
36 follows:

37 The following acts or parts of acts are each repealed:

1 (1) RCW 53.12.020 and 1991 c 363 s 129, 1986 c 262 s 2, 1965 c 51
2 s 2, 1959 c 175 s 1, & 1959 c 17 s 4;

3 (2) RCW 53.12.035 and 1991 c 363 s 130, 1990 c 59 s 108, 1965 c 51
4 s 3, & 1959 c 175 s 9;

5 (3) RCW 53.12.050 and 1959 c 17 s 5;

6 (4) RCW 53.12.057 and 1965 c 51 s 6;

7 (5) RCW 53.12.060 and 1990 c 259 s 19, 1959 c 175 s 6, 1927 c 204
8 s 1, & 1913 c 62 s 3;

9 (~~(6) ((RCW 53.12.172 and 1979 ex.s. c 126 s 34 & 1951 c 68 s 2;~~

10 ~~(7))~~) RCW 53.12.180 and 1935 c 133 s 8;

11 ~~((8))~~) (7) RCW 53.12.190 and 1935 c 133 s 10;

12 ~~((9))~~) (8) RCW 53.12.200 and 1935 c 133 s 9;

13 ~~((10))~~) (9) RCW 53.12.220 and 1979 ex.s. c 126 s 35, 1941 c 45 s
14 2, & 1925 ex.s. c 113 s 2; and

15 ~~((11))~~) (10) RCW 53.16.010 and 1969 ex.s. c 9 s 1 & 1957 c 69 s 2.

16 NEW SECTION. Sec. 94. (1) Section 2 of this act shall take effect
17 January 1, 1995.

18 (2) Section 20 of this act shall take effect July 1, 1994.

Passed the House March 7, 1994.

Passed the Senate March 4, 1994.

Approved by the Governor April 1, 1994, with the exception of
certain items which were vetoed.

Filed in Office of Secretary of State April 1, 1994.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 14,
3 15, 18, 20, and 37, Substitute House Bill No. 2278 entitled:

4 "AN ACT Relating to local government election practices;"

5 Sections 14, 15, and 18 amend sections of the RCW that are repealed
6 in sections 89(8), 89(20), and 89(34) respectively of Substitute House
7 Bill No. 2244. The substance of the amendatory language in these three
8 sections is included in other sections of Substitute House Bill No.
9 2244. Section 20 amends a section of the RCW that is also repealed in
10 section 89(37) of Substitute House Bill No. 2244. The substance of the
11 amendatory language in this section is included in current law. Section
12 37 amends RCW 35A.14.060, which is repealed by section 92(10) of
13 Substitute House Bill No. 2278. The substance of this amendatory
14 language is included elsewhere in Substitute House Bill No. 2278. By
15 vetoing these sections, duplication and confusion will be avoided in
16 these statutes.

17 With the exception of sections 14, 15, 18, 20, and 37, Substitute
18 House Bill No. 2278 is approved."