

# HOUSE OF REPRESENTATIVES

Olympia Washington

## Bil Analysis

Bil No. HB 1395

Clarifying procedures for filling vacancies  
Brief title

Public Arg: 2/11/97

Reps. D. Sommers / Sheldon / Gombosky  
Sponsor

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### BACKGROUND:

Article I, section 15, of the state constitution specifies how vacancies are filled in either house of the Legislature and in any partisan county elective office. No statutory provisions exist on this subject.

If a vacancy occurs in any partisan county elective office, or in a state legislative position within a legislative district that only includes territory of a single county, the county legislative authority of the county appoints a person to fill the vacancy by choosing a nominee from a list of three nominees submitted by the county central committee of the party of the official whose position is vacant.

A legislative position from a legislative district including territory of more than one county is referred to as a joint senator or a joint representative. If a vacancy occurs in a joint senator or joint representative position, the county legislative authorities of the counties in which the legislative district is located fill the vacancy by choosing a nominee from a list of three nominees submitted by the state central committee of party of the senator or representative whose position is vacant.

The authority to make an appointment is removed from the county legislative authority or authorities and transferred to the Governor if the appointment is not made within 60 days after the vacancy occurs. The Governor fills the vacancy by choosing a nominee from the same list of three nominees.

Any person who is appointed to fill a vacancy must be a resident of the county, county commissioned district, or legislative district, depending on the vacant position, and must be a member of the same political party as that of the official whose position is vacant. The appointee serves until a successor is selected at the next general election.

Cont.

In a number of decisions, the United States Supreme Court has recognized freedom of association as part of the right of free speech in the First Amendment that is applicable to states by the 14th Amendment. (See *Eu v. San Francisco County Democratic Central Committee* and *Tashjian v. Republican Party of Connecticut*). This freedom of association has been found in some instances to limit the authority of a state to regulate political parties.

**SUMMARY:**

Three nominees may be selected for a vacancy in a legislative position or partisan county elective position at any time after the legislative or county official submits a letter of resignation to the proper authority, whether the resignation becomes effective immediately or at a specific date in the future.

A precinct committee officer may vote on a nomination for such a vacancy only if a letter of his or her election or appointment has been on file with the county auditor for at least thirty days. A precinct committee officer whose letter of election or appointment has been on file for at least 30 days may authorize another person to act as his or her substitute by submitting a letter to the county auditor naming that person as the substitute.

A precinct committee officer or designated substitute who arrives at the meeting place after the voting on a nomination has started may not vote on the nomination.

Each precinct committee officer or designated substitute who votes on a nomination must sign an attendance form opposite his or her precinct name or number. The registrar must report the number of such persons who have signed the attendance form to the chairperson before a vote may be taken on nominations.

**FISCAL NOTE:** Not requested.

**EFFECTIVE DATE:** Ninety days after adjournment of session in which bills passed.