
HOUSE BILL 2997

State of Washington

55th Legislature

1998 Regular Session

By Representatives D. Schmidt and Scott

Read first time 01/26/98. Referred to Committee on Government Administration.

1 AN ACT Relating to election procedures; amending RCW 42.12.040,
2 42.12.070, 29.15.170, 29.15.180, 29.15.160, 29.15.210, 29.15.140, and
3 29.13.010; and repealing RCW 29.15.150, 29.15.220, 29.15.230, and
4 29.21.410.

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

6 **Sec. 1.** RCW 42.12.040 and 1981 c 180 s 1 are each amended to read
7 as follows:

8 ~~((If))~~ (1) Except as provided in subsection (2) or (3) of this
9 section, a vacancy ((occurs)) in any partisan elective office in the
10 executive or legislative branches of state government ((or in any)), a
11 partisan county elective office ((before the fourth Tuesday prior to
12 the primary for the next general election following the occurrence of
13 the vacancy, a successor shall be elected to that office at that
14 general election. Except during the last year of the term of office,
15 if such a vacancy occurs on or after the fourth Tuesday prior to the
16 primary for that general election, the election of the successor shall
17 occur at the next succeeding general election)) in a noncharter county,
18 a judicial office, or the office of the superintendent of public

1 instruction, must be filled at the next state general election
2 occurring forty-five or more days after the date the vacancy occurs.

3 A successor will be elected at that general election to fill the
4 remainder of the unexpired term of office and will succeed the person,
5 if any, who was appointed to fill the vacancy. The nomination and
6 election of the successor must conform with the regular process by
7 which a person is nominated and elected to a full term of the office
8 that is vacant, if time permits, including the holding of a primary.
9 However, a primary will not be held if the vacancy occurs less than
10 forty-five days before the special election date when a primary would
11 be held. If needed, special filing periods will be authorized as
12 provided in RCW 29.15.170 and 29.15.180 for qualified persons to file
13 for the vacant office. The elected successor shall take office
14 immediately when qualified under RCW 29.01.135 and shall hold office
15 for the remainder of the unexpired term of office. ((This section
16 shall not apply to any vacancy occurring in a charter county which has
17 charter provisions inconsistent with this section.))

18 However, if that general election is the election at which a person
19 would normally be elected to the position that is vacant, a separate
20 primary and general election will not be held, and the person elected
21 at that general election will be elected to fill both the remainder of
22 the unexpired term of office and the succeeding term of office.

23 (2) A vacancy in the office of governor will be filled under
24 subsection (1) of this section, except that as provided in Article III,
25 section 10 of the state Constitution, an election to fill a vacancy in
26 the office of governor may only be held at a general election at least
27 thirty days after the date of the vacancy and in an even-numbered year,
28 two years after the commencement of the four-year term of office that
29 has become vacant.

30 (3) Where applicable, the filling of a vacancy in the office of
31 superior court judge will conform with the procedures of Article IV,
32 section 29 of the state Constitution, for election of persons to that
33 office.

34 **Sec. 2.** RCW 42.12.070 and 1994 c 223 s 1 are each amended to read
35 as follows:

36 A vacancy on an elected nonpartisan governing body of a special
37 purpose district where property ownership is not a qualification to
38 vote, and a vacancy in the office of mayor, any other nonjudicial

1 elective office, or on a governing body of a town, or a city other than
2 a first class city or a charter code city, shall be filled as follows
3 unless the provisions of law relating to the special district, town, or
4 city provide otherwise:

5 (1) Where one position is vacant, the remaining members of the
6 governing body shall appoint a qualified person to fill the vacant
7 position.

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

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

21 (4) If a governing body fails to appoint a qualified person to fill
22 a vacancy within ninety days of the occurrence of the vacancy, the
23 authority of the governing body to fill the vacancy shall cease and the
24 county legislative authority of the county in which all or the largest
25 geographic portion of the city, town, or special district is located
26 shall appoint a qualified person to fill the vacancy.

27 (5) If the county legislative authority of the county fails to
28 appoint a qualified person within one hundred eighty days of the
29 occurrence of the vacancy, the county legislative authority or the
30 remaining members of the governing body of the city, town, or special
31 district may petition the governor to appoint a qualified person to
32 fill the vacancy. The governor may appoint a qualified person to fill
33 the vacancy after being petitioned if at the time the governor fills
34 the vacancy the county legislative authority has not appointed a
35 qualified person to fill the vacancy.

36 (6) As provided in RCW 29.15.190 (~~and 29.21.410~~), each person who
37 is appointed shall serve until a qualified person assumes office who is
38 elected at the next general election (~~at which a member of the~~
39 ~~governing body~~) in an odd-numbered year if an election to elect a

1 person to a full term for that office normally ((would be elected)) is
2 held in an odd-numbered year, or in an even-numbered year if an
3 election to elect a person to a full term for that office normally is
4 held in an even-numbered year, that occurs ((twenty-eight)) forty-five
5 or more days after the occurrence of the vacancy. If needed, special
6 filing periods shall be authorized as provided in RCW 29.15.170 and
7 29.15.180 for qualified persons to file for the vacant office. A
8 primary shall be held to nominate candidates if sufficient time exists
9 to hold a primary and more than two candidates file for the vacant
10 office. Otherwise, a primary shall not be held and the person
11 receiving the greatest number of votes shall be elected. The person
12 elected shall take office immediately and serve the remainder of the
13 unexpired term.

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

20 **Sec. 3.** RCW 29.15.170 and 1975-'76 2nd ex.s. c 120 s 10 are each
21 amended to read as follows:

22 ~~((Filings for a nonpartisan office shall be reopened))~~ A special
23 filing period must be opened for a period of three normal business
24 days, ~~((such three day period to be fixed by the election officer with~~
25 ~~whom such declarations of candidacy are filed and notice thereof given~~
26 ~~by notifying press, radio, and television in the county and by such~~
27 ~~other means as may now or hereafter be provided by law whenever before~~
28 ~~the fourth Tuesday prior to))~~ as follows during the period from the
29 close of the normal filing period to forty-five days before a primary:

30 (1) A special filing period must be opened, starting on the first
31 Wednesday after the close of the normal filing period, if no valid
32 candidate has filed for the office to be filled at the next general
33 election;

34 (2) A special filing period, as fixed by the election officer with
35 whom the declarations of candidacy are filed for the office, must be
36 opened if a void in candidacy occurs in a nonpartisan office after the
37 close of the normal filing period;

1 ~~((2))~~ (3) A special filing period, as fixed by the election
2 officer with whom declarations of candidacy are filed for the office,
3 must be opened if a vacancy occurs in ~~((any nonpartisan))~~ an elective
4 office leaving an unexpired term to be filled by an election for which
5 filings have not been held; or

6 ~~((3))~~ (4) A special filing period, as fixed by the election
7 officer with whom declarations of candidacy are filed for the office,
8 must be opened if a nominee for judge of the superior court entitled to
9 a certificate of election pursuant to Article 4, section 29, Amendment
10 41 of the state Constitution, dies or is disqualified.

11 Candidacies validly filed within ~~((said))~~ any of these special
12 three-day filing periods shall appear on the ballot as if made during
13 the ~~((earlier))~~ normal filing period.

14 **Sec. 4.** RCW 29.15.180 and 1975-'76 2nd ex.s. c 120 s 11 are each
15 amended to read as follows:

16 ~~((Filings for a nonpartisan office (other than judge of the supreme~~
17 ~~court or superintendent of public instruction) shall be reopened for a~~
18 ~~period of))~~ A special filing period must be reopened for three normal
19 business days, ~~((such three day period to be))~~ as fixed by the election
20 officer with whom such declarations of candidacy are filed ~~((and notice~~
21 ~~thereof given by notifying press, radio, and television in the county~~
22 ~~and by such other means as may now or hereafter be provided by law))~~,
23 when any of the following occur:

24 (1) A void in candidacy for ~~((such))~~ a nonpartisan office occurs
25 ~~((on or after the fourth Tuesday prior to))~~ during the period from
26 forty-five days before a primary ~~((but prior to the fourth Tuesday~~
27 ~~before an))~~ to forty-five days before a general election; ~~((or))~~

28 (2) A nominee for judge of the superior court eligible after a
29 contested primary for a certificate of election by Article 4, section
30 29, Amendment 41 of the state Constitution, dies or is disqualified
31 within the ten-day period when a petition for write-in candidacy may be
32 received; or

33 (3) A vacancy occurs in any ~~((nonpartisan))~~ office ~~((on or after~~
34 ~~the fourth Tuesday prior to))~~ during the period from forty-five days
35 before a primary ~~((but prior to the fourth Tuesday before an))~~ to
36 forty-five days before a general election leaving an unexpired term to
37 be filled by an election for which filings have not been held.

1 The candidate receiving a plurality of the votes cast for that
2 office in the general election shall be deemed elected.

3 **Sec. 5.** RCW 29.15.160 and 1975-'76 2nd ex.s. c 120 s 9 are each
4 amended to read as follows:

5 A void in candidacy for a nonpartisan office occurs when (~~an~~
6 ~~election for such office, except for the short term, has been scheduled~~
7 ~~and no valid declaration of candidacy has been filed for the position~~
8 ~~or~~) all persons filing (~~such~~) valid declarations of candidacy for
9 the office have died or been disqualified.

10 **Sec. 6.** RCW 29.15.210 and 1972 ex.s. c 61 s 5 are each amended to
11 read as follows:

12 The election officer with whom declarations of candidacy are filed
13 shall give notice of a (~~void in candidacy for a nonpartisan office,~~)
14 special filing period by notifying press, radio, and television in the
15 county, district from which the office is nominated or elected, or the
16 state, and by such other means as (~~may now or hereafter be provided~~)
17 are required by law. The notice shall state the office, and the time
18 and place for filing declarations of candidacy.

19 Declarations of candidacy are made during a special filing period
20 in the same manner as during the normal filing period.

21 **Sec. 7.** RCW 29.15.140 and 1990 c 59 s 92 are each amended to read
22 as follows:

23 If at the same election there are short terms or full terms and
24 unexpired terms of office to be filled, the filing officer shall
25 distinguish them and designate the short term, the full term, and the
26 unexpired term, as such, or by use of the words "short term,"
27 "unexpired two year term," or "four year term," as the case may be.

28 In filing the declaration of candidacy in such cases the candidate
29 shall specify that the candidacy is for the short term, the full term,
30 or the unexpired term. If a vacancy in the office that is sought
31 occurs after the time when a filing would be for both a "short term and
32 full term," it will be assumed that the filling for the "full term"
33 constitutes filing for both a "short term and full term."

34 When both a short term and a full term for the same position are
35 scheduled to be voted upon, or when a short term is created after the
36 close of the filing period, a single declaration of candidacy

1 accompanied by a single filing fee shall be construed as a filing for
2 both the short term and the full term and the name of such candidate
3 shall appear upon the ballot for the position sought with the
4 designation "short term and full term." The candidate elected to both
5 such terms shall be sworn into and assume office for the short term as
6 soon as the election returns have been certified and shall again be
7 sworn into office on (~~the second Monday in January following the~~
8 ~~election to assume office for the~~) or before the time when a person
9 normally would be sworn into a full term of the office.

10 **Sec. 8.** RCW 29.13.010 and 1994 c 142 s 1 are each amended to read
11 as follows:

12 (1) All state, county, city, town, and district general elections
13 for the election of federal, state, legislative, judicial, county,
14 city, town, district, and precinct officers, and for the submission to
15 the voters of the state, county, city, town, or district of any measure
16 for their adoption and approval or rejection, shall be held on the
17 first Tuesday after the first Monday of November, in the year in which
18 they may be called. A state-wide general election shall be held on the
19 first Tuesday after the first Monday of November of each year:
20 PROVIDED, That the state-wide general election held in odd-numbered
21 years shall be limited to (a) city, town, and district general
22 elections as provided for in RCW 29.13.020, or as otherwise provided by
23 law; (b) the election of federal officers for the remainder of any
24 unexpired terms in the membership of either branch of the congress of
25 the United States; (c) the election of state and county officers and
26 judicial officials for the remainder of any unexpired terms of offices
27 (~~created by or whose duties are described in Article II, section 15,~~
28 ~~Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV,~~
29 ~~sections 3 and 5 of the state Constitution and RCW 2.06.080;~~ (d) the
30 election of county officers in any county governed by a charter
31 containing provisions calling for general county elections at this
32 time)); and (~~(e))~~) (d) the approval or rejection of state measures,
33 including proposed constitutional amendments, matters pertaining to any
34 proposed constitutional convention, initiative measures and referendum
35 measures proposed by the (~~electorate~~) state voters, referendum bills,
36 and any other matter provided by the legislature for submission to the
37 (~~electorate~~) state voters.

1 (2) A county legislative authority may(~~(, if it deems an emergency~~
2 ~~to exist,)) call a special county election by presenting a resolution~~
3 to the county auditor at least forty-five days prior to the proposed
4 election date. Except as otherwise provided in (~~(subsection (4) of)~~)
5 this section, a special election called by the county legislative
6 authority shall be held on one of the following dates as decided by
7 such governing body:

8 (a) The first Tuesday after the first Monday in February;

9 (b) The second Tuesday in March;

10 (c) The fourth Tuesday in April;

11 (d) The third Tuesday in May;

12 (e) The day of the primary as specified by RCW 29.13.070; or

13 (f) The first Tuesday after the first Monday in November.

14 (3) In addition to the dates set forth in subsection (2) (~~((a)~~
15 ~~through (f))~~) of this section, a county legislative authority may call
16 a special election to ((validate)) be held at any time for the purpose
17 of authorizing an excess levy, or a bond issue ((may be called at any
18 time)) and excess levies to retire the bond issue, to meet the needs
19 resulting from fire, flood, earthquake, or other act of God. ((Such
20 county special election shall be noticed and conducted in the manner
21 provided by law.))

22 (4) In a presidential election year, (~~(if)~~) a presidential
23 (~~(preference)~~) primary (~~(is conducted in February, March, April, or May~~
24 ~~under)~~) must be held as provided in chapter 29.19 RCW, ((the date on
25 which a special election may be called by)) and the county legislative
26 authority ((under subsection (2) of this section during the month of
27 that primary is the date of the)) may call a special election to be
28 held on the presidential primary date.

29 (5) This section (~~(shall)~~) supersedes the provisions of any and all
30 other statutes, whether general or special in nature, having different
31 dates for (~~(such)~~) state, county, city, town, ((and)) or district
32 elections, ((the purpose of this section being to establish mandatory
33 dates for holding elections except for those elections held pursuant to
34 a home rule charter adopted under Article XI, section 4 of the state
35 Constitution. This section shall not be construed as fixing the time
36 for holding primary elections, or elections)) other than a special
37 election called by legislation at which a referendum measure or measure
38 authorizing state indebtedness is submitted to state voters or a

1 special election for the recall of any elective public officer held
2 under RCW 29.82.100.

3 NEW SECTION. **Sec. 9.** The following acts or parts of acts are each
4 repealed:

- 5 (1) RCW 29.15.150 and 1973 c 4 s 3;
- 6 (2) RCW 29.15.220 and 1972 ex.s. c 61 s 6;
- 7 (3) RCW 29.15.230 and 1981 c 180 s 2; and
- 8 (4) RCW 29.21.410 and 1972 ex.s. c 61 s 7.

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