

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1018

Chapter 413, Laws of 2009

61st Legislature
2009 Regular Session

SPECIAL ELECTIONS--ELECTION DATES

EFFECTIVE DATE: 07/26/09 - Except sections 2 and 4, which become effective 07/01/11.

Passed by the House April 24, 2009
Yeas 93 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 23, 2009
Yeas 37 Nays 9

BRAD OWEN

President of the Senate

Approved May 8, 2009, 10:41 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1018** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 11, 2009

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1018

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House State Government & Tribal Affairs (originally sponsored by Representatives Appleton, Herrera, Chandler, Armstrong, Haigh, Newhouse, Hinkle, Green, Sells, Orcutt, Ross, Bailey, Short, Kretz, and Condotta)

READ FIRST TIME 02/09/09.

1 AN ACT Relating to modifying the dates on which a special election
2 may be held; amending RCW 29A.04.321, 29A.04.321, 29A.04.330, and
3 29A.04.330; providing an effective date; and providing an expiration
4 date.

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

6 **Sec. 1.** RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read
7 as follows:

8 (1) All state, county, city, town, and district general elections
9 for the election of federal, state, legislative, judicial, county,
10 city, town, and district officers, and for the submission to the voters
11 of the state, county, city, town, or district of any measure for their
12 adoption and approval or rejection, shall be held on the first Tuesday
13 after the first Monday of November, in the year in which they may be
14 called. A statewide general election shall be held on the first
15 Tuesday after the first Monday of November of each year. However, the
16 statewide general election held in odd-numbered years shall be limited
17 to (a) city, town, and district general elections as provided for in
18 RCW 29A.04.330, or as otherwise provided by law; (b) the election of
19 federal officers for the remainder of any unexpired terms in the

1 membership of either branch of the Congress of the United States; (c)
2 the election of state and county officers for the remainder of any
3 unexpired terms of offices created by or whose duties are described in
4 Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22,
5 and 23, and Article IV, sections 3 and 5 of the state Constitution and
6 RCW 2.06.080; (d) the election of county officers in any county
7 governed by a charter containing provisions calling for general county
8 elections at this time; and (e) the approval or rejection of state
9 measures, including proposed constitutional amendments, matters
10 pertaining to any proposed constitutional convention, initiative
11 measures and referendum measures proposed by the electorate, referendum
12 bills, and any other matter provided by the legislature for submission
13 to the electorate.

14 (2) A county legislative authority may call a special county
15 election by presenting a resolution to the county auditor prior to the
16 proposed election date. (~~Except as provided in subsection (4) of this~~
17 ~~section,~~) A special election called by the county legislative
18 authority shall be held on one of the following dates as decided by
19 such governing body:

20 (a) The (~~first~~) second Tuesday (~~after the first Monday~~) in
21 February;

22 (b) (~~The second Tuesday in March;~~

23 ~~e~~) The fourth Tuesday in April;

24 (~~d~~) (c) The third Tuesday in May for tax levies that failed
25 previously in that calendar year and new bond issues;

26 (~~e~~) (d) The day of the primary as specified by RCW 29A.04.311;
27 or

28 (~~f~~) (e) The first Tuesday after the first Monday in November.

29 (3) A resolution calling for a special election on a date set forth
30 in subsection (2)(a) through (~~d~~) (c) of this section must be
31 presented to the county auditor at least (~~fifty-two~~) forty-five days
32 prior to the election date. A resolution calling for a special
33 election on a date set forth in subsection (2)(~~e~~) (d) or (~~f~~)
34 (e) of this section must be presented to the county auditor at least
35 eighty-four days prior to the election date.

36 (4) In addition to the dates set forth in subsection (2)(a) through
37 (~~f~~) (e) of this section, a special election to validate an excess
38 levy or bond issue may be called at any time to meet the needs

1 resulting from fire, flood, earthquake, or other act of God. Such
2 county special election shall be noticed and conducted in the manner
3 provided by law.

4 ~~(5) ((In a presidential election year, if a presidential preference
5 primary is conducted in February, March, April, or May under chapter
6 29A.56 RCW, the date on which a special election may be called by the
7 county legislative authority under subsection (2) of this section
8 during the month of that primary is the date of the presidential
9 primary.~~

10 ~~(6))~~) This section shall supersede the provisions of any and all
11 other statutes, whether general or special in nature, having different
12 dates for such city, town, and district elections, the purpose of this
13 section being to establish mandatory dates for holding elections except
14 for those elections held pursuant to a home-rule charter adopted under
15 Article XI, section 4 of the state Constitution. This section shall
16 not be construed as fixing the time for holding primary elections, or
17 elections for the recall of any elective public officer.

18 **Sec. 2.** RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read
19 as follows:

20 (1) All state, county, city, town, and district general elections
21 for the election of federal, state, legislative, judicial, county,
22 city, town, and district officers, and for the submission to the voters
23 of the state, county, city, town, or district of any measure for their
24 adoption and approval or rejection, shall be held on the first Tuesday
25 after the first Monday of November, in the year in which they may be
26 called. A statewide general election shall be held on the first
27 Tuesday after the first Monday of November of each year. However, the
28 statewide general election held in odd-numbered years shall be limited
29 to (a) city, town, and district general elections as provided for in
30 RCW 29A.04.330, or as otherwise provided by law; (b) the election of
31 federal officers for the remainder of any unexpired terms in the
32 membership of either branch of the Congress of the United States; (c)
33 the election of state and county officers for the remainder of any
34 unexpired terms of offices created by or whose duties are described in
35 Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22,
36 and 23, and Article IV, sections 3 and 5 of the state Constitution and
37 RCW 2.06.080; (d) the election of county officers in any county

1 governed by a charter containing provisions calling for general county
2 elections at this time; and (e) the approval or rejection of state
3 measures, including proposed constitutional amendments, matters
4 pertaining to any proposed constitutional convention, initiative
5 measures and referendum measures proposed by the electorate, referendum
6 bills, and any other matter provided by the legislature for submission
7 to the electorate.

8 (2) A county legislative authority may call a special county
9 election by presenting a resolution to the county auditor prior to the
10 proposed election date. (~~Except as provided in subsection (4) of this~~
11 ~~section,~~) A special election called by the county legislative
12 authority shall be held on one of the following dates as decided by
13 such governing body:

14 (a) The (~~first~~) second Tuesday (~~after the first Monday~~) in
15 February;

16 (b) (~~The second Tuesday in March;~~

17 ~~e~~) The fourth Tuesday in April;

18 (~~d~~) ~~The third Tuesday in May;~~

19 ~~e~~) (c) The day of the primary as specified by RCW 29A.04.311; or

20 (~~f~~) (d) The first Tuesday after the first Monday in November.

21 (3) A resolution calling for a special election on a date set forth
22 in subsection (2)(a) (~~through d~~) and (b) of this section must be
23 presented to the county auditor at least (~~fifty-two~~) forty-five days
24 prior to the election date. A resolution calling for a special
25 election on a date set forth in subsection (2)(~~e~~) (c) or (~~f~~)
26 (d) of this section must be presented to the county auditor at least
27 eighty-four days prior to the election date.

28 (4) In addition to the dates set forth in subsection (2)(a) through
29 (~~f~~) (d) of this section, a special election to validate an excess
30 levy or bond issue may be called at any time to meet the needs
31 resulting from fire, flood, earthquake, or other act of God. Such
32 county special election shall be noticed and conducted in the manner
33 provided by law.

34 (5) (~~In a presidential election year, if a presidential preference~~
35 ~~primary is conducted in February, March, April, or May under chapter~~
36 ~~29A.56 RCW, the date on which a special election may be called by the~~
37 ~~county legislative authority under subsection (2) of this section~~

1 ~~during the month of that primary is the date of the presidential~~
2 ~~primary.~~

3 ~~(6)~~) This section shall supersede the provisions of any and all
4 other statutes, whether general or special in nature, having different
5 dates for such city, town, and district elections, the purpose of this
6 section being to establish mandatory dates for holding elections except
7 for those elections held pursuant to a home-rule charter adopted under
8 Article XI, section 4 of the state Constitution. This section shall
9 not be construed as fixing the time for holding primary elections, or
10 elections for the recall of any elective public officer.

11 **Sec. 3.** RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read
12 as follows:

13 (1) All city, town, and district general elections shall be held
14 throughout the state of Washington on the first Tuesday following the
15 first Monday in November in the odd-numbered years.

16 This section shall not apply to:

- 17 (a) Elections for the recall of any elective public officer;
- 18 (b) Public utility districts, conservation districts, or district
19 elections at which the ownership of property within those districts is
20 a prerequisite to voting, all of which elections shall be held at the
21 times prescribed in the laws specifically applicable thereto;
- 22 (c) Consolidation proposals as provided for in RCW 28A.315.235 and
23 nonhigh capital fund aid proposals as provided for in chapter 28A.540
24 RCW.

25 (2) The county auditor, as ex officio supervisor of elections, upon
26 request in the form of a resolution of the governing body of a city,
27 town, or district, presented to the auditor prior to the proposed
28 election date, may call a special election in such city, town, or
29 district, and for the purpose of such special election he or she may
30 combine, unite, or divide precincts. (~~Except as provided in~~
31 ~~subsection (3) of this section,~~) Such a special election shall be held
32 on one of the following dates as decided by the governing body:

- 33 (a) The (~~first~~) second Tuesday (~~(after the first Monday)~~) in
34 February;
- 35 (b) (~~The second Tuesday in March;~~
- 36 ~~(c)~~) The fourth Tuesday in April;

1 ~~((d))~~ (c) The third Tuesday in May for tax levies that failed
2 previously in that calendar year and new bond issues;

3 ~~((e))~~ (d) The day of the primary election as specified by RCW
4 29A.04.311; or

5 ~~((f))~~ (e) The first Tuesday after the first Monday in November.

6 (3) A resolution calling for a special election on a date set forth
7 in subsection (2)(a) through ~~((d))~~ (c) of this section must be
8 presented to the county auditor at least ~~((fifty-two))~~ forty-five days
9 prior to the election date. A resolution calling for a special
10 election on a date set forth in subsection (2)~~((e))~~ (d) or ~~((f))~~
11 (e) of this section must be presented to the county auditor at least
12 eighty-four days prior to the election date.

13 (4) ~~((In a presidential election year, if a presidential preference~~
14 ~~primary is conducted in February, March, April, or May under chapter~~
15 ~~29A.56 RCW, the date on which a special election may be called under~~
16 ~~subsection (2) of this section during the month of that primary is the~~
17 ~~date of the presidential primary.~~

18 ~~(5))~~ In addition to subsection (2)(a) through ~~((f))~~ (e) of this
19 section, a special election to validate an excess levy or bond issue
20 may be called at any time to meet the needs resulting from fire, flood,
21 earthquake, or other act of God, except that no special election may be
22 held between the first day for candidates to file for public office and
23 the last day to certify the returns of the general election other than
24 as provided in subsection (2)~~((e))~~ (d) and ~~((f))~~ (e) of this
25 section. Such special election shall be conducted and notice thereof
26 given in the manner provided by law.

27 ~~((6))~~ (5) This section shall supersede the provisions of any and
28 all other statutes, whether general or special in nature, having
29 different dates for such city, town, and district elections, the
30 purpose of this section being to establish mandatory dates for holding
31 elections.

32 **Sec. 4.** RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read
33 as follows:

34 (1) All city, town, and district general elections shall be held
35 throughout the state of Washington on the first Tuesday following the
36 first Monday in November in the odd-numbered years.

37 This section shall not apply to:

1 (a) Elections for the recall of any elective public officer;

2 (b) Public utility districts, conservation districts, or district
3 elections at which the ownership of property within those districts is
4 a prerequisite to voting, all of which elections shall be held at the
5 times prescribed in the laws specifically applicable thereto;

6 (c) Consolidation proposals as provided for in RCW 28A.315.235 and
7 nonhigh capital fund aid proposals as provided for in chapter 28A.540
8 RCW.

9 (2) The county auditor, as ex officio supervisor of elections, upon
10 request in the form of a resolution of the governing body of a city,
11 town, or district, presented to the auditor prior to the proposed
12 election date, may call a special election in such city, town, or
13 district, and for the purpose of such special election he or she may
14 combine, unite, or divide precincts. (~~Except as provided in~~
15 ~~subsection (3) of this section,~~) Such a special election shall be held
16 on one of the following dates as decided by the governing body:

17 (a) The (~~first~~) second Tuesday (~~(after the first Monday)~~) in
18 February;

19 (b) (~~The second Tuesday in March;~~

20 ~~(e)~~) The fourth Tuesday in April;

21 (~~(d) The third Tuesday in May;~~

22 ~~(e)~~) (c) The day of the primary election as specified by RCW
23 29A.04.311; or

24 (~~(f)~~) (d) The first Tuesday after the first Monday in November.

25 (3) A resolution calling for a special election on a date set forth
26 in subsection (2)(a) (~~(through (d))~~) and (b) of this section must be
27 presented to the county auditor at least (~~(fifty-two)~~) forty-five days
28 prior to the election date. A resolution calling for a special
29 election on a date set forth in subsection (2)(~~(e)~~) (c) or (~~(f)~~)
30 (d) of this section must be presented to the county auditor at least
31 eighty-four days prior to the election date.

32 (4) (~~In a presidential election year, if a presidential preference~~
33 ~~primary is conducted in February, March, April, or May under chapter~~
34 ~~29A.56 RCW, the date on which a special election may be called under~~
35 ~~subsection (2) of this section during the month of that primary is the~~
36 ~~date of the presidential primary.~~

37 ~~(5)~~) In addition to subsection (2)(a) through (~~(f)~~) (d) of this
38 section, a special election to validate an excess levy or bond issue

1 may be called at any time to meet the needs resulting from fire, flood,
2 earthquake, or other act of God, except that no special election may be
3 held between the first day for candidates to file for public office and
4 the last day to certify the returns of the general election other than
5 as provided in subsection (2)(~~(e)~~) (c) and (~~(f)~~) (d) of this
6 section. Such special election shall be conducted and notice thereof
7 given in the manner provided by law.

8 (~~(6)~~) (5) This section shall supersede the provisions of any and
9 all other statutes, whether general or special in nature, having
10 different dates for such city, town, and district elections, the
11 purpose of this section being to establish mandatory dates for holding
12 elections.

13 NEW SECTION. **Sec. 5.** Sections 1 and 3 of this act expire July 1,
14 2011.

15 NEW SECTION. **Sec. 6.** Sections 2 and 4 of this act take effect
16 July 1, 2011.

Passed by the House April 24, 2009.

Passed by the Senate April 23, 2009.

Approved by the Governor May 8, 2009.

Filed in Office of Secretary of State May 11, 2009.