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HOUSE BILL 2302

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Muri, Haler, and Reykdal

Prefiled 12/08/15. Read first time 01/11/16. Referred to Committee on State Government.

1 AN ACT Relating to the election of county prosecutor as a  
2 nonpartisan office; amending RCW 29A.04.110, 29A.52.231, 36.16.110,  
3 36.16.115, and 42.12.040; and repealing 2013 c 11 s 45.

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

5 **Sec. 1.** RCW 29A.04.110 and 2005 c 2 s 4 are each amended to read  
6 as follows:

7 "Partisan office" means a public office for which a candidate may  
8 indicate a political party preference on his or her declaration of  
9 candidacy and have that preference appear on the primary and general  
10 election ballot in conjunction with his or her name. The following  
11 are partisan offices:

- 12 (1) United States senator and United States representative;
- 13 (2) All state offices, including legislative, except (a) judicial  
14 offices and (b) the office of superintendent of public instruction;
- 15 (3) All county offices except (a) judicial offices (~~and~~), (b)  
16 those offices for which a county home rule charter provides  
17 otherwise, and (c) the office of a county prosecutor for which the  
18 county has designated as a nonpartisan office, pursuant to RCW  
19 29A.52.231.

1       **Sec. 2.** RCW 29A.52.231 and 2004 c 271 s 174 are each amended to  
2 read as follows:

3       (1) The offices of superintendent of public instruction, justice  
4 of the supreme court, judge of the court of appeals, judge of the  
5 superior court, and judge of the district court shall be nonpartisan  
6 and the candidates therefor shall be nominated and elected as such.

7       (2) All city, town, and special purpose district elective offices  
8 shall be nonpartisan and the candidates therefor shall be nominated  
9 and elected as such.

10       (3)(a) The legislative authority of any county or, if authorized,  
11 the voters of the county may designate the office of the county  
12 prosecuting attorney to be a nonpartisan office. The designation must  
13 be made before the first day of the regular filing period for a  
14 general election in order to take effect for that election. The  
15 designation may not create a vacancy in office or otherwise shorten  
16 the remainder of any unexpired term of office.

17       (b) Any county that has previously designated the office of the  
18 county prosecutor to be nonpartisan may designate the office to be  
19 partisan, under the same conditions in (a) of this subsection.

20       **Sec. 3.** RCW 36.16.110 and 2010 c 207 s 2 are each amended to  
21 read as follows:

22       (1) The county legislative authority in each county shall, at its  
23 next regular or special meeting after being appraised of any vacancy  
24 in any county, township, precinct, or road district office of the  
25 county, fill the vacancy by the appointment of some person qualified  
26 to hold such office, and the officers thus appointed shall hold  
27 office until the next general election, and until their successors  
28 are elected and qualified.

29       (2) If a vacancy occurs in a partisan county office after the  
30 general election in a year that the position appears on the ballot  
31 and before the start of the next term, the term of the successor who  
32 is of the same party as the incumbent may commence once he or she has  
33 qualified as defined in RCW 29A.04.133 and shall continue through the  
34 term for which he or she was elected.

35       (3) If a vacancy occurs in a nonpartisan county board of  
36 commissioners elective office or nonpartisan county council elective  
37 office, the person appointed to fill the vacancy must be from the  
38 same legislative district, county, or county commissioner or council  
39 district as the county elective officer whose office was vacated, and

1 must be one of three persons who must be nominated by the nonpartisan  
2 executive or nonpartisan chair of the board of commissioners for the  
3 county. In case a majority of the members of the county legislative  
4 authority do not agree upon the appointment within sixty days after  
5 the vacancy occurs, the governor shall within thirty days thereafter,  
6 and from the list of nominees provided for in this section, appoint  
7 someone to fill the vacancy.

8 (4) If a vacancy occurs in a nonpartisan county board of  
9 commissioners elective office ~~((or))~~, nonpartisan county council  
10 elective office, or a nonpartisan county prosecutor office after the  
11 general election in a year that the position appears on the ballot  
12 and before the start of the next term, the term of the successor may  
13 commence once he or she has qualified as defined in RCW 29A.04.133  
14 and shall continue through the term for which he or she was elected.

15 **Sec. 4.** RCW 36.16.115 and 1981 c 180 s 3 are each amended to  
16 read as follows:

17 Where a vacancy occurs in any partisan county elective office,  
18 other than a member of the county legislative authority, or a  
19 nonpartisan county prosecutor office, the county legislative  
20 authority may appoint an employee that was serving as a deputy or  
21 assistant in such office at the time the vacancy occurred as an  
22 acting official to perform all necessary duties to continue normal  
23 office operations. The acting official will serve until a successor  
24 is either elected or appointed as required by law. This section does  
25 not apply to any vacancy occurring in a charter county which has  
26 charter provisions inconsistent with this section.

27 **Sec. 5.** RCW 42.12.040 and 2013 c 11 s 88 are each amended to  
28 read as follows:

29 (1) If a vacancy occurs in any partisan elective office in the  
30 executive or legislative branches of state government or in any  
31 partisan county elective office or any nonpartisan county prosecutor  
32 office before the first day of the regular filing period, the  
33 position must be open for filing during the regular filing period as  
34 provided in RCW 29A.24.171 and a successor shall be elected at the  
35 general election. Except during the last year of the term of office,  
36 if such a vacancy occurs on or after the first day of the regular  
37 filing period, the election of the successor shall occur at the next  
38 succeeding general election as provided in RCW 29A.24.171. The

1 elected successor shall hold office for the remainder of the  
2 unexpired term. This section shall not apply to any vacancy occurring  
3 in a charter county which has charter provisions inconsistent with  
4 this section.

5 (2) If a vacancy occurs in any legislative office or in any  
6 partisan county office after the general election in a year that the  
7 position appears on the ballot and before the start of the next term,  
8 the term of the successor who is of the same party as the incumbent  
9 may commence once he or she has qualified as defined in RCW  
10 29A.04.133 and shall continue through the term for which he or she  
11 was elected.

12 NEW SECTION. **Sec. 6.** 2013 c 11 s 45 is repealed.

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