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**SENATE BILL 5484**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senators Rasmussen, Winsley and Snyder

Read first time 01/24/95. Referred to Committee on Government Operations.

1 AN ACT Relating to nonpartisan sheriffs; amending RCW 29.18.010,  
2 29.21.010, 29.21.015, 29.21.070, 29.30.025, and 36.28.010; adding a new  
3 section to chapter 36.28 RCW; and providing an effective date.

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

5 **Sec. 1.** RCW 29.18.010 and 1990 c 59 s 78 are each amended to read  
6 as follows:

7 Candidates for the following offices shall be nominated at partisan  
8 primaries held pursuant to the provisions of this chapter:

9 (1) Congressional offices;

10 (2) All state offices except (a) judicial offices and (b) the  
11 office of superintendent of public instruction;

12 (3) All county offices except (a) judicial offices, (b) sheriff,  
13 except in a county for which the position is declared to be a partisan  
14 office by the county's home rule charter, and ~~((b))~~ (c) those offices  
15 where a county home rule charter provides otherwise.

16 **Sec. 2.** RCW 29.21.010 and 1990 c 59 s 89 are each amended to read  
17 as follows:

1 All city and town primaries shall be nonpartisan. Primaries for  
2 special purpose districts, except those districts that require  
3 ownership of property within the district as a prerequisite to voting,  
4 shall be nonpartisan. Primaries for the office of county sheriff shall  
5 be nonpartisan except in a county for which the position is declared  
6 to be a partisan office by the county's home rule charter. City, town,  
7 county sheriff, and district primaries shall be held as provided in RCW  
8 29.13.070.

9 The purpose of this section is to establish the holding of a  
10 primary, subject to the exemptions in RCW 29.21.015, as a uniform  
11 procedural requirement to the holding of city, town, county sheriff,  
12 and district elections. These provisions supersede any and all other  
13 statutes, whether general or special in nature, having different  
14 election requirements.

15 **Sec. 3.** RCW 29.21.015 and 1990 c 59 s 90 are each amended to read  
16 as follows:

17 No primary may be held for any single position in any city, town,  
18 or district or for the nonpartisan position of county sheriff, as  
19 required by RCW 29.21.010, if, after the last day allowed for  
20 candidates to withdraw, there are no more than two candidates filed for  
21 the position. The county auditor shall, as soon as possible, notify  
22 all the candidates so affected that the office for which they filed  
23 will not appear on the primary ballot. Names of candidates so notified  
24 shall be printed upon the general election ballot in the manner  
25 specified by RCW 29.30.025.

26 **Sec. 4.** RCW 29.21.070 and 1990 c 59 s 91 are each amended to read  
27 as follows:

28 The offices of superintendent of public instruction, justice of the  
29 supreme court, judge of the court of appeals, judge of the superior  
30 court, and judge of the district court shall be nonpartisan and the  
31 candidates therefor shall be nominated and elected as such. Except in  
32 a county for which the position of sheriff is declared to be a partisan  
33 office by the county's home rule charter, the office of county sheriff  
34 shall be nonpartisan and the candidates therefor shall be nominated and  
35 elected as such.

1 All city, town, and special purpose district elective offices shall  
2 be nonpartisan and the candidates therefor shall be nominated and  
3 elected as such.

4 **Sec. 5.** RCW 29.30.025 and 1990 c 59 s 80 are each amended to read  
5 as follows:

6 After the close of business on the last day for candidates to file  
7 for office, the filing officer shall, from among those filings made in  
8 person and by mail, determine by lot the order in which the names of  
9 those candidates will appear on all sample and absentee ballots. In  
10 the case of candidates for city, town, and district office, and for  
11 nonpartisan sheriff, this procedure shall also determine the order for  
12 candidate names on the official primary ballot used at the polling  
13 place. The determination shall be done publicly and may be witnessed  
14 by the media and by any candidate. If no primary is required for any  
15 nonpartisan office under RCW 29.15.150 or 29.21.015, the names shall  
16 appear on the general election ballot in the order determined by lot.

17 NEW SECTION. **Sec. 6.** A new section is added to chapter 36.28 RCW  
18 to read as follows:

19 A vacancy in the office of sheriff shall be filled by appointment  
20 of the board of county commissioners.

21 **Sec. 7.** RCW 36.28.010 and 1965 c 92 s 1 are each amended to read  
22 as follows:

23 The sheriff is the chief ((~~executive~~)) law enforcement officer and  
24 conservator of the peace of the county. In the execution of his  
25 office, he and his deputies:

26 (1) Shall arrest and commit to prison all persons who break the  
27 peace, or attempt to break it, and all persons guilty of public  
28 offenses;

29 (2) Shall defend the county against those who, by riot or  
30 otherwise, endanger the public peace or safety;

31 (3) Shall execute the process and orders of the courts of justice  
32 or judicial officers, when delivered for that purpose, according to  
33 law;

34 (4) Shall execute all warrants delivered for that purpose by other  
35 public officers, according to the provisions of particular statutes;

1 (5) Shall attend the sessions of the courts of record held within  
2 the county, and obey their lawful orders or directions;

3 (6) Shall keep and preserve the peace in their respective counties,  
4 and quiet and suppress all affrays, riots, unlawful assemblies and  
5 insurrections, for which purpose, and for the service of process in  
6 civil or criminal cases, and in apprehending or securing any person for  
7 felony or breach of the peace, they may call to their aid such persons,  
8 or power of their county as they may deem necessary.

9 NEW SECTION. **Sec. 8.** This act shall take effect July 1, 1996.

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