

HB 1473 - S COMM AMD

By Committee on Government Operations & Elections

ADOPTED 04/17/2003

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 36.16.110 and 1963 c 4 s 36.16.110 are each amended
4 to read as follows:

5 The (~~board of~~) county (~~commissioners~~) legislative authority in
6 each county shall, at its next regular or special meeting after being
7 appraised of any vacancy in any county, township, precinct, or road
8 district office of the county, fill the vacancy by the appointment of
9 some person qualified to hold such office, and the officers thus
10 appointed shall hold office until the next general election, and until
11 their successors are elected and qualified.

12 If a vacancy occurs in a partisan county office after the general
13 election in a year that the position appears on the ballot and before
14 the start of the next term, the term of the successor who is of the
15 same party as the incumbent may commence once he or she has qualified
16 as defined in RCW 29.01.135 and shall continue through the term for
17 which he or she was elected.

18 **Sec. 2.** RCW 36.32.0558 and 1990 c 252 s 6 are each amended to read
19 as follows:

20 Vacancies on a board of county commissioners consisting of five
21 members shall be filled as provided in RCW 36.32.070, except that:

22 (1) Whenever there are three or more vacancies, the governor shall
23 appoint one or more commissioners until there are a total of three
24 commissioners;

25 (2) Whenever there are two vacancies, the three commissioners shall
26 fill one of the vacancies; (~~and~~)

27 (3) Whenever there is one vacancy, the four commissioners shall
28 fill the single vacancy; and

1 (4) Whenever there is a vacancy after the general election in a
2 year that the position appears on the ballot and before the start of
3 the next term, the term of the successor who is of the same party as
4 the incumbent may commence once he or she has qualified as defined in
5 RCW 29.01.135 and shall continue through the term for which he or she
6 was elected.

7 **Sec. 3.** RCW 36.32.070 and 1990 c 252 s 7 are each amended to read
8 as follows:

9 Whenever there is a vacancy in the board of county commissioners,
10 except as provided in RCW 36.32.0558, it shall be filled as follows:

11 (1) If there are three vacancies, the governor of the state shall
12 appoint two of the officers. The two commissioners thus appointed
13 shall then meet and select the third commissioner. If the two
14 appointed commissioners fail to agree upon selection of the third after
15 the expiration of five days from the day they were appointed, the
16 governor shall appoint the remaining commissioner.

17 (2) Whenever there are two vacancies in the office of county
18 commissioner, the governor shall appoint one commissioner, and the two
19 commissioners then in office shall appoint the third commissioner. If
20 they fail to agree upon a selection after the expiration of five days
21 from the day of the governor's appointment, the governor shall appoint
22 the third commissioner.

23 (3) Whenever there is one vacancy in the office of county
24 commissioner, the two remaining commissioners shall fill the vacancy.
25 If the two commissioners fail to agree upon a selection after the
26 expiration of five days from the day the vacancy occurred, the governor
27 shall appoint the third commissioner.

28 (4) Whenever there is a vacancy in the office of county
29 commissioner after the general election in a year that the position
30 appears on the ballot and before the start of the next term, the term
31 of the successor who is of the same party as the incumbent may commence
32 once he or she has qualified as defined in RCW 29.01.135 and shall
33 continue through the term for which he or she was elected.

34 **Sec. 4.** RCW 42.12.040 and 2002 c 108 s 2 are each amended to read
35 as follows:

1 (1) If a vacancy occurs in any partisan elective office in the
2 executive or legislative branches of state government or in any
3 partisan county elective office before the sixth Tuesday prior to the
4 primary for the next general election following the occurrence of the
5 vacancy, a successor shall be elected to that office at that general
6 election. Except during the last year of the term of office, if such
7 a vacancy occurs on or after the sixth Tuesday prior to the primary for
8 that general election, the election of the successor shall occur at the
9 next succeeding general election. The elected successor shall hold
10 office for the remainder of the unexpired term. This section shall not
11 apply to any vacancy occurring in a charter county which has charter
12 provisions inconsistent with this section.

13 (2) If a vacancy occurs in any legislative office or in any
14 partisan county office after the general election in a year that the
15 position appears on the ballot and before the start of the next term,
16 the term of the successor who is of the same party as the incumbent may
17 commence once he or she has qualified as defined in RCW 29.01.135 and
18 shall continue through the term for which he or she was elected.

19 NEW SECTION. **Sec. 5.** This act takes effect January 1, 2004, if
20 the proposed amendment to Article II, section 15 of the state
21 Constitution (HJR --) is validly submitted to and is approved and
22 ratified by the voters at a general election held in November 2003. If
23 the proposed amendment is not approved and ratified, this act is void
24 in its entirety."

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25 On page 1, line 1 of the title, after "office;" strike the
26 remainder of the title and insert "amending RCW 36.16.110, 36.32.0558,
27 36.32.070, and 42.12.040; and providing a contingent effective date."

EFFECT: Where the successor is of a different party than the

incumbent, a post-election, pre-January vacancy must be filled through the appointment process.

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