

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1391**

Chapter 50, Laws of 2008

60th Legislature  
2008 Regular Session

**MAYORAL VACANCIES**

EFFECTIVE DATE: 06/12/08

Passed by the House January 28, 2008  
Yeas 93 Nays 0

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate March 6, 2008  
Yeas 49 Nays 0

BRAD OWEN

**President of the Senate**

Approved March 17, 2008, 3:25 p.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 **HOUSE BILL 1391** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

**Chief Clerk**

FILED

March 18, 2008

**Secretary of State  
State of Washington**

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HOUSE BILL 1391

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Passed Legislature - 2007 Regular Session

State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Eddy, Ross, Curtis, Jarrett, Morrell and B. Sullivan

Read first time 01/18/2007. Referred to Committee on Local Government.

1            AN ACT Relating to filling vacancies in the office of mayor; and  
2 amending RCW 35.23.101, 35.23.191, 35.27.140, and 35A.12.050.

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

4            **Sec. 1.** RCW 35.23.101 and 1995 c 134 s 9 are each amended to read  
5 as follows:

6            (1) The council of a second class city may declare a council  
7 position vacant if the councilmember is absent for three consecutive  
8 regular meetings without permission of the council. ~~((In addition,))~~

9            (2) A vacancy in an elective office shall occur and shall be filled  
10 as provided in chapter 42.12 RCW. An incumbent councilmember is  
11 eligible to be appointed to fill a vacancy in the office of mayor.

12            Vacancies in offices other than that of mayor or city councilmember  
13 shall be filled by appointment of the mayor.

14            (3) If there is a temporary vacancy in an appointive office due to  
15 illness, absence from the city or other temporary inability to act, the  
16 mayor may appoint a temporary appointee to exercise the duties of the  
17 office until the temporary disability of the incumbent is removed.

1       **Sec. 2.** RCW 35.23.191 and 1994 c 81 s 41 are each amended to read  
2 as follows:

3       The members of the city council, at their first meeting each  
4 calendar year and thereafter whenever a vacancy occurs in the office of  
5 mayor pro tempore, shall elect from among their number a mayor pro  
6 tempore, who shall hold office at the pleasure of the council and in  
7 case of the absence of the mayor, perform the duties of mayor except  
8 that he or she shall not have the power to appoint or remove any  
9 officer or to veto any ordinance. (~~(If a vacancy occurs in the office~~  
10 ~~of mayor, the city council at their next regular meeting shall elect~~  
11 ~~from among their number a mayor, who shall serve until a mayor is~~  
12 ~~elected and certified at the next municipal election.))~~

13       The mayor and the mayor pro tempore shall have power to administer  
14 oaths and affirmations, take affidavits and certify them. The mayor or  
15 the mayor pro tempore when acting as mayor, shall sign all conveyances  
16 made by the city and all instruments which require the seal of the  
17 city.

18       **Sec. 3.** RCW 35.27.140 and 1994 c 223 s 22 are each amended to read  
19 as follows:

20       (1) The council of a town may declare a council position vacant if  
21 that councilmember is absent from the town for three consecutive  
22 council meetings without the permission of the council. (~~(In~~  
23 ~~addition,)~~)

24       (2) A vacancy in an elective office shall occur and shall be filled  
25 as provided in chapter 42.12 RCW. An incumbent councilmember is  
26 eligible to be appointed to fill a vacancy in the office of mayor.

27       (3) A vacancy in any other office shall be filled by appointment by  
28 the mayor.

29       **Sec. 4.** RCW 35A.12.050 and 1994 c 223 s 32 are each amended to  
30 read as follows:

31       The office of a mayor or councilmember shall become vacant if the  
32 person who is elected or appointed to that position fails to qualify as  
33 provided by law, fails to enter upon the duties of that office at the  
34 time fixed by law without a justifiable reason, or as provided in RCW  
35 35A.12.060 or 42.12.010. A vacancy in the office of mayor or in the

1 council shall be filled as provided in chapter 42.12 RCW. An incumbent  
2 councilmember is eligible to be appointed to fill a vacancy in the  
3 office of mayor.

Passed by the House January 28, 2008.

Passed by the Senate March 6, 2008.

Approved by the Governor March 17, 2008.

Filed in Office of Secretary of State March 18, 2008.