

HOUSE BILL REPORT

HB 2476

*As Reported By House Committee on:
Local Government*

Title: An act relating to local government.

Brief Description: Making laws relating to local government vacancies more uniform.

Sponsor(s): Representatives Franklin, Wood, Haugen, Ferguson, Mitchell, Wynne, Roland and Winsley.

Brief History:

Reported by House Committee on:
Local Government, January 31, 1992, DPS.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 10 members: Representatives Haugen, Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Franklin; Horn; Nelson; Roland; Wood; Wynne; and Zellinsky.

Minority Report: *Do not pass.* Signed by 5 members: Representatives Cooper, Vice Chair; Bray; Edmondson; Nealey; and Rayburn.

Staff: Steve Lundin (786-7127).

Background:

Over 65 different types of special districts may be created in this state. Separate statutes exist for most of these different special districts. Many special districts are governed by a governing body composed of elected officials, while the members of some governing bodies consist of appointed officials. The voters of most special districts are voters who reside in the boundaries of the special district. However, the voters of some special districts are persons who own property in the special district. All special district elected officials are elected at nonpartisan elections.

Seven different types of cities and towns may be created in this state, each governed by separate statutes. Cities and towns are governed by elected councils or commissions. Some cities and towns have mayors with executive authorities who are not part of the council. Other cities or towns have a council or commission member who is nominally referred to as a mayor, but the mayor has no executive authority. The voters of a city or town are the voters who reside in the city or town. All city and town elected officials are elected at nonpartisan elections.

General election law exists for elections in special districts where property ownership is not a qualification of voting and for the elections in cities and towns. However, certain provisions of the specific election laws for cities, towns, and many special districts, vary from general election law. It is the most common for a city, town, or special district to conform with general election laws instead of the specific laws for the city, town, or special district that conflict with the general election law. However, in some instances, the specific election laws for a city, town, or special district are followed instead of general election law.

In addition, the procedures and requirements of specific laws for different special districts, cities, and towns tend vary.

Summary of Substitute Bill:

Many of the specific provisions of law relating to the election procedures for cities, towns, and special districts where the franchise is not limited to property owners, are made uniform and are altered to conform with the practices of general election law.

1. Terms of office.

The terms of office for elected commissioners of those special districts that have six-year terms of office are reduced four years. This includes metropolitan park districts, fire protection districts, port districts, public utility districts (PUD's), sewer districts, water districts, cemetery districts, and public hospital districts, as well as those special districts that provide diking and drainage facilities and that have the franchise limited to property owners.

The reduction in length of terms of office occurs for the officials who are elected after the effective date of the act.

2. Filling Vacancies.

A common procedure is established to fill vacancies on the governing bodies of cities and towns, as well as the elected governing bodies of special districts where the franchise is not limited to property owners.

The remaining members of the governing body appoint someone to fill the vacancy. If the appointment is not made within 90 days of the vacancy, the authority to make the appointment reverts to the county legislative authority of the county in which all or the largest geographic portion of the local government is located. If the county legislative authority fails to make the appointment within 180 days of the vacancy, the county or remaining members of the local governmental governing body may request the governor to make the appointment.

Where more than one vacancy exists, and the governing body has two or more remaining members, the remaining members make the first appointment. Then the remaining members and the new appointee make the next appointment, and so on with each appointee participating in the appointment of the person to fill the next vacancy until all the vacancies are filled.

Where less than two members of the governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the government is located appoints either one or two persons to bring the governing body up to two persons.

A person who is appointed to fill a vacancy serves the remainder of the unexpired term until someone is elected to that position at the next general election occurring 60 or more days after the vacancy when a member of the governing body normally would be elected. If an election for the position that was vacant otherwise would have been held at that election, only one election is held, and the person who is elected assumes office immediately and serves both the remainder of the term and the next full term.

A vacancy on the council of a noncode city with a mayor/council form of government is altered to reflect a nuance of code city law where the council loses its right to fill a vacancy if it fails to make an appointment within 30 days and the mayor assumes this power of appointment.

The procedure to fill a vacancy on a city with a commission form of government is altered so that the appointee serves until a successor is elected at the next municipal general

election occurring 60 or more days after the date of the vacancy.

3. Occurrence of a vacancy.

General provisions of law detailing when a vacancy occurs in an elected office are cited in the specific laws for cities, towns, and these special districts where the franchise is not limited to property owners. The special provisions are retained for those local governments where a vacancy occurs if the official has a number of consecutive unexcused absences from the meetings of the governing body.

4. Wards or commissioner districts.

The use of wards, council districts, or commissioner districts is standardized for nonpartisan local governmental governing bodies, other than school districts, that are permitted to use wards, council districts, or commissioner districts.

Wards, council districts, or commissioner districts would be used for the following two purposes:

- o Residency. A candidate for the position would have to reside in the ward, council district, or commissioner district.
- o Nomination. The voters who vote at the primary election to nominate two candidates for the position would only be the voters who reside in the ward, council district, or commissioner district.

Wards, council districts, or commissioner districts would not be used at the general election and the voters throughout the entire local government would vote on an at-large basis to elect each member of the governing body at the general election.

The one-time use of commissioner districts to elect the initial commissioners of a park and recreation district is eliminated.

5. Filing requirements.

The fee to file for an office that has a fixed annual salary of \$1,000 or less is raised from \$10 to \$20.

The requirements are eliminated that filings for the office of PUD commissioner, airport district commissioner, metropolitan park district commissioners, the initial sewer district commissioners, and the initial water district

commissioners be accompanied by a petition signed by a certain number of district voters.

Unique provisions are eliminated for the candidates for the initial commissioners of park and recreation districts and cemetery districts where, instead of candidates filing for office, a slate of initial candidates is placed on the ballot and any challenger must run as a write-in candidate.

6. Rotating names of candidates.

The names of candidates are rotated in primary elections for commissioners of a PUD with a population of 250,000 or more.

7. Ferry Districts

Statutes relating to ferry districts are repealed.

Substitute Bill Compared to Original Bill: Various technical changes are made to make the election provisions for each unit of government similar. The term "primary election" is changed to "primary." Sections were added clarifying how the terms of new water district commissioners are staggered.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: This cleans up a lot of election laws. Four-year terms provide for greater accountability. This clarifies a lot of vague election laws for cities and special districts.

Testimony Against: There is no problem, so why fix something that isn't broke. Special districts want to retain six-year terms of office.

Witnesses: (Spoke against term reduction): Tom Casey, Washington State Grange; and Don White, Washington Public Ports Association; (Spoke generally in favor): Ken Rosenberg, Washington Public Utility Districts Association; Erika Aust, Secretary of State; and Greg Vigdor, Washington State Hospital Association.