
ENGROSSED HOUSE JOINT RESOLUTION 4227

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Anderson, Miller, R. Fisher, Brough and Ferguson.

Read first time February 22, 1991. Referred to Committee on State Government.

1 BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3 THAT, At the next general election to be held in this state there
4 shall be submitted to the qualified voters of the state for their
5 approval and ratification, or rejection, the following amendment to
6 Article II of the Constitution of the state of Washington:

7 SECTION 1. A new section is added to Article II of the
8 Constitution of the state of Washington to read as follows:

9 Section 15. VACANCIES IN LEGISLATURE AND CERTAIN COUNTY OFFICES.
10 Except as provided in subsections (4) and (6) of this section,
11 vacancies that occur in the state legislature or in any elective office
12 of the executive or legislative branch of county government shall be
13 filled by appointment by the legislative authority or legislative
14 authorities of the county or counties in which the vacancy occurs.

1 (1) RESIDENCY. A person appointed to fill a vacancy in the state
2 legislature shall be a resident of the legislative district for which
3 the vacancy occurs.

4 A person appointed to fill a vacancy in a county elective office
5 shall be a resident of that county. When a vacancy occurs in the
6 office of the member of a county legislative authority and a person
7 elected to that office is nominated or elected by district, the person
8 appointed to fill the vacancy shall be a resident of the district for
9 which the vacancy occurs.

10 (2) NOMINEES. Except as provided by this subsection, a person
11 appointed to fill a vacancy in a partisan office under this section
12 shall be from the same political party as the person whose office has
13 been vacated and shall be appointed from a list of three persons
14 nominated by that political party. Party nominees shall be designated
15 by the county central committee of the political party unless the
16 vacancy occurs in a state legislative district containing territory
17 from more than one county, in which case the nominees shall be
18 designated by the state central committee of the political party.
19 Party nominees shall be designated within the time prescribed by
20 statute for making such nominations.

21 If the person whose office has been vacated was elected to the
22 office as an independent, if the vacated office is a nonpartisan
23 office, if political party nominations for filling the vacancy are not
24 made within the time prescribed by statute, or if the appointments are
25 being made by the governor to establish a majority of filled positions
26 on a county legislative authority, any person who is legally qualified
27 to run for and hold the office may be appointed to fill the vacancy.

28 A member of a county legislative authority is eligible to be
29 appointed to fill a vacancy governed by this section only if the member
30 is qualified to fill the vacancy and does not vote in an action, or in

1 a collective action of legislative authorities taken in joint session,
2 to fill the vacancy.

3 (3) MULTICOUNTY LEGISLATIVE DISTRICTS. Vacancies that occur in a
4 state legislative district containing territory from more than one
5 county shall be filled by appointment by the collective action of the
6 county legislative authorities of the counties with territory in the
7 district, voting in joint session. A proportional voting method
8 prescribed by the legislature by statute shall be used which ensures
9 that the cumulative voting weight of each county's legislative
10 authority amounts to the county's proportion of the total number of
11 votes cast for the vacated position in the last election conducted for
12 the vacated office.

13 (4) APPOINTMENT BY GOVERNOR. If a vacancy governed by this section
14 is not filled by the county legislative authority or authorities within
15 the time prescribed by statute for filling such a vacancy, the governor
16 shall appoint a person to fill the vacancy within the time prescribed
17 by statute for the governor to fill such a vacancy.

18 If the majority of positions on a county legislative authority are
19 vacant, the governor shall appoint to the legislative authority that
20 number of persons necessary to establish a majority of filled
21 positions. The appointments shall be made within the time prescribed
22 by statute for the governor to make such appointments.

23 (5) TERM OF OFFICE. A person appointed to fill a vacancy in an
24 office under this section shall hold office until a successor (a) is
25 elected at the next general election held for the office as prescribed
26 by statute and (b) has been qualified.

27 (6) "HOME RULE" COUNTIES. The requirements established by this
28 section for filling vacancies in county elective offices or for the
29 term of office of a person appointed to fill such a vacancy do not
30 apply to a county that has adopted and operates under a "Home Rule"

1 charter under section 4 or 16 of Article XI to the extent that the
2 requirements are inconsistent with the county's "Home Rule" charter.

3 (7) IMPLEMENTING LAWS. The legislature shall prescribe the time
4 within which state and county central committees must submit lists of
5 nominees, within which a county legislative authority or county
6 legislative authorities must agree upon an appointment, and within
7 which the governor must make appointments under this section. The
8 legislature shall also prescribe a proportional voting method to be
9 used by county legislative authorities, making an appointment to fill
10 a vacancy in joint session under this section, which satisfies the
11 requirements of subsection (3) of this section.

12 SECTION 2. Article II, section 15 as it existed prior to the
13 ratification of this amendment is repealed.

14 BE IT FURTHER RESOLVED, That the foregoing amendment shall be
15 construed as a single amendment within the meaning of Article XXIII,
16 section 1 of the state Constitution.

17 The legislature finds that the changes contained in the foregoing
18 amendment constitute a single integrated plan for revising procedures
19 for filling vacancies in state legislative and county elective offices.
20 If the foregoing amendment is held to be separate amendments, this
21 joint resolution shall be void in its entirety and shall be of no
22 further force and effect.

23 BE IT FURTHER RESOLVED, That the secretary of state shall cause
24 notice of the foregoing constitutional amendment to be published at
25 least four times during the four weeks next preceding the election in
26 every legal newspaper in the state.