

SENATE BILL 5139

State of Washington

52nd Legislature

1991 Regular Session

By Senator McCaslin.

Read first time January 22, 1991. Referred to Committee on Governmental Operations.

1 AN ACT Relating to incorporation elections; and amending RCW
2 35.02.078.

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

4 **Sec. 1.** RCW 35.02.078 and 1986 c 234 s 10 are each amended to read
5 as follows:

6 An election shall be held in the area proposed to be incorporated
7 to determine whether the proposed city or town shall be incorporated if
8 the boundary review board approves or modifies and approves the
9 proposal, or if the county legislative authority does not disapprove
10 the proposal as provided in RCW 35.02.070. Voters at this election
11 shall determine if the area is to be incorporated.

12 The initial election on the question of incorporation shall be held
13 at the next special election date specified in RCW 29.13.020 that
14 occurs sixty or more days after the final public hearing by the county
15 legislative authority or authorities, or the approval or modification

1 and approval by the boundary review board or boards. The county
2 legislative authority or authorities shall call for this election and,
3 if the incorporation is approved, shall call for other elections to
4 elect the elected officials as provided in this section. If the vote
5 in favor of the incorporation receives (~~forty~~) thirty percent or less
6 of the total vote on the question of incorporation, no new election on
7 the question of incorporation for the area or any portion of the area
8 proposed to be incorporated may be held for a period of three years
9 from the date of the election in which the incorporation failed. This
10 three-year prohibition shall not apply to any city or town in which
11 such election was held before the effective date of this act and the
12 vote in favor of the incorporation received thirty percent or more of
13 the total on the question of incorporation.

14 If the incorporation is authorized as provided by RCW 35.02.120,
15 separate elections shall be held to nominate and elect persons to fill
16 the various elective offices prescribed by law for the population and
17 type of city or town, and to which it will belong. The primary
18 election to nominate candidates for these elective positions shall be
19 held at the next special election date, as specified in RCW 29.13.020,
20 that occurs sixty or more days after the election on the question of
21 incorporation. The election to fill these elective positions shall be
22 held at the next special election date, as specified in RCW 29.13.020,
23 that occurs thirty or more days after certification of the results of
24 the primary election.