

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1473

Chapter 238, Laws of 2003

58th Legislature
2003 Regular Session

VACANCIES IN OFFICE

EFFECTIVE DATE: 1/1/04

Passed by the House April 22, 2003
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 17, 2003
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved May 12, 2003.

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1473** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER

Chief Clerk

FILED

May 12, 2003 - 4:17 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1473

AS AMENDED BY THE SENATE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Representatives Hudgins, Nixon, Flannigan, Pettigrew, Clibborn, Kenney, Haigh, Hinkle, Bailey, Morrell and Upthegrove

Read first time 01/28/2003. Referred to Committee on Local Government.

1 AN ACT Relating to filling vacancies in office; amending RCW
2 36.16.110, 36.32.0558, 36.32.070, and 42.12.040; and providing a
3 contingent effective date.

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

5 **Sec. 1.** RCW 36.16.110 and 1963 c 4 s 36.16.110 are each amended to
6 read as follows:

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

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

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

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

5 (1) Whenever there are three or more vacancies, the governor shall
6 appoint one or more commissioners until there are a total of three
7 commissioners;

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

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

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

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

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

22 (1) If there are three vacancies, the governor of the state shall
23 appoint two of the officers. The two commissioners thus appointed
24 shall then meet and select the third commissioner. If the two
25 appointed commissioners fail to agree upon selection of the third after
26 the expiration of five days from the day they were appointed, the
27 governor shall appoint the remaining commissioner.

28 (2) Whenever there are two vacancies in the office of county
29 commissioner, the governor shall appoint one commissioner, and the two
30 commissioners then in office shall appoint the third commissioner. If
31 they fail to agree upon a selection after the expiration of five days
32 from the day of the governor's appointment, the governor shall appoint
33 the third commissioner.

34 (3) Whenever there is one vacancy in the office of county
35 commissioner, the two remaining commissioners shall fill the vacancy.
36 If the two commissioners fail to agree upon a selection after the

1 expiration of five days from the day the vacancy occurred, the governor
2 shall appoint the third commissioner.

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

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

11 (1) If a vacancy occurs in any partisan elective office in the
12 executive or legislative branches of state government or in any
13 partisan county elective office before the sixth Tuesday prior to the
14 primary for the next general election following the occurrence of the
15 vacancy, a successor shall be elected to that office at that general
16 election. Except during the last year of the term of office, if such
17 a vacancy occurs on or after the sixth Tuesday prior to the primary for
18 that general election, the election of the successor shall occur at the
19 next succeeding general election. The elected successor shall hold
20 office for the remainder of the unexpired term. This section shall not
21 apply to any vacancy occurring in a charter county which has charter
22 provisions inconsistent with this section.

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

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

Passed by the House April 22, 2003.

Passed by the Senate April 17, 2003.

Approved by the Governor May 12, 2003.

Filed in Office of Secretary of State May 12, 2003.