

# SENATE BILL REPORT

## SB 5288

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As Passed Senate, February 12, 2025

**Title:** An act relating to vacancies on boards of county commissioners.

**Brief Description:** Concerning vacancies on boards of county commissioners.

**Sponsors:** Senators Schoesler, Boehnke, Dozier, Holy, Wilson, J., Salomon, Warnick and Wagoner.

**Brief History:**

**Committee Activity:** Local Government: 1/27/25, 1/30/25 [DP].

**Floor Activity:** Passed Senate: 2/12/25, 49-0.

**Brief Summary of Bill**

- Repeals statutory provisions related to vacancies on a board of county commissioners.

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### SENATE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass.

Signed by Senators Salomon, Chair; Lovelett, Vice Chair; Torres, Ranking Member; Bateman and Goehner.

**Staff:** Karen Epps (786-7424)

**Background:** Washington Constitutional Provisions Related to Vacancies. Vacancies as may occur in any partisan county elective office must be filled by appointment by the legislative authority of the county in which the vacancy occurs. The person appointed to fill the vacancy must be from the same county commissioner or council district and the same political party as the partisan county elective officer whose office has been vacated. The person must be one of three persons nominated by the county central committee of that

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

party.

In case a majority of the members of the county legislative authority do not agree on the appointment within 60 days after the vacancy occurs, the Governor must within 30 days thereafter, and from the list of nominees provided for, appoint a person who must be from the same county commissioner or council district and of the same political party as the partisan county elective officer whose office has been vacated. The person appointed must hold office until their successor is elected at the next general election and has qualified. In case of a vacancy occurring after the general election in a year that the office appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once they have qualified and continue through the term for which they were elected.

Statutory Provisions Related to Vacancies. Whenever there is a vacancy on the board of county commissioners, it must be filled as follows:

- if there are three vacancies, the Governor must appoint two of the officers:
  1. The two commissioners must then meet and select the third commissioner.
  2. If the two appointed commissioners fail to agree upon selection of the third after the expiration of five days from the day they were appointed, the Governor must appoint the remaining commissioner.
- whenever there are two county commissioner vacancies, the Governor must appoint one commissioner, and the two commissioners then in office must appoint the third commissioner:
  1. If they fail to agree upon a selection after the expiration of five days from the day of the Governor's appointment, the Governor must appoint the third commissioner.
- whenever there is one county commissioner vacancy, the two remaining commissioners must fill the vacancy:
  1. If the two commissioners fail to agree upon a selection after the expiration of five days from the day the vacancy occurred, the Governor must appoint the third commissioner.

Vacancies on a board of county commissioners consisting of five members must be filled in the same manner as above except that:

- whenever there are three or more vacancies, the Governor must appoint one or more commissioners until there are a total of three commissioners;
- whenever there are two vacancies, the three commissioners must fill one of the vacancies;
- whenever there is one vacancy, the four commissioners must fill the single vacancy.

Whenever there is a county commissioner vacancy after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once they have qualified and continue through the term for which they were elected.

**Summary of Bill:** Statutory provisions related to vacancies on three- and five-member board of county commissioners are repealed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: The current RCWs are in conflict with the Washington Constitution regarding the appointment of a partisan county commissioner position when the position is vacant. As currently written, the RCWs say the position must be filled within five days, but that is not feasible or reasonable for a partisan position because the county political committee must provide names of three candidates, then the remaining county commissioners must hold a public meeting, conduct interviews, and make a selection. The statutes were put in place in 1933, and they directly conflict with the Constitution. The RCWs require the board to make a decision within five days and the Constitution allows for 60 days. The RCWs do not consider partisan offices to allow the local parties to have a say in who the candidates are like the Constitution does. This bill solves that problem and puts things back on the Constitution.

**Persons Testifying:** PRO: Senator Mark Schoesler, Prime Sponsor; Paul Jewell, Washington State Association of Counties; Art Swannack, Whitman County.

**Persons Signed In To Testify But Not Testifying:** No one.