

**Chapter 54.40 RCW**  
**FIVE COMMISSIONER DISTRICTS**

**Sections**

- 54.40.010 Five commissioner districts—Requirements.
- 54.40.020 Existing districts—Qualifications—Voters' approval.
- 54.40.030 Transmittal of copies of federal hydroelectric license to county auditor.
- 54.40.040 Criteria, election to reclassify as a five commissioner district—Ballot form—Vote required.
- 54.40.050 Petition for reclassification—Certificate of sufficiency—Election.
- 54.40.060 Division of district.
- 54.40.070 Special election for commissioners from districts—Terms.

**RCW 54.40.010 Five commissioner districts—Requirements.** A five commissioner public utility district is a district that (1) either: (a) Has or had a license from the federal power commission to construct a hydroelectric project of an estimated cost of more than two hundred and fifty million dollars, including interest during construction; or (b) has a population of five hundred thousand or more; and (2) voters of the district approved a ballot proposition authorizing the district to become a five commissioner district as provided under RCW 54.40.040. All other public utility districts shall be known as three commissioner districts. [1994 c 223 s 57; 1977 ex.s. c 36 s 1; 1959 c 265 s 2.]

**RCW 54.40.020 Existing districts—Qualifications—Voters' approval.** Every public utility district which on September 21, 1977, shall be in existence and have such a license shall be qualified to become a five commissioner district upon approval of the voters of said district, and every public utility district which on September 21, 1977, shall have become a first-class district as previously provided by chapter 265, Laws of 1959 shall be a five commissioner district. [1977 ex.s. c 36 s 2; 1959 c 265 s 3.]

**RCW 54.40.030 Transmittal of copies of federal hydroelectric license to county auditor.** Within five days after a public utility district shall receive a license from the federal power commission to construct a hydroelectric project of an estimated cost of more than two hundred and fifty million dollars, including interest during construction, or, in the case of a district which on September 21, 1977, is in existence and has such a license within five days of September 21, 1977, the district shall forward a true copy of said license, certified by the secretary of the district, to the county auditor of the county wherein said district is located. [1977 ex.s. c 36 s 3; 1959 c 265 s 4.]

**RCW 54.40.040 Criteria, election to reclassify as a five commissioner district—Ballot form—Vote required.** A public utility district that has or had a license from the federal power commission

to construct a hydroelectric project of an estimated cost of more than two hundred fifty million dollars, including interest during construction, or has a population of five hundred thousand or more, shall be classified as a five commissioner district if voters of the district approve a ballot proposition authorizing the change. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot in substantially the following terms:

Shall Public Utility District No. . . . . be  
reclassified a Five Commissioner District  
for the purpose of increasing the number  
of commissioners to five. . . . . YES   
NO

Should a majority of the voters voting on the question approve the proposition, the district shall be declared a five commissioner district upon the certification of the election returns. [1994 c 223 s 58; 1977 ex.s. c 36 s 4; 1959 c 265 s 5.]

**RCW 54.40.050 Petition for reclassification—Certificate of sufficiency—Election.** The question of reclassification of a public utility district that has or had a license from the federal power commission to construct a hydroelectric project of an estimated cost of more than two hundred fifty million dollars, including interest during construction, or has a population of five hundred thousand or more, as a five commissioner public utility district shall be submitted to the voters if a petition proposing the change is filed with the county auditor of the county in which the district is located, identifying the district by number and praying that an election be held to determine whether it shall become a five commissioner district. The petition must be signed by a number of registered voters of the district equal to at least ten percent of the number of registered voters in the district who voted at the last general election and include each signer's residence address.

The petition shall be filed with the county auditor for verification of the validity of the signatures. Within thirty days after receipt of the petition, the county auditor shall determine the sufficiency of the petition. If the petition is found insufficient, the person who filed the same shall be notified by mail and he or she shall have an additional fifteen days from the date of mailing such notice within which to submit additional signatures, and the county auditor shall have an additional thirty days after the submission of such additional signatures to determine the validity of the entire petition. No signature may be withdrawn after the petition has been filed.

If the petition, including these additional signatures if any, is found sufficient, the county auditor shall certify its sufficiency to the public utility district and if the commissioners of the public utility district had certified to the county auditor the eligibility of the district for reclassification as provided in this chapter, the county auditor shall submit to the voters of the district the question of whether the district shall become a five commissioner district. The election shall be held at the next state general election occurring sixty or more days after the petition was certified as having

sufficient valid signatures. [2010 c 8 s 17009; 1994 c 223 s 59; 1977 ex.s. c 36 s 5; 1959 c 265 s 6.]

**RCW 54.40.060 Division of district.** If the reclassification to a five commissioner district is approved by the voters, the public utility district commission within sixty days after the results of said election are certified shall divide the public utility district into two districts of as nearly equal population as possible, and shall designate the districts as District A and District B. [1994 c 223 s 60; 1977 ex.s. c 36 s 6; 1959 c 265 s 7.]

**RCW 54.40.070 Special election for commissioners from districts**  
—**Terms.** Within thirty days after the public utility district commission divides the district into District A and District B, the county legislative authority shall call a special election, to be held at the next special election date provided for under RCW 29A.04.321 that occurs sixty or more days after the call, at which time the initial commissioners for District A and District B shall be elected. No primary shall be held and a special filing period shall be opened as provided in RCW 29A.24.171 and 29A.24.181. The person receiving the greatest number of votes for each position shall be elected.

The person who is elected receiving the greatest number of votes shall be elected to a four-year term of office, and the other person who is elected shall be elected to a two-year term of office, if the election is held in an even-numbered year, or the person who is elected receiving the greatest number of votes shall be elected to a three-year term of office, and the other person who is elected shall be elected to a one-year term of office, if the election is held in an odd-numbered year. The length of these terms of office shall be calculated from the first day in January in the year following their elections.

The newly elected commissioners shall assume office immediately after being elected and qualified and shall serve until their successors are elected and qualified and assume office in accordance with RCW 29A.60.280. Each successor shall be elected to a four-year term of office. [2015 c 53 s 86; 1994 c 223 s 61; 1977 ex.s. c 36 s 7; 1959 c 265 s 8.]