

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2278

53rd Legislature
1994 Regular Session

Passed by the House March 7, 1994
Yeas 91 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 4, 1994
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Marilyn Showalter, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2278** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2278

AS AMENDED BY THE SENATE

Passed Legislature - 1994 Regular Session

State of Washington 53rd Legislature 1994 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Horn, H. Myers, Edmondson and Springer)

Read first time 02/04/94.

1 AN ACT Relating to local government election practices; amending
2 RCW 42.12.010, 43.06.010, 14.08.304, 28A.315.520, 29.15.120, 29.15.200,
3 35.17.020, 35.17.400, 35.18.020, 35.18.270, 35.23.050, 35.23.240,
4 35.23.530, 35.24.050, 35.24.060, 35.24.100, 35.24.290, 35.27.100,
5 35.27.140, 35.61.050, 35A.01.070, 35A.02.050, 35A.02.130, 35A.06.020,
6 35A.06.030, 35A.06.050, 35A.12.010, 35A.12.040, 35A.12.050, 35A.12.060,
7 35A.12.180, 35A.13.010, 35A.13.020, 35A.14.060, 35A.14.070, 35A.15.040,
8 35A.16.030, 36.69.020, 36.69.070, 36.69.080, 36.69.090, 36.69.100,
9 36.69.440, 52.14.010, 52.14.013, 52.14.015, 52.14.030, 52.14.050,
10 52.14.060, 53.12.140, 54.08.060, 54.12.010, 54.40.010, 54.40.040,
11 54.40.050, 54.40.060, 54.40.070, 56.12.015, 56.12.020, 56.12.030,
12 57.02.050, 57.12.015, 57.12.020, 57.12.030, 57.12.039, 57.32.022,
13 57.32.023, 68.52.100, 68.52.140, 68.52.160, 68.52.220, 70.44.040,
14 70.44.045, 70.44.053, 53.12.010, 53.04.023, 53.12.115, 53.12.120,
15 53.12.130, 53.12.175, 53.16.015, and 29.45.050; amending 1992 c 146 s
16 14 (uncodified); reenacting and amending RCW 53.12.172; adding a new
17 section to chapter 42.12 RCW; adding a new section to chapter 29.15
18 RCW; adding a new section to chapter 35.02 RCW; adding a new section to
19 chapter 35A.29 RCW; adding a new section to chapter 56.12 RCW; adding
20 a new section to chapter 68.52 RCW; adding a new section to chapter
21 53.12 RCW; adding a new section to chapter 53.04 RCW; repealing RCW

1 35.23.070, 35.24.070, 35.27.110, 35.61.060, 35.61.070, 35.61.080,
2 35A.02.001, 35A.02.100, 35A.02.110, 35A.14.060, 35A.15.030, 35A.16.020,
3 35A.29.010, 35A.29.020, 35A.29.030, 35A.29.040, 35A.29.050, 35A.29.060,
4 35A.29.070, 35A.29.080, 35A.29.090, 35A.29.100, 35A.29.105, 35A.29.110,
5 35A.29.140, 35A.29.150, 36.54.080, 36.54.090, 36.54.100, 36.69.060,
6 44.70.010, 53.12.047, 53.12.150, 57.02.060, 68.52.240, 70.44.051,
7 70.44.055, and 70.44.057; and providing effective dates.

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

9 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.12 RCW
10 to read as follows:

11 A vacancy on an elected nonpartisan governing body of a special
12 purpose district where property ownership is not a qualification to
13 vote, a town, or a city other than a first class city or a charter code
14 city, shall be filled as follows unless the provisions of law relating
15 to the special district, town, or city provide otherwise:

16 (1) Where one position is vacant, the remaining members of the
17 governing body shall appoint a qualified person to fill the vacant
18 position.

19 (2) Where two or more positions are vacant and two or more members
20 of the governing body remain in office, the remaining members of the
21 governing body shall appoint a qualified person to fill one of the
22 vacant positions, the remaining members of the governing body and the
23 newly appointed person shall appoint another qualified person to fill
24 another vacant position, and so on until each of the vacant positions
25 is filled with each of the new appointees participating in each
26 appointment that is made after his or her appointment.

27 (3) If less than two members of a governing body remain in office,
28 the county legislative authority of the county in which all or the
29 largest geographic portion of the city, town, or special district is
30 located shall appoint a qualified person or persons to the governing
31 body until the governing body has two members.

32 (4) If a governing body fails to appoint a qualified person to fill
33 a vacancy within ninety days of the occurrence of the vacancy, the
34 authority of the governing body to fill the vacancy shall cease and the
35 county legislative authority of the county in which all or the largest
36 geographic portion of the city, town, or special district is located
37 shall appoint a qualified person to fill the vacancy.

1 (5) If the county legislative authority of the county fails to
2 appoint a qualified person within one hundred eighty days of the
3 occurrence of the vacancy, the county legislative authority or the
4 remaining members of the governing body of the city, town, or special
5 district may petition the governor to appoint a qualified person to
6 fill the vacancy. The governor may appoint a qualified person to fill
7 the vacancy after being petitioned if at the time the governor fills
8 the vacancy the county legislative authority has not appointed a
9 qualified person to fill the vacancy.

10 (6) As provided in RCW 29.15.190 and 29.21.410, each person who is
11 appointed shall serve until a qualified person is elected at the next
12 election at which a member of the governing body normally would be
13 elected that occurs twenty-eight or more days after the occurrence of
14 the vacancy. If needed, special filing periods shall be authorized as
15 provided in RCW 29.15.170 and 29.15.180 for qualified persons to file
16 for the vacant office. A primary shall be held to nominate candidates
17 if sufficient time exists to hold a primary and more than two
18 candidates file for the vacant office. Otherwise, a primary shall not
19 be held and the person receiving the greatest number of votes shall be
20 elected. The person elected shall take office immediately and serve
21 the remainder of the unexpired term.

22 If an election for the position that became vacant would otherwise
23 have been held at this general election date, only one election to fill
24 the position shall be held and the person elected to fill the
25 succeeding term for that position shall take office immediately when
26 qualified as defined in RCW 29.01.135 and shall service both the
27 remainder of the unexpired term and the succeeding term.

28 **Sec. 2.** RCW 42.12.010 and 1993 c 317 s 9 are each amended to read
29 as follows:

30 Every elective office shall become vacant on the happening of any
31 of the following events:

32 (1) The death of the incumbent;

33 (2) His or her resignation. A vacancy caused by resignation shall
34 be deemed to occur upon the effective date of the resignation;

35 (3) His or her removal;

36 (4) Except as provided in RCW 3.46.067 and 3.50.057, his or her
37 ceasing to be a legally ((qualified elector)) registered voter of the
38 district, county, city, town, or other municipal or quasi municipal

1 corporation from which he or she shall have been elected or appointed,
2 including where applicable the council district, commissioner district,
3 or ward from which he or she shall have been elected or appointed;

4 (5) His or her conviction of a felony, or of any offense involving
5 a violation of his or her official oath;

6 (6) His or her refusal or neglect to take his or her oath of
7 office, or to give or renew his or her official bond, or to deposit
8 such oath or bond within the time prescribed by law;

9 (7) The decision of a competent tribunal declaring void his or her
10 election or appointment; or

11 (8) Whenever a judgment shall be obtained against that incumbent
12 for breach of the condition of his or her official bond.

13 **Sec. 3.** RCW 43.06.010 and 1993 c 142 s 5 are each amended to read
14 as follows:

15 In addition to those prescribed by the Constitution, the governor
16 may exercise the powers and perform the duties prescribed in this and
17 the following sections:

18 (1) The governor shall supervise the conduct of all executive and
19 ministerial offices;

20 (2) The governor shall see that all offices are filled, including
21 as provided in section 1 of this act, and the duties thereof performed,
22 or in default thereof, apply such remedy as the law allows; and if the
23 remedy is imperfect, acquaint the legislature therewith at its next
24 session;

25 (3) The governor shall make the appointments and supply the
26 vacancies mentioned in this title;

27 (4) The governor is the sole official organ of communication
28 between the government of this state and the government of any other
29 state or territory, or of the United States;

30 (5) Whenever any suit or legal proceeding is pending against this
31 state, or which may affect the title of this state to any property, or
32 which may result in any claim against the state, the governor may
33 direct the attorney general to appear on behalf of the state, and
34 report the same to the governor, or to any grand jury designated by the
35 governor, or to the legislature when next in session;

36 (6) The governor may require the attorney general or any
37 prosecuting attorney to inquire into the affairs or management of any
38 corporation existing under the laws of this state, or doing business in

1 this state, and report the same to the governor, or to any grand jury
2 designated by the governor, or to the legislature when next in session;

3 (7) The governor may require the attorney general to aid any
4 prosecuting attorney in the discharge of ~~((his))~~ the prosecutor's
5 duties;

6 (8) The governor may offer rewards, not exceeding one thousand
7 dollars in each case, payable out of the state treasury, for
8 information leading to the apprehension of any person convicted of a
9 felony who has escaped from a state correctional institution or for
10 information leading to the arrest of any person who has committed or is
11 charged with the commission of a felony;

12 (9) The governor shall perform such duties respecting fugitives
13 from justice as are prescribed by law;

14 (10) The governor shall issue and transmit election proclamations
15 as prescribed by law;

16 (11) The governor may require any officer or board to make, upon
17 demand, special reports to the governor, in writing;

18 (12) The governor may, after finding that a public disorder,
19 disaster, energy emergency, or riot exists within this state or any
20 part thereof which affects life, health, property, or the public peace,
21 proclaim a state of emergency in the area affected, and the powers
22 granted the governor during a state of emergency shall be effective
23 only within the area described in the proclamation;

24 (13) The governor may, after finding that there exists within this
25 state an imminent danger of infestation of plant pests as defined in
26 RCW 17.24.007 or plant diseases which seriously endangers the
27 agricultural or horticultural industries of the state of Washington, or
28 which seriously threatens life, health, or economic well-being, order
29 emergency measures to prevent or abate the infestation or disease
30 situation, which measures, after thorough evaluation of all other
31 alternatives, may include the aerial application of pesticides;

32 (14) On all compacts forwarded to the governor pursuant to RCW
33 9.46.360(6), the governor is authorized and empowered to execute on
34 behalf of the state compacts with federally recognized Indian tribes in
35 the state of Washington pursuant to the federal Indian Gaming
36 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III
37 gaming, as defined in the Act, on Indian lands.

1 **Sec. 4.** RCW 14.08.304 and 1979 ex.s. c 126 s 3 are each amended to
2 read as follows:

3 The board of airport district commissioners shall consist of three
4 members(~~(, who shall each be a registered voter and actually a resident~~
5 ~~of the district)~~). The first commissioners shall be appointed by the
6 county legislative authority. At the next general district election,
7 held as provided in RCW 29.13.020, three airport district commissioners
8 shall be elected. The terms of office of airport district
9 commissioners shall be two years, or until their successors are elected
10 and qualified and have assumed office in accordance with RCW 29.04.170.
11 Members of the board of airport district commissioners shall be elected
12 at each regular district general election on a nonpartisan basis in
13 accordance with the general election law. (~~(They shall be nominated by~~
14 ~~petition of ten registered voters of the district.)~~) Vacancies on the
15 board of airport district commissioners shall occur and shall be filled
16 (~~(by appointment by the remaining commissioners)~~) as provided in
17 chapter 42.12 RCW. Members of the board of airport district
18 commissioners shall receive no compensation for their services, but
19 shall be reimbursed for actual necessary traveling and sustenance
20 expenses incurred while engaged on official business.

21 **Sec. 5.** RCW 28A.315.520 and 1971 c 53 s 4 are each amended to read
22 as follows:

23 A majority of all members of the board of directors shall
24 constitute a quorum. Absence of any board member from four consecutive
25 regular meetings of the board, unless on account of sickness or
26 authorized by resolution of the board, shall be sufficient cause for
27 the remaining members of the board to declare by resolution that such
28 board member position is vacated. In addition, vacancies shall occur
29 as provided in RCW 42.12.010.

30 **Sec. 6.** RCW 29.15.120 and 1990 c 59 s 86 are each amended to read
31 as follows:

32 A candidate may withdraw his or her declaration of candidacy at any
33 time before the close of business on the Thursday following the last
34 day for candidates to file under RCW 29.15.020 by filing, with the
35 officer with whom the declaration of candidacy was filed, a signed
36 request that his or her name not be printed on the ballot. There shall
37 be no withdrawal period for declarations of candidacy filed during

1 special filing periods held under this title. The filing officer may
2 permit the withdrawal of a filing for the office of precinct committee
3 officer at the request of the candidate at any time if no absentee
4 ballots have been issued for that office and the general election
5 ballots for that precinct have not been printed. The filing officer
6 may permit the withdrawal of a filing for any elected office of a city,
7 town, or special district at the request of the candidate at any time
8 before a primary if the primary ballots for that city, town, or special
9 district have not been ordered. No filing fee may be refunded to any
10 candidate who withdraws under this section. Notice of the deadline for
11 withdrawal of candidacy and that the filing fee is not refundable shall
12 be given to each candidate at the time he or she files.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 29.15 RCW
14 to read as follows:

15 Each person who files a declaration of candidacy for an elected
16 office of a city, town, or special district shall be given written
17 notice of the date by which a candidate may withdraw his or her
18 candidacy under RCW 29.15.120.

19 **Sec. 8.** RCW 29.15.200 and 1975-'76 2nd ex.s. c 120 s 13 are each
20 amended to read as follows:

21 If after both the normal filing period and special three day filing
22 period as provided by RCW 29.15.170 and 29.15.180(~~(, as now or~~
23 ~~hereafter amended,)~~) have passed (~~(and still)~~), no candidate has filed
24 for any single city, town, or district position to be filled, the
25 election for such position shall be deemed lapsed, the office deemed
26 stricken from the ballot and no write-in votes counted. In such
27 instance, the incumbent occupying such position shall remain in office
28 and continue to serve until (~~(his)~~) a successor is elected at the next
29 election when such positions are voted upon (~~(as provided by RCW~~
30 ~~29.21.410, as now or hereafter amended)~~).

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 35.02 RCW
32 to read as follows:

33 An election shall be held to elect city or town elected officials
34 at the next municipal general election occurring more than twelve
35 months after the date of the first election of councilmembers or
36 commissioners. Candidates shall run for specific council or commission

1 positions. The staggering of terms of members of the city or town
2 council shall be established at this election, where the simple
3 majority of the persons elected as councilmembers receiving the
4 greatest numbers of votes shall be elected to four-year terms of office
5 and the remainder of the persons elected as councilmembers shall be
6 elected to two-year terms of office. Newly elected councilmembers or
7 newly elected commissioners shall serve until their successors are
8 elected and qualified. The terms of office of newly elected
9 commissioners shall not be staggered, as provided in chapter 35.17 RCW.
10 All councilmembers and commissioners who are elected subsequently shall
11 be elected to four-year terms of office and shall serve until their
12 successors are elected and qualified and assume office in accordance
13 with RCW 29.04.170.

14 **Sec. 10.** RCW 35.17.020 and 1979 ex.s. c 126 s 17 are each amended
15 to read as follows:

16 All regular elections in cities organized under the statutory
17 commission form of government shall be held quadrennially in the odd-
18 numbered years on the dates provided in RCW 29.13.020. The
19 commissioners shall be nominated and elected at large. Their terms
20 shall be for four years and until their successors are elected and
21 qualified and assume office in accordance with RCW 29.04.170. (~~If a~~
22 ~~vacancy occurs in the commission the remaining members shall appoint a~~
23 ~~person to fill it for the unexpired term.)) Vacancies on a commission
24 shall occur and shall be filled as provided in chapter 42.12 RCW,
25 except that in every instance a person shall be elected to fill the
26 remainder of the unexpired term at the next general municipal election
27 that occurs twenty-eight or more days after the occurrence of the
28 vacancy.~~

29 **Sec. 11.** RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended
30 to read as follows:

31 The first election of commissioners shall be held (~~within~~) at the
32 next special election that occurs at least sixty days after the
33 (~~adoption of~~) election results are certified where the proposition to
34 organize under the commission form was approved by city voters, and the
35 commission first elected shall commence to serve as soon as they have
36 been elected and have qualified and shall continue to serve until their
37 successors have been elected and qualified and have assumed office in

1 accordance with RCW 29.04.170. The date of the second election for
2 commissioners shall be in accordance with RCW 29.13.020 such that the
3 term of the first commissioners will be as near as possible to, but not
4 in excess of, four years calculated from the first day in January in
5 the year after the year in which the first commissioners were elected.

6 **Sec. 12.** RCW 35.18.020 and 1981 c 260 s 7 are each amended to read
7 as follows:

8 (1) The number of ~~((councilmen))~~ councilmembers in a city or town
9 operating with a council-manager plan of government shall be ~~((in~~
10 ~~proportion to the population of the city or town indicated in its~~
11 ~~petition for incorporation and thereafter shall be in proportion to its~~
12 ~~population as last))~~ based upon the latest population of the city or
13 town that is determined by the office of financial management as
14 follows:

15 (a) A city or town having not more than two thousand inhabitants,
16 five ~~((councilmen))~~ councilmembers; and

17 (b) A city or town having more than two thousand, seven
18 ~~((councilmen))~~ councilmembers.

19 (2) ~~((All councilmen shall be elected at large or from such wards~~
20 ~~or districts as may be established by ordinance, and shall serve for a~~
21 ~~term of four years and until their successors are elected and qualified~~
22 ~~and assume office in accordance with RCW 29.04.170: PROVIDED, HOWEVER,~~
23 ~~That at the first general municipal election held in the city in~~
24 ~~accordance with RCW 29.13.020, after the election approving the~~
25 ~~council-manager plan, the following shall apply:~~

26 (a) ~~One councilman shall be nominated and elected from each ward or~~
27 ~~such other existing district of said city as may have been established~~
28 ~~for the election of members of the legislative body of the city and the~~
29 ~~remaining councilmen shall be elected at large; but if there are no~~
30 ~~such wards or districts in the city, or at an initial election for the~~
31 ~~incorporation of a community, the councilmen shall be elected at large.~~

32 (b) ~~In cities electing five councilmen, the candidates having the~~
33 ~~three highest number of votes shall be elected for a four year term and~~
34 ~~the other two for a two year term commencing immediately when qualified~~
35 ~~in accordance with RCW 29.01.135 and continuing until their successors~~
36 ~~are elected and qualified and have assumed office in accordance with~~
37 ~~RCW 29.04.170.~~

1 ~~(c) In cities electing seven councilmen, the candidates having the~~
2 ~~four highest number of votes shall be elected for a four year term and~~
3 ~~the other three for a two year term commencing immediately when~~
4 ~~qualified in accordance with RCW 29.01.135 and continuing until their~~
5 ~~successors are elected and qualified and have assumed office in~~
6 ~~accordance with RCW 29.04.170.~~

7 ~~(d) In determining the candidates receiving the highest number of~~
8 ~~votes, only the candidate receiving the highest number of votes in each~~
9 ~~ward, as well as the councilman at large or councilmen at large, are to~~
10 ~~be considered)) Except for the initial staggering of terms,~~
11 ~~councilmembers shall serve for four-year terms of office. All~~
12 ~~councilmembers shall serve until their successors are elected and~~
13 ~~qualified and assume office in accordance with RCW 29.04.170.~~
14 ~~Councilmembers may be elected on a city-wide or town-wide basis, or~~
15 ~~from wards or districts, or any combination of these alternatives.~~
16 ~~Candidates shall run for specific positions. Wards or districts shall~~
17 ~~be redrawn as provided in chapter 29.70 RCW. Wards or districts shall~~
18 ~~be used as follows: (a) Only a resident of the ward or district may be~~
19 ~~a candidate for, or hold office as, a councilmember of the ward or~~
20 ~~district; and (b) only voters of the ward or district may vote at a~~
21 ~~primary to nominate candidates for a councilmember of the ward or~~
22 ~~district. Voters of the entire city or town may vote at the general~~
23 ~~election to elect a councilmember of a ward or district, unless the~~
24 ~~city or town had prior to January 1, 1994, limited the voting in the~~
25 ~~general election for any or all council positions to only voters~~
26 ~~residing within the ward or district associated with the council~~
27 ~~positions. If a city or town had so limited the voting in the general~~
28 ~~election to only voters residing within the ward or district, then the~~
29 ~~city or town shall be authorized to continue to do so.~~

30 (3) When a ~~((municipality))~~ city or town has qualified for an
31 increase in the number of ~~((councilmen))~~ councilmembers from five to
32 seven by virtue of the next succeeding population determination made by
33 the office of financial management ~~((after the majority of the voters~~
34 ~~thereof have approved operation under the council manager plan)),~~ two
35 additional council positions shall be filled at the ((first)) next
36 municipal general election ((when two additional councilmen are to be
37 elected, one of the two additional councilmen receiving)) with the
38 person elected to one of the new council positions receiving the
39 ((highest)) greatest number of votes ((shall be)) being elected for a

1 four-year term of office and the person elected to the other additional
2 ~~((councilman shall be))~~ council position being elected for a two-year
3 term of office. The ~~((terms of the))~~ two additional ~~((councilmen))~~
4 councilmembers shall ~~((commence))~~ assume office immediately when
5 qualified in accordance with RCW 29.01.135, but the term of office
6 shall be computed from the first day of January after the year in which
7 they are elected. Their successors shall be elected to four-year terms
8 of office.

9 ~~((4))~~ ~~In the event such population determination as provided in~~
10 ~~subsection (3) of this section requires an increase in the number of~~
11 ~~councilmen))~~ Prior to the election of the two new councilmembers, the
12 city or town council shall fill the additional ~~((councilmanic))~~
13 positions by appointment not later than ~~((thirty))~~ forty-five days
14 following the release of ~~((said))~~ the population determination, and
15 ~~((the))~~ each appointee shall hold office only until ~~((the next regular~~
16 ~~city or town election at which a person shall be elected to serve for~~
17 ~~the remainder of the unexpired term.~~ In the event such population
18 determination results in a decrease in the number of councilmen, said
19 decrease shall not take effect until the next regular city or town
20 election: ~~PROVIDED, That))~~ the new position is filled by election.

21 (4) When a city or town has qualified for a decrease in the number
22 of councilmembers from seven to five by virtue of the next succeeding
23 population determination made by the office of financial management,
24 two council positions shall be eliminated at the next municipal general
25 election if four council positions normally would be filled at that
26 election, or one council position shall be eliminated at each of the
27 next two succeeding municipal general elections if three council
28 positions normally would be filled at the first municipal general
29 election after the population determination. The council shall by
30 ordinance indicate which, if any, of the remaining positions shall be
31 elected at-large or from wards or districts.

32 ~~((5))~~ ~~((If a vacancy in the council occurs, the remaining members~~
33 ~~shall appoint a person to fill such office only until the next regular~~
34 ~~general municipal election at which a person shall be elected to serve~~
35 ~~for the remainder of the unexpired term))~~ Vacancies on a council shall
36 occur and shall be filled as provided in chapter 42.12 RCW.

37 **Sec. 13.** RCW 35.18.270 and 1979 ex.s. c 126 s 20 are each amended
38 to read as follows:

1 If the majority of the votes cast at a special election for
2 organization on the council-manager plan favor the plan, the city or
3 town (~~(at its next regular election)~~) shall elect the council required
4 under the council-manager plan in number according to (~~(the)~~) its
5 population (~~(of the municipality: PROVIDED, That if the date of the~~
6 ~~next municipal general election is more than one year from the date of~~
7 ~~the election approving the council manager plan, a special election~~
8 ~~shall be held to elect the councilmen; the newly elected councilmen~~
9 ~~shall assume office immediately when they are qualified in accordance~~
10 ~~with RCW 29.01.135 following the canvass of votes as certified and~~
11 ~~shall remain in office until their successors are elected at the next~~
12 ~~general municipal election: PROVIDED, That such successor shall hold~~
13 ~~office for staggered terms as provided in RCW 35.18.020 as now or~~
14 ~~hereafter amended. Councilmen shall take office at the time provided~~
15 ~~by general law. Declarations of candidacy for city or town elective~~
16 ~~positions under the council manager plan for cities and towns shall be~~
17 ~~filed with the county auditor as the case may be not more than forty-~~
18 ~~five nor less than thirty days prior to said special election to elect~~
19 ~~the members of the city council. Any candidate may file a written~~
20 ~~declaration of withdrawal at any time within five days after the last~~
21 ~~day for filing a declaration of candidacy. All names of candidates to~~
22 ~~be voted upon shall be printed upon the ballot alphabetically in group~~
23 ~~under the designation of the title of the offices for which they are~~
24 ~~candidates. There shall be no rotation of names)) at the next
25 municipal general election. However, special elections shall be held
26 to nominate and elect the new city councilmembers at the next primary
27 and general election held in an even-numbered year if the next
28 municipal general election is more than one year after the date of the
29 election at which the voters approved the council-manager plan. The
30 staggering of terms of office shall occur at the election when the new
31 councilmembers are elected, where the simple majority of the persons
32 elected as councilmembers receiving the greatest numbers of votes shall
33 be elected to four-year terms of office if the election is held in an
34 odd-numbered year, or three-year terms of office if the election is
35 held in an even-numbered year, and the remainder of the persons elected
36 as councilmembers shall be elected to two-year terms of office if the
37 election is held in an odd-numbered year, or one-year terms of office
38 if the election is held in an even-numbered year. The initial
39 councilmembers shall take office immediately when they are elected and~~

1 qualified, but the lengths of their terms of office shall be calculated
2 from the first day in January in the year following the election.

3 **Sec. 14.** RCW 35.23.050 and 1965 c 7 s 35.23.050 are each amended
4 to read as follows:

5 All municipal elections held under the provisions of this chapter
6 shall be conducted according to the general election laws of this
7 state(~~(, as far as practicable: PROVIDED, That any qualified voter of~~
8 ~~such city, duly registered for the general county or state election~~
9 ~~next preceding any municipal election, general or special, shall be~~
10 ~~qualified to vote at such municipal election. No person shall be~~
11 ~~qualified to vote at such election unless he is a qualified elector of~~
12 ~~the county and has resided in such city for at least thirty days next~~
13 ~~preceding such election)).~~

14 **Sec. 15.** RCW 35.23.240 and 1965 c 7 s 35.23.240 are each amended
15 to read as follows:

16 The city council may declare an office vacant: (1) If anyone
17 either elected or appointed to that office fails for ten days to
18 qualify as required by law or fails to enter upon ~~((his))~~ the duties of
19 that office at the time fixed by law or the orders of the city council,
20 ~~((his))~~ the office shall become vacant; or (2) if such an officer
21 ~~((absents himself))~~ who serves for compensation is absent from the city
22 without the consent of the city council for three consecutive weeks or
23 openly neglects or refuses to discharge ~~((his))~~ the duties(~~(, the~~
24 ~~council may declare his office vacant: PROVIDED, That this penalty for~~
25 ~~absence from the city shall not apply to such officers as serve without~~
26 ~~compensation.~~

27 ~~If a vacancy occurs by reason of death, resignation, or otherwise~~
28 ~~in the office of mayor or councilman, the city council shall fill the~~
29 ~~vacancy until the next general municipal election))~~ of that office. In
30 addition, a vacancy in an elective office shall occur and shall be
31 filled as provided in chapter 42.12 RCW.

32 If a vacancy occurs ~~((by reason of death, resignation, or~~
33 ~~otherwise))~~ in any other office it shall be filled by appointment of
34 the mayor and confirmed by the council in the same manner as other
35 appointments are made.

1 **Sec. 16.** RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended
2 to read as follows:

3 At any time not within three months previous to an annual election
4 the city council of a second class city may divide the city into wards,
5 not exceeding six in all, or change the boundaries of existing wards.
6 No change in the boundaries of wards shall affect the term of any
7 ~~((councilman, but he))~~ councilmember, and councilmembers shall serve
8 out ~~((his))~~ their terms in the wards of ~~((his))~~ their residences at the
9 time of ~~((his election:— PROVIDED, That if this results))~~ their
10 elections. However, if these boundary changes result in one ward being
11 represented by more ~~((councilmen))~~ councilmembers than the number to
12 which it is entitled, those having the shortest unexpired terms shall
13 be assigned by the council to wards where there is a vacancy, and the
14 councilmembers so assigned shall be deemed to be residents of the wards
15 to which they are assigned for purposes of determining whether those
16 positions are vacant.

17 The representation of each ward in the city council shall be in
18 proportion to the population as nearly as is practicable.

19 ~~((No person shall be eligible to the office of councilman unless he
20 resides in the ward for which he is elected on the date of his election
21 and removal of his residence from the ward for which he was elected
22 renders his office vacant.))~~

23 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards
24 shall be used as follows: (1) Only a resident of the ward may be a
25 candidate for, or hold office as, a councilmember of the ward; and (2)
26 only voters of the ward may vote at a primary to nominate candidates
27 for a councilmember of the ward. Voters of the entire city may vote at
28 the general election to elect a councilmember of a ward, unless the
29 city had prior to January 1, 1994, limited the voting in the general
30 election for any or all council positions to only voters residing
31 within the ward associated with the council positions. If a city had
32 so limited the voting in the general election to only voters residing
33 within the ward, then the city shall be authorized to continue to do
34 so. The elections for the remaining council position or council
35 positions that are not associated with a ward shall be conducted as if
36 the wards did not exist.

37 **Sec. 17.** RCW 35.24.050 and 1979 ex.s. c 126 s 22 are each amended
38 to read as follows:

1 General municipal elections in third class cities not operating
2 under the commission form of government shall be held biennially in the
3 odd-numbered years (~~as provided in RCW 29.13.020~~) and shall be
4 subject to general election law.

5 The terms of office of the mayor, city attorney, clerk, and
6 treasurer shall be four years and until their successors are elected
7 and qualified and assume office in accordance with RCW 29.04.170:
8 PROVIDED, That if the offices of city attorney, clerk, and treasurer
9 are made appointive, the city attorney, clerk, and treasurer shall not
10 be appointed for a definite term: PROVIDED FURTHER, That the term of
11 the elected treasurer shall not commence in the same biennium in which
12 the term of the mayor commences, nor in which the terms of the city
13 attorney and clerk commence if they are elected.

14 (~~A councilman at large shall be elected biennially for a two-year~~
15 ~~term and until his or her successor is elected and qualified and~~
16 ~~assumes office in accordance with RCW 29.04.170. Of the other six~~
17 ~~councilmen, three shall be elected in each biennial general municipal~~
18 ~~election for terms of four years and until their successors are elected~~
19 ~~and qualified and assume~~) Council positions shall be numbered in each
20 third class city so that council position seven has a two-year term of
21 office and council positions one through six shall each have four-year
22 terms of office. Each councilmember shall remain in office until a
23 successor is elected and qualified and assumes office in accordance
24 with RCW 29.04.170.

25 In its discretion the council of a third class city may divide the
26 city by ordinance into a convenient number of wards, not exceeding six,
27 fix the boundaries of the wards, and change the ward boundaries from
28 time to time and as provided in RCW 29.70.100. No change in the
29 boundaries of any ward shall be made within one hundred twenty days
30 next before the date of a general municipal election, nor within twenty
31 months after the wards have been established or altered. However, if
32 a boundary change results in one ward being represented by more
33 councilmembers than the number to which it is entitled, those having
34 the shortest unexpired terms shall be assigned by the council to wards
35 where there is a vacancy, and the councilmembers so assigned shall be
36 deemed to be residents of the wards to which they are assigned for
37 purposes of determining whether those positions are vacant. Whenever
38 such city is so divided into wards, the city council shall designate by
39 ordinance the number of councilmembers to be elected from each ward,

1 apportioning the same in proportion to the population of the wards.
2 Council position seven shall not be associated with a ward and the
3 person elected to that position may reside anywhere in the city and
4 voters throughout the city may vote at a primary to nominate candidates
5 for position seven, when a primary is necessary, and at a general
6 election to elect the person to council position seven. When
7 additional territory is added to the city it may by act of the council,
8 be annexed to contiguous wards without affecting the right to
9 redistrict at the expiration of twenty months after last previous
10 division. Wards shall be redrawn as provided in chapter 29.70 RCW.
11 Wards shall be used as follows: (1) Only a resident of the ward may be
12 a candidate for, or hold office as, a councilmember of the ward; and
13 (2) only voters of the ward may vote at a primary to nominate
14 candidates for a councilmember of the ward. Voters of the entire city
15 may vote at the general election to elect a councilmember of a ward,
16 unless the city had prior to January 1, 1994, limited the voting in the
17 general election for any or all council positions to only voters
18 residing within the ward associated with the council positions. If a
19 city had so limited the voting in the general election to only voters
20 residing within the ward, then the city shall be authorized to continue
21 to do so. The elections for the remaining council position or council
22 positions that are not associated with a ward shall be conducted as if
23 the wards did not exist.

24 **Sec. 18.** RCW 35.24.060 and 1965 c 7 s 35.24.060 are each amended
25 to read as follows:

26 All elections shall be held in accordance with the general election
27 laws of the state (~~insofar as the same are applicable and no person~~
28 ~~shall be entitled to vote at any election unless he shall be a~~
29 ~~qualified elector of the county and shall have resided in such city for~~
30 ~~at least thirty days next preceding such election)).~~

31 **Sec. 19.** RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended
32 to read as follows:

33 (~~In cities of~~) The council of a third class city may declare a
34 council position vacant if ((a member of the city council absents
35 himself)) that councilmember is absent for three consecutive regular
36 meetings ((thereof, unless by)) without the permission of the
37 council((, his office may be declared vacant by the council.

1 ~~Vacancies in the city council or in the office of mayor shall be~~
2 ~~filled by majority vote of the council)).~~ In addition, a vacancy in an
3 elective office shall occur and shall be filled as provided in chapter
4 42.12 RCW.

5 Vacancies in offices other than that of mayor or city
6 ((~~councilman~~)) councilmember shall be filled by appointment of the
7 mayor.

8 ((~~If a vacancy occurs in an elective office the appointee shall~~
9 ~~hold office only until the next regular election at which a person~~
10 ~~shall be elected to serve for the remainder of the unexpired term.))~~

11 If there is a temporary vacancy in an appointive office due to
12 illness, absence from the city or other temporary inability to act, the
13 mayor may appoint a temporary appointee to exercise the duties of the
14 office until the temporary disability of the incumbent is removed.

15 **Sec. 20.** RCW 35.24.290 and 1993 c 83 s 6 are each amended to read
16 as follows:

17 The city council of each third class city shall have power:

18 (1) To pass ordinances not in conflict with the Constitution and
19 laws of this state or of the United States;

20 (2) To prevent and regulate the running at large of any or all
21 domestic animals within the city limits or any part thereof and to
22 cause the impounding and sale of any such animals;

23 (3) To establish, build and repair bridges, to establish, lay out,
24 alter, keep open, open, widen, vacate, improve and repair streets,
25 sidewalks, alleys, squares and other public highways and places within
26 the city, and to drain, sprinkle and light the same; to remove all
27 obstructions therefrom; to establish and reestablish the grades
28 thereof; to grade, plank, pave, macadamize, gravel and curb the same,
29 in whole or in part; to construct gutters, culverts, sidewalks and
30 crosswalks therein or upon any part thereof; to cultivate and maintain
31 parking strips therein, and generally to manage and control all such
32 highways and places; to provide by local assessment for the leveling up
33 and surfacing and oiling or otherwise treating for the laying of dust,
34 all streets within the city limits;

35 (4) To establish, construct and maintain drains and sewers, and
36 shall have power to compel all property owners on streets and alleys or
37 within two hundred feet thereof along which sewers shall have been
38 constructed to make proper connections therewith and to use the same

1 for proper purposes, and in case the owners of the property on such
2 streets and alleys or within two hundred feet thereof fail to make such
3 connections within the time fixed by such council, it may cause such
4 connections to be made and assess against the property served thereby
5 the costs and expenses thereof;

6 (5) To provide fire engines and all other necessary or proper
7 apparatus for the prevention and extinguishment of fires;

8 (6) To impose and collect an annual license on every dog within the
9 limits of the city, to prohibit dogs running at large and to provide
10 for the killing of all dogs not duly licensed found at large;

11 (7) To license, for the purposes of regulation and revenue, all and
12 every kind of business authorized by law, and transacted and carried on
13 in such city, and all shows, exhibitions and lawful games carried on
14 therein and within one mile of the corporate limits thereof, to fix the
15 rate of license tax upon the same, and to provide for the collection of
16 the same by suit or otherwise;

17 (8) To improve rivers and streams flowing through such city, or
18 adjoining the same; to widen, straighten and deepen the channel
19 thereof, and remove obstructions therefrom; to improve the water-front
20 of the city, and to construct and maintain embankments and other works
21 to protect such city from overflow; to prevent the filling of the water
22 of any bay, except such filling over tide or shorelands as may be
23 provided for by order of the city council; to purify and prevent the
24 pollution of streams of water, lakes or other sources of supply, and
25 for this purpose shall have jurisdiction over all streams, lakes or
26 other sources of supply, both within and without the city limits. Such
27 city shall have power to provide by ordinance and to enforce such
28 punishment or penalty as the city council may deem proper for the
29 offense of polluting or in any manner obstructing or interfering with
30 the water supply of such city or source thereof;

31 (9) To erect and maintain buildings for municipal purposes;

32 (10) To permit, under such restrictions as it may deem proper, and
33 to grant franchises for, the laying of railroad tracks, and the running
34 of cars propelled by electric, steam or other power thereon, and the
35 laying of gas and water pipes and steam mains and conduits for
36 underground wires, and to permit the construction of tunnels or subways
37 in the public streets, and to construct and maintain and to permit the
38 construction and maintenance of telegraph, telephone and electric lines
39 therein;

1 (11) (~~In its discretion to divide the city by ordinance, into a~~
2 ~~convenient number of wards, not exceeding six, to fix the boundaries~~
3 ~~thereof, and to change the same from time to time: PROVIDED, That no~~
4 ~~change in the boundaries of any ward shall be made within sixty days~~
5 ~~next before the date of a general municipal election, nor within twenty~~
6 ~~months after the wards have been established or altered. Whenever such~~
7 ~~city is so divided into wards, the city council shall designate by~~
8 ~~ordinance the number of councilmen to be elected from each ward,~~
9 ~~apportioning the same in proportion to the population of the wards.~~
10 ~~Thereafter the councilmen so designated shall be elected by the~~
11 ~~qualified electors resident in such ward, or by general vote of the~~
12 ~~whole city as may be designated in such ordinance. When additional~~
13 ~~territory is added to the city it may by act of the council, be annexed~~
14 ~~to contiguous wards without affecting the right to redistrict at the~~
15 ~~expiration of twenty months after last previous division. The removal~~
16 ~~of a councilman from the ward for which he was elected shall create a~~
17 ~~vacancy in such office;~~

18 (~~12~~)) To impose fines, penalties and forfeitures for any and all
19 violations of ordinances, and for any breach or violation of any
20 ordinance to fix the penalty by fine or imprisonment, or both, but no
21 such fine shall exceed five thousand dollars nor the term of such
22 imprisonment exceed the term of one year, except that the punishment
23 for any criminal ordinance shall be the same as the punishment provided
24 in state law for the same crime; or to provide that violations of
25 ordinances constitute a civil violation subject to monetary penalty,
26 but no act that is a state crime may be made a civil violation;

27 (~~13~~)) (12) To establish fire limits, with proper regulations;

28 (~~14~~)) (13) To establish and maintain a free public library;

29 (~~15~~)) (14) To establish and regulate public markets and market
30 places;

31 (~~16~~)) (15) To punish the keepers and inmates and lessors of
32 houses of ill fame, gamblers and keepers of gambling tables, patrons
33 thereof or those found loitering about such houses and places;

34 (~~17~~)) (16) To make all such ordinances, bylaws, rules,
35 regulations and resolutions, not inconsistent with the Constitution and
36 laws of the state of Washington, as may be deemed expedient to maintain
37 the peace, good government and welfare of the corporation and its
38 trade, commerce and manufactures, and to do and perform any and all
39 other acts and things necessary or proper to carry out the provisions

1 of this chapter, and to enact and enforce within the limits of such
2 city all other local, police, sanitary and other regulations as do not
3 conflict with general laws;

4 ~~((18))~~ (17) To license steamers, boats and vessels used in any
5 bay or other watercourse in the city and to fix and collect such
6 license; to provide for the regulation of berths, landings, and
7 stations, and for the removing of steamboats, sail boats, sail vessels,
8 rafts, barges and other watercraft; to provide for the removal of
9 obstructions to navigation and of structures dangerous to navigation or
10 to other property, in or adjoining the waterfront, except in
11 municipalities in counties in which there is a city of the first class.

12 **Sec. 21.** RCW 35.27.100 and 1965 c 7 s 35.27.100 are each amended
13 to read as follows:

14 All elections in towns shall be held in accordance with the general
15 election laws of the state(~~(, so far as the same may be applicable; and~~
16 ~~no person shall be entitled to vote at such election, unless he is a~~
17 ~~qualified elector of the county, and has resided in the town for at~~
18 ~~least thirty days next preceding the election))).~~

19 **Sec. 22.** RCW 35.27.140 and 1965 c 7 s 35.27.140 are each amended
20 to read as follows:

21 ~~((If a member of))~~ The council of a town may declare a council
22 position vacant if that councilmember is absent from the town for three
23 consecutive council meetings ((unless by)) without the permission of
24 the council ((his office shall be declared vacant by the council. A
25 vacancy in the office of mayor and vacancies in the council shall be
26 filled by a majority vote of the council)). In addition, a vacancy in
27 an elective office shall occur and shall be filled as provided in
28 chapter 42.12 RCW.

29 A vacancy in any other office shall be filled by appointment by the
30 mayor. ~~((An appointee filling the vacancy in an elective office shall~~
31 ~~hold office only until the next general election at which time a person~~
32 ~~shall be elected to serve for the remainder of the unexpired term~~
33 ~~except that the person appointed to fill a vacancy in the office of~~
34 ~~mayor shall serve for the unexpired term.))~~

35 **Sec. 23.** RCW 35.61.050 and 1979 ex.s. c 126 s 24 are each amended
36 to read as follows:

1 At the same election at which the proposition is submitted to the
2 voters as to whether a metropolitan park district is to be formed, five
3 park commissioners shall be elected (~~(to hold office respectively for~~
4 ~~the following terms: Where the election is held in an odd-numbered~~
5 ~~year, one commissioner shall be elected to hold office for two years,~~
6 ~~two shall be elected to hold office for four years, and two shall be~~
7 ~~elected to hold office for six years. Where the election is held in an~~
8 ~~even-numbered year, one commissioner shall hold office for three years,~~
9 ~~two shall hold office for five years, and two shall hold office for~~
10 ~~seven years)). The election of park commissioners shall be null and
11 void if the metropolitan park district is not created. Candidates
12 shall run for specific commission positions. No primary shall be held
13 to nominate candidates. The person receiving the greatest number of
14 votes for each position shall be elected as a commissioner. The
15 staggering of the terms of office shall occur as follows: (1) The two
16 persons who are elected receiving the two greatest numbers of votes
17 shall be elected to six-year terms of office if the election is held in
18 an odd-numbered year or five-year terms of office if the election is
19 held in an even-numbered year; (2) the two persons who are elected
20 receiving the next two greatest numbers of votes shall be elected to
21 four-year terms of office if the election is held in an odd-numbered
22 year or three-year terms of office if the election is held in an even-
23 numbered year; and (3) the other person who is elected shall be elected
24 to a two-year term of office if the election is held in an odd-numbered
25 year or a one-year term of office if the election is held in an even-
26 numbered year. The initial commissioners shall take office immediately
27 when they are elected and qualified, and for purposes of computing
28 their terms of office the terms shall be assumed to commence on the
29 first day of January ((of)) in the year after they are elected. ((The
30 ~~term of each nominee for park commissioner shall be expressed on the~~
31 ~~ballot.))~~ Thereafter, all commissioners shall ((~~serve~~)) be elected to
32 six-year terms of office ((and)). All commissioners shall serve until
33 their respective successors are elected and qualified and assume office
34 in accordance with RCW 29.04.170. Vacancies shall occur and shall be
35 filled ((by majority action of the remaining commissioners appointing
36 ~~a voter to fill the remainder of the term of the vacant commissioner~~
37 ~~position)) as provided in chapter 42.12 RCW.~~~~

1 **Sec. 24.** RCW 35A.01.070 and 1979 ex.s. c 18 s 1 are each amended
2 to read as follows:

3 Where used in this title with reference to procedures established
4 by this title in regard to a change of plan or classification of
5 government, unless a different meaning is plainly required by the
6 context:

7 (1) "Classify" means a change from a city of the first, second, or
8 third class, or a town, to a code city.

9 (2) "Classification" means either that portion of the general law
10 under which a city or a town operates under Title 35 RCW as a first,
11 second, or third class city, unclassified city, or town, or otherwise
12 as a code city.

13 (3) "Organize" means to provide for officers after becoming a code
14 city, under the same general plan of government under which the city
15 operated prior to becoming a code city, pursuant to RCW 35A.02.055.

16 (4) "Organization" means the general plan of government under which
17 a city operates.

18 (5) "Plan of government" means (~~either the~~) a mayor-council form
19 of government under chapter 35A.12 RCW, council-manager form of
20 government under chapter 35A.13 RCW, or a mayor-council, council-
21 manager, or commission form of government in general that is retained
22 by a noncharter code city as provided in RCW 35A.02.130, without regard
23 to variations in the number of elective offices or whether officers are
24 elective or appointive.

25 (6) "Reclassify" means changing from a code city to the
26 classification, if any, held by such a city immediately prior to
27 becoming a code city.

28 (7) "Reclassification" means changing from city or town operating
29 under Title 35 RCW to a city operating under Title 35A RCW, or vice
30 versa; a change in classification.

31 (8) "Reorganize" means changing the plan of government under which
32 a city or town operates to a different general plan of government, for
33 which an election of new officers under RCW 35A.02.050 is required. A
34 city or town shall not be deemed to have reorganized simply by
35 increasing or decreasing the number of members of its legislative body.

36 (9) "Reorganization" means a change in general plan of government
37 where an election of all new officers is required in order to
38 accomplish this change, but an increase or decrease in the number of

1 members of its legislative body shall not be deemed to constitute a
2 reorganization.

3 **Sec. 25.** RCW 35A.02.050 and 1979 ex.s. c 18 s 7 are each amended
4 to read as follows:

5 The first election of officers where required for reorganization
6 under a different general plan of government newly adopted in a manner
7 provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or 35A.06.060, as
8 now or hereafter amended, shall be at the next general municipal
9 election if one is to be held more than ninety days but not more than
10 one hundred and eighty days after certification of a reorganization
11 ordinance or resolution, or otherwise at a special election to be held
12 for that purpose in accordance with RCW 29.13.020. In the event that
13 the first election of officers (~~((as herein provided))~~) is to be held at
14 a general municipal election, such election shall be preceded by a
15 primary election pursuant to RCW 29.21.010 and 29.13.070. In the event
16 that the first election of all officers (~~((as herein provided))~~) is to be
17 held at a special election rather than at a general election, and
18 notwithstanding any provisions of any other law to the contrary, such
19 special election shall be preceded by a primary election to be held on
20 a date authorized by RCW 29.13.010, and the persons nominated at that
21 primary election shall be voted upon at the next succeeding special
22 election that is authorized by RCW 29.13.010: PROVIDED, That in the
23 event the ordinances calling for reclassification or reclassification
24 and reorganization under the provisions of Title 35A RCW have been
25 filed with the secretary of state pursuant to RCW 35A.02.040 in an
26 even-numbered year at least ninety days prior to a state general
27 election then the election of new officers shall be concurrent with the
28 state primary and general election and shall be conducted as set forth
29 in (~~(chapter 35A.29 RCW)~~) general election law.

30 Upon reorganization, candidates for all offices shall file or be
31 nominated for and successful candidates shall be elected to specific
32 council positions(~~(, and an)~~). The initial terms (~~((or))~~) of office for
33 those elected at a first election of all officers (~~((to positions one~~
34 ~~and two for a five member council, or positions one through three for~~
35 ~~a seven member council, shall if the election occurs at a general~~
36 ~~municipal election be only until the second Monday in January first~~
37 ~~following the next general municipal election two years hence and if~~
38 ~~the election occurs at a special election, the duration of these~~

1 ~~initial terms shall be until the second Monday in January in the first~~
2 ~~even-numbered year that follows the next general municipal election.~~
3 ~~The duration of the initial term attaching to the remaining~~
4 ~~councilmanic positions shall be until the second Monday in January two~~
5 ~~years next thereafter, so that staggered regular four year terms will~~
6 ~~ultimately result. Any declarations of candidacy for any primary or~~
7 ~~other election held pursuant to this section shall be filed as provided~~
8 ~~in RCW 35A.29.110 as now or hereafter amended)) shall be as follows:~~
9 (1) A simple majority of the persons who are elected as councilmembers
10 receiving the greatest numbers of votes and the mayor in a city with a
11 mayor-council plan of government shall be elected to four-year terms of
12 office, if the election is held in an odd-numbered year, or three-year
13 terms of office, if the election is held in an even-numbered year; and
14 (2) the other persons who are elected as councilmembers shall be
15 elected to two-year terms of office, if the election is held in an odd-
16 numbered year, or one-year terms of office, if the election is held in
17 an even-numbered year. The newly elected officials shall take office
18 immediately when they are elected and qualified, but the length of
19 their terms of office shall be calculated from the first day of January
20 in the year following the election. Thereafter, each person elected as
21 a councilmember or mayor in a city with a mayor-council plan of
22 government shall be elected to a four-year term of office. Each
23 councilmember and mayor in a city with a mayor-council plan of
24 government shall serve until a successor is elected and qualified and
25 assumes office as provided in RCW 29.04.170.

26 The former officers shall, upon the election and qualification of
27 new officers, deliver to the proper officers of the reorganized
28 noncharter code city all books of record, documents and papers in their
29 possession belonging to such municipal corporation before the
30 reorganization thereof. (~~Officers elected at the first election of~~
31 ~~officers held pursuant to this amendatory act shall assume office as~~
32 ~~soon as the election returns have been certified.))~~

33 **Sec. 26.** RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130 are each
34 amended to read as follows:

35 Any incorporated city or town governed under a plan of government
36 authorized prior to the time this title takes effect may become a
37 noncharter code city without changing such plan of government by the
38 use of the petition-for-election or resolution-for-election procedures

1 provided in RCW 35A.02.060 and 35A.02.070 to submit to the voters a
2 proposal that such municipality adopt the classification of noncharter
3 code city while retaining its existing plan of government, and upon a
4 favorable vote on the proposal, such municipality shall be classified
5 as a noncharter code city and retain its old plan of government, such
6 reclassification to be effective upon the filing of the record of such
7 election with the office of the secretary of state. Insofar as the
8 provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an
9 election on such a reclassification proposal they shall apply to such
10 election.

11 **Sec. 27.** RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each
12 amended to read as follows:

13 The classifications of municipalities which existed prior to the
14 time this title goes into effect--first class city, second class city,
15 third class (~~(and fourth class)~~) city, town, and unclassified city--and
16 the restrictions, limitations, duties, and obligations specifically
17 imposed by law upon such classes of cities and towns, shall have no
18 application to noncharter code cities, but every noncharter code city,
19 by adopting such classification, has elected to be governed by the
20 provisions of this title, with the powers granted hereby. However, any
21 code city that retains its old plan of government is subject to the
22 laws applicable to that old plan of government until the city changes
23 its plan of government to the provisions of either chapter 35A.12 or
24 35A.13 RCW.

25 **Sec. 28.** RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended
26 to read as follows:

27 By use of the resolution for election or petition for election
28 methods described in RCW 35A.06.040, any noncharter code city which has
29 operated for more than six consecutive years under one of the optional
30 plans of government authorized by this title, or for more than a
31 combined total of six consecutive years under a particular plan of
32 government both as a code city and under the same general plan under
33 Title 35 RCW immediately prior to becoming a code city, may abandon
34 such organization and may reorganize and adopt another plan of
35 government authorized for noncharter code cities, but only after having
36 been a noncharter code city for more than one year or a city after
37 operating for more than six consecutive years under a particular plan

1 of government as a noncharter code city (~~(or may reclassify and adopt~~
2 ~~a plan of government authorized by the general law for municipalities~~
3 ~~of the highest class for which the population of such city qualifies~~
4 ~~it, or authorized for the class to which such city belonged immediately~~
5 ~~prior to becoming a noncharter code city, if any))~~: PROVIDED, That
6 these limitations shall not apply to a city seeking to adopt a charter.

7 In reorganization under a different general plan of government as
8 a noncharter code city, officers shall all be elected as provided in
9 RCW 35A.02.050. When a noncharter code city adopts a plan of
10 government other than those authorized under Title 35A RCW, such city
11 ceases to be governed under this optional municipal code and shall be
12 classified as a city or town of the class selected in the proceeding
13 for adoption of such new plan, with the powers granted to such class
14 under the general law.

15 **Sec. 29.** RCW 35A.06.050 and 1979 ex.s. c 18 s 15 are each amended
16 to read as follows:

17 The proposal for abandonment of a plan of government as authorized
18 in RCW 35A.06.030 and for adoption of the plan named in the resolution
19 or petition shall be voted upon at the next general municipal election
20 if one is to be held within one hundred and eighty days or otherwise at
21 a special election called for that purpose in accordance with RCW
22 29.13.020. The ballot title and statement of the proposition shall be
23 prepared by the city attorney as provided in RCW 29.27.060 and
24 35A.29.120(~~(, as now or hereafter amended. If the plan proposed in the~~
25 ~~petition is not a plan authorized for noncharter code cities by this~~
26 ~~title, the ballot statement shall clearly set forth that adoption of~~
27 ~~such plan by the voters would require abandonment of the classification~~
28 ~~of noncharter code city and that government would be under the general~~
29 ~~law relating to cities of the class specified in the resolution or~~
30 ~~petition. If the plan proposed in the petition is a plan authorized~~
31 ~~for noncharter code cities the ballot statement shall clearly set forth~~
32 ~~that adoption of such plan by the voters would not affect the~~
33 ~~eligibility of the noncharter code city to be governed under this~~
34 ~~optional municipal code))~~).

35 **Sec. 30.** RCW 35A.12.010 and 1985 c 106 s 1 are each amended to
36 read as follows:

1 The government of any noncharter code city or charter code city
2 electing to adopt the mayor-council plan of government authorized by
3 this chapter shall be vested in an elected mayor and an elected
4 council. The council of a noncharter code city having less than
5 twenty-five hundred inhabitants shall consist of five members; when
6 there are twenty-five hundred or more inhabitants, the council shall
7 consist of seven members: PROVIDED, That if the population of a city
8 after having become a code city decreases from twenty-five hundred or
9 more to less than twenty-five hundred, it shall continue to have a
10 seven member council. If, after a city has become a mayor-council code
11 city, its population increases to twenty-five hundred or more
12 inhabitants, the number of councilmanic offices in such city may
13 increase from five to seven members upon the affirmative vote of a
14 majority of the existing council to increase the number of councilmanic
15 offices in the city. When the population of a mayor-council code city
16 having five councilmanic offices increases to five thousand or more
17 inhabitants, the number of councilmanic offices in the city shall
18 increase from five to seven members. In the event of an increase in
19 the number of councilmanic offices, the city council shall, by majority
20 vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these
21 offices until the next municipal general election, at which election
22 one person shall be elected for a two-year term and one person shall be
23 elected for a four-year term. The number of inhabitants shall be
24 determined by the most recent official state or federal census or
25 determination by the state office of financial management. A charter
26 adopted under the provisions of this title, incorporating the mayor-
27 council plan of government set forth in this chapter, may provide for
28 an uneven number of (~~councilmen~~) councilmembers not exceeding eleven.

29 A noncharter code city of less than five thousand inhabitants which
30 has elected the mayor-council plan of government and which has seven
31 councilmanic offices may establish a five-member council in accordance
32 with the following procedure. At least six months prior to a municipal
33 general election, the city council shall adopt an ordinance providing
34 for reduction in the number of councilmanic offices to five. The
35 ordinance shall specify which two councilmanic offices, the terms of
36 which expire at the next general election, are to be terminated. The
37 ordinance shall provide for the renumbering of council positions and
38 shall also provide for a two-year extension of the term of office of a

1 retained councilmanic office, if necessary, in order to comply with RCW
2 35A.12.040.

3 However, a noncharter code city that has retained its old mayor-
4 council plan of government, as provided in RCW 35A.02.130, is subject
5 to the laws applicable to that old plan of government.

6 **Sec. 31.** RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended
7 to read as follows:

8 Officers shall be elected at biennial municipal elections to be
9 conducted as provided in chapter 35A.29 RCW. The mayor and the
10 ~~((councilmen))~~ councilmembers shall be elected for four-year terms of
11 office and until their successors are elected and qualified ~~((; except~~
12 ~~that at any first election three councilmen in cities having seven~~
13 ~~councilmen, and two councilmen in cities having five councilmen, shall~~
14 ~~be elected for two year terms and the remaining councilmen shall be~~
15 ~~elected for four year terms))~~ and assume office in accordance with RCW
16 29.04.170. At any first election upon reorganization, councilmembers
17 shall be elected as provided in RCW 35A.02.050. Thereafter the
18 requisite number of ~~((councilmen))~~ councilmembers shall be elected
19 biennially as the terms of their predecessors expire and shall serve
20 for terms of four years. The positions to be filled on the city
21 council shall be designated by consecutive numbers and shall be dealt
22 with as separate offices for all election purposes ~~((, as provided in~~
23 ~~RCW 35A.29.105. In any city which holds its first election under this~~
24 ~~title in the calendar year 1970, candidates elected for two year terms~~
25 ~~shall hold office until their successors are elected and qualified at~~
26 ~~the general municipal election to be held in November, 1973 and~~
27 ~~candidates elected for four year terms shall hold office until their~~
28 ~~successors are elected and qualified at the general municipal election~~
29 ~~to be held in November, 1975)).~~ Election to positions on the council
30 shall be by majority vote from the city at large, unless provision is
31 made by charter or ordinance for election by wards. ~~((The city council~~
32 ~~shall be the judge of the qualifications of its members and determine~~
33 ~~contested elections of city officers, subject to review by certiorari~~
34 ~~as provided by law.))~~ The mayor and ~~((councilmen))~~ councilmembers
35 shall qualify by taking an oath or affirmation of office and as may be
36 provided by law, charter, or ordinance.

1 **Sec. 32.** RCW 35A.12.050 and 1967 ex.s. c 119 s 35A.12.050 are each
2 amended to read as follows:

3 The office of a mayor or ~~((councilman))~~ councilmember shall become
4 vacant if ~~((he))~~ the person who is elected or appointed to that
5 position fails to qualify as provided by law ~~((or))~~, fails to enter
6 upon ~~((his))~~ the duties of that office at the time fixed by law without
7 a justifiable reason, ~~((upon his death, resignation, removal from~~
8 ~~office by recall as provided by law, or when his office is forfeited))~~
9 or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office
10 of mayor or in the council shall be filled ~~((for the remainder of the~~
11 ~~unexpired term, if any, at the next regular municipal election but the~~
12 ~~council, or the remaining members thereof, by majority vote shall~~
13 ~~appoint a qualified person to fill the vacancy until the person elected~~
14 ~~to serve the remainder of the unexpired term takes office. If at any~~
15 ~~time the membership of the council is reduced below the number required~~
16 ~~for a quorum, the remaining members, nevertheless, by majority action~~
17 ~~may appoint additional members to fill the vacancies until persons are~~
18 ~~elected to serve the remainder of the unexpired terms. If, after~~
19 ~~thirty days have passed since the occurrence of a vacancy, the council~~
20 ~~are unable to agree upon a person to be appointed to fill a vacancy in~~
21 ~~the council, the mayor may make the appointment from among the persons~~
22 ~~nominated by members of the council))~~ as provided in chapter 42.12 RCW.

23 **Sec. 33.** RCW 35A.12.060 and 1967 ex.s. c 119 s 35A.12.060 are each
24 amended to read as follows:

25 ~~((A mayor or councilman shall forfeit his office, creating a~~
26 ~~vacancy, if he ceases to have the qualifications prescribed for such~~
27 ~~office by law, charter, or ordinance, or if he is convicted of a crime~~
28 ~~involving moral turpitude or an offense involving a violation of his~~
29 ~~oath of office. A councilman also shall forfeit his office if he))~~ In
30 addition a council position shall become vacant if the councilmember
31 fails to attend three consecutive regular meetings of the council
32 without being excused by the council.

33 **Sec. 34.** RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each
34 amended to read as follows:

35 At any time not within three months previous to a municipal general
36 election the council of a noncharter code city organized under this
37 chapter may divide the city into wards or change the boundaries of

1 existing wards. No change in the boundaries of wards shall affect the
2 term of any (~~councilman, but he~~) councilmember, and councilmembers
3 shall serve out (~~his~~) their terms in the wards of (~~his~~) their
4 residences at the time of (~~his~~) their elections: PROVIDED, That if
5 this results in one ward being represented by more (~~councilmen~~)
6 councilmembers than the number to which it is entitled those having the
7 shortest unexpired terms shall be assigned by the council to wards
8 where there is a vacancy, and the councilmembers so assigned shall be
9 deemed to be residents of the wards to which they are assigned for
10 purposes of those positions being vacant. The representation of each
11 ward in the city council shall be in proportion to the population as
12 nearly as is practicable. (~~When the city has been divided into wards~~
13 ~~no person shall be eligible to the office of councilman unless he~~
14 ~~resides in the ward for which he is elected on the date of his~~
15 ~~election, and removal of his residence from the ward for which he was~~
16 ~~elected renders his office vacant.))~~

17 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards
18 shall be used as follows: (1) Only a resident of the ward may be a
19 candidate for, or hold office as, a councilmember of the ward; and (2)
20 only voters of the ward may vote at a primary to nominate candidates
21 for a councilmember of the ward. Voters of the entire city may vote at
22 the general election to elect a councilmember of a ward, unless the
23 city had prior to January 1, 1994, limited the voting in the general
24 election for any or all council positions to only voters residing
25 within the ward associated with the council positions. If a city had
26 so limited the voting in the general election to only voters residing
27 within the ward, then the city shall be authorized to continue to do
28 so.

29 **Sec. 35.** RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read
30 as follows:

31 The (~~councilmen~~) councilmembers shall be the only elective
32 officers of a code city electing to adopt the council-manager plan of
33 government authorized by this chapter, except where statutes provide
34 for an elective municipal judge. The council shall appoint an officer
35 whose title shall be "city manager" who shall be the chief executive
36 officer and head of the administrative branch of the city government.
37 The city manager shall be responsible to the council for the proper
38 administration of all affairs of the code city. The council of a

1 noncharter code city having less than twenty-five hundred inhabitants
2 shall consist of five members; when there are twenty-five hundred or
3 more inhabitants the council shall consist of seven members: PROVIDED,
4 That if the population of a city after having become a code city
5 decreases from twenty-five hundred or more to less than twenty-five
6 hundred, it shall continue to have a seven member council. If, after
7 a city has become a council-manager code city its population increases
8 to twenty-five hundred or more inhabitants, the number of councilmanic
9 offices in such city may increase from five to seven members upon the
10 affirmative vote of a majority of the existing council to increase the
11 number of councilmanic offices in the city. When the population of a
12 council-manager code city having five councilmanic offices increases to
13 five thousand or more inhabitants, the number of councilmanic offices
14 in the city shall increase from five to seven members. In the event of
15 an increase in the number of councilmanic offices, the city council
16 shall, by majority vote, pursuant to RCW 35A.13.020, appoint two
17 persons to serve in these offices until the next municipal general
18 election, at which election one person shall be elected for a two-year
19 term and one person shall be elected for a four-year term. The number
20 of inhabitants shall be determined by the most recent official state or
21 federal census or determination by the state office of financial
22 management. A charter adopted under the provisions of this title,
23 incorporating the council-manager plan of government set forth in this
24 chapter may provide for an uneven number of (~~councilmen~~)
25 councilmembers not exceeding eleven.

26 A noncharter code city of less than five thousand inhabitants which
27 has elected the council-manager plan of government and which has seven
28 councilmanic offices may establish a five-member council in accordance
29 with the following procedure. At least six months prior to a municipal
30 general election, the city council shall adopt an ordinance providing
31 for reduction in the number of councilmanic offices to five. The
32 ordinance shall specify which two councilmanic offices, the terms of
33 which expire at the next general election, are to be terminated. The
34 ordinance shall provide for the renumbering of council positions and
35 shall also provide for a two-year extension of the term of office of a
36 retained councilmanic office, if necessary, in order to comply with RCW
37 35A.12.040.

1 However, a noncharter code city that has retained its old council-
2 manager plan of government, as provided in RCW 35A.02.130, is subject
3 to the laws applicable to that old plan of government.

4 **Sec. 36.** RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each
5 amended to read as follows:

6 In council-manager code cities, eligibility for election to the
7 council, the manner of electing councilmen, the numbering of council
8 positions, the terms of councilmen, the occurrence and the filling of
9 vacancies, the grounds for forfeiture of office, and appointment of a
10 mayor pro tempore or deputy mayor or councilman pro tempore shall be
11 governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040,
12 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a
13 code city organized under the mayor-council plan(~~(:—PROVIDED, That))~~),
14 except that in council-manager cities where all council positions are
15 at-large positions, the city council may, pursuant to RCW 35A.13.033,
16 provide that the person elected to council position one (~~(on or after~~
17 ~~September 8, 1975,~~) shall be the council chairman and shall carry out
18 the duties prescribed by RCW 35A.13.030(~~(, as now or hereafter~~
19 ~~amended))~~).

20 **Sec. 37.** RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060 are each
21 amended to read as follows:

22 An annexation election shall be held in accordance with (~~chapter~~
23 ~~35A.29 RCW of this title~~) general election law and only registered
24 voters who have resided in the area proposed to be annexed for ninety
25 days immediately preceding the election shall be allowed to vote
26 therein.

27 **Sec. 38.** RCW 35A.14.070 and 1979 ex.s. c 124 s 4 are each amended
28 to read as follows:

29 Notice of an annexation election shall particularly describe the
30 boundaries of the area proposed to be annexed, as the same may have
31 been modified by the boundary review board or the county annexation
32 review board, state the objects of the election as prayed in the
33 petition or as stated in the resolution, and require the voters to cast
34 ballots which shall contain the words "For Annexation" or "Against
35 Annexation" or words equivalent thereto, or contain the words "For
36 Annexation and Adoption of Proposed Zoning Regulation", and "Against

1 Annexation and Adoption of Proposed Zoning Regulation", or words
2 equivalent thereto in case the simultaneous adoption of a proposed
3 zoning regulation is proposed, and in case the assumption of all or a
4 portion of indebtedness is proposed, shall contain an appropriate,
5 separate proposition for or against the portion of indebtedness that
6 the city requires to be assumed. The notice shall be posted for at
7 least two weeks prior to the date of election in four public places
8 within the area proposed to be annexed and published at least once a
9 week for two weeks prior to the date of election in a newspaper of
10 general circulation within the limits of the territory proposed to be
11 annexed. Such notice shall be in addition to the notice required by
12 (~~RCW 35A.29.140~~) general election law.

13 **Sec. 39.** RCW 35A.15.040 and 1967 ex.s. c 119 s 35A.15.040 are each
14 amended to read as follows:

15 (~~The election shall be conducted and the returns canvassed as~~
16 ~~provided in chapter 35A.29 RCW.~~) Ballot titles shall be prepared by
17 the city as provided in RCW 35A.29.120 and shall contain the words "For
18 Dissolution" and "Against Dissolution", and shall contain on separate
19 lines, alphabetically, the names of candidates for receiver. If a
20 majority of the votes cast on the proposition are for dissolution, the
21 municipal corporation shall be dissolved upon certification of the
22 election results to the office of the secretary of state.

23 **Sec. 40.** RCW 35A.16.030 and 1967 ex.s. c 119 s 35A.16.030 are each
24 amended to read as follows:

25 (~~The election returns shall be canvassed as provided in RCW~~
26 ~~35A.29.070 and~~) If three-fifths of the votes cast on the proposition
27 favor the reduction of the corporate limits, the (~~legislative body, by~~
28 ~~an order entered on its minutes, shall direct the clerk to~~) county
29 auditor shall make and transmit to the office of the secretary of state
30 a certified abstract of the vote.

31 NEW SECTION. **Sec. 41.** A new section is added to chapter 35A.29
32 RCW to read as follows:

33 Elections for code cities shall comply with general election law.

34 **Sec. 42.** RCW 36.69.020 and 1969 c 26 s 2 are each amended to read
35 as follows:

1 The formation of a park and recreation district shall be initiated
2 by a petition designating the boundaries thereof by metes and bounds,
3 or by describing the land to be included therein by townships, ranges
4 and legal subdivisions. Such petition shall set forth the object of
5 the district and state that it will be conducive to the public welfare
6 and convenience, and that it will be a benefit to the area therein.
7 Such petition shall be signed by not less than fifteen percent of the
8 registered voters residing within the area so described. ~~((No person
9 signing the petition may withdraw his name therefrom after filing.))~~
10 The name of a person who has signed the petition may not be withdrawn
11 from the petition after the petition has been filed.

12 The petition shall be filed with the auditor of the county within
13 which the proposed district is located, accompanied by an obligation
14 signed by two or more petitioners, agreeing to pay the cost of the
15 publication of the notice provided for in RCW 36.69.040. The county
16 auditor shall, within thirty days from the date of filing the petition,
17 examine the signatures and certify to the sufficiency or insufficiency
18 thereof ~~((; and for that purpose shall have access to all registration
19 books or records in the possession of the registration officers of the
20 election precincts included, in whole or in part, within the proposed
21 district. Such books and records shall be prima facie evidence of the
22 truth of the certificate))~~.

23 If the petition is found to contain a sufficient number of
24 signatures of qualified persons, the auditor shall transmit it,
25 together with ~~((his))~~ a certificate of sufficiency attached thereto, to
26 the county ~~((commissioners who))~~ legislative authority, which shall by
27 resolution entered upon ~~((their))~~ its minutes ~~((;))~~ receive it and fix
28 a day and hour when ~~((they))~~ the legislative authority will publicly
29 hear the petition, as provided in RCW 36.69.040.

30 **Sec. 43.** RCW 36.69.070 and 1979 ex.s. c 126 s 28 are each amended
31 to read as follows:

32 ~~((All elections pursuant to this chapter shall be conducted in
33 accordance with the provisions of chapter 29.13 RCW for district
34 elections.))~~ A ballot proposition authorizing the formation of the
35 proposed park and recreation district shall be submitted to the voters
36 of the proposed district for their approval or rejection at the next
37 general state election occurring sixty or more days after the county
38 legislative authority fixes the boundaries of the proposed district.

1 Notices of the election for the formation of the park and recreation
2 district shall state generally and briefly the purpose thereof and
3 shall give the boundaries of the proposed district(~~(, define the~~
4 ~~election precincts, designate the polling place of each, give the names~~
5 ~~of the five nominated park and recreation commissioner candidates of~~
6 ~~the proposed district,)~~) and name the day of the election and the hours
7 during which the polls will be open. The proposition to be submitted
8 to the voters shall be stated in such manner that the voters may
9 indicate yes or no upon the proposition of forming the proposed park
10 and recreation district. (~~The ballot shall be so arranged that voters~~
11 ~~may vote for the five nominated candidates or may write in the names of~~
12 ~~other candidates.))~~

13 The initial park and recreation commissioners shall be elected at
14 the same election, but this election shall be null and void if the
15 district is not authorized to be formed. No primary shall be held to
16 nominate candidates for the initial commissioner positions. Candidates
17 shall run for specific commission positions. A special filing period
18 shall be opened as provided in RCW 29.15.170 and 29.15.180. The person
19 who receives the greatest number of votes for each commission position
20 shall be elected to that position. The three persons who are elected
21 receiving the greatest number of votes shall be elected to four-year
22 terms of office if the election is held in an odd-numbered year or
23 three-year terms of office if the election is held in an even-numbered
24 year. The other two persons who are elected shall be elected to two-
25 year terms of office if the election is held in an odd-numbered year or
26 one-year terms of office if the election is held in an even-numbered
27 year. The initial commissioners shall take office immediately upon
28 being elected and qualified, but the length of such terms shall be
29 computed from the first day of January in the year following this
30 election.

31 **Sec. 44.** RCW 36.69.080 and 1979 ex.s. c 126 s 29 are each amended
32 to read as follows:

33 If a majority of all votes cast upon the proposition favors the
34 formation of the district, (~~{the}~~) the county legislative authority
35 shall(~~{,}~~) by resolution, declare the territory organized as a park
36 and recreation district under the designated name (~~theretofore~~
37 designated, and shall declare the candidate from each subdivision
38 receiving the highest number of votes for park and recreation

1 commissioner the duly elected first park and recreation commissioner of
2 the subdivision of the district. These initial park and recreation
3 commissioners shall take office immediately upon their election and
4 qualification and hold office until their successors are elected and
5 qualified and assume office as provided in RCW 36.69.090 as now or
6 hereafter amended)).

7 **Sec. 45.** RCW 36.69.090 and 1987 c 53 s 1 are each amended to read
8 as follows:

9 A park and recreation district shall be governed by a board of five
10 commissioners. Except for the initial commissioners, all commissioners
11 shall be elected to staggered four-year terms of office and shall serve
12 until their successors are elected and qualified and assume office in
13 accordance with RCW 29.04.170. Candidates shall run for specific
14 commissioner positions.

15 Elections for park and recreation district commissioners shall be
16 held biennially in conjunction with the general election in each odd-
17 numbered year. ((Residence anywhere within the district shall qualify
18 an elector for any position on the commission after the initial
19 election.)) Elections shall be held in accordance with the provisions
20 of Title 29 RCW dealing with general elections. ((All commissioners
21 shall serve until their successors are elected and qualified and assume
22 office in accordance with RCW 29.04.170. At the first election
23 following the formation of the district, the two candidates receiving
24 the highest number of votes shall serve for terms of four years, and
25 the three candidates receiving the next highest number of votes shall
26 serve for two years. Thereafter all commissioners shall be elected for
27 four year terms: PROVIDED, That if there would otherwise be two
28 commissioners elected at the November 1987 general election, the
29 candidate receiving the highest number of votes shall serve a four year
30 term, and the commissioner receiving the second highest number of votes
31 shall serve a two year term.))

32 **Sec. 46.** RCW 36.69.100 and 1963 c 4 s 36.69.100 are each amended
33 to read as follows:

34 Vacancies on the board of park and recreation commissioners shall
35 occur and shall be filled ((by a majority vote of the remaining
36 commissioners)) as provided in chapter 42.12 RCW.

1 **Sec. 47.** RCW 36.69.440 and 1979 ex.s. c 11 s 3 are each amended to
2 read as follows:

3 (1) If the petition filed under RCW 36.69.430 is found to contain
4 a sufficient number of signatures, the legislative authority of each
5 county shall set a time for a hearing on the petition for the formation
6 of a park and recreation district as prescribed in RCW 36.69.040.

7 (2) At the public hearing the legislative authority (~~for each~~
8 ~~authority~~) for each county shall fix the boundaries for that portion
9 of the proposed park and recreation district that lies within the
10 county as provided in RCW 36.69.050. Each county shall notify the
11 other county or counties of the determination of the boundaries within
12 ten days.

13 (3) If the territories created by the county legislative
14 authorities are not contiguous, a joint park and recreation district
15 shall not be formed. If the territories are contiguous, the county
16 containing the portion of the proposed joint district having the larger
17 population shall determine the name of the proposed joint district.

18 (4) (~~If the proposed district encompasses portions of two~~
19 ~~counties, the county containing the portion of the district having the~~
20 ~~larger population shall divide the territory into three subdivisions~~
21 ~~and shall name three resident electors as prescribed by RCW 36.69.060.~~
22 ~~The county containing the territory having the smaller population shall~~
23 ~~divide that territory into two subdivisions and name two resident~~
24 ~~electors.~~

25 (5) ~~If the proposed district encompasses portions of more than two~~
26 ~~counties, the district shall be divided into five subdivisions and~~
27 ~~resident electors shall be named as follows:~~

28 ~~The number of subdivisions and resident electors to be established~~
29 ~~by each county shall reflect the proportion of population within each~~
30 ~~county portion of the proposed district in relation to the total~~
31 ~~population of the proposed district, provided that each county shall~~
32 ~~designate one subdivision and one resident elector.~~

33 (6)) The proposition for the formation of the proposed joint park
34 and recreation district shall be submitted to the voters of the
35 district at the next general election, which election shall be
36 conducted as required by RCW 36.69.070 and 36.69.080.

37 **Sec. 48.** RCW 52.14.010 and 1985 c 330 s 2 are each amended to read
38 as follows:

1 The affairs of the district shall be managed by a board of fire
2 commissioners composed of three (~~resident electors of~~) registered
3 voters residing in the district except as provided in RCW 52.14.015 and
4 52.14.020. Each member shall each receive fifty dollars per day or
5 portion thereof, not to exceed four thousand eight hundred dollars per
6 year, for attendance at board meetings and for performance of other
7 services in behalf of the district.

8 In addition, they shall receive necessary expenses incurred in
9 attending meetings of the board or when otherwise engaged in district
10 business, and shall be entitled to receive the same insurance available
11 to all (~~firemen~~) fire fighters of the district: PROVIDED, That the
12 premiums for such insurance, except liability insurance, shall be paid
13 by the individual commissioners who elect to receive it.

14 Any commissioner may waive all or any portion of his or her
15 compensation payable under this section as to any month or months
16 during his or her term of office, by a written waiver filed with the
17 secretary as provided in this section. The waiver, to be effective,
18 must be filed any time after the commissioner's election and prior to
19 the date on which (~~said~~) the compensation would otherwise be paid.
20 The waiver shall specify the month or period of months for which it is
21 made.

22 The board shall fix the compensation to be paid the secretary and
23 all other agents and employees of the district. The board may, by
24 resolution adopted by unanimous vote, authorize any of its members to
25 serve as volunteer (~~firemen~~) fire fighters without compensation. A
26 commissioner actually serving as a volunteer (~~fireman~~) fire fighter
27 may enjoy the rights and benefits of a volunteer (~~fireman~~) fire
28 fighter. (~~The first commissioners shall take office immediately when~~
29 ~~qualified in accordance with RCW 29.01.135 and shall serve until after~~
30 ~~the next general election for the selection of commissioners and until~~
31 ~~their successors have been elected and have qualified and have assumed~~
32 ~~office in accordance with RCW 29.04.170.~~)

33 **Sec. 49.** RCW 52.14.013 and 1992 c 74 s 2 are each amended to read
34 as follows:

35 The board of fire commissioners of a fire protection district may
36 adopt a resolution by unanimous vote causing a ballot proposition to be
37 submitted to voters of the district authorizing the creation of
38 commissioner districts. The board of fire commissioners shall create

1 commissioner districts if the ballot proposition authorizing the
2 creation of commissioner districts is approved by a simple majority
3 vote of the voters of the fire protection district voting on the
4 proposition. Three commissioner districts shall be created for a fire
5 protection district with three commissioners, and five commissioner
6 districts shall be created for a fire protection district with five
7 commissioners. No two commissioners may reside in the same
8 commissioner district.

9 No change in the boundaries of any commissioner district shall be
10 made within one hundred twenty days next before the date of a general
11 district election, nor within twenty months after the commissioner
12 districts have been established or altered. However, if a boundary
13 change results in one commissioner district being represented by two or
14 more commissioners, those commissioners having the shortest unexpired
15 terms shall be assigned by the commission to commissioner districts
16 where there is a vacancy, and the commissioners so assigned shall be
17 deemed to be residents of the commissioner districts to which they are
18 assigned for purposes of determining whether those positions are
19 vacant.

20 The population of each commissioner district shall include
21 approximately equal population. Commissioner districts shall be
22 redrawn as provided in chapter 29.70 RCW. Commissioner districts shall
23 be used as follows: (1) Only a registered voter who resides in a
24 commissioner district may be a candidate for, or serve as, a
25 commissioner of the commissioner district; and (2) only voters of a
26 commissioner district may vote at a primary to nominate candidates for
27 a commissioner of the commissioner district. Voters of the entire fire
28 protection district may vote at a general election to elect a person as
29 a commissioner of the commissioner district.

30 When a board of fire commissioners that has commissioner districts
31 has been increased to five members under RCW 52.14.015, the board of
32 fire commissioners shall divide the fire protection district into five
33 commissioner districts before it appoints the two additional fire
34 commissioners. The two additional fire commissioners who are appointed
35 shall reside in separate commissioner districts in which no other fire
36 commissioner resides.

37 **Sec. 50.** RCW 52.14.015 and 1990 c 259 s 14 are each amended to
38 read as follows:

1 In the event a three member board of commissioners of any fire
2 protection district determines by resolution (~~and approves by~~
3 ~~unanimous vote of the board~~) that it would be in the best interest of
4 the district to increase the number of commissioners from three to
5 five, or in the event the board is presented with a petition signed by
6 ten percent of the registered voters resident within the district who
7 voted in the last general municipal election calling for such an
8 increase in the number of commissioners of the district, the board
9 shall submit a resolution to the county legislative authority or
10 authorities of the county or counties in which the district is located
11 requesting that an election be held. Upon receipt of the resolution,
12 the legislative authority or authorities of the county or counties
13 shall call a special election to be held within the fire protection
14 district at which election the following proposition shall be submitted
15 to the voters substantially as follows:

16 Shall the board of commissioners of county fire
17 protection district no. . . . be increased from three members to
18 five members?

19 Yes
20 No

21 If the fire protection district is located in more than a single
22 county, this proposition shall indicate the name of the district.

23 If the proposition receives a majority approval at the election,
24 the board of commissioners of the fire protection district shall be
25 increased to five members. The two additional members shall be
26 appointed in the same manner as provided in RCW 52.14.020.

27 **Sec. 51.** RCW 52.14.030 and 1984 c 230 s 31 are each amended to
28 read as follows:

29 (~~The polling places for district elections shall be those of the~~
30 ~~county voting precincts which include any of the territory within the~~
31 ~~fire protection districts. District elections~~) The polling places for
32 a fire protection district election may be located inside or outside
33 the boundaries of the district ((and)), as determined by the auditor of
34 the county in which the fire protection district is located, and the
35 elections of the fire protection district shall not be held to be
36 irregular or void on that account.

1 **Sec. 52.** RCW 52.14.050 and 1989 c 63 s 21 are each amended to read
2 as follows:

3 ~~((In the event of a vacancy occurring in the office of fire
4 commissioner, the vacancy shall, within sixty days, be filled by
5 appointment of a resident elector of the district by a vote of the
6 remaining fire commissioners. If the board of commissioners fails to
7 fill the vacancy within the sixty day period, the county legislative
8 authority of the county in which all, or the largest portion, of the
9 district is located shall make the appointment. If the number of
10 vacancies is such that there is not a majority of the full number of
11 commissioners in office as fixed by law, the county legislative
12 authority of the county in which all, or the largest portion, of the
13 district is located shall appoint someone to fill each vacancy, within
14 thirty days of each vacancy, that is sufficient to create a majority as
15 prescribed by law.~~

16 ~~An appointee shall serve ad interim until a successor has been
17 elected and qualified at the next general election as provided in
18 chapter 29.21 RCW. A person who is so elected shall take office
19 immediately after he or she is qualified and shall serve for the
20 remainder of the unexpired term.))~~

21 Vacancies on a board of fire commissioners shall occur as provided
22 in chapter 42.12 RCW. In addition, if a fire commissioner is absent
23 from the district for three consecutive regularly scheduled meetings
24 unless by permission of the board, the office shall be declared vacant
25 by the board of commissioners ((and the vacancy shall be filled as
26 provided for in this section)). However, such an action shall not be
27 taken unless the commissioner is notified by mail after two consecutive
28 unexcused absences that the position will be declared vacant if the
29 commissioner is absent without being excused from the next regularly
30 scheduled meeting. Vacancies ((additionally shall occur)) on a board
31 of fire commissioners shall be filled as provided in chapter 42.12 RCW.

32 **Sec. 53.** RCW 52.14.060 and 1989 c 63 s 22 are each amended to read
33 as follows:

34 The initial three members of the board of fire commissioners shall
35 be elected at the same election as when the ballot proposition is
36 submitted to the voters authorizing the creation of the fire protection
37 district. If the district is not authorized to be created, the
38 election of the initial fire commissioners shall be null and void. If

1 the district is authorized to be created, the initial fire
2 commissioners shall take office immediately when qualified. Candidates
3 shall file for each of the three separate fire commissioner positions.
4 Elections shall be held as provided in chapter 29.21 RCW, with the
5 county auditor opening up a special filing period as provided in RCW
6 (~~(29.21.360 and 29.21.370)~~) 29.15.170 and 29.15.180, as if there were
7 a vacancy. The (~~(candidate for each position)~~) person who receives the
8 greatest number of votes for each position shall be elected to that
9 position. (~~(If the election is held in an odd-numbered year, the~~
10 ~~winning candidate receiving the highest number of votes shall hold~~
11 ~~office for a term of six years, the winning candidate receiving the~~
12 ~~next highest number of votes shall hold office for a term of four~~
13 ~~years, and the candidate receiving the next highest number of votes~~
14 ~~shall serve for a term of two years. If the election were held in an~~
15 ~~even-numbered year, the winning candidate receiving the greatest number~~
16 ~~of votes shall hold office for a term of five years, the winning~~
17 ~~candidate receiving the next highest number of votes shall hold office~~
18 ~~for a term of three years, and the winning candidate receiving the next~~
19 ~~highest number of votes shall hold office for a term of one year.)) The
20 terms of office of the initial fire commissioners shall be staggered as
21 follows: (1) The person who is elected receiving the greatest number
22 of votes shall be elected to a six-year term of office if the election
23 is held in an odd-numbered year or a five-year term of office if the
24 election is held in an even-numbered year; (2) the person who is
25 elected receiving the next greatest number of votes shall be elected to
26 a four-year term of office if the election is held in an odd-numbered
27 year or a three-year term of office if the election is held in an even-
28 numbered year; and (3) the other person who is elected shall be elected
29 to a two-year term of office if the election is held in an odd-numbered
30 year or a one-year term of office if the election is held in an even-
31 numbered year. The initial commissioners shall take office immediately
32 when elected and qualified and their terms of office (~~(of the initially~~
33 ~~elected fire commissioners~~)) shall be calculated from the first day of
34 January in the year following their election.~~

35 The term of office of each subsequent commissioner shall be six
36 years. Each commissioner shall serve until a successor is elected and
37 qualified and assumes office in accordance with RCW 29.04.170.

1 **Sec. 54.** RCW 53.12.140 and 1959 c 17 s 9 are each amended to read
2 as follows:

3 A vacancy in the office of port commissioner shall occur (~~by~~
4 ~~death, resignation, removal, conviction of a felony,~~) as provided in
5 chapter 42.12 RCW or by nonattendance at meetings of the port
6 commission for a period of sixty days unless excused by the port
7 commission(~~(, by any statutory disqualification, or by any permanent~~
8 disability preventing the proper discharge of his duty)). A vacancy on
9 a port commission shall be filled as provided in chapter 42.12 RCW.

10 **Sec. 55.** RCW 54.08.060 and 1979 ex.s. c 126 s 36 are each amended
11 to read as follows:

12 Whenever a proposition for the formation of a public utility
13 district is to be submitted to voters in any county, the county
14 legislative authority may by resolution call a special election, and at
15 the request of petitioners for the formation of such district contained
16 in the petition shall do so and shall provide for holding the same at
17 the earliest practicable time. If the boundaries of the proposed
18 district embrace an area less than the entire county, such election
19 shall be confined to the area so included. The notice of such election
20 shall state the boundaries of the proposed district and the object of
21 such election; in other respects, such election shall be held and
22 called in the same manner as provided by law for the holding and
23 calling of general elections: PROVIDED, That notice thereof shall be
24 given for not less than ten days nor more than thirty days prior to
25 such special election. In submitting the (~~said~~) proposition to the
26 voters for their approval or rejection, such proposition shall be
27 expressed on the ballots in substantially the following terms:

28 Public Utility District No. YES
29 Public Utility District No. NO

30 At the same special election on the proposition to form a public
31 utility district, there shall also be an election for three public
32 utility district commissioners(~~(:—PROVIDED, That)~~). However, the
33 election of such commissioners shall be null and void if the
34 proposition to form the public utility district does not receive
35 approval by a majority of the voters voting on the proposition.
36 (~~Nomination for and election of public utility district commissioners~~
37 ~~shall conform with the provisions of RCW 54.12.010 as now or hereafter~~

1 amended, except for the day of such election and the term of office of
2 the original commissioners.)) No primary shall be held. A special
3 filing period shall be opened as provided in RCW 29.15.170 and
4 29.15.180. The person receiving the greatest number of votes for the
5 commissioner of each commissioner district shall be elected as the
6 commissioner of that district. Commissioner districts shall be
7 established as provided in RCW 54.12.010. The terms of the initial
8 commissioners shall be staggered as follows: (1) The person who is
9 elected receiving the greatest number of votes shall be elected to a
10 six-year term of office if the election is held in an even-numbered
11 year or a five-year term if the election is held in an odd-numbered
12 year; (2) the person who is elected receiving the next greatest number
13 of votes shall be elected to a four-year term of office if the election
14 is held in an even-numbered year or a three-year term of office if the
15 election is held in an odd-numbered year; and (3) the other person who
16 is elected shall be elected to a two-year term of office if the
17 election is held in an even-numbered year or a one-year term of office
18 if the election is held in an odd-numbered year. The commissioners
19 first to be elected at such special election shall ((hold office from
20 the first day of the month following the commissioners' election for
21 the terms as specified in this section which terms shall be computed
22 from the first day in January next following the election. If such
23 special election was held in an even-numbered year, the commissioners
24 residing in commissioner district number one shall hold office for the
25 term of six years, the commissioner residing in commissioner district
26 number two shall hold office for the term of four years, and the
27 commissioner residing in commissioner district number three shall hold
28 office for the term of two years. If such special election was held in
29 an odd-numbered year, the commissioner residing in commissioner
30 district number one shall hold office for the term of five years, the
31 commissioner residing in commissioner district number two shall hold
32 office for the term of three years, and the commissioner residing in
33 commissioner district number three shall hold office for the term of
34 one year)) assume office immediately when they are elected and
35 qualified, but the length of their terms of office shall be calculated
36 from the first day in January in the year following their elections.

37 The term "general election" as used herein means biennial general
38 elections at which state and county officers in a noncharter county are
39 elected.

1 **Sec. 56.** RCW 54.12.010 and 1990 c 59 s 109 are each amended to
2 read as follows:

3 ~~((Within ten days after such election, the county canvassing board
4 shall canvass the returns, and if at such election a majority of the
5 voters voting upon such proposition shall vote in favor of the
6 formation of such district, the canvassing board shall so declare in
7 its canvass of the returns of such election, and such public utility
8 district shall then be and become))~~ A public utility district that is
9 created as provided in RCW 54.08.010 shall be a municipal corporation
10 of the state of Washington, and the name of such public utility
11 district shall be Public Utility District No. of
12 County.

13 The powers of the public utility district shall be exercised
14 through a commission consisting of three members in three commissioner
15 districts, and five members in five commissioner districts.

16 When the public utility district is ~~((coextensive with the limits
17 of such county))~~ county-wide and the county has three county
18 legislative authority districts, then, at the first election of
19 commissioners and until any change shall have been made in the
20 boundaries of public utility district commissioner districts, one
21 public utility district commissioner shall be chosen from each of the
22 three county ~~((commissioner))~~ legislative authority districts ~~((of the
23 county in which the public utility district is located if the county is
24 not operating under a "Home Rule" charter))~~. When the public utility
25 district comprises only a portion of the county, with boundaries
26 established in accordance with chapter 54.08 RCW, or when the public
27 utility district is ~~((located in a county operating under a "Home Rule"
28 charter))~~ county-wide and the county does not have three county
29 legislative authority districts, three public utility district
30 commissioner districts, numbered consecutively, ~~((having))~~ each with
31 approximately equal population and ~~((boundaries,))~~ following ~~((ward
32 and))~~ precinct lines, as far as practicable, shall be described in the
33 petition for the formation of the public utility district, which shall
34 be subject to appropriate change by the county legislative authority if
35 and when ~~((they))~~ it changes the boundaries of the proposed public
36 utility district, and one commissioner shall be elected ~~((from each of
37 said))~~ as a commissioner of each of the public utility district
38 commissioner districts. ~~((In all five commissioner districts an
39 additional commissioner at large shall be chosen from each of the two~~

1 at large districts. No person shall be eligible to be elected to the
2 office of public utility district commissioner for a particular
3 district commissioner district unless he is a registered voter of the
4 public utility district commissioner district or at large district from
5 which he is elected.)) Commissioner districts shall be used as follows:
6 (1) Only a registered voter who resides in a commissioner district may
7 be a candidate for, or hold office as, a commissioner of the
8 commissioner district; and (2) only voters of a commissioner district
9 may vote at a primary to nominate candidates for a commissioner of the
10 commissioner district. Voters of the entire public utility district
11 may vote at a general election to elect a person as a commissioner of
12 the commissioner district.

13 ((~~Except as otherwise provided,~~)) The term of office of each public
14 utility district commissioner other than the commissioners at large
15 shall be six years, and the term of each commissioner at large shall be
16 four years. Each term shall be computed in accordance with RCW
17 29.04.170 following the commissioner's election. ((One commissioner at
18 large and one commissioner from a commissioner district shall be
19 elected at each general election held in an even-numbered year for the
20 term of four years and six years respectively. All candidates shall be
21 voted upon by the entire public utility district.

22 When a public utility district is formed, three public utility
23 district commissioners shall be elected at the same election at which
24 the proposition is submitted to the voters as to whether such public
25 utility district shall be formed. If the general election adopting the
26 proposition to create the public utility district was held in an even-
27 numbered year, the commissioner residing in commissioner district
28 number one shall hold office for the term of six years; the
29 commissioner residing in commissioner district number two shall hold
30 office for the term of four years; and the commissioner residing in
31 commissioner district number three shall hold office for the term of
32 two years. If the general election adopting the proposition to create
33 the public utility district was held in an odd-numbered year, the
34 commissioner residing in commissioner district number one shall hold
35 office for the term of five years, the commissioner in district two
36 shall hold office for the term of three years, and the commissioner in
37 district three shall hold office for the term of one year. The
38 commissioners first to be elected as above provided shall hold office
39 from the first day of the month following the commissioners' election

1 and their respective terms of office shall be computed from the first
2 day of January next following the election.))

3 All public utility district commissioners shall hold office until
4 their successors shall have been elected and have qualified and assume
5 office in accordance with RCW 29.04.170. ((A filing for nomination for
6 public utility district commissioner shall be accompanied by a petition
7 signed by one hundred registered voters of the public utility district
8 which shall be certified by the county auditor to contain the required
9 number of registered voters, and shall otherwise be filed in accord
10 with the requirements of Title 29 RCW. At the time of filing such
11 nominating petition, the person so nominated shall execute and file a
12 declaration of candidacy subject to the provisions of Title 29 RCW, as
13 now or hereafter amended. The petition and each page of the petition
14 shall state whether the nomination is for a commissioner from a
15 particular commissioner district or for a commissioner at large and
16 shall state the districts; otherwise it shall be void.))

17 A vacancy in the office of public utility district commissioner
18 shall occur as provided in chapter 42.12 RCW or by ((death,
19 resignation, removal, conviction of a felony,)) nonattendance at
20 meetings of the public utility district commission for a period of
21 sixty days unless excused by the public utility district commission((,
22 by any statutory disqualification, or by any permanent disability
23 preventing the proper discharge of his duty. In the event of a vacancy
24 in said office, such vacancy shall be filled at the next general
25 election held in an even numbered year, the vacancy in the interim to
26 be filled by appointment by the remaining commissioners. If more than
27 one vacancy exists at the same time in a three commissioner district,
28 or more than two in a five commissioner district, a special election
29 shall be called by the county canvassing board upon the request of the
30 remainder, or, that failing, by the county election board, such
31 election to be held not more than forty days after the occurring of
32 such vacancies.

33 A majority of the persons holding the office of public utility
34 district commissioner at any time shall constitute a quorum of the
35 commission for the transaction of business, and the concurrence of a
36 majority of the persons holding such office at the time shall be
37 necessary and shall be sufficient for the passage of any resolution,
38 but no business shall be transacted, except in usual and ordinary
39 course, unless there are in office at least a majority of the full

1 ~~number of commissioners fixed by law~~). Vacancies on a board of public
2 utility district commissioners shall be filled as provided in chapter
3 42.12 RCW.

4 The boundaries of the public utility district (~~commissioners~~)
5 commissioner districts may be changed only by the public utility
6 district commission, and shall be examined every ten years to determine
7 substantial equality of population in accordance with chapter 29.70
8 RCW, but (~~said~~) the boundaries shall not be changed oftener than once
9 in four years, and only when all members of the commission are present.
10 Whenever territory is added to a public utility district under RCW
11 54.04.035, the boundaries of the public utility (~~commissioners~~)
12 commissioner districts shall be changed to include such additional
13 territory. The proposed change of the boundaries of the public utility
14 district (~~commissioners~~) commissioner district must be made by
15 resolution and after public hearing. Notice of the time of a public
16 hearing thereon shall be published for two weeks prior thereto. Upon
17 a referendum petition signed by ten percent of the qualified voters of
18 the public utility district being filed with the county auditor, the
19 county legislative authority shall submit such proposed change of
20 boundaries to the voters of the public utility district for their
21 approval or rejection. Such petition must be filed within ninety days
22 after the adoption of resolution of the proposed action. The validity
23 of (~~said~~) the petition shall be governed by the provisions of chapter
24 54.08 RCW.

25 **Sec. 57.** RCW 54.40.010 and 1977 ex.s. c 36 s 1 are each amended to
26 read as follows:

27 A five commissioner public utility district is a district (~~which~~
28 ~~shall have~~) that (1) either: (a) Has or had a license from the
29 federal power commission to construct a hydroelectric project of an
30 estimated cost of more than two hundred and fifty million dollars,
31 including interest during construction(~~, and which shall have received~~
32 the approval of the)); or (b) has a population of five hundred thousand
33 or more; and (2) voters of the district approved a ballot proposition
34 authorizing the district to become a five commissioner district as
35 provided (~~herein~~) under RCW 54.40.040. All other public utility
36 districts shall be known as three commissioner districts.

1 election(~~(. In addition to the signature of the voter, the petition~~
2 ~~must indicate)) and include~~ each signer's residence address (~~and~~
3 ~~further indicate whether he is registered in a precinct in an~~
4 ~~unincorporated area or a precinct in an incorporated area and if the~~
5 ~~latter, give the name of the city or town wherein he is registered.~~
6 Said)).

7 The petition shall be (~~presented to~~) filed with the county
8 auditor for verification of the validity of the signatures. Within
9 thirty days after receipt of the petition, the county auditor(~~(, in~~
10 ~~conjunction with the city clerks of the incorporated areas in which any~~
11 ~~signer is registered,)) shall determine the sufficiency of the~~
12 petition. If the petition is found insufficient, the person who filed
13 the same shall be notified by mail and he shall have an additional
14 fifteen days from the date of mailing such notice within which to
15 submit additional signatures, and the county auditor shall have an
16 additional thirty days after the submission of such additional
17 signatures to determine the validity of the entire petition. No
18 signature may be withdrawn after the petition has been filed.

19 If the petition, including these additional signatures if any, is
20 found sufficient, the county auditor shall certify (~~such fact~~) its
21 sufficiency to the public utility district and if the commissioners of
22 the public utility district (~~have theretofore~~) had certified to the
23 county auditor the eligibility of the district for reclassification as
24 provided in this chapter, the county auditor shall submit to the voters
25 of the district the question of whether the district shall become a
26 five commissioner district. (~~Such~~) The election shall be held (~~on~~
27 ~~a date fixed by the county auditor which date shall be held at the next~~
28 ~~general election after the date on which he certified the sufficiency~~
29 ~~of the petition. Notice of any election on the question shall be given~~
30 ~~in the manner prescribed for notice of an election on the formation of~~
31 ~~a public utility district)) at the next state general election~~
32 occurring sixty or more days after the petition was certified as having
33 sufficient valid signatures.

34 **Sec. 60.** RCW 54.40.060 and 1977 ex.s. c 36 s 6 are each amended to
35 read as follows:

36 If the reclassification to a five commissioner district is approved
37 by the voters, the public utility district commission within (~~ten~~)
38 sixty days after the results of said election are certified shall

1 divide the public utility district into two districts of as nearly
2 equal population (~~(and area)~~) as possible, and shall designate (~~(such)~~)
3 the districts as (~~(At Large)~~) District A and (~~(At Large)~~) District B.

4 **Sec. 61.** RCW 54.40.070 and 1977 ex.s. c 36 s 7 are each amended to
5 read as follows:

6 Within thirty days after the public utility district commission
7 (~~(shall)~~) divides the district into (~~(two at large districts)~~) District
8 A and District B, the county legislative authority shall call a special
9 election, to be held at the next (~~(scheduled)~~) special election
10 (~~(called pursuant to)~~) date provided for under RCW 29.13.010(~~(, or not~~
11 more than ninety days after such)) that occurs sixty or more days after
12 the call, at which time the initial commissioners (~~(to such at large~~
13 districts)) for District A and District B shall be elected(~~(7)~~). No
14 primary shall be held and a special filing period shall be opened as
15 provided in RCW 29.15.170 and 29.15.180. The person receiving the
16 greatest number of votes for each position shall be elected.

17 The person who is elected receiving the (~~(largest)~~) greatest number
18 of votes (~~(to serve for four years)~~) shall be elected to a four-year
19 term of office, and the other person (~~(receiving the next largest~~
20 number of votes to serve an initial term of two years)) who is elected
21 shall be elected to a two-year term of office, if the election is held
22 in an even-numbered year, or the person who is elected receiving the
23 greatest number of votes shall be elected to a three-year term of
24 office, and the other person who is elected shall be elected to a one-
25 year term of office, if the election is held in an odd-numbered year.
26 The length of these terms of office shall be calculated from the first
27 day in January in the year following their elections.

28 The newly elected commissioners shall assume office immediately
29 after being elected and qualified and shall serve until their
30 successors are elected and qualified and assume office in accordance
31 with RCW 29.04.170. Each successor shall be elected to a four-year
32 term of office.

33 **Sec. 62.** RCW 56.12.015 and 1991 c 190 s 2 are each amended to read
34 as follows:

35 If a three-member board of commissioners of any sewer district with
36 any number of customers determines by resolution that it would be in
37 the best interest of the district to increase the number of

1 commissioners from three to five, or if the board of a sewer district
2 with any number of customers is presented with a petition signed by ten
3 percent of the registered voters resident within the district who voted
4 in the last general municipal election calling for an increase in the
5 number of commissioners of the district, the board shall submit a
6 resolution to the county auditor requesting that an election be held.
7 Upon receipt of the resolution, the county auditor shall call a special
8 election to be held within the sewer district in accordance with RCW
9 29.13.010 and 29.13.020, at which election a proposition in
10 substantially the following language shall be submitted to the voters:

11 Shall the Board of Commissioners of (Name and/or No. of
12 sewer district) be increased from three to five members?

13 Yes

14 No

15 If the proposition receives a majority approval at the election the
16 board of commissioners of the sewer district shall be increased to five
17 members. In any sewer district with more than ten thousand customers,
18 if a three-member board of commissioners determines by resolution (~~and~~
19 ~~approves by unanimous vote of the board~~) that it would be in the best
20 interest of the district to increase the number of commissioners from
21 three to five, the number of commissioners shall be so increased(~~(7)~~)
22 without an election, unless within ninety days of adoption of that
23 resolution, a petition requesting an election and signed by at least
24 ten percent of the registered voters who voted in the last general
25 municipal election is filed with the board. If such a petition is
26 received, the board shall submit the resolution and the petition to the
27 county auditor, who shall call a special election in the manner
28 described in this section and in accordance with the provisions of RCW
29 29.13.010 and 29.13.020.

30 The two positions created on boards of sewer commissioners by this
31 section shall be filled initially either as for a vacancy or by
32 nomination under RCW 56.12.030, except that the appointees or newly
33 elected commissioners shall draw lots, one appointee to serve until the
34 next general sewer district election after the appointment, at which
35 two commissioners shall be elected for six-year terms, and the other
36 appointee to serve until the second general sewer district election
37 after the appointment, at which two commissioners shall be elected for
38 six-year terms.

1 **Sec. 63.** RCW 56.12.020 and 1979 ex.s. c 126 s 38 are each amended
2 to read as follows:

3 At the election held to form or reorganize a sewer district,
4 (~~there shall be elected three commissioners who shall assume office~~
5 ~~immediately when qualified in accordance with RCW 29.01.135 to hold~~
6 ~~office for terms of two, four, and six years respectively, and until~~
7 ~~their successors are elected and qualified and assume office in~~
8 ~~accordance with RCW 29.04.170.~~

9 The term of each nominee shall be expressed on the ballot and shall
10 be computed from the first day of January next following if the initial
11 election of the sewer district commissioners was in a general district
12 election as provided in RCW 29.13.020, or from the first day of January
13 following the first general election for sewer districts after its
14 creation if the initial election was on a date other than a general
15 district election. Thereafter, every two years there shall be elected
16 a commissioner for a term of six years and until his or her successor
17 is elected and qualified, at the general election held in the odd-
18 numbered years, as provided in RCW 29.13.020, and conducted by the
19 county auditor and the returns shall be canvassed by the county
20 canvassing board of election returns: ~~PROVIDED, That each such~~
21 ~~commissioner shall assume office in accordance with RCW 29.04.170))~~
22 three sewer district commissioners shall be elected. The election of
23 sewer district commissioners shall be null and void if the ballot
24 proposition to form or reorganize the sewer district is not approved.
25 Candidates shall run for one of three separate commissioner positions.
26 A special filing period shall be opened as provided in RCW 29.15.170
27 and 29.15.180. The person receiving the greatest number of votes for
28 each position shall be elected to that position.

29 The newly elected sewer district commissioners shall assume office
30 immediately when they are elected and qualified. Staggering of the
31 terms of office for the new sewer district commissioners shall be
32 accomplished as follows: (1) The person who is elected receiving the
33 greatest number of votes shall be elected to a six-year term of office
34 if the election is held in an odd-numbered year or a five-year term of
35 office if the election is held in an even-numbered year; (2) the person
36 who is elected receiving the next greatest number of votes shall be
37 elected to a four-year term of office if the election is held in an
38 odd-numbered year or a three-year term of office if the election is
39 held in an even-numbered year; and (3) the other person who is elected

1 shall be elected to a two-year term of office if the election is held
2 in an odd-numbered year or a one-year term of office if the election is
3 held in an even-numbered year. The terms of office shall be calculated
4 from the first day of January in the year following the election.

5 Thereafter commissioners shall be elected to six-year terms of
6 office. Commissioners shall serve until their successors are elected
7 and qualified and assume office in accordance with RCW 29.04.170.

8 **Sec. 64.** RCW 56.12.030 and 1990 c 259 s 24 are each amended to
9 read as follows:

10 ~~((1) Nominations for the first board of commissioners to be~~
11 ~~elected at the election for the formation of the sewer district shall~~
12 ~~be by petition of fifty registered voters or ten percent of the~~
13 ~~registered voters of the district who voted in the last general~~
14 ~~municipal election, whichever is the smaller. The petition shall be~~
15 ~~filed in the auditor's office of the county in which the district is~~
16 ~~located at least forty five days before the election. Thereafter~~
17 ~~candidates for the office of sewer commissioner shall file declarations~~
18 ~~of candidacy and their election shall be conducted as provided by the~~
19 ~~general elections laws. A vacancy or vacancies shall be filled by~~
20 ~~appointment by the remaining commissioner or commissioners until the~~
21 ~~next regular election for commissioners: PROVIDED, That if there are~~
22 ~~two vacancies on the board, one vacancy shall be filled by appointment~~
23 ~~by the remaining commissioner and the one remaining vacancy shall be~~
24 ~~filled by appointment by the then two commissioners and the appointed~~
25 ~~commissioners shall serve until the next regular election for~~
26 ~~commissioners. If the vacancy or vacancies remain unfilled within six~~
27 ~~months of its or their occurrence, the county legislative authority in~~
28 ~~which the district is located shall make the necessary appointment or~~
29 ~~appointments. If there is a vacancy of the entire board a new board~~
30 ~~may be appointed by the county legislative authority. Any person~~
31 ~~residing in the district who is at the time of election a registered~~
32 ~~voter may vote at any election held in the sewer district.~~

33 ~~(2) Subsection (1) of this section notwithstanding,))~~ The board of
34 commissioners of any sewer district may ((provide by majority vote that
35 subsequent commissioners be elected from commissioner districts)) adopt
36 a resolution providing that each subsequent commissioner be elected as
37 a commissioner of a commissioner district within the district. If the
38 board exercises this option, it shall divide the district into

1 (~~three~~) a number of commissioner districts (of) equal in number to
2 the number of commissioners on the board, each with approximately equal
3 population following current precinct and district boundaries as far as
4 practicable. (~~Thereafter, candidates shall be nominated and one~~
5 ~~candidate shall be elected from each commissioner district by the~~
6 ~~registered voters of the commissioner district.~~

7 (3) ~~All expense of elections for the formation or reorganization of~~
8 ~~a sewer district shall be paid by the county in which the election is~~
9 ~~held and the expenditure is hereby declared to be for a county purpose,~~
10 ~~and the money paid for that purpose shall be repaid to the county by~~
11 ~~the district if formed or reorganized.)) Commissioner districts shall
12 be used as follows: (1) Only a registered voter who resides in a
13 commissioner district may be a candidate for, or serve as, a
14 commissioner of the commissioner district; and (2) only voters of a
15 commissioner district may vote at a primary to nominate candidates for
16 a commissioner of the commissioner district. Voters of the entire
17 sewer district may vote at a general election to elect a person as a
18 commissioner of the commissioner district. Commissioner districts
19 shall be redrawn as provided in chapter 29.70 RCW.~~

20 NEW SECTION. Sec. 65. A new section is added to chapter 56.12 RCW
21 to read as follows:

22 Sewer district elections shall conform with general election laws.

23 Vacancies on a board of sewer commissioners shall occur and shall
24 be filled as provided in chapter 42.12 RCW.

25 **Sec. 66.** RCW 57.02.050 and 1982 1st ex.s. c 17 s 5 are each
26 amended to read as follows:

27 Whenever the boundaries or proposed boundaries of a water district
28 include or are proposed to include by means of formation, annexation,
29 consolidation, or merger (including merger with a sewer district)
30 territory in more than one county, all duties delegated by Title 57 RCW
31 to officers of the county in which the district is located shall be
32 delegated to the officers of the county in which the largest land area
33 of the district is located, except that elections shall be conducted
34 pursuant to (~~RCW 57.02.060, as now existing or hereafter amended~~)
35 general election law, actions subject to review and approval under RCW
36 57.02.040 and 56.02.070 shall be reviewed and approved only by the
37 officers or boards in the county in which such actions are proposed to

1 occur, verification of electors' signatures shall be conducted by the
2 county election officer of the county in which such signators reside,
3 and comprehensive plan review and approval or rejection by the
4 respective county legislative authorities under RCW 57.16.010 shall be
5 limited to that part of such plans within the respective counties.

6 **Sec. 67.** RCW 57.12.015 and 1991 c 190 s 6 are each amended to read
7 as follows:

8 In the event a three-member board of commissioners of any water
9 district with any number of customers determines by resolution that it
10 would be in the best interest of the district to increase the number of
11 commissioners from three to five, or in the event the board of a
12 district with any number of customers is presented with a petition
13 signed by ten percent of the registered voters resident within the
14 district who voted in the last general municipal election calling for
15 an increase in the number of commissioners of the district, the board
16 shall submit a resolution to the county auditor requesting that an
17 election be held. Upon receipt of the resolution, the county auditor
18 shall call a special election to be held within the water district in
19 accordance with RCW 29.13.010 and 29.13.020, at which election a
20 proposition in substantially the following language shall be submitted
21 to the voters:

22 Shall the Board of Commissioners of (Name and/or No. of
23 water district) be increased from three to five members?

24 Yes

25 No

26 If the proposition receives a majority approval at the election the
27 board of commissioners of the water district shall be increased to five
28 members. In any water district with more than ten thousand customers,
29 if a three-member board of commissioners determines by resolution (~~and~~
30 ~~approves by unanimous vote of the board~~) that it would be in the best
31 interest of the district to increase the number of commissioners from
32 three to five, the number of commissioners shall be so increased(~~(7)~~)
33 without an election, unless within ninety days of adoption of that
34 resolution a petition requesting an election and signed by at least ten
35 percent of the registered voters who voted in the last general
36 municipal election is filed with the board. If such a petition is
37 received, the board shall submit the resolution and the petition to the

1 county auditor, who shall call a special election in the manner
2 described in this section and in accordance with the provisions of RCW
3 29.13.010 and 29.13.020.

4 The two positions created on boards of water commissioners by this
5 section shall be filled initially either as for a vacancy or by
6 nomination under RCW 57.12.039, except that the appointees or newly
7 elected commissioners shall draw lots, one appointee to serve until the
8 next general water district election after the appointment, at which
9 two commissioners shall be elected for six-year terms, and the other
10 appointee to serve until the second general water district election
11 after the appointment, at which two commissioners shall be elected for
12 six-year terms.

13 **Sec. 68.** RCW 57.12.020 and 1990 c 259 s 30 are each amended to
14 read as follows:

15 ~~((Nominations for the first board of commissioners to be elected at
16 the election for the formation of the water district shall be by
17 petition of at least ten percent of the registered voters of the
18 district who voted in the last general municipal election, filed in the
19 auditor's office of the county in which the district is located, at
20 least forty five days prior to the election. Thereafter, candidates
21 for the office of water commissioners shall file declarations of
22 candidacy and their election shall be conducted as provided by the
23 general election laws.))~~

24 A vacancy ~~((or vacancies))~~ on the board shall occur and shall be
25 filled ((by appointment by the remaining commissioner or commissioners
26 until the next regular election for commissioners: PROVIDED, That if
27 there are two vacancies on the board, one vacancy shall be filled by
28 appointment by the remaining commissioner and the one remaining vacancy
29 shall be filled by appointment by the then two commissioners and the
30 appointed commissioners shall serve until the next regular election for
31 commissioners. If the vacancy or vacancies remain unfilled within six
32 months of its or their occurrence, the county legislative authority in
33 which the district is located shall make the necessary appointment or
34 appointments. If there is a vacancy of the entire board a new board
35 may be appointed by the county legislative authority.

36 Any person residing in the district who is a registered voter under
37 the laws of the state may vote at any district election)) as provided
38 in chapter 42.12 RCW.

1 **Sec. 69.** RCW 57.12.030 and 1982 1st ex.s. c 17 s 14 are each
2 amended to read as follows:

3 (~~The general laws of the state of Washington governing the~~
4 ~~registration of voters for a general or a special city election shall~~
5 ~~govern the registration of voters for elections held under this~~
6 ~~chapter. The manner of holding any general or special election for~~
7 ~~said)) Water district elections shall be held in accordance with the
8 general election laws of this state. (~~All elections in a water~~
9 ~~district shall be conducted under RCW 57.02.060. All expenses of~~
10 ~~elections for a water district shall be paid for out of the funds of~~
11 ~~the water district: PROVIDED, That if the voters fail to approve the~~
12 ~~formation of a water district, the expenses of the formation election~~
13 ~~shall be paid by each county in which the proposed district is located,~~
14 ~~in proportion to the number of registered voters in the proposed~~
15 ~~district residing in each county.))~~~~

16 Except as in this section otherwise provided, the term of office of
17 each water district commissioner shall be six years, such term to be
18 computed from the first day of January following the election, and
19 (~~one commissioner shall be elected at each biennial general election,~~
20 ~~as provided in RCW 29.13.020, for the term of six years and until his~~
21 ~~or her successor is)) commissioners shall serve until their successors
22 are elected and qualified and assume((s)) office in accordance with RCW
23 29.04.170. (~~All candidates shall be voted upon by the entire water~~
24 ~~district.))~~~~

25 Three water district commissioners shall be elected at the same
26 election at which the proposition is submitted to the voters as to
27 whether such water district shall be formed. (~~The commissioner~~
28 ~~elected in commissioner position number one shall hold office for the~~
29 ~~term of six years; the commissioner elected in commissioner position~~
30 ~~number two shall hold office for the term of four years; and the~~
31 ~~commissioner elected in commissioner position number three shall hold~~
32 ~~office for the term of two years: PROVIDED, That the members of the~~
33 ~~first commission shall take office immediately upon their election and~~
34 ~~qualification. The terms of all commissioners first to be elected~~
35 ~~shall also include the time intervening between the date that the~~
36 ~~results of their election are declared in the canvass of returns~~
37 ~~thereof and the first day of January following the next general~~
38 ~~district election as provided in RCW 29.13.020.)) The election of
39 water district commissioners shall be null and void if the ballot~~

1 proposition to form the water district is not approved. Each candidate
2 shall run for one of three separate commissioner positions. A special
3 filing period shall be opened as provided in RCW 29.15.170 and
4 29.15.180. The person receiving the greatest number of votes for each
5 position shall be elected to that position.

6 The newly elected water district commissioners shall assume office
7 immediately when they are elected and qualified. Staggering of the
8 terms of office for the new water district commissioners shall be
9 accomplished as follows: (1) The person who is elected receiving the
10 greatest number of votes shall be elected to a six-year term of office
11 if the election is held in an odd-numbered year or a five-year term of
12 office if the election is held in an even-numbered year; (2) the person
13 who is elected receiving the next greatest number of votes shall be
14 elected to a four-year term of office if the election is held in an
15 odd-numbered year or a three-year term of office if the election is
16 held in an even-numbered year; and (3) the other person who is elected
17 shall be elected to a two-year term of office if the election is held
18 in an odd-numbered year or a one-year term of office if the election is
19 held in an even-numbered year. The terms of office shall be calculated
20 from the first day of January after the election.

21 Thereafter, commissioners shall be elected to six-year terms of
22 office. Commissioners shall serve until their successors are elected
23 and qualified and assume office in accordance with RCW 29.04.170.

24 **Sec. 70.** RCW 57.12.039 and 1986 c 41 s 2 are each amended to read
25 as follows:

26 (1) Notwithstanding RCW 57.12.020 and 57.12.030, the board of
27 commissioners may provide by majority vote that subsequent
28 commissioners be elected from commissioner districts within the
29 district. If the board exercises this option, it shall divide the
30 district into three, or five if the number of commissioners has been
31 increased under RCW 57.12.015, commissioner districts of approximately
32 equal population following current precinct and district boundaries.
33 ((Thereafter, candidates shall be nominated and one candidate shall be
34 elected from each commissioner district by the electors of the
35 commissioner district.))

36 (2) Commissioner districts shall be used as follows: (1) Only a
37 registered voter who resides in a commissioner district may be a
38 candidate for, or serve as, a commissioner of the commissioner

1 district; and (2) only voters of a commissioner district may vote at a
2 primary to nominate candidates for a commissioner of the commissioner
3 district. Voters of the entire water district may vote at a general
4 election to elect a person as a commissioner of the commissioner
5 district. Commissioner districts shall be redrawn as provided in
6 chapter 29.70 RCW.

7 (3) In water districts in which commissioners are nominated from
8 commissioner districts, at the inception of a five-member board of
9 commissioners, the new commissioner districts shall be numbered one
10 through five and the three incumbent commissioners shall represent
11 commissioner districts one through three. If, as a result of redrawing
12 the district boundaries two or three of the incumbent commissioners
13 reside in one of the new commissioner districts, the commissioners who
14 reside in the same commissioner district shall determine by lot which
15 of the first three numbered commissioner districts they shall represent
16 for the remainder of their respective terms. A primary shall be held
17 to nominate candidates from districts four and five where necessary and
18 commissioners shall be elected at large at the general election. The
19 persons elected as commissioners from commissioner districts four and
20 five shall take office immediately after qualification as defined under
21 RCW 29.01.135.

22 **Sec. 71.** RCW 57.32.022 and 1982 1st ex.s. c 17 s 31 are each
23 amended to read as follows:

24 The respective boards of water commissioners of the consolidating
25 districts shall certify the agreement to the county election officer of
26 each county in which the districts are located. A special election
27 shall be called by the county election officer (~~under RCW 57.02.060~~)
28 for the purpose of submitting to the voters of each of the
29 consolidating districts the proposition of whether or not the several
30 districts shall be consolidated into one water district. The
31 proposition shall give the title of the proposed consolidated district.
32 Notice of the election shall be given and the election conducted in
33 accordance with the general election laws.

34 **Sec. 72.** RCW 57.32.023 and 1982 1st ex.s. c 17 s 32 are each
35 amended to read as follows:

36 If at the election a majority of the voters in each of the
37 consolidating districts vote in favor of the consolidation, the county

1 canvassing board shall so declare in its canvass ((under—RCW
2 57.02.060)) and the return of such election shall be made within ten
3 days after the date thereof. Upon the return the consolidation shall
4 be effective and the consolidating districts shall cease to exist and
5 shall then be and become a new water district and municipal corporation
6 of the state of Washington. The name of such new water district shall
7 be "Water District No.", which shall be the name appearing on
8 the ballot. The district shall have all and every power, right, and
9 privilege possessed by other water districts of the state of
10 Washington. The district may issue revenue bonds to pay for the
11 construction of any additions and betterments set forth in the
12 comprehensive plan of water supply contained in the agreement for
13 consolidation and any future additions and betterments to the
14 comprehensive plan of water supply, as its board of water commissioners
15 shall by resolution adopt, without submitting a proposition therefor to
16 the voters of the district.

17 NEW SECTION. **Sec. 73.** A new section is added to chapter 68.52 RCW
18 to read as follows:

19 Cemetery district elections shall conform with general election
20 laws.

21 A vacancy on a board of cemetery district commissioners shall occur
22 and shall be filled as provided in chapter 42.12 RCW.

23 **Sec. 74.** RCW 68.52.100 and 1947 c 6 s 2 are each amended to read
24 as follows:

25 For the purpose of forming a cemetery district, a petition
26 designating the boundaries of the proposed district by metes and bounds
27 or describing the lands to be included in the proposed district by
28 government townships, ranges and legal subdivisions, signed by not less
29 than fifteen percent of the ((qualified)) registered ((electors, who
30 are property owners or are purchasing property under contract and who
31 are resident)) voters who reside within the boundaries of the proposed
32 district, setting forth the object of the formation of such district
33 and stating that the establishment thereof will be conducive to the
34 public welfare and convenience, shall be filed with the county auditor
35 of the county within which the proposed district is located,
36 accompanied by an obligation signed by two or more petitioners agreeing
37 to pay the cost of publishing the notice hereinafter provided for. The

1 county auditor shall, within thirty days from the date of filing of
2 such petition, examine the signatures and certify to the sufficiency or
3 insufficiency thereof (~~and for such purpose shall have access to~~
4 ~~registration books and records in possession of the registration~~
5 ~~officers of the election precincts included in whole or in part within~~
6 ~~the boundaries of the proposed district and to the tax rolls and other~~
7 ~~records in the offices of the county assessor and county treasurer. No~~
8 ~~person having~~). The name of any person who signed a petition shall
9 not be (~~allowed to withdraw his name therefrom~~) withdrawn from the
10 petition after it has been filed with the county auditor. If the
11 petition is found to contain a sufficient number of valid signatures
12 (~~of qualified persons~~), the county auditor shall transmit it, with
13 (~~his~~) a certificate of sufficiency attached, to the (~~board of~~)
14 county (~~commissioners~~) legislative authority, which shall thereupon,
15 by resolution entered upon its minutes, receive the same and fix a day
16 and hour when it will publicly hear (~~said~~) the petition.

17 **Sec. 75.** RCW 68.52.140 and 1982 c 60 s 2 are each amended to read
18 as follows:

19 The (~~board of~~) county (~~commissioners~~) legislative authority
20 shall have full authority to hear and determine the petition, and if it
21 finds that the formation of the district will be conducive to the
22 public welfare and convenience, it shall by resolution so declare,
23 otherwise it shall deny the petition. If the (~~board~~) county
24 legislative authority finds in favor of the formation of the district,
25 it shall designate the name and number of the district, fix the
26 boundaries thereof, and cause an election to be held therein for the
27 purpose of determining whether or not the district shall be organized
28 under the provisions of this chapter, and for the purpose of electing
29 its first cemetery district commissioners. (~~The board shall, prior to~~
30 ~~calling the said election, name three registered resident electors who~~
31 ~~are property owners or are purchasing property under contract within~~
32 ~~the boundaries of the district as candidates for election as cemetery~~
33 ~~district commissioners. These electors are exempt from the~~
34 ~~requirements of chapter 42.17 RCW.)) At the same election three
35 cemetery district commissioners shall be elected, but the election of
36 the commissioners shall be null and void if the district is not
37 created. No primary shall be held. A special filing period shall be
38 opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall~~

1 run for specific commissioner positions. The person receiving the
2 greatest number of votes for each commissioner position shall be
3 elected to that commissioner position. The terms of office of the
4 initial commissioners shall be as provided in RCW 68.52.220.

5 **Sec. 76.** RCW 68.52.160 and 1947 c 6 s 8 are each amended to read
6 as follows:

7 The ballot for (~~said~~) the election shall be in such form as may
8 be convenient but shall present the propositions substantially as
9 follows:

10 ".....(insert county name)..... cemetery district No.(insert
11 number).....

12Yes.....

13(insert county name)..... cemetery district No.(insert
14 number).....

15No....."

16 (~~and shall specify the names of the candidates nominated for election~~
17 ~~as the first cemetery district commissioners with appropriate space to~~
18 ~~vote for the same.))~~

19 **Sec. 77.** RCW 68.52.220 and 1990 c 259 s 33 are each amended to
20 read as follows:

21 The affairs of the district shall be managed by a board of cemetery
22 district commissioners composed of three (~~qualified registered voters~~
23 ~~of the district~~) members. Members of the board shall receive no
24 compensation for their services, but shall receive expenses necessarily
25 incurred in attending meetings of the board or when otherwise engaged
26 in district business. The board shall fix the compensation to be paid
27 the secretary and other employees of the district. (~~The first three~~
28 ~~cemetery district commissioners shall serve only until the first day in~~
29 ~~January following the next general election, provided such election~~
30 ~~occurs thirty or more days after the formation of the district, and~~
31 ~~until their successors have been elected and qualified and have assumed~~
32 ~~office in accordance with RCW 29.04.170. At the next general district~~
33 ~~election, as provided in RCW 29.13.020, provided it occurs thirty or~~
34 ~~more days after the formation of the district, three members of the~~
35 ~~board of cemetery commissioners shall be chosen. They and all~~
36 ~~subsequently elected cemetery commissioners shall have the same~~

1 ~~qualifications as required of the first three cemetery commissioners~~
2 ~~and)) Cemetery district commissioners and candidates for cemetery~~
3 ~~district commissioner are exempt from the requirements of chapter 42.17~~
4 ~~RCW. ((The candidate receiving the highest number of votes shall serve~~
5 ~~for a term of six years beginning on the first day in January~~
6 ~~following; the candidate receiving the next higher number of votes~~
7 ~~shall serve for a term of four years from the date; and the candidate~~
8 ~~receiving the next higher number of votes shall serve for a term of two~~
9 ~~years from the date. Upon the expiration of their respective terms,~~
10 ~~all cemetery commissioners shall be elected for terms of six years to~~
11 ~~begin on the first day in January next succeeding the day of election~~
12 ~~and shall serve until their successors have been elected and qualified~~
13 ~~and assume office in accordance with RCW 29.04.170. Elections shall be~~
14 ~~called, noticed, conducted and canvassed and in the same manner and by~~
15 ~~the same officials as provided for general county elections.))~~

16 The initial cemetery district commissioners shall assume office
17 immediately upon their election and qualification. Staggering of terms
18 of office shall be accomplished as follows: (1) The person elected
19 receiving the greatest number of votes shall be elected to a six-year
20 term of office if the election is held in an odd-numbered year or a
21 five-year term of office if the election is held in an even-numbered
22 year; (2) the person who is elected receiving the next greatest number
23 of votes shall be elected to a four-year term of office if the election
24 is held in an odd-numbered year or a three-year term of office if the
25 election is held in an even-numbered year; and (3) the other person who
26 is elected shall be elected to a two-year term of office if the
27 election is held in an odd-numbered year or a one-year term of office
28 if the election is held in an even-numbered year. The initial
29 commissioners shall assume office immediately after they are elected
30 and qualified but their terms of office shall be calculated from the
31 first day of January after the election.

32 Thereafter, commissioners shall be elected to six-year terms of
33 office. Commissioners shall serve until their successors are elected
34 and qualified and assume office as provided in RCW 29.04.170.

35 ~~The polling places for a cemetery district election ((shall be~~
36 ~~those of the county voting precincts which include any of the territory~~
37 ~~within the cemetery district, and)) may be located inside or outside~~
38 ~~the boundaries of the district, as determined by the auditor of the~~

1 county in which the cemetery district is located, and no such election
2 shall be held irregular or void on that account.

3 **Sec. 78.** RCW 70.44.040 and 1990 c 259 s 39 are each amended to
4 read as follows:

5 (1) The provisions of Title 29 RCW relating to elections shall
6 govern public hospital districts, except ~~((that:—(1)))~~ as provided in
7 this chapter.

8 A public hospital district shall be created when the ballot
9 proposition authorizing the creation of the district is approved by a
10 simple majority vote of the voters of the proposed district voting on
11 the proposition and the total vote cast upon the proposition ~~((to form~~
12 ~~a hospital district shall))~~ exceeds forty percent of the total number
13 of votes cast in the ~~((precincts comprising the))~~ proposed district at
14 the preceding state general ~~((and county))~~ election~~((; and (2) hospital~~
15 ~~district commissioners shall hold office for the term of six years and~~
16 ~~until their successors are elected and qualified, each term to commence~~
17 ~~on the first day in January following the election))~~.

18 At the election at which the proposition is submitted to the voters
19 as to whether a district shall be formed, three commissioners shall be
20 elected ~~((to hold office, respectively, for the terms of two, four, and~~
21 ~~six years. All candidates shall be voted upon by the entire district,~~
22 ~~and the candidate residing in commissioner district No. 1 receiving the~~
23 ~~highest number of votes in the hospital district shall hold office for~~
24 ~~the term of six years; the candidate residing in commissioner district~~
25 ~~No. 2 receiving the highest number of votes in the hospital district~~
26 ~~shall hold office for the term of four years; and the candidate~~
27 ~~residing in commissioner district No. 3 receiving the highest number of~~
28 ~~votes in the hospital district shall hold office for the term of two~~
29 ~~years. The first commissioners to be elected shall take office~~
30 ~~immediately when qualified in accordance with RCW 29.01.135. Each term~~
31 ~~of the initial commissioners shall date from the time above specified~~
32 ~~following the organizational election, but shall also include the~~
33 ~~period intervening between the organizational election and the first~~
34 ~~day of January following the next district general election: PROVIDED,~~
35 ~~That in public hospital districts encompassing portions of more than~~
36 ~~one county, the total vote cast upon the proposition to form the~~
37 ~~district shall exceed forty percent of the total number of votes cast~~
38 ~~in each portion of each county lying within the proposed district at~~

1 the next preceding general county election. The portion of the
2 proposed district located within each county shall constitute a
3 separate commissioner district. There shall be three district
4 commissioners whose terms shall be six years. Each district shall be
5 designated by the name of the county in which it is located. All
6 candidates for commissioners shall be voted upon by the entire
7 district. Not more than one commissioner shall reside in any one
8 district: PROVIDED FURTHER, That in the event there are only two
9 districts then two commissioners may reside in one district. The term
10 of each commissioner shall commence on the first day in January in each
11 year following his election. At the election at which the proposition
12 is submitted to the voters as to whether a district shall be formed,
13 three commissioners shall be elected to hold office, respectively, for
14 the terms of two, four, and six years. The candidate receiving the
15 highest number of votes within the district, as constituted by the
16 election, shall serve a term of six years; the candidate receiving the
17 next highest number of votes shall hold office for a term of four
18 years; and the candidate receiving the next highest number of votes
19 shall hold office for a term of two years: PROVIDED FURTHER, That the
20 holding of each such term of office shall be subject to the residential
21 requirements for district commissioners hereinbefore set forth in this
22 section)). The election of the initial commissioners shall be null and
23 void if the district is not authorized to be created.

24 No primary shall be held. A special filing period shall be opened
25 as provided in RCW 29.15.170 and 29.15.180. The person receiving the
26 greatest number of votes for the commissioner of each commissioner
27 district shall be elected as the commissioner of that district. The
28 terms of office of the initial public hospital district commissioners
29 shall be staggered as follows: (a) The person who is elected receiving
30 the greatest number of votes shall be elected to a six-year term of
31 office if the election is held in an odd-numbered year or a five-year
32 term of office if the election is held in an even-numbered year; (b)
33 the person who is elected receiving the next greatest number of votes
34 shall be elected to a four-year term of office if the election is held
35 in an odd-numbered year or a three-year term of office if the election
36 is held in an even-numbered year; and (c) the other person who is
37 elected shall be elected to a two-year term of office if the election
38 is held in an odd-numbered year or a one-year term of office if the
39 election is held in an even-numbered year. The initial commissioners

1 shall take office immediately when they are elected and qualified, but
2 the length of such terms shall be computed from the first day of
3 January in the year following this election. The term of office of
4 each successor shall be six years. Each commissioner shall serve until
5 a successor is elected and qualified and assumes office in accordance
6 with RCW 29.04.170.

7 (2) Commissioner districts shall be used as follows: (a) Only a
8 registered voter who resides in a commissioner district may be a
9 candidate for, or hold office as, a commissioner of the commissioner
10 district; and (b) only voters of a commissioner district may vote at a
11 primary to nominate candidates for a commissioner of the commissioner
12 district. Voters of the entire public hospital district may vote at a
13 general election to elect a person as a commissioner of the
14 commissioner district.

15 If the proposed public hospital district is county-wide, and the
16 county has three county legislative authority districts, the county
17 legislative authority districts shall be used as public hospital
18 district commissioner districts. In all other instances the county
19 auditor of the county in which all or the largest portion of the
20 proposed public hospital district is located shall draw the initial
21 three public hospital district commissioner districts, each of which
22 shall constitute as nearly as possible one-third of the total
23 population of the proposed public hospital district and number the
24 districts one, two, and three. Each of the three commissioner
25 positions shall be numbered one through three and associated with the
26 district of the same number.

27 The public hospital district commissioners may redraw commissioner
28 districts, if the public hospital district has boundaries that are not
29 coterminous with the boundaries of a county with three county
30 legislative authority districts, so that each district comprises as
31 nearly as possible one-third of the total population of the public
32 hospital district. The commissioners of a public hospital district
33 that is not coterminous with the boundaries of a county that has three
34 county legislative authority districts shall redraw hospital district
35 commissioner boundaries as provided in chapter 29.70 RCW.

36 **Sec. 79.** RCW 70.44.045 and 1982 c 84 s 13 are each amended to read
37 as follows:

1 A vacancy in the office of commissioner shall occur as provided in
2 chapter 42.12 RCW or by ~~((death, resignation, removal, conviction of~~
3 ~~felony,))~~ nonattendance at meetings of the commission for sixty days,
4 unless excused by the commission~~((, by any statutory disqualification,~~
5 ~~by any permanent disability preventing the proper discharge of his~~
6 ~~duty, or by creation of positions pursuant to RCW 70.44.051, et seq))~~.
7 A vacancy ~~((or vacancies on the board))~~ shall be filled ~~((by~~
8 ~~appointment by the remaining commissioner or commissioners until the~~
9 ~~next regular election for commissioners as provided by RCW 70.44.040:~~
10 ~~PROVIDED, That if there is only one remaining commissioner, one vacancy~~
11 ~~shall be filled by appointment by the remaining commissioner and the~~
12 ~~remaining vacancy or vacancies shall be filled by appointment by the~~
13 ~~then two commissioners and the appointed commissioners shall serve~~
14 ~~until the next regular election for commissioners: PROVIDED FURTHER,~~
15 ~~That if there is a vacancy of the entire board, a new board may be~~
16 ~~appointed by the board of county commissioners or county council))~~ as
17 provided in chapter 42.12 RCW.

18 **Sec. 80.** RCW 70.44.053 and 1967 c 77 s 2 are each amended to read
19 as follows:

20 At any general or special election which may be called for that
21 purpose the board of public hospital district commissioners may, or on
22 petition of ten percent of the ~~((electors))~~ voters based on the total
23 vote cast in the last district general election in the public hospital
24 district shall, by resolution, submit to the voters of the district the
25 proposition increasing the number of commissioners to ~~((any number~~
26 ~~authorized in RCW 70.44.051))~~ either five or seven members. The
27 petition or resolution shall specify whether it is proposed to increase
28 the number of commissioners to either five or seven members.

29 If the voters of the district approve the ballot proposition
30 authorizing the increase in the number of commissioners to either five
31 or seven members, the board of commissioners shall redistrict the
32 public hospital district into the appropriate number of commissioner
33 districts. The additional commissioners shall be elected from
34 commissioner districts in which no existing commissioner resides at the
35 next state general election occurring one hundred twenty days or more
36 after the date of the election at which the voters of the district
37 approved the ballot proposition authorizing the increase in the number
38 of commissioners. If needed, special filing periods shall be

1 authorized as provided in RCW 29.15.170 and 29.15.180 for qualified
2 persons to file for the vacant office. A primary shall be held to
3 nominate candidates if sufficient time exists to hold a primary and
4 more than two candidates file for the vacant office. Otherwise, a
5 primary shall not be held and the candidate receiving the greatest
6 number of votes for each position shall be elected. Except for the
7 initial terms of office, persons elected to each of these additional
8 commissioner positions shall be elected to a six-year term.

9 Where the number of commissioners is increased from three to five,
10 the initial terms of the two new commissioners shall be staggered so
11 that the person who is elected receiving the greatest number of votes
12 shall be elected to a six-year term of office if the election is held
13 in an odd-numbered year or a five-year term if the election is held in
14 an even-numbered year, and the other person elected shall be elected to
15 a four-year term of office if the election is held in an odd-numbered
16 year or a three-year term if the election is held in an even-numbered
17 year. The newly elected commissioners shall assume office as provided
18 in RCW 29.04.170.

19 Where the number of commissioners is increased from three or five
20 to seven, the county auditor of the county in which all or the largest
21 portion of the hospital district is located shall cause the initial
22 terms of office of the additional commissioners to be staggered over
23 the next three district general elections so that two commissioners
24 would normally be elected at the first district general election
25 following the election where the additional commissioners are elected,
26 two commissioners are normally elected at the second district general
27 election after the election of the additional commissioners, and three
28 commissioners are normally elected at the third district general
29 election following the election of the additional commissioners. The
30 newly elected commissioners shall assume office as provided in RCW
31 29.04.170.

32 **Sec. 81.** RCW 53.12.010 and 1992 c 146 s 1 are each amended to read
33 as follows:

34 (1) The powers of the port district shall be exercised through a
35 port commission consisting of three or, when permitted by this title,
36 five members. Every port district that is not coextensive with a
37 county having a population of five hundred thousand or more shall be
38 divided into ~~((three))~~ the same number of commissioner districts as

1 there are commissioner positions, each having approximately equal
2 population, unless provided otherwise under subsection (2) of this
3 section. Where a port district with three commissioner positions is
4 coextensive with the boundaries of a county that has a population of
5 less than five hundred thousand and the county has three county
6 legislative authority districts, the port ((district)) commissioner
7 districts shall be the county legislative authority districts. In
8 other instances where a port district is divided into commissioner
9 districts, the ((petition proposing the formation of such a)) port
10 commission shall divide the port district ((shall describe three)) into
11 commissioner districts ((each having approximately the same population
12 and)) unless the commissioner districts have been described pursuant to
13 section 81 of this act. The commissioner districts shall be altered as
14 provided in chapter 53.16 RCW.

15 Commissioner districts shall be used as follows: (1) Only a
16 registered voter who resides in a commissioner district may be a
17 candidate for, or hold office as, a commissioner of the commissioner
18 district; and (2) only the voters of a commissioner district may vote
19 at a primary ((election)) to nominate candidates for a commissioner of
20 the commissioner district. Voters of the entire port district may vote
21 at a general election to elect a person as a commissioner of the
22 commissioner district.

23 ((In port districts having additional commissioners as authorized
24 by RCW 53.12.120, 53.12.130, and 53.12.115, the powers of the port
25 district shall be exercised through a port commission consisting of
26 five members constituted as provided therein.))

27 (2) In port districts with five commissioners, two of the
28 commissioner districts may include the entire port district if approved
29 by the voters of the district either at the time of formation or at a
30 subsequent port district election at which the issue is proposed
31 pursuant to a resolution adopted by the board of commissioners and
32 delivered to the county auditor.

33 NEW SECTION. Sec. 82. A new section is added to chapter 53.12 RCW
34 to read as follows:

35 Any less than county-wide port district that uses commissioner
36 districts may cease using commissioner districts as provided in this
37 section.

1 A ballot proposition authorizing the elimination of commissioner
2 districts shall be submitted to the voters of a less than county-wide
3 port district that is divided into commissioner districts if (1) a
4 petition is submitted to the port commission proposing that the port
5 district cease using commissioner districts, that is signed by
6 registered voters of the port district equal in number to at least ten
7 percent of the number of voters who voted at the last district general
8 election; or (2) the port commissioners adopt a resolution proposing
9 that the port district cease using commissioner districts. The port
10 commission shall transfer the petition or resolution immediately to the
11 county auditor who shall, when a petition is submitted, review the
12 signatures and certify its sufficiency. A ballot proposition
13 authorizing the elimination of commissioner districts shall be
14 submitted at the next district general election occurring sixty or more
15 days after a petition with sufficient signatures was submitted. If the
16 ballot proposition authorizing the port district to cease using
17 commissioner districts is approved by a simple majority vote, the port
18 district shall cease using commissioner districts at all subsequent
19 elections.

20 NEW SECTION. **Sec. 83.** A new section is added to chapter 53.04 RCW
21 to read as follows:

22 Three commissioner districts, each with approximately the same
23 population, shall be described in the petition proposing the creation
24 of a port district under RCW 53.04.020, if the process to create the
25 port district was initiated by voter petition, or shall be described by
26 the county legislative authority, if the process to initiate the
27 creation of the port district was by action of the county legislative
28 authority. However, commissioner districts shall not be described if
29 the commissioner districts of the proposed port district shall be the
30 same as the county legislative authority districts.

31 The initial port commissioners shall be elected as provided in RCW
32 53.12.172.

33 **Sec. 84.** RCW 53.04.023 and 1993 c 70 s 1 are each amended to read
34 as follows:

35 A less than county-wide port district with an assessed valuation of
36 at least seventy-five million dollars may be created in a county that
37 already has a less than county-wide port district located within its

1 boundaries. Except as provided in this section, such a port district
2 shall be created in accordance with the procedure to create a county-
3 wide port district.

4 The effort to create such a port district is initiated by the
5 filing of a petition with the county auditor calling for the creation
6 of such a port district, describing the boundaries of the proposed port
7 district, designating either three or five commissioner positions,
8 describing commissioner districts if the petitioners propose that the
9 commissioners represent districts, and providing a name for the
10 proposed port district. The petition must be signed by voters residing
11 within the proposed port district equal in number to at least ten
12 percent of such voters who voted at the last county general election.

13 A public hearing on creation of the proposed port district shall be
14 held by the county legislative authority if the county auditor
15 certifies that the petition contained sufficient valid signatures.
16 Notice of the public hearing must be published in the county's official
17 newspaper at least ten days prior to the date of the public hearing.
18 After taking testimony, the county legislative authority may make
19 changes in the boundaries of the proposed port district if it finds
20 that such changes are in the public interest and shall determine if the
21 creation of the port district is in the public interest. No area may
22 be added to the boundaries unless a subsequent public hearing is held
23 on the proposed port district.

24 The county legislative authority shall submit a ballot proposition
25 authorizing the creation of the proposed port district to the voters of
26 the proposed port district, at any special election date provided in
27 RCW 29.13.020, if it finds the creation of the port district to be in
28 the public interest.

29 The port district shall be created if a majority of the voters
30 voting on the ballot proposition favor the creation of the port
31 district. The initial port commissioners shall be elected at the same
32 election, from districts or at large, as provided in the petition
33 initiating the creation of the port district. The election shall be
34 otherwise conducted as provided in RCW 53.12.172, but the election of
35 commissioners shall be null and void if the port district is not
36 created. ((Commissioner districts shall not be used in the initial
37 election of the port commissioners.))

38 This section shall expire July 1, 1997.

1 **Sec. 85.** RCW 53.12.172 and 1992 c 146 s 2 are each reenacted and
2 amended to read as follows:

3 (1) In every port district the term of office of each port
4 commissioner shall be four years in each port district that is county-
5 wide with a population of one hundred thousand or more, or either six
6 or four years in all other port districts as provided in RCW 53.12.175,
7 and until a successor is elected and qualified and assumes office in
8 accordance with RCW 29.04.170.

9 (2) The initial port commissioners shall be elected at the same
10 election as when the ballot proposition is submitted to voters
11 authorizing the creation of the port district. If the port district is
12 created the persons elected at this election shall serve as the initial
13 port commission. No primary shall be held. The person receiving the
14 greatest number of votes for commissioner from each commissioner
15 district shall be elected as the commissioner of that district.

16 (3) The terms of office of the initial port commissioners shall be
17 staggered as follows in a port district that is county-wide with a
18 population of one hundred thousand or more: ~~((+1))~~ (a) The two
19 persons who are elected receiving the two greatest numbers of votes
20 shall be elected to four-year terms of office if the election is held
21 in an odd-numbered year, or three-year terms of office if the election
22 is held in an even-numbered year, and shall hold office until
23 successors are elected and qualified and assume office in accordance
24 with RCW 29.04.170; and ~~((+2))~~ (b) the other person who is elected
25 shall be elected to a two-year term of office if the election is held
26 in an odd-numbered year, or a one-year term of office if the election
27 is held in an even-numbered year, and shall hold office until a
28 successor is elected and qualified and assumes office in accordance
29 with RCW 29.04.170.

30 (4) The terms of office of the initial port commissioners in all
31 other port districts shall be staggered as follows: (a) The person who
32 is elected receiving the greatest number of votes shall be elected to
33 a six-year term of office if the election is held in an odd-numbered
34 year or to a five-year term of office if the election is held in an
35 even-numbered year, and shall hold office until a successor is elected
36 and qualified and assumes office in accordance with RCW 29.04.170; (b)
37 the person who is elected receiving the next greatest number of votes
38 shall be elected to a four-year term of office if the election is held
39 in an odd-numbered year or to a three-year term of office if the

1 election is held in an even-numbered year, and shall hold office until
2 a successor is elected and qualified and assumes office in accordance
3 with RCW 29.04.170; and (c) the other person who is elected shall be
4 elected to a two-year term of office if the election is held in an odd-
5 numbered year or a one-year term of office if the election is held in
6 an even-numbered year, and shall hold office until a successor is
7 elected and qualified and assumes office in accordance with RCW
8 29.04.170.

9 (5) The initial port commissioners shall take office immediately
10 after being elected and qualified, but the length of their terms shall
11 be calculated from the first day in January in the year following their
12 elections.

13 **Sec. 86.** RCW 53.12.115 and 1992 c 146 s 7 are each amended to read
14 as follows:

15 A ballot proposition shall be submitted to the voters of any port
16 district authorizing an increase in the number of port commissioners to
17 five whenever the port commission adopts a resolution proposing the
18 increase in number of port commissioners or a petition ((requesting))
19 proposing such an increase has been submitted to the county auditor of
20 the county in which the port district is located that has been signed
21 by voters of the port district at least equal in number to ten percent
22 of the number of voters in the port district who voted at the last
23 general election. The ballot proposition shall be submitted at the
24 next general or special election occurring sixty or more days after the
25 petition was submitted or resolution was adopted.

26 At the next general or special election following the election in
27 which an increase in the number of port commissioners was authorized,
28 candidates for the two additional port commissioner positions shall be
29 elected as provided in RCW 53.12.130, and the voters may be asked to
30 approve the nomination of commissioners from district-wide commissioner
31 districts as permitted in RCW 53.12.010(2).

32 **Sec. 87.** RCW 53.12.120 and 1992 c 146 s 8 are each amended to read
33 as follows:

34 When the population of a port district that has three commissioners
35 reaches five hundred thousand, in accordance with the latest United
36 States regular or special census or with the official state population
37 estimate, there shall be submitted to the voters of the district, at

1 the next district general election or at a special port election called
2 for that purpose, the proposition of increasing the number of
3 commissioners to five. (~~At any general election thereafter, the same~~
4 ~~proposition may be submitted by resolution of the port commissioners,~~
5 ~~by filing a certified copy of the resolution with the county auditor at~~
6 ~~least four months prior to the general election. If the proposition is~~
7 ~~approved by the voters, the commission in that port district shall~~
8 ~~consist of five commissioners.~~)

9 At the next district general election following the election in
10 which an increase in the number of port commissioners was authorized,
11 candidates for the two additional port commissioner positions shall be
12 elected as provided in RCW 53.12.130.

13 **Sec. 88.** RCW 53.12.130 and 1992 c 146 s 9 are each amended to read
14 as follows:

15 Two additional port commissioners shall be elected at the next
16 district general election following the election at which voters
17 authorized the increase in port commissioners to five members. (~~The~~
18 ~~two additional positions shall be numbered positions four and five.~~)

19 The port commissioners shall divide the port district into five
20 commissioner districts prior to the first day of June in the year in
21 which the two additional commissioners shall be elected, unless the
22 voters approved the nomination of the two additional commissioners from
23 district-wide commissioner districts as permitted in RCW 53.12.010(2).
24 The new commissioner districts shall be numbered one through five and
25 the three incumbent commissioners shall represent commissioner
26 districts one through three. If, as a result of redrawing the district
27 boundaries two or three of the incumbent commissioners reside in one of
28 the new commissioner districts, the commissioners who reside in the
29 same commissioner district shall determine by lot which of the first
30 three numbered commissioner districts they shall represent for the
31 remainder of their respective terms. A primary shall be held to
32 nominate candidates from districts four and five where necessary and
33 commissioners shall be elected from commissioner districts four and
34 five at the general election. The persons (~~receiving the highest~~
35 number of votes for each position shall be elected to that position
36 and)) elected as commissioners from commissioner districts four and
37 five shall take office immediately after qualification as defined under
38 RCW 29.01.135.

1 In a port district where commissioners are elected to four-year
2 terms of office, the additional commissioner thus elected receiving the
3 highest number of votes shall be elected to a four-year term of office
4 and the other additional commissioner thus elected shall be elected to
5 a term of office of two years, if the election ((were)) is held in an
6 odd-numbered year, or the additional commissioner thus elected
7 receiving the highest number of votes shall be elected to a term of
8 office of three years and the other shall be elected to a term of
9 office of one year, if the election ((were)) is held in an even-
10 numbered year. In a port district where the commissioners are elected
11 to six-year terms of office, the additional commissioner thus elected
12 receiving the highest number of votes shall be elected to a six-year
13 term of office and the other additional commissioner shall be elected
14 to a four-year term of office, if the election is held in an odd-
15 numbered year, or the additional commissioner receiving the highest
16 number of votes shall be elected to a term of office of five-years and
17 the other shall be elected to a three-year term of office, if the
18 election is held in an even-numbered year. The length of terms of
19 office shall be computed from the first day of January in the year
20 following this election.

21 ~~((A successor to a commissioner holding position four or five whose
22 term is about to expire, shall be elected at the general election next
23 preceding such expiration, for a))~~ Successor commissioners from
24 districts four and five shall be elected to terms of either six or four
25 years, depending on the length of terms of office to which
26 commissioners of that port district are elected. ((Positions four and
27 five shall not be associated with a commissioner district and the
28 elections to both nominate candidates for those positions and elect
29 commissioners for these positions shall be held on a port district-wide
30 basis.))

31 **Sec. 89.** RCW 53.12.175 and 1992 c 146 s 3 are each amended to read
32 as follows:

33 A ballot proposition to reduce the terms of office of port
34 commissioners from six years to four years shall be submitted to the
35 voters of any port district that otherwise would have commissioners
36 with six-year terms of office upon either resolution of the port
37 commissioners or petition of voters of the port district proposing the
38 reduction in terms of office, which petition has been signed by voters

1 of the port district equal in number to at least ten percent of the
2 number of voters in the port district voting at the last ((district))
3 general election. The petition shall be submitted to the county
4 auditor. If the petition was signed by sufficient valid signatures,
5 the ballot proposition shall be submitted at the next ((district))
6 general or special election that occurs sixty or more days after the
7 adoption of the resolution or submission of the petition.

8 If the ballot proposition reducing the terms of office of port
9 commissioners is approved by a simple majority vote of the voters
10 voting on the proposition, the commissioner or commissioners who are
11 elected at that election shall be elected to four-year terms of office.
12 The terms of office of the other commissioners shall not be reduced,
13 but each successor shall be elected to a four-year term of office.

14 **Sec. 90.** RCW 53.16.015 and 1992 c 146 s 10 are each amended to
15 read as follows:

16 ((In a port district that is not coterminous with a county that has
17 three county legislative authority districts and that has port
18 commissioner districts,)) The port commission of a port district that
19 uses commissioner districts may redraw the commissioner district
20 boundaries as provided in chapter 29.70 RCW at any time and submit the
21 redrawn boundaries to the county auditor if the port district is not
22 coterminous with a county that has the same number of county
23 legislative authority districts as the port has port commissioners.
24 The new commissioner districts shall be used at the next election at
25 which a port commissioner is regularly elected that occurs at least one
26 hundred eighty days after the redrawn boundaries have been submitted.
27 Each commissioner district shall encompass as nearly as possible ((one-
28 third of the population of the port district)) the same population.

29 **Sec. 91.** RCW 29.45.050 and 1973 c 102 s 2 are each amended to read
30 as follows:

31 There shall be but one set of election officers at any one time in
32 each precinct except as provided in this section.

33 In every precinct using paper ballots having two hundred or more
34 registered voters there shall be appointed, and in every precinct
35 having less than two hundred registered voters there may be appointed,
36 at a state primary or state general election, two or more sets of
37 precinct election officers as provided in RCW 29.04.020 and 29.45.010.

1 The officer in charge of the election may appoint one or more counting
2 boards at his discretion, when he decides that because of a long or
3 complicated ballot or because of the number of expected voters, there
4 is need of additional counting board or boards to improve the speed and
5 accuracy of the count.

6 In making such appointments, one or more sets of precinct election
7 officers shall be designated as the counting board or boards, the first
8 of which shall consist of an inspector, two judges, and a clerk and the
9 second set, if activated, shall consist of two judges and two clerks.
10 The duties of the counting board or boards shall be the count of
11 ballots cast and the return of the election records and supplies to the
12 officer having jurisdiction of the election.

13 One set of precinct election officers shall be designated as the
14 receiving board which shall have all other powers and duties imposed by
15 law for such elections. Nothing in this section prevents the county
16 auditor from appointing relief or replacement precinct election
17 officers at any time during election day. Relief or replacement
18 precinct election officers must be of the same political party as the
19 officer they are relieving or replacing.

20 NEW SECTION. Sec. 92. The following acts or parts of acts are
21 each repealed:

- 22 (1) RCW 35.23.070 and 1965 c 7 s 35.23.070;
- 23 (2) RCW 35.24.070 and 1965 c 7 s 35.24.070;
- 24 (3) RCW 35.27.110 and 1965 c 7 s 35.27.110;
- 25 (4) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.069;
- 26 (5) RCW 35.61.070 and 1965 c 7 s 35.61.070;
- 27 (6) RCW 35.61.080 and 1965 c 7 s 35.61.080;
- 28 (7) RCW 35A.02.001 and 1989 c 84 s 35;
- 29 (8) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;
- 30 (9) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s
31 35A.02.110;
- 32 (10) RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060;
- 33 (11) RCW 35A.15.030 and 1967 ex.s. c 119 s 35A.15.030;
- 34 (12) RCW 35A.16.020 and 1967 ex.s. c 119 s 35A.16.020;
- 35 (13) RCW 35A.29.010 and 1967 ex.s. c 119 s 35A.29.010;
- 36 (14) RCW 35A.29.020 and 1967 ex.s. c 119 s 35A.29.020;
- 37 (15) RCW 35A.29.030 and 1967 ex.s. c 119 s 35A.29.030;
- 38 (16) RCW 35A.29.040 and 1967 ex.s. c 119 s 35A.29.040;

- 1 (17) RCW 35A.29.050 and 1967 ex.s. c 119 s 35A.29.050;
2 (18) RCW 35A.29.060 and 1967 ex.s. c 119 s 35A.29.060;
3 (19) RCW 35A.29.070 and 1967 ex.s. c 119 s 35A.29.070;
4 (20) RCW 35A.29.080 and 1967 ex.s. c 119 s 35A.29.080;
5 (21) RCW 35A.29.090 and 1986 c 234 s 32 & 1985 c 281 s 27;
6 (22) RCW 35A.29.100 and 1967 ex.s. c 119 s 35A.29.100;
7 (23) RCW 35A.29.105 and 1990 c 59 s 106 & 1967 ex.s. c 119 s
8 35A.29.105;
9 (24) RCW 35A.29.110 and 1990 c 59 s 107, 1986 c 167 s 21, 1979
10 ex.s. c 18 s 30, 1970 ex.s. c 52 s 4, & 1967 ex.s. c 119 s 35A.29.110;
11 (25) RCW 35A.29.140 and 1967 ex.s. c 119 s 35A.29.140;
12 (26) RCW 35A.29.150 and 1970 ex.s. c 52 s 5 & 1967 ex.s. c 119 s
13 35A.29.150;
14 (27) RCW 36.54.080 and 1973 1st ex.s. c 195 s 36 & 1963 c 4 s
15 36.54.080;
16 (28) RCW 36.54.090 and 1963 c 4 s 36.54.090;
17 (29) RCW 36.54.100 and 1963 c 4 s 36.54.100;
18 (30) RCW 36.69.060 and 1963 c 4 s 36.69.060;
19 (31) RCW 44.70.010 and 1987 c 298 s 7;
20 (32) RCW 53.12.047 and 1992 c 146 s 6;
21 (33) RCW 53.12.150 and 1990 c 40 s 1, 1985 c 87 s 1, 1983 c 11 s 1,
22 1959 c 175 s 8, & 1959 c 17 s 8;
23 (34) RCW 57.02.060 and 1982 1st ex.s. c 17 s 6;
24 (35) RCW 68.52.240 and 1947 c 6 s 16;
25 (36) RCW 70.44.051 and 1967 c 77 s 1;
26 (37) RCW 70.44.055 and 1967 c 77 s 3; and
27 (38) RCW 70.44.057 and 1967 c 77 s 4.

28 **Sec. 93.** 1992 c 146 s 14 (uncodified) is amended to read as
29 follows:

30 The following acts or parts of acts are each repealed:

- 31 (1) RCW 53.12.020 and 1991 c 363 s 129, 1986 c 262 s 2, 1965 c 51
32 s 2, 1959 c 175 s 1, & 1959 c 17 s 4;
33 (2) RCW 53.12.035 and 1991 c 363 s 130, 1990 c 59 s 108, 1965 c 51
34 s 3, & 1959 c 175 s 9;
35 (3) RCW 53.12.050 and 1959 c 17 s 5;
36 (4) RCW 53.12.057 and 1965 c 51 s 6;
37 (5) RCW 53.12.060 and 1990 c 259 s 19, 1959 c 175 s 6, 1927 c 204
38 s 1, & 1913 c 62 s 3;

1 (~~6~~) (~~(RCW 53.12.172 and 1979 ex.s. c 126 s 34 & 1951 c 68 s 2;~~
2 ~~(7))~~) RCW 53.12.180 and 1935 c 133 s 8;
3 (~~(8))~~) (7) RCW 53.12.190 and 1935 c 133 s 10;
4 (~~(9))~~) (8) RCW 53.12.200 and 1935 c 133 s 9;
5 (~~(10))~~) (9) RCW 53.12.220 and 1979 ex.s. c 126 s 35, 1941 c 45 s
6 2, & 1925 ex.s. c 113 s 2; and
7 (~~(11))~~) (10) RCW 53.16.010 and 1969 ex.s. c 9 s 1 & 1957 c 69 s 2.

8 NEW SECTION. Sec. 94. (1) Section 2 of this act shall take effect
9 January 1, 1995.
10 (2) Section 20 of this act shall take effect July 1, 1994.

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