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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #:

ATTY/TYPIST:      KT:mmc

BRIEF TITLE:

2 ESJR 8231 - H COMM AMD  
3 By Committee on State Government

4 ADOPTED AS AMENDED 3/12/92

5 Beginning on page 1, after line 2, strike all material through  
6 "qualified." on page 3, line 9, and insert the following:

7 "THAT, At the next general election to be held in this state there  
8 shall be submitted to the qualified voters of the state for their  
9 approval and ratification, or rejection, the following amendment to  
10 Article II of the Constitution of the state of Washington:"

11 "SECTION 1. A new section is added to Article II of the  
12 Constitution of the state of Washington to read as follows:

13 Section 15. VACANCIES IN LEGISLATURE AND CERTAIN COUNTY OFFICES.  
14 Except as provided in subsections (4) and (6) of this section,  
15 vacancies that occur in the state legislature or in any elective office  
16 of the executive or legislative branch of county government shall be  
17 filled by appointment by the legislative authority or legislative  
18 authorities of the county or counties in which the vacancy occurs.

19 (1) RESIDENCY. A person appointed to fill a vacancy in the state  
20 legislature shall be a resident of the legislative district for which  
21 the vacancy occurs.

22 A person appointed to fill a vacancy in a county elective office  
23 shall be a resident of that county. When a vacancy occurs in the  
24 office of the member of a county legislative authority and a person  
25 elected to that office is nominated or elected by district, the person  
26 appointed to fill the vacancy shall be a resident of the district for  
27 which the vacancy occurs.

1           (2) NOMINEES.    Except as provided by this subsection, a person  
2 appointed to fill a vacancy in a partisan office under this section  
3 shall be from the same political party as the person whose office has  
4 been vacated and shall be appointed from a list of three persons  
5 nominated by that political party.   Political party nominees shall be  
6 designated by the county central committee of the political party  
7 unless the vacancy occurs in a state legislative district containing  
8 territory from more than one county, in which case the nominees shall  
9 be designated by the state central committee of the political party.  
10 Party nominees shall be designated within fourteen days of the  
11 occurrence of the vacancy.

12           If the person whose office has been vacated was elected to the  
13 office as an independent, if the vacated office is a nonpartisan  
14 office, if political party nominations for filling the vacancy are not  
15 made within the time prescribed by this section or by statute, or if  
16 the appointments are being made by the governor to establish a majority  
17 of filled positions on a county legislative authority, any person who  
18 is legally qualified to run for and hold the office may be appointed to  
19 fill the vacancy.

20           A member of a county legislative authority is eligible to be  
21 appointed to fill a vacancy governed by this section only if the member  
22 is qualified to fill the vacancy and does not vote in an action, or in  
23 a collective action of legislative authorities taken in joint session,  
24 to fill the vacancy.

25           (3) MULTICOUNTY LEGISLATIVE DISTRICTS.   Vacancies that occur in a  
26 state legislative district containing territory from more than one  
27 county shall be filled by appointment by the collective action of the  
28 county legislative authorities of the counties with territory in the  
29 district, voting in joint session.   A proportional voting method shall  
30 be used which ensures that the cumulative voting weight of each

1 county's legislative authority amounts to the county's proportion of  
2 the total number of votes cast for the vacated position in the last  
3 election conducted for the vacated office. A county's share of the  
4 total vote shall be divided equally among the members of the county's  
5 legislative authority. Each member is entitled to cast his or her  
6 portion of the vote and the votes of the members of all of the county  
7 legislative authorities filling the vacancy shall be counted and  
8 accumulated district-wide, not county by county. The person who  
9 receives more than half of the total vote shall be appointed to fill  
10 the vacancy.

11 (4) APPOINTMENT BY GOVERNOR. If a vacancy governed by this section  
12 is not filled by the county legislative authority or authorities within  
13 twenty-eight days of the occurrence of the vacancy, the governor shall  
14 appoint a person to fill the vacancy within forty-two days of the  
15 occurrence of the vacancy.

16 If the majority of positions on a county legislative authority are  
17 vacant, the governor shall appoint to the legislative authority that  
18 number of persons necessary to establish a majority of filled  
19 positions. The appointments shall be made within twenty-eight days of  
20 the occurrence of the vacancy creating a minority of filled positions.

21 (5) TERM OF OFFICE. A person appointed to fill a vacancy in an  
22 office under this section shall hold office until a successor (a) is  
23 elected at the next general election held for the office as prescribed  
24 by statute and (b) has been qualified.

25 (6) "HOME RULE" COUNTIES. The requirements established by this  
26 section for filling vacancies in county elective offices or for the  
27 term of office of a person appointed to fill such a vacancy do not  
28 apply to a county that has adopted and operates under a "Home Rule"  
29 charter under section 4 or 16 of Article XI to the extent that the  
30 requirements are inconsistent with the county's "Home Rule" charter.

1 (7) IMPLEMENTING LAWS. Following the effective date of this  
2 section, the legislature may enact law replacing any deadline  
3 established in this section. The legislature may also establish  
4 additional rules for voting by county legislative authorities to fill  
5 a vacancy by appointment in joint session under this section. Such  
6 rules shall satisfy the requirements of subsection (3) of this  
7 section."yy

8 "SECTION 2. Article II, section 15 as it existed prior to the  
9 ratification of this amendment is repealed."

10 "BE IT FURTHER RESOLVED, That the foregoing amendment shall be  
11 construed as a single amendment within the meaning of Article XXIII,  
12 section 1 of the state Constitution.

13 The legislature finds that the changes contained in the foregoing  
14 amendment constitute a single integrated plan for revising procedures  
15 for filling vacancies in state legislative and county elective offices.  
16 If the foregoing amendment is held to be separate amendments, this  
17 joint resolution shall be void in its entirety and shall be of no  
18 further force and effect."