

# HOUSE BILL REPORT

## ESHB 2171

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*As Passed House  
February 11, 1992*

**Title:** An act relating to vacancies in elective office.

**Brief Description:** Providing procedures for filling vacancies.

**Sponsor(s):** By House Committee on State Government (originally sponsored by Representative Anderson).

**Brief History:**

Reported by House Committee on:  
State Government, January 15, 1992, DPS;  
Passed House, February 11, 1992, 94-0.

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**HOUSE COMMITTEE ON  
STATE GOVERNMENT**

**Majority Report:** *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 10 members: Representatives Anderson, Chair; Pruitt, Vice Chair; McLean, Ranking Minority Member; Bowman, Assistant Ranking Minority Member; Chandler; R. Fisher; Grant; Moyer; O'Brien; and Sheldon.

**Staff:** Kenneth Hirst (786-7105).

**Background:** The state's constitution requires a county legislative authority or authorities making an appointment to fill a vacancy in a partisan county elective office or in a state legislative office to do so within 60 days after the vacancy occurs. If the authority or authorities fail to make the appointment within this deadline, the governor must fill the vacancy within the next 30 days.

Deadlines established by statute deviate from these constitutional deadlines. The members of a board of county commissioners making an appointment to fill a vacancy on the board must, by statute, do so within five days of the creation of the vacancy. Similarly under this statute, whenever the governor has had to appoint one or more persons to a board of county commissioners to create a majority of filled positions on the board, the board members must appoint the third commissioner within five days of the gubernatorial appointment.

HJR 4227 would alter the provisions of the constitution for filling vacancies in county elective offices and in state legislative offices. If that amendment to the constitution were passed by the Legislature and ratified by the voters, it would permit the Legislature to establish the deadlines by statute for filling vacancies in these offices.

**Summary of Bill:** Deadlines and voting procedures are established for filling vacancies in elective office under HJR 4227.

**Deadlines.** A state or county central committee of a political party must submit a list of nominees for filling a vacancy in a partisan county office or in a state legislative office within 14 days of the occurrence of the vacancy. The county legislative authority or authorities making the appointment to fill the vacancy must do so within 28 days of the occurrence of the vacancy. The governor must fill the vacancy within 42 days of its occurrence if the county or counties fail to act in timely manner.

The governor must create a majority of filled positions on a county legislative authority by making appointments within 28 days of the occurrence of the vacancy which creates a minority of filled positions.

**Voting Procedures.** A county's share of the vote to fill a vacancy in a state legislative office from a multi-county district must be rounded off to the nearest 1 percent. This share is then equally divided among the members of the county's legislative authority. The unit rule does not apply to the votes cast from a county's members in the district-wide selection process. The person receiving a majority of the percentages cast in this manner is appointed to fill the vacancy.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect if HJR 4227 is ratified by the voters at the general election.

**Testimony For:** None.

**Testimony Against:** None.

**Witnesses:** None.