
ENGROSSED SUBSTITUTE HOUSE BILL 2171

State of Washington

52nd Legislature

1992 Regular Session

By House Committee on State Government (originally sponsored by Representative Anderson)

Read first time 01/15/92.

1 AN ACT Relating to vacancies in elective office; amending RCW
2 36.32.070; adding new sections to chapter 42.12 RCW; and providing a
3 contingent effective date.

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

5 **Sec. 1.** RCW 36.32.070 and 1990 c 252 s 7 are each amended to read
6 as follows:

7 Whenever there is a vacancy in the board of county commissioners,
8 except as provided in RCW 36.32.0558, it shall be filled as follows:

9 (1) If there are three vacancies, the governor of the state shall
10 appoint two of the officers. The two commissioners thus appointed
11 shall then meet and select the third commissioner. ~~((If the two
12 appointed commissioners fail to agree upon selection of the third after
13 the expiration of five days from the day they were appointed, the
14 governor shall appoint the remaining commissioner))~~ The vacancies

1 shall be filled in accordance with Article II, section 15 of the state
2 Constitution and section 2 of this act.

3 (2) Whenever there are two vacancies in the office of county
4 commissioner, the governor shall appoint one commissioner, and the two
5 commissioners then in office shall appoint the third commissioner.
6 (~~If they fail to agree upon a selection after the expiration of five~~
7 ~~days from the day of the governor's appointment, the governor shall~~
8 ~~appoint the third commissioner~~)) The vacancies shall be filled in
9 accordance with Article II, section 15 of the state Constitution and
10 section 2 of this act.

11 (3) Whenever there is one vacancy in the office of county
12 commissioner, the two remaining commissioners shall fill the vacancy(~~(-~~
13 ~~If the two commissioners fail to agree upon a selection after the~~
14 ~~expiration of five days from the day the vacancy occurred, the governor~~
15 ~~shall appoint the third commissioner~~)) in accordance with Article II,
16 section 15 of the state Constitution and section 2 of this act.

17 NEW SECTION. Sec. 2. A new section is added to chapter 42.12 RCW
18 to read as follows:

19 (1) A state or county central committee submitting a list of
20 nominees under Article II, section 15 of the state Constitution shall
21 do so within fourteen days of the occurrence of the vacancy.

22 (2) A county legislative authority or jointly meeting county
23 legislative authorities making an appointment under Article II, section
24 15 of the state Constitution shall do so within twenty-eight days of
25 the occurrence of the vacancy.

26 (3) Except as provided in subsection (4) of this section, an
27 appointment made by the governor under Article II, section 15 of the
28 state Constitution shall be made within forty-two days of the
29 occurrence of the vacancy.

1 (4) An appointment made by the governor under Article II, section
2 15 of the state Constitution to establish a majority of filled
3 positions on a county legislative authority shall be made within
4 twenty-eight days of the occurrence of the vacancy creating a minority
5 of filled positions.

6 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.12 RCW
7 to read as follows:

8 (1) A county's share of the total vote which may be cast to fill a
9 vacancy shall be the county's percentage of the district-wide vote for
10 the office at the last election. This percentage shall be determined
11 by dividing the total number of votes cast in the county by the total
12 number of votes cast within the district and rounding off to the
13 nearest one percent.

14 (2) A county's share of the total vote shall be divided equally
15 among the members of the county legislative authority. Each member
16 shall be entitled to cast his or her vote portion in a district-wide
17 selection process. In this process, votes shall be counted district-
18 wide by accumulating the total of all members' portions.

19 (3) The person who receives a vote representing more than half of
20 the total of all counties' voting percentages shall be appointed to
21 fill the vacancy.

22 NEW SECTION. **Sec. 4.** This act shall take effect December 1,
23 1992, if the proposed amendment to Article II, section 15 of the state
24 Constitution, House Joint Resolution No. 4227, modifying methods for
25 filling vacancies in the legislature or county elective office, is
26 validly submitted to and is approved and ratified by the voters at a
27 general election held in November 1992. If the proposed amendment is
28 not so approved and ratified, this act shall be null and void in its

1 entirety.