
SUBSTITUTE SENATE BILL 6067

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Governmental Operations (originally sponsored by Senator McCaslin)

Read first time 01/27/92.

1 AN ACT Relating to residency requirements for elected officials;
2 amending RCW 42.04.020, 2.06.050, 17.04.070, 17.06.050, 35.23.030,
3 35.24.030, 35.27.080, 35.61.050, 35A.12.030, 36.16.030, 36.27.010,
4 36.54.090, 36.69.090, 36.69.440, 52.14.010, 53.12.020, 56.12.030,
5 57.12.039, 85.38.070, 87.03.045, 87.03.051, and 89.30.226; reenacting
6 and amending RCW 36.16.030; providing an effective date; and providing
7 an expiration date.

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

9 **Sec. 1.** RCW 42.04.020 and 1919 c 139 s 1 are each amended to read
10 as follows:

11 (1) That no person shall be competent to qualify for or hold any
12 elective public office within the state of Washington, or any county,
13 district, precinct, school district, municipal corporation or other
14 district or political subdivision, unless he or she be a citizen of the

1 United States and state of Washington and (~~an elector~~) a registered
2 voter of such county, district, precinct, school district, municipality
3 or other district or political subdivision at the time of filing a
4 declaration of candidacy for such office.

5 (2) No county, including any county which has adopted a charter
6 form of government; district; precinct; school district; municipal
7 corporation, including any city which has adopted a charter form of
8 government; or other district or political subdivision shall impose any
9 durational residency requirement as a condition of eligibility to be a
10 candidate for any publicly elected office which is in excess of the
11 requirements to be a registered voter of such county, district,
12 precinct, school district, municipal corporation or other district or
13 political subdivision at the time of filing a declaration of candidacy
14 for such office. Any existing provisions in county or city charters
15 which violate this section are void.

16 **Sec. 2.** RCW 2.06.050 and 1969 ex.s. c 221 s 5 are each amended to
17 read as follows:

18 A judge of the court shall be:

19 (1) Admitted to the practice of law in the courts of this state not
20 less than five years prior to taking office.

21 (2) A (~~resident for not less than one year~~) registered voter at
22 the time of appointment or initial election in the district for which
23 his or her position was created.

24 **Sec. 3.** RCW 17.04.070 and 1971 ex.s. c 292 s 15 are each amended
25 to read as follows:

26 If the board of county commissioners establish such district it
27 shall call a special meeting to be held within such district for the
28 purpose of electing three directors for such district. No person shall

1 be eligible to hold the office of director who is not a (~~qualified~~
2 ~~elector~~) registered voter of the state of Washington and a resident
3 and landowner within such district. Such meeting shall be held not
4 less than thirty nor more than ninety days from the date when such
5 district is established by such board.

6 Notice of such meeting shall be given by the county auditor by
7 publication once a week for three successive weeks in a newspaper of
8 general circulation in such district, and by posting such notice for
9 not less than ten days before the date fixed for such meeting in three
10 public places within the boundaries of such district. The notices
11 shall state the object of the meeting and the time and place when the
12 same shall be held.

13 At the time and place fixed for the meeting the county commissioner
14 in whose commissioner district such district is located shall act as
15 chairman and call the meeting to order. The chairman shall appoint two
16 persons to assist him or her in conducting the election, one of whom
17 shall act as clerk. If such county commissioner be not present the
18 electors of such district then present shall elect a chairman of the
19 meeting.

20 Every person who is a landowner within such district and a
21 qualified elector of the state of Washington shall be entitled to vote
22 at such meeting. Any person offering to vote may be challenged by any
23 legally qualified elector of such district, and the chairman of such
24 meeting shall thereupon administer to the person challenged an oath in
25 substance as follows: "You do swear (or affirm) that you are a citizen
26 of the United States and a qualified elector of the state of Washington
27 and an owner of land within the boundaries of weed district No.
28 of county (giving number of district and name of county)."
29 If the challenged person shall take such oath or make such affirmation,
30 he or she shall be entitled to vote; otherwise his or her vote shall

1 not be received. Any person making a false oath, or affirmation, or
2 any person illegally voting at such meeting, shall be punished as
3 provided in the general election laws of the state for illegal voting.

4 The vote shall be by secret ballot, on white paper of uniform size
5 and quality, of such arrangement that when names are written thereon,
6 the same may be folded so as not to disclose the names. The elector
7 shall write the names of three persons that he or she desires as the
8 first directors of such district and shall fold his or her ballot and
9 hand the same to the chairman of the meeting who shall deposit it in a
10 ballot box provided for that purpose. The clerk shall thereupon write
11 the name of such person on a list as having voted at such election.
12 After all persons present and entitled to vote have voted, the chairman
13 shall declare the election closed, and shall, with the assistance of
14 the clerk and the other person appointed as assistant, proceed to count
15 the ballots. The person receiving the greatest number of votes shall
16 be elected as director for a term ending three years from the first
17 Monday in March following his or her election; the person receiving the
18 second greatest number of votes shall be elected for a term ending two
19 years from the first Monday in March following his or her election, and
20 the person receiving the third greatest number of votes shall be
21 elected for a term ending one year from the first Monday of March
22 following his or her election.

23 Annually thereafter, there shall be held a meeting of the electors
24 of such district on the last Monday in February, except that the
25 directors may, by giving the same notice as is required for the initial
26 meeting, fix an earlier time for the annual meeting on any nonholiday
27 during the months of December, January or February. At such meeting
28 one director shall be elected to succeed the director whose term will
29 expire on the first Monday in March following. The directors shall
30 call the annual meeting, and shall fix the time and place where the

1 same shall be held and shall give the same notice thereof as provided
2 for the initial meeting. The annual meeting shall be conducted in the
3 same manner as is provided for the initial meeting, and the
4 qualifications of electors at such annual meeting shall be the same as
5 is required for the initial meeting. In conducting directors'
6 elections, the chairman may accept nominations from the floor but
7 voting shall not be limited to those nominated.

8 All directors shall hold office for the term for which they are
9 elected, and until their successors are elected and qualified. In case
10 of a vacancy occurring in the office of any director, the county
11 commissioners of the county in which such district is located shall
12 appoint a qualified person to fill the vacancy for the unexpired term.
13 The board of directors shall elect one of its members chairman and may
14 appoint a secretary who need not be a member of the board, and who
15 shall be paid such compensation as the board may determine. Each
16 director shall furnish a bond in the sum of one thousand dollars, which
17 may be a surety company bond or property bond approved by the board of
18 county commissioners, which bond shall be filed with the county
19 commissioners and shall be conditioned for the faithful discharge of
20 his or her duties. The cost of such bond shall be paid by the district
21 the same as other expenses of the district. At any annual meeting the
22 method for destroying, preventing and exterminating weeds of such
23 district as set forth in the petition, and the rules and regulations
24 adopted by such district, may be changed by a majority vote of the
25 qualified electors present at such meeting, or a special meeting may be
26 called for that purpose, notice of which meeting and of such proposed
27 changes to be voted on, shall be given to all landowners residing
28 within the district by mailing a copy of such notice and of such
29 proposed changes to the address of such landowner at least one week
30 before the date fixed for such special meeting. The qualified electors

1 of any weed district, at any annual meeting, may make other weeds that
2 are not on the petition subject to control by the weed district by a
3 two-thirds vote of the electors present: PROVIDED, That said weeds
4 have been classified by the agricultural experiment station of
5 Washington State University as noxious and: PROVIDED FURTHER, That the
6 directors of the weed district give public notice in the manner
7 required for initial meetings of the proposed new control of said weeds
8 by the weed district.

9 **Sec. 4.** RCW 17.06.050 and 1971 ex.s. c 292 s 16 are each amended
10 to read as follows:

11 If the respective boards of county commissioners establish such
12 district the chairman of the principal board shall call a special
13 meeting of landowners to be held within such district for the purpose
14 of electing three directors for such district. No person shall be
15 eligible to hold the office of director who is not a (~~qualified~~
16 ~~elector~~) registered voter of the state of Washington and a resident
17 and landowner within such district. Such meeting shall be held not
18 less than thirty nor more than ninety days from the date when such
19 district is established.

20 Notice of such meeting shall be given by the principal county
21 auditor by publication once a week for three successive weeks in a
22 newspaper of general circulation in such district, and by posting such
23 notice for not less than ten days before the date fixed for such
24 meeting in three public places within the boundaries of such district.
25 The notices shall state the object of the meeting and the time and
26 place when the same shall be held.

27 At the time and place fixed for the meeting the chairman shall
28 appoint two persons to assist him or her in conducting the election,
29 one of whom shall act as clerk. If such chairman be not present the

1 electors of such district then present shall elect a chairman of the
2 meeting.

3 Every person who is a landowner within such district and a
4 qualified elector of the state of Washington shall be entitled to vote
5 at such meeting. Any person offering to vote may be challenged by any
6 legally qualified elector of such district, and the chairman of such
7 meeting shall thereupon administer to the person challenged an oath in
8 substance as follows: "You do swear (or affirm) that you are a citizen
9 of the United States and a qualified elector of the state of Washington
10 and an owner of land within the boundaries of weed district No.
11 (giving number of district)." If the challenged person shall take such
12 oath or make such affirmation, he or she shall be entitled to vote;
13 otherwise his or her vote shall not be received. Any person making a
14 false oath, or affirmation, or any person illegally voting at such
15 meeting, shall be punished as provided in the general election laws of
16 the state for illegal voting.

17 The vote shall be by secret ballot, on white paper of uniform size
18 and quality, of such arrangement that when names are written thereon,
19 the same may be folded so as not to disclose the names. The elector
20 shall write the names of three persons that he or she desires as the
21 first directors of such district and shall fold his or her ballot and
22 hand the same to the chairman of the meeting who shall deposit it in a
23 ballot box provided for that purpose. The clerk shall thereupon write
24 the name of such person on a list as having voted at such election.
25 After all persons present and entitled to vote have voted, the chairman
26 shall declare the election closed, and shall, with the assistance of
27 the clerk and the other person appointed as assistant, proceed to count
28 the ballots. The person receiving the greatest number of votes shall
29 be elected as director for a term ending three years from the first
30 Monday in March following his or her election; the person receiving the

1 second greatest number of votes shall be elected for a term ending two
2 years from the first Monday in March following his or her election, and
3 the person receiving the third greatest number of votes shall be
4 elected for a term ending one year from the first day of March
5 following his or her election.

6 Annually thereafter, there shall be held a meeting of the electors
7 of such district on the first Monday in February. At such meeting one
8 director shall be elected to succeed the director whose term will
9 expire on the first Monday in March following. The directors shall
10 call the annual meeting, and shall fix the time when and place where
11 the same shall be held and shall give the same notice thereof as
12 provided for the initial meeting. The annual meeting shall be
13 conducted in the same manner as is provided for the initial meeting,
14 and the qualifications of electors at such annual meeting shall be the
15 same as is required for the initial meeting.

16 All directors shall hold office for the term for which they are
17 elected, and until their successors are elected and qualified. In case
18 of a vacancy occurring in the office of any director, the remaining
19 members of the board of directors shall appoint a qualified person to
20 fill the vacancy for the unexpired term. The board of directors shall
21 elect one of its members chairman and may appoint a secretary who need
22 not be a member of the board, and who shall be paid such compensation
23 as the board may determine. Each director shall furnish a bond in the
24 sum of one thousand dollars, which may be a surety company bond or
25 property bond approved by the principal board of county commissioners,
26 which bond shall be filed with the same board and shall be conditioned
27 for the faithful discharge of his or her duties. The cost of such bond
28 shall be paid by the district the same as other expenses of the
29 district.

1 At any annual meeting the method for destroying, preventing and
2 exterminating weeds of such district as set forth in the petition, and
3 the rules and regulations adopted by such district, may be changed by
4 a majority vote of the qualified electors present at such meeting, or
5 a special meeting may be called for that purpose, notice of which
6 meeting and of such proposed changes to be voted on, shall be given to
7 all landowners residing within the district by mailing a copy of such
8 notice and of such proposed changes to the address of such landowner at
9 least one week before the date fixed for such special meeting.

10 **Sec. 5.** RCW 35.23.030 and 1965 c 7 s 35.23.030 are each amended to
11 read as follows:

12 No person shall be eligible to hold any elective office in any city
13 of the second class unless he or she is a registered voter therein
14 (~~and has resided therein for at least one year next preceding the date~~
15 ~~of his election~~)).

16 **Sec. 6.** RCW 35.24.030 and 1965 c 7 s 35.24.030 are each amended to
17 read as follows:

18 No person shall be eligible to hold an elective office in a city of
19 the third class unless he or she be a (~~citizen of and a legal~~
20 ~~resident~~)) registered voter therein.

21 **Sec. 7.** RCW 35.27.080 and 1965 c 7 s 35.27.080 are each amended to
22 read as follows:

23 No person shall be eligible to or hold an elective office in a town
24 unless he or she is a (~~resident and elector~~)) registered voter
25 therein.

1 **Sec. 8.** RCW 35.61.050 and 1979 ex.s. c 126 s 24 are each amended
2 to read as follows:

3 At the same election at which the proposition is submitted to the
4 voters as to whether a metropolitan park district is to be formed, five
5 park commissioners who are registered voters residing in the proposed
6 district shall be elected to hold office respectively for the following
7 terms: Where the election is held in an odd-numbered year, one
8 commissioner shall be elected to hold office for two years, two shall
9 be elected to hold office for four years, and two shall be elected to
10 hold office for six years. Where the election is held in an even-
11 numbered year, one commissioner shall hold office for three years, two
12 shall hold office for five years, and two shall hold office for seven
13 years. The initial commissioners shall take office immediately when
14 they are elected and qualified, and for purposes of computing their
15 terms of office the terms shall be assumed to commence on the first day
16 of January of the year they are elected. The term of each nominee for
17 park commissioner shall be expressed on the ballot. Thereafter, all
18 commissioners shall serve six-year terms of office and until their
19 respective successors are elected and qualified and assume office in
20 accordance with RCW 29.04.170. Vacancies shall be filled by majority
21 action of the remaining commissioners appointing a voter to fill the
22 remainder of the term of the vacant commissioner position.

23 **Sec. 9.** RCW 35A.12.030 and 1979 ex.s. c 18 s 20 are each amended
24 to read as follows:

25 No person shall be eligible to hold elective office under the
26 mayor-council plan unless the person is a registered voter of the city
27 at the time of filing his or her declaration of candidacy (~~(and has~~
28 ~~been a resident of the city for a period of at least one year next~~
29 ~~preceding his election)~~). Residence and voting within the limits of

1 any territory which has been included in, annexed to, or consolidated
2 with such city is construed to have been residence within the city. A
3 mayor or councilman shall hold within the city government no other
4 public office or employment except as permitted under the provisions of
5 chapter 42.23 RCW.

6 **Sec. 10.** RCW 36.16.030 and 1991 c 363 s 46 and 1990 c 252 s 8 are
7 each reenacted and amended to read as follows:

8 Except as provided elsewhere in this section, in every county there
9 shall be elected from among the ((qualified)) registered voters of the
10 county a county assessor, a county auditor, a county clerk, a county
11 coroner, three county commissioners, a county prosecuting attorney, a
12 county sheriff and a county treasurer, except that in each county with
13 a population of less than forty thousand no coroner shall be elected
14 and the prosecuting attorney shall be ex officio coroner. A noncharter
15 county may have five county commissioners as provided in RCW 36.32.010
16 and 36.32.055 through 36.32.0558. Whenever the population of a county
17 increases to forty thousand or more, the prosecuting attorney shall
18 continue as ex officio coroner until a coroner is elected, at the next
19 general election at which the office of prosecuting attorney normally
20 would be elected, and assumes office as provided in RCW 29.04.170. In
21 any county where the population has once attained forty thousand people
22 and a current coroner is in office and a subsequent census indicates
23 less than forty thousand people, the county legislative authority may
24 maintain the office of coroner by resolution or ordinance. If the
25 county legislative authority has not passed a resolution or enacted an
26 ordinance to maintain the office of coroner, the elected coroner shall
27 remain in office for the remainder of the term for which he or she was
28 elected, but no coroner shall be elected at the next election at which
29 that office would otherwise be filled and the prosecuting attorney

1 shall be the ex officio coroner. A noncharter county may have five
2 county commissioners as provided in RCW 36.32.010 and 36.32.055 through
3 36.32.0558.

4 **Sec. 11.** RCW 36.16.030 and 1991 c 363 ss 46 and 47 are each
5 amended to read as follows:

6 Except as provided elsewhere in this section, in every county there
7 shall be elected from among the ((qualified)) registered voters of the
8 county a county assessor, a county auditor, a county clerk, a county
9 coroner, three county commissioners, a county prosecuting attorney, a
10 county sheriff and a county treasurer, except that in each county with
11 a population of less than forty thousand no coroner shall be elected
12 and the prosecuting attorney shall be ex officio coroner. Whenever the
13 population of a county increases to forty thousand or more, the
14 prosecuting attorney shall continue as ex officio coroner until a
15 coroner is elected, at the next general election at which the office of
16 prosecuting attorney normally would be elected, and assumes office as
17 provided in RCW 29.04.170. In any county where the population has once
18 attained forty thousand people and a current coroner is in office and
19 a subsequent census indicates less than forty thousand people, the
20 county legislative authority may maintain the office of coroner by
21 resolution or ordinance. If the county legislative authority has not
22 passed a resolution or enacted an ordinance to maintain the office of
23 coroner, the elected coroner shall remain in office for the remainder
24 of the term for which he or she was elected, but no coroner shall be
25 elected at the next election at which that office would otherwise be
26 filled and the prosecuting attorney shall be the ex officio coroner.
27 A noncharter county may have five county commissioners as provided in
28 RCW 36.32.010 and 36.32.055 through 36.32.0558.

1 **Sec. 12.** RCW 36.27.010 and 1963 c 4 s 36.27.010 are each amended
2 to read as follows:

3 No person shall be eligible to the office of prosecuting attorney
4 in any county of this state, unless he or she is a ((qualified
5 elector)) registered voter therein, and has been admitted as an
6 attorney and counselor of the courts of this state.

7 **Sec. 13.** RCW 36.54.090 and 1963 c 4 s 36.54.090 are each amended
8 to read as follows:

9 The governing body of a ferry district shall be a board of ferry
10 commissioners consisting of three members. The first three
11 commissioners shall be elected at the same election at which the
12 proposition is submitted to the voters as to whether the ferry district
13 shall be formed, and shall be elected to hold office respectively for
14 the terms of one, two, and three years and until their respective
15 successors are elected, the terms for each nominee for ferry
16 commissioner to be expressed on the ballot. Thereafter there shall be
17 held each year an election for a ferry commissioner to hold office for
18 three years and until his or her successor is elected and qualified.
19 No person shall be eligible to hold office as ferry commissioner unless
20 he or she is a ((qualified)) registered voter and landowner in said
21 ferry district. After the first election the time of the election
22 shall be fixed by the ferry commissioners. Vacancies occurring may be
23 filled by the remaining commissioners for the remainder of the
24 unexpired term. Each commissioner shall take and file his or her oath
25 in writing that he or she will honestly and to the best of his or her
26 ability carry on the affairs of the ferry district.

27 **Sec. 14.** RCW 36.69.090 and 1987 c 53 s 1 are each amended to read
28 as follows:

1 Elections for park and recreation district commissioners shall be
2 held biennially in conjunction with the general election in each odd-
3 numbered year. Residence anywhere within the district shall qualify
4 ((an elector)) a registered voter for any position on the commission
5 after the initial election. Elections shall be held in accordance with
6 the provisions of Title 29 RCW dealing with general elections. All
7 commissioners shall serve until their successors are elected and
8 qualified and assume office in accordance with RCW 29.04.170. At the
9 first election following the formation of the district, the two
10 candidates receiving the highest number of votes shall serve for terms
11 of four years, and the three candidates receiving the next highest
12 number of votes shall serve for two years. Thereafter all
13 commissioners shall be elected for four year terms: PROVIDED, That if
14 there would otherwise be two commissioners elected at the November 1987
15 general election, the candidate receiving the highest number of votes
16 shall serve a four-year term, and the commissioner receiving the second
17 highest number of votes shall serve a two-year term.

18 **Sec. 15.** RCW 36.69.440 and 1979 ex.s. c 11 s 3 are each amended to
19 read as follows:

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

24 (2) At the public hearing the legislative authority for each
25 authority for each county shall fix the boundaries for that portion of
26 the proposed park and recreation district that lies within the county
27 as provided in RCW 36.69.050. Each county shall notify the other
28 county or counties of the determination of the boundaries within ten
29 days.

1 (3) If the territories created by the county legislative
2 authorities are not contiguous, a joint park and recreation district
3 shall not be formed. If the territories are contiguous, the county
4 containing the portion of the proposed joint district having the larger
5 population shall determine the name of the proposed joint district.

6 (4) If the proposed district encompasses portions of two counties,
7 the county containing the portion of the district having the larger
8 population shall divide the territory into three subdivisions and shall
9 name three resident ((electors)) registered voters as prescribed by RCW
10 36.69.060. The county containing the territory having the smaller
11 population shall divide that territory into two subdivisions and name
12 two resident ((electors)) registered voters.

13 (5) If the proposed district encompasses portions of more than two
14 counties, the district shall be divided into five subdivisions and
15 resident ((electors)) registered voters shall be named as follows:

16 The number of subdivisions and resident ((electors)) registered
17 voters to be established by each county shall reflect the proportion of
18 population within each county portion of the proposed district in
19 relation to the total population of the proposed district, provided
20 that each county shall designate one subdivision and one resident
21 ((elector)) registered voter.

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

26 **Sec. 16.** RCW 52.14.010 and 1985 c 330 s 2 are each amended to read
27 as follows:

28 The affairs of the district shall be managed by a board of fire
29 commissioners composed of three resident ((electors)) registered voters

1 of the district except as provided in RCW 52.14.015 and 52.14.020.
2 Each member shall each receive fifty dollars per day or portion
3 thereof, not to exceed four thousand eight hundred dollars per year,
4 for attendance at board meetings and for performance of other services
5 in behalf of the district.

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

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

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

1 **Sec. 17.** RCW 53.12.020 and 1991 c 363 s 129 are each amended to
2 read as follows:

3 In a port district with boundaries that are coterminous with the
4 boundaries of a county with a population of five hundred thousand or
5 more no person shall be eligible to hold the office of port
6 commissioner unless he or she is a (~~qualified~~) registered voter of
7 the district. In all other port districts the person must be a
8 (~~qualified~~) registered voter of the commissioner district from which
9 he or she is elected.

10 If, pursuant to RCW 29.21.350, a void in candidacy has been
11 declared for a port district, any registered voter of the port district
12 is eligible to file a declaration of candidacy for the office of port
13 commissioner when filing for the office is reopened pursuant to RCW
14 29.21.360 or 29.21.370.

15 **Sec. 18.** RCW 56.12.030 and 1990 c 259 s 24 are each amended to
16 read as follows:

17 (1) Nominations for the first board of commissioners to be elected
18 at the election for the formation of the sewer district shall be by
19 petition of fifty registered voters or ten percent of the registered
20 voters of the district who voted in the last general municipal
21 election, whichever is the smaller. The petition shall be filed in the
22 auditor's office of the county in which the district is located at
23 least forty-five days before the election. Thereafter candidates for
24 the office of sewer commissioner shall file declarations of candidacy
25 and their election shall be conducted as provided by the general
26 elections laws. A vacancy or vacancies shall be filled by appointment
27 by the remaining commissioner or commissioners until the next regular
28 election for commissioners: PROVIDED, That if there are two vacancies
29 on the board, one vacancy shall be filled by appointment by the

1 remaining commissioner and the one remaining vacancy shall be filled by
2 appointment by the then two commissioners and the appointed
3 commissioners shall serve until the next regular election for
4 commissioners. If the vacancy or vacancies remain unfilled within six
5 months of its or their occurrence, the county legislative authority in
6 which the district is located shall make the necessary appointment or
7 appointments. If there is a vacancy of the entire board a new board
8 may be appointed by the county legislative authority. Any person
9 residing in the district who is at the time of election a registered
10 voter may vote at any election held in the sewer district.

11 (2) Subsection (1) of this section notwithstanding, the board of
12 commissioners may provide by majority vote that subsequent
13 commissioners be (~~elected from~~) registered voters in the commissioner
14 districts within the district. If the board exercises this option, it
15 shall divide the district into three commissioner districts of
16 approximately equal population following current precinct and district
17 boundaries. Thereafter, candidates shall be nominated and one
18 candidate shall be elected from each commissioner district by the
19 registered voters of the commissioner district.

20 (3) All expense of elections for the formation or reorganization of
21 a sewer district shall be paid by the county in which the election is
22 held and the expenditure is hereby declared to be for a county purpose,
23 and the money paid for that purpose shall be repaid to the county by
24 the district if formed or reorganized.

25 **Sec. 19.** RCW 57.12.039 and 1986 c 41 s 2 are each amended to read
26 as follows:

27 Notwithstanding RCW 57.12.020 and 57.12.030, the board of
28 commissioners may provide by majority vote that subsequent
29 commissioners be (~~elected from~~) registered voters in the commissioner

1 districts within the district. If the board exercises this option, it
2 shall divide the district into three commissioner districts of
3 approximately equal population following current precinct and district
4 boundaries. Thereafter, candidates shall be nominated and one
5 candidate shall be elected from each commissioner district by the
6 electors of the commissioner district.

7 **Sec. 20.** RCW 85.38.070 and 1991 c 349 s 11 are each amended to
8 read as follows:

9 (1) Except as provided in RCW 85.38.090, each special district
10 shall be governed by a three-member governing body. The term of office
11 for each member of a special district governing body shall be six years
12 and until his or her successor is elected and qualified. One member of
13 the governing body shall be elected at the time of special district
14 general elections in each even-numbered year for a term of six years
15 beginning as soon as the election returns have been certified for
16 assumption of office by elected officials of cities.

17 (2) The terms of office of members of the governing bodies of
18 special districts, who are holding office on July 28, 1985, shall be
19 altered to provide staggered six-year terms as provided in this
20 subsection. The member who on July 28, 1985, has the longest term
21 remaining shall have his or her term altered so that the position will
22 be filled at the February 1992, special district general election; the
23 member with the second longest term remaining shall have his or her
24 term altered so that the position will be filled at the December((7))
25 1989, special district general election; and the member with the third
26 longest term of office shall have his or her term altered so that the
27 position will be filled at the December((7)) 1987, special district
28 general election.

1 (3) The initial members of the governing body of a newly created
2 special district shall be appointed by the legislative authority of the
3 county within which the special district, or the largest portion of the
4 special district, is located. These initial governing body members
5 shall serve until their successors are elected and qualified at the
6 next special district general election held at least ninety days after
7 the special district is established. At that election the first
8 elected members of the governing body shall be elected. No primary
9 elections may be held. Any registered voter of a special district may
10 become a candidate for such a position by filing written notice of this
11 intention with the county auditor at least thirty, but not more than
12 sixty, days before a special district general election. The county
13 auditor in consultation with the special district shall establish the
14 filing period. The names of all candidates for such positions shall be
15 listed alphabetically. At this first election, the candidate receiving
16 the greatest number of votes shall have a six-year term, the candidate
17 receiving the second greatest number of votes shall have a four-year
18 term, and the candidate receiving the third greatest number of votes
19 shall have a two-year term of office. The initially elected members of
20 a governing body shall take office immediately when qualified as
21 defined in RCW 29.01.135. Thereafter the candidate receiving the
22 greatest number of votes shall be elected for a six-year term of
23 office. Members of a governing body shall hold their office until
24 their successors are elected and qualified, and assume office as soon
25 as the election returns have been certified.

26 (4) The requirements for the filing period and method for filing
27 declarations of candidacy for the governing body of the district and
28 the arrangement of candidate names on the ballot for all special
29 district elections conducted after the initial election in the district
30 shall be the same as the requirements for the initial election in the

1 district. No primary elections may be held for the governing body of
2 a special district.

3 (5) Whenever a vacancy occurs in the governing body of a special
4 district, the legislative authority of the county within which the
5 special district, or the largest portion of the special district, is
6 located, shall appoint a district voter to serve until a person is
7 elected, at the next special district general election occurring sixty
8 or more days after the vacancy has occurred, to serve the remainder of
9 the unexpired term. The person so elected shall take office
10 immediately when qualified as defined in RCW 29.01.135.

11 If an election for the position which became vacant would otherwise
12 have been held at this special district election, only one election
13 shall be held and the person elected to fill the succeeding term for
14 that position shall take office immediately when qualified as defined
15 in RCW 29.01.135 and shall serve both the remainder of the unexpired
16 term and the succeeding term. A vacancy occurs upon the death,
17 resignation, or incapacity of a governing body member or whenever the
18 governing body member ceases being a qualified voter of the special
19 district.

20 (6) An elected or appointed member of a special district governing
21 body, or a candidate for a special district governing body, must be a
22 (~~qualified~~) registered voter of the special district: PROVIDED, That
23 the state, its agencies and political subdivisions, or their designees
24 under RCW 85.38.010(3) shall not be eligible for election or
25 appointment.

26 **Sec. 21.** RCW 87.03.045 and 1985 c 66 s 1 are each amended to read
27 as follows:

28 In districts with two hundred thousand acres or more, a person
29 eighteen years old, being a citizen of the United States and a resident

1 of the state and who holds title or evidence of title to land in the
2 district or proposed district shall be entitled to vote therein. He or
3 she shall be entitled to one vote for the first ten acres of said land
4 or fraction thereof and one additional vote for all of said land over
5 ten acres. A majority of the directors shall be residents of the
6 county or counties in which the district is situated and all shall be
7 registered voters and electors of the district. If more than one
8 elector residing outside the county or counties is voted for as
9 director, only that one who receives the highest number of votes shall
10 be considered in ascertaining the result of the election. Where land
11 is community property both the husband and wife may vote if otherwise
12 qualified. An agent of a corporation owning land in the district, duly
13 authorized in writing, may vote on behalf of the corporation by filing
14 with the election officers his or her instrument of authority. An
15 elector resident in the district shall vote in the precinct in which he
16 or she resides, all others shall vote in the precinct nearest their
17 residence.

18 **Sec. 22.** RCW 87.03.051 and 1985 c 66 s 2 are each amended to read
19 as follows:

20 In districts with less than two hundred thousand acres, a person
21 eighteen years old, being a citizen of the United States and a resident
22 of the state and who holds title or evidence of title to assessable
23 land in the district or proposed district shall be entitled to vote
24 therein, and to be recognized as an elector. A domestic corporation
25 owning land in the district shall be recognized as an elector.
26 "Ownership" shall mean the aggregate of all assessable acres owned by
27 an elector, individually or jointly, within one district. Voting
28 rights shall be allocated as follows: Two votes for each five acres of
29 assessable land or fraction thereof. No one ownership may accumulate

1 more than forty-nine percent of the votes in one district. If
2 assessments are on the basis of shares instead of acres, an elector
3 shall be entitled to two votes for each five shares or fraction
4 thereof. The ballots cast for each ownership of land or shares shall
5 be exercised by common agreement between electors or when land is held
6 as community property, the accumulated votes may be divided equally
7 between husband and wife. Except for community property ownership, in
8 the absence of the submission of the common agreement to the secretary
9 of the district at least twenty-four hours before the opening of the
10 polls, the election board shall recognize the first elector to appear
11 on election day as the elector having the authority to cast the ballots
12 for that parcel of land for which there is more than one ownership
13 interest. A majority of the directors shall be residents of the county
14 or counties in which the district is situated and all shall be
15 registered voters and electors of the district. If more than one
16 elector residing outside the county or counties is voted for as
17 director, only that one who receives the highest number of votes shall
18 be considered in ascertaining the result of the election. An agent of
19 a domestic corporation owning land in the district, duly authorized in
20 writing, may vote on behalf of the corporation by filing with the
21 election officers his or her instrument of authority. An elector
22 resident in the district shall vote in the precinct in which he or she
23 resides, all others shall vote in the precinct nearest their residence.
24 No director shall be qualified to take or retain office unless he or
25 she holds title or evidence of title to land within the district.

26 **Sec. 23.** RCW 89.30.226 and 1927 c 254 s 76 are each amended to
27 read as follows:

28 The affairs of the district shall be managed by a board of
29 directors composed of a number of (~~qualified~~) resident (~~electors~~)

1 registered voters of the district equal to the number of director
2 districts contained in said reclamation district.

3 NEW SECTION. **Sec. 24.** Section 10 of this act shall expire July
4 1, 1993.

5 NEW SECTION. **Sec. 25.** Section 11 of this act shall take effect
6 July 1, 1993.