

---

SENATE BILL 6067

---

State of Washington

52nd Legislature

1992 Regular Session

By Senator McCaslin

Read first time 01/14/92. Referred to Committee on Governmental Operations.

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 residency requirement as a condition of eligibility to be a candidate  
10 for or serve in 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. Any existing provisions in county or city  
14 charters which violate this section are void.

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

17 A judge of the court shall be:

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

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

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

25 If the board of county commissioners establish such district it  
26 shall call a special meeting to be held within such district for the  
27 purpose of electing three directors for such district. No person shall  
28 be eligible to hold the office of director who is not a (~~qualified~~

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

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

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

19 Every person who is a landowner within such district and a  
20 qualified elector of the state of Washington shall be entitled to vote  
21 at such meeting. Any person offering to vote may be challenged by any  
22 legally qualified elector of such district, and the chairman of such  
23 meeting shall thereupon administer to the person challenged an oath in  
24 substance as follows: "You do swear (or affirm) that you are a citizen  
25 of the United States and a qualified elector of the state of Washington  
26 and an owner of land within the boundaries of weed district No. ....  
27 of ..... county (giving number of district and name of county)."  
28 If the challenged person shall take such oath or make such affirmation,  
29 he or she shall be entitled to vote; otherwise his or her vote shall  
30 not be received. Any person making a false oath, or affirmation, or

1 any person illegally voting at such meeting, shall be punished as  
2 provided in the general election laws of the state for illegal voting.

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

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

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

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

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

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

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

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

26 At the time and place fixed for the meeting the chairman shall  
27 appoint two persons to assist him or her in conducting the election,  
28 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 ((electors)) registered voters 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 ((electors)) registered voters 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.