

SENATE BILL REPORT

SB 6015

AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS,  
JANUARY 21, 1994

**Brief Description:** Making laws relating to local government office vacancies more uniform.

**SPONSORS:** Senators Haugen and Winsley

**SENATE COMMITTEE ON GOVERNMENT OPERATIONS**

**Majority Report:** That Substitute Senate Bill No. 6015 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, McCaslin, Oke, Owen and Winsley.

**Staff:** Rod McAulay (786-7754)

**Hearing Dates:** January 19, 1994; January 21, 1994

**BACKGROUND:**

The election code provides separate general procedures for partisan and non-partisan elections. The provisions for non-partisan elections govern elections in cities, towns and special districts. There are also general provisions in law regarding the filling of vacancies in elective offices.

There are 14 different types of city and town governments and there are over 65 different types of special districts. In addition to the general provisions of law, the respective code titles and chapters dealing with each type of city or town or special district contain a variety of sometimes contrary provisions regarding elections and vacancies.

Where there is no compelling reason for variation, it is believed that non-partisan election and vacancy procedures should be governed by general standards or otherwise made compatible.

**SUMMARY:**

Many of the specific provisions of law relating to the election procedures for cities, towns and special districts where the franchise is not limited to property owners are amended to conform with general election law.

Filling vacancies. A common procedure is established to fill vacancies on the governing bodies of cities, towns and those special districts where the franchise is not limited to property owners.

When a vacancy occurs, the remaining members of the governing body appoint someone to fill the vacancy. If the appointment is not made within 90 days of the vacancy, the authority to make the appointment reverts to the county legislative authority of the county in which all or the largest geographic portion of the local government. If the county legislative authority fails to make the appointment within 180 days of the vacancy, the county or the remaining members of the local governmental governing body may request the Governor to make the appointment.

Where less than two members of the governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the government is located appoints either one or two persons to bring the governing body up to two persons.

Occurrence of a vacancy. General provisions of law detailing when a vacancy occurs in an elected office are cited in the specific laws for cities, towns, a special districts where the franchise is not limited to property owners.

Wards or commissioner districts. The use of wards, council districts, or commissioner districts is standardized for nonpartisan local governments, other than school districts.

Wards, council districts, or commissioner districts may be used for: (1) residency purposes, where a candidate for a position would have to reside in the ward or district; and (2) nomination purposes, where only voters residing in a ward or district vote at a primary election to nominate candidates for a position.

Wards, council districts, or commissioner districts are not used at the general election and each member of the governing body is elected at-large at the general election. However, a city may continue using wards to limit voters who elect councilmembers at general elections if these restrictions existed prior to January 1, 1993.

Noncharter code cities with councilmembers elected from wards may adjust terms to enable the staggering of terms for councilmembers elected from the same ward.

Filing requirements. The fee to file for an office that has a fixed annual salary of \$1,000 or less is raised from \$10 to \$20.

The requirement that the filing fees for a city or town elected office are transferred by the county auditor to the city or town is deleted.

The requirements that filings for the office of PUD commissioner, airport district commissioner, the initial sewer district commissioners, and the initial water district commissioners be accompanied by a petition signed by a certain number of district voters are deleted.

The candidate filing period for a nonjudicial nonpartisan office is extended for one week where only one or no person has filed.

**EFFECT OF PROPOSED SUBSTITUTE:**

Provisions are added that filing fees for offices with over \$1,000 annual compensation shall not be less than \$20. A typographical error is corrected.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

Will make administration of the elections more efficient. Reduce confusion regarding procedures to fill vacancies and file for office. Will recover more of cost of filing for office.

**TESTIMONY AGAINST:**

Signature requirement for polls keeps out frivolous candidates.

**TESTIFIED:** Dave Arbaugh, Ken Rosenberg, WPUDA; Sam Reed, Thurston County Auditor