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**ENGROSSED SUBSTITUTE HOUSE BILL 1464**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives Horn, H. Myers, Edmondson, Rayburn, Bray, R. Fisher, Zellinsky and Springer)

Read first time 02/19/93.

1       AN ACT Relating to local government; amending RCW 42.12.010,  
2 43.06.010, 14.08.304, 28A.315.520, 29.15.050, 29.15.120, 29.15.200,  
3 35.17.020, 35.17.400, 35.18.020, 35.18.270, 35.23.050, 35.23.240,  
4 35.23.530, 35.24.050, 35.24.060, 35.24.100, 35.24.290, 35.27.100,  
5 35.27.140, 35.61.050, 35A.01.070, 35A.02.050, 35A.02.130, 35A.06.020,  
6 35A.06.030, 35A.06.050, 35A.12.010, 35A.12.040, 35A.12.050, 35A.12.060,  
7 35A.12.180, 35A.13.010, 35A.13.020, 35A.14.060, 35A.14.070, 35A.15.040,  
8 35A.16.030, 36.69.020, 36.69.070, 36.69.080, 36.69.090, 36.69.100,  
9 36.69.440, 52.14.010, 52.14.015, 52.14.030, 52.14.050, 52.14.060,  
10 53.12.140, 54.08.060, 54.12.010, 54.40.070, 56.12.020, 56.12.030,  
11 57.02.050, 57.12.020, 57.12.030, 57.12.039, 57.32.022, 57.32.023,  
12 68.52.100, 68.52.140, 68.52.160, 68.52.220, 70.44.040, 70.44.045,  
13 70.44.053, 70.77.177, 70.77.265, 70.77.270, 70.77.280, 70.77.355, and  
14 70.77.450; adding a new section to chapter 42.12 RCW; adding a new  
15 section to chapter 29.15 RCW; adding a new section to chapter 35.02  
16 RCW; adding a new section to chapter 35A.29 RCW; adding a new section  
17 to chapter 56.12 RCW; adding a new section to chapter 68.52 RCW; adding  
18 a new section to chapter 70.77 RCW; and repealing RCW 35.23.070,  
19 35.24.070, 35.27.110, 35.61.060, 35.61.070, 35.61.080, 35A.02.001,  
20 35A.02.100, 35A.02.110, 35A.14.060, 35A.15.030, 35A.16.020, 35A.29.010,  
21 35A.29.020, 35A.29.030, 35A.29.040, 35A.29.050, 35A.29.060, 35A.29.070,

1 35A.29.080, 35A.29.090, 35A.29.100, 35A.29.105, 35A.29.110, 35A.29.140,  
2 35A.29.150, 36.54.080, 36.54.090, 36.54.100, 36.69.060, 44.70.010,  
3 53.12.047, 53.12.150, 57.02.060, 68.52.240, 70.44.051, 70.44.055, and  
4 70.44.057.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 42.12 RCW  
7 to read as follows:

8 A vacancy on an elected nonpartisan governing body of a special  
9 purpose district where property ownership is not a qualification to  
10 vote, a town, or a city other than a first class city or a charter code  
11 city, shall be filled as follows unless the provisions of law relating  
12 to the special district, town, or city provide otherwise:

13 (1) Where one position is vacant, the remaining members of the  
14 governing body shall appoint a qualified person to fill the vacant  
15 position.

16 (2) Where two or more positions are vacant and two or more members  
17 of the governing body remain in office, the remaining members of the  
18 governing body shall appoint a qualified person to fill one of the  
19 vacant positions, the remaining members of the governing body and the  
20 newly appointed person shall appoint another qualified person to fill  
21 another vacant position, and so on until each of the vacant positions  
22 is filled with each of the new appointees participating in each  
23 appointment that is made after his or her appointment.

24 (3) If less than two members of a governing body remain in office,  
25 the county legislative authority of the county in which all or the  
26 largest geographic portion of the city, town, or special district is  
27 located shall appoint a qualified person or persons to the governing  
28 body until the governing body has two members.

29 (4) If a governing body fails to appoint a qualified person to fill  
30 a vacancy within ninety days of the occurrence of the vacancy, the  
31 authority of the governing body to fill the vacancy shall cease and the  
32 county legislative authority of the county in which all or the largest  
33 geographic portion of the city, town, or special district is located  
34 shall appoint a qualified person to fill the vacancy.

35 (5) If the county legislative authority of the county fails to  
36 appoint a qualified person within one hundred eighty days of the  
37 occurrence of the vacancy, the county legislative authority or the

1 remaining members of the governing body of the city, town, or special  
2 district may petition the governor to appoint a qualified person to  
3 fill the vacancy. The governor may appoint a qualified person to fill  
4 the vacancy after being petitioned if at the time the governor fills  
5 the vacancy the county legislative authority has not appointed a  
6 qualified person to fill the vacancy.

7 (6) As provided in RCW 29.15.190 and 29.21.410, each person who is  
8 appointed shall serve until a qualified person is elected at the next  
9 election at which a member of the governing body normally would be  
10 elected that occurs twenty-eight or more days after the occurrence of  
11 the vacancy. If needed, special filing periods shall be authorized as  
12 provided in RCW 29.15.170 and 29.15.180 for qualified persons to file  
13 for the vacant office. A primary shall be held to nominate candidates  
14 if sufficient time exists to hold a primary and more than two  
15 candidates file for the vacant office. Otherwise, a primary shall not  
16 be held and the person receiving the greatest number of votes shall be  
17 elected. The person elected shall take office immediately and serve  
18 the remainder of the unexpired term.

19 If an election for the position that became vacant would otherwise  
20 have been held at this general election date, only one election to fill  
21 the position shall be held and the person elected to fill the  
22 succeeding term for that position shall take office immediately when  
23 qualified as defined in RCW 29.01.135 and shall service both the  
24 remainder of the unexpired term and the succeeding term.

25 **Sec. 2.** RCW 42.12.010 and 1981 c 180 s 4 are each amended to read  
26 as follows:

27 Every elective office shall become vacant on the happening of any  
28 of the following events:

29 (1) The death of the incumbent;

30 (2) His or her resignation. A vacancy caused by resignation shall  
31 be deemed to occur upon the effective date of the resignation;

32 (3) His or her removal;

33 (4) His or her ceasing to be a legally ~~((qualified elector))~~  
34 registered voter of the district, county, city, town, or other  
35 municipal or quasi municipal corporation from which he or she shall  
36 have been elected or appointed, including where applicable the council  
37 district, commissioner district, or ward from which he or she shall  
38 have been elected or appointed;

1 (5) His or her conviction of a felony, or of any offense involving  
2 a violation of his or her official oath;

3 (6) His or her refusal or neglect to take his or her oath of  
4 office, or to give or renew his or her official bond, or to deposit  
5 such oath or bond within the time prescribed by law;

6 (7) The decision of a competent tribunal declaring void his or her  
7 election or appointment; or

8 (8) Whenever a judgment shall be obtained against that incumbent  
9 for breach of the condition of his or her official bond.

10 **Sec. 3.** RCW 43.06.010 and 1992 c 172 s 1 are each amended to read  
11 as follows:

12 In addition to those prescribed by the Constitution, the governor  
13 may exercise the powers and perform the duties prescribed in this and  
14 the following sections:

15 (1) The governor shall supervise the conduct of all executive and  
16 ministerial offices;

17 (2) The governor shall see that all offices are filled, including  
18 as provided in section 1 of this act and the duties thereof performed,  
19 or in default thereof, apply such remedy as the law allows; and if the  
20 remedy is imperfect, acquaint the legislature therewith at its next  
21 session;

22 (3) The governor shall make the appointments and supply the  
23 vacancies mentioned in this title;

24 (4) The governor is the sole official organ of communication  
25 between the government of this state and the government of any other  
26 state or territory, or of the United States;

27 (5) Whenever any suit or legal proceeding is pending against this  
28 state, or which may affect the title of this state to any property, or  
29 which may result in any claim against the state, the governor may  
30 direct the attorney general to appear on behalf of the state, and  
31 report the same to the governor, or to any grand jury designated by the  
32 governor, or to the legislature when next in session;

33 (6) The governor may require the attorney general or any  
34 prosecuting attorney to inquire into the affairs or management of any  
35 corporation existing under the laws of this state, or doing business in  
36 this state, and report the same to the governor, or to any grand jury  
37 designated by the governor, or to the legislature when next in session;

1 (7) The governor may require the attorney general to aid any  
2 prosecuting attorney in the discharge of (~~his~~) the prosecutor's  
3 duties;

4 (8) The governor may offer rewards, not exceeding one thousand  
5 dollars in each case, payable out of the state treasury, for  
6 information leading to the apprehension of any person convicted of a  
7 felony who has escaped from a state correctional institution or for  
8 information leading to the arrest of any person who has committed or is  
9 charged with the commission of a felony;

10 (9) The governor shall perform such duties respecting fugitives  
11 from justice as are prescribed by law;

12 (10) The governor shall issue and transmit election proclamations  
13 as prescribed by law;

14 (11) The governor may require any officer or board to make, upon  
15 demand, special reports to the governor, in writing;

16 (12) The governor may, after finding that a public disorder,  
17 disaster, energy emergency, or riot exists within this state or any  
18 part thereof which affects life, health, property, or the public peace,  
19 proclaim a state of emergency in the area affected, and the powers  
20 granted the governor during a state of emergency shall be effective  
21 only within the area described in the proclamation;

22 (13) The governor shall, when appropriate, submit to the select  
23 joint committee created by RCW 43.131.120, lists of state agencies, as  
24 defined by RCW 43.131.030, which agencies might appropriately be  
25 scheduled for termination by a bill proposed by the select joint  
26 committee;

27 (14) The governor may, after finding that there exists within this  
28 state an imminent danger of infestation of plant pests as defined in  
29 RCW 17.24.007 or plant diseases which seriously endangers the  
30 agricultural or horticultural industries of the state of Washington, or  
31 which seriously threatens life, health, or economic well-being, order  
32 emergency measures to prevent or abate the infestation or disease  
33 situation, which measures, after thorough evaluation of all other  
34 alternatives, may include the aerial application of pesticides;

35 (15) On all compacts forwarded to the governor pursuant to RCW  
36 9.46.360(6), the governor is authorized and empowered to execute on  
37 behalf of the state compacts with federally recognized Indian tribes in  
38 the state of Washington pursuant to the federal Indian Gaming

1 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III  
2 gaming, as defined in the Act, on Indian lands.

3 **Sec. 4.** RCW 14.08.304 and 1979 ex.s. c 126 s 3 are each amended to  
4 read as follows:

5 The board of airport district commissioners shall consist of three  
6 members(~~(, who shall each be a registered voter and actually a resident~~  
7 ~~of the district)~~). The first commissioners shall be appointed by the  
8 county legislative authority. At the next general district election,  
9 held as provided in RCW 29.13.020, three airport district commissioners  
10 shall be elected. The terms of office of airport district  
11 commissioners shall be two years, or until their successors are elected  
12 and qualified and have assumed office in accordance with RCW 29.04.170.  
13 Members of the board of airport district commissioners shall be elected  
14 at each regular district general election on a nonpartisan basis in  
15 accordance with the general election law. (~~(They shall be nominated by~~  
16 ~~petition of ten registered voters of the district.)~~) Vacancies on the  
17 board of airport district commissioners shall occur and shall be filled  
18 (~~(by appointment by the remaining commissioners)~~) as provided in  
19 chapter 42.12 RCW. Members of the board of airport district  
20 commissioners shall receive no compensation for their services, but  
21 shall be reimbursed for actual necessary traveling and sustenance  
22 expenses incurred while engaged on official business.

23 **Sec. 5.** RCW 28A.315.520 and 1971 c 53 s 4 are each amended to read  
24 as follows:

25 A majority of all members of the board of directors shall  
26 constitute a quorum. Absence of any board member from four consecutive  
27 regular meetings of the board, unless on account of sickness or  
28 authorized by resolution of the board, shall be sufficient cause for  
29 the remaining members of the board to declare by resolution that such  
30 board member position is vacated. In addition, vacancies shall occur  
31 as provided in RCW 42.12.010.

32 **Sec. 6.** RCW 29.15.050 and 1990 c 59 s 85 are each amended to read  
33 as follows:

34 A filing fee of one dollar shall accompany each declaration of  
35 candidacy for precinct committee officer; a filing fee of (~~(ten)~~)  
36 twenty dollars shall accompany the declaration of candidacy for any

1 office with a fixed annual salary of one thousand dollars or less; a  
2 filing fee equal to one percent of the annual salary of the office at  
3 the time of filing shall accompany the declaration of candidacy for any  
4 office with a fixed annual salary of more than one thousand dollars per  
5 annum. No filing fee need accompany a declaration of candidacy for any  
6 office for which compensation is on a per diem or per meeting attended  
7 basis, nor for the filing of any declaration of candidacy by a write-in  
8 candidate.

9 A candidate who lacks sufficient assets or income at the time of  
10 filing to pay the filing fee required by this section shall submit with  
11 his or her declaration of candidacy a nominating petition. The  
12 petition shall contain not less than a number of signatures of  
13 registered voters equal to the number of dollars of the filing fee.  
14 The signatures shall be of voters registered to vote within the  
15 jurisdiction of the office for which the candidate is filing.

16 When the candidacy is for(~~(+~~  
17 ~~(1))~~) a legislative or judicial office that includes territory from  
18 more than one county, the fee shall be paid to the secretary of state  
19 for equal division between the treasuries of the counties comprising  
20 the district.

21 ~~((2) A city or town office, the fee shall be paid to the county  
22 auditor who shall transmit it to the city or town clerk for deposit in  
23 the city or town treasury.))~~

24 **Sec. 7.** RCW 29.15.120 and 1990 c 59 s 86 are each amended to read  
25 as follows:

26 A candidate may withdraw his or her declaration of candidacy at any  
27 time before the close of business on the Thursday following the last  
28 day for candidates to file under RCW 29.15.020 by filing, with the  
29 officer with whom the declaration of candidacy was filed, a signed  
30 request that his or her name not be printed on the ballot. There shall  
31 be no withdrawal period for declarations of candidacy filed during  
32 special filing periods held under this title. The filing officer may  
33 permit the withdrawal of a filing for the office of precinct committee  
34 officer at the request of the candidate at any time if no absentee  
35 ballots have been issued for that office and the general election  
36 ballots for that precinct have not been printed. The filing officer  
37 may permit the withdrawal of a filing for any elected office of a city,  
38 town, or special district at the request of the candidate at any time

1 before a primary if the primary ballots for that city, town, or special  
2 district have not been ordered. No filing fee may be refunded to any  
3 candidate who withdraws under this section. Notice of the deadline for  
4 withdrawal of candidacy and that the filing fee is not refundable shall  
5 be given to each candidate at the time he or she files.

6 NEW SECTION. Sec. 8. A new section is added to chapter 29.15 RCW  
7 to read as follows:

8 Each person who files a declaration of candidacy for an elected  
9 office of a city, town, or special district shall be given written  
10 notice of the date by which a candidate may withdraw his or her  
11 candidacy under RCW 29.15.120.

12 **Sec. 9.** RCW 29.15.200 and 1975-'76 2nd ex.s. c 120 s 13 are each  
13 amended to read as follows:

14 If after both the normal filing period and special three day filing  
15 period as provided by RCW 29.15.170 and 29.15.180(~~(, as now or~~  
16 ~~hereafter amended,~~)) have passed ~~((and still))~~, no candidate has filed  
17 for any single city, town, or district position to be filled, the  
18 election for such position shall be deemed lapsed, the office deemed  
19 stricken from the ballot and no write-in votes counted. In such  
20 instance, the incumbent occupying such position shall remain in office  
21 and continue to serve until ~~((his))~~ a successor is elected at the next  
22 election when such positions are voted upon ~~((as provided by RCW~~  
23 ~~29.21.410, as now or hereafter amended))~~.

24 NEW SECTION. Sec. 10. A new section is added to chapter 35.02 RCW  
25 to read as follows:

26 An election shall be held to elect city or town elected officials  
27 at the next municipal general election occurring more than twelve  
28 months after the date of the first election of councilmembers or  
29 commissioners. Candidates shall run for specific council or commission  
30 positions. The staggering of terms of members of the city or town  
31 council shall be established at this election, where the simple  
32 majority of the persons elected as councilmembers receiving the  
33 greatest numbers of votes shall be elected to four-year terms of office  
34 and the remainder of the persons elected as councilmembers shall be  
35 elected to two-year terms of office. Newly elected councilmembers or  
36 newly elected commissioners shall serve until their successors are



1 elected and qualified. The terms of office of newly elected  
2 commissioners shall not be staggered, as provided in chapter 35.17 RCW.  
3 All councilmembers and commissioners who are elected subsequently shall  
4 be elected to four-year terms of office and shall serve until their  
5 successors are elected and qualified and assume office in accordance  
6 with RCW 29.04.170.

7 **Sec. 11.** RCW 35.17.020 and 1979 ex.s. c 126 s 17 are each amended  
8 to read as follows:

9 All regular elections in cities organized under the statutory  
10 commission form of government shall be held quadrennially in the odd-  
11 numbered years on the dates provided in RCW 29.13.020. The  
12 commissioners shall be nominated and elected at large. Their terms  
13 shall be for four years and until their successors are elected and  
14 qualified and assume office in accordance with RCW 29.04.170. ~~((If a~~  
15 ~~vacancy occurs in the commission the remaining members shall appoint a~~  
16 ~~person to fill it for the unexpired term.)) Vacancies on a commission  
17 shall occur and shall be filled as provided in chapter 42.12 RCW,  
18 except that in every instance a person shall be elected to fill the  
19 remainder of the unexpired term at the next general municipal election  
20 that occurs twenty-eight or more days after the occurrence of the  
21 vacancy.~~

22 **Sec. 12.** RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended  
23 to read as follows:

24 The first election of commissioners shall be held ~~((within))~~ at the  
25 next special election that occurs at least sixty days after the  
26 ~~((adoption of))~~ election results are certified where the proposition to  
27 organize under the commission form was approved by city voters, and the  
28 commission first elected shall commence to serve as soon as they have  
29 been elected and have qualified and shall continue to serve until their  
30 successors have been elected and qualified and have assumed office in  
31 accordance with RCW 29.04.170. The date of the second election for  
32 commissioners shall be in accordance with RCW 29.13.020 such that the  
33 term of the first commissioners will be as near as possible to, but not  
34 in excess of, four years calculated from the first day in January in  
35 the year after the year in which the first commissioners were elected.

1       **Sec. 13.** RCW 35.18.020 and 1981 c 260 s 7 are each amended to read  
2 as follows:

3       (1) The number of ~~((councilmen))~~ councilmembers in a city or town  
4 operating with a council-manager plan of government shall be ~~((in~~  
5 ~~proportion to the population of the city or town indicated in its~~  
6 ~~petition for incorporation and thereafter shall be in proportion to its~~  
7 ~~population as last))~~ based upon the latest population of the city or  
8 town that is determined by the office of financial management as  
9 follows:

10       (a) A city or town having not more than two thousand inhabitants,  
11 five ~~((councilmen))~~ councilmembers; and

12       (b) A city or town having more than two thousand, seven  
13 ~~((councilmen))~~ councilmembers.

14       (2) ~~((All councilmen shall be elected at large or from such wards~~  
15 ~~or districts as may be established by ordinance, and shall serve for a~~  
16 ~~term of four years and until their successors are elected and qualified~~  
17 ~~and assume office in accordance with RCW 29.04.170: PROVIDED, HOWEVER,~~  
18 ~~That at the first general municipal election held in the city in~~  
19 ~~accordance with RCW 29.13.020, after the election approving the~~  
20 ~~council-manager plan, the following shall apply:~~

21       ~~(a) One councilman shall be nominated and elected from each ward or~~  
22 ~~such other existing district of said city as may have been established~~  
23 ~~for the election of members of the legislative body of the city and the~~  
24 ~~remaining councilmen shall be elected at large; but if there are no~~  
25 ~~such wards or districts in the city, or at an initial election for the~~  
26 ~~incorporation of a community, the councilmen shall be elected at large.~~

27       ~~(b) In cities electing five councilmen, the candidates having the~~  
28 ~~three highest number of votes shall be elected for a four year term and~~  
29 ~~the other two for a two year term commencing immediately when qualified~~  
30 ~~in accordance with RCW 29.01.135 and continuing until their successors~~  
31 ~~are elected and qualified and have assumed office in accordance with~~  
32 ~~RCW 29.04.170.~~

33       ~~(c) In cities electing seven councilmen, the candidates having the~~  
34 ~~four highest number of votes shall be elected for a four year term and~~  
35 ~~the other three for a two year term commencing immediately when~~  
36 ~~qualified in accordance with RCW 29.01.135 and continuing until their~~  
37 ~~successors are elected and qualified and have assumed office in~~  
38 ~~accordance with RCW 29.04.170.~~

1       ~~(d) In determining the candidates receiving the highest number of~~  
2 ~~votes, only the candidate receiving the highest number of votes in each~~  
3 ~~ward, as well as the councilman at large or councilmen at large, are to~~  
4 ~~be considered))~~ Except for the initial staggering of terms,  
5 councilmembers shall serve for four-year terms of office. All  
6 councilmembers shall serve until their successors are elected and  
7 qualified and assume office in accordance with RCW 29.04.170.  
8 Councilmembers may be elected on a city-wide or town-wide basis, or  
9 from wards or districts, or any combination of these alternatives.  
10 Candidates shall run for specific positions. Wards or districts shall  
11 be redrawn as provided in chapter 29.70 RCW. Wards or districts shall  
12 be used as follows: (a) Only a resident of the ward or district may be  
13 a candidate for, or hold office as, a councilmember of the ward or  
14 district; and (b) only voters of the ward or district may vote at a  
15 primary to nominate candidates for a councilmember of the ward or  
16 district. Voters of the entire city or town may vote at the general  
17 election to elect a councilmember of a ward or district, unless the  
18 city or town had prior to January 1, 1993, limited the voting in the  
19 general election for any or all council positions to only voters  
20 residing within the ward or district associated with the council  
21 positions. If a city or town had so limited the voting in the general  
22 election to only voters residing within the ward or district, then the  
23 city or town shall be authorized to continue to do so.

24       (3) When a ~~((municipality))~~ city or town has qualified for an  
25 increase in the number of ~~((councilmen))~~ councilmembers from five to  
26 seven by virtue of the next succeeding population determination made by  
27 the office of financial management ~~((after the majority of the voters~~  
28 ~~thereof have approved operation under the council manager plan))~~, two  
29 additional council positions shall be filled at the ((first)) next  
30 municipal general election ((when two additional councilmen are to be  
31 elected, one of the two additional councilmen receiving)) with the  
32 person elected to one of the new council positions receiving the  
33 ((highest)) greatest number of votes ((shall be)) being elected for a  
34 four-year term of office and the person elected to the other additional  
35 ((councilman shall be)) council position being elected for a two-year  
36 term of office. The ((terms of the)) two additional ((councilmen))  
37 councilmembers shall ((commence)) assume office immediately when  
38 qualified in accordance with RCW 29.01.135, but the term of office  
39 shall be computed from the first day of January after the year in which

1 they are elected. Their successors shall be elected to four-year terms  
2 of office.

3 ~~((4) In the event such population determination as provided in~~  
4 ~~subsection (3) of this section requires an increase in the number of~~  
5 ~~councilmen)) Prior to the election of the two new councilmembers, the~~  
6 ~~city or town council shall fill the additional ((councilmanic))~~  
7 ~~positions by appointment not later than ((thirty)) forty-five days~~  
8 ~~following the release of ((said)) the population determination, and~~  
9 ~~((the)) each appointee shall hold office only until ((the next regular~~  
10 ~~city or town election at which a person shall be elected to serve for~~  
11 ~~the remainder of the unexpired term. In the event such population~~  
12 ~~determination results in a decrease in the number of councilmen, said~~  
13 ~~decrease shall not take effect until the next regular city or town~~  
14 ~~election: PROVIDED, That)) the new position is filled by election.~~

15 (4) When a city or town has qualified for a decrease in the number  
16 of councilmembers from seven to five by virtue of the next succeeding  
17 population determination made by the office of financial management,  
18 two council positions shall be eliminated at the next municipal general  
19 election if four council positions normally would be filled at that  
20 election, or one council position shall be eliminated at each of the  
21 next two succeeding municipal general elections if three council  
22 positions normally would be filled at the first municipal general  
23 election after the population determination. The council shall by  
24 ordinance indicate which, if any, of the remaining positions shall be  
25 elected at-large or from wards or districts.

26 ~~((If a vacancy in the council occurs, the remaining members~~  
27 ~~shall appoint a person to fill such office only until the next regular~~  
28 ~~general municipal election at which a person shall be elected to serve~~  
29 ~~for the remainder of the unexpired term)) Vacancies on a council shall~~  
30 ~~occur and shall be filled as provided in chapter 42.12 RCW.~~

31 **Sec. 14.** RCW 35.18.270 and 1979 ex.s. c 126 s 20 are each amended  
32 to read as follows:

33 If the majority of the votes cast at a special election for  
34 organization on the council-manager plan favor the plan, the city or  
35 town ~~((at its next regular election))~~ shall elect the council required  
36 under the council-manager plan in number according to ~~((the))~~ its  
37 population ~~((of the municipality: PROVIDED, That if the date of the~~  
38 ~~next municipal general election is more than one year from the date of~~

1 the election approving the council manager plan, a special election  
2 shall be held to elect the councilmen; the newly elected councilmen  
3 shall assume office immediately when they are qualified in accordance  
4 with RCW 29.01.135 following the canvass of votes as certified and  
5 shall remain in office until their successors are elected at the next  
6 general municipal election: PROVIDED, That such successor shall hold  
7 office for staggered terms as provided in RCW 35.18.020 as now or  
8 hereafter amended. Councilmen shall take office at the time provided  
9 by general law. Declarations of candidacy for city or town elective  
10 positions under the council manager plan for cities and towns shall be  
11 filed with the county auditor as the case may be not more than forty-  
12 five nor less than thirty days prior to said special election to elect  
13 the members of the city council. Any candidate may file a written  
14 declaration of withdrawal at any time within five days after the last  
15 day for filing a declaration of candidacy. All names of candidates to  
16 be voted upon shall be printed upon the ballot alphabetically in group  
17 under the designation of the title of the offices for which they are  
18 candidates. There shall be no rotation of names)) at the next  
19 municipal general election. However, special elections shall be held  
20 to nominate and elect the new city councilmembers at the next primary  
21 and general election held in an even-numbered year if the next  
22 municipal general election is more than one year after the date of the  
23 election at which the voters approved the council-manager plan. The  
24 staggering of terms of office shall occur at the election when the new  
25 councilmembers are elected, where the simple majority of the persons  
26 elected as councilmembers receiving the greatest numbers of votes shall  
27 be elected to four-year terms of office if the election is held in an  
28 odd-numbered year, or three-year terms of office if the election is  
29 held in an even-numbered year, and the remainder of the persons elected  
30 as councilmembers shall be elected to two-year terms of office if the  
31 election is held in an odd-numbered year, or one-year terms of office  
32 if the election is held in an even-numbered year. The initial  
33 councilmembers shall take office immediately when they are elected and  
34 qualified, but the lengths of their terms of office shall be calculated  
35 from the first day in January in the year following the election.

36 **Sec. 15.** RCW 35.23.050 and 1965 c 7 s 35.23.050 are each amended  
37 to read as follows:

1 All municipal elections held under the provisions of this chapter  
2 shall be conducted according to the general election laws of this  
3 state(~~(, as far as practicable: PROVIDED, That any qualified voter of~~  
4 ~~such city, duly registered for the general county or state election~~  
5 ~~next preceding any municipal election, general or special, shall be~~  
6 ~~qualified to vote at such municipal election. No person shall be~~  
7 ~~qualified to vote at such election unless he is a qualified elector of~~  
8 ~~the county and has resided in such city for at least thirty days next~~  
9 ~~preceding such election))).~~

10 **Sec. 16.** RCW 35.23.240 and 1965 c 7 s 35.23.240 are each amended  
11 to read as follows:

12 The city council may declare an office vacant: (1) If anyone  
13 either elected or appointed to that office fails for ten days to  
14 qualify as required by law or fails to enter upon ~~((his))~~ the duties of  
15 that office at the time fixed by law or the orders of the city council,  
16 ~~((his))~~ the office shall become vacant; or (2) if such an officer  
17 ~~((absents himself))~~ who serves for compensation is absent from the city  
18 without the consent of the city council for three consecutive weeks or  
19 openly neglects or refuses to discharge ~~((his))~~ the duties(~~(, the~~  
20 ~~council may declare his office vacant: PROVIDED, That this penalty for~~  
21 ~~absence from the city shall not apply to such officers as serve without~~  
22 ~~compensation.~~

23 ~~If a vacancy occurs by reason of death, resignation, or otherwise~~  
24 ~~in the office of mayor or councilman, the city council shall fill the~~  
25 ~~vacancy until the next general municipal election))~~ of that office. In  
26 addition, a vacancy in an elective office shall occur and shall be  
27 filled as provided in chapter 42.12 RCW.

28 If a vacancy occurs ~~((by reason of death, resignation, or~~  
29 ~~otherwise))~~ in any other office it shall be filled by appointment of  
30 the mayor and confirmed by the council in the same manner as other  
31 appointments are made.

32 **Sec. 17.** RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended  
33 to read as follows:

34 At any time not within three months previous to an annual election  
35 the city council of a second class city may divide the city into wards,  
36 not exceeding six in all, or change the boundaries of existing wards.  
37 No change in the boundaries of wards shall affect the term of any

1 (~~councilman, but he~~) councilmember, and councilmembers shall serve  
2 out (~~his~~) their terms in the wards of (~~his~~) their residences at the  
3 time of (~~his election:— PROVIDED, That if this results~~) their  
4 elections. However, if these boundary changes result in one ward being  
5 represented by more (~~councilmen~~) councilmembers than the number to  
6 which it is entitled, those having the shortest unexpired terms shall  
7 be assigned by the council to wards where there is a vacancy, and the  
8 councilmembers so assigned shall be deemed to be residents of the wards  
9 to which they are assigned for purposes of determining whether those  
10 positions are vacant.

11 The representation of each ward in the city council shall be in  
12 proportion to the population as nearly as is practicable.

13 (~~No person shall be eligible to the office of councilman unless he~~  
14 ~~resides in the ward for which he is elected on the date of his election~~  
15 ~~and removal of his residence from the ward for which he was elected~~  
16 ~~renders his office vacant.~~)

17 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards  
18 shall be used as follows: (1) Only a resident of the ward may be a  
19 candidate for, or hold office as, a councilmember of the ward; and (2)  
20 only voters of the ward may vote at a primary to nominate candidates  
21 for a councilmember of the ward. Voters of the entire city may vote at  
22 the general election to elect a councilmember of a ward, unless the  
23 city had prior to January 1, 1993, limited the voting in the general  
24 election for any or all council positions to only voters residing  
25 within the ward associated with the council positions. If a city had  
26 so limited the voting in the general election to only voters residing  
27 within the ward, then the city shall be authorized to continue to do  
28 so. The elections for the remaining council position or council  
29 positions that are not associated with a ward shall be conducted as if  
30 the wards did not exist.

31 **Sec. 18.** RCW 35.24.050 and 1979 ex.s. c 126 s 22 are each amended  
32 to read as follows:

33 General municipal elections in third class cities not operating  
34 under the commission form of government shall be held biennially in the  
35 odd-numbered years (~~as provided in RCW 29.13.020~~) and shall be  
36 subject to general election law.

37 The terms of office of the mayor, city attorney, clerk, and  
38 treasurer shall be four years and until their successors are elected

1 and qualified and assume office in accordance with RCW 29.04.170:  
2 PROVIDED, That if the offices of city attorney, clerk, and treasurer  
3 are made appointive, the city attorney, clerk, and treasurer shall not  
4 be appointed for a definite term: PROVIDED FURTHER, That the term of  
5 the elected treasurer shall not commence in the same biennium in which  
6 the term of the mayor commences, nor in which the terms of the city  
7 attorney and clerk commence if they are elected.

8 ~~((A councilman at large shall be elected biennially for a two-year  
9 term and until his or her successor is elected and qualified and  
10 assumes office in accordance with RCW 29.04.170. Of the other six  
11 councilmen, three shall be elected in each biennial general municipal  
12 election for terms of four years and until their successors are elected  
13 and qualified and assume))~~ Council positions shall be numbered in each  
14 third class city so that council position seven has a two-year term of  
15 office and council positions one through six shall each have four-year  
16 terms of office. Each councilmember shall remain in office until a  
17 successor is elected and qualified and assumes office in accordance  
18 with RCW 29.04.170.

19 In its discretion the council of a third class city may divide the  
20 city by ordinance into a convenient number of wards, not exceeding six,  
21 fix the boundaries of the wards, and change the ward boundaries from  
22 time to time and as provided in RCW 29.70.100. No change in the  
23 boundaries of any ward shall be made within one hundred twenty days  
24 next before the date of a general municipal election, nor within twenty  
25 months after the wards have been established or altered. However, if  
26 a boundary change results in one ward being represented by more  
27 councilmembers than the number to which it is entitled, those having  
28 the shortest unexpired terms shall be assigned by the council to wards  
29 where there is a vacancy, and the councilmembers so assigned shall be  
30 deemed to be residents of the wards to which they are assigned for  
31 purposes of determining whether those positions are vacant. Whenever  
32 such city is so divided into wards, the city council shall designate by  
33 ordinance the number of councilmembers to be elected from each ward,  
34 apportioning the same in proportion to the population of the wards.  
35 Council position seven shall not be associated with a ward and the  
36 person elected to that position may reside anywhere in the city and  
37 voters throughout the city may vote at a primary to nominate candidates  
38 for position seven, when a primary is necessary, and at a general  
39 election to elect the person to council position seven. When



1 additional territory is added to the city it may by act of the council,  
2 be annexed to contiguous wards without affecting the right to  
3 redistrict at the expiration of twenty months after last previous  
4 division. Wards shall be redrawn as provided in chapter 29.70 RCW.  
5 Wards shall be used as follows: (1) Only a resident of the ward may be  
6 a candidate for, or hold office as, a councilmember of the ward; and  
7 (2) only voters of the ward may vote at a primary to nominate  
8 candidates for a councilmember of the ward. Voters of the entire city  
9 may vote at the general election to elect a councilmember of a ward,  
10 unless the city had prior to January 1, 1993, limited the voting in the  
11 general election for any or all council positions to only voters  
12 residing within the ward associated with the council positions. If a  
13 city had so limited the voting in the general election to only voters  
14 residing within the ward, then the city shall be authorized to continue  
15 to do so. The elections for the remaining council position or council  
16 positions that are not associated with a ward shall be conducted as if  
17 the wards did not exist.

18 **Sec. 19.** RCW 35.24.060 and 1965 c 7 s 35.24.060 are each amended  
19 to read as follows:

20 All elections shall be held in accordance with the general election  
21 laws of the state (~~((insofar as the same are applicable and no person~~  
22 ~~shall be entitled to vote at any election unless he shall be a~~  
23 ~~qualified elector of the county and shall have resided in such city for~~  
24 ~~at least thirty days next preceding such election))).~~

25 **Sec. 20.** RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended  
26 to read as follows:

27 (~~(In cities of))~~ The council of a third class city may declare a  
28 council position vacant if ((a member of the city council absents  
29 himself)) that councilmember is absent for three consecutive regular  
30 meetings ((thereof, unless by)) without the permission of the  
31 council((, his office may be declared vacant by the council.

32 Vacancies in the city council or in the office of mayor shall be  
33 filled by majority vote of the council)). In addition, a vacancy in an  
34 elective office shall occur and shall be filled as provided in chapter  
35 42.12 RCW.

1 Vacancies in offices other than that of mayor or city  
2 ((councilman)) councilmember shall be filled by appointment of the  
3 mayor.

4 ~~((If a vacancy occurs in an elective office the appointee shall  
5 hold office only until the next regular election at which a person  
6 shall be elected to serve for the remainder of the unexpired term.))~~

7 If there is a temporary vacancy in an appointive office due to  
8 illness, absence from the city or other temporary inability to act, the  
9 mayor may appoint a temporary appointee to exercise the duties of the  
10 office until the temporary disability of the incumbent is removed.

11 **Sec. 21.** RCW 35.24.290 and 1986 c 278 s 5 are each amended to read  
12 as follows:

13 The city council of each third class city shall have power:

14 (1) To pass ordinances not in conflict with the Constitution and  
15 laws of this state or of the United States;

16 (2) To prevent and regulate the running at large of any or all  
17 domestic animals within the city limits or any part thereof and to  
18 cause the impounding and sale of any such animals;

19 (3) To establish, build and repair bridges, to establish, lay out,  
20 alter, keep open, open, widen, vacate, improve and repair streets,  
21 sidewalks, alleys, squares and other public highways and places within  
22 the city, and to drain, sprinkle and light the same; to remove all  
23 obstructions therefrom; to establish and reestablish the grades  
24 thereof; to grade, plank, pave, macadamize, gravel and curb the same,  
25 in whole or in part; to construct gutters, culverts, sidewalks and  
26 crosswalks therein or upon any part thereof; to cultivate and maintain  
27 parking strips therein, and generally to manage and control all such  
28 highways and places; to provide by local assessment for the leveling up  
29 and surfacing and oiling or otherwise treating for the laying of dust,  
30 all streets within the city limits;

31 (4) To establish, construct and maintain drains and sewers, and  
32 shall have power to compel all property owners on streets and alleys or  
33 within two hundred feet thereof along which sewers shall have been  
34 constructed to make proper connections therewith and to use the same  
35 for proper purposes, and in case the owners of the property on such  
36 streets and alleys or within two hundred feet thereof fail to make such  
37 connections within the time fixed by such council, it may cause such

1 connections to be made and assess against the property served thereby  
2 the costs and expenses thereof;

3 (5) To provide fire engines and all other necessary or proper  
4 apparatus for the prevention and extinguishment of fires;

5 (6) To impose and collect an annual license on every dog within the  
6 limits of the city, to prohibit dogs running at large and to provide  
7 for the killing of all dogs not duly licensed found at large;

8 (7) To license, for the purposes of regulation and revenue, all and  
9 every kind of business authorized by law, and transacted and carried on  
10 in such city, and all shows, exhibitions and lawful games carried on  
11 therein and within one mile of the corporate limits thereof, to fix the  
12 rate of license tax upon the same, and to provide for the collection of  
13 the same by suit or otherwise;

14 (8) To improve rivers and streams flowing through such city, or  
15 adjoining the same; to widen, straighten and deepen the channel  
16 thereof, and remove obstructions therefrom; to improve the water-front  
17 of the city, and to construct and maintain embankments and other works  
18 to protect such city from overflow; to prevent the filling of the water  
19 of any bay, except such filling over tide or shorelands as may be  
20 provided for by order of the city council; to purify and prevent the  
21 pollution of streams of water, lakes or other sources of supply, and  
22 for this purpose shall have jurisdiction over all streams, lakes or  
23 other sources of supply, both within and without the city limits. Such  
24 city shall have power to provide by ordinance and to enforce such  
25 punishment or penalty as the city council may deem proper for the  
26 offense of polluting or in any manner obstructing or interfering with  
27 the water supply of such city or source thereof;

28 (9) To erect and maintain buildings for municipal purposes;

29 (10) To permit, under such restrictions as it may deem proper, and  
30 to grant franchises for, the laying of railroad tracks, and the running  
31 of cars propelled by electric, steam or other power thereon, and the  
32 laying of gas and water pipes and steam mains and conduits for  
33 underground wires, and to permit the construction of tunnels or subways  
34 in the public streets, and to construct and maintain and to permit the  
35 construction and maintenance of telegraph, telephone and electric lines  
36 therein;

37 ~~(11) ((In its discretion to divide the city by ordinance, into a~~  
38 ~~convenient number of wards, not exceeding six, to fix the boundaries~~  
39 ~~thereof, and to change the same from time to time: PROVIDED, That no~~

1 change in the boundaries of any ward shall be made within sixty days  
2 next before the date of a general municipal election, nor within twenty  
3 months after the wards have been established or altered. Whenever such  
4 city is so divided into wards, the city council shall designate by  
5 ordinance the number of councilmen to be elected from each ward,  
6 apportioning the same in proportion to the population of the wards.  
7 Thereafter the councilmen so designated shall be elected by the  
8 qualified electors resident in such ward, or by general vote of the  
9 whole city as may be designated in such ordinance. When additional  
10 territory is added to the city it may by act of the council, be annexed  
11 to contiguous wards without affecting the right to redistrict at the  
12 expiration of twenty months after last previous division. The removal  
13 of a councilman from the ward for which he was elected shall create a  
14 vacancy in such office;

15       ~~((12))~~) To impose fines, penalties and forfeitures for any and all  
16 violations of ordinances, and for any breach or violation of any  
17 ordinance to fix the penalty by fine or imprisonment, or both, but no  
18 such fine shall exceed five thousand dollars nor the term of such  
19 imprisonment exceed the term of one year; or to provide that violations  
20 of ordinances constitute a civil violation subject to monetary penalty;

21       ~~((13))~~) (12) To establish fire limits, with proper regulations;

22       ~~((14))~~) (13) To establish and maintain a free public library;

23       ~~((15))~~) (14) To establish and regulate public markets and market  
24 places;

25       ~~((16))~~) (15) To punish the keepers and inmates and lessors of  
26 houses of ill fame, gamblers and keepers of gambling tables, patrons  
27 thereof or those found loitering about such houses and places;

28       ~~((17))~~) (16) To make all such ordinances, bylaws, rules,  
29 regulations and resolutions, not inconsistent with the Constitution and  
30 laws of the state of Washington, as may be deemed expedient to maintain  
31 the peace, good government and welfare of the corporation and its  
32 trade, commerce and manufactures, and to do and perform any and all  
33 other acts and things necessary or proper to carry out the provisions  
34 of this chapter, and to enact and enforce within the limits of such  
35 city all other local, police, sanitary and other regulations as do not  
36 conflict with general laws;

37       ~~((18))~~) (17) To license steamers, boats and vessels used in any  
38 bay or other watercourse in the city and to fix and collect such  
39 license; to provide for the regulation of berths, landings, and

1 stations, and for the removing of steamboats, sail boats, sail vessels,  
2 rafts, barges and other watercraft; to provide for the removal of  
3 obstructions to navigation and of structures dangerous to navigation or  
4 to other property, in or adjoining the waterfront, except in  
5 municipalities in counties in which there is a city of the first class.

6 **Sec. 22.** RCW 35.27.100 and 1965 c 7 s 35.27.100 are each amended  
7 to read as follows:

8 All elections in towns shall be held in accordance with the general  
9 election laws of the state(~~(, so far as the same may be applicable; and~~  
10 ~~no person shall be entitled to vote at such election, unless he is a~~  
11 ~~qualified elector of the county, and has resided in the town for at~~  
12 ~~least thirty days next preceding the election))).~~

13 **Sec. 23.** RCW 35.27.140 and 1965 c 7 s 35.27.140 are each amended  
14 to read as follows:

15 (~~(If a member of))~~ The council of a town may declare a council  
16 position vacant if that councilmember is absent from the town for three  
17 consecutive council meetings ((unless by)) without the permission of  
18 the council ((his office shall be declared vacant by the council. A  
19 vacancy in the office of mayor and vacancies in the council shall be  
20 filled by a majority vote of the council)). In addition, a vacancy in  
21 an elective office shall occur and shall be filled as provided in  
22 chapter 42.12 RCW.

23 A vacancy in any other office shall be filled by appointment by the  
24 mayor. (~~(An appointee filling the vacancy in an elective office shall~~  
25 ~~hold office only until the next general election at which time a person~~  
26 ~~shall be elected to serve for the remainder of the unexpired term~~  
27 ~~except that the person appointed to fill a vacancy in the office of~~  
28 ~~mayor shall serve for the unexpired term.))~~

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

31 At the same election at which the proposition is submitted to the  
32 voters as to whether a metropolitan park district is to be formed, five  
33 park commissioners shall be elected (~~(to hold office respectively for~~  
34 ~~the following terms: Where the election is held in an odd numbered~~  
35 ~~year, one commissioner shall be elected to hold office for two years,~~  
36 ~~two shall be elected to hold office for four years, and two shall be~~

1 ~~elected to hold office for six years. Where the election is held in an~~  
2 ~~even-numbered year, one commissioner shall hold office for three years,~~  
3 ~~two shall hold office for five years, and two shall hold office for~~  
4 ~~seven years)).~~ The election of park commissioners shall be null and  
5 void if the metropolitan park district is not created. Candidates  
6 shall run for specific commission positions. No primary shall be held  
7 to nominate candidates. The person receiving the greatest number of  
8 votes for each position shall be elected as a commissioner. The  
9 staggering of the terms of office shall occur as follows: (1) The two  
10 persons who are elected receiving the two greatest numbers of votes  
11 shall be elected to six-year terms of office if the election is held in  
12 an odd-numbered year or five-year terms of office if the election is  
13 held in an even-numbered year; (2) the two persons who are elected  
14 receiving the next two greatest numbers of votes shall be elected to  
15 four-year terms of office if the election is held in an odd-numbered  
16 year or three-year terms of office if the election is held in an even-  
17 numbered year; and (3) the other person who is elected shall be elected  
18 to a two-year term of office if the election is held in an odd-numbered  
19 year or a one-year term of office if the election is held in an even-  
20 numbered year. The initial commissioners shall take office immediately  
21 when they are elected and qualified, and for purposes of computing  
22 their terms of office the terms shall be assumed to commence on the  
23 first day of January ((of)) in the year after they are elected. ((The  
24 term of each nominee for park commissioner shall be expressed on the  
25 ballot.)) Thereafter, all commissioners shall ~~((serve))~~ be elected to  
26 six-year terms of office ((and)). All commissioners shall serve until  
27 their respective successors are elected and qualified and assume office  
28 in accordance with RCW 29.04.170. Vacancies shall occur and shall be  
29 filled ((by majority action of the remaining commissioners appointing  
30 a voter to fill the remainder of the term of the vacant commissioner  
31 position)) as provided in chapter 42.12 RCW.

32 **Sec. 25.** RCW 35A.01.070 and 1979 ex.s. c 18 s 1 are each amended  
33 to read as follows:

34 Where used in this title with reference to procedures established  
35 by this title in regard to a change of plan or classification of  
36 government, unless a different meaning is plainly required by the  
37 context:

1 (1) "Classify" means a change from a city of the first, second, or  
2 third class, or a town, to a code city.

3 (2) "Classification" means either that portion of the general law  
4 under which a city or a town operates under Title 35 RCW as a first,  
5 second, or third class city, unclassified city, or town, or otherwise  
6 as a code city.

7 (3) "Organize" means to provide for officers after becoming a code  
8 city, under the same general plan of government under which the city  
9 operated prior to becoming a code city, pursuant to RCW 35A.02.055.

10 (4) "Organization" means the general plan of government under which  
11 a city operates.

12 (5) "Plan of government" means (~~either the~~) a mayor-council form  
13 of government under chapter 35A.12 RCW, council-manager form of  
14 government under chapter 35A.13 RCW, or a mayor-council, council-  
15 manager, or commission form of government in general that is retained  
16 by a noncharter code city as provided in RCW 35A.02.130, without regard  
17 to variations in the number of elective offices or whether officers are  
18 elective or appointive.

19 (6) "Reclassify" means changing from a code city to the  
20 classification, if any, held by such a city immediately prior to  
21 becoming a code city.

22 (7) "Reclassification" means changing from city or town operating  
23 under Title 35 RCW to a city operating under Title 35A RCW, or vice  
24 versa; a change in classification.

25 (8) "Reorganize" means changing the plan of government under which  
26 a city or town operates to a different general plan of government, for  
27 which an election of new officers under RCW 35A.02.050 is required. A  
28 city or town shall not be deemed to have reorganized simply by  
29 increasing or decreasing the number of members of its legislative body.

30 (9) "Reorganization" means a change in general plan of government  
31 where an election of all new officers is required in order to  
32 accomplish this change, but an increase or decrease in the number of  
33 members of its legislative body shall not be deemed to constitute a  
34 reorganization.

35 **Sec. 26.** RCW 35A.02.050 and 1979 ex.s. c 18 s 7 are each amended  
36 to read as follows:

37 The first election of officers where required for reorganization  
38 under a different general plan of government newly adopted in a manner

1 provided in RCW 35A.02.020, 35A.02.030, 35A.06.030, or 35A.06.060, as  
2 now or hereafter amended, shall be at the next general municipal  
3 election if one is to be held more than ninety days but not more than  
4 one hundred and eighty days after certification of a reorganization  
5 ordinance or resolution, or otherwise at a special election to be held  
6 for that purpose in accordance with RCW 29.13.020. In the event that  
7 the first election of officers (~~(as herein provided)~~) is to be held at  
8 a general municipal election, such election shall be preceded by a  
9 primary election pursuant to RCW 29.21.010 and 29.13.070. In the event  
10 that the first election of all officers (~~(as herein provided)~~) is to be  
11 held at a special election rather than at a general election, and  
12 notwithstanding any provisions of any other law to the contrary, such  
13 special election shall be preceded by a primary election to be held on  
14 a date authorized by RCW 29.13.010, and the persons nominated at that  
15 primary election shall be voted upon at the next succeeding special  
16 election that is authorized by RCW 29.13.010: PROVIDED, That in the  
17 event the ordinances calling for reclassification or reclassification  
18 and reorganization under the provisions of Title 35A RCW have been  
19 filed with the secretary of state pursuant to RCW 35A.02.040 in an  
20 even-numbered year at least ninety days prior to a state general  
21 election then the election of new officers shall be concurrent with the  
22 state primary and general election and shall be conducted as set forth  
23 in (~~chapter 35A.29 RCW~~) general election law.

24 Upon reorganization, candidates for all offices shall file or be  
25 nominated for and successful candidates shall be elected to specific  
26 council positions(~~(, and an)~~). The initial terms (~~(or)~~) of office for  
27 those elected at a first election of all officers (~~(to positions one~~  
28 ~~and two for a five member council, or positions one through three for~~  
29 ~~a seven member council, shall if the election occurs at a general~~  
30 ~~municipal election be only until the second Monday in January first~~  
31 ~~following the next general municipal election two years hence and if~~  
32 ~~the election occurs at a special election, the duration of these~~  
33 ~~initial terms shall be until the second Monday in January in the first~~  
34 ~~even-numbered year that follows the next general municipal election.~~  
35 ~~The duration of the initial term attaching to the remaining~~  
36 ~~councilmanic positions shall be until the second Monday in January two~~  
37 ~~years next thereafter, so that staggered regular four year terms will~~  
38 ~~ultimately result. Any declarations of candidacy for any primary or~~  
39 ~~other election held pursuant to this section shall be filed as provided~~



1 ~~in RCW 35A.29.110 as now or hereafter amended)) shall be as follows:~~  
2 (1) A simple majority of the persons who are elected as councilmembers  
3 receiving the greatest numbers of votes and the mayor in a city with a  
4 mayor-council plan of government shall be elected to four-year terms of  
5 office, if the election is held in an odd-numbered year, or three-year  
6 terms of office, if the election is held in an even-numbered year; and  
7 (2) the other persons who are elected as councilmembers shall be  
8 elected to two-year terms of office, if the election is held in an odd-  
9 numbered year, or one-year terms of office, if the election is held in  
10 an even-numbered year. The newly elected officials shall take office  
11 immediately when they are elected and qualified, but the length of  
12 their terms of office shall be calculated from the first day of January  
13 in the year following the election. Thereafter, each person elected as  
14 a councilmember or mayor in a city with a mayor-council plan of  
15 government shall be elected to a four-year term of office. Each  
16 councilmember and mayor in a city with a mayor-council plan of  
17 government shall serve until a successor is elected and qualified and  
18 assumes office as provided in RCW 29.04.170.

19 The former officers shall, upon the election and qualification of  
20 new officers, deliver to the proper officers of the reorganized  
21 noncharter code city all books of record, documents and papers in their  
22 possession belonging to such municipal corporation before the  
23 reorganization thereof. ~~((Officers elected at the first election of~~  
24 ~~officers held pursuant to this amendatory act shall assume office as~~  
25 ~~soon as the election returns have been certified.))~~

26 **Sec. 27.** RCW 35A.02.130 and 1967 ex.s. c 119 s 35A.02.130 are each  
27 amended to read as follows:

28 Any incorporated city or town governed under a plan of government  
29 authorized prior to the time this title takes effect may become a  
30 noncharter code city without changing such plan of government by the  
31 use of the petition-for-election or resolution-for-election procedures  
32 provided in RCW 35A.02.060 and 35A.02.070 to submit to the voters a  
33 proposal that such municipality adopt the classification of noncharter  
34 code city while retaining its existing plan of government, and upon a  
35 favorable vote on the proposal, such municipality shall be classified  
36 as a noncharter code city and retain its old plan of government, such  
37 reclassification to be effective upon the filing of the record of such  
38 election with the office of the secretary of state. Insofar as the

1 provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an  
2 election on such a reclassification proposal they shall apply to such  
3 election.

4 **Sec. 28.** RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each  
5 amended to read as follows:

6 The classifications of municipalities which existed prior to the  
7 time this title goes into effect--first class city, second class city,  
8 third class (~~and fourth class~~) city, town, and unclassified city--and  
9 the restrictions, limitations, duties, and obligations specifically  
10 imposed by law upon such classes of cities and towns, shall have no  
11 application to noncharter code cities, but every noncharter code city,  
12 by adopting such classification, has elected to be governed by the  
13 provisions of this title, with the powers granted hereby. However, any  
14 code city that retains its old plan of government is subject to the  
15 laws applicable to that old plan of government until the city changes  
16 its plan of government to the provisions of either chapter 35A.12 or  
17 35A.13 RCW.

18 **Sec. 29.** RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended  
19 to read as follows:

20 By use of the resolution for election or petition for election  
21 methods described in RCW 35A.06.040, any noncharter code city which has  
22 operated for more than six consecutive years under one of the optional  
23 plans of government authorized by this title, or for more than a  
24 combined total of six consecutive years under a particular plan of  
25 government both as a code city and under the same general plan under  
26 Title 35 RCW immediately prior to becoming a code city, may abandon  
27 such organization and may reorganize and adopt another plan of  
28 government authorized for noncharter code cities, but only after having  
29 been a noncharter code city for more than one year or a city after  
30 operating for more than six consecutive years under a particular plan  
31 of government as a noncharter code city (~~or may reclassify and adopt~~  
32 ~~a plan of government authorized by the general law for municipalities~~  
33 ~~of the highest class for which the population of such city qualifies~~  
34 ~~it, or authorized for the class to which such city belonged immediately~~  
35 ~~prior to becoming a noncharter code city, if any)): PROVIDED, That~~  
36 these limitations shall not apply to a city seeking to adopt a charter.

1 In reorganization under a different general plan of government as  
2 a noncharter code city, officers shall all be elected as provided in  
3 RCW 35A.02.050. When a noncharter code city adopts a plan of  
4 government other than those authorized under Title 35A RCW, such city  
5 ceases to be governed under this optional municipal code and shall be  
6 classified as a city or town of the class selected in the proceeding  
7 for adoption of such new plan, with the powers granted to such class  
8 under the general law.

9 **Sec. 30.** RCW 35A.06.050 and 1979 ex.s. c 18 s 15 are each amended  
10 to read as follows:

11 The proposal for abandonment of a plan of government as authorized  
12 in RCW 35A.06.030 and for adoption of the plan named in the resolution  
13 or petition shall be voted upon at the next general municipal election  
14 if one is to be held within one hundred and eighty days or otherwise at  
15 a special election called for that purpose in accordance with RCW  
16 29.13.020. The ballot title and statement of the proposition shall be  
17 prepared by the city attorney as provided in RCW 29.27.060 and  
18 35A.29.120(~~(, as now or hereafter amended. If the plan proposed in the~~  
19 ~~petition is not a plan authorized for noncharter code cities by this~~  
20 ~~title, the ballot statement shall clearly set forth that adoption of~~  
21 ~~such plan by the voters would require abandonment of the classification~~  
22 ~~of noncharter code city and that government would be under the general~~  
23 ~~law relating to cities of the class specified in the resolution or~~  
24 ~~petition. If the plan proposed in the petition is a plan authorized~~  
25 ~~for noncharter code cities the ballot statement shall clearly set forth~~  
26 ~~that adoption of such plan by the voters would not affect the~~  
27 ~~eligibility of the noncharter code city to be governed under this~~  
28 ~~optional municipal code))).~~

29 **Sec. 31.** RCW 35A.12.010 and 1985 c 106 s 1 are each amended to  
30 read as follows:

31 The government of any noncharter code city or charter code city  
32 electing to adopt the mayor-council plan of government authorized by  
33 this chapter shall be vested in an elected mayor and an elected  
34 council. The council of a noncharter code city having less than  
35 twenty-five hundred inhabitants shall consist of five members; when  
36 there are twenty-five hundred or more inhabitants, the council shall  
37 consist of seven members: PROVIDED, That if the population of a city

1 after having become a code city decreases from twenty-five hundred or  
2 more to less than twenty-five hundred, it shall continue to have a  
3 seven member council. If, after a city has become a mayor-council code  
4 city, its population increases to twenty-five hundred or more  
5 inhabitants, the number of councilmanic offices in such city may  
6 increase from five to seven members upon the affirmative vote of a  
7 majority of the existing council to increase the number of councilmanic  
8 offices in the city. When the population of a mayor-council code city  
9 having five councilmanic offices increases to five thousand or more  
10 inhabitants, the number of councilmanic offices in the city shall  
11 increase from five to seven members. In the event of an increase in  
12 the number of councilmanic offices, the city council shall, by majority  
13 vote, pursuant to RCW 35A.12.050, appoint two persons to serve in these  
14 offices until the next municipal general election, at which election  
15 one person shall be elected for a two-year term and one person shall be  
16 elected for a four-year term. The number of inhabitants shall be  
17 determined by the most recent official state or federal census or  
18 determination by the state office of financial management. A charter  
19 adopted under the provisions of this title, incorporating the mayor-  
20 council plan of government set forth in this chapter, may provide for  
21 an uneven number of (~~councilmen~~) councilmembers not exceeding eleven.

22 A noncharter code city of less than five thousand inhabitants which  
23 has elected the mayor-council plan of government and which has seven  
24 councilmanic offices may establish a five-member council in accordance  
25 with the following procedure. At least six months prior to a municipal  
26 general election, the city council shall adopt an ordinance providing  
27 for reduction in the number of councilmanic offices to five. The  
28 ordinance shall specify which two councilmanic offices, the terms of  
29 which expire at the next general election, are to be terminated. The  
30 ordinance shall provide for the renumbering of council positions and  
31 shall also provide for a two-year extension of the term of office of a  
32 retained councilmanic office, if necessary, in order to comply with RCW  
33 35A.12.040.

34 However, a noncharter code city that has retained its old mayor-  
35 council plan of government, as provided in RCW 35A.02.130, is subject  
36 to the laws applicable to that old plan of government.

37 **Sec. 32.** RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended  
38 to read as follows:

1 Officers shall be elected at biennial municipal elections to be  
2 conducted as provided in chapter 35A.29 RCW. The mayor and the  
3 ((councilmen)) councilmembers shall be elected for four-year terms of  
4 office and until their successors are elected and qualified(~~(; except~~  
5 ~~that at any first election three councilmen in cities having seven~~  
6 ~~councilmen, and two councilmen in cities having five councilmen, shall~~  
7 ~~be elected for two year terms and the remaining councilmen shall be~~  
8 ~~elected for four year terms)) and assume office in accordance with RCW  
9 29.04.170. At any first election upon reorganization, councilmembers  
10 shall be elected as provided in RCW 35A.02.050. Thereafter the  
11 requisite number of ((councilmen)) councilmembers shall be elected  
12 biennially as the terms of their predecessors expire and shall serve  
13 for terms of four years. The positions to be filled on the city  
14 council shall be designated by consecutive numbers and shall be dealt  
15 with as separate offices for all election purposes(~~(, as provided in~~  
16 ~~RCW 35A.29.105. In any city which holds its first election under this~~  
17 ~~title in the calendar year 1970, candidates elected for two year terms~~  
18 ~~shall hold office until their successors are elected and qualified at~~  
19 ~~the general municipal election to be held in November, 1973 and~~  
20 ~~candidates elected for four year terms shall hold office until their~~  
21 ~~successors are elected and qualified at the general municipal election~~  
22 ~~to be held in November, 1975)). Election to positions on the council~~  
23 ~~shall be by majority vote from the city at large, unless provision is~~  
24 ~~made by charter or ordinance for election by wards. ((The city council~~  
25 ~~shall be the judge of the qualifications of its members and determine~~  
26 ~~contested elections of city officers, subject to review by certiorari~~  
27 ~~as provided by law.)) The mayor and ((councilmen)) councilmembers~~  
28 shall qualify by taking an oath or affirmation of office and as may be  
29 provided by law, charter, or ordinance.~~

30 **Sec. 33.** RCW 35A.12.050 and 1967 ex.s. c 119 s 35A.12.050 are each  
31 amended to read as follows:

32 The office of a mayor or ((councilman)) councilmember shall become  
33 vacant if ((he)) the person who is elected or appointed to that  
34 position fails to qualify as provided by law ((or)), fails to enter  
35 upon ((his)) the duties of that office at the time fixed by law without  
36 a justifiable reason, ((upon his death, resignation, removal from  
37 office by recall as provided by law, or when his office is forfeited))  
38 or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office

1 of mayor or in the council shall be filled (~~for the remainder of the~~  
2 ~~unexpired term, if any, at the next regular municipal election but the~~  
3 ~~council, or the remaining members thereof, by majority vote shall~~  
4 ~~appoint a qualified person to fill the vacancy until the person elected~~  
5 ~~to serve the remainder of the unexpired term takes office. If at any~~  
6 ~~time the membership of the council is reduced below the number required~~  
7 ~~for a quorum, the remaining members, nevertheless, by majority action~~  
8 ~~may appoint additional members to fill the vacancies until persons are~~  
9 ~~elected to serve the remainder of the unexpired terms. If, after~~  
10 ~~thirty days have passed since the occurrence of a vacancy, the council~~  
11 ~~are unable to agree upon a person to be appointed to fill a vacancy in~~  
12 ~~the council, the mayor may make the appointment from among the persons~~  
13 ~~nominated by members of the council~~) as provided in chapter 42.12 RCW.

14 **Sec. 34.** RCW 35A.12.060 and 1967 ex.s. c 119 s 35A.12.060 are each  
15 amended to read as follows:

16 (~~A mayor or councilman shall forfeit his office, creating a~~  
17 ~~vacancy, if he ceases to have the qualifications prescribed for such~~  
18 ~~office by law, charter, or ordinance, or if he is convicted of a crime~~  
19 ~~involving moral turpitude or an offense involving a violation of his~~  
20 ~~oath of office. A councilman also shall forfeit his office if he~~) In  
21 addition a council position shall become vacant if the councilmember  
22 fails to attend three consecutive regular meetings of the council  
23 without being excused by the council.

24 **Sec. 35.** RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each  
25 amended to read as follows:

26 At any time not within three months previous to a municipal general  
27 election the council of a noncharter code city organized under this  
28 chapter may divide the city into wards or change the boundaries of  
29 existing wards. No change in the boundaries of wards shall affect the  
30 term of any (~~councilman, but he~~) councilmember, and councilmembers  
31 shall serve out ((his)) their terms in the wards of ((his)) their  
32 residences at the time of ((his)) their elections: PROVIDED, That if  
33 this results in one ward being represented by more ((councilmen))  
34 councilmembers than the number to which it is entitled those having the  
35 shortest unexpired terms shall be assigned by the council to wards  
36 where there is a vacancy, and the councilmembers so assigned shall be  
37 deemed to be residents of the wards to which they are assigned for

1 purposes of those positions being vacant. The representation of each  
2 ward in the city council shall be in proportion to the population as  
3 nearly as is practicable. (~~When the city has been divided into wards~~  
4 ~~no person shall be eligible to the office of councilman unless he~~  
5 ~~resides in the ward for which he is elected on the date of his~~  
6 ~~election, and removal of his residence from the ward for which he was~~  
7 ~~elected renders his office vacant.~~))

8 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards  
9 shall be used as follows: (1) Only a resident of the ward may be a  
10 candidate for, or hold office as, a councilmember of the ward; and (2)  
11 only voters of the ward may vote at a primary to nominate candidates  
12 for a councilmember of the ward. Voters of the entire city may vote at  
13 the general election to elect a councilmember of a ward, unless the  
14 city had prior to January 1, 1993, limited the voting in the general  
15 election for any or all council positions to only voters residing  
16 within the ward associated with the council positions. If a city had  
17 so limited the voting in the general election to only voters residing  
18 within the ward, then the city shall be authorized to continue to do  
19 so.

20 **Sec. 36.** RCW 35A.13.010 and 1987 c 3 s 16 are each amended to read  
21 as follows:

22 The (~~councilmen~~) councilmembers shall be the only elective  
23 officers of a code city electing to adopt the council-manager plan of  
24 government authorized by this chapter, except where statutes provide  
25 for an elective municipal judge. The council shall appoint an officer  
26 whose title shall be "city manager" who shall be the chief executive  
27 officer and head of the administrative branch of the city government.  
28 The city manager shall be responsible to the council for the proper  
29 administration of all affairs of the code city. The council of a  
30 noncharter code city having less than twenty-five hundred inhabitants  
31 shall consist of five members; when there are twenty-five hundred or  
32 more inhabitants the council shall consist of seven members: PROVIDED,  
33 That if the population of a city after having become a code city  
34 decreases from twenty-five hundred or more to less than twenty-five  
35 hundred, it shall continue to have a seven member council. If, after  
36 a city has become a council-manager code city its population increases  
37 to twenty-five hundred or more inhabitants, the number of councilmanic  
38 offices in such city may increase from five to seven members upon the

1 affirmative vote of a majority of the existing council to increase the  
2 number of councilmanic offices in the city. When the population of a  
3 council-manager code city having five councilmanic offices increases to  
4 five thousand or more inhabitants, the number of councilmanic offices  
5 in the city shall increase from five to seven members. In the event of  
6 an increase in the number of councilmanic offices, the city council  
7 shall, by majority vote, pursuant to RCW 35A.13.020, appoint two  
8 persons to serve in these offices until the next municipal general  
9 election, at which election one person shall be elected for a two-year  
10 term and one person shall be elected for a four-year term. The number  
11 of inhabitants shall be determined by the most recent official state or  
12 federal census or determination by the state office of financial  
13 management. A charter adopted under the provisions of this title,  
14 incorporating the council-manager plan of government set forth in this  
15 chapter may provide for an uneven number of ((councilmen))  
16 councilmembers not exceeding eleven.

17 A noncharter code city of less than five thousand inhabitants which  
18 has elected the council-manager plan of government and which has seven  
19 councilmanic offices may establish a five-member council in accordance  
20 with the following procedure. At least six months prior to a municipal  
21 general election, the city council shall adopt an ordinance providing  
22 for reduction in the number of councilmanic offices to five. The  
23 ordinance shall specify which two councilmanic offices, the terms of  
24 which expire at the next general election, are to be terminated. The  
25 ordinance shall provide for the renumbering of council positions and  
26 shall also provide for a two-year extension of the term of office of a  
27 retained councilmanic office, if necessary, in order to comply with RCW  
28 35A.12.040.

29 However, a noncharter code city that has retained its old council-  
30 manager plan of government, as provided in RCW 35A.02.130, is subject  
31 to the laws applicable to that old plan of government.

32 **Sec. 37.** RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each  
33 amended to read as follows:

34 In council-manager code cities, eligibility for election to the  
35 council, the manner of electing councilmen, the numbering of council  
36 positions, the terms of councilmen, the occurrence and the filling of  
37 vacancies, the grounds for forfeiture of office, and appointment of a  
38 mayor pro tempore or deputy mayor or councilman pro tempore shall be



1 governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040,  
2 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a  
3 code city organized under the mayor-council plan(~~(: PROVIDED, That))~~,  
4 except that in council-manager cities where all council positions are  
5 at-large positions, the city council may, pursuant to RCW 35A.13.033,  
6 provide that the person elected to council position one (~~on or after~~  
7 ~~September 8, 1975,~~) shall be the council chairman and shall carry out  
8 the duties prescribed by RCW 35A.13.030(~~(, as now or hereafter~~  
9 ~~amended)~~).

10 **Sec. 38.** RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060 are each  
11 amended to read as follows:

12 An annexation election shall be held in accordance with (~~chapter~~  
13 ~~35A.29 RCW of this title~~) general election law and only registered  
14 voters who have resided in the area proposed to be annexed for ninety  
15 days immediately preceding the election shall be allowed to vote  
16 therein.

17 **Sec. 39.** RCW 35A.14.070 and 1979 ex.s. c 124 s 4 are each amended  
18 to read as follows:

19 Notice of an annexation election shall particularly describe the  
20 boundaries of the area proposed to be annexed, as the same may have  
21 been modified by the boundary review board or the county annexation  
22 review board, state the objects of the election as prayed in the  
23 petition or as stated in the resolution, and require the voters to cast  
24 ballots which shall contain the words "For Annexation" or "Against  
25 Annexation" or words equivalent thereto, or contain the words "For  
26 Annexation and Adoption of Proposed Zoning Regulation", and "Against  
27 Annexation and Adoption of Proposed Zoning Regulation", or words  
28 equivalent thereto in case the simultaneous adoption of a proposed  
29 zoning regulation is proposed, and in case the assumption of all or a  
30 portion of indebtedness is proposed, shall contain an appropriate,  
31 separate proposition for or against the portion of indebtedness that  
32 the city requires to be assumed. The notice shall be posted for at  
33 least two weeks prior to the date of election in four public places  
34 within the area proposed to be annexed and published at least once a  
35 week for two weeks prior to the date of election in a newspaper of  
36 general circulation within the limits of the territory proposed to be

1 annexed. Such notice shall be in addition to the notice required by  
2 (~~RCW 35A.29.140~~) general election law.

3 **Sec. 40.** RCW 35A.15.040 and 1967 ex.s. c 119 s 35A.15.040 are each  
4 amended to read as follows:

5 (~~The election shall be conducted and the returns canvassed as~~  
6 ~~provided in chapter 35A.29 RCW.~~) Ballot titles shall be prepared by  
7 the city as provided in RCW 35A.29.120 and shall contain the words "For  
8 Dissolution" and "Against Dissolution", and shall contain on separate  
9 lines, alphabetically, the names of candidates for receiver. If a  
10 majority of the votes cast on the proposition are for dissolution, the  
11 municipal corporation shall be dissolved upon certification of the  
12 election results to the office of the secretary of state.

13 **Sec. 41.** RCW 35A.16.030 and 1967 ex.s. c 119 s 35A.16.030 are each  
14 amended to read as follows:

15 (~~The election returns shall be canvassed as provided in RCW~~  
16 ~~35A.29.070 and~~) If three-fifths of the votes cast on the proposition  
17 favor the reduction of the corporate limits, the (~~legislative body, by~~  
18 ~~an order entered on its minutes, shall direct the clerk to~~) county  
19 auditor shall make and transmit to the office of the secretary of state  
20 a certified abstract of the vote.

21 NEW SECTION. **Sec. 42.** A new section is added to chapter 35A.29  
22 RCW to read as follows:

23 Elections for code cities shall comply with general election law.

24 **Sec. 43.** RCW 36.69.020 and 1969 c 26 s 2 are each amended to read  
25 as follows:

26 The formation of a park and recreation district shall be initiated  
27 by a petition designating the boundaries thereof by metes and bounds,  
28 or by describing the land to be included therein by townships, ranges  
29 and legal subdivisions. Such petition shall set forth the object of  
30 the district and state that it will be conducive to the public welfare  
31 and convenience, and that it will be a benefit to the area therein.  
32 Such petition shall be signed by not less than fifteen percent of the  
33 registered voters residing within the area so described. (~~No person~~  
34 ~~signing the petition may withdraw his name therefrom after filing.~~)

1 The name of a person who has signed the petition may not be withdrawn  
2 from the petition after the petition has been filed.

3 The petition shall be filed with the auditor of the county within  
4 which the proposed district is located, accompanied by an obligation  
5 signed by two or more petitioners, agreeing to pay the cost of the  
6 publication of the notice provided for in RCW 36.69.040. The county  
7 auditor shall, within thirty days from the date of filing the petition,  
8 examine the signatures and certify to the sufficiency or insufficiency  
9 thereof(~~(; and for that purpose shall have access to all registration~~  
10 ~~books or records in the possession of the registration officers of the~~  
11 ~~election precincts included, in whole or in part, within the proposed~~  
12 ~~district. Such books and records shall be prima facie evidence of the~~  
13 ~~truth of the certificate)).~~

14 If the petition is found to contain a sufficient number of  
15 signatures of qualified persons, the auditor shall transmit it,  
16 together with ~~((his))~~ a certificate of sufficiency attached thereto, to  
17 the county ~~((commissioners who))~~ legislative authority, which shall by  
18 resolution entered upon ~~((their))~~ its minutes~~((;))~~ receive it and fix  
19 a day and hour when ~~((they))~~ the legislative authority will publicly  
20 hear the petition, as provided in RCW 36.69.040.

21 **Sec. 44.** RCW 36.69.070 and 1979 ex.s. c 126 s 28 are each amended  
22 to read as follows:

23 ~~((All elections pursuant to this chapter shall be conducted in~~  
24 ~~accordance with the provisions of chapter 29.13 RCW for district~~  
25 ~~elections.))~~ A ballot proposition authorizing the formation of the  
26 proposed park and recreation district shall be submitted to the voters  
27 of the proposed district for their approval or rejection at the next  
28 general state election occurring sixty or more days after the county  
29 legislative authority fixes the boundaries of the proposed district.  
30 Notices of the election for the formation of the park and recreation  
31 district shall state generally and briefly the purpose thereof and  
32 shall give the boundaries of the proposed district(~~(, define the~~  
33 ~~election precincts, designate the polling place of each, give the names~~  
34 ~~of the five nominated park and recreation commissioner candidates of~~  
35 ~~the proposed district,))~~ and name the day of the election and the hours  
36 during which the polls will be open. The proposition to be submitted  
37 to the voters shall be stated in such manner that the voters may  
38 indicate yes or no upon the proposition of forming the proposed park

1 and recreation district. (~~(The ballot shall be so arranged that voters~~  
2 ~~may vote for the five nominated candidates or may write in the names of~~  
3 ~~other candidates.)~~)

4 The initial park and recreation commissioners shall be elected at  
5 the same election, but this election shall be null and void if the  
6 district is not authorized to be formed. No primary shall be held to  
7 nominate candidates for the initial commissioner positions. Candidates  
8 shall run for specific commission positions. A special filing period  
9 shall be opened as provided in RCW 29.15.170 and 29.15.180. The person  
10 who receives the greatest number of votes for each commission position  
11 shall be elected to that position. The three persons who are elected  
12 receiving the greatest number of votes shall be elected to four-year  
13 terms of office if the election is held in an odd-numbered year or  
14 three-year terms of office if the election is held in an even-numbered  
15 year. The other two persons who are elected shall be elected to two-  
16 year terms of office if the election is held in an odd-numbered year or  
17 one-year terms of office if the election is held in an even-numbered  
18 year. The initial commissioners shall take office immediately upon  
19 being elected and qualified, but the length of such terms shall be  
20 computed from the first day of January in the year following this  
21 election.

22 **Sec. 45.** RCW 36.69.080 and 1979 ex.s. c 126 s 29 are each amended  
23 to read as follows:

24 If a majority of all votes cast upon the proposition favors the  
25 formation of the district, (~~(the)~~) the county legislative authority  
26 shall(~~(,)~~), by resolution, declare the territory organized as a park  
27 and recreation district under the designated name (~~(therefore~~  
28 ~~designated, and shall declare the candidate from each subdivision~~  
29 ~~receiving the highest number of votes for park and recreation~~  
30 ~~commissioner the duly elected first park and recreation commissioner of~~  
31 ~~the subdivision of the district. These initial park and recreation~~  
32 ~~commissioners shall take office immediately upon their election and~~  
33 ~~qualification and hold office until their successors are elected and~~  
34 ~~qualified and assume office as provided in RCW 36.69.090 as now or~~  
35 ~~hereafter amended)).~~

36 **Sec. 46.** RCW 36.69.090 and 1987 c 53 s 1 are each amended to read  
37 as follows:

1 A park and recreation district shall be governed by a board of five  
2 commissioners. Except for the initial commissioners, all commissioners  
3 shall be elected to staggered four-year terms of office and shall serve  
4 until their successors are elected and qualified and assume office in  
5 accordance with RCW 29.04.170. Candidates shall run for specific  
6 commissioner positions.

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

24 **Sec. 47.** RCW 36.69.100 and 1963 c 4 s 36.69.100 are each amended  
25 to read as follows:

26 Vacancies on the board of park and recreation commissioners shall  
27 occur and shall be filled (~~by a majority vote of the remaining~~  
28 ~~commissioners)) as provided in chapter 42.12 RCW.~~

29 **Sec. 48.** RCW 36.69.440 and 1979 ex.s. c 11 s 3 are each amended to  
30 read as follows:

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

35 (2) At the public hearing the legislative authority (~~for each~~  
36 ~~authority)) for each county shall fix the boundaries for that portion  
37 of the proposed park and recreation district that lies within the~~

1 county as provided in RCW 36.69.050. Each county shall notify the  
2 other county or counties of the determination of the boundaries within  
3 ten days.

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

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

16 ~~(5) If the proposed district encompasses portions of more than two  
17 counties, the district shall be divided into five subdivisions and  
18 resident electors shall be named as follows:~~

19 ~~The number of subdivisions and resident electors to be established  
20 by each county shall reflect the proportion of population within each  
21 county portion of the proposed district in relation to the total  
22 population of the proposed district, provided that each county shall  
23 designate one subdivision and one resident elector.~~

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

28 **Sec. 49.** RCW 52.14.010 and 1985 c 330 s 2 are each amended to read  
29 as follows:

30 The affairs of the district shall be managed by a board of fire  
31 commissioners composed of three ~~((resident electors of))~~ registered  
32 voters residing in the district except as provided in RCW 52.14.015 and  
33 52.14.020. Each member shall each receive fifty dollars per day or  
34 portion thereof, not to exceed four thousand eight hundred dollars per  
35 year, for attendance at board meetings and for performance of other  
36 services in behalf of the district.

37 In addition, they shall receive necessary expenses incurred in  
38 attending meetings of the board or when otherwise engaged in district

1 business, and shall be entitled to receive the same insurance available  
2 to all ((firemen)) fire fighters of the district: PROVIDED, That the  
3 premiums for such insurance, except liability insurance, shall be paid  
4 by the individual commissioners who elect to receive it.

5 Any commissioner may waive all or any portion of his or her  
6 compensation payable under this section as to any month or months  
7 during his or her term of office, by a written waiver filed with the  
8 secretary as provided in this section. The waiver, to be effective,  
9 must be filed any time after the commissioner's election and prior to  
10 the date on which ((said)) the compensation would otherwise be paid.  
11 The waiver shall specify the month or period of months for which it is  
12 made.

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

24 **Sec. 50.** RCW 52.14.015 and 1990 c 259 s 14 are each amended to  
25 read as follows:

26 In the event a three member board of commissioners of any fire  
27 protection district determines by resolution ((and approves by  
28 unanimous vote of the board)) that it would be in the best interest of  
29 the district to increase the number of commissioners from three to  
30 five, or in the event the board is presented with a petition signed by  
31 ten percent of the registered voters resident within the district who  
32 voted in the last general municipal election calling for such an  
33 increase in the number of commissioners of the district, the board  
34 shall submit a resolution to the county legislative authority or  
35 authorities of the county or counties in which the district is located  
36 requesting that an election be held. Upon receipt of the resolution,  
37 the legislative authority or authorities of the county or counties  
38 shall call a special election to be held within the fire protection

1 district at which election the following proposition shall be submitted  
2 to the voters substantially as follows:

3 Shall the board of commissioners of . . . . county fire  
4 protection district no. . . . . be increased from three members to  
5 five members?

6 Yes . . . . .

7 No . . . . .

8 If the fire protection district is located in more than a single  
9 county, this proposition shall indicate the name of the district.

10 If the proposition receives a majority approval at the election,  
11 the board of commissioners of the fire protection district shall be  
12 increased to five members. The two additional members shall be  
13 appointed in the same manner as provided in RCW 52.14.020.

14 **Sec. 51.** RCW 52.14.030 and 1984 c 230 s 31 are each amended to  
15 read as follows:

16 ~~((The polling places for district elections shall be those of the~~  
17 ~~county voting precincts which include any of the territory within the~~  
18 ~~fire protection districts. District elections))~~ The polling places for  
19 a fire protection district election may be located inside or outside  
20 the boundaries of the district ((and)), as determined by the auditor of  
21 the county in which the fire protection district is located, and the  
22 elections of the fire protection district shall not be held to be  
23 irregular or void on that account.

24 **Sec. 52.** RCW 52.14.050 and 1989 c 63 s 21 are each amended to read  
25 as follows:

26 ~~((In the event of a vacancy occurring in the office of fire~~  
27 ~~commissioner, the vacancy shall, within sixty days, be filled by~~  
28 ~~appointment of a resident elector of the district by a vote of the~~  
29 ~~remaining fire commissioners. If the board of commissioners fails to~~  
30 ~~fill the vacancy within the sixty day period, the county legislative~~  
31 ~~authority of the county in which all, or the largest portion, of the~~  
32 ~~district is located shall make the appointment. If the number of~~  
33 ~~vacancies is such that there is not a majority of the full number of~~  
34 ~~commissioners in office as fixed by law, the county legislative~~



1 authority of the county in which all, or the largest portion, of the  
2 district is located shall appoint someone to fill each vacancy, within  
3 thirty days of each vacancy, that is sufficient to create a majority as  
4 prescribed by law.

5 An appointee shall serve ad interim until a successor has been  
6 elected and qualified at the next general election as provided in  
7 chapter 29.21 RCW. A person who is so elected shall take office  
8 immediately after he or she is qualified and shall serve for the  
9 remainder of the unexpired term.)

10 Vacancies on a board of fire commissioners shall occur as provided  
11 in chapter 42.12 RCW. In addition, if a fire commissioner is absent  
12 from the district for three consecutive regularly scheduled meetings  
13 unless by permission of the board, the office shall be declared vacant  
14 by the board of commissioners ((and the vacancy shall be filled as  
15 provided for in this section)). However, such an action shall not be  
16 taken unless the commissioner is notified by mail after two consecutive  
17 unexcused absences that the position will be declared vacant if the  
18 commissioner is absent without being excused from the next regularly  
19 scheduled meeting. Vacancies ((additionally shall occur)) on a board  
20 of fire commissioners shall be filled as provided in chapter 42.12 RCW.

21 **Sec. 53.** RCW 52.14.060 and 1989 c 63 s 22 are each amended to read  
22 as follows:

23 The initial three members of the board of fire commissioners shall  
24 be elected at the same election as when the ballot proposition is  
25 submitted to the voters authorizing the creation of the fire protection  
26 district. If the district is not authorized to be created, the  
27 election of the initial fire commissioners shall be null and void. If  
28 the district is authorized to be created, the initial fire  
29 commissioners shall take office immediately when qualified. Candidates  
30 shall file for each of the three separate fire commissioner positions.  
31 Elections shall be held as provided in chapter 29.21 RCW, with the  
32 county auditor opening up a special filing period as provided in RCW  
33 ((29.21.360 and 29.21.370)) 29.15.170 and 29.15.180, as if there were  
34 a vacancy. The ((candidate for each position)) person who receives the  
35 greatest number of votes for each position shall be elected to that  
36 position. ((If the election is held in an odd-numbered year, the  
37 winning candidate receiving the highest number of votes shall hold  
38 office for a term of six years, the winning candidate receiving the

1 ~~next highest number of votes shall hold office for a term of four~~  
2 ~~years, and the candidate receiving the next highest number of votes~~  
3 ~~shall serve for a term of two years. If the election were held in an~~  
4 ~~even-numbered year, the winning candidate receiving the greatest number~~  
5 ~~of votes shall hold office for a term of five years, the winning~~  
6 ~~candidate receiving the next highest number of votes shall hold office~~  
7 ~~for a term of three years, and the winning candidate receiving the next~~  
8 ~~highest number of votes shall hold office for a term of one year.)) The  
9 terms of office of the initial fire commissioners shall be staggered as  
10 follows: (1) The person who is elected receiving the greatest number  
11 of votes shall be elected to a six-year term of office if the election  
12 is held in an odd-numbered year or a five-year term of office if the  
13 election is held in an even-numbered year; (2) the person who is  
14 elected receiving the next greatest number of votes shall be elected to  
15 a four-year term of office if the election is held in an odd-numbered  
16 year or a three-year term of office if the election is held in an even-  
17 numbered year; and (3) the other person who is elected shall be elected  
18 to a two-year term of office if the election is held in an odd-numbered  
19 year or a one-year term of office if the election is held in an even-  
20 numbered year. The initial commissioners shall take office immediately  
21 when elected and qualified and their terms of office ((of the initially  
22 elected fire commissioners)) shall be calculated from the first day of  
23 January in the year following their election.~~

24 The term of office of each subsequent commissioner shall be six  
25 years. Each commissioner shall serve until a successor is elected and  
26 qualified and assumes office in accordance with RCW 29.04.170.

27 **Sec. 54.** RCW 53.12.140 and 1959 c 17 s 9 are each amended to read  
28 as follows:

29 A vacancy in the office of port commissioner shall occur ((~~by~~  
30 ~~death, resignation, removal, conviction of a felony,~~) as provided in  
31 chapter 42.12 RCW or by nonattendance at meetings of the port  
32 commission for a period of sixty days unless excused by the port  
33 commission((, by any statutory disqualification, or by any permanent  
34 disability preventing the proper discharge of his duty)). A vacancy on  
35 a port commission shall be filled as provided in chapter 42.12 RCW.

36 **Sec. 55.** RCW 54.08.060 and 1979 ex.s. c 126 s 36 are each amended  
37 to read as follows:

1 Whenever a proposition for the formation of a public utility  
2 district is to be submitted to voters in any county, the county  
3 legislative authority may by resolution call a special election, and at  
4 the request of petitioners for the formation of such district contained  
5 in the petition shall do so and shall provide for holding the same at  
6 the earliest practicable time. If the boundaries of the proposed  
7 district embrace an area less than the entire county, such election  
8 shall be confined to the area so included. The notice of such election  
9 shall state the boundaries of the proposed district and the object of  
10 such election; in other respects, such election shall be held and  
11 called in the same manner as provided by law for the holding and  
12 calling of general elections: PROVIDED, That notice thereof shall be  
13 given for not less than ten days nor more than thirty days prior to  
14 such special election. In submitting the ((said)) proposition to the  
15 voters for their approval or rejection, such proposition shall be  
16 expressed on the ballots in substantially the following terms:

17 Public Utility District No. .... YES  
18 Public Utility District No. .... NO

19 At the same special election on the proposition to form a public  
20 utility district, there shall also be an election for three public  
21 utility district commissioners(~~(:—PROVIDED, That)~~). However, the  
22 election of such commissioners shall be null and void if the  
23 proposition to form the public utility district does not receive  
24 approval by a majority of the voters voting on the proposition.  
25 ~~((Nomination for and election of public utility district commissioners~~  
26 ~~shall conform with the provisions of RCW 54.12.010 as now or hereafter~~  
27 ~~amended, except for the day of such election and the term of office of~~  
28 ~~the original commissioners.)) No primary shall be held. A special  
29 filing period shall be opened as provided in RCW 29.15.170 and  
30 29.15.180. The person receiving the greatest number of votes for the  
31 commissioner of each commissioner district shall be elected as the  
32 commissioner of that district. Commissioner districts shall be  
33 established as provided in RCW 54.12.010. The terms of the initial  
34 commissioners shall be staggered as follows: (1) The person who is  
35 elected receiving the greatest number of votes shall be elected to a  
36 six-year term of office if the election is held in an even-numbered  
37 year or a five-year term if the election is held in an odd-numbered~~

1 year; (2) the person who is elected receiving the next greatest number  
2 of votes shall be elected to a four-year term of office if the election  
3 is held in an even-numbered year or a three-year term of office if the  
4 election is held in an odd-numbered year; and (3) the other person who  
5 is elected shall be elected to a two-year term of office if the  
6 election is held in an even-numbered year or a one-year term of office  
7 if the election is held in an odd-numbered year. The commissioners  
8 first to be elected at such special election shall ((hold office from  
9 the first day of the month following the commissioners' election for  
10 the terms as specified in this section which terms shall be computed  
11 from the first day in January next following the election. If such  
12 special election was held in an even-numbered year, the commissioners  
13 residing in commissioner district number one shall hold office for the  
14 term of six years, the commissioner residing in commissioner district  
15 number two shall hold office for the term of four years, and the  
16 commissioner residing in commissioner district number three shall hold  
17 office for the term of two years. If such special election was held in  
18 an odd-numbered year, the commissioner residing in commissioner  
19 district number one shall hold office for the term of five years, the  
20 commissioner residing in commissioner district number two shall hold  
21 office for the term of three years, and the commissioner residing in  
22 commissioner district number three shall hold office for the term of  
23 one year)) assume office immediately when they are elected and  
24 qualified, but the length of their terms of office shall be calculated  
25 from the first day in January in the year following their elections.

26 The term "general election" as used herein means biennial general  
27 elections at which state and county officers in a noncharter county are  
28 elected.

29 **Sec. 56.** RCW 54.12.010 and 1990 c 59 s 109 are each amended to  
30 read as follows:

31 ((Within ten days after such election, the county canvassing board  
32 shall canvass the returns, and if at such election a majority of the  
33 voters voting upon such proposition shall vote in favor of the  
34 formation of such district, the canvassing board shall so declare in  
35 its canvass of the returns of such election, and such public utility  
36 district shall then be and become)) A public utility district that is  
37 created as provided in RCW 54.08.010 shall be a municipal corporation  
38 of the state of Washington, and the name of such public utility

1 district shall be Public Utility District No. . . . . of . . . . .  
2 County.

3 The powers of the public utility district shall be exercised  
4 through a commission consisting of three members in three commissioner  
5 districts, and five members in five commissioner districts.

6 When the public utility district is (~~coextensive with the limits~~  
7 ~~of such county~~) county-wide and the county has three county  
8 legislative authority districts, then, at the first election of  
9 commissioners and until any change shall have been made in the  
10 boundaries of public utility district commissioner districts, one  
11 public utility district commissioner shall be chosen from each of the  
12 three county (~~commissioner~~) legislative authority districts (~~of the~~  
13 ~~county in which the public utility district is located if the county is~~  
14 ~~not operating under a "Home Rule" charter~~). When the public utility  
15 district comprises only a portion of the county, with boundaries  
16 established in accordance with chapter 54.08 RCW, or when the public  
17 utility district is (~~located in a county operating under a "Home Rule"~~  
18 ~~charter~~) county-wide and the county does not have three county  
19 legislative authority districts, three public utility district  
20 commissioner districts, numbered consecutively, (~~having~~) each with  
21 approximately equal population and (~~boundaries,~~) following (~~ward~~  
22 ~~and~~) precinct lines, as far as practicable, shall be described in the  
23 petition for the formation of the public utility district, which shall  
24 be subject to appropriate change by the county legislative authority if  
25 and when (~~they~~) it changes the boundaries of the proposed public  
26 utility district, and one commissioner shall be elected (~~from each of~~  
27 ~~said~~) as a commissioner of each of the public utility district  
28 commissioner districts. (~~In all five commissioner districts an~~  
29 ~~additional commissioner at large shall be chosen from each of the two~~  
30 ~~at large districts. No person shall be eligible to be elected to the~~  
31 ~~office of public utility district commissioner for a particular~~  
32 ~~district commissioner district unless he is a registered voter of the~~  
33 ~~public utility district commissioner district or at large district from~~  
34 ~~which he is elected.~~) Commissioner districts shall be used as follows:  
35 (1) Only a registered voter who resides in a commissioner district may  
36 be a candidate for, or hold office as, a commissioner of the  
37 commissioner district; and (2) only voters of a commissioner district  
38 may vote at a primary to nominate candidates for a commissioner of the  
39 commissioner district. Voters of the entire public utility district

1 may vote at a general election to elect a person as a commissioner of  
2 the commissioner district.

3 ~~((Except as otherwise provided,))~~ The term of office of each public  
4 utility district commissioner other than the commissioners at large  
5 shall be six years, and the term of each commissioner at large shall be  
6 four years. Each term shall be computed in accordance with RCW  
7 29.04.170 following the commissioner's election. ~~((One commissioner at~~  
8 ~~large and one commissioner from a commissioner district shall be~~  
9 ~~elected at each general election held in an even-numbered year for the~~  
10 ~~term of four years and six years respectively. All candidates shall be~~  
11 ~~voted upon by the entire public utility district.~~

12 ~~When a public utility district is formed, three public utility~~  
13 ~~district commissioners shall be elected at the same election at which~~  
14 ~~the proposition is submitted to the voters as to whether such public~~  
15 ~~utility district shall be formed. If the general election adopting the~~  
16 ~~proposition to create the public utility district was held in an even-~~  
17 ~~numbered year, the commissioner residing in commissioner district~~  
18 ~~number one shall hold office for the term of six years; the~~  
19 ~~commissioner residing in commissioner district number two shall hold~~  
20 ~~office for the term of four years; and the commissioner residing in~~  
21 ~~commissioner district number three shall hold office for the term of~~  
22 ~~two years. If the general election adopting the proposition to create~~  
23 ~~the public utility district was held in an odd-numbered year, the~~  
24 ~~commissioner residing in commissioner district number one shall hold~~  
25 ~~office for the term of five years, the commissioner in district two~~  
26 ~~shall hold office for the term of three years, and the commissioner in~~  
27 ~~district three shall hold office for the term of one year. The~~  
28 ~~commissioners first to be elected as above provided shall hold office~~  
29 ~~from the first day of the month following the commissioners' election~~  
30 ~~and their respective terms of office shall be computed from the first~~  
31 ~~day of January next following the election.))~~

32 All public utility district commissioners shall hold office until  
33 their successors shall have been elected and have qualified and assume  
34 office in accordance with RCW 29.04.170. ~~((A filing for nomination for~~  
35 ~~public utility district commissioner shall be accompanied by a petition~~  
36 ~~signed by one hundred registered voters of the public utility district~~  
37 ~~which shall be certified by the county auditor to contain the required~~  
38 ~~number of registered voters, and shall otherwise be filed in accord~~  
39 ~~with the requirements of Title 29 RCW. At the time of filing such~~

1 nominating petition, the person so nominated shall execute and file a  
2 declaration of candidacy subject to the provisions of Title 29 RCW, as  
3 now or hereafter amended. The petition and each page of the petition  
4 shall state whether the nomination is for a commissioner from a  
5 particular commissioner district or for a commissioner at large and  
6 shall state the districts; otherwise it shall be void.))

7 A vacancy in the office of public utility district commissioner  
8 shall occur as provided in chapter 42.12 RCW or by ((death,  
9 resignation, removal, conviction of a felony,)) nonattendance at  
10 meetings of the public utility district commission for a period of  
11 sixty days unless excused by the public utility district commission((  
12 by any statutory disqualification, or by any permanent disability  
13 preventing the proper discharge of his duty. In the event of a vacancy  
14 in said office, such vacancy shall be filled at the next general  
15 election held in an even-numbered year, the vacancy in the interim to  
16 be filled by appointment by the remaining commissioners. If more than  
17 one vacancy exists at the same time in a three commissioner district,  
18 or more than two in a five commissioner district, a special election  
19 shall be called by the county canvassing board upon the request of the  
20 remainder, or, that failing, by the county election board, such  
21 election to be held not more than forty days after the occurring of  
22 such vacancies.

23 A majority of the persons holding the office of public utility  
24 district commissioner at any time shall constitute a quorum of the  
25 commission for the transaction of business, and the concurrence of a  
26 majority of the persons holding such office at the time shall be  
27 necessary and shall be sufficient for the passage of any resolution,  
28 but no business shall be transacted, except in usual and ordinary  
29 course, unless there are in office at least a majority of the full  
30 number of commissioners fixed by law)). Vacancies on a board of public  
31 utility district commissioners shall be filled as provided in chapter  
32 42.12 RCW.

33 The boundaries of the public utility district ((commissioners'  
34 commissioner districts) may be changed only by the public utility  
35 district commission, and shall be examined every ten years to determine  
36 substantial equality of population in accordance with chapter 29.70  
37 RCW, but ((said)) the boundaries shall not be changed oftener than once  
38 in four years, and only when all members of the commission are present.  
39 Whenever territory is added to a public utility district under RCW

1 54.04.035, the boundaries of the public utility (~~commissioners~~)  
2 commissioner districts shall be changed to include such additional  
3 territory. The proposed change of the boundaries of the public utility  
4 district (~~commissioners~~) commissioner district must be made by  
5 resolution and after public hearing. Notice of the time of a public  
6 hearing thereon shall be published for two weeks prior thereto. Upon  
7 a referendum petition signed by ten percent of the qualified voters of  
8 the public utility district being filed with the county auditor, the  
9 county legislative authority shall submit such proposed change of  
10 boundaries to the voters of the public utility district for their  
11 approval or rejection. Such petition must be filed within ninety days  
12 after the adoption of resolution of the proposed action. The validity  
13 of (~~said~~) the petition shall be governed by the provisions of chapter  
14 54.08 RCW.

15 **Sec. 57.** RCW 54.40.070 and 1977 ex.s. c 36 s 7 are each amended to  
16 read as follows:

17 Within thirty days after the public utility district commission  
18 shall divide the district into two at large districts, the county  
19 legislative authority shall call a special election, to be held at the  
20 next scheduled special election called pursuant to RCW 29.13.010, or  
21 not more than ninety days after such call, at which time the initial  
22 commissioners to such at large districts shall be elected(~~(7)~~). No  
23 primary shall be held and a special filing period shall be opened as  
24 provided in RCW 29.15.170 and 29.15.180. The person receiving the  
25 greatest number of votes for each position shall be elected.

26 The person who is elected receiving the (~~largest~~) greatest number  
27 of votes (~~to serve for four years~~) shall be elected to a four-year  
28 term of office, and the other person (~~receiving the next largest~~  
29 number of votes to serve an initial term of two years) who is elected  
30 shall be elected to a two-year term of office, if the election is held  
31 in an even-numbered year, or the person who is elected receiving the  
32 greatest number of votes shall be elected to a three-year term of  
33 office, and the other person who is elected shall be elected to a one-  
34 year term of office, if the election is held in an odd-numbered year.  
35 The length of these terms of office shall be calculated from the first  
36 day in January in the year following their elections.

37 The newly elected commissioners shall assume office immediately  
38 after being elected and qualified and shall serve until their



1 successors are elected and qualified and assume office in accordance  
2 with RCW 29.04.170. Each successor shall be elected to a four-year  
3 term of office.

4 **Sec. 58.** RCW 56.12.020 and 1979 ex.s. c 126 s 38 are each amended  
5 to read as follows:

6 At the election held to form or reorganize a sewer district,  
7 ~~((there shall be elected three commissioners who shall assume office~~  
8 ~~immediately when qualified in accordance with RCW 29.01.135 to hold~~  
9 ~~office for terms of two, four, and six years respectively, and until~~  
10 ~~their successors are elected and qualified and assume office in~~  
11 ~~accordance with RCW 29.04.170.~~

12 The term of each nominee shall be expressed on the ballot and shall  
13 be computed from the first day of January next following if the initial  
14 election of the sewer district commissioners was in a general district  
15 election as provided in RCW 29.13.020, or from the first day of January  
16 following the first general election for sewer districts after its  
17 creation if the initial election was on a date other than a general  
18 district election. Thereafter, every two years there shall be elected  
19 a commissioner for a term of six years and until his or her successor  
20 is elected and qualified, at the general election held in the odd-  
21 numbered years, as provided in RCW 29.13.020, and conducted by the  
22 county auditor and the returns shall be canvassed by the county  
23 canvassing board of election returns: PROVIDED, That each such  
24 commissioner shall assume office in accordance with RCW 29.04.170))  
25 three sewer district commissioners shall be elected. The election of  
26 sewer district commissioners shall be null and void if the ballot  
27 proposition to form or reorganize the sewer district is not approved.  
28 Candidates shall run for one of three separate commissioner positions.  
29 A special filing period shall be opened as provided in RCW 29.15.170  
30 and 29.15.180. The person receiving the greatest number of votes for  
31 each position shall be elected to that position.

32 The newly elected sewer district commissioners shall assume office  
33 immediately when they are elected and qualified. Staggering of the  
34 terms of office for the new sewer district commissioners shall be  
35 accomplished as follows: (1) The person who is elected receiving the  
36 greatest number of votes shall be elected to a six-year term of office  
37 if the election is held in an odd-numbered year or a five-year term of  
38 office if the election is held in an even-numbered year; (2) the person

1 who is elected receiving the next greatest number of votes shall be  
2 elected to a four-year term of office if the election is held in an  
3 odd-numbered year or a three-year term of office if the election is  
4 held in an even-numbered year; and (3) the other person who is elected  
5 shall be elected to a two-year term of office if the election is held  
6 in an odd-numbered year or a one-year term of office if the election is  
7 held in an even-numbered year. The terms of office shall be calculated  
8 from the first day of January in the year following the election.

9 Thereafter commissioners shall be elected to six-year terms of  
10 office. Commissioners shall serve until their successors are elected  
11 and qualified and assume office in accordance with RCW 29.04.170.

12 **Sec. 59.** RCW 56.12.030 and 1990 c 259 s 24 are each amended to  
13 read as follows:

14 ~~((1) Nominations for the first board of commissioners to be~~  
15 ~~elected at the election for the formation of the sewer district shall~~  
16 ~~be by petition of fifty registered voters or ten percent of the~~  
17 ~~registered voters of the district who voted in the last general~~  
18 ~~municipal election, whichever is the smaller. The petition shall be~~  
19 ~~filed in the auditor's office of the county in which the district is~~  
20 ~~located at least forty five days before the election. Thereafter~~  
21 ~~candidates for the office of sewer commissioner shall file declarations~~  
22 ~~of candidacy and their election shall be conducted as provided by the~~  
23 ~~general elections laws. A vacancy or vacancies shall be filled by~~  
24 ~~appointment by the remaining commissioner or commissioners until the~~  
25 ~~next regular election for commissioners: PROVIDED, That if there are~~  
26 ~~two vacancies on the board, one vacancy shall be filled by appointment~~  
27 ~~by the remaining commissioner and the one remaining vacancy shall be~~  
28 ~~filled by appointment by the then two commissioners and the appointed~~  
29 ~~commissioners shall serve until the next regular election for~~  
30 ~~commissioners. If the vacancy or vacancies remain unfilled within six~~  
31 ~~months of its or their occurrence, the county legislative authority in~~  
32 ~~which the district is located shall make the necessary appointment or~~  
33 ~~appointments. If there is a vacancy of the entire board a new board~~  
34 ~~may be appointed by the county legislative authority. Any person~~  
35 ~~residing in the district who is at the time of election a registered~~  
36 ~~voter may vote at any election held in the sewer district.~~

37 ~~(2) Subsection (1) of this section notwithstanding,)~~ The board of  
38 commissioners of any sewer district may ((provide by majority vote that

1 ~~subsequent commissioners be elected from commissioner districts))~~ adopt  
2 a resolution providing that each subsequent commissioner be elected as  
3 a commissioner of a commissioner district within the district. If the  
4 board exercises this option, it shall divide the district into  
5 ((three)) a number of commissioner districts ((of)) equal in number to  
6 the number of commissioners on the board, each with approximately equal  
7 population following current precinct and district boundaries as far as  
8 practicable. ((Thereafter, candidates shall be nominated and one  
9 candidate shall be elected from each commissioner district by the  
10 registered voters of the commissioner district.

11 ~~(3) All expense of elections for the formation or reorganization of~~  
12 ~~a sewer district shall be paid by the county in which the election is~~  
13 ~~held and the expenditure is hereby declared to be for a county purpose,~~  
14 ~~and the money paid for that purpose shall be repaid to the county by~~  
15 ~~the district if formed or reorganized.))~~ Commissioner districts shall  
16 be used as follows: (1) Only a registered voter who resides in a  
17 commissioner district may be a candidate for, or serve as, a  
18 commissioner of the commissioner district; and (2) only voters of a  
19 commissioner district may vote at a primary to nominate candidates for  
20 a commissioner of the commissioner district. Voters of the entire  
21 sewer district may vote at a general election to elect a person as a  
22 commissioner of the commissioner district. Commissioner districts  
23 shall be redrawn as provided in chapter 29.70 RCW.

24 NEW SECTION. Sec. 60. A new section is added to chapter 56.12 RCW  
25 to read as follows:

26 Sewer district elections shall conform with general election laws.

27 Vacancies on a board of sewer commissioners shall occur and shall  
28 be filled as provided in chapter 42.12 RCW.

29 **Sec. 61.** RCW 57.02.050 and 1982 1st ex.s. c 17 s 5 are each  
30 amended to read as follows:

31 Whenever the boundaries or proposed boundaries of a water district  
32 include or are proposed to include by means of formation, annexation,  
33 consolidation, or merger (including merger with a sewer district)  
34 territory in more than one county, all duties delegated by Title 57 RCW  
35 to officers of the county in which the district is located shall be  
36 delegated to the officers of the county in which the largest land area  
37 of the district is located, except that elections shall be conducted

1 pursuant to ((RCW 57.02.060, as now existing or hereafter amended))  
2 general election law, actions subject to review and approval under RCW  
3 57.02.040 and 56.02.070 shall be reviewed and approved only by the  
4 officers or boards in the county in which such actions are proposed to  
5 occur, verification of electors' signatures shall be conducted by the  
6 county election officer of the county in which such signators reside,  
7 and comprehensive plan review and approval or rejection by the  
8 respective county legislative authorities under RCW 57.16.010 shall be  
9 limited to that part of such plans within the respective counties.

10 **Sec. 62.** RCW 57.12.020 and 1990 c 259 s 30 are each amended to  
11 read as follows:

12 ((Nominations for the first board of commissioners to be elected at  
13 the election for the formation of the water district shall be by  
14 petition of at least ten percent of the registered voters of the  
15 district who voted in the last general municipal election, filed in the  
16 auditor's office of the county in which the district is located, at  
17 least forty five days prior to the election. Thereafter, candidates  
18 for the office of water commissioners shall file declarations of  
19 candidacy and their election shall be conducted as provided by the  
20 general election laws.))

21 A vacancy ((or vacancies)) on the board shall occur and shall be  
22 filled ((by appointment by the remaining commissioner or commissioners  
23 until the next regular election for commissioners: PROVIDED, That if  
24 there are two vacancies on the board, one vacancy shall be filled by  
25 appointment by the remaining commissioner and the one remaining vacancy  
26 shall be filled by appointment by the then two commissioners and the  
27 appointed commissioners shall serve until the next regular election for  
28 commissioners. If the vacancy or vacancies remain unfilled within six  
29 months of its or their occurrence, the county legislative authority in  
30 which the district is located shall make the necessary appointment or  
31 appointments. If there is a vacancy of the entire board a new board  
32 may be appointed by the county legislative authority.

33 Any person residing in the district who is a registered voter under  
34 the laws of the state may vote at any district election)) as provided  
35 in chapter 42.12 RCW.

36 **Sec. 63.** RCW 57.12.030 and 1982 1st ex.s. c 17 s 14 are each  
37 amended to read as follows:

1       (~~The general laws of the state of Washington governing the~~  
2 ~~registration of voters for a general or a special city election shall~~  
3 ~~govern the registration of voters for elections held under this~~  
4 ~~chapter. The manner of holding any general or special election for~~  
5 ~~said)) Water district elections shall be held in accordance with the~~  
6 ~~general election laws of this state. ((All elections in a water~~  
7 ~~district shall be conducted under RCW 57.02.060. All expenses of~~  
8 ~~elections for a water district shall be paid for out of the funds of~~  
9 ~~the water district: PROVIDED, That if the voters fail to approve the~~  
10 ~~formation of a water district, the expenses of the formation election~~  
11 ~~shall be paid by each county in which the proposed district is located,~~  
12 ~~in proportion to the number of registered voters in the proposed~~  
13 ~~district residing in each county.))~~

14       Except as in this section otherwise provided, the term of office of  
15 each water district commissioner shall be six years, such term to be  
16 computed from the first day of January following the election, and  
17 (~~one commissioner shall be elected at each biennial general election,~~  
18 ~~as provided in RCW 29.13.020, for the term of six years and until his~~  
19 ~~or her successor is)) commissioners shall serve until their successors  
20 are elected and qualified and assume((s)) office in accordance with RCW  
21 29.04.170. ((All candidates shall be voted upon by the entire water  
22 district.))~~

23       Three water district commissioners shall be elected at the same  
24 election at which the proposition is submitted to the voters as to  
25 whether such water district shall be formed. (~~The commissioner~~  
26 ~~elected in commissioner position number one shall hold office for the~~  
27 ~~term of six years; the commissioner elected in commissioner position~~  
28 ~~number two shall hold office for the term of four years; and the~~  
29 ~~commissioner elected in commissioner position number three shall hold~~  
30 ~~office for the term of two years: PROVIDED, That the members of the~~  
31 ~~first commission shall take office immediately upon their election and~~  
32 ~~qualification. The terms of all commissioners first to be elected~~  
33 ~~shall also include the time intervening between the date that the~~  
34 ~~results of their election are declared in the canvass of returns~~  
35 ~~thereof and the first day of January following the next general~~  
36 ~~district election as provided in RCW 29.13.020.)) The election of  
37 water district commissioners shall be null and void if the ballot  
38 proposition to form the water district is approved. Each candidate  
39 shall run for one of three separate commissioner positions. A special~~

1 filing period shall be opened as provided in RCW 29.15.170 and  
2 29.15.180. The person receiving the greatest number of votes for each  
3 position shall be elected to that position.

4 The newly elected water district commissioners shall assume office  
5 immediately when they are elected and qualified. Staggering of the  
6 terms of office for the new water district commissioners shall be  
7 accomplished as follows: (1) The person who is elected receiving the  
8 greatest number of votes shall be elected to a six-year term of office  
9 if the election is held in an odd-numbered year or a five-year term of  
10 office if the election is held in an even-numbered year; (2) the person  
11 who is elected receiving the next greatest number of votes shall be  
12 elected to a four-year term of office if the election is held in an  
13 odd-numbered year or a three-year term of office if the election is  
14 held in an even-numbered year; and (3) the other person who is elected  
15 shall be elected to a two-year term of office if the election is held  
16 in an odd-numbered year or a one-year term of office if the election is  
17 held in an even-numbered year. The terms of office shall be calculated  
18 from the first day of January after the election.

19 Thereafter, commissioners shall be elected to six-year terms of  
20 office. Commissioners shall serve until their successors are elected  
21 and qualified and assume office in accordance with RCW 29.04.170.

22 **Sec. 64.** RCW 57.12.039 and 1986 c 41 s 2 are each amended to read  
23 as follows:

24 Notwithstanding RCW 57.12.020 and 57.12.030, the board of  
25 commissioners may provide by majority vote that subsequent  
26 commissioners be elected from commissioner districts within the  
27 district. If the board exercises this option, it shall divide the  
28 district into three commissioner districts of approximately equal  
29 population following current precinct and district boundaries.  
30 ((Thereafter, candidates shall be nominated and one candidate shall be  
31 elected from each commissioner district by the electors of the  
32 commissioner district.))

33 Commissioner districts shall be used as follows: (1) Only a  
34 registered voter who resides in a commissioner district may be a  
35 candidate for, or serve as, a commissioner of the commissioner  
36 district; and (2) only voters of a commissioner district may vote at a  
37 primary to nominate candidates for a commissioner of the commissioner  
38 district. Voters of the entire water district may vote at a general

1 election to elect a person as a commissioner of the commissioner  
2 district. Commissioner districts shall be redrawn as provided in  
3 chapter 29.70 RCW.

4 **Sec. 65.** RCW 57.32.022 and 1982 1st ex.s. c 17 s 31 are each  
5 amended to read as follows:

6 The respective boards of water commissioners of the consolidating  
7 districts shall certify the agreement to the county election officer of  
8 each county in which the districts are located. A special election  
9 shall be called by the county election officer (~~(under RCW 57.02.060)~~)  
10 for the purpose of submitting to the voters of each of the  
11 consolidating districts the proposition of whether or not the several  
12 districts shall be consolidated into one water district. The  
13 proposition shall give the title of the proposed consolidated district.  
14 Notice of the election shall be given and the election conducted in  
15 accordance with the general election laws.

16 **Sec. 66.** RCW 57.32.023 and 1982 1st ex.s. c 17 s 32 are each  
17 amended to read as follows:

18 If at the election a majority of the voters in each of the  
19 consolidating districts vote in favor of the consolidation, the county  
20 canvassing board shall so declare in its canvass (~~(under RCW~~  
21 ~~57.02.060)~~) and the return of such election shall be made within ten  
22 days after the date thereof. Upon the return the consolidation shall  
23 be effective and the consolidating districts shall cease to exist and  
24 shall then be and become a new water district and municipal corporation  
25 of the state of Washington. The name of such new water district shall  
26 be "Water District No. ....", which shall be the name appearing on the  
27 ballot. The district shall have all and every power, right, and  
28 privilege possessed by other water districts of the state of  
29 Washington. The district may issue revenue bonds to pay for the  
30 construction of any additions and betterments set forth in the  
31 comprehensive plan of water supply contained in the agreement for  
32 consolidation and any future additions and betterments to the  
33 comprehensive plan of water supply, as its board of water commissioners  
34 shall by resolution adopt, without submitting a proposition therefor to  
35 the voters of the district.

1        NEW SECTION. Sec. 67. A new section is added to chapter 68.52 RCW  
2 to read as follows:

3        Cemetery district elections shall conform with general election  
4 laws.

5        A vacancy on a board of cemetery district commissioners shall occur  
6 and shall be filled as provided in chapter 42.12 RCW.

7        **Sec. 68.** RCW 68.52.100 and 1947 c 6 s 2 are each amended to read  
8 as follows:

9        For the purpose of forming a cemetery district, a petition  
10 designating the boundaries of the proposed district by metes and bounds  
11 or describing the lands to be included in the proposed district by  
12 government townships, ranges and legal subdivisions, signed by not less  
13 than fifteen percent of the ~~((qualified))~~ registered ~~((electors, who  
14 are property owners or are purchasing property under contract and who  
15 are resident))~~ voters who reside within the boundaries of the proposed  
16 district, setting forth the object of the formation of such district  
17 and stating that the establishment thereof will be conducive to the  
18 public welfare and convenience, shall be filed with the county auditor  
19 of the county within which the proposed district is located,  
20 accompanied by an obligation signed by two or more petitioners agreeing  
21 to pay the cost of publishing the notice hereinafter provided for. The  
22 county auditor shall, within thirty days from the date of filing of  
23 such petition, examine the signatures and certify to the sufficiency or  
24 insufficiency thereof ~~((and for such purpose shall have access to  
25 registration books and records in possession of the registration  
26 officers of the election precincts included in whole or in part within  
27 the boundaries of the proposed district and to the tax rolls and other  
28 records in the offices of the county assessor and county treasurer. No  
29 person having))~~. The name of any person who signed a petition shall  
30 not be ~~((allowed to withdraw his name therefrom))~~ withdrawn from the  
31 petition after it has been filed with the county auditor. If the  
32 petition is found to contain a sufficient number of valid signatures  
33 ~~((of qualified persons))~~, the county auditor shall transmit it, with  
34 ~~((his))~~ a certificate of sufficiency attached, to the ~~((board of))~~  
35 county ~~((commissioners))~~ legislative authority, which shall thereupon,  
36 by resolution entered upon its minutes, receive the same and fix a day  
37 and hour when it will publicly hear ~~((said))~~ the petition.



1       **Sec. 69.** RCW 68.52.140 and 1982 c 60 s 2 are each amended to read  
2 as follows:

3       The (~~board of~~) county (~~commissioners~~) legislative authority  
4 shall have full authority to hear and determine the petition, and if it  
5 finds that the formation of the district will be conducive to the  
6 public welfare and convenience, it shall by resolution so declare,  
7 otherwise it shall deny the petition. If the (~~board~~) county  
8 legislative authority finds in favor of the formation of the district,  
9 it shall designate the name and number of the district, fix the  
10 boundaries thereof, and cause an election to be held therein for the  
11 purpose of determining whether or not the district shall be organized  
12 under the provisions of this chapter, and for the purpose of electing  
13 its first cemetery district commissioners. (~~The board shall, prior to~~  
14 ~~calling the said election, name three registered resident electors who~~  
15 ~~are property owners or are purchasing property under contract within~~  
16 ~~the boundaries of the district as candidates for election as cemetery~~  
17 ~~district commissioners. These electors are exempt from the~~  
18 ~~requirements of chapter 42.17 RCW.~~) At the same election three  
19 cemetery district commissioners shall be elected, but the election of  
20 the commissioners shall be null and void if the district is not  
21 created. No primary shall be held. A special filing period shall be  
22 opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall  
23 run for specific commissioner positions. The person receiving the  
24 greatest number of votes for each commissioner position shall be  
25 elected to that commissioner position. The terms of office of the  
26 initial commissioners shall be as provided in RCW 68.52.220.

27       **Sec. 70.** RCW 68.52.160 and 1947 c 6 s 8 are each amended to read  
28 as follows:

29       The ballot for (~~said~~) the election shall be in such form as may  
30 be convenient but shall present the propositions substantially as  
31 follows:

32       ".....(insert county name)..... cemetery district No. ....(insert  
33 number).....

34                               .....Yes.....

35       ".....(insert county name)..... cemetery district No. ....(insert  
36 number).....

37                               .....No....."

1 ((and shall specify the names of the candidates nominated for election  
2 as the first cemetery district commissioners with appropriate space to  
3 vote for the same.))

4 **Sec. 71.** RCW 68.52.220 and 1990 c 259 s 33 are each amended to  
5 read as follows:

6 The affairs of the district shall be managed by a board of cemetery  
7 district commissioners composed of three ((qualified registered voters  
8 of the district)) members. Members of the board shall receive no  
9 compensation for their services, but shall receive expenses necessarily  
10 incurred in attending meetings of the board or when otherwise engaged  
11 in district business. The board shall fix the compensation to be paid  
12 the secretary and other employees of the district. ((The first three  
13 cemetery district commissioners shall serve only until the first day in  
14 January following the next general election, provided such election  
15 occurs thirty or more days after the formation of the district, and  
16 until their successors have been elected and qualified and have assumed  
17 office in accordance with RCW 29.04.170. At the next general district  
18 election, as provided in RCW 29.13.020, provided it occurs thirty or  
19 more days after the formation of the district, three members of the  
20 board of cemetery commissioners shall be chosen. They and all  
21 subsequently elected cemetery commissioners shall have the same  
22 qualifications as required of the first three cemetery commissioners  
23 and)) Cemetery district commissioners and candidates for cemetery  
24 district commissioner are exempt from the requirements of chapter 42.17  
25 RCW. ((The candidate receiving the highest number of votes shall serve  
26 for a term of six years beginning on the first day in January  
27 following; the candidate receiving the next higher number of votes  
28 shall serve for a term of four years from the date; and the candidate  
29 receiving the next higher number of votes shall serve for a term of two  
30 years from the date. Upon the expiration of their respective terms,  
31 all cemetery commissioners shall be elected for terms of six years to  
32 begin on the first day in January next succeeding the day of election  
33 and shall serve until their successors have been elected and qualified  
34 and assume office in accordance with RCW 29.04.170. Elections shall be  
35 called, noticed, conducted and canvassed and in the same manner and by  
36 the same officials as provided for general county elections.))

37 The initial cemetery district commissioners shall assume office  
38 immediately upon their election and qualification. Staggering of terms

1 of office shall be accomplished as follows: (1) The person elected  
2 receiving the greatest number of votes shall be elected to a six-year  
3 term of office if the election is held in an odd-numbered year or a  
4 five-year term of office if the election is held in an even-numbered  
5 year; (2) the person who is elected receiving the next greatest number  
6 of votes shall be elected to a four-year term of office if the election  
7 is held in an odd-numbered year or a three-year term of office if the  
8 election is held in an even-numbered year; and (3) the other person who  
9 is elected shall be elected to a two-year term of office if the  
10 election is held in an odd-numbered year or a one-year term of office  
11 if the election is held in an even-numbered year. The initial  
12 commissioners shall assume office immediately after they are elected  
13 and qualified but their terms of office shall be calculated from the  
14 first day of January after the election.

15 Thereafter, commissioners shall be elected to six-year terms of  
16 office. Commissioners shall serve until their successors are elected  
17 and qualified and assume office as provided in RCW 29.04.170.

18 The polling places for a cemetery district election ((shall be  
19 those of the county voting precincts which include any of the territory  
20 within the cemetery district, and)) may be located inside or outside  
21 the boundaries of the district, as determined by the auditor of the  
22 county in which the cemetery district is located, and no such election  
23 shall be held irregular or void on that account.

24 **Sec. 72.** RCW 70.44.040 and 1990 c 259 s 39 are each amended to  
25 read as follows:

26 (1) The provisions of Title 29 RCW relating to elections shall  
27 govern public hospital districts, except ((that:—(1))) as provided in  
28 this chapter.

29 A public hospital district shall be created when the ballot  
30 proposition authorizing the creation of the district is approved by a  
31 simple majority vote of the voters of the proposed district voting on  
32 the proposition and the total vote cast upon the proposition ((to form  
33 a hospital district shall)) exceeds forty percent of the total number  
34 of votes cast in the ((precincts comprising the)) proposed district at  
35 the preceding state general ((and county)) election((; and (2) hospital  
36 district commissioners shall hold office for the term of six years and  
37 until their successors are elected and qualified, each term to commence  
38 on the first day in January following the election)).

1       At the election at which the proposition is submitted to the voters  
2 as to whether a district shall be formed, three commissioners shall be  
3 elected ((to hold office, respectively, for the terms of two, four, and  
4 six years. All candidates shall be voted upon by the entire district,  
5 and the candidate residing in commissioner district No. 1 receiving the  
6 highest number of votes in the hospital district shall hold office for  
7 the term of six years; the candidate residing in commissioner district  
8 No. 2 receiving the highest number of votes in the hospital district  
9 shall hold office for the term of four years; and the candidate  
10 residing in commissioner district No. 3 receiving the highest number of  
11 votes in the hospital district shall hold office for the term of two  
12 years. The first commissioners to be elected shall take office  
13 immediately when qualified in accordance with RCW 29.01.135. Each term  
14 of the initial commissioners shall date from the time above specified  
15 following the organizational election, but shall also include the  
16 period intervening between the organizational election and the first  
17 day of January following the next district general election: PROVIDED,  
18 That in public hospital districts encompassing portions of more than  
19 one county, the total vote cast upon the proposition to form the  
20 district shall exceed forty percent of the total number of votes cast  
21 in each portion of each county lying within the proposed district at  
22 the next preceding general county election. The portion of the  
23 proposed district located within each county shall constitute a  
24 separate commissioner district. There shall be three district  
25 commissioners whose terms shall be six years. Each district shall be  
26 designated by the name of the county in which it is located. All  
27 candidates for commissioners shall be voted upon by the entire  
28 district. Not more than one commissioner shall reside in any one  
29 district: PROVIDED FURTHER, That in the event there are only two  
30 districts then two commissioners may reside in one district. The term  
31 of each commissioner shall commence on the first day in January in each  
32 year following his election. At the election at which the proposition  
33 is submitted to the voters as to whether a district shall be formed,  
34 three commissioners shall be elected to hold office, respectively, for  
35 the terms of two, four, and six years. The candidate receiving the  
36 highest number of votes within the district, as constituted by the  
37 election, shall serve a term of six years; the candidate receiving the  
38 next highest number of votes shall hold office for a term of four  
39 years; and the candidate receiving the next highest number of votes

1 shall hold office for a term of two years: ~~PROVIDED FURTHER, That the~~  
2 ~~holding of each such term of office shall be subject to the residential~~  
3 ~~requirements for district commissioners hereinbefore set forth in this~~  
4 ~~section)).~~ The election of the initial commissioners shall be null and  
5 void if the district is not authorized to be created.

6 No primary shall be held. A special filing period shall be opened  
7 as provided in RCW 29.15.170 and 29.15.180. The person receiving the  
8 greatest number of votes for the commissioner of each commissioner  
9 district shall be elected as the commissioner of that district. The  
10 terms of office of the initial public hospital district commissioners  
11 shall be staggered as follows: (a) The person who is elected receiving  
12 the greatest number of votes shall be elected to a six-year term of  
13 office if the election is held in an odd-numbered year or a five-year  
14 term of office if the election is held in an even-numbered year; (b)  
15 the person who is elected receiving the next greatest number of votes  
16 shall be elected to a four-year term of office if the election is held  
17 in an odd-numbered year or a three-year term of office if the election  
18 is held in an even-numbered year; and (c) the other person who is  
19 elected shall be elected to a two-year term of office if the election  
20 is held in an odd-numbered year or a one-year term of office if the  
21 election is held in an even-numbered year. The initial commissioners  
22 shall take office immediately when they are elected and qualified, but  
23 the length of such terms shall be computed from the first day of  
24 January in the year following this election. The term of office of  
25 each successor shall be six years. Each commissioner shall serve until  
26 a successor is elected and qualified and assumes office in accordance  
27 with RCW 29.04.170.

28 (2) Commissioner districts shall be used as follows: (a) Only a  
29 registered voter who resides in a commissioner district may be a  
30 candidate for, or hold office as, a commissioner of the commissioner  
31 district; and (b) only voters of a commissioner district may vote at a  
32 primary to nominate candidates for a commissioner of the commissioner  
33 district. Voters of the entire public hospital district may vote at a  
34 general election to elect a person as a commissioner of the  
35 commissioner district.

36 If the proposed public hospital district is county-wide, and the  
37 county has three county legislative authority districts, the county  
38 legislative authority districts shall be used as public hospital  
39 district commissioner districts. In all other instances the county

1 auditor of the county in which all or the largest portion of the  
2 proposed public hospital district is located shall draw the initial  
3 three public hospital district commissioner districts, each of which  
4 shall constitute as nearly as possible one-third of the total  
5 population of the proposed public hospital district and number the  
6 districts one, two, and three. Each of the three commissioner  
7 positions shall be numbered one through three and associated with the  
8 district of the same number.

9 The public hospital district commissioners may redraw commissioner  
10 districts, if the public hospital district has boundaries that are not  
11 coterminous with the boundaries of a county with three county  
12 legislative authority districts, so that each district comprises as  
13 nearly as possible one-third of the total population of the public  
14 hospital district. The commissioners of a public hospital district  
15 that is not coterminous with the boundaries of a county that has three  
16 county legislative authority districts shall redraw hospital district  
17 commissioner boundaries as provided in chapter 29.70 RCW.

18 **Sec. 73.** RCW 70.44.045 and 1982 c 84 s 13 are each amended to read  
19 as follows:

20 A vacancy in the office of commissioner shall occur as provided in  
21 chapter 42.12 RCW or by ((death, resignation, removal, conviction of  
22 felony,)) nonattendance at meetings of the commission for sixty days,  
23 unless excused by the commission((, by any statutory disqualification,  
24 by any permanent disability preventing the proper discharge of his  
25 duty, or by creation of positions pursuant to RCW 70.44.051, et seq)).  
26 A vacancy ((or vacancies on the board)) shall be filled ((by  
27 appointment by the remaining commissioner or commissioners until the  
28 next regular election for commissioners as provided by RCW 70.44.040:  
29 PROVIDED, That if there is only one remaining commissioner, one vacancy  
30 shall be filled by appointment by the remaining commissioner and the  
31 remaining vacancy or vacancies shall be filled by appointment by the  
32 then two commissioners and the appointed commissioners shall serve  
33 until the next regular election for commissioners: PROVIDED FURTHER,  
34 That if there is a vacancy of the entire board, a new board may be  
35 appointed by the board of county commissioners or county council)) as  
36 provided in chapter 42.12 RCW.

1       **Sec. 74.** RCW 70.44.053 and 1967 c 77 s 2 are each amended to read  
2 as follows:

3       At any general or special election which may be called for that  
4 purpose the board of public hospital district commissioners may, or on  
5 petition of ten percent of the (~~electors~~) voters based on the total  
6 vote cast in the last district general election in the public hospital  
7 district shall, by resolution, submit to the voters of the district the  
8 proposition increasing the number of commissioners to (~~any number~~  
9 authorized in RCW 70.44.051)) either five or seven members. The  
10 petition or resolution shall specify whether it is proposed to increase  
11 the number of commissioners to either five or seven members.

12       If the voters of the district approve the ballot proposition  
13 authorizing the increase in the number of commissioners to either five  
14 or seven members, the board of commissioners shall redistrict the  
15 public hospital district into the appropriate number of commissioner  
16 districts. The additional commissioners shall be elected from  
17 commissioner districts in which no existing commissioner resides at the  
18 next state general election occurring one hundred twenty days or more  
19 after the date of the election at which the voters of the district  
20 approved the ballot proposition authorizing the increase in the number  
21 of commissioners. If needed, special filing periods shall be  
22 authorized as provided in RCW 29.15.170 and 29.15.180 for qualified  
23 persons to file for the vacant office. A primary shall be held to  
24 nominate candidates if sufficient time exists to hold a primary and  
25 more than two candidates file for the vacant office. Otherwise, a  
26 primary shall not be held and the candidate receiving the greatest  
27 number of votes for each position shall be elected. Except for the  
28 initial terms of office, persons elected to each of these additional  
29 commissioner positions shall be elected to a six-year term.

30       Where the number of commissioners is increased from three to five,  
31 the initial terms of the two new commissioners shall be staggered so  
32 that the person who is elected receiving the greatest number of votes  
33 shall be elected to a six-year term of office if the election is held  
34 in an odd-numbered year or a five-year term if the election is held in  
35 an even-numbered year, and the other person elected shall be elected to  
36 a four-year term of office if the election is held in an odd-numbered  
37 year or a three-year term if the election is held in an even-numbered  
38 year. The newly elected commissioners shall assume office as provided  
39 in RCW 29.04.170.

1        Where the number of commissioners is increased from three or five  
2 to seven, the county auditor of the county in which all or the largest  
3 portion of the hospital district is located shall cause the initial  
4 terms of office of the additional commissioners to be staggered over  
5 the next three district general elections so that two commissioners  
6 would normally be elected at the first district general election  
7 following the election where the additional commissioners are elected,  
8 two commissioners are normally elected at the second district general  
9 election after the election of the additional commissioners, and three  
10 commissioners are normally elected at the third district general  
11 election following the election of the additional commissioners. The  
12 newly elected commissioners shall assume office as provided in RCW  
13 29.04.170.

14        **Sec. 75.** RCW 70.77.177 and 1984 c 249 s 6 are each amended to read  
15 as follows:

16        "Local fire official" means the chief of a local fire department or  
17 (~~fire protection district,~~) a chief fire protection officer or such  
18 other person as may be designated by the governing body of a city(~~(,)~~)  
19 or county(~~(, or district)~~) to act as a local fire official under this  
20 chapter.

21        NEW SECTION. **Sec. 76.** A new section is added to chapter 70.77 RCW  
22 to read as follows:

23        "City" means any city or town.

24        **Sec. 77.** RCW 70.77.265 and 1984 c 249 s 12 are each amended to  
25 read as follows:

26        The local fire official receiving an application for a permit under  
27 RCW 70.77.260(1) shall investigate the application and submit a report  
28 of findings and a recommendation for or against the issuance of the  
29 permit, together with reasons, to the governing body of the city(~~(,)~~)  
30 or county(~~(, or fire protection district)~~).

31        **Sec. 78.** RCW 70.77.270 and 1984 c 249 s 13 are each amended to  
32 read as follows:

33        The governing body of a city(~~(,)~~) or county(~~(, or fire protection~~  
34 district)) may grant or deny an application for a permit under RCW



1 70.77.260(1). The governing body may place reasonable conditions on  
2 any permit it issues.

3 **Sec. 79.** RCW 70.77.280 and 1984 c 249 s 14 are each amended to  
4 read as follows:

5 The local fire official receiving an application for a permit under  
6 RCW 70.77.260(2) for a public display of fireworks shall investigate  
7 whether the character and location of the display as proposed would be  
8 hazardous to property or dangerous to any person. Based on the  
9 investigation, the official shall submit a report of findings and a  
10 recommendation for or against the issuance of the permit, together with  
11 reasons, to the governing body of the city((~~7~~)) or county((~~7~~~~-or~~~~fire~~~~protection~~~~district~~)). The governing body may grant or deny the  
12 application and may place reasonable conditions on any permit it  
13 issues.  
14

15 **Sec. 80.** RCW 70.77.355 and 1986 c 266 s 105 are each amended to  
16 read as follows:

17 (1) Any adult person may secure a general license from the director  
18 of community development, through the director of fire protection, for  
19 the public display of fireworks within the state of Washington. A  
20 general license is subject to the provisions of this chapter relative  
21 to the securing of local permits for the public display of fireworks in  
22 any city((~~7~~)) or county((~~7~~~~-or~~~~fire~~~~protection~~~~district~~)), except that  
23 in lieu of filing the bond or certificate of public liability insurance  
24 with the appropriate local official under RCW 70.77.260 as required in  
25 RCW 70.77.285, the same bond or certificate shall be filed with the  
26 director of community development, through the director of fire  
27 protection. The bond or certificate of insurance for a general license  
28 in addition shall provide that: (a) The insurer will not cancel the  
29 insured's coverage without fifteen days prior written notice to the  
30 director of community development, through the director of fire  
31 protection; (b) the duly licensed pyrotechnic operator required by law  
32 to supervise and discharge the public display, acting either as an  
33 employee of the insured or as an independent contractor and the state  
34 of Washington, its officers, agents, employees, and servants are  
35 included as additional insureds, but only insofar as any operations  
36 under contract are concerned; and (c) the state is not responsible for  
37 any premium or assessments on the policy.

1 (2) The director of community development, through the director of  
2 fire protection, may issue such general licenses. The holder of a  
3 general license shall file a certificate from the director of community  
4 development, through the director of fire protection, evidencing the  
5 license with any application for a local permit for the public display  
6 of fireworks under RCW 70.77.260.

7 **Sec. 81.** RCW 70.77.450 and 1986 c 266 s 113 are each amended to  
8 read as follows:

9 The director of community development, through the director of fire  
10 protection, may make an examination of the books and records of any  
11 licensee, or other person relative to fireworks, and may visit and  
12 inspect the premises of any licensee he may deem at any time necessary  
13 for the purpose of enforcing the provisions of this chapter. The  
14 licensee, owner, lessee, manager, or operator of any such building or  
15 premises shall permit the director of community development, through  
16 the director of fire protection, his or her deputies(~~(, his or her)~~) or  
17 salaried assistants (~~(and the chief of any city or county fire~~  
18 ~~department or fire protection district)~~), the local fire official, and  
19 their authorized representatives to enter and inspect the premises at  
20 the time and for the purpose stated in this section.

21 NEW SECTION. **Sec. 82.** The following acts or parts of acts are  
22 each repealed:

- 23 (1) RCW 35.23.070 and 1965 c 7 s 35.23.070;
- 24 (2) RCW 35.24.070 and 1965 c 7 s 35.24.070;
- 25 (3) RCW 35.27.110 and 1965 c 7 s 35.27.110;
- 26 (4) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.069;
- 27 (5) RCW 35.61.070 and 1965 c 7 s 35.61.070;
- 28 (6) RCW 35.61.080 and 1965 c 7 s 35.61.080;
- 29 (7) RCW 35A.02.001 and 1989 c 84 s 35;
- 30 (8) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;
- 31 (9) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s  
32 35A.02.110;
- 33 (10) RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060;
- 34 (11) RCW 35A.15.030 and 1967 ex.s. c 119 s 35A.15.030;
- 35 (12) RCW 35A.16.020 and 1967 ex.s. c 119 s 35A.16.020;
- 36 (13) RCW 35A.29.010 and 1967 ex.s. c 119 s 35A.29.010;
- 37 (14) RCW 35A.29.020 and 1967 ex.s. c 119 s 35A.29.020;

- 1 (15) RCW 35A.29.030 and 1967 ex.s. c 119 s 35A.29.030;  
2 (16) RCW 35A.29.040 and 1967 ex.s. c 119 s 35A.29.040;  
3 (17) RCW 35A.29.050 and 1967 ex.s. c 119 s 35A.29.050;  
4 (18) RCW 35A.29.060 and 1967 ex.s. c 119 s 35A.29.060;  
5 (19) RCW 35A.29.070 and 1967 ex.s. c 119 s 35A.29.070;  
6 (20) RCW 35A.29.080 and 1967 ex.s. c 119 s 35A.29.080;  
7 (21) RCW 35A.29.090 and 1986 c 234 s 32 & 1985 c 281 s 27;  
8 (22) RCW 35A.29.100 and 1967 ex.s. c 119 s 35A.29.100;  
9 (23) RCW 35A.29.105 and 1990 c 59 s 106 & 1967 ex.s. c 119 s  
10 35A.29.105;  
11 (24) RCW 35A.29.110 and 1990 c 59 s 107, 1986 c 167 s 21, 1979  
12 ex.s. c 18 s 30, 1970 ex.s. c 52 s 4, & 1967 ex.s. c 119 s 35A.29.110;  
13 (25) RCW 35A.29.140 and 1967 ex.s. c 119 s 35A.29.140;  
14 (26) RCW 35A.29.150 and 1970 ex.s. c 52 s 5 & 1967 ex.s. c 119 s  
15 35A.29.150;  
16 (27) RCW 36.54.080 and 1973 1st ex.s. c 195 s 36 & 1963 c 4 s  
17 36.54.080;  
18 (28) RCW 36.54.090 and 1963 c 4 s 36.54.090;  
19 (29) RCW 36.54.100 and 1963 c 4 s 36.54.100;  
20 (30) RCW 36.69.060 and 1963 c 4 s 36.69.060;  
21 (31) RCW 44.70.010 and 1987 c 298 s 7;  
22 (32) RCW 53.12.047 and 1992 c 146 s 6;  
23 (33) RCW 53.12.150 and 1990 c 40 s 1, 1985 c 87 s 1, 1983 c 11 s 1,  
24 1959 c 175 s 8, & 1959 c 17 s 8;  
25 (34) RCW 57.02.060 and 1982 1st ex.s. c 17 s 6;  
26 (35) RCW 68.52.240 and 1947 c 6 s 16;  
27 (36) RCW 70.44.051 and 1967 c 77 s 1;  
28 (37) RCW 70.44.055 and 1967 c 77 s 3; and  
29 (38) RCW 70.44.057 and 1967 c 77 s 4.

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