
SUBSTITUTE HOUSE BILL 2278

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Local Government (originally sponsored by Representatives Horn, H. Myers, Edmondson and Springer)

Read first time 02/04/94.

1 AN ACT Relating to local government election practices; amending
2 RCW 42.12.010, 43.06.010, 14.08.304, 28A.315.520, 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, 52.14.013, 52.14.015, 52.14.030, 52.14.050,
10 52.14.060, 53.12.140, 54.08.060, 54.12.010, 54.40.070, 56.12.020,
11 56.12.030, 57.02.050, 57.12.020, 57.12.030, 57.12.039, 57.32.022,
12 57.32.023, 68.52.100, 68.52.140, 68.52.160, 68.52.220, 70.44.040,
13 70.44.045, and 70.44.053; amending 1992 c 146 s 14 (uncodified);
14 reenacting RCW 53.12.172; adding a new section to chapter 42.12 RCW;
15 adding a new section to chapter 29.15 RCW; adding a new section to
16 chapter 35.02 RCW; adding a new section to chapter 35A.29 RCW; adding
17 a new section to chapter 56.12 RCW; adding a new section to chapter
18 68.52 RCW; repealing RCW 35.23.070, 35.24.070, 35.27.110, 35.61.060,
19 35.61.070, 35.61.080, 35A.02.001, 35A.02.100, 35A.02.110, 35A.14.060,
20 35A.15.030, 35A.16.020, 35A.29.010, 35A.29.020, 35A.29.030, 35A.29.040,
21 35A.29.050, 35A.29.060, 35A.29.070, 35A.29.080, 35A.29.090, 35A.29.100,

1 35A.29.105, 35A.29.110, 35A.29.140, 35A.29.150, 36.54.080, 36.54.090,
2 36.54.100, 36.69.060, 44.70.010, 53.12.047, 53.12.150, 57.02.060,
3 68.52.240, 70.44.051, 70.44.055, and 70.44.057; and providing effective
4 dates.

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 1993 c 317 s 9 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) Except as provided in RCW 3.46.067 and 3.50.057, his or her
34 ceasing to be a legally (~~qualified elector~~) registered voter of the
35 district, county, city, town, or other municipal or quasi municipal
36 corporation from which he or she shall have been elected or appointed,
37 including where applicable the council district, commissioner district,
38 or ward from which he or she shall 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 1993 c 142 s 5 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 may, after finding that there exists within this
23 state an imminent danger of infestation of plant pests as defined in
24 RCW 17.24.007 or plant diseases which seriously endangers the
25 agricultural or horticultural industries of the state of Washington, or
26 which seriously threatens life, health, or economic well-being, order
27 emergency measures to prevent or abate the infestation or disease
28 situation, which measures, after thorough evaluation of all other
29 alternatives, may include the aerial application of pesticides;

30 (14) On all compacts forwarded to the governor pursuant to RCW
31 9.46.360(6), the governor is authorized and empowered to execute on
32 behalf of the state compacts with federally recognized Indian tribes in
33 the state of Washington pursuant to the federal Indian Gaming
34 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III
35 gaming, as defined in the Act, on Indian lands.

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

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

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

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

28 **Sec. 6.** RCW 29.15.120 and 1990 c 59 s 86 are each amended to read
29 as follows:

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

1 officer at the request of the candidate at any time if no absentee
2 ballots have been issued for that office and the general election
3 ballots for that precinct have not been printed. The filing officer
4 may permit the withdrawal of a filing for any elected office of a city,
5 town, or special district at the request of the candidate at any time
6 before a primary if the primary ballots for that city, town, or special
7 district have not been ordered. No filing fee may be refunded to any
8 candidate who withdraws under this section. Notice of the deadline for
9 withdrawal of candidacy and that the filing fee is not refundable shall
10 be given to each candidate at the time he or she files.

11 NEW SECTION. **Sec. 7.** A new section is added to chapter 29.15 RCW
12 to read as follows:

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

17 **Sec. 8.** RCW 29.15.200 and 1975-'76 2nd ex.s. c 120 s 13 are each
18 amended to read as follows:

19 If after both the normal filing period and special three day filing
20 period as provided by RCW 29.15.170 and 29.15.180(~~(, as now or~~
21 ~~hereafter amended,)~~) have passed (~~(and still)~~), no candidate has filed
22 for any single city, town, or district position to be filled, the
23 election for such position shall be deemed lapsed, the office deemed
24 stricken from the ballot and no write-in votes counted. In such
25 instance, the incumbent occupying such position shall remain in office
26 and continue to serve until (~~(his)~~) a successor is elected at the next
27 election when such positions are voted upon (~~(as provided by RCW~~
28 ~~29.21.410, as now or hereafter amended)~~)).

29 NEW SECTION. **Sec. 9.** A new section is added to chapter 35.02 RCW
30 to read as follows:

31 An election shall be held to elect city or town elected officials
32 at the next municipal general election occurring more than twelve
33 months after the date of the first election of councilmembers or
34 commissioners. Candidates shall run for specific council or commission
35 positions. The staggering of terms of members of the city or town
36 council shall be established at this election, where the simple

1 majority of the persons elected as councilmembers receiving the
2 greatest numbers of votes shall be elected to four-year terms of office
3 and the remainder of the persons elected as councilmembers shall be
4 elected to two-year terms of office. Newly elected councilmembers or
5 newly elected commissioners shall serve until their successors are
6 elected and qualified. The terms of office of newly elected
7 commissioners shall not be staggered, as provided in chapter 35.17 RCW.
8 All councilmembers and commissioners who are elected subsequently shall
9 be elected to four-year terms of office and shall serve until their
10 successors are elected and qualified and assume office in accordance
11 with RCW 29.04.170.

12 **Sec. 10.** RCW 35.17.020 and 1979 ex.s. c 126 s 17 are each amended
13 to read as follows:

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

27 **Sec. 11.** RCW 35.17.400 and 1979 ex.s. c 126 s 18 are each amended
28 to read as follows:

29 The first election of commissioners shall be held ~~((within))~~ at the
30 next special election that occurs at least sixty days after the
31 ~~((adoption of))~~ election results are certified where the proposition to
32 organize under the commission form was approved by city voters, and the
33 commission first elected shall commence to serve as soon as they have
34 been elected and have qualified and shall continue to serve until their
35 successors have been elected and qualified and have assumed office in
36 accordance with RCW 29.04.170. The date of the second election for
37 commissioners shall be in accordance with RCW 29.13.020 such that the

1 term of the first commissioners will be as near as possible to, but not
2 in excess of, four years calculated from the first day in January in
3 the year after the year in which the first commissioners were elected.

4 **Sec. 12.** RCW 35.18.020 and 1981 c 260 s 7 are each amended to read
5 as follows:

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

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

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

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

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

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

36 (c) ~~In cities electing seven councilmen, the candidates having the~~
37 ~~four highest number of votes shall be elected for a four year term and~~
38 ~~the other three for a two year term commencing immediately when~~

1 ~~qualified in accordance with RCW 29.01.135 and continuing until their~~
2 ~~successors are elected and qualified and have assumed office in~~
3 ~~accordance with RCW 29.04.170.~~

4 ~~(d) In determining the candidates receiving the highest number of~~
5 ~~votes, only the candidate receiving the highest number of votes in each~~
6 ~~ward, as well as the councilman at large or councilmen at large, are to~~
7 ~~be considered)) Except for the initial staggering of terms,~~
8 ~~councilmembers shall serve for four-year terms of office. All~~
9 ~~councilmembers shall serve until their successors are elected and~~
10 ~~qualified and assume office in accordance with RCW 29.04.170.~~
11 ~~Councilmembers may be elected on a city-wide or town-wide basis, or~~
12 ~~from wards or districts, or any combination of these alternatives.~~
13 ~~Candidates shall run for specific positions. Wards or districts shall~~
14 ~~be redrawn as provided in chapter 29.70 RCW. Wards or districts shall~~
15 ~~be used as follows: (a) Only a resident of the ward or district may be~~
16 ~~a candidate for, or hold office as, a councilmember of the ward or~~
17 ~~district; and (b) only voters of the ward or district may vote at a~~
18 ~~primary to nominate candidates for a councilmember of the ward or~~
19 ~~district. Voters of the entire city or town may vote at the general~~
20 ~~election to elect a councilmember of a ward or district, unless the~~
21 ~~city or town had prior to January 1, 1994, limited the voting in the~~
22 ~~general election for any or all council positions to only voters~~
23 ~~residing within the ward or district associated with the council~~
24 ~~positions. If a city or town had so limited the voting in the general~~
25 ~~election to only voters residing within the ward or district, then the~~
26 ~~city or town shall be authorized to continue to do so.~~

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

1 councilmembers shall ((commence)) assume office immediately when
2 qualified in accordance with RCW 29.01.135, but the term of office
3 shall be computed from the first day of January after the year in which
4 they are elected. Their successors shall be elected to four-year terms
5 of office.

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

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

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

34 **Sec. 13.** RCW 35.18.270 and 1979 ex.s. c 126 s 20 are each amended
35 to read as follows:

36 If the majority of the votes cast at a special election for
37 organization on the council-manager plan favor the plan, the city or
38 town ~~((at its next regular election))~~ shall elect the council required

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

1 **Sec. 14.** RCW 35.23.050 and 1965 c 7 s 35.23.050 are each amended
2 to read as follows:

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

12 **Sec. 15.** RCW 35.23.240 and 1965 c 7 s 35.23.240 are each amended
13 to read as follows:

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

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

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

34 **Sec. 16.** RCW 35.23.530 and 1965 c 7 s 35.23.530 are each amended
35 to read as follows:

36 At any time not within three months previous to an annual election
37 the city council of a second class city may divide the city into wards,

1 not exceeding six in all, or change the boundaries of existing wards.
2 No change in the boundaries of wards shall affect the term of any
3 (~~councilman, but he~~) councilmember, and councilmembers shall serve
4 out (~~his~~) their terms in the wards of (~~his~~) their residences at the
5 time of (~~his election:— PROVIDED, That if this results~~) their
6 elections. However, if these boundary changes result in one ward being
7 represented by more (~~councilmen~~) councilmembers than the number to
8 which it is entitled, those having the shortest unexpired terms shall
9 be assigned by the council to wards where there is a vacancy, and the
10 councilmembers so assigned shall be deemed to be residents of the wards
11 to which they are assigned for purposes of determining whether those
12 positions are vacant.

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

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

19 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards
20 shall be used as follows: (1) Only a resident of the ward may be a
21 candidate for, or hold office as, a councilmember of the ward; and (2)
22 only voters of the ward may vote at a primary to nominate candidates
23 for a councilmember of the ward. Voters of the entire city may vote at
24 the general election to elect a councilmember of a ward, unless the
25 city had prior to January 1, 1994, limited the voting in the general
26 election for any or all council positions to only voters residing
27 within the ward associated with the council positions. If a city had
28 so limited the voting in the general election to only voters residing
29 within the ward, then the city shall be authorized to continue to do
30 so. The elections for the remaining council position or council
31 positions that are not associated with a ward shall be conducted as if
32 the wards did not exist.

33 **Sec. 17.** RCW 35.24.050 and 1979 ex.s. c 126 s 22 are each amended
34 to read as follows:

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

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

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

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

1 for position seven, when a primary is necessary, and at a general
2 election to elect the person to council position seven. When
3 additional territory is added to the city it may by act of the council,
4 be annexed to contiguous wards without affecting the right to
5 redistrict at the expiration of twenty months after last previous
6 division. Wards shall be redrawn as provided in chapter 29.70 RCW.
7 Wards shall be used as follows: (1) Only a resident of the ward may be
8 a candidate for, or hold office as, a councilmember of the ward; and
9 (2) only voters of the ward may vote at a primary to nominate
10 candidates for a councilmember of the ward. Voters of the entire city
11 may vote at the general election to elect a councilmember of a ward,
12 unless the city had prior to January 1, 1994, limited the voting in the
13 general election for any or all council positions to only voters
14 residing within the ward associated with the council positions. If a
15 city had so limited the voting in the general election to only voters
16 residing within the ward, then the city shall be authorized to continue
17 to do so. The elections for the remaining council position or council
18 positions that are not associated with a ward shall be conducted as if
19 the wards did not exist.

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

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

27 **Sec. 19.** RCW 35.24.100 and 1965 c 7 s 35.24.100 are each amended
28 to read as follows:

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

34 Vacancies in the city council or in the office of mayor shall be
35 filled by majority vote of the council)). In addition, a vacancy in an
36 elective office shall occur and shall be filled as provided in chapter
37 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. 20.** RCW 35.24.290 and 1993 c 83 s 6 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, except that the punishment
20 for any criminal ordinance shall be the same as the punishment provided
21 in state law for the same crime; or to provide that violations of
22 ordinances constitute a civil violation subject to monetary penalty,
23 but no act that is a state crime may be made a civil violation;

24 ~~((13))~~) (12) To establish fire limits, with proper regulations;

25 ~~((14))~~) (13) To establish and maintain a free public library;

26 ~~((15))~~) (14) To establish and regulate public markets and market
27 places;

28 ~~((16))~~) (15) To punish the keepers and inmates and lessors of
29 houses of ill fame, gamblers and keepers of gambling tables, patrons
30 thereof or those found loitering about such houses and places;

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

1 (~~(18)~~) (17) To license steamers, boats and vessels used in any
2 bay or other watercourse in the city and to fix and collect such
3 license; to provide for the regulation of berths, landings, and
4 stations, and for the removing of steamboats, sail boats, sail vessels,
5 rafts, barges and other watercraft; to provide for the removal of
6 obstructions to navigation and of structures dangerous to navigation or
7 to other property, in or adjoining the waterfront, except in
8 municipalities in counties in which there is a city of the first class.

9 **Sec. 21.** RCW 35.27.100 and 1965 c 7 s 35.27.100 are each amended
10 to read as follows:

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

16 **Sec. 22.** RCW 35.27.140 and 1965 c 7 s 35.27.140 are each amended
17 to read as follows:

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

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

32 **Sec. 23.** RCW 35.61.050 and 1979 ex.s. c 126 s 24 are each amended
33 to read as follows:

34 At the same election at which the proposition is submitted to the
35 voters as to whether a metropolitan park district is to be formed, five
36 park commissioners shall be elected (~~(to hold office respectively for~~

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

35 **Sec. 24.** RCW 35A.01.070 and 1979 ex.s. c 18 s 1 are each amended
36 to read as follows:

37 Where used in this title with reference to procedures established
38 by this title in regard to a change of plan or classification of

1 government, unless a different meaning is plainly required by the
2 context:

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

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

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

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

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

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

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

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

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

37 **Sec. 25.** RCW 35A.02.050 and 1979 ex.s. c 18 s 7 are each amended
38 to read as follows:

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

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

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

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

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

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

1 reclassification to be effective upon the filing of the record of such
2 election with the office of the secretary of state. Insofar as the
3 provisions of RCW 35A.02.100 and 35A.02.110 are applicable to an
4 election on such a reclassification proposal they shall apply to such
5 election.

6 **Sec. 27.** RCW 35A.06.020 and 1967 ex.s. c 119 s 35A.06.020 are each
7 amended to read as follows:

8 The classifications of municipalities which existed prior to the
9 time this title goes into effect--first class city, second class city,
10 third class (~~and fourth class~~) city, town, and unclassified city--and
11 the restrictions, limitations, duties, and obligations specifically
12 imposed by law upon such classes of cities and towns, shall have no
13 application to noncharter code cities, but every noncharter code city,
14 by adopting such classification, has elected to be governed by the
15 provisions of this title, with the powers granted hereby. However, any
16 code city that retains its old plan of government is subject to the
17 laws applicable to that old plan of government until the city changes
18 its plan of government to the provisions of either chapter 35A.12 or
19 35A.13 RCW.

20 **Sec. 28.** RCW 35A.06.030 and 1979 ex.s. c 18 s 14 are each amended
21 to read as follows:

22 By use of the resolution for election or petition for election
23 methods described in RCW 35A.06.040, any noncharter code city which has
24 operated for more than six consecutive years under one of the optional
25 plans of government authorized by this title, or for more than a
26 combined total of six consecutive years under a particular plan of
27 government both as a code city and under the same general plan under
28 Title 35 RCW immediately prior to becoming a code city, may abandon
29 such organization and may reorganize and adopt another plan of
30 government authorized for noncharter code cities, but only after having
31 been a noncharter code city for more than one year or a city after
32 operating for more than six consecutive years under a particular plan
33 of government as a noncharter code city (~~or may reclassify and adopt~~
34 ~~a plan of government authorized by the general law for municipalities~~
35 ~~of the highest class for which the population of such city qualifies~~
36 ~~it, or authorized for the class to which such city belonged immediately~~

1 ~~prior to becoming a noncharter code city, if any))~~: PROVIDED, That
2 these limitations shall not apply to a city seeking to adopt a charter.

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

11 **Sec. 29.** RCW 35A.06.050 and 1979 ex.s. c 18 s 15 are each amended
12 to read as follows:

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

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

33 The government of any noncharter code city or charter code city
34 electing to adopt the mayor-council plan of government authorized by
35 this chapter shall be vested in an elected mayor and an elected
36 council. The council of a noncharter code city having less than
37 twenty-five hundred inhabitants shall consist of five members; when

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

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

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

1 **Sec. 31.** RCW 35A.12.040 and 1979 ex.s. c 18 s 21 are each amended
2 to read as follows:

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

32 **Sec. 32.** RCW 35A.12.050 and 1967 ex.s. c 119 s 35A.12.050 are each
33 amended to read as follows:

34 The office of a mayor or ~~((councilman))~~ councilmember shall become
35 vacant if ~~((he))~~ the person who is elected or appointed to that
36 position fails to qualify as provided by law ~~((or))~~ fails to enter
37 upon ((his)) the duties of that office at the time fixed by law without
38 a justifiable reason, ~~((upon his death, resignation, removal from~~

1 office by recall as provided by law, or when his office is forfeited))
2 or as provided in RCW 35A.12.060 or 42.12.010. A vacancy in the office
3 of mayor or in the council shall be filled ((for the remainder of the
4 unexpired term, if any, at the next regular municipal election but the
5 council, or the remaining members thereof, by majority vote shall
6 appoint a qualified person to fill the vacancy until the person elected
7 to serve the remainder of the unexpired term takes office. If at any
8 time the membership of the council is reduced below the number required
9 for a quorum, the remaining members, nevertheless, by majority action
10 may appoint additional members to fill the vacancies until persons are
11 elected to serve the remainder of the unexpired terms. If, after
12 thirty days have passed since the occurrence of a vacancy, the council
13 are unable to agree upon a person to be appointed to fill a vacancy in
14 the council, the mayor may make the appointment from among the persons
15 nominated by members of the council)) as provided in chapter 42.12 RCW.

16 **Sec. 33.** RCW 35A.12.060 and 1967 ex.s. c 119 s 35A.12.060 are each
17 amended to read as follows:

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

26 **Sec. 34.** RCW 35A.12.180 and 1967 ex.s. c 119 s 35A.12.180 are each
27 amended to read as follows:

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

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

10 Wards shall be redrawn as provided in chapter 29.70 RCW. Wards
11 shall be used as follows: (1) Only a resident of the ward may be a
12 candidate for, or hold office as, a councilmember of the ward; and (2)
13 only voters of the ward may vote at a primary to nominate candidates
14 for a councilmember of the ward. Voters of the entire city may vote at
15 the general election to elect a councilmember of a ward, unless the
16 city had prior to January 1, 1994, limited the voting in the general
17 election for any or all council positions to only voters residing
18 within the ward associated with the council positions. If a city had
19 so limited the voting in the general election to only voters residing
20 within the ward, then the city shall be authorized to continue to do
21 so.

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

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

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

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

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

34 **Sec. 36.** RCW 35A.13.020 and 1975 1st ex.s. c 155 s 1 are each
35 amended to read as follows:

36 In council-manager code cities, eligibility for election to the
37 council, the manner of electing councilmen, the numbering of council
38 positions, the terms of councilmen, the occurrence and the filling of

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

12 **Sec. 37.** RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060 are each
13 amended to read as follows:

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

19 **Sec. 38.** RCW 35A.14.070 and 1979 ex.s. c 124 s 4 are each amended
20 to read as follows:

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

1 general circulation within the limits of the territory proposed to be
2 annexed. Such notice shall be in addition to the notice required by
3 (~~RCW 35A.29.140~~) general election law.

4 **Sec. 39.** RCW 35A.15.040 and 1967 ex.s. c 119 s 35A.15.040 are each
5 amended to read as follows:

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

14 **Sec. 40.** RCW 35A.16.030 and 1967 ex.s. c 119 s 35A.16.030 are each
15 amended to read as follows:

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

22 NEW SECTION. **Sec. 41.** A new section is added to chapter 35A.29
23 RCW to read as follows:

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

25 **Sec. 42.** RCW 36.69.020 and 1969 c 26 s 2 are each amended to read
26 as follows:

27 The formation of a park and recreation district shall be initiated
28 by a petition designating the boundaries thereof by metes and bounds,
29 or by describing the land to be included therein by townships, ranges
30 and legal subdivisions. Such petition shall set forth the object of
31 the district and state that it will be conducive to the public welfare
32 and convenience, and that it will be a benefit to the area therein.
33 Such petition shall be signed by not less than fifteen percent of the
34 registered voters residing within the area so described. (~~No person~~
35 ~~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. 43.** 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. 44.** 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 ((theretofore
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. 45.** 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. 46.** 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. 47.** 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. 48.** 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. 49.** RCW 52.14.013 and 1992 c 74 s 2 are each amended to read
25 as follows:

26 The board of fire commissioners of a fire protection district may
27 adopt a resolution by unanimous vote causing a ballot proposition to be
28 submitted to voters of the district authorizing the creation of
29 commissioner districts. The board of fire commissioners shall create
30 commissioner districts if the ballot proposition authorizing the
31 creation of commissioner districts is approved by a simple majority
32 vote of the voters of the fire protection district voting on the
33 proposition. Three commissioner districts shall be created for a fire
34 protection district with three commissioners, and five commissioner
35 districts shall be created for a fire protection district with five
36 commissioners. No two commissioners may reside in the same
37 commissioner district.

1 No change in the boundaries of any commissioner district shall be
2 made within one hundred twenty days next before the date of a general
3 district election, nor within twenty months after the commissioner
4 districts have been established or altered. However, if a boundary
5 change results in one commissioner district being represented by two or
6 more commissioners, those commissioners having the shortest unexpired
7 terms shall be assigned by the commission to commissioner districts
8 where there is a vacancy, and the commissioners so assigned shall be
9 deemed to be residents of the commissioner districts to which they are
10 assigned for purposes of determining whether those positions are
11 vacant.

12 The population of each commissioner district shall include
13 approximately equal population. Commissioner districts shall be
14 redrawn as provided in chapter 29.70 RCW. Commissioner districts shall
15 be used as follows: (1) Only a registered voter who resides in a
16 commissioner district may be a candidate for, or serve as, a
17 commissioner of the commissioner district; and (2) only voters of a
18 commissioner district may vote at a primary to nominate candidates for
19 a commissioner of the commissioner district. Voters of the entire fire
20 protection district may vote at a general election to elect a person as
21 a commissioner of the commissioner district.

22 When a board of fire commissioners that has commissioner districts
23 has been increased to five members under RCW 52.14.015, the board of
24 fire commissioners shall divide the fire protection district into five
25 commissioner districts before it appoints the two additional fire
26 commissioners. The two additional fire commissioners who are appointed
27 shall reside in separate commissioner districts in which no other fire
28 commissioner resides.

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

31 In the event a three member board of commissioners of any fire
32 protection district determines by resolution (~~and approves by~~
33 ~~unanimous vote of the board~~) that it would be in the best interest of
34 the district to increase the number of commissioners from three to
35 five, or in the event the board is presented with a petition signed by
36 ten percent of the registered voters resident within the district who
37 voted in the last general municipal election calling for such an
38 increase in the number of commissioners of the district, the board

1 shall submit a resolution to the county legislative authority or
2 authorities of the county or counties in which the district is located
3 requesting that an election be held. Upon receipt of the resolution,
4 the legislative authority or authorities of the county or counties
5 shall call a special election to be held within the fire protection
6 district at which election the following proposition shall be submitted
7 to the voters substantially as follows:

8 Shall the board of commissioners of county fire
9 protection district no. . . . be increased from three members to
10 five members?

11 Yes
12 No

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

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

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

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

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

31 ~~((In the event of a vacancy occurring in the office of fire~~
32 ~~commissioner, the vacancy shall, within sixty days, be filled by~~
33 ~~appointment of a resident elector of the district by a vote of the~~
34 ~~remaining fire commissioners. If the board of commissioners fails to~~

1 ~~fill the vacancy within the sixty day period, the county legislative~~
2 ~~authority of the county in which all, or the largest portion, of the~~
3 ~~district is located shall make the appointment. If the number of~~
4 ~~vacancies is such that there is not a majority of the full number of~~
5 ~~commissioners in office as fixed by law, the county legislative~~
6 ~~authority of the county in which all, or the largest portion, of the~~
7 ~~district is located shall appoint someone to fill each vacancy, within~~
8 ~~thirty days of each vacancy, that is sufficient to create a majority as~~
9 ~~prescribed by law.~~

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

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

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

28 The initial three members of the board of fire commissioners shall
29 be elected at the same election as when the ballot proposition is
30 submitted to the voters authorizing the creation of the fire protection
31 district. If the district is not authorized to be created, the
32 election of the initial fire commissioners shall be null and void. If
33 the district is authorized to be created, the initial fire
34 commissioners shall take office immediately when qualified. Candidates
35 shall file for each of the three separate fire commissioner positions.
36 Elections shall be held as provided in chapter 29.21 RCW, with the
37 county auditor opening up a special filing period as provided in RCW
38 ((29.21.360 and 29.21.370)) 29.15.170 and 29.15.180, as if there were

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

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

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

34 A vacancy in the office of port commissioner shall occur ~~((by
35 death, resignation, removal, conviction of a felony,))~~ as provided in
36 chapter 42.12 RCW or by nonattendance at meetings of the port
37 commission for a period of sixty days unless excused by the port
38 commission ~~((, by any statutory disqualification, or by any permanent~~

1 ~~disability preventing the proper discharge of his duty~~)). A vacancy on
2 a port commission shall be filled as provided in chapter 42.12 RCW.

3 **Sec. 55.** RCW 53.12.172 and 1992 c 146 s 2 are each reenacted to
4 read as follows:

5 In every port district the term of office of each port commissioner
6 shall be four years in each port district that is county-wide with a
7 population of one hundred thousand or more, or either six or four years
8 in all other port districts as provided in RCW 53.12.175, and until a
9 successor is elected and qualified and assumes office in accordance
10 with RCW 29.04.170. The initial port commissioners shall be elected at
11 the same election as when the ballot proposition is submitted to voters
12 authorizing the creation of the port district. If the port district is
13 created the persons elected at this election shall serve as the initial
14 port commission. No primary shall be held. The person receiving the
15 greatest number of votes for commissioner from each commissioner
16 district shall be elected as the commissioner of that district.

17 The terms of office of the initial port commissioners shall be
18 staggered as follows in a port district that is county-wide with a
19 population of one hundred thousand or more: (1) The two persons who
20 are elected receiving the two greatest numbers of votes shall be
21 elected to four-year terms of office if the election is held in an odd-
22 numbered year, or three-year terms of office if the election is held in
23 an even-numbered year, and shall hold office until successors are
24 elected and qualified and assume office in accordance with RCW
25 29.04.170; and (2) the other person who is elected shall be elected to
26 a two-year term of office if the election is held in an odd-numbered
27 year, or a one-year term of office if the election is held in an even-
28 numbered year, and shall hold office until a successor is elected and
29 qualified and assumes office in accordance with RCW 29.04.170. The
30 terms of office of the initial port commissioners in all other port
31 districts shall be staggered as follows: (a) The person who is elected
32 receiving the greatest number of votes shall be elected to a six-year
33 term of office if the election is held in an odd-numbered year or to a
34 five-year term of office if the election is held in an even-numbered
35 year, and shall hold office until a successor is elected and qualified
36 and assumes office in accordance with RCW 29.04.170; (b) the person who
37 is elected receiving the next greatest number of votes shall be elected
38 to a four-year term of office if the election is held in an odd-

1 numbered year or to a three-year term of office if the election is held
2 in an even-numbered year, and shall hold office until a successor is
3 elected and qualified and assumes office in accordance with RCW
4 29.04.170; and (c) the other person who is elected shall be elected to
5 a two-year term of office if the election is held in an odd-numbered
6 year or a one-year term of office if the election is held in an even-
7 numbered year, and shall hold office until a successor is elected and
8 qualified and assumes office in accordance with RCW 29.04.170.

9 The initial port commissioners shall take office immediately after
10 being elected and qualified, but the length of their terms shall be
11 calculated from the first day in January in the year following their
12 elections.

13 **Sec. 56.** RCW 54.08.060 and 1979 ex.s. c 126 s 36 are each amended
14 to read as follows:

15 Whenever a proposition for the formation of a public utility
16 district is to be submitted to voters in any county, the county
17 legislative authority may by resolution call a special election, and at
18 the request of petitioners for the formation of such district contained
19 in the petition shall do so and shall provide for holding the same at
20 the earliest practicable time. If the boundaries of the proposed
21 district embrace an area less than the entire county, such election
22 shall be confined to the area so included. The notice of such election
23 shall state the boundaries of the proposed district and the object of
24 such election; in other respects, such election shall be held and
25 called in the same manner as provided by law for the holding and
26 calling of general elections: PROVIDED, That notice thereof shall be
27 given for not less than ten days nor more than thirty days prior to
28 such special election. In submitting the (~~said~~) proposition to the
29 voters for their approval or rejection, such proposition shall be
30 expressed on the ballots in substantially the following terms:

31 Public Utility District No. YES
32 Public Utility District No. NO

33 At the same special election on the proposition to form a public
34 utility district, there shall also be an election for three public
35 utility district commissioners(~~(:—PROVIDED, That)~~). However, the
36 election of such commissioners shall be null and void if the

1 proposition to form the public utility district does not receive
2 approval by a majority of the voters voting on the proposition.
3 (~~(Nomination for and election of public utility district commissioners~~
4 ~~shall conform with the provisions of RCW 54.12.010 as now or hereafter~~
5 ~~amended, except for the day of such election and the term of office of~~
6 ~~the original commissioners.)) No primary shall be held. A special
7 filing period shall be opened as provided in RCW 29.15.170 and
8 29.15.180. The person receiving the greatest number of votes for the
9 commissioner of each commissioner district shall be elected as the
10 commissioner of that district. Commissioner districts shall be
11 established as provided in RCW 54.12.010. The terms of the initial
12 commissioners shall be staggered as follows: (1) The person who is
13 elected receiving the greatest number of votes shall be elected to a
14 six-year term of office if the election is held in an even-numbered
15 year or a five-year term if the election is held in an odd-numbered
16 year; (2) the person who is elected receiving the next greatest number
17 of votes shall be elected to a four-year term of office if the election
18 is held in an even-numbered year or a three-year term of office if the
19 election is held in an odd-numbered year; and (3) the other person who
20 is elected shall be elected to a two-year term of office if the
21 election is held in an even-numbered year or a one-year term of office
22 if the election is held in an odd-numbered year. The commissioners
23 first to be elected at such special election shall ((hold office from
24 the first day of the month following the commissioners' election for
25 the terms as specified in this section which terms shall be computed
26 from the first day in January next following the election. If such
27 special election was held in an even-numbered year, the commissioners
28 residing in commissioner district number one shall hold office for the
29 term of six years, the commissioner residing in commissioner district
30 number two shall hold office for the term of four years, and the
31 commissioner residing in commissioner district number three shall hold
32 office for the term of two years. If such special election was held in
33 an odd-numbered year, the commissioner residing in commissioner
34 district number one shall hold office for the term of five years, the
35 commissioner residing in commissioner district number two shall hold
36 office for the term of three years, and the commissioner residing in
37 commissioner district number three shall hold office for the term of
38 one year)) assume office immediately when they are elected and~~

1 qualified, but the length of their terms of office shall be calculated
2 from the first day in January in the year following their elections.

3 The term "general election" as used herein means biennial general
4 elections at which state and county officers in a noncharter county are
5 elected.

6 **Sec. 57.** RCW 54.12.010 and 1990 c 59 s 109 are each amended to
7 read as follows:

8 ~~((Within ten days after such election, the county canvassing board~~
9 ~~shall canvass the returns, and if at such election a majority of the~~
10 ~~voters voting upon such proposition shall vote in favor of the~~
11 ~~formation of such district, the canvassing board shall so declare in~~
12 ~~its canvass of the returns of such election, and such public utility~~
13 ~~district shall then be and become)) A public utility district that is
14 created as provided in RCW 54.08.010 shall be a municipal corporation
15 of the state of Washington, and the name of such public utility
16 district shall be Public Utility District No. of
17 County.~~

18 The powers of the public utility district shall be exercised
19 through a commission consisting of three members in three commissioner
20 districts, and five members in five commissioner districts.

21 When the public utility district is ~~((coextensive with the limits~~
22 ~~of such county)) county-wide and the county has three county
23 legislative authority districts, then, at the first election of
24 commissioners and until any change shall have been made in the
25 boundaries of public utility district commissioner districts, one
26 public utility district commissioner shall be chosen from each of the
27 three county ~~((commissioner)) legislative authority districts ~~((of the~~
28 ~~county in which the public utility district is located if the county is~~
29 ~~not operating under a "Home Rule" charter)).~~ When the public utility
30 district comprises only a portion of the county, with boundaries
31 established in accordance with chapter 54.08 RCW, or when the public
32 utility district is ~~((located in a county operating under a "Home Rule"~~
33 ~~charter)) county-wide and the county does not have three county
34 legislative authority districts, three public utility district
35 commissioner districts, numbered consecutively, ~~((having)) each with~~
36 approximately equal population and ~~((boundaries,)) following ~~((ward~~
37 ~~and)) precinct lines, as far as practicable, shall be described in the~~
38 petition for the formation of the public utility district, which shall~~~~~~~~

1 be subject to appropriate change by the county legislative authority if
2 and when ((they)) it changes the boundaries of the proposed public
3 utility district, and one commissioner shall be elected ((from each of
4 said)) as a commissioner of each of the public utility district
5 commissioner districts. ((In all five commissioner districts an
6 additional commissioner at large shall be chosen from each of the two
7 at large districts. No person shall be eligible to be elected to the
8 office of public utility district commissioner for a particular
9 district commissioner district unless he is a registered voter of the
10 public utility district commissioner district or at large district from
11 which he is elected.)) Commissioner districts shall be used as follows:
12 (1) Only a registered voter who resides in a commissioner district may
13 be a candidate for, or hold office as, a commissioner of the
14 commissioner district; and (2) only voters of a commissioner district
15 may vote at a primary to nominate candidates for a commissioner of the
16 commissioner district. Voters of the entire public utility district
17 may vote at a general election to elect a person as a commissioner of
18 the commissioner district.

19 ((Except as otherwise provided,)) The term of office of each public
20 utility district commissioner other than the commissioners at large
21 shall be six years, and the term of each commissioner at large shall be
22 four years. Each term shall be computed in accordance with RCW
23 29.04.170 following the commissioner's election. ((One commissioner at
24 large and one commissioner from a commissioner district shall be
25 elected at each general election held in an even-numbered year for the
26 term of four years and six years respectively. All candidates shall be
27 voted upon by the entire public utility district.

28 When a public utility district is formed, three public utility
29 district commissioners shall be elected at the same election at which
30 the proposition is submitted to the voters as to whether such public
31 utility district shall be formed. If the general election adopting the
32 proposition to create the public utility district was held in an even-
33 numbered year, the commissioner residing in commissioner district
34 number one shall hold office for the term of six years; the
35 commissioner residing in commissioner district number two shall hold
36 office for the term of four years; and the commissioner residing in
37 commissioner district number three shall hold office for the term of
38 two years. If the general election adopting the proposition to create
39 the public utility district was held in an odd-numbered year, the

1 commissioner residing in commissioner district number one shall hold
2 office for the term of five years, the commissioner in district two
3 shall hold office for the term of three years, and the commissioner in
4 district three shall hold office for the term of one year. The
5 commissioners first to be elected as above provided shall hold office
6 from the first day of the month following the commissioners' election
7 and their respective terms of office shall be computed from the first
8 day of January next following the election.))

9 All public utility district commissioners shall hold office until
10 their successors shall have been elected and have qualified and assume
11 office in accordance with RCW 29.04.170. ((A filing for nomination for
12 public utility district commissioner shall be accompanied by a petition
13 signed by one hundred registered voters of the public utility district
14 which shall be certified by the county auditor to contain the required
15 number of registered voters, and shall otherwise be filed in accord
16 with the requirements of Title 29 RCW. At the time of filing such
17 nominating petition, the person so nominated shall execute and file a
18 declaration of candidacy subject to the provisions of Title 29 RCW, as
19 now or hereafter amended. The petition and each page of the petition
20 shall state whether the nomination is for a commissioner from a
21 particular commissioner district or for a commissioner at large and
22 shall state the districts; otherwise it shall be void.))

23 A vacancy in the office of public utility district commissioner
24 shall occur as provided in chapter 42.12 RCW or by ((death,
25 resignation, removal, conviction of a felony,)) nonattendance at
26 meetings of the public utility district commission for a period of
27 sixty days unless excused by the public utility district commission((
28 by any statutory disqualification, or by any permanent disability
29 preventing the proper discharge of his duty. In the event of a vacancy
30 in said office, such vacancy shall be filled at the next general
31 election held in an even numbered year, the vacancy in the interim to
32 be filled by appointment by the remaining commissioners. If more than
33 one vacancy exists at the same time in a three commissioner district,
34 or more than two in a five commissioner district, a special election
35 shall be called by the county canvassing board upon the request of the
36 remainder, or, that failing, by the county election board, such
37 election to be held not more than forty days after the occurring of
38 such vacancies.

1 A majority of the persons holding the office of public utility
2 district commissioner at any time shall constitute a quorum of the
3 commission for the transaction of business, and the concurrence of a
4 majority of the persons holding such office at the time shall be
5 necessary and shall be sufficient for the passage of any resolution,
6 but no business shall be transacted, except in usual and ordinary
7 course, unless there are in office at least a majority of the full
8 number of commissioners fixed by law)). Vacancies on a board of public
9 utility district commissioners shall be filled as provided in chapter
10 42.12 RCW.

11 The boundaries of the public utility district ((~~commissioners~~'))
12 commissioner districts may be changed only by the public utility
13 district commission, and shall be examined every ten years to determine
14 substantial equality of population in accordance with chapter 29.70
15 RCW, but ((~~said~~)) the boundaries shall not be changed oftener than once
16 in four years, and only when all members of the commission are present.
17 Whenever territory is added to a public utility district under RCW
18 54.04.035, the boundaries of the public utility ((~~commissioners~~'))
19 commissioner districts shall be changed to include such additional
20 territory. The proposed change of the boundaries of the public utility
21 district ((~~commissioners~~')) commissioner district must be made by
22 resolution and after public hearing. Notice of the time of a public
23 hearing thereon shall be published for two weeks prior thereto. Upon
24 a referendum petition signed by ten percent of the qualified voters of
25 the public utility district being filed with the county auditor, the
26 county legislative authority shall submit such proposed change of
27 boundaries to the voters of the public utility district for their
28 approval or rejection. Such petition must be filed within ninety days
29 after the adoption of resolution of the proposed action. The validity
30 of ((~~said~~)) the petition shall be governed by the provisions of chapter
31 54.08 RCW.

32 **Sec. 58.** RCW 54.40.070 and 1977 ex.s. c 36 s 7 are each amended to
33 read as follows:

34 Within thirty days after the public utility district commission
35 shall divide the district into two at large districts, the county
36 legislative authority shall call a special election, to be held at the
37 next scheduled special election called pursuant to RCW 29.13.010, or
38 not more than ninety days after such call, at which time the initial

1 commissioners to such at large districts shall be elected(~~(7)~~). No
2 primary shall be held and a special filing period shall be opened as
3 provided in RCW 29.15.170 and 29.15.180. The person receiving the
4 greatest number of votes for each position shall be elected.

5 The person who is elected receiving the (~~largest~~) greatest number
6 of votes (~~to serve for four years~~) shall be elected to a four-year
7 term of office, and the other person (~~receiving the next largest~~
8 number of votes to serve an initial term of two years)) who is elected
9 shall be elected to a two-year term of office, if the election is held
10 in an even-numbered year, or the person who is elected receiving the
11 greatest number of votes shall be elected to a three-year term of
12 office, and the other person who is elected shall be elected to a one-
13 year term of office, if the election is held in an odd-numbered year.
14 The length of these terms of office shall be calculated from the first
15 day in January in the year following their elections.

16 The newly elected commissioners shall assume office immediately
17 after being elected and qualified and shall serve until their
18 successors are elected and qualified and assume office in accordance
19 with RCW 29.04.170. Each successor shall be elected to a four-year
20 term of office.

21 **Sec. 59.** RCW 56.12.020 and 1979 ex.s. c 126 s 38 are each amended
22 to read as follows:

23 At the election held to form or reorganize a sewer district,
24 (~~there shall be elected three commissioners who shall assume office~~
25 ~~immediately when qualified in accordance with RCW 29.01.135 to hold~~
26 ~~office for terms of two, four, and six years respectively, and until~~
27 ~~their successors are elected and qualified and assume office in~~
28 ~~accordance with RCW 29.04.170.~~

29 The term of each nominee shall be expressed on the ballot and shall
30 be computed from the first day of January next following if the initial
31 election of the sewer district commissioners was in a general district
32 election as provided in RCW 29.13.020, or from the first day of January
33 following the first general election for sewer districts after its
34 creation if the initial election was on a date other than a general
35 district election. Thereafter, every two years there shall be elected
36 a commissioner for a term of six years and until his or her successor
37 is elected and qualified, at the general election held in the odd-
38 numbered years, as provided in RCW 29.13.020, and conducted by the

1 ~~county auditor and the returns shall be canvassed by the county~~
2 ~~canvassing board of election returns: PROVIDED, That each such~~
3 ~~commissioner shall assume office in accordance with RCW 29.04.170))~~
4 three sewer district commissioners shall be elected. The election of
5 sewer district commissioners shall be null and void if the ballot
6 proposition to form or reorganize the sewer district is not approved.
7 Candidates shall run for one of three separate commissioner positions.
8 A special filing period shall be opened as provided in RCW 29.15.170
9 and 29.15.180. The person receiving the greatest number of votes for
10 each position shall be elected to that position.

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

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

29 **Sec. 60.** RCW 56.12.030 and 1990 c 259 s 24 are each amended to
30 read as follows:

31 ~~((1) Nominations for the first board of commissioners to be~~
32 ~~elected at the election for the formation of the sewer district shall~~
33 ~~be by petition of fifty registered voters or ten percent of the~~
34 ~~registered voters of the district who voted in the last general~~
35 ~~municipal election, whichever is the smaller. The petition shall be~~
36 ~~filed in the auditor's office of the county in which the district is~~
37 ~~located at least forty five days before the election. Thereafter~~
38 ~~candidates for the office of sewer commissioner shall file declarations~~

1 of candidacy and their election shall be conducted as provided by the
2 general elections laws. A vacancy or vacancies shall be filled by
3 appointment by the remaining commissioner or commissioners until the
4 next regular election for commissioners: PROVIDED, That if there are
5 two vacancies on the board, one vacancy shall be filled by appointment
6 by the remaining commissioner and the one remaining vacancy shall be
7 filled by appointment by the then two commissioners and the appointed
8 commissioners shall serve until the next regular election for
9 commissioners. If the vacancy or vacancies remain unfilled within six
10 months of its or their occurrence, the county legislative authority in
11 which the district is located shall make the necessary appointment or
12 appointments. If there is a vacancy of the entire board a new board
13 may be appointed by the county legislative authority. Any person
14 residing in the district who is at the time of election a registered
15 voter may vote at any election held in the sewer district.

16 (2) Subsection (1) of this section notwithstanding,) The board of
17 commissioners of any sewer district may ((provide by majority vote that
18 subsequent commissioners be elected from commissioner districts)) adopt
19 a resolution providing that each subsequent commissioner be elected as
20 a commissioner of a commissioner district within the district. If the
21 board exercises this option, it shall divide the district into
22 ((three)) a number of commissioner districts ((of)) equal in number to
23 the number of commissioners on the board, each with approximately equal
24 population following current precinct and district boundaries as far as
25 practicable. ((Thereafter, candidates shall be nominated and one
26 candidate shall be elected from each commissioner district by the
27 registered voters of the commissioner district.

28 (3) All expense of elections for the formation or reorganization of
29 a sewer district shall be paid by the county in which the election is
30 held and the expenditure is hereby declared to be for a county purpose,
31 and the money paid for that purpose shall be repaid to the county by
32 the district if formed or reorganized.)) Commissioner districts shall
33 be used as follows: (1) Only a registered voter who resides in a
34 commissioner district may be a candidate for, or serve as, a
35 commissioner of the commissioner district; and (2) only voters of a
36 commissioner district may vote at a primary to nominate candidates for
37 a commissioner of the commissioner district. Voters of the entire
38 sewer district may vote at a general election to elect a person as a

1 commissioner of the commissioner district. Commissioner districts
2 shall be redrawn as provided in chapter 29.70 RCW.

3 NEW SECTION. Sec. 61. A new section is added to chapter 56.12 RCW
4 to read as follows:

5 Sewer district elections shall conform with general election laws.

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

8 **Sec. 62.** RCW 57.02.050 and 1982 1st ex.s. c 17 s 5 are each
9 amended to read as follows:

10 Whenever the boundaries or proposed boundaries of a water district
11 include or are proposed to include by means of formation, annexation,
12 consolidation, or merger (including merger with a sewer district)
13 territory in more than one county, all duties delegated by Title 57 RCW
14 to officers of the county in which the district is located shall be
15 delegated to the officers of the county in which the largest land area
16 of the district is located, except that elections shall be conducted
17 pursuant to ((RCW 57.02.060, as now existing or hereafter amended))
18 general election law, actions subject to review and approval under RCW
19 57.02.040 and 56.02.070 shall be reviewed and approved only by the
20 officers or boards in the county in which such actions are proposed to
21 occur, verification of electors' signatures shall be conducted by the
22 county election officer of the county in which such signators reside,
23 and comprehensive plan review and approval or rejection by the
24 respective county legislative authorities under RCW 57.16.010 shall be
25 limited to that part of such plans within the respective counties.

26 **Sec. 63.** RCW 57.12.020 and 1990 c 259 s 30 are each amended to
27 read as follows:

28 ((Nominations for the first board of commissioners to be elected at
29 the election for the formation of the water district shall be by
30 petition of at least ten percent of the registered voters of the
31 district who voted in the last general municipal election, filed in the
32 auditor's office of the county in which the district is located, at
33 least forty five days prior to the election. Thereafter, candidates
34 for the office of water commissioners shall file declarations of
35 candidacy and their election shall be conducted as provided by the
36 general election laws.))

1 A vacancy ((or vacancies)) on the board shall occur and shall be
2 filled ((by appointment by the remaining commissioner or commissioners
3 until the next regular election for commissioners: PROVIDED, That if
4 there are two vacancies on the board, one vacancy shall be filled by
5 appointment by the remaining commissioner and the one remaining vacancy
6 shall be filled by appointment by the then two commissioners and the
7 appointed commissioners shall serve until the next regular election for
8 commissioners. If the vacancy or vacancies remain unfilled within six
9 months of its or their occurrence, the county legislative authority in
10 which the district is located shall make the necessary appointment or
11 appointments. If there is a vacancy of the entire board a new board
12 may be appointed by the county legislative authority.

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

16 **Sec. 64.** RCW 57.12.030 and 1982 1st ex.s. c 17 s 14 are each
17 amended to read as follows:

18 ((The general laws of the state of Washington governing the
19 registration of voters for a general or a special city election shall
20 govern the registration of voters for elections held under this
21 chapter. The manner of holding any general or special election for
22 said)) Water district elections shall be held in accordance with the
23 general election laws of this state. ((All elections in a water
24 district shall be conducted under RCW 57.02.060. All expenses of
25 elections for a water district shall be paid for out of the funds of
26 the water district: PROVIDED, That if the voters fail to approve the
27 formation of a water district, the expenses of the formation election
28 shall be paid by each county in which the proposed district is located,
29 in proportion to the number of registered voters in the proposed
30 district residing in each county.))

31 Except as in this section otherwise provided, the term of office of
32 each water district commissioner shall be six years, such term to be
33 computed from the first day of January following the election, and
34 ((one commissioner shall be elected at each biennial general election,
35 as provided in RCW 29.13.020, for the term of six years and until his
36 or her successor is)) commissioners shall serve until their successors
37 are elected and qualified and assume((s)) office in accordance with RCW

1 29.04.170. (~~All candidates shall be voted upon by the entire water~~
2 ~~district.~~)

3 Three water district commissioners shall be elected at the same
4 election at which the proposition is submitted to the voters as to
5 whether such water district shall be formed. (~~The commissioner~~
6 ~~elected in commissioner position number one shall hold office for the~~
7 ~~term of six years; the commissioner elected in commissioner position~~
8 ~~number two shall hold office for the term of four years; and the~~
9 ~~commissioner elected in commissioner position number three shall hold~~
10 ~~office for the term of two years: PROVIDED, That the members of the~~
11 ~~first commission shall take office immediately upon their election and~~
12 ~~qualification. The terms of all commissioners first to be elected~~
13 ~~shall also include the time intervening between the date that the~~
14 ~~results of their election are declared in the canvass of returns~~
15 ~~thereof and the first day of January following the next general~~
16 ~~district election as provided in RCW 29.13.020.)) The election of
17 water district commissioners shall be null and void if the ballot
18 proposition to form the water district is not approved. Each candidate
19 shall run for one of three separate commissioner positions. A special
20 filing period shall be opened as provided in RCW 29.15.170 and
21 29.15.180. The person receiving the greatest number of votes for each
22 position shall be elected to that position.~~

23 The newly elected water district commissioners shall assume office
24 immediately when they are elected and qualified. Staggering of the
25 terms of office for the new water district commissioners shall be
26 accomplished as follows: (1) The person who is elected receiving the
27 greatest number of votes shall be elected to a six-year term of office
28 if the election is held in an odd-numbered year or a five-year term of
29 office if the election is held in an even-numbered year; (2) the person
30 who is elected receiving the next greatest number of votes shall be
31 elected to a four-year term of office if the election is held in an
32 odd-numbered year or a three-year term of office if the election is
33 held in an even-numbered year; and (3) the other person who is elected
34 shall be elected to a two-year term of office if the election is held
35 in an odd-numbered year or a one-year term of office if the election is
36 held in an even-numbered year. The terms of office shall be calculated
37 from the first day of January after the election.

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

4 **Sec. 65.** RCW 57.12.039 and 1986 c 41 s 2 are each amended to read
5 as follows:

6 Notwithstanding RCW 57.12.020 and 57.12.030, the board of
7 commissioners may provide by majority vote that subsequent
8 commissioners be elected from commissioner districts within the
9 district. If the board exercises this option, it shall divide the
10 district into three commissioner districts of approximately equal
11 population following current precinct and district boundaries.
12 (~~Thereafter, candidates shall be nominated and one candidate shall be~~
13 ~~elected from each commissioner district by the electors of the~~
14 ~~commissioner district.~~)

15 Commissioner districts shall be used as follows: (1) Only a
16 registered voter who resides in a commissioner district may be a
17 candidate for, or serve as, a commissioner of the commissioner
18 district; and (2) only voters of a commissioner district may vote at a
19 primary to nominate candidates for a commissioner of the commissioner
20 district. Voters of the entire water district may vote at a general
21 election to elect a person as a commissioner of the commissioner
22 district. Commissioner districts shall be redrawn as provided in
23 chapter 29.70 RCW.

24 **Sec. 66.** RCW 57.32.022 and 1982 1st ex.s. c 17 s 31 are each
25 amended to read as follows:

26 The respective boards of water commissioners of the consolidating
27 districts shall certify the agreement to the county election officer of
28 each county in which the districts are located. A special election
29 shall be called by the county election officer (~~under RCW 57.02.060~~)
30 for the purpose of submitting to the voters of each of the
31 consolidating districts the proposition of whether or not the several
32 districts shall be consolidated into one water district. The
33 proposition shall give the title of the proposed consolidated district.
34 Notice of the election shall be given and the election conducted in
35 accordance with the general election laws.

1 **Sec. 67.** RCW 57.32.023 and 1982 1st ex.s. c 17 s 32 are each
2 amended to read as follows:

3 If at the election a majority of the voters in each of the
4 consolidating districts vote in favor of the consolidation, the county
5 canvassing board shall so declare in its canvass (~~(under RCW~~
6 ~~57.02.060)~~) and the return of such election shall be made within ten
7 days after the date thereof. Upon the return the consolidation shall
8 be effective and the consolidating districts shall cease to exist and
9 shall then be and become a new water district and municipal corporation
10 of the state of Washington. The name of such new water district shall
11 be "Water District No.", which shall be the name appearing on the
12 ballot. The district shall have all and every power, right, and
13 privilege possessed by other water districts of the state of
14 Washington. The district may issue revenue bonds to pay for the
15 construction of any additions and betterments set forth in the
16 comprehensive plan of water supply contained in the agreement for
17 consolidation and any future additions and betterments to the
18 comprehensive plan of water supply, as its board of water commissioners
19 shall by resolution adopt, without submitting a proposition therefor to
20 the voters of the district.

21 NEW SECTION. **Sec. 68.** A new section is added to chapter 68.52 RCW
22 to read as follows:

23 Cemetery district elections shall conform with general election
24 laws.

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

27 **Sec. 69.** RCW 68.52.100 and 1947 c 6 s 2 are each amended to read
28 as follows:

29 For the purpose of forming a cemetery district, a petition
30 designating the boundaries of the proposed district by metes and bounds
31 or describing the lands to be included in the proposed district by
32 government townships, ranges and legal subdivisions, signed by not less
33 than fifteen percent of the (~~qualified~~) registered (~~electors, who~~
34 ~~are property owners or are purchasing property under contract and who~~
35 ~~are resident~~) voters who reside within the boundaries of the proposed
36 district, setting forth the object of the formation of such district
37 and stating that the establishment thereof will be conducive to the

1 public welfare and convenience, shall be filed with the county auditor
2 of the county within which the proposed district is located,
3 accompanied by an obligation signed by two or more petitioners agreeing
4 to pay the cost of publishing the notice hereinafter provided for. The
5 county auditor shall, within thirty days from the date of filing of
6 such petition, examine the signatures and certify to the sufficiency or
7 insufficiency thereof (~~and for such purpose shall have access to~~
8 ~~registration books and records in possession of the registration~~
9 ~~officers of the election precincts included in whole or in part within~~
10 ~~the boundaries of the proposed district and to the tax rolls and other~~
11 ~~records in the offices of the county assessor and county treasurer. No~~
12 ~~person having~~). The name of any person who signed a petition shall
13 not be (~~allowed to withdraw his name therefrom~~) withdrawn from the
14 petition after it has been filed with the county auditor. If the
15 petition is found to contain a sufficient number of valid signatures
16 (~~of qualified persons~~), the county auditor shall transmit it, with
17 (~~his~~) a certificate of sufficiency attached, to the (~~board of~~)
18 county (~~commissioners~~) legislative authority, which shall thereupon,
19 by resolution entered upon its minutes, receive the same and fix a day
20 and hour when it will publicly hear (~~said~~) the petition.

21 **Sec. 70.** RCW 68.52.140 and 1982 c 60 s 2 are each amended to read
22 as follows:

23 The (~~board of~~) county (~~commissioners~~) legislative authority
24 shall have full authority to hear and determine the petition, and if it
25 finds that the formation of the district will be conducive to the
26 public welfare and convenience, it shall by resolution so declare,
27 otherwise it shall deny the petition. If the (~~board~~) county
28 legislative authority finds in favor of the formation of the district,
29 it shall designate the name and number of the district, fix the
30 boundaries thereof, and cause an election to be held therein for the
31 purpose of determining whether or not the district shall be organized
32 under the provisions of this chapter, and for the purpose of electing
33 its first cemetery district commissioners. (~~The board shall, prior to~~
34 ~~calling the said election, name three registered resident electors who~~
35 ~~are property owners or are purchasing property under contract within~~
36 ~~the boundaries of the district as candidates for election as cemetery~~
37 ~~district commissioners. These electors are exempt from the~~
38 ~~requirements of chapter 42.17 RCW.)) At the same election three~~

1 cemetery district commissioners shall be elected, but the election of
2 the commissioners shall be null and void if the district is not
3 created. No primary shall be held. A special filing period shall be
4 opened as provided in RCW 29.15.170 and 29.15.180. Candidates shall
5 run for specific commissioner positions. The person receiving the
6 greatest number of votes for each commissioner position shall be
7 elected to that commissioner position. The terms of office of the
8 initial commissioners shall be as provided in RCW 68.52.220.

9 **Sec. 71.** RCW 68.52.160 and 1947 c 6 s 8 are each amended to read
10 as follows:

11 The ballot for ~~((said))~~ the election shall be in such form as may
12 be convenient but shall present the propositions substantially as
13 follows:

14 ".....(insert county name)..... cemetery district No.(insert
15 number).....

16 Yes.....

17 ".....(insert county name)..... cemetery district No.(insert
18 number).....

19 No....."

20 ~~((and shall specify the names of the candidates nominated for election~~
21 ~~as the first cemetery district commissioners with appropriate space to~~
22 ~~vote for the same.))~~

23 **Sec. 72.** RCW 68.52.220 and 1990 c 259 s 33 are each amended to
24 read as follows:

25 The affairs of the district shall be managed by a board of cemetery
26 district commissioners composed of three ~~((qualified registered voters~~
27 ~~of the district))~~ members. Members of the board shall receive no
28 compensation for their services, but shall receive expenses necessarily
29 incurred in attending meetings of the board or when otherwise engaged
30 in district business. The board shall fix the compensation to be paid
31 the secretary and other employees of the district. ~~((The first three~~
32 ~~cemetery district commissioners shall serve only until the first day in~~
33 ~~January following the next general election, provided such election~~
34 ~~occurs thirty or more days after the formation of the district, and~~
35 ~~until their successors have been elected and qualified and have assumed~~

1 office in accordance with RCW 29.04.170. At the next general district
2 election, as provided in RCW 29.13.020, provided it occurs thirty or
3 more days after the formation of the district, three members of the
4 board of cemetery commissioners shall be chosen. They and all
5 subsequently elected cemetery commissioners shall have the same
6 qualifications as required of the first three cemetery commissioners
7 and)) Cemetery district commissioners and candidates for cemetery
8 district commissioner are exempt from the requirements of chapter 42.17
9 RCW. ((The candidate receiving the highest number of votes shall serve
10 for a term of six years beginning on the first day in January
11 following; the candidate receiving the next higher number of votes
12 shall serve for a term of four years from the date; and the candidate
13 receiving the next higher number of votes shall serve for a term of two
14 years from the date. Upon the expiration of their respective terms,
15 all cemetery commissioners shall be elected for terms of six years to
16 begin on the first day in January next succeeding the day of election
17 and shall serve until their successors have been elected and qualified
18 and assume office in accordance with RCW 29.04.170. Elections shall be
19 called, noticed, conducted and canvassed and in the same manner and by
20 the same officials as provided for general county elections.))

21 The initial cemetery district commissioners shall assume office
22 immediately upon their election and qualification. Staggering of terms
23 of office shall be accomplished as follows: (1) The person elected
24 receiving the greatest number of votes shall be elected to a six-year
25 term of office if the election is held in an odd-numbered year or a
26 five-year term of office if the election is held in an even-numbered
27 year; (2) the person who is elected receiving the next greatest number
28 of votes shall be elected to a four-year term of office if the election
29 is held in an odd-numbered year or a three-year term of office if the
30 election is held in an even-numbered year; and (3) the other person who
31 is elected shall be elected to a two-year term of office if the
32 election is held in an odd-numbered year or a one-year term of office
33 if the election is held in an even-numbered year. The initial
34 commissioners shall assume office immediately after they are elected
35 and qualified but their terms of office shall be calculated from the
36 first day of January after the election.

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

1 The polling places for a cemetery district election (~~(shall be~~
2 ~~those of the county voting precincts which include any of the territory~~
3 ~~within the cemetery district, and)) may be located inside or outside
4 the boundaries of the district, as determined by the auditor of the
5 county in which the cemetery district is located, and no such election
6 shall be held irregular or void on that account.~~

7 **Sec. 73.** RCW 70.44.040 and 1990 c 259 s 39 are each amended to
8 read as follows:

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

12 A public hospital district shall be created when the ballot
13 proposition authorizing the creation of the district is approved by a
14 simple majority vote of the voters of the proposed district voting on
15 the proposition and the total vote cast upon the proposition (~~(to form~~
16 ~~a hospital district shall))~~ exceeds forty percent of the total number
17 of votes cast in the (~~(precincts comprising the))~~ proposed district at
18 the preceding state general (~~(and county))~~ election(~~(; and (2) hospital~~
19 ~~district commissioners shall hold office for the term of six years and~~
20 ~~until their successors are elected and qualified, each term to commence~~
21 ~~on the first day in January following the election))~~).

22 At the election at which the proposition is submitted to the voters
23 as to whether a district shall be formed, three commissioners shall be
24 elected (~~(to hold office, respectively, for the terms of two, four, and~~
25 ~~six years. All candidates shall be voted upon by the entire district,~~
26 ~~and the candidate residing in commissioner district No. 1 receiving the~~
27 ~~highest number of votes in the hospital district shall hold office for~~
28 ~~the term of six years; the candidate residing in commissioner district~~
29 ~~No. 2 receiving the highest number of votes in the hospital district~~
30 ~~shall hold office for the term of four years; and the candidate~~
31 ~~residing in commissioner district No. 3 receiving the highest number of~~
32 ~~votes in the hospital district shall hold office for the term of two~~
33 ~~years. The first commissioners to be elected shall take office~~
34 ~~immediately when qualified in accordance with RCW 29.01.135. Each term~~
35 ~~of the initial commissioners shall date from the time above specified~~
36 ~~following the organizational election, but shall also include the~~
37 ~~period intervening between the organizational election and the first~~
38 ~~day of January following the next district general election: PROVIDED,~~

1 That in public hospital districts encompassing portions of more than
2 one county, the total vote cast upon the proposition to form the
3 district shall exceed forty percent of the total number of votes cast
4 in each portion of each county lying within the proposed district at
5 the next preceding general county election. The portion of the
6 proposed district located within each county shall constitute a
7 separate commissioner district. There shall be three district
8 commissioners whose terms shall be six years. Each district shall be
9 designated by the name of the county in which it is located. All
10 candidates for commissioners shall be voted upon by the entire
11 district. Not more than one commissioner shall reside in any one
12 district: PROVIDED FURTHER, That in the event there are only two
13 districts then two commissioners may reside in one district. The term
14 of each commissioner shall commence on the first day in January in each
15 year following his election. At the election at which the proposition
16 is submitted to the voters as to whether a district shall be formed,
17 three commissioners shall be elected to hold office, respectively, for
18 the terms of two, four, and six years. The candidate receiving the
19 highest number of votes within the district, as constituted by the
20 election, shall serve a term of six years; the candidate receiving the
21 next highest number of votes shall hold office for a term of four
22 years; and the candidate receiving the next highest number of votes
23 shall hold office for a term of two years: PROVIDED FURTHER, That the
24 holding of each such term of office shall be subject to the residential
25 requirements for district commissioners hereinbefore set forth in this
26 section)). The election of the initial commissioners shall be null and
27 void if the district is not authorized to be created.

28 No primary shall be held. A special filing period shall be opened
29 as provided in RCW 29.15.170 and 29.15.180. The person receiving the
30 greatest number of votes for the commissioner of each commissioner
31 district shall be elected as the commissioner of that district. The
32 terms of office of the initial public hospital district commissioners
33 shall be staggered as follows: (a) The person who is elected receiving
34 the greatest number of votes shall be elected to a six-year term of
35 office if the election is held in an odd-numbered year or a five-year
36 term of office if the election is held in an even-numbered year; (b)
37 the person who is elected receiving the next greatest number of votes
38 shall be elected to a four-year term of office if the election is held
39 in an odd-numbered year or a three-year term of office if the election

1 is held in an even-numbered year; and (c) the other person who is
2 elected shall be elected to a two-year term of office if the election
3 is held in an odd-numbered year or a one-year term of office if the
4 election is held in an even-numbered year. The initial commissioners
5 shall take office immediately when they are elected and qualified, but
6 the length of such terms shall be computed from the first day of
7 January in the year following this election. The term of office of
8 each successor shall be six years. Each commissioner shall serve until
9 a successor is elected and qualified and assumes office in accordance
10 with RCW 29.04.170.

11 (2) Commissioner districts shall be used as follows: (a) Only a
12 registered voter who resides in a commissioner district may be a
13 candidate for, or hold office as, a commissioner of the commissioner
14 district; and (b) only voters of a commissioner district may vote at a
15 primary to nominate candidates for a commissioner of the commissioner
16 district. Voters of the entire public hospital district may vote at a
17 general election to elect a person as a commissioner of the
18 commissioner district.

19 If the proposed public hospital district is county-wide, and the
20 county has three county legislative authority districts, the county
21 legislative authority districts shall be used as public hospital
22 district commissioner districts. In all other instances the county
23 auditor of the county in which all or the largest portion of the
24 proposed public hospital district is located shall draw the initial
25 three public hospital district commissioner districts, each of which
26 shall constitute as nearly as possible one-third of the total
27 population of the proposed public hospital district and number the
28 districts one, two, and three. Each of the three commissioner
29 positions shall be numbered one through three and associated with the
30 district of the same number.

31 The public hospital district commissioners may redraw commissioner
32 districts, if the public hospital district has boundaries that are not
33 coterminous with the boundaries of a county with three county
34 legislative authority districts, so that each district comprises as
35 nearly as possible one-third of the total population of the public
36 hospital district. The commissioners of a public hospital district
37 that is not coterminous with the boundaries of a county that has three
38 county legislative authority districts shall redraw hospital district
39 commissioner boundaries as provided in chapter 29.70 RCW.

1 **Sec. 74.** RCW 70.44.045 and 1982 c 84 s 13 are each amended to read
2 as follows:

3 A vacancy in the office of commissioner shall occur as provided in
4 chapter 42.12 RCW or by ((death, resignation, removal, conviction of
5 felony,)) nonattendance at meetings of the commission for sixty days,
6 unless excused by the commission((, by any statutory disqualification,
7 by any permanent disability preventing the proper discharge of his
8 duty, or by creation of positions pursuant to RCW 70.44.051, et seq)).
9 A vacancy ((or vacancies on the board)) shall be filled ((by
10 appointment by the remaining commissioner or commissioners until the
11 next regular election for commissioners as provided by RCW 70.44.040:
12 PROVIDED, That if there is only one remaining commissioner, one vacancy
13 shall be filled by appointment by the remaining commissioner and the
14 remaining vacancy or vacancies shall be filled by appointment by the
15 then two commissioners and the appointed commissioners shall serve
16 until the next regular election for commissioners: PROVIDED FURTHER,
17 That if there is a vacancy of the entire board, a new board may be
18 appointed by the board of county commissioners or county council)) as
19 provided in chapter 42.12 RCW.

20 **Sec. 75.** RCW 70.44.053 and 1967 c 77 s 2 are each amended to read
21 as follows:

22 At any general or special election which may be called for that
23 purpose the board of public hospital district commissioners may, or on
24 petition of ten percent of the ((electors)) voters based on the total
25 vote cast in the last district general election in the public hospital
26 district shall, by resolution, submit to the voters of the district the
27 proposition increasing the number of commissioners to ((any number
28 authorized in RCW 70.44.051)) either five or seven members. The
29 petition or resolution shall specify whether it is proposed to increase
30 the number of commissioners to either five or seven members.

31 If the voters of the district approve the ballot proposition
32 authorizing the increase in the number of commissioners to either five
33 or seven members, the board of commissioners shall redistrict the
34 public hospital district into the appropriate number of commissioner
35 districts. The additional commissioners shall be elected from
36 commissioner districts in which no existing commissioner resides at the
37 next state general election occurring one hundred twenty days or more
38 after the date of the election at which the voters of the district

1 approved the ballot proposition authorizing the increase in the number
2 of commissioners. If needed, special filing periods shall be
3 authorized as provided in RCW 29.15.170 and 29.15.180 for qualified
4 persons to file for the vacant office. A primary shall be held to
5 nominate candidates if sufficient time exists to hold a primary and
6 more than two candidates file for the vacant office. Otherwise, a
7 primary shall not be held and the candidate receiving the greatest
8 number of votes for each position shall be elected. Except for the
9 initial terms of office, persons elected to each of these additional
10 commissioner positions shall be elected to a six-year term.

11 Where the number of commissioners is increased from three to five,
12 the initial terms of the two new commissioners shall be staggered so
13 that the person who is elected receiving the greatest number of votes
14 shall be elected to a six-year term of office if the election is held
15 in an odd-numbered year or a five-year term if the election is held in
16 an even-numbered year, and the other person elected shall be elected to
17 a four-year term of office if the election is held in an odd-numbered
18 year or a three-year term if the election is held in an even-numbered
19 year. The newly elected commissioners shall assume office as provided
20 in RCW 29.04.170.

21 Where the number of commissioners is increased from three or five
22 to seven, the county auditor of the county in which all or the largest
23 portion of the hospital district is located shall cause the initial
24 terms of office of the additional commissioners to be staggered over
25 the next three district general elections so that two commissioners
26 would normally be elected at the first district general election
27 following the election where the additional commissioners are elected,
28 two commissioners are normally elected at the second district general
29 election after the election of the additional commissioners, and three
30 commissioners are normally elected at the third district general
31 election following the election of the additional commissioners. The
32 newly elected commissioners shall assume office as provided in RCW
33 29.04.170.

34 NEW SECTION. Sec. 76. The following acts or parts of acts are
35 each repealed:

- 36 (1) RCW 35.23.070 and 1965 c 7 s 35.23.070;
37 (2) RCW 35.24.070 and 1965 c 7 s 35.24.070;
38 (3) RCW 35.27.110 and 1965 c 7 s 35.27.110;

- 1 (4) RCW 35.61.060 and 1985 c 416 s 2 & 1965 c 7 s 35.61.069;
- 2 (5) RCW 35.61.070 and 1965 c 7 s 35.61.070;
- 3 (6) RCW 35.61.080 and 1965 c 7 s 35.61.080;
- 4 (7) RCW 35A.02.001 and 1989 c 84 s 35;
- 5 (8) RCW 35A.02.100 and 1967 ex.s. c 119 s 35A.02.100;
- 6 (9) RCW 35A.02.110 and 1979 ex.s. c 18 s 9 & 1967 ex.s. c 119 s
- 7 35A.02.110;
- 8 (10) RCW 35A.14.060 and 1967 ex.s. c 119 s 35A.14.060;
- 9 (11) RCW 35A.15.030 and 1967 ex.s. c 119 s 35A.15.030;
- 10 (12) RCW 35A.16.020 and 1967 ex.s. c 119 s 35A.16.020;
- 11 (13) RCW 35A.29.010 and 1967 ex.s. c 119 s 35A.29.010;
- 12 (14) RCW 35A.29.020 and 1967 ex.s. c 119 s 35A.29.020;
- 13 (15) RCW 35A.29.030 and 1967 ex.s. c 119 s 35A.29.030;
- 14 (16) RCW 35A.29.040 and 1967 ex.s. c 119 s 35A.29.040;
- 15 (17) RCW 35A.29.050 and 1967 ex.s. c 119 s 35A.29.050;
- 16 (18) RCW 35A.29.060 and 1967 ex.s. c 119 s 35A.29.060;
- 17 (19) RCW 35A.29.070 and 1967 ex.s. c 119 s 35A.29.070;
- 18 (20) RCW 35A.29.080 and 1967 ex.s. c 119 s 35A.29.080;
- 19 (21) RCW 35A.29.090 and 1986 c 234 s 32 & 1985 c 281 s 27;
- 20 (22) RCW 35A.29.100 and 1967 ex.s. c 119 s 35A.29.100;
- 21 (23) RCW 35A.29.105 and 1990 c 59 s 106 & 1967 ex.s. c 119 s
- 22 35A.29.105;
- 23 (24) RCW 35A.29.110 and 1990 c 59 s 107, 1986 c 167 s 21, 1979
- 24 ex.s. c 18 s 30, 1970 ex.s. c 52 s 4, & 1967 ex.s. c 119 s 35A.29.110;
- 25 (25) RCW 35A.29.140 and 1967 ex.s. c 119 s 35A.29.140;
- 26 (26) RCW 35A.29.150 and 1970 ex.s. c 52 s 5 & 1967 ex.s. c 119 s
- 27 35A.29.150;
- 28 (27) RCW 36.54.080 and 1973 1st ex.s. c 195 s 36 & 1963 c 4 s
- 29 36.54.080;
- 30 (28) RCW 36.54.090 and 1963 c 4 s 36.54.090;
- 31 (29) RCW 36.54.100 and 1963 c 4 s 36.54.100;
- 32 (30) RCW 36.69.060 and 1963 c 4 s 36.69.060;
- 33 (31) RCW 44.70.010 and 1987 c 298 s 7;
- 34 (32) RCW 53.12.047 and 1992 c 146 s 6;
- 35 (33) RCW 53.12.150 and 1990 c 40 s 1, 1985 c 87 s 1, 1983 c 11 s 1,
- 36 1959 c 175 s 8, & 1959 c 17 s 8;
- 37 (34) RCW 57.02.060 and 1982 1st ex.s. c 17 s 6;
- 38 (35) RCW 68.52.240 and 1947 c 6 s 16;
- 39 (36) RCW 70.44.051 and 1967 c 77 s 1;

1 (37) RCW 70.44.055 and 1967 c 77 s 3; and
2 (38) RCW 70.44.057 and 1967 c 77 s 4.

3 **Sec. 77.** 1992 c 146 s 14 (uncodified) is amended to read as
4 follows:

5 The following acts or parts of acts are each repealed:

6 (1) RCW 53.12.020 and 1991 c 363 s 129, 1986 c 262 s 2, 1965 c 51
7 s 2, 1959 c 175 s 1, & 1959 c 17 s 4;

8 (2) RCW 53.12.035 and 1991 c 363 s 130, 1990 c 59 s 108, 1965 c 51
9 s 3, & 1959 c 175 s 9;

10 (3) RCW 53.12.050 and 1959 c 17 s 5;

11 (4) RCW 53.12.057 and 1965 c 51 s 6;

12 (5) RCW 53.12.060 and 1990 c 259 s 19, 1959 c 175 s 6, 1927 c 204
13 s 1, & 1913 c 62 s 3;

14 (~~(7)~~) (~~RCW 53.12.172 and 1979 ex.s. c 126 s 34 & 1951 c 68 s 2;~~
15 ~~(7)~~) RCW 53.12.180 and 1935 c 133 s 8;

16 (~~(8)~~) (7) RCW 53.12.190 and 1935 c 133 s 10;

17 (~~(9)~~) (8) RCW 53.12.200 and 1935 c 133 s 9;

18 (~~(10)~~) (9) RCW 53.12.220 and 1979 ex.s. c 126 s 35, 1941 c 45 s
19 2, & 1925 ex.s. c 113 s 2; and

20 (~~(11)~~) (10) RCW 53.16.010 and 1969 ex.s. c 9 s 1 & 1957 c 69 s 2.

21 NEW SECTION. **Sec. 78.** (1) Section 2 of this act shall take effect
22 January 1, 1995.

23 (2) Section 20 of this act shall take effect July 1, 1994.

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